



**TYPE IV APPLICATION**  
**STAFF REPORT AND RECOMMENDATION**  
*October 30, 2015*

**FILE NUMBER:** ZC 15-03: Zone Change  
PZ 15-01: Comprehensive Plan Amendment

**APPLICANT/  
OWNER:** Historic Properties, c/o Dan Fowler  
1300 John Adams Street, Oregon City, Oregon 97045  
**REPRESENTATIVE:** Sisul Engineering, c/o Tom Sisul  
375 Portland Avenue, Gladstone, Oregon 97027

**REQUEST:** The applicant is seeking approval for a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2 and an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor.

**LOCATION:** 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beaver Creek Rd  
Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000

**REVIEWERS:** Laura Terway, AICP, Planner  
Wendy Marshall, P.E., Development Projects Manager

**RECOMMENDATION:** Approval with Conditions.

**PROCESS:** Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Files ZC 15-03 and PZ 15-01**

*(P) = Verify that condition of approval has been met with the Planning Division.*

Prior to Issuance of a Permit associated with the Proposed Development:

1. In addition to the prohibited uses identified in OCMC 17.29.040 the following uses are prohibited on the subject site:
  - a. Museums, libraries and cultural activities
  - b. Postal Services
  - c. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
  - d. Restaurants, eating and drinking establishments without a drive through.
  - e. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
  - f. Ancillary drive-in or drive through facilities and
  - g. Gas stations (P)
2. Future development on the site shall be limited to uses that in aggregate produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value. For each land use application submitted, the applicant shall provide an accounting of trips generated through previously approved land use actions for the entire subject site associated with this proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. (P)
3. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including the proposed new street network internal to the site, Maplelane Court, Beaver Creek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beaver Creek Road to the applicant's north property boundary). The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. (P)
4. Once the necessary studies are compiled and Chapter 12.04.205.D of the Oregon City Municipal Code is amended to adopt new performance measures that identify alternative mobility targets addressing Highway 213 and Beaver Creek Road, the applicant may amend this application to amend or remove the trip cap, through a minor modification of conditions application processed through a Type II procedure. (P)

**I. BACKGROUND:**

**1. Existing Conditions**

The subject site is located within Oregon City, largely bounded by Beaver Creek Road to the south, Maplelane Road to the east, and Maplelane Court to the west, although there is a small area of the site that lies just west of Maplelane Court. The site is moderately sloped with the general fall towards Beaver Creek Road. Trees on the site are scattered around the site, generally following existing property lines. The upper portion of Newell Creek crosses the site paralleling Beaver Creek Road and lies near Beaver Creek Road.

Figure 1. Vicinity Map



Figure 2: Existing Conditions – Aerial Image

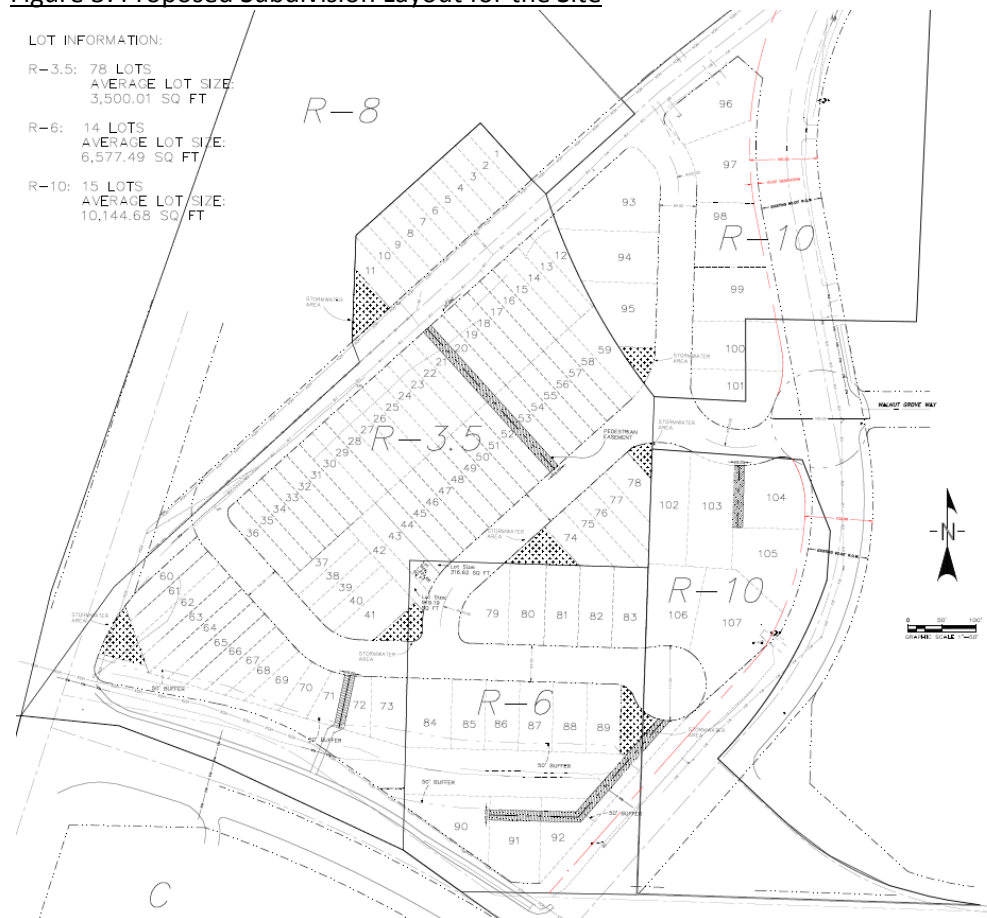


## 2. Project Description

The applicant is seeking approval for a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2 and an amendment to the Oregon City Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor (Exhibit 2). No development is proposed with this application. Future development of the subject site will require additional public review for compliance with the Oregon City Municipal Code.

The applicant proposed to limit the future transportation impact of development onsite to match the transportation impact that is allowed under the existing residential uses, known as a trip cap. The applicant submitted a subdivision layout which is likely to comply with the Oregon City Municipal Code and calculated the transportation impacts of the subdivision to determine the sites reasonable traffic impact if it were developed as a permitted use. In conjunction with the trip cap, the applicant proposed to eliminate several of the permitted and conditional uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site.

**Figure 3: Proposed Subdivision Layout for the Site**



This application is being processed as a Type IV application which will go before the Planning Commission and City Commission for a decision. The Oregon City Municipal Code requires any future amendments to this application to also go before the Planning and City Commissions as a Type IV application. The applicant has submitted a request that would allow the applicant to exceed the limited vehicular trip cap once the necessary studies are compiled and the Oregon City Municipal Code is amended to allow additional vehicular trips through the aforementioned intersections (specifically Highway 213 and Beaver Creek Road) by a Type III or Type II review.

3. **Existing Zoning/Permitted Uses:** The subject site is currently utilized with a variety of uses including six (6) existing residences, a church and the School District bus facility. There are single-family residences on the opposing (east) side of Maplelane Road, a large commercial development on the opposing (southwest) side of Beaver Creek Road and land owned by Metro and a few large lots occupied by a single residences is northwest of the site.



Adjacent properties are zoned R-2 (southeast across Maplelane Road and south of Thayer), R-8 (northwest), and R-6 and R-10 (east). Land to the south across Beaver Creek Road is zoned Commercial.

Figure 4: Current Zoning Map

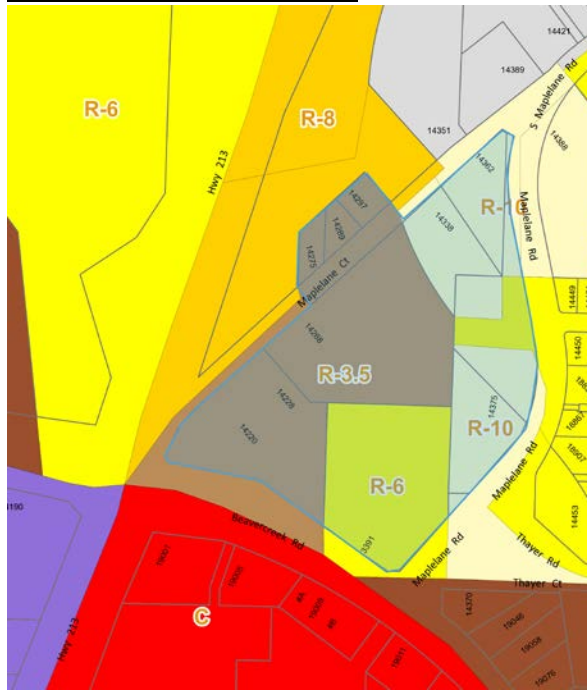
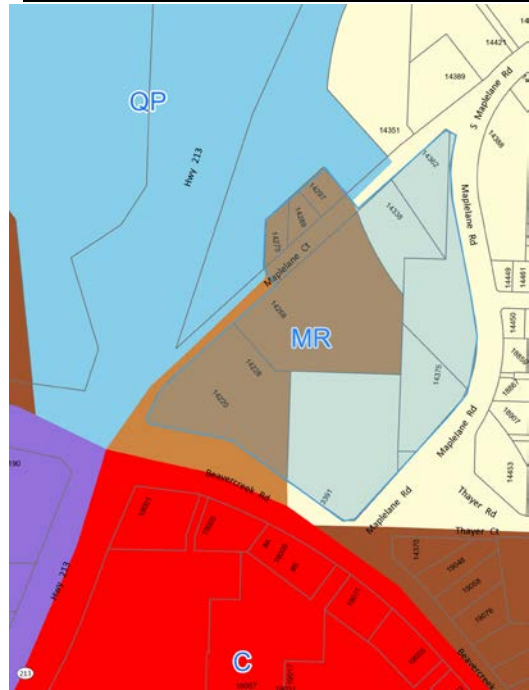


Figure 5: Current Comprehensive Plan Map



- 4. Municipal Code Standards and Requirements:** The following sections of the Oregon City Municipal Code are applicable to this land use approval:
- 12.04 – Streets, Sidewalks and Public Spaces
  - 13.12 – Stormwater Conveyance, Quantity and Quality
  - 16.08 – Subdivision processes and Standards (necessary for determining trip cap)
  - 16.12 – Minimum Improvements and design standards for Land Divisions (necessary for determining trip cap)
  - 17.08 – “R-10” Single Family Dwelling District
  - 17.12 – “R-6” Single Family Dwelling District
  - 17.16 – “R-3.5” Dwelling District
  - 17.29 – “MUC” Mixed Use Corridor District
  - 17.44 – Geologic Hazards Overlay District
  - 17.49 – Natural Resource Overlay District
  - 17.50 – Administration and Procedures
  - 17.68 – Zoning Changes and Amendments

The City Code Book is available on-line at [www.oregoncity.org](http://www.oregoncity.org).

## II. ANALYSIS AND FINDINGS:

### **CHAPTER 17.29 - “MUC-2” MIXED USE CORRIDOR DISTRICT**

#### **17.29.020 Permitted Uses--MUC-1 and MUC-2.**

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades*
- E. Health and fitness clubs;*

F. Medical and dental clinics, outpatient; infirmary services;  
 G. Museums, libraries and cultural facilities;  
 H. Offices, including finance, insurance, real estate and government;  
 I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;  
 J. Postal services;  
 K. Parks, playgrounds, play fields and community or neighborhood centers;  
 L. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;  
 N. Residential units, multi-family;  
 O. Restaurants, eating and drinking establishments without a drive through;  
 P. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;  
 Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar, provided the maximum footprint for a stand alone building with a single store or multiple buildings with the same business does not exceed sixty thousand square feet;  
 R. Seasonal sales, subject to OCMC Chapter 17.54.060  
 S. Assisted living facilities; nursing homes and group homes for over 15 patients  
 T. Studios and galleries, including dance, art, photography, music and other arts;  
 U. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.  
 V. Veterinary clinics or pet hospitals, pet day care.  
 W. Home occupations  
 X. Research and development activities  
 Y. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;  
 Z. Residential care facility  
 AA. Transportation facilities

**Finding: Complies with Condition.** The applicant proposed to change the zoning designation of the site from residential to “MUC-2” Mixed Use Corridor District. The MUC-2 District allows a variety of permitted uses in OCMC 17.29.020. In conjunction with the trip cap, the applicant proposed to eliminate several permitted uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site. The applicant has proposed to exclude the following uses from occurring onsite:

- Museums, libraries and cultural activities
- Postal Services
- Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
- Restaurants, eating and drinking establishments without a drive through.
- Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.

The applicant has not proposed a use at this time. Review of a future use will occur once proposed.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **17.29.030 Conditional Uses--MUC-1 and MUC-2 Zones.**

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Ancillary drive-in or drive-through facilities
- B. Emergency service facilities (police and fire), excluding correctional facilities;
- C. Gas Stations;
- D. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- E. Public utilities and services including sub-stations (such as buildings, plants and other structures);
- F. Public and/or private educational or training facilities
- G. Religious institutions;

- H. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- I. Hotels and motels, commercial lodging
- J. Hospitals
- K. Parking structures and lots not in conjunction with a primary use
- L. Passenger terminals (water, auto, bus, train)

**Finding: Complies with Condition.** The applicant proposed to change the zoning designation of the site from residential to “MUC-2” Mixed Use Corridor District. The MUC-2 District allows a variety of conditional uses in OCMC 17.29.030. In conjunction with the trip cap, the applicant proposed to eliminate several conditional uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site. The applicant has proposed to exclude ancillary drive-in or drive through facilities and gas stations as conditional uses which may be pursued onsite. The applicant has not proposed a use at this time. Review of a future use will occur once proposed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **17.29.040 Prohibited Uses in the MUC-1 and MUC-2 Zones.**

*The following uses are prohibited in the MUC District:*

- A. Distributing, wholesaling and warehousing;
- B. Outdoor sales or storage
- C. Correctional Facilities.
- D. Heavy equipment service, repair, sales, storage or rental<sup>2</sup> (including but not limited to construction equipment and machinery and farming equipment)
- E. Kennels
- E. Motor vehicle and recreational vehicle sales and incidental service
- F. Motor vehicle and recreational vehicle repair / service
- G. Outdoor sales or storage,
- H. Self-service storage facilities

**Finding: Not Applicable.** The applicant has not proposed a prohibited use with this application.

#### **17.29.060 Dimensional Standards--MUC-2**

- A. Minimum lot area: None.
- B. Minimum floor area ratio: 0.25.
- C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: Sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: None.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: Five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: None.
  - 3. Corner side yard abutting street: Twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: None.
- H. Maximum site coverage of building and parking lot: Ninety percent.
- I. Minimum landscaping requirement (including parking lot): Ten percent.

**Finding: Not Applicable.** The applicant has not proposed to alter the size of the properties associated with the zone change.

## **CHAPTER 17.68 ZONE CHANGES AND AMENDMENTS**

### ***17.68.010 Initiation of the Amendment.***

*A text amendment to this title or the Comprehensive Plan, or an amendment to the zoning map or the Comprehensive Plan map, may be initiated by:*

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division presented on forms and accompanied by information prescribed by the planning commission.*
- D. A Legislative request by the Planning Division*

*All requests for amendment or change in this title shall be referred to the Planning Commission.*

**Finding: Complies as Proposed.** The applicant submitted this application to initiate a Zone Change and amendment to the Comprehensive Plan for the subject site in accordance with OCMC 17.68.010.c.

### ***17.68.020.A The proposal shall be consistent with the goals and policies of the comprehensive plan.***

**Finding:** Please refer to the analysis below.

#### **Goal 1: Citizen Involvement**

*Goal 1.1 Citizen Involvement Program Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decisionmaking process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*

*Policy 1.1.1 - Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, PWF Medical Center Master Plan Modification and Comprehensive Plan/Zone Change Application 20 Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*

*Goal 1.2 Community and Comprehensive Planning - Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

*Policy 1.2.1 - Encourage citizens to participate in appropriate government functions and land-use planning.*

*Goal 1.3 Community Education - Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.*

*Goal 1.4 Community Involvement - Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

*Policy 1.4.1 - Notify citizens about community involvement opportunities when they occur.*

**Finding: Complies as Proposed.** Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in this application. The applicant met with the Caufield Neighborhood Association prior to submitting this application and once the application was deemed complete, the City noticed the application to property owners within 300 feet of the subject site, neighborhood association, Citizens Involvement Committee, a general circulation newspaper, and posted the application on the City's website. In addition, the applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This policy is met.

#### **Goal 2: Land Use**

*Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies with Condition.** The applicant requested a zone change from various residential zoning designations to the "MUC-2" Mixed Use Corridor 2 District. The proposal would allow uses appropriate for placement at the intersection of a state Highway (OR 213) and an arterial (Beavercreek Road). The uses allowed within the proposal are more intensive than that of the current zoning designations and thus the land will be utilized more efficiently.

However, the applicant proposed to limit the transportation impacts of the proposal by limiting



the transportation impacts to the equivalent to the transportation impact of the buildout of the current zoning designations and eliminate several of the permitted and conditional uses in the MUC-2 District, that are generally be considered higher trip generator uses, from occurring on the site. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Goal 2.3:** Corridors: *Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*

**Finding: Complies as Proposed.** The subject site abuts a state Highway (OR 213), an arterial (Beavercreek Road), and is located near a transit stop. The proposed zoning designation is designed to be transit-oriented and focused near transportation corridors such as Beavercreek Road as identified in OCMC 17.29.010. This goal is met.

**Goal 2.4 Neighborhood Livability** - *Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

*Policy 2.4.2 Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

*Policy 2.4.4 Where environmental constraints reduce the amount of buildable land, and/or where adjacent land differs in uses or density, implement Comprehensive Plan and zoning designations that encourage compatible transitional uses.*

*Policy 2.4.5 - Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.*

**Finding: Complies as Proposed.** Goal 2.4 seeks to protect neighborhoods while implementing the goals and policies of the Comprehensive Plan. The subject site is surrounded by major roadways and geographically buffered from existing neighborhoods by Maple Lane Road, a minor arterial.

The applicant proposed to limit the impacts of the proposal by excluding uses within the MUC-2 zoning designation and limiting the transportation impacts to be equivalent to the transportation impact of the buildout of the current zoning designations. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**Goal 2.7:** *Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Finding: Complies as Proposed.** The subject site is currently within the “LR” Low Density Residential Development Comprehensive Plan designation as well as the “MR” Medium Density Residential Comprehensive Plan designation. As demonstrated within the findings in this report, the development proposal would amend the Comprehensive Plan designation to “MUC” Mixed-Use Corridor in compliance with the goals and policies within the Comprehensive Plan. This goal is met.

**Goal 3:** *Agricultural Land: requires local governments “to preserve and maintain agricultural lands.”*

**Finding: Not Applicable.** The subject site is within the Oregon City limits and is not designated as agricultural. This goal is not applicable.

**Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources**

**Finding: Not Applicable.** The Oregon City Municipal Code implements the principals of protecting fish and wildlife habitat as well as scenic vistas through the Natural Resource Overlay District as well as the Geologic Hazards Overlay District. Portions of the subject site are within each overlay district which will be addressed upon submittal of a future application for

development of the site. There are no historic structures located on or adjacent to the subject site. There are historic structures or resources (Goal 5.3) impacted by the redevelopment of the site. This goal is not applicable.

**Goal 6: Quality of Air, Water and Land Resources**

*Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.*

**Finding: Complies as Proposed.** This goal promotes land use patterns that reduce travel by single occupancy vehicles and promote travel by walking, bicycling, and transit to destinations including employment, shopping and education. The subject site is located across the street from a commercial center, near a transit stop, and within a half-mile of a college. The proposed zoning designation allows a variety of uses including a variety of residential, employment opportunities for nearby residences. The potential mix of uses within the site as well as the proximity of the subject site to existing residences, will increase access to amenities by bicycle or by foot thus reducing the dependence on single occupancy vehicles. This goal is met.

*Policy 6.1.2: Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Finding: Not Applicable.** Preservation of air quality is implemented in Chapter 17.62.050.A.13 of the Oregon City Municipal Code. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

*Policy 6.1.4: Encourage the maintenance and improvement of the city's tree canopy to improve air quality.*

**Finding: Not Applicable.** The preservation and mitigation for removed trees is addressed in Chapter 17.41, 17.44 and 17.49 of the Oregon City Municipal Code. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

*Policy 6.2.1 Prevent erosion and restrict the discharge of sediments into surface and groundwater by requiring erosion prevention measures and sediment control practices.*

**Finding: Not Applicable.** Future development of the site will be reviewed upon submittal of a development application, whereby erosion prevention and sediment control measures will be implemented during construction.

*Goal 6.3: Nightlighting: Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*

**Finding: Not Applicable.** Light pollution is limited in Chapter 17.62.065 of the Oregon City Municipal Code. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

*Goal 6.4: Noise: Prevent excessive noise that may jeopardize the health, welfare, and safety of the citizens or degrade the quality of life.*

**Finding: Not Applicable.** Noise is addressed in Chapter 17.62.050.A.13 of the Oregon City Municipal Code, as well as in adopted Nuisance standards. Future development of the site will be reviewed upon submittal of a development application. This policy is not applicable.

**Goal 7 – Natural Hazards**

**Finding: Not Applicable.** Portions of the subject site are within the Geologic Hazards Overlay District as well as the Natural Resources Overlay District, which will be addressed upon submittal of an application for development of the site. This goal is not applicable.

#### **Goal 8 – Parks and Recreation**

**Finding: Complies as Proposed.** This goal is designed to provide recreation for all residents of Oregon City. The proposed amendment would not have a significant effect on this goal. All future development of the site is subject to pay system development charges (SDC's) for parks. If the site is developed to include multi-family, the site is subject to open space requirements and if the site is developed with non-residential uses, the impact on parks is not expected to be significant. This goal is met.

#### **Goal 9 – Economic Development**

**Finding: Complies as Proposed.** The potential uses within the MUC-2 District will result in the increased opportunity to provide employment opportunities. Once development occurs, taxes will be levied for support of services and facilities. This goal is met.

#### **Goal 10: Housing**

**Goal 10.1,** Provide for the planning, development and preservation of a variety of housing types and lot sizes.

**Finding: Complies as Proposed.** Policy 10.1.3 seeks to “designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development”. The MUC-2 District permits housing opportunities for Senior Living facilities for independent living, assisted living, memory care and multi-family. Approximately 46 percent of the City is currently within the R-10, R-6 and R 3.5 zoning designations while only 1% of the City is zoned “MUC-2” Mixed Use Corridor.

<b>Zoning Designation</b>	<b>Acres</b>	<b>Percent of the City</b>
R-10	1,567	25%
R-8	1,092	18%
R-6	890	14%
R-3.5	424	7%
R-2	262	4%
C	161	3%
CI	165	3%
GI	220	4%
HC	9	0%
I	475	8%
MUC-1	168	3%
MUC-2	45	1%
MUD	510	8%
MUE	157	3%
WFDD	30	0%

In addition, there are approximately 13,250 homes in Oregon City the loss of 107 additional homes and 107 accessory dwelling units is minimal (approximately 1.5 percent). This goal is met.

**Goal 10.2** *Provide and maintain an adequate supply of affordable housing.*

**Finding: Complies as Proposed.** The proposal would change the zoning designation to “MUC-2” Mixed Use Corridor which includes a variety of uses including multi-family and/or assisted living facilities. Though the applicant is not obligated to implement either option, the availability of land for such multi-family uses increases the potential for more affordable housing options. This goal is met.

### **Goal 11: Public Facilities**

**Goal 11.1:** *Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

**Policy 11.1.2:** *Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

**Policy 11.1.3:** *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land-use planning goals and regulations. Facilities that serve the public will be centrally located and accessible, preferably by multiple modes of transportation.*

**Policy 11.1.4:** *Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.*

**Policy 11.1.5:** *Design the extension or improvement of any major public facility and service to an area to complement other public facilities and services at uniform levels.*

**Policy 11.1.6:** *Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

**Finding: Complies as Proposed.** The subject area is presently served or capable of being served adequately by extension of nearby facilities. Utility extensions to serve specific developments within the proposed Comprehensive Plan Amendment and Zone Change area will be required as condition of development under each subsequent development application. The provision of public facilities and services will be consistent with goals, policies and implementing measures of the Comprehensive Plan, and, because the site is within the city limits, the integrity of local public facility plans will be maintained. The subject site is an infill re-development opportunity. This goal is met.

**11.2, Wastewater, 11.3, Water Distribution, 11.4, Stormwater Management, 11.5, Solid Waste, 11.6, Transportation Infrastructure, 11.7, Private Utility Operations, 11.8, Health and Education, 11.9, Fire Protection, 11.10, Police Protection, 11.11, Civic Facilities and 11.12, Library**

**Finding: Complies as Proposed.** The proposal will not negatively impact public facilities and services within the City. The amendment is accompanied by a trip cap that will directly affect the potential impact on the transportation system. It can be reasonably assumed that the cap placed on trip generation will have a similar limiting effect on all other elements of the public infrastructure. With the transportation trip cap and elimination of some of the permitted and conditional uses that would otherwise be permitted or considered, the following Goals and their associated Policies will all be fully satisfied and fulfilled without any undo or significant impact on these facilities and services as a result of the proposed comprehensive plan amendment and zone change. This goal is met.

### **Goal 12: Transportation**

**Goal 12.1 Land Use-Transportation Connection**

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

**Policy 12.1.1**

*Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.*

**Policy 12.1.2**

*Continue to develop corridor plans for the major arterials in Oregon City, and provide for appropriate land uses in and adjacent to those corridors to optimize the land use-transportation connection.*

**Policy 12.1.3**

*Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.*

**Policy 12.1.4**

*Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

*Goal 12.5 Safety*

*Develop and maintain a transportation system that is safe.*

*Policy 12.5.1*

*Identify improvements that are needed to increase the safety of the transportation system for all users.*

*Policy 12.5.2*

*Identify and implement ways to minimize conflict points between different modes of travel.*

*Policy 12.5.3*

*Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.*

*Goal 12.6 Capacity*

*Develop and maintain a transportation system that has enough capacity to meet users' needs.*

*Policy 12.6.1*

*Provide a transportation system that serves existing and projected travel demand.*

*Policy 12.6.2*

*Identify transportation system improvements that mitigate existing and projected areas of congestion.*

*Policy 12.6.3*

*Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.*

*Policy 12.6.4*

*Identify and prioritize improved connectivity throughout the city street system.*

**Finding: Complies with Condition.** The applicant submitted a Transportation Planning Rule Analysis Letter (AL) prepared by Michael T. Ard, PE of Lancaster Engineering and dated August 28, 2015. The analysis utilizes the 107 lot subdivision layout to identify the transportation impacts of the site if it were developed as a permitted use. The analysis assumes single-family homes and accessory dwelling units (ADU) will be constructed on each lot, uses permitted within each applicable zoning designation. The analysis projects the traffic impacts of each lot with the Institute of Transportation Engineers' (ITE) Trip Generation Manual, using ITE land use code 210. The ADUs, utilized a rate of one-half of that of a single-family home because the city's transportation system development charge for ADUs is half that for a single-family home. The study concluded that the total trip generation potential of the 107 single-family homes and 107 ADUs would be 128 AM peak hour trips and 168 PM peak hour trips.

The applicant proposed to limit all future transportation impacts of the site to that identified above, so that the Zone Change and amendment to the Comprehensive Plan would not increase the number of automobile trips the site would be allowed to produce beyond those that would result from developed currently permitted on the site.

The analysis letter was reviewed by John Replinger PE, a City Consultant from Replinger and Associates who concluded "I think that the AL accurately presents the potential development allowable under current zoning. The assumption that an ADU will be build on each lot is not something that has happened on a large scale in Oregon City, but it appears that it would be permitted. As such, the applicant has provided a realistic basis for the proposed trip cap. I think, also, that the applicant has demonstrated that with a trip cap, there would be no net effect beyond the development of the area as assumed in for the Regional Transportation Plan and Oregon City's Transportation System Plan." (Exhibit 3).

Mr. Replinger recommended the following:

- The trip cap should be measured for both the AM peak and PM peak periods.
- Future development on the site shall be limited to uses that in aggregate produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value.
- Each subsequent land use action will need to address the applicable transportation planning requirements.

- Because the applicant is proposing a trip cap and because the MUC zoning allows a variety of uses that generate high traffic volumes, it is likely that a portion of the land will remain vacant or underutilized while the trip cap is in place. Also, because the parcels involved in this rezoning are likely to be developed in a piecemeal manner, the extent of the transportation system needs associated with full development under the proposed zoning will need to be verified. In connection with the first development application for a specific development, the applicant should be conditioned to provide a transportation impact analysis showing the effect of full development. A Transportation Impact Analysis for full development of the site should address all geographic areas prescribed the Guidelines for Transportation Impact Analyses. The site frontage will be an area requiring special attention. The applicant will need to provide an analysis showing the roadway and intersection configuration for Beaver Creek Road from Highway 213 to Maplelane Road, inclusive, and along Maplelane Road from Beaver Creek Road to the applicant's north property boundary. Providing this analysis and a mitigation concept will help identify the needed right of way for these facilities.
- For each land use application submitted on the subject site, the applicant shall provide an accounting of trips generated by previously approved land use actions for the entire subject site associated with this proposal and demonstrate both the proposal complies with both the maximum AM and PM peak hour trip caps.

Staff concurs with the above conclusions as well as the analysis of the subdivision layout and the modification to the mobility standards within this report.

Ken Kent, Land Use Review Coordinator for Clackamas County submitted comments regarding the transportation analysis (Exhibit 5). The applicant revised the original transportation analysis based upon the comments by Clackamas County. Mr. Relplinger's comments above are based on the revised analysis. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **Goal 13 – Energy Conservation**

**Finding: Complies as Proposed.** The proposed amendment will result in efficient land use pattern by increasing the amount of development which may occur onsite and the proximity of residences to employment and other amenities.

The applicant proposed to limit the impacts of the proposal by excluding uses within the MUC-2 zoning designation and limiting the transportation impacts to be equivalent to the transportation impact of the buildout of the current zoning designations. Development of the subject site is limited by the applicant's proposal. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### **Goal 14 – Urbanization**

**Finding: Complies as Proposed.** This proposed Comprehensive Plan amendment and Zone Change will increase the re-development potential within the City limits. Future development of the site will result in an increased street network with improvements to public utilities. This goal is met.

#### **Goal 15 – Willamette River Greenway**

**Finding: Not Applicable.** The subject site is not within the Willamette River Greenway Overlay District. This goal is not applicable.

**17.68.020.B.** *That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to*



issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

**Finding: Complies with Conditions.** The applicant has not proposed any development at this time. As demonstrated below, the range of uses within the “MUC-2” Mixed Use Corridor 2 District may be served by public facilities and services.

Water: Water infrastructure is within nearby streets abutting the subject properties. This infrastructure is situated such that extension and upgrading of the system can reasonably be accomplished in conjunction with subsequent development applications.

Sewer: Sanitary sewer infrastructure is within nearby streets abutting the subject properties. This infrastructure is situated such that extension and upgrading of the system can reasonably be accomplished in conjunction with subsequent development applications.

Storm Drainage: Storm drainage infrastructure is within nearby streets abutting the subject properties. This infrastructure is situated such that extension and upgrading of the system can reasonably be accomplished in conjunction with subsequent development applications.

Transportation: Please reference to the analysis in Policy 12 above.

Schools: This proposal was transmitted to the Oregon City School District for comment. Wes Rogers, Director of Operations submitted comments indicated that the school district has no issues with this proposal (Exhibit 4).

Police: This proposal was transmitted to the Oregon City Police Department for comment whom did not identify any concerns regarding this application.

Fire Protection: This proposal was transmitted to Clackamas Fire District for comment whom did not identify any concerns regarding this application.

**Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**17.68.020.C** *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

**Finding: Complies with Condition.** Please refer to the analysis in 17.68.020.B.

**17.68.020.D** *Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

**Finding: Not Applicable.** The statewide planning goals are implemented through compliance with the Oregon City Comprehensive Plan which contains applicable goals and policies analyzed in 17.68.020.A **OAR 660 Division 12 Transportation Planning Rule (TPR)**

*The purpose of the TPR is “to implement Statewide Planning Goal 12 (Transportation) and promote the development of safe, convenient and economic transportation systems that are designed to reduce reliance on the automobile so that the air pollution, traffic and other livability problems faced by urban areas in other parts of the country might be avoided.” A major purpose of the Transportation Planning Rule (TPR) is to promote more careful coordination of land use and transportation planning, to ensure that planned land uses are supported by and consistent with planned transportation facilities and improvements.*

**Finding:** Please refer to the analysis in Chapter 12.04.007.

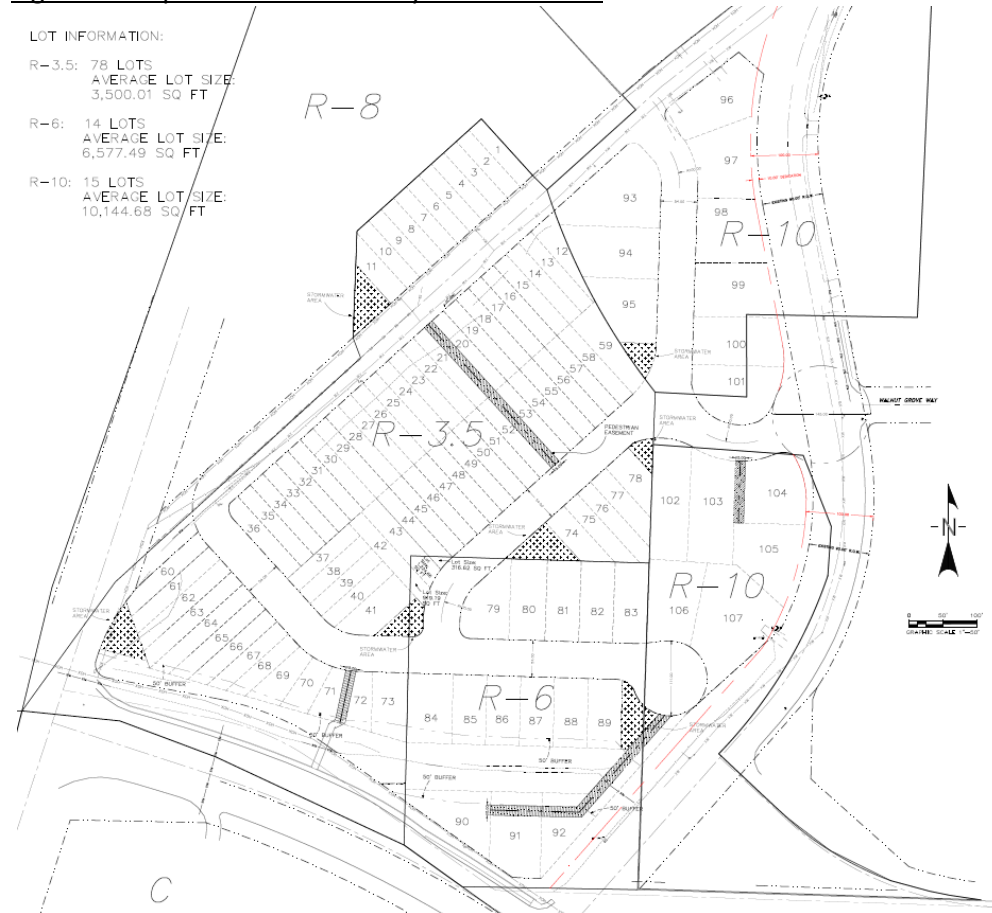
## **Regional Transportation Functional Plan**

**Finding:** Please refer to the analysis in Chapter 12.04.007.

## CHAPTER 16.08 – SUBDIVISIONS PROCESS AND STANDARDS

A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.

Figure 6: Proposed Subdivision Layout for the Site



### 16.08.045 - Building site—Frontage width requirement.

Each lot in a subdivision shall abut upon a cul-de-sac or street other than an alley for a width of at least twenty feet.

**Finding: Appears to Comply.** As shown in the preliminary plans, each proposed lot's street frontage is in excess of twenty feet.

### 16.08.050 - Flag lots in subdivisions.

Flag lots shall not be permitted within subdivisions except as approved by the community development director and in compliance with the following standards.

**Finding: Appears to Comply.** No flag lots are proposed in the conceptual layout.

## CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.

### 16.12.020 Blocks-Generally

*The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.*

**Finding: Appears to Comply.** The subdivision layout results in improved pedestrian, bicycle and motor vehicular circulation in this area. The applicant indicated that “The proposed lot concept plan would utilize the existing streets, Maplelane Road and Maplelane Court, and provide street and pathways between the two. The traffic circle at Maplelane Road and Walnut Grove is accounted for and designed around in this concept. No direct lot access to Maplelane Road, other than at the traffic circle, is a part of this concept plan. A street pattern meeting the maximum block lengths is proposed with a pedestrian connections being proposed in the R-3.5 zoned area for meeting the standard. The cul-de-sac noted near the Thayer Road – Maplelane Road intersection is a conservative aspect of the concept plan. While the City may allow a right-in / right-out intersection and thus a cul-de-sac would not be needed, we cannot be sure. The extension of the street, in this case a cul-de-sac though would provide pedestrian access to Maplelane Road and possibly provide for emergency vehicle access as well” (Exhibit 2).

#### *16.12.030 Blocks—Width.*

*The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed.*

**Finding: Appears to Comply.** The proposed development generally results in the formation of new blocks which provide two tiers of lots, where practicable.

#### *16.12.040 Building sites.*

*The size, width, shape and orientation of building sites shall be appropriate for the primary use of the land division, and shall be consistent with the residential lot size provisions of the zoning ordinance with the following exceptions:*  
*A. Where property is zoned and planned for commercial or industrial use, the community development director may approve other widths in order to carry out the city's comprehensive plan. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.*

*B. Minimum lot sizes contained in Title 17 are not affected by those provided herein.*

**Finding: Appears to Comply.** The buildings sites proposed are appropriate in size, width, shape, and orientation for residential development, as the dimensional standards for blocks and lot sizes are met. The applicant indicated that “The minimum lot sizes, depth and width dimensions were reviewed for each existing zoning category and the minimums are met in the concept plan. For example the R-3.5 zoning allows lots as narrow as 25 feet and no concept lot in that zoning district is proposed to average less than 25 feet in width. With respect to lot sizing the average lot size meet the code requirement for each zoning district, i.e. all the lots in R-3.5 average 3,500 SF; R-6 zoning lot areas average 6,577 SF; and R-10 zoning lot areas average 10,567 SF. (We note that three concept lots in the R-3.5 area also have some area within the R-6 zoned area, but for averaging purposes only the lot area within the R-3.5 zoned area is counted.) There are two lots split between the R-6 and R-10 zoning but the sizing purposes the two lots were sized to be meet R-10 standards” (Exhibit 2).

#### *16.12.045 Building sites—Minimum density.*

*All subdivision layouts shall achieve at least eighty percent of the maximum density of the base zone for the net developable area as defined in Chapter 17.04.*

**Finding: Appears to Comply.** The proposed development appears to comply with the minimum density.

#### *16.12.050 Calculations of lot area.*

*A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots. Accessory dwelling units are not included in this determination nor are tracts created for non-dwelling unit purposes such as open space, stormwater tracts, or access ways.*

*A lot that was created pursuant to this section may not be further divided unless the average lot size requirements are still met for the entire subdivision.*

*When a lot abuts a public alley, an area equal to the length of the alley frontage along the lot times the width of the alley right-of-way measured from the alley centerline may be added to the area of the abutting lot in order to satisfy the lot area requirement for the abutting lot. It may also be used in calculating the average lot area.*

**Finding: Appears to Comply.** The applicant submitted information identifying the size of all of the lots sizes if a subdivision were pursued.

*16.12.055 Building site—Through lots.*

*Through lots and parcels shall be avoided except where they are essential to provide separation of residential development from major arterials or to overcome specific disadvantages of topography of existing development patterns. A reserve strip may be required. A planting screen restrictive covenant may be required to separate residential development from major arterial streets, adjacent nonresidential development, or other incompatible use, where practicable. Where practicable, alleys or shared driveways shall be used for access for lots that have frontage on a collector or minor arterial street, eliminating through lots.*

**Finding: Appears to Comply.** The site is physically constrained by Maple Lane Road, Beaver Creek Road and Highway 213. The through lots proposed within the subdivision layout are limited to the locations adjoining the major roadways. The layout appears feasible.

*16.12.060 Building site—Lot and parcel side lines.*

*The lines of lots and parcels, as far as is practicable, shall run at right angles to the street upon which they face, except that on curved streets they shall be radial to the curve.*

**Finding: Appears to Comply.** As far as practicable, the proposed lot lines and parcels run at right angles to the street upon which they face. This standard is met.

*16.12.075 Building site—Division of lots.*

*Where a tract of land is to be divided into lots or parcels capable of redivision in accordance with this chapter, the community development director shall require an arrangement of lots, parcels and streets which facilitates future redivision. In such a case, building setback lines may be required in order to preserve future right-of-way or building sites.*

**Finding: Not Applicable.** The proposed layout does not include a lot large enough to be subdivided.

## **CHAPTER 12.04 - STREETS SIDEWALKS AND PUBLIC PLACES**

*A subdivision layout was submitted in order to determine the appropriate number of lots which may be developed onsite and thus determine the number of automobile trips allowed under the current zoning designations. An excerpt of the applicable criteria is analyzed below to determine if the layout complies with the dimensional standards within the Oregon City Municipal Code.*

**12.04.007 Modifications.**

*The review body may consider modification of this standard resulting from constitutional limitations restricting the city's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications shall be processed through a Type II Land Use application and may require additional evidence from a transportation engineer or others to verify compliance.*

**Finding: Complies with Condition.** The applicant proposed to modify the mobility standards in OCMC 12.04.205. During the 2013 update to the Transportation System Plan, the City measured performance standards at select intersections. For the intersections which were anticipated to exceed the acceptable level of congestion in 2035, reasonable projects were identified that, when constructed, would result in compliance with the mobility standards. However, some intersections on the state highway system could not be brought into compliance with ODOT standards or the mobility standards in the Oregon City Municipal Code without unreasonably expensive projects for which there is no identified funding. The City proposed to temporarily exempt permitted and conditional uses from complying with the mobility standards identified in Chapter 12.04.205 of the Oregon City Municipal Code for the interchanges of I-205/99E, I-205/213 and OR 213/Beaver Creek Road and all state facilities within or adjacent to the Regional Center, provided the associated projects identified in the TSP are completed. Corridor studies

or alternate mobility standards are anticipated to be completed for each of the identified intersections to find reasonable solutions for the identified intersections but this work has not yet been completed.

This proposal entails a Zone Change and Comprehensive Plan Amendment adjacent to the intersection of Beavercreek Road and Highway 213, an intersection identified above as not currently meeting the applicable mobility standards. Chapter 12.04.205.D of the Oregon City Municipal Code exempts permitted and conditional uses from the mobility standards for the intersection of Highway 213/Beavercreek Road until a solution is identified, provided the minor improvements identified in the Transportation System Plan are completed. Though the applicant has not proposed a permitted or conditional use, the applicant proposed a zone change with a limit to the future traffic impact of development onsite to match that of a development which is a permitted use, known as a trip cap. The applicant submitted a subdivision layout which is likely to comply with the Oregon City Municipal Code and calculated the transportation impacts of the subdivision to determine the sites reasonable traffic impact if it were developed as a permitted use. The applicant then proposed a Zone Change and Comprehensive Plan Amendment with a trip cap, limiting the traffic allowed under the new zoning designation to match that of which would be allowed under the current zoning designation. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

*Compliance with the following criteria is required:*

**12.04.007.A.** *The modification meets the intent of the standard;*

**Finding: Complies with Condition.** The intent of the mobility standard in 12.04.205, as well as the Transportation System Plan, Transportation Planning Rule, Regional Transportation Functional Plan and the Oregon Highway Plan is to provide safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight. Because the applicant has proposed to limit the maximum transportation impact of any development onsite to match the transportation impact which is allowed under the current zoning designations with a trip cap, the proposal will have no effect on the transportation system. Future development onsite shall demonstrate compliance with the mobility standards and associated mitigation upon submittal of a development application. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**12.04.007.B.** *The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;*

**Finding:** Please refer to the analysis in 12.04.007.A.

**12.04.007.C.** *The modification is consistent with an adopted plan; and*

**Finding: Complies with Condition.** The adoption of the Oregon City Municipal Code and associated Transportation System Plan included findings demonstrating compliance with the Oregon Highway plan and the Regional Transportation Plan. The proposed amendment will limit the transportation impacts to be consistent with the adopted plans. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**12.04.007.D.** *The modification is complementary with a surrounding street design; or, in the alternative;*

**Finding: Not Applicable.** The Modification does not include an amendment of a street design.

**12.04.007.E.** *If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The city shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.*

**Finding: Not Applicable.** The applicant has not indicated that the modification is requested for constitutional reasons.

*12.04.175 Street Design--Generally.*

The location, width and grade of street shall be considered in relation to: existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

- A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the city to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;
- B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the city engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. Access control in accordance with section 12.04 shall be required to preserve the objectives of street extensions.

**Finding: Appears to Comply.** The concept subdivision plan meets the code requirements. Street connections are made to existing streets, in accordance with Transportation System Plan including a roundabout at Walnut Grove and Maplelane Road. The applicant indicated that “Connections to Beaver Creek Road would not be permitted, and whether a street connection to Maplelane Road south of the traffic circle would be allowed is questionable. At best it would be a right-in / right-out connection but in the concept plan we allowed for cul-de-sac design in this area as it would require more land area than a simple street connection to the Maplelane Road. However, as the concept cul-de-sac would abut the Maplelane Road right-of-way, pedestrian connections and if needed emergency traffic provisions could be provided for” (Exhibit 2). As the purpose of the subdivision layout is to determine the number of lots the site may be developed with in order to identify a transportation trip cap, and the applicant has chosen a cul-de-sac design which requires more land, this standard is met.

#### 12.04.180 Street Design.

All development regulated by this Chapter shall provide street improvements in compliance with the standards in Figure 12.04.180 depending on the street classification set forth in the Transportation System Plan and the Comprehensive Plan designation of the adjacent property, unless an alternative plan has been adopted. The standards provided below are maximum design standards and may be reduced with an alternative street design which may be approved based on the modification criteria in 12.04.007. The steps for reducing the maximum design below are found in the Transportation System Plan.

Table 12.04.180 Street Design

To read the table below, select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	6 ft.
Local	Mixed Use, Commercial or Public/Quasi Public	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft.x5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes, bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.



3. A 0.5' foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5' foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of 20 feet and a minimum pavement width of 16 feet. If alleys are provided, garage access shall be provided from the alley.

**Finding: Complies as Proposed.** The proposed subdivision layout utilized a 54 foot right-of-way width for the interior (local) street network, as identified by the existing Residential Comprehensive Plan designation. The abutting portion of Maplelane Road is identified as a Minor Arterial in the Transportation System Plan, requiring a right-of-way width of 100 feet for the Residential Comprehensive Plan Designation. The applicant's layout includes a 100' right-of-way width for a majority of the frontage and up to a 145 foot width at the intersection of Maplelane Road and Walnut Grove Way to accommodate a roundabout, identified in the Transportation System Plan.

The City is concerned that the site will be developed in a piecemeal fashion and that the applicant may have an opportunity to avoid mitigating their proportional share of impacts from the overall development because there is no comprehensive plan for development of the site. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including the proposed new street network internal to the site, Maplelane Court, Beaver Creek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beaver Creek Road to the applicant's north property boundary). The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

#### *12.04.190 Street Design--Alignment.*

*The centerline of streets shall be:*

- A. *Aligned with existing streets by continuation of the centerlines; or*
- B. *Offset from the centerline by no more than five (5) feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.*

**Finding: Appears to Comply.** The proposed street alignments meet the City requirements.

#### *12.04.195 Spacing Standards.*

*12.04.195.A. All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in Figure 8 in the Transportation System Plan. The maximum block spacing between streets is 530 feet and the minimum block spacing between streets is 150 feet as measured between the right-of-way centerlines. If the maximum block size is exceeded, pedestrian accessways must be provided every 330 feet. The spacing standards within this section do not apply to alleys.*

**Finding: Appears to Comply.** The block length for the southern most street as well as the block length for the western most street appear to exceed the block length standard of 530 feet. As allowed in this standard, a pedestrian accessway, designed to comply with 12.04.199, may be allowed when the block length exceeds 530 feet and the additional connectivity is not needed due to the constraints of the site. The applicant proposed two pedestrian connections in these locations.

#### *12.04.205 Mobility Standards.*

*Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection D below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the Transportation System Plan or as otherwise identified by the City Transportation Engineer.*

- A. *For intersections within the Regional Center, the following mobility standards apply:*

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
  2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
  3. Intersections located on the Regional Center boundary shall be considered within the Regional Center.
- B. For intersections outside of the Regional Center but designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
  2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.
- C. For intersections outside the boundaries of the Regional Center and not designated on the Arterial and Throughway Network, as defined in the Regional Transportation Plan, the following mobility standards apply:
1. For signalized intersections:
    - a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
    - b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.
  2. For unsignalized intersections outside of the boundaries of the Regional Center:
    - a. For unsignalized intersections, during the peak hour, all movements serving more than 20 vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than 20 vehicles during the peak hour.
- D. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:
- I-205 / OR 99E Interchange
  - I-205 / OR 213 Interchange
  - OR 213 / Beaver Creek Road
  - State intersections located within or on the Regional Center Boundaries
1. In the case of conceptual development approval for a master plan that impacts the above references intersections:
    - a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the Code in place at the time the detailed development plan is submitted; and
    - b. Only those trips approved by a detailed development plan review are vested.
  2. Development which does not comply with the mobility standards for the intersections identified in 12.04.205.D shall provide for the improvements identified in the Transportation System Plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the Code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the Code.

**Finding:** The application includes a modification of this standard. Please refer to the analysis in 12.04.007. Future development of the site is subject to compliance with this standard upon submittal of a development application.

#### *12.04.225 Street Design--Cul-de-sacs and Dead-End Streets.*

*The city discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, dedicated open space, existing development patterns, arterial access restrictions or similar situation as determined by the Community Development Director. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of 25 dwelling units and a maximum street length of two hundred feet, as measured from the right-of-way line of the nearest intersecting street to the back of the cul-de-sac curb face. In addition, cul-de-sacs and dead end roads shall include pedestrian/bicycle accessways as required in this Chapter. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.*

*Where approved, cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with Fire District and City adopted street standards. Permanent dead-end streets other than cul-de-sacs shall provide public street right-of-way / easements sufficient to provide turn-around space with appropriate no-parking signs or markings for waste disposal, sweepers, and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker. Driveways shall be encouraged off the turnaround to provide for additional on-street parking space.*

**Finding: Likely to Comply.** The proposed interior street would be required to be connected to Maple Lane (at the intersection of Thayer) unless deemed unsafe. The applicant believes the connection will have to be modified and has thus included a cul-de-sac design which requires more land than connecting the street to Maplelane Road. The applicant indicated that “A cul-de-sac is show[n] as part of the Concept Lot Plan in the southeast portion of the Concept development. While it is possible that the City might allow a right-in / right-out type of intersection where the cul-de-sac is located on the concept plan. [W]e were not confident that this would be case and more conservatively showed a cul-de-sac as it requires more land area than a standard street intersection would at the same location. The Thayer Road intersection with Maplelane Road has at times congestion issues for vehicles making left turn lanes onto Maplelane Road. That is why the Transportation Master Plan called for a traffic circle at Walnut Grove and Maplelane Road, to allow for drivers wanting to get to Beavercreek Road to make a right turn from Thayer and go around the circle to gain access to Beavercreek Road. In the Concept Lot Plan the cul-de-sac is pushed tight to the Maplelane Road right-of-way (an arterial street) to allow for pedestrian connections and if needed emergency vehicles” (Exhibit 2). As the purpose of the subdivision layout is to determine the number of lots the site may be developed with in order to identify a transportation trip cap, and the applicant has chosen a cul-de-sac design which requires more land, this standard is met.

#### *12.04.255 Street design--Alleys.*

*Public alleys shall be provided in the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. The corners of alley intersections shall have a radius of not less than ten feet.*

**Finding: Appears to Comply.** Alleys may be placed within easements and thus a requirement for an alley would not require additional land.

### CHAPTER 17.08 - R-10 SINGLE FAMILY DWELLING DISTRICT

#### *17.08.040. Dimensional Standards*

*A. Minimum lot areas, ten thousand square feet;*

*B. Minimum lot width, sixty-five feet;*

*C. Minimum lot depth, eighty feet;*

**Finding: Appears to Comply.** Portions of the subject site are currently within the “R-10” Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to “MUC-2” Mixed-Use Corridor District.

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the “R-10” Single-Family Dwelling District which appear to comply with the minimum lot width and depth and are feasible.

## CHAPTER 17.12 - "R-6" SINGLE-FAMILY DWELLING DISTRICT

### 17.12.040. Dimensional Standards

A. Minimum lot areas, six thousand square feet;

B. Minimum lot width, fifty feet;

C. Minimum lot depth, eighty feet;

**Finding: Appears to Comply.** Portions of the subject site are currently within the "R-6" Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to "MUC-2" Mixed-Use Corridor District.

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the "R-6" Single-Family Dwelling District which appear to comply with the minimum lot width and depth and are feasible.

## CHAPTER 17.16 - "R-3.5" DWELLING DISTRICT

**Finding: Appears to Comply.** Portions of the subject site are currently within the "R-3.5" Single-Family Dwelling District. The applicant has proposed to change the zoning designation of the site to "MUC-2" Mixed-Use Corridor District.

Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The subdivision layout contains lots within the "R-3.5" Dwelling District which appear to comply with the minimum lot width and depth and are feasible.

## CHAPTER 13.12 - STORMWATER CONVEYANCE, QUANTITY AND QUALITY

**Finding: Appears to Comply.** Stormwater management facilities will be designed and sized concurrent with subsequent development applications. Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The conceptual plan includes several stormwater facility tracts which appear reasonably sized for purposes of this evaluation of allowable lot yield.

## CHAPTER 17.49 – NATURAL RESOURCE OVERLAY DISTRICT

**Finding: Likely to Comply.** Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. The applicant did not complete a study to determine the exact location of the Natural Resource Overlay District, though the general design may potentially comply with the standards in Chapter 17.49 of the Oregon City Municipal Code.

## CHAPTER 17.44 – GEOLOGIC HAZARDS OVERLAY DISTRICT

**Finding: Likely to Comply.** Though the applicant did not propose any development onsite, a subdivision layout was included in the application to determine the transportation impact of developing under the current zoning designation. City records indicate limited areas impacted by the Geologic Hazards Overlay District. The applicant did not complete a study to determine the exact location of the Overlay, though the general design appears to potentially comply with the standards in Chapter 17.44 of the Oregon City Municipal Code.

## CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

### 17.50.010 Purpose.

*This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS Chapters 92, 197 and 227. These permits include all form of land*

*divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City comprehensive plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.*

**Finding: Complies as Proposed.** The proposed Amendment to the Comprehensive Plan and associated Zone Change Review is subject to a Type IV discretionary approval. The applicant's narrative and the accompanying plans and supporting studies are all provided in an effort to present comprehensive evidence to support the proposed office development.

*17.50.030 Summary of the City's Decision-Making Processes.*

**Finding: Complies as Proposed.** The proposed Amendment to the Comprehensive Plan and Zone Change application is being reviewed pursuant to the Type IV process. Notice was posted onsite, online and mailed to property owners within 300 feet of the proposed development site and posted in the paper.

*17.50.050 Preapplication Conference*

*A Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

*B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.*

**Finding: Complies as Proposed.** The applicant held a pre-application conference (file PA 15-02) on February 10, 2015. The land use application was submitted on July 24, 2015. As the applicant continued to discuss the proposal and meet with City staff and there were no major changes to the development proposal or the applicable Oregon City Municipal Code, the applicant was not required to submit an additional pre-application conference. The application was deemed incomplete on August 17, 2015 and after the submittal of additional information the application was deemed complete on September 10, 2015.

*17.50.055 Neighborhood Association Meeting*

**Finding: Complies as Proposed.** The applicant's representatives attended the Caufield Neighborhood general membership meeting on January 27, 2015. Notes, a sign-in sheet and additional information from the meeting is included in Exhibit 2.

*17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All application materials required are submitted with this narrative.

*17.50.070 Completeness Review and 120-day Rule.*

**Finding: Complies as Proposed.** The application was deemed complete on September 10, 2015. The City has until January 8, 2016 to make a final determination.

*17.50.080 Complete Application--Required Information.*

**Finding:** Please refer to the analysis in 17.50.50 of this report.

*17.50.090 Public Notices.*

**Finding: Complies as Proposed.** Once the application was deemed complete, the City noticed the application to property owners within 300 feet of the subject site, neighborhood association, Citizens Involvement Council, general circulation paper, and posted the application on the City's website. In addition, the applicant posted signs on the subject site. All interested persons have the opportunity to comment in writing or in person through the public hearing process. This policy has been met. Staff provided email transmittal of the application and notice to affected agencies, the Natural Resource Committee and to all Neighborhood Associations requesting comment. The following comments have been submitted to the Planning Division:

Mike Roberts, Building Official for the City of Oregon City submitted comments regarding applicable construction regulations (Exhibit 6).

Comments from Joshua Brooking, Assistant Planner at ODOT submitted comments about future right-of-way acquisition (Exhibit 7). As identified within this report, the applicant will identify the design of the right-of-way with the first development application within the project boundary.

No conflicts with the approval criteria were identified in the public comments submitted.

*17.50.100 Notice Posting Requirements.*

**Finding: Complies as Proposed.** The site was posted with a sign longer than the minimum requirement.

**17.50.130.D Modification of Conditions.** Any request to modify a condition of permit approval is to be considered either minor modification or a major modification. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.

**Finding: Complies with Condition.** This application is being processed as a Type IV application which will go before the Planning Commission and City Commission for a decision. The Oregon City Municipal Code requires any future amendments to this application to also go before the Planning and City Commissions as a Type IV application. After the necessary studies are conducted for the failing intersections identified above, the City is obligated to create a plan to address the congestion and amend the applicable section of the Oregon City Municipal Code to implement a solution. The applicant has submitted a request that would allow the applicant to exceed the limited vehicular trip cap once the necessary studies are compiled and the Oregon City Municipal Code is amended to allow additional vehicular trips through the aforementioned intersections (specifically Highway 213 and Beavercreek Road) by a Type III or Type II review.

The City believes this is a reasonable request provided the infrastructure for the site is developed in a comprehensive manner and because the amendment to the Oregon City Municipal Code will go before the Planning Commission and the City Commission, similar to the Type IV process. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including but not limited to Beavercreek Road from Highway 213 to Mapelane Road, and Mapelane Road from Beavercreek Road to the applicant's north property boundary). The design shall comply with the Oregon City Municipal Code and be based



upon a transportation impact analysis for all permitted and conditional uses identified within the “MUC-2” Mixed Use Corridor 2 District, without a trip cap. The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

**CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff concludes that the proposed Zone Change and Comprehensive Plan Amendment located at Clackamas County 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends the Planning Commission and City Commission approve ZC 15-03 and PZ 15-01 with conditions, based upon the findings and exhibits contained in this staff report.

**EXHIBITS:**

1. Vicinity Map
2. Applicant’s Narrative and Plans
3. Comments from John Replinger of Replinger and Associates, City Consultant
4. Comments from Wes Rodgers, Director of Operations at the Oregon City School District
5. Comments from Ken Kent, Land Use Review Coordinator for Clackamas County
6. Comments from Mike Roberts, Building Official for the City of Oregon City
7. Comments from Joshua Brooking, Assistant Planner at ODOT