

BEFORE THE CITY COMMISSION

In the Matter of)	
Adoption of the)	Findings of Fact
Beavercreek Road Concept Plan)	
ON REMAND)	
File No. LE-15-0003)	

I. INTRODUCTION

This matter comes before the City Commission (Commission) of Oregon City to approve the Beavercreek Road Concept Plan on remand.

After a review of the facts, including the Metro Ordinance 10-1244B and the City's recently adopted transportation and utility master plans, the City Commission finds that the applicable decision-making criteria are satisfied. Therefore, the City Commission APPROVES the above-referenced plan amendments. Unless otherwise provided for, these plan amendments shall take effect on Jan 1, 2017 or upon adoption of zoning regulations implementing these plan amendments, whichever comes first.

The Commission summarized the benefits of this plan in 2008 as follows:

The Beavercreek Road Concept Plan (BRCP) is a guide to the creation of a complete and sustainable community in southeast Oregon City. The concept plan includes 453-acres located along the east side of Beavercreek Road from Old Acres Lane, north to Thayer Road. The majority of the site (245 acres) was added to the UGB in December of 2002 and an additional 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. During the update of the Oregon City Comprehensive Plan in 2003, Policy 2.6.8 was adopted acknowledging the jobs-related importance of the site to Oregon City and the region, while also allowing flexibility in the project area's land use. Comprehensive Plan policy 2.6.8 states:

Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which is approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encouraged family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals.

The BRCP furthers this end by creating an area where families can work, as well as live by providing a diverse mix of uses (an employment campus north of Loder Road, mixed use districts along Beavercreek Road, and two mixed use neighborhoods) all woven together by open space, trails, a network of green streets and sustainable development practices - all attributes necessary to provide a successful family-wage employment area. Transit-oriented land uses have been strategically located to increase the feasibility of transit service in the future. The plan has been carefully crafted to create a multi-use community that has synergistic relationships with Clackamas Community College, Oregon City High School and adjacent neighborhoods.

II. FACTS

A. Concept Plan History

In September, 2008, the Oregon City Commission adopted Ordinance No. 07-1008 adopting the Beavercreek Concept Plan (BRCP) and its ancillary documents to the Oregon City Comprehensive Plan. The decision was subsequently appealed to the Land Use Board of Appeals (LUBA), LUBA No. 2008-170. Although a wide-ranging series of arguments were presented before LUBA, they largely focused on whether the BRCP was consistent with Metro Code provisions relating to the designation of significant industrial lands, whether the Metro Code and comprehensive plan policies relating to utility and facility adequacy were satisfied, and lack of adequate citizen participation in the process. In August, 2009, LUBA found that the BRCP designation of approximately 74 acres out of the total 308 acres that were designated by the Metro Code for an Industrial design type uses required remand. LUBA did not respond to any of the other arguments.

In December 2010, Metro adopted Ordinance No. 10-1244B that, in addition to expanding the urban growth boundary in portions of Washington County, it amended the Title 4 Industrial and Other Employment Areas Map to show changes to design-type designations to conform to new comprehensive plan designations by cities and to needs identified in the 2009 Urban Growth Report. See Attachment 3, Gerry Uba staff report. Metro's decision was acknowledged by the Land Conservation and Development Commission in LCDC Approval Order 12-UGB-001826. The decision was then appealed to the Oregon Court of Appeals by the same petitioner who challenged adoption of the BRCP as well as others who opposed the UGB expansion. Resolution of the case was stayed pending resolution of the case considering Metro-area urban and rural reserves entitled *Barkers Five v. LCDC*. In February, 2014, the court remanded LCDC's decision in the *Barkers Five* case. The legislature responded by enacting House Bill (HB) 4078 (2014) (Or Laws 2014, ch 92), making numerous amendments to ORS chapter 197 and validating Metro's adoption of Ordinance No. 10-1244B. In August 2014, the Oregon Court of Appeals dismissed all challenges relating to Ordinance No. 10-1244B, finding that the amendment to state law established the UGB for Clackamas County as well and therefore, all of the challenges were moot.

B. BRCP Acreage at a Glance

The following table illustrates the estimated gross and net acreage within the BRCP area for the respective land use areas in the BRCP, organized by UGB expansion date. These acreages are based on a GIS analysis of the adopted hybrid plan using polygons, and should be considered approximate.

	Pre 2002 UGB		2002 UGB		2004 UGB		
<u>BRCP Land Use Designations</u>	<u>Gross Acres</u>	<u>Net Acres</u>	<u>Gross Acres</u>	<u>Net Acres</u>	<u>Gross Acres</u>	<u>Net Acres</u>	<u>Total Acres</u>
North Employment Campus (Industrial)	51.43	39.36	121.81	75.14			173.24
Mixed Employment Village	11.88	11.88	14.45	14.39			26.33
Mixed Used Neighborhood (East + West)	49.46	46.68	21.64	21.28	30.79	30.79	101.89
Resource and Natural Areas (Low Imp + Natural)	1.04	1.04	57.29	15.18	29.17	17.66	87.50
Main Street	7.00	7.00	3.18	3.12			10.18
Right of Way	29.26	25.96	24.84	20.09	4.18	4.18	58.40
BRCP Total Acres	150.08	131.92	243.21	149.21	64.13	52.63	457.54
Metro Title 4 Industrial Land	59.74	46.05	160.67	77.80			220.41

The majority of the site (approximately 245 acres) was added to the UGB in December of 2002 and an additional approximately 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. The 220.41 acres of Title 4 industrial land is estimated to yield approximately 123 acres.

III. The Process and Applicable Approval Standards

The City of Oregon City proposes to re-adopt the BRCP without any amendment. New comprehensive plan map designations and development code and zone changes are not proposed at this time. These concept plan policies will not go into effect until the new zoning designations apply to specific parcels.

State law and the Oregon City Municipal Code do not specifically address the applicable procedures on remand, leaving the City Commission with considerable discretion. The City's only obligation is to address the issues on remand from LUBA. Given that LUBA did not

respond to all of the issues and that the City has implemented a number of relevant utility master plans since 2009, it makes sense to re-open the record only for the purposes raised in the arguments presented by the petitioner in the LUBA appeal. These issues can be summarized as Metro Code Title 4 requirements and public utility and service infrastructure planning requirements as discussed in greater detail below. All written and oral testimony that does not relate to these limited purposes as preserved in the LUBA case, will be rejected and not considered by the City during its review.

As for the applicable approval criteria, as a legislative decision, the fixed goal post rule, ORS 227.178(3)(a), does not apply and as a result, these findings respond to the Metro Code Title 4 and Title 11 provisions currently in place.

Adoption of the BRCP is subject to all of the applicable Statewide Planning Goals including the Transportation Planning Rule (OAR 660-012-0060). In order to meet the requirements of this regulation, needed improvements and funding mechanisms have been identified for properties within the Concept Plan area that will mitigate impacts of the amendment in a manner that avoids further degradation to the performance of the transportation facilities. The proposed transportation infrastructure improvements, financing and funding estimates, identified in the Plan, along with future amendments to the Transportation System Plan and Capital Improvement Plan provide adequate basis to limit development until compliance with the Transportation Planning Rule is shown.

Oregon City must comply with the relevant portions of Metro's Urban Growth Management Functional Plan (Functional Plan). The Functional Plan is a regional land use plan that implements the 2040 Growth Concept. The Concept Plan is required to comply with Metro's title 11 requirements regarding residential density. Findings regarding Metro Title 11 are detailed below.

IV. Public Involvement and Public Comment

The Concept Plan was developed by a 15-member Citizen Advisory Committee (CAC) and 9-member Technical Advisory Committee (TAC). The committees met twelve times between June 2006 and July 2007. There was broad support on the CAC for the hybrid plan. In addition to the committee meetings, the public involvement process included a study area tour for CAC and TAC members, two public open houses, market focus group, sustainability focus group, employment lands coordination with Metro, Community Design Workshop, a project website, project posters, informational sign, email notice and extensive mailings to property owners and interested parties prior to each meeting and public event. Notice of the public hearing for the proposal was published in the newspaper and mailed to all Oregon City property owners on June 22, 2007, in accordance with the requirements of Measure 56. The Planning Commission took public testimony at three hearings on September 24, 2007, October 22, 2007, and November 12, 2007. In addition to reviewing all of the evidence in the record, the City Commission also took public testimony at its hearings on January 16, 2008, March 5, 2008, March 19, 2008 and April 16, 2008.

For the re-adoption, planning staff held additional meetings to provide information and receive input on the plan process:

Planning Commission Work Session 09/28/2015

Citizen Involvement Committee	10/05/2015
Natural Resources Committee	10/14/2015
Transportation Advisory Committee	10/20/2015
Parks & Recreation Advisory Committee	10/22/2015
Caufield Neighborhood Association	10/27/2015
Hamlet of Beavercreek	10/28/2015
City Commission Work Session	11/10/2015
Planning Commission Hearing #1	11/23/2015
City Commission Hearing #1	12/02/2015

V. DECISION-MAKING CRITERIA:

A. Comprehensive Plan Criteria

The following considerations, goals and policies apply to amendment of the Comprehensive Plan and Concept Plans.

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

Section 2 – Land Use of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

1. *Plan implementation process.*
2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*
3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*
4. *Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.*

B. Statewide Planning Goals

Compliance with the Statewide Planning Goals is a specific requirement for changes to the Comprehensive Plan or Comprehensive Plan map. For the BRCP to be approved by DLCD it must comply with applicable statewide planning goals. The analysis below is provided for the City and the public to understand how the proposed update complies with Statewide Planning Goals.

C. Metro Title 11.

Concept Plans are regulated by Title 11 in Metro’s Urban Growth Management Functional Plan. Title 11 and Concept Plans are intended to lay a foundation for urbanization of areas added to the region’s Urban Growth Boundary (UGB) in a way that reasonably provides public facilities and services, offers transportation and housing choices, supports economic development, and protects natural resources. The following land use elements of Metro’s Title 11 regulations governing concept planning within Metro’s jurisdiction, “3.07.1120 Urban Growth Boundary Amendment Urban Reserve Plan Requirements” which generally include the following:

- A. Annexation;
- B. Housing density;
- C. Variety of housing types;
- D. Housing affordability;
- E. Commercial/Industrial development;
- F. Transportation;
- G. Mapping;
- H. Public Facilities and Services;
- I. Schools;
- J. Urban Growth Diagram; and
- K. Plan Amendments.

IV. ANALYSIS AND FINDINGS

A. Comprehensive Plan Criteria

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

Another method of Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:

1. Plan implementation process;

Analysis: The main reason for amending the Comprehensive Plan is to adopt and implement the new BRCP in response to Metro Title 11 Requirements, and to guide appropriate comprehensive plan designations and zoning for the area. The concept planning process was initiated in order to ensure the appropriate mix of uses in the concept plan area, and so that public facilities and services can be planned to serve future development within the study area.

Completion of the concept plan and amendment of the Comprehensive Plan complies with the City's Comprehensive Plan Goal 14.3 - Orderly Provision of Services to Growth Areas, which provides that the City plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan. The BRCP and regulations are in compliance with Metro's Functional Plan and the amendments to the comprehensive plan must be adopted through DLCD's post-acknowledgement process.

The City finds this criterion is satisfied.

2. Adequacy of the Plan to guide land use actions, including an examination of trends.

Analysis: The Existing Conditions report of the Concept Plan includes detailed market, infrastructure, transportation system, natural resources, demographics and industrial lands analyses in order to determine trends to guide future land use actions. The results of this analysis need to be incorporated into the Comprehensive Plan. The plan provides a thorough explanation of the existing conditions pertaining to this analysis and provides recommendations and

preliminary cost estimates for improvements that will be necessary in order for the concept plan to be carried out. These cost estimates have subsequently been updated in the city's public infrastructure and transportation planning as follows:

Transportation System Plan (2013)

Sewer Master Plan (2014)

Water Master Plan (2010)

Stormwater and Erosion Control Manual and Design Standards (2015)

The Comprehensive Plan amendments are necessary in order for land use actions to be carried out within the concept plan area subsequent to the annexation of property. Adoption of the concept plan does not rezone property within the planning area until said property is annexed into the City and the implementing zoning regulations are in place. Comprehensive Plan map designations, relevant code amendments, and text and maps are required when these events take place. Likewise, the amendments to the ancillary documents and plans assure that the necessary improvements in the concept plan may be incorporated into the appropriate ancillary plan, as well as be included in the City's Capital Improvement Program and Transportation System Plan.

The Concept Plan provides a comprehensive and cohesive guide to future development in three parts:

- 1) Framework plan maps, goals and policies – These elements are adopted as part of the Oregon City Comprehensive Plan. Compliance with the plan is required for all land use permits and development beyond that allowed by existing land use regulation. The framework plan is comprised of generalized maps and policies that integrate land use, transportation, open space and green infrastructure. The framework maps and policies are supported by detailed code and requirements for master planning and design review. This approach sets a broad framework and intent on the figures and text in the plan that ensures that the vision, goals and standards are required in all land use decisions, provides flexibility in site specific design and implementation and allows for phased development over a longer period of time.
- 2) Ancillary report materials – The descriptive text, graphics and technical appendix of this report are adopted as an “ancillary document” to the Comprehensive Plan, which provides “operational guidance to city departments in planning and carrying out city services” (Oregon City Comprehensive Plan, page 4). These documents include information for updating the City's utility master plans and Transportation System Plan.
- 3) Development code amendments – Revisions to the development code are being prepared as part of the Concept Plan. Once final, it will be adopted as part of the Oregon City Municipal Code. Compliance with these amended provisions will be required for all land use permits and development.

The opportunities and constraints, market, infrastructure, natural resources and buildable lands analysis provided in the BRCP provide an adequate factual basis for determining trends within

the study area. Following adoption of the BRCP, amendments to the Zoning Code, Comprehensive Plan and Ancillary Documents will provided an adequate basis for making future land use decision and can be found in compliance with this criterion.

The City finds this criterion is satisfied.

3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*

Analysis: Citizen input was critical to ensure that the community’s desires and attitudes would be reflected in the Concept Plan. A public involvement program was developed and conducted from June 2006 through July 2007. A 15-member Citizen Advisory Committee (CAC) and 9-member Technical Advisory Committee (TAC) developed the concept plan. The purpose of the CAC was to serve as the forum for stakeholder representatives to work with each other and act as an advisory body to the Consulting Team, City Staff, Planning Commission, and City Commission regarding the Concept Plan. The CAC comprised residents, representatives of neighborhood associations, the Hamlet of Beavercreek, local businesses, the development community, property owners within the study area, the school district, Clackamas Community College, Transportation Advisory Committee, environmental interests, and the Planning Commission.

The CAC created several alternatives and finally chose a hybrid the included about 127 net acres of North Employment Campus, which is consistent with Metro’s intent and similar to Oregon City’s existing Campus Industrial designation, about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The TAC included representatives from Metro, Clackamas County, ODOT, Tri-Met, DLCD, and City Planning Staff. Twelve meetings were held over the 13 months and there were two open houses, a market and sustainability focus group and a design workshop that were intended to provide information to citizens and to solicit their input.

For the 2015 re-adoption process, planning staff held additional meetings to provide information and receive input on the BRCP process with the following groups:

Planning Commission Work Session	09/28/2015
Citizen Involvement Committee	10/05/2015
Natural Resources Committee	10/14/2015
Transportation Advisory Committee	10/20/2015
Parks & Recreation Advisory Committee	10/22/2015
Caufield Neighborhood Association	10/27/2015
Hamlet of Beavercreek	10/28/2015
City Commission Work Session	11/10/2015

The overall vision for the concept plan is to create “A Complete and Sustainable Community”, and the CAC utilized the definition of sustainability originally developed by the United Nations Brundtland Commission:

“A sustainable society meets the needs of the present without sacrificing the ability of future generations to meet their own needs”.

Based on public input, the committee created 10 Project Goals and 10 Principles of Sustainable Community Design that were used in the visioning and development of the concept plan. The Goals and Principles are on pages 7 and 8 of the Concept Plan. Utilizing these Goals and Principles, the committee created several alternative plans that were reviewed and combined into one preferred alternative plan, which is identified as the BRCP. The plan has land use and transportation connections that support future transit, trails and greenspaces have been crafted to provide direct and convenient internal pedestrian connections and link to the broader regional network, lower densities near the edges and buffer treatments have been incorporated and a street network that provides for internal circulation, minimizing impacts on Beaver Creek Road and providing for future connections to the north and south have been identified.

The plan meets the needs of Oregon City for providing employment lands, which are greatly needed. The plan provides 156 net acres of employment lands in two forms: 127 net acres of tech flex campus industrial (Title 4) land and 29 acres of more vertical mixed use village and main street employment. The employment is incorporated into a sustainable, complete community that includes jobs, varied housing types, green streets, open spaces, trails, mixed uses, focal points for activity, linkages to logical streets and activity centers (Clackamas Community College and Oregon City High School) and access to nature. The concept plan is a reflection of the needs, desires, attitudes and conditions of the community and represents the vision, direction and improvements that are necessary to accommodate the changing demographics and economics of the community.

The City finds this criterion is satisfied.

4. *Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.*

Analysis: The proposed changes respond to needs revealed by the Buildable Lands Inventory for the concept plan and were updated and affirmed in 2010 through Metro’s adoption of Ordinance No. 10-1244B. These needs are documented in the technical appendix on housing and economic development, as well as in the background discussions in each of the Comprehensive Plan elements. Participation on the TAC by representatives of Metro and the State Department of Land Conservation and Development informed the Regulatory Framework which the Concept Plan must comply with, including the primary elements: Governance, Housing, Transportation and protection of Natural Resources. For example, policies support the provision of a variety of housing types and income levels, creation of mixed use zones to encourage more employment and housing, and the designation of Metro Design Types (Industrial and Employment). Metro data and the City’s own GIS data was utilized to develop a variety of maps, notably the habitat conservation areas, steep slopes areas, urban growth potential, transportation (street system, transit, functional classification, street sizing, bicycle and pedestrian needs, trails), water, stormwater and sewer system maps. Policies in the Concept Plan support Metro and DLCD requirements and factual information is reflected in the BRCP.

The City finds this criterion is satisfied.

Oregon City Comprehensive Plan Goal 2.6 - Industrial Land Development
Ensure an adequate supply of land for major industrial employers with family-wage jobs.

Adoption of the BRCP will ensure an adequate land supply for major industrial employers, consistent with regional employment land goals adopted by Metro. Goal 2.6 is further implemented by the following Policies 2.6.1 through 2.6.8:

Policy 2.6.1

Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

Analysis: Metro has determined that the proposed plan provides an adequate amount of Title 4 employment land within the UGB. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro’s 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). This change also responded to the identification of a need for residential capacity in the 2009 UGR (Residential) by increasing the residential capacity of the Beavercreek planning area by 36 dwelling units above the level expected at the time the Metro Council added the areas to the UGB. Metro adopted the revised Title 4 map with passage of Ordinance 10-1244B, Exhibit D, on December 6, 2010. According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

The City finds this criterion is satisfied.

Policy 2.6.2

Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

Analysis: The zoning that will be applied to the employment lands within the UGB following annexation of lands will restrict non-industrial uses and ensure that land is preserved for industrial use. Existing CI-Campus Industrial zoned land within the BRCP area list permitted, conditional and non-permitted uses to support industrial land supply. It is anticipated that zoning similar to the CI zone district will be applied to annexed properties that currently do not have city zoning.

The City finds this criterion is satisfied.

Policy 2.6.3

Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.

Analysis: As stated above, the zoning of the property in the North Employment Campus will be the same as or similar to the current CI – Campus Industrial zone. Clackamas Community College and Oregon City School District do not anticipate the need for additional land within the BRCP area. Religious land uses are not listed as a permitted use in the CI zone, but could be permitted as conditional uses on mixed-use lands in the southern part of the BRCP area. Commercial uses within the northern employment campus would be limited to some upper limit, similar to the CI zone, which restricts retail sales and services to no more than ten percent of the net developable portion of all contiguous industrial lands. Taken together, these requirements will protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses.

The City finds this criterion is satisfied.

Policy 2.6.4

Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.

Policy 2.6.5

Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.

Analysis: An important focus of the BRCP is to create a live-work balance by providing employment opportunities in a mixed use community, with strong multi-modal transportation connections both within the BRCP area and externally to the existing commercial, employment and education centers nearby such as Berry Hill Shopping Center, Clackamas Community College and Oregon City High School. Additionally, live-work units and home occupations with cottage industries are supported by the mixed use approach. The proposed land use mix, combined with the improved transportation network, will guide the future development of the area in a manner that supports this policy.

The City finds this criterion is satisfied.

Policy 2.6.6

Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.

Analysis: Adoption of the BRCP is the first step towards attaining this policy. The plan includes policies for strong programmatic connections to Oregon City High School and Clackamas Community College. The City is already working with the State and the County to develop enterprise zones within the CI-zoned lands within and adjacent to the BRCP area. The enterprise zones encompass industrial areas along Beavercreek Road, the Red Soils area and north of Highway 213 - an area approximately 1.2 square miles. The City partnered with Metro and Clackamas County on the Strategically Significant Employment Lands Project to study these lands and determine their readiness for development and marketability. One of the criteria for

qualifying projects within the enterprise areas is to partner with local job training providers such as Clackamas Community College.

The City finds this criterion is satisfied.

Policy 2.6.7

Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

Analysis: Please see findings for compliance with Statewide Planning Goal 11 – Public Facilities and Services in Section B below.

Policy 2.6.8

Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the city's employment goals.

Analysis: Adoption of the BRCP will achieve this policy. The final draft hybrid plan was analyzed by the firm ECONorthwest, indicating the potential for substantial job creation within the concept plan area. The ECONorthwest findings were further confirmed by Metro in its 2009 Urban Growth Report (Employment) that “there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range.” Ord. 1244B, Attachment 3, p.3. The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro’s Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region’s economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses. Also, portions of the BRCP area are designated enterprise zones to incentivize development (See <http://www.orcity.org/economicdevelopment/enterprise-zone>). To be enrolled in the tax-abatement program, businesses should pay employees at least 150% of the State minimum wage or \$13.65 per hour for 2014 (benefits can be used to reach this pay level). Other requirements apply as well.

The City finds this criterion is satisfied.

B. Compliance with Statewide Planning Goals

Compliance with the Statewide Planning Goals is a specific requirement for changes to the Comprehensive Plan or Comprehensive Plan map. For the BRCP to be approved by DLCD it must comply with statewide planning goals. The analysis below is provided for the Planning Commission and the public to understand how the proposed update complies with Statewide Planning Goals.

Goal 1 Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Analysis: A brief summary of the public involvement program for the CAC/TAC and the general public was provided above. In accordance with this goal, the public involvement program involved affected Neighborhood Associations and groups, utilized community education measures to enhance participation (open houses, focus groups, design workshop, website, open access to planners at City Hall, timely provision of draft material mailed to the CAC/TAC in advance of meetings and on the web, mailings), and provided timely and accurate information to individuals, groups, communities and neighborhoods. After the CAC/TAC recommended a draft plan language, the Planning Commission and City Commission held a number of work sessions and public hearings where public testimony was considered. At all times the draft plan was available for review by the public. This open process encouraged participation by any interested citizen and all evidence submitted into the written record was considered. Finally, planning staff met with several advisory groups and the Hamlet of Beavercreek, and held two work sessions in October – November 2015 to update people on the re-adoption process (See Page 4 for details).

The City finds this Goal is satisfied.

Goal 2 Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Analysis: The Draft Concept Plan includes identification of facts, issues, and problems in the “Background” discussion for each element. Updated and market relevant documentation in the technical report provided the basis for the Land Use, Parks, Transportation, Water, Stormwater, Sanitary Sewer and Natural Resources elements, helping assure the proper factual basis for decisions in updating the maps, goals, policies and implementation measures. Inventories, such as for economic development, employment and natural resources, have been provided in the technical appendices to the BRCP. Based on this information, the Commission finds that this plan amendment is coordinated, as defined by state law. It has been reviewed and coordinated with the plans of other governmental units. It contains adequate implementation measures to ensure that upon taking effect (when the implementing zoning is subsequently adopted) sufficient means will carry out the BRCP. Although Goal 2 also implements periodic review, the amendments are not triggered as a result of periodic review. Finally, after a number of public hearings where alternative courts of action were considered, the Commission finds that the proposed plan amendments are consistent with public policy taking into account social, economic, energy and environmental needs.

The City finds this Goal is satisfied.

Goal 3 Agricultural Lands and Goal 4 Forest Lands

Analysis: By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB and therefore those goals are not applicable.

The City finds these Goals are not applicable.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

Analysis: Goal 5 resources are addressed in detail in the Natural Resource Inventory which was part of the existing conditions analysis required by Metro Title 11. A detailed review of the Goal 5 resources within the study area, including wetlands, streams, riparian area, wildlife habitat and other resources was conducted. The inventory consisted of two parts:

- 1) An examination of existing resource information for the plan area; and
- 2) A field study to verify the location and evaluate resource habitat quality.

The first phase of the inventory included review of existing documents, such as Metro Goal 5 Inventory Maps, National Wetland Inventory maps, Natural Resource Conservation Service Soils Survey of Clackamas County, Stream Net fisheries data and other sources. Phase two consisted of a field verification of the BRCP area by a team of biologists. The team visited each of the previously mapped natural resource areas to confirm the location, size and quality. The natural areas determined to be of high resource value were distinguished from natural areas of lesser resource value and the lower quality natural areas were given a designation of enhancement potential in order to identify both the highest quality natural resource and provide a determination of the feasibility of enhancement.

The Natural Resources Inventory that was conducted as part of the existing conditions analysis for the BRCP consisted of examination of existing resource information for the area and a field study. This inventory is already part of the record. The inventory identified and summarized 19 natural areas within the BRCP area and were assigned values for their condition and enhancement potential. Of those 19 areas, the majority were consistent with Metro's Goal 5 mapping. The city's initial GIS analysis of the NROD areas for the entire UGB was done in 2008. The Natural Resource Overlay District was adopted in 2008 and replaced the old Water Resources Overlay District with a combined overlay district, which regulates both Metro Title 13 habitat and Metro Title 3 water resources. In particular Trimble Creek is an identified Goal 5 resource that runs from south to north through the site crossing Loder Road. The concept plan envisions this protected resource being combined within a linear park feature.

The BRCP will protect Goal 5 natural resource areas by guiding the designation of Natural Resource Overlay District areas and the restriction of development in those areas pursuant to OCMC 17.49. The code requires that further on-site analysis be conducted to determine the current extent of the protected resources which initially was done with the concept plan. More detailed, site specific delineations of the resources and the required associated vegetated corridors is required prior to development, along with impact analysis and mitigation for impacts. These existing restrictions will adequately protect natural resource areas and to the extent necessary serve as a natural resource protection plan.

The Beavercreek Road Open Space Framework plan provides a network of green spaces that are intended to provide a system of connected parks, opens spaces and natural areas, provide access to nature, preserve existing natural resources and provide green spaces near the system of trails and pedestrian connections. The power line corridors comprise approximately 52 acres of land north of Loder Road and have been utilized to provide publicly accessible opens space, trails and links to the broader open space network. The standard of 16-acres per 1,000 population was amended to a standard of 6 to 10 acres per 1,000 population as discussed at the Planning Commission. The extent and location of the park is conceptual, flexible and the costs associated with acquisition and development may need to be determined through more detailed Master Planning processes, similar to the Glen Oak Road park site and the Hazel Grove parks site master planning that was conducted in 2014. Existing parks SDCs do not reflect the cost of providing parks in this area, and they may need to be updated to account for the amount of parks acreage envisioned in the concept plan but they may be updated or lands could be obtained by private developers as development occurs. A park is proposed to extend through the central and southern areas of the BRCP. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. This open space feature is intended as a continuous green space that links the districts and neighborhoods south of Loder Road.

The code will allow flexibility in the width, shape and acreage of the open space, provided there remains a clearly identifiable and continuous open space. The buildable lands identified 292 acres of Tier A or 'unconstrained' lands, 28 acres of Tier B or "Low Impact Development Allowed with Review" and 131 acres of Tier C or "Constrained". The Low Impact area was later evaluated and recommended for conservation under an Environmentally Sensitive and Resource Area designation on the BRCP. New development will be required to comply with the City's Natural Resources Overlay District in compliance with this goal.

The Parks and Recreation Advisory Committee (PRAC) met on October 22, 2015 to hear staff's presentation on the re-adoption process. The PRAC voted unanimously to supports the parks, open space and recreation elements of the Beavercreek Concept Plan.

Concept Plan goals and policies for preserving open space and tree cover, protecting scenic views, preserving and conserving natural resources and water quality have been provided.

The City finds this Goal is satisfied.

Goal 6 Air, Water and Land Resources Quality

To maintain and improve the quality of the air, water and land resources of the state.

Analysis: Existing Comprehensive Plan policies that apply to the concept plan require development practices to comply with regional, state, and federal standards for air and water quality, to protect water quality from erosion and sediment, to minimize the effects of noise, and to protect mineral resources.

These goals and policies are implemented through the City's grading and erosion control ordinances, water quality resource protection regulations, development standards, and nuisance laws. DEQ regulates air quality but Oregon City's TSP recognizes the link between air quality

and transportation (through vehicle emissions) and works to reduce impacts from single-occupancy vehicles. The TSP and Capital Improvements Fund will be updated to reflect transportation improvements recommended in the BRCP.

The City finds this Goal is satisfied.

Goal 7 Areas Subject to Natural Disasters and Hazards

To protect life and property from natural disasters and hazards.

Analysis: The Commission finds that the area does contain steep slopes. The east ridge of the concept plan area was identified as an area of steeper slopes that could be at risk for landslides and slumping. In order to address this, the BRCP calls for establishing a protected open space area along the west side of Thimble Creek and designating the area between the edge of that open space and the 490-foot elevation to the west, along the east ridge, as a conservation area within which a number of restrictions will development apply, including protecting a minimum of 50% of the conservation area, and building height and impact restrictions. The plan also requires a "window" of at least 700 feet of continuous area along the ridge to be publicly accessible. Any development in this area will also be subject to the City's existing geologic hazard overlay review requirements.

According to the City Commission meeting minutes of September 3, 2008, the approximate elevation of 490 feet (MSL) is important in the southern half of the concept plan area relative to gravity sewer service. Existing storm water discharge points below the 490 foot level in this area may also need to be improved with future development to assure that storm water quality and quantity control standards are met. Roadways and development constructed above 490 feet will most likely allow for gravity sewer service. If land uses requiring sanitary sewer service (or roadways with sewer underneath) are located lower than 490 feet, individual pump stations and pressurized services may be required.

As a practical matter land uses such as homes and habitable structures could not practicably meet the standards of the city's Geological Hazard Overlay District and Natural Resources Overlay District, which restricts development within known landslide areas and steep slopes, and within 50 to 200 feet of streams and stream tributaries and wetlands. Low impact recreational uses, such as trails, foot bridges and related uses, as well as storm water discharge facilities, may be permitted within the Natural Resources Overlay District (OCMC 17.49) and Geologic Overlay District (OCMC 17.44), subject to these specific code review criteria as well as Public Works engineering standards.

The City's Natural Resources Overlay District and Geologic Hazards Overlay District are already mapped to the extent of the Urban Growth Boundary in this area and would be in effect upon annexation.

No other natural disaster or hazard areas have been identified and the City finds there are none.

The City finds this Goal is satisfied.

Goal 8 Recreational Needs

To satisfy the recreational needs of the citizens of the state and visitors, and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Analysis: The concept plan provides for an interconnected series of trails, parks and open spaces areas throughout the study area to implement this Goal. Specific plan policies related to this Goal include amending the parks and recreation, open space and trail master plans to be consistent with the concept plan, implementation of a hierarchy of connections (roads and trails of various types), create two scenic view points that are small public parks along the East Ridge, open space, and extensive trail systems that provide pedestrian and bicycle connectivity throughout the site and to adjoining trail systems. Additionally the concept plan recognizes the opportunity for acquisition and/or dedication of sensitive areas for open space and habitat by private landowners.

The City finds this Goal is satisfied.

Goal 9 Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Analysis: As part of the concept plan process, Oregon City worked with a consultant to inventory and evaluate the local and regional market conditions within and adjacent to the concept planning area. This report details patterns in the community, the profile of local employment, the supply of industrial, commercial and office land, and potential for industrial and commercial development within the area. Metro's employment land needs analysis reports that about 9,300 net acres of industrial land is needed between 2002 and 2022, of which, approximately 6,300 net acres must be vacant and that the region has a shortage of large and small industrial lots. The EcoNorthwest market analysis (LUBA record pp. 1781) identified the advantages and disadvantages of industrial development within the study area and concluded that under the right conditions it is not unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period.

Metro's adoption of Ord. 1244B updated the EcoNorthwest analysis, concluding that the proposed plan provides an adequate amount of Title 4 employment land within the UGB, through 2029. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro's 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

A key issue for the committee was how much employment, what type and where. The Oregon City Comprehensive Plan requires that a majority of the lands be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals.

Metro brought 245 gross acres in the UGB in 2002 and an additional 63 acres were added in 2004. The remaining acreage was in the UGB and/or Oregon City limits prior to 2002. These areas (308 gross acres) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. Given the expected net acreage once non-buildable areas such as power lines, natural areas, were removed from the buildable lands inventory, Metro intended 120 net acres of the concept plan area would be used for employment uses. Metro noted that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent. See Metro's vacant lands methodology. This approach was blessed by David Bragdon, Metro Council President, in a letter dated May 14, 2007 as well as Metro planner Ray Valone in a letter dated March 19, 2008.

The CAC created several alternatives and finally chose a hybrid that included about 127 net acres of North Employment Campus (NEC), which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses.

The concept plan provides land for an identified need within the region and state, and provides for a mix of other uses that will contribute to the economic welfare of the city, state and the citizens.

The City finds this Goal is satisfied.

Goal 10 Housing

To provide for the housing needs of citizens of the state.

Analysis: The concept plan recommends and provides for a mix of residential areas that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed commercial/residential uses. The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood with an overall average of residential uses not to exceed 22 dwelling units per acre. The East Mixed Use Neighborhood will be a walkable and tree lined neighborhood

with a variety of housing types that will not exceed densities permitted in the R-5 zone (8.7 units per acre).

The concept plan provides for housing affordable to a range of incomes and will utilize sustainable building designs and green development practices. As noted above, the concept plan provides or allows for a range of housing types and densities, including those that are most likely to be affordable to households or families with lower incomes, including single-family homes on small lots, townhouses, duplexes and multi-family units. The plan also identifies strategies for distributing less expensive housing units among different areas rather than concentrating them all in one place, specifically calling for a variety of densities within the East Mixed Use Neighborhood that move from higher densities to lower densities from north to south across the site.

The adoption of Ordinance 1244B also responded to the identification of a need for residential capacity in the 2009 UGR (Residential) by increasing the residential capacity of the Beavercreek planning area by 36 dwelling units above the level expected at the time the Metro Council added the areas to the UGB.

The City finds this Goal is satisfied.

Goal 11 Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Analysis: This goal applies to urban areas within the city limits of Oregon City and to urbanizable areas within the city's UGB. "Urban Facilities and Services" means appropriate types and levels of, at a minimum, the following: police protection; sanitary sewer facilities; storm drainage facilities; water, planning, zoning and subdivision control; health services; recreation facilities and services; energy and communication services; solid waste; and community governmental services.

Since the BRCP was first adopted, the City has updated a number of its utility master plans. As will be discussed in greater detail below, each of these plans included providing service to BRCP properties at the uses and densities authorized by the BRCP. These plans establish utility services necessary to serve the proposed BRCP area and provide for future utility services without compromising existing customer service. Upon adoption, these various master plans were incorporated as part of the City's Comprehensive Plan and as a result, control future utility extensions throughout the City.

Sanitary Sewer Infrastructure Planning

The BRCP plans for a sanitary sewer system that primarily consists of a gravity sewer collection system with a trunk sewer in Beavercreek Road, a network of trunk sewers within the BRCP area, and a sanitary sewer lift station for a section of the northern half of the concept plan area. The BRCP estimated the total cost of \$4.4 million for capital improvements within the study area and an additional \$2.3 million of programmed capital improvement projects needed to extend the

existing sanitary sewer collection system to the concept plan area. The cost estimates were based on year 2003 dollars.

In October 2014, the City adopted an update to the Oregon City Sanitary Sewer Master Plan (SSMP), an ancillary document to the City's adopted Comprehensive Plan consistent with federal requirements, state statutes, and the Statewide Planning Goals. The SSMP identifies build out capacity concerns, recommends future capital improvements, and develops a capital improvement program (CIP) to meet future needs.

The SSMP also identifies and recommends in more detail the future capital improvements and provides updated estimated costs to serve the BRCP area with respect to sanitary sewer service. Table 5-9, from the SSMP Section 5.2.3.4, identifies the recommended improvements and provides the estimated costs.

Table 5-9. Beaver Creek Road Concept Area, Estimated Improvement Costs				
Description of improvement				Estimated cost of improvements, dollars ^a
Gravity sewer extensions ^b				
8-inch diameter sewers, 14,356 LF				5,050,000
10-inch diameter sewers, 4,317 LF				1,610,000
12-inch diameter sewers, 10,683 LF				4,230,000
15-inch diameter sewers, 4,372 LF				1,930,000
Gravity sewer extension subtotal				12,820,000
Pumping stations and FMs				
Pumping station number	Pumping station capacity, gpm	FM, diameter, inches	FM, length, LF	
BR-1	272	4	2,080	1,390,000
BR-2	217	4	2,333	1,370,000
Pumping station and FM subtotal				2,760,000
Total				15,580,000

^a Estimated costs include a 50 percent allowance for construction contingencies, engineering, and overhead. Costs are rounded to the nearest \$10,000. Costs assume an average depth of 10 feet using cost condition 2. See Appendix C for unit cost tables.

^b Pipes sizes shown are based on an assumed minimum slope. Actual slope may permit smaller size pipes. For example, the modeling did not predict the need to upsize the existing City sewer downstream of MH 11144.

The primary potential funding sources that may be expected to fund the future sanitary sewer facilities listed in Table 5-9 to serve BRCP, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district provides developers with a mechanism to be reimbursed by other property owners that benefit from the use of the constructed public improvement.

The future sanitary sewer facilities recommended to serve BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for improvements to serve the Beavercreek Road Apartment-Live-Work development (File SP 14-01). SP 14-01 was not subject to the current 2014 SSMP but the conditions attached to the land use approval require the applicant to pay for a component of the future Beavercreek Road trunk line and connect to the trunk line when it is available.

In summary, the 2014 SSMP documents and SP 14-01 approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

Water Infrastructure Planning

The BRCP plans for a water distribution system that primarily consists of a “backbone” network of water supply pipelines, two pressure zones with two-thirds of the BRCP area being served from the existing water main in Beavercreek Road, being the lower pressure zone, and the remaining one-third of BRCP area being served from future water facilities that include a booster pump station and reservoir, being the higher pressure zone. BRCP estimated the total cost of \$5.4 million for the “backbone” network capital improvements within the study area, and an additional \$6.9 million of programmed capital improvement projects needed to extend the existing water distribution system to the concept plan area. The cost estimates were based on year 2003 dollars.

In January 2012, the City adopted an update to the Oregon City Water Distribution System Master Plan (WMP), an ancillary document to the City’s adopted Comprehensive Plan consistent with federal requirements, state statutes, and the Statewide Planning Goals. The WMP analyzes future water demands and develops a capital improvement program (CIP) to meet these future needs.

The WMP also recommends in more detail the future capital improvements and provides updated estimated costs based on year 2009 dollars for specific improvements, including the water storage reservoir, transmission and distribution pipelines to serve the BRCP area. The future reservoir is recommended to serve both the future BRCP higher pressure zone and the existing Fairway Downs pressure zone that currently has no water storage facilities and with this improvement will be enhanced by increasing the reliability and improving water service.

The WMP includes updated estimated costs for future water facilities recommended to increase the storage capacity of the higher pressure zone, provide a transmission main from the future reservoir to BRCP distribution system, and expand the “backbone” network of water pipelines within the BRCP area. Specifically the WMP project numbers F-CIP-4, F-CIP-5, and F-CIP-14, include the two million gallon reservoir and transmission pipeline with an estimated total cost of \$5.7 million, and various “backbone” network pipelines within the BRCP area with an estimated total cost of \$2.6 million.

The primary potential funding sources that may be expected to fund the future water facilities, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.
2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district provides developers with a mechanism to be reimbursed by other property owners that benefit from the use of the constructed public improvement.

The future water facilities recommended to serve future BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for improvements to serve the Beaver Creek Road Apartment-Live-Work development (File SP 14-01). SP 14-01 was subject to conditions to construct water facility improvements that included a waterline extension in Beaver Creek Road, and this improvement is identified in the WMP as part of the future distribution system for the higher pressure zone.

In summary, the 2012 WMP documents and SP 14-01 approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

Stormwater Management Infrastructure Planning

The BRCP plans for a stormwater management system that primarily consists of low-impact development (LID) practices that mimic natural hydrologic processes and minimize impacts to existing natural resources. A three tier stormwater management system has been created that is focused on managing stormwater in a naturalistic manner at three separate scales: site, street and neighborhood/regional. Tier 1 being site specific stormwater management facilities utilizing on-site best management practices (BMPs), Tier 2 green street stormwater management facilities such as vegetated swales and rain gardens adjacent to streets, and Tier 3 regional stormwater management facilities such as regional detention ponds. BRCP estimated the total cost between \$15 million to \$23 million for stormwater management improvements to serve the concept plan area.

In August 2015, the City adopted Public Works stormwater design standards, to be incorporated as part of the City's drainage master plan. The new design standards are consistent with federal and state regulations for water quality and quantity control, and provide BMPs for LID that mimics natural hydrologic processes and minimize impacts to existing natural resources. BRCP embraces the application of LID and these new standards will guarantee compliance.

The primary potential funding sources that may be expected to fund the future stormwater management facilities, include:

1. System Development Charges (SDCs) - Developers pay these charges up front to the City based on the proposed impact of the new development on the existing infrastructure.

2. Developer funded improvements –Developers are required to construct an appropriate level of public utility improvements within their proposed development and along all street frontages adjacent to their property, including off-site improvements as may be needed to serve the development.
3. Reimbursement District: A developer may finance and construct a public improvement that has the capacity to serve more than their development. The reimbursement district provides developers with a mechanism to be reimbursed by other property owners that benefit from the use of the constructed public improvement.

The stormwater management facilities' strategy to serve BRCP developments shall be paid for in a way that does not financially burden or adversely affect existing public facilities and services in other parts of the City.

In 2014, the City issued a Type II Land Use Decision with conditions for stormwater improvements to serve the Beaver Creek Road Apartment-Live-Work development (SP 14-01). Although this site plan and design review application was submitted prior to adoption of the City adopted Public Works stormwater design standards, SP 14-01 was subject to conditions to construct storm facility improvements using an approved LID method prior to discharge to the public system consistent with the low impact development standards contemplated in the BRCP.

In summary, the 2015 stormwater design documents and development approval consistently support sustainable development that will not financially burden existing rate payers or adversely affect the existing sanitary sewer system.

The City finds this Goal is satisfied.

Police and Fire Protection Planning

Oregon City Police Department (OCPD) has indicated their ability to serve the concept plan area. The concept plan area is already within Clackamas Fire District #1 (CFD#1). Clackamas Fire District #1 has indicated their ability to serve the concept plan area.

Letters from OCPD and CFD#1 are attached.

Solid Waste Planning

The city regulates solid waste management to pursuant to ORS 459.200 and City Code 8.20 and the city has authority and obligation to franchise the provisions of service and solid waste management within the city. The franchise to provide solid waste service within the city limits of the city is granted to Oregon City Garbage Co., Inc.

Additionally, the city has an adopted set of Refuse and Recycling Standards for Non Single-Family or Duplex Uses. The purpose of these requirements is to promote:

- A. Efficient, safe and convenient location of refuse and recycling areas.

- B. Efficient, safe and convenient on-site maneuvering of collection vehicles, equipment and personnel for servicing solid waste and recycling areas; and
- C. Compliance with the Regional Solid Waste Management Plan, OCMC Chapter 8.20 Solid Waste Collection and Disposal, and the Oregon Revised Statutes (ORS) Chapter 459.

Compliance with these standards may be demonstrated without having to go through a formal land use (site plan and design review) process, provided the application meets the standards

The City finds this Goal is satisfied.

Goal 12 Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Analysis: The original analysis of the Beavercreek Concept Plan area focused on addressing the transportation needs using a horizon year of 2027. The analysis of transportation needs for the City and the concept plan area were updated during the development of the Transportation System Plan (TSP) and its adoption in August 2013. The TSP uses a planning horizon of 2035. The TSP and its analysis supersede that undertaken for the concept plan; the TSP is based on newer information relating to population and employment and uses new mobility standards consistent with Metro's Regional Transportation Plan. The TSP also uses updated policies to meet the travel needs of the residents and employees in the City. These include an increased emphasis on non-single occupancy automobile use, increased emphasis on multi-modal solutions and multi-modal transportation facilities.

As described in the TSP, Oregon City is currently home to over 13,000 households and accounts for over 14,500 jobs. Between 2013 and 2035, household growth is expected to increase nearly 2.4 percent a year, slightly outpacing the rate of employment growth over the same period (2.3 percent). The City is expected to be home to over 23,000 jobs and almost 21,000 households by 2035, a 58 and 61 percent increase respectively from 2010. With more people and more jobs in Oregon City, the transportation network will face increased demands.

The transportation impacts of the proposed residential development and employment in the Beavercreek concept plan area analyzed during the development of the Beavercreek Concept Plan and were described in the May 9, 2007 Kittelson & Associates transportation memorandum "Future Conditions Analysis" and in August 12, 2008 Kittelson & Associates transportation memorandum "Updated Future Traffic Conditions Analysis." These memoranda included an analysis of 2027 transportation needs and identified transportation improvements to satisfy the transportation demands in the south part of Oregon City.

Development of the Beavercreek concept plan area was also accounted for in the transportation forecasts and analysis undertaken for the TSP. Unlike the 2007 analysis by Kittelson & Associates, the analysis undertaken for the TSP was for the entire city. The planning horizon year for the TSP was 2035, rather than 2027 as used for the Beavercreek Concept Plan. Forecasts of future travel for the TSP were conducted using Metro's regional travel demand model. Key inputs to the model include population and employment by area. Assumptions for TSP included

substantial residential development and employment throughout Oregon City, including the Beavercreek concept plan area.

Solutions for the transportation network identified in the concept plan (e.g. Concept Plan, Figure 14 – Circulation Framework) mirror the network specified in the TSP (e.g. TSP, Figure 17 – Planned Street Extensions). Furthermore, the TSP emphasizes the multi-modal aspects of the street system within the concept plan area by identifying this network in TSP Figure 19 – Walking Solutions; TSP Figure 20 – Biking Solutions; and Figure 21 – Shared Walking and Biking Solutions.

Beyond the general street network cited in the figures referenced in the paragraph above, the TSP provides an additional level of specificity by identifying individual projects in “Table 2: Likely to be Funded Transportation System.” The following table is an extracted portion of “Table 2: Likely to be Funded Transportation System” that lists the TSP projects within or adjacent to the concept plan area.

Extracted from TSP Table 2: Likely to Be Funded Transportation System

Project #	Project Description	Project Extent	Project Elements	Priority
D47	Meyers Road East extension	Beavercreek Road to the Meadow Lane Extension	Extend Meyers Road from Beavercreek Road to the Meadow Lane Extension as an Industrial Minor Arterial. Between the Holly Lane and Meadow Lane extensions, add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S19. Modify the existing traffic signal at Beavercreek Road	Medium-term
D54	Clairmont Drive extension	Beavercreek Road to Holly Lane South Extension	Extend Clairmont Drive from Beavercreek Road to the Holly Lane South extension as an Industrial Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S17.	Long-term
D55	Glen Oak Road extension	Beavercreek Road to the Meadow Lane Extension	Extend Glen Oak Road from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Install a roundabout at Beavercreek Road (per project D39)	Long-term
D56	Timbersky Way extension	Beavercreek Road to the Meadow Lane Extension	Extend Timbersky Way from Beavercreek Road to the Meadow Lane Extension as a Residential Collector. Add a sidewalk and bike lane to the south side of the street, with a shared-use path to be added on north side per project S20.	Long-term
D57	Holly Lane South extension *	Maple Lane Road to Thayer Road	Extend Holly Lane from Maple Lane Road to Thayer Road as a Residential Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S14. Install a roundabout at Maple Lane Road (per project D37).	Medium-term
D58	Holly Lane South extension *	Thayer Road to Meyers Road	Extend Holly Lane from Thayer Road to the Meyers Road extension as an Industrial Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S15.	Medium-term
D59	Holly Lane South extension *	Meyers Road to the Meadow Lane Extension	Extend Holly Lane from the Meyers Road extension to the Meadow Lane Extension as a Mixed-Use Collector. Add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S16.	Long-term
D60	Meadow Lane extension **	Meadow Lane to Meyers Road	Extend Meadow Lane to the Meyers Road Extension as a Mixed-Use Collector. Between Old Acres Lane and the Glen Oak Road extension, add a sidewalk and bike lane to the west side of the street, with a shared-use path to be added on east side per project S21.	Long-term
D61	Meadow Lane extension **	Meyers Road to UGB (north of Loder Road)	Extend Meadow Lane from the Meyers Road Extension to the UGB (north of Loder Road) as an Industrial Collector	Medium-term
D81	Beavercreek Road Upgrade	Clairmont Drive (CCC Entrance) to Meyers Road	Improve to Industrial Major Arterial cross-section	Medium-term
D82	Beavercreek Road Upgrade	Meyers Road to UGB	Improve to Residential Major Arterial cross-section	Long-term

*Note: Holly Lane extension is referred to as the Center Parkway in the BRCP.

** Note: Meadow Lane Extension is referred to as the Ridge Parkway in the BRCP.

The Loder Road improvements identified in the BRCP are listed on the “Not Likely to be Funded list in the TSP as Project #D85, *Loder Road Upgrade, Beaver Creek Road to UGB*. It is expected that new development would fund the entire cost of this improvement.

Alternative modes of transportation are also key strategies to meeting the transportation needs of the City, its residents and employees. The TSP sets a non-single occupancy vehicle mode share target to help meet transportation demand management (TDM) goals, specifically reducing reliance on the single occupancy vehicle. As specified in the TSP, Oregon City’s non-SOV mode shares (outside of the Oregon City Regional Center) are expected to be above the TSP objective of 40 to 45 percent with an estimated non-SOV mode share of 47 percent in 2005 and 48 percent in 2035. The non-SOV mode share in the Oregon City Regional Center is expected to remain steady through 2035, at around 42 percent, slightly below the TSP objective of 45 to 50 percent.

The combination of policies and investments related to walking, biking and transit are expected to help the City work towards tripling the walking, biking and transit mode share between 2010 and 2035.

The TSP also recognizes the limitations brought about by the limited availability of funding. Despite the investments to the transportation system, the TSP predicts operating conditions at a few intersections (including the OR 99E/I-205 Northbound, OR 99E/I-205 Southbound, OR 213/Beaver Creek Road, and I-205/OR 213 intersections) will be over the operating standard by 2035. For purposes of evaluating the impact of proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 99E/I-205 SB Ramps, OR 99E/I-205 NB Ramps, OR 213/ Beaver Creek Road, and I-205/OR 213 intersections shall be exempt from meeting the state mobility targets until solutions (beyond those included in the TSP) or alternative mobility targets are explored for the intersections.

The temporary exemption from the mobility standards for the three intersections identified in the preceding paragraph (and in the OCMC) applies only to development that is permitted, either conditionally, outright, or through detailed development master plan approval. OCMC 12.04.205(D). For the Beaver Creek concept area, no development will be allowed that produces a greater traffic impact than permitted under existing zoning until alternative mobility targets are adopted. In other words, no significant development beyond what is allowed under current zoning will be permitted until alternative mobility targets are adopted.

Development that has occurred in the south part of Oregon City since the development of the Beaver Creek Concept Plan has been consistent with the TSP and OCMC 12.04.205(D). For example, the approval for the Oregon City School District to construct a transportation and maintenance facility adjacent to Meyers Road and High School Avenue is allowable under the current zoning and the traffic impacts of the facility are similar to a typical medium industrial land use as assumed in the TSP. Another example of a recent development is the Beaver Creek Road Apartments-Live-Work development on the east side of Beaver Creek Road near Meyers Road. This development was also approved under applicable zoning and is consistent with the assumptions of residential and employment increases specified in both the Beaver Creek Concept Plan and the TSP.

Adoption of the BRCP is subject to Oregon’s Transportation Planning Rule (OAR 660-012-0060). To meet the requirements of this regulation, needed improvements and funding

mechanisms were identified that will mitigate impacts of development. The improvements needed to mitigate for the development in the Beavercreek concept plan area were identified in the Concept Plan. Improvements needed for entire Oregon City planning area are identified in the TSP. The TSP shows that the mobility standards prescribed by the TSP will be met except as noted above.

In addition to identifying projects needed to mitigate for the transportation impacts of development, the TSP (Section H) includes a discussion of current transportation funding sources and other potential sources. The existing sources identified in the TSP include the Street Fund, Street System Development Charge (SDC) Fund and Transportation Utility Fee Fund. Potential sources discussed in the TSP include general city revenues, local fuel tax, urban renewal districts, local improvement districts, and debt financing. The proposed transportation infrastructure improvements, financing and funding estimates, identified in the concept plan and as supplemented by the Transportation System Plan provide an adequate basis to demonstrate compliance with the Transportation Planning Rule.

Implementation strategies and financing tools for the needed transportation improvements have been identified at the TSP level and will be further refined during Capital Improvement Plan updates.

The City finds this Goal is satisfied.

Goal 13 Energy Conservation

To conserve energy.

Analysis: One of the adopted goals of the concept plan is that the area will be a model of sustainable design, development practices, planning and innovative thinking. The plan assumes that sustainable practices will be a combination of private initiatives (LEED certification), public requirements (green streets) and public-private partnerships. The Commission recommends that the City use incentives, education and policy support as much as possible for promoting sustainability in the study area. Some initiatives will require mandates, but at the end of the day, it is up to the private sector to invest in sustainable development. The Beavercreek Road site's legacy as a model of sustainable design will depend on the built projects that are successful in the marketplace and help generate the type of reputation that the community desires and deserves. The concept plan identifies sustainability design strategies that address energy efficiency, water conservation, compact development, mixed use, solar orientation, green streets/infrastructure, alternative transportation options, pedestrian and cyclist system, use of the natural systems and minimizing impervious surfaces.

The City finds this Goal is satisfied.

Goal 14 Urbanization

To provide for an orderly and efficient transition from rural to urban land use.

Analysis: This goal essentially defines the purpose of the concept plan. Oregon City's Urban Growth Boundary was expanded in 2002 and 2004 through Metro's regional review process to include more industrial land. This was the result of a demonstrated need for additional land to accommodate the deficiency in available, vacant industrial lands. The revised element of the updated plan calls for implementing Metro's "concept plan" requirements under Title 11 of the Functional Plan that will result in subarea planning of new areas added to the UGB. The concept plan establishes policies to convert rural to urban land within the UGB while monitoring the supply of land to ensure its adequacy to accommodate growth. Oregon City coordinates with Clackamas County through an intergovernmental agreement that guides land uses and extension of public services in the unincorporated UGB. In addition, the transportation, parks, trails, water, and sewer master plans address orderly extension of services to accommodate growth.

The City finds this Goal is satisfied.

C. Compliance with Metro Title 4.

The findings below are intended to show compliance with the current Metro-adopted Employment and Industrial Areas Map. The northern portion of the concept plan area, known as the North Employment Campus (NEC) in the concept plan, is considered an "Industrial area" on the Metro Title 4 map, as opposed to a "Regionally significant industrial area" such as the area along the OR 212 / 224 Corridor in Clackamas County, or an "Employment area", such as existing zoned land within the city of Clackamas Community College and the commercially and industrially zoned lands adjacent to it between Beaver Creek Road and OR 213. Therefore, findings for compliance with Metro Title 4 are specifically provided for section 3.07.430 *Protection of Industrial Areas*.

TITLE 4: INDUSTRIAL AND OTHER EMPLOYMENT AREAS

3.07.410 Purpose and Intent

The Regional Framework Plan calls for a strong regional economy. To improve the economy, Title 4 seeks to provide and protect a supply of sites for employment by limiting the types and scale of non-industrial uses in Regionally Significant Industrial Areas (RSIAs), Industrial and Employment Areas. Title 4 also seeks to provide the benefits of "clustering" to those industries that operate more productively and efficiently in proximity to one another than in dispersed locations. Title 4 further seeks to protect the capacity and efficiency of the region's transportation system for the movement of goods and services and to encourage the location of other types of employment in Centers, Corridors, Main Streets and Station Communities. The Metro Council will evaluate the effectiveness of Title 4 in achieving these purposes as part of its periodic analysis of the capacity of the urban growth boundary.

Analysis: The Commission notes that a key issue for the CAC/TAC was determining how much employment land was needed, what type and where. The Oregon City Comprehensive Plan requires that a majority of the lands be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the City's employment goals. The EcoNorthwest market analysis identified the advantages and disadvantages of industrial development within the study area and concluded that under the right conditions it is not

unreasonable to expect 150 acres of industrial and business park development to build out on the site over a 20-year period.

Metro brought 245 gross acres in the UGB in 2002 and 2004 to fulfill regional industrial employment needs. These areas (308 gross acres including those already within the UGB) are designated as the Industrial Design Type on Metro's 2040 Growth Concept Map. As noted above, Metro estimated 120 net acres of the concept plan area would be used for employment uses and indicated that it was important to fulfill the original intent for providing industrial lands and that there was flexibility for the local process to evaluate creative ways to meet the intent.

Metro's adoption of Ord. 1244B updated the EcoNorthwest analysis, concluding that the proposed plan provides an adequate amount of Title 4 employment land within the UGB, through 2029. Reflecting changes in employment needs and demands between the Metro 2002 Urban Growth Report (UGR) –Employment, and the 2009 UGR - Employment, Metro's 2009 assessment found there is adequate capacity inside the current UGB to accommodate the next 20 years of general employment and general industrial job growth even at the high end of the employment forecast range. The subsequently adopted change to the Title 4 Employment and Industrial Areas map conformed the map to the updated information about employment needs in the 2009 UGR (Employment). According to this map, which is consistent with the hybrid plan, the 151 gross acres on the revised map will supply approximately 121 net acres of employment land.

The CAC created several alternatives and finally chose a hybrid within the industrial designated area that included about 127 net acres of North Employment Campus, which is consistent with Metro's intent and similar to Oregon City's existing Campus Industrial designation, and about 29 acres of Mixed Employment Village and Main Street, which allows a variety of uses in a village-oriented transit hub and mixed use neighborhoods to the south that also provide jobs tailored to the neighborhood setting.

The North Employment Campus is to provide for the needed family wage employment that strengthens and diversifies the economy and will be compliant with Metro's Title 4 regulations. The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters. The uses permitted are intended to improve the region's economic climate, promote sustainable and traded sector businesses, and protect the supply of site for employment by limiting incompatible uses.

Proposed policy 1.3 identifies the need to support the attraction of family wage jobs and connections with Clackamas Community College within the North Employment Campus, Policy 1.4 identifies the need to promote job creation, mixed use and transit oriented development within the Mixed Employment Village and Main Street, and recommends the adoption of minimum density requirements, limitations on stand-alone residential and other standards that implement the policy. Goal 3 – Green Jobs, includes policies recommending coordination with other local, county and state economic development agencies to recruit green industries and promote green development practices.

The concept plan provides land for an identified need within the region and state, and provides for a mix of other uses that will contribute to the economic welfare of the city, state and the citizens.

The City finds this requirement is satisfied.

3.07.430 Protection of Industrial Areas

A. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for retail commercial uses—such as stores and restaurants—and retail and professional services that cater to daily customers—such as financial, insurance, real estate, legal, medical and dental offices—in order to ensure that they serve primarily the needs of workers in the area. One such measure shall be that new buildings for stores, branches, agencies or other outlets for these retail uses and services shall not occupy more than 5,000 square feet of sales or service area in a single outlet, or multiple outlets that occupy more than 20,000 square feet of sales or service area in a single building or in multiple buildings that are part of the same development project, with the following exceptions:

1. Within the boundaries of a public use airport subject to a facilities master plan, customary airport uses, uses that are accessory to the travel-related and freight movement activities of airports, hospitality uses, and retail uses appropriate to serve the needs of the traveling public; and

2. Training facilities whose primary purpose is to provide training to meet industrial needs.

Analysis: Please also see findings under city comprehensive plan Policy 2.6.3. The zoning of the property in the North Employment Campus will be the same as or similar to the current CI – Campus Industrial zone. Any commercial uses within the northern employment campus would be limited to some upper limit, similar to the CI zone, which limits the square footage for retail and commercial office use in accordance with the Metro requirement:

L. Retail sales and services, including eating establishments for employees (i.e. a cafe or sandwich shop), located in a single building or in multiple buildings that are part of the same development shall be limited to a maximum of twenty thousand square feet or five percent of the building square footage, whichever is less, and the retail sales and services shall not occupy more than ten percent of the net developable portion of all contiguous industrial lands;

M. Financial, insurance, real estate, or other professional offices, as an accessory use to a permitted use, located in the same building as the permitted use and limited to ten percent of the total floor area of the development. Financial institutions shall primarily serve the needs of businesses and employees within the development, and drive-through features are prohibited;

Taken together, these requirements will protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses.

The City finds this requirement is satisfied.

B. Cities and counties shall review their land use regulations and revise them, if necessary, to include measures to limit new buildings for the uses described in subsection A to ensure that they do not interfere with the efficient movement of freight along Main Roadway Routes and Roadway Connectors shown on the Regional Freight Network Map in the RTP. Such measures may include, but are not limited to, restrictions on access to freight routes and connectors, siting limitations and traffic thresholds. This subsection does not require cities and counties to include such measures to limit new other buildings or uses.

Analysis: RTP freight routes were analyzed with the adoption of the TSP in 2014. Within the concept plan area, Beaver Creek Road, Loder Road, Meyers Road extension and Ridge Parkway extension are indicated as local truck routes. Beaver Creek Road is designated as a Roadway Connector on the RTP. The planned street network for the area is designed to limit new connections to Beaver Creek Road, preserve the roadway capacity, and provide a secondary collector street network to serve the buildout of the area. As new development is reviewed for compliance with the TSP and the city's street standards, the form and design of the land uses abutting these roads will also be reviewed.

The City finds this requirement is satisfied.

C. No city or county shall amend its land use regulations that apply to lands shown as Industrial Area on the Employment and Industrial Areas Map to authorize uses described in subsection A of this section that were not authorized prior to July 1, 2004.

Analysis: No such authorization will occur with adoption of the BRCP, and none is anticipated.

The City finds this requirement is satisfied.

D. Cities and counties may allow division of lots or parcels into smaller lots or parcels as follows:

1. Lots or parcels smaller than 50 acres may be divided into any number of smaller lots or parcels.

2. Lots or parcels 50 acres or larger may be divided into smaller lots and parcels pursuant to a master plan approved by the city or county so long as the resulting division yields at least one lot or parcel of at least 50 acres in size.

3. Lots or parcels 50 acres or larger, including those created pursuant to paragraph (2) of this subsection, may be divided into any number of smaller lots or parcels pursuant to a master plan approved by the city or county so long as at least 40 percent of the area of the lot or parcel has been developed with industrial uses or uses accessory to industrial use, and no portion has been developed, or is proposed to be developed with uses described in subsection A of this section.

4. Notwithstanding paragraphs 2 and 3 of this subsection, any lot or parcel may be divided into smaller lots or parcels or made subject to rights-of-way for the following purposes:

a. To provide public facilities and services;

b. To separate a portion of a lot or parcel in order to protect a natural resource, to provide a public amenity, or to implement a remediation plan for a site identified by the Oregon Department of Environmental Quality pursuant to ORS 465.225;

To separate a portion of a lot or parcel containing a nonconforming use from the remainder of the lot or parcel in order to render the remainder more practical for a permitted use; or

d. To allow the creation of a lot solely for financing purposes when the created lot is part of a master planned development.

Analysis: No land division is proposed with the adoption of the BRCP. Land division for any parcels larger than 50 acres within the North Employment Campus would typically occur through a master plan process to assure compliance with this requirement. There is only one such parcel on the north side of Loder Road and it is physically bisected by Trimble Creek, a Goal 5 resource area.

The City finds this requirement is satisfied.

E. Notwithstanding subsection B of this section, a city or county may allow the lawful use of any building, structure or land at the time of enactment of an ordinance adopted pursuant to this section to continue and to expand to add up to 20 percent more floorspace and 10 percent more land area.

Analysis: Compliance with this requirement would be considered if development is proposed within the Industrial area portion of the BRCP following adoption.

The City finds this requirement is satisfied.

D. Compliance with Metro Title 11.

The plan is required to show compliance with the current version of Metro Title 11.

3.07.1105 Purpose and Intent

The Regional Framework Plan calls for long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. It is the purpose of Title 11 to guide such long-range planning for urban reserves and areas added to the UGB. It is also the purpose of Title 11 to provide interim protection for areas added to the UGB until city or county amendments to land use regulations to allow urbanization become applicable to the areas.

Analysis: The adoption of the BRCP achieves the purpose and intent of Metro Title 11. Detailed findings are provided below.

3.07.1120 Planning for Areas Added to the UGB

A. The county or city responsible for comprehensive planning of an area, as specified by the intergovernmental agreement adopted pursuant to section 3.07.1110C(7) or the ordinance that added the area to the UGB, shall adopt comprehensive plan provisions and land use regulations for the area to address the requirements of subsection C by the date specified by the ordinance or by section 3.07.1455B(4) of this chapter.

Analysis: The Intergovernmental Agreement with Metro to complete the concept plan for Beavercreek Road was signed by Metro Council in 2007. The City fulfilled all of the designated Milestones specified in the IGA and was fully reimbursed by Metro for the planning work following the City Commission's initial adoption of the concept plan in September 2008. The City's decision was appealed to the Land Use Board of Appeals (LUBA). LUBA remanded the Concept Plan, finding that the plan was not consistent with the Metro 2040 Growth Concept Map. Oregon City and Metro staff worked to amend the 2040 Growth Concept Map and address the reason for remand, which was adopted by the Metro Commission early in 2011. The City requested a 3-year extension of the compliance deadline which was granted by Metro in May, 2011. Due to further legal challenges to the Metro UGB, re-adoption of the plan by the City could not practicably occur until 2015.

Once the City Commission has adopted the revised findings and all appeal timelines have expired, the City will prepare a scope of work to prepare and adopt the implementation measures (zoning and development code amendments) for the Beavercreek Road Concept Plan. It is expected that the preparation and adoption process for the implementation measures will be included in the 2016 Community Development Department work plan and budget.

The City finds this requirement is satisfied.

B. If the concept plan developed for the area pursuant to section 3.07.1110 assigns planning responsibility to more than one city or county, the responsible local governments shall provide for concurrent consideration and adoption of proposed comprehensive plan provisions unless the ordinance adding the area to the UGB provides otherwise.

Analysis: Oregon City is solely responsible for adoption of the Beaver Creek Road Concept Plan.

The City finds this requirement is satisfied.

C. Comprehensive plan provisions for the area shall include:

1. Specific plan designation boundaries derived from and generally consistent with the boundaries of design type designations assigned by the Metro Council in the ordinance adding the area to the UGB;

Analysis: The revised Industrial and Other Employment Areas map adopted by Metro in 2010 by Ordinance 10-1244B, Exhibit D is consistent with the North Employment Campus (NEC) plan area on the BRCP. The remaining plan areas – the Mixed Employment Village, Main Street, and West and East Mixed Use Neighborhoods, are consistent with the Metro Outer Neighborhoods design type designation.

The City finds this requirement is satisfied.

2. Provision for annexation to a city and to any necessary service districts prior to, or simultaneously with, application of city land use regulations intended to comply with this subsection;

Analysis: The City's Comprehensive Plan and Code establishes a framework of policies and implementing ordinances before annexation can take place and urban-level development can occur.

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in Chapter 14 of the City of Oregon City Municipal Code.

Annexation to the City of Oregon City is required as a condition of extension of city services properties within the Urban Growth Boundary, including sewer, water, and stormwater utilities.

As a general policy the city does not extend services to properties outside the city limit. In situations where the timing of extension of a particular city service may not be practicable until a greater level of urbanization occurs, such as sewer connections farther than 300' from city sewer, exceptions may be made in accordance with law or based on intergovernmental agreements.

Concept plans are an important tool that identifies where and when areas might be considered for annexation in order to control the expansion of the city limits and services to help avoid conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of the Comprehensive Plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

The City finds this requirement is satisfied.

3. Provisions that ensure zoned capacity for the number and types of housing units, if any, specified by the Metro Council pursuant to section 3.07.1455B(2) of this chapter;

Analysis: The concept plan recommends and provides for a mix of residential areas that allow and/or require different densities and housing types, including low, medium and high densities, single-family homes on a range of lot sizes, townhouses, duplexes, multi-family units and mixed commercial/residential uses. Accessory dwelling units are allowed in all single-family residential zones, per the Oregon City Municipal Code, subject to special development and occupancy standards. Manufactured homes are permitted in any zone where single-family detached housing units are permitted. Proposed policy 1.6 indicates that within the West and East Mixed Use Neighborhoods, a variety of housing types will be required and that lot size averaging and other techniques that help create housing variety while maintaining overall average density should be allowed. Requiring a mix of housing types and requiring a minimum and maximum density, rather than a minimum and maximum lot size, will allow a wide variety of housing units to be created, meeting the intent of this section.

The West Mixed Use Neighborhood will be a walkable, transit-oriented neighborhood with an overall average or residential uses not to exceed 22 dwelling units per acre. The East Mixed Use Neighborhood will be a walkable and tree lined neighborhood with a variety of housing types that will not exceed densities permitted in the R-5 zone (8.7 units per acre). Based on the proposed densities, the BRCP has an estimated capacity of approximately 1,000 dwellings, which is approximately 10.3 dwellings per net developable residential-designated acre. These residential densities do not apply to lands designated for industrial and employment use where residential uses are not permitted.

The City finds this requirement is satisfied.

4. Provision for affordable housing consistent with Title 7 of this chapter if the comprehensive plan authorizes housing in any part of the area.

Analysis: According to the 2000 census, the median household income in Oregon City was \$45,531. The 2013 median household income (2010 inflation adjusted) was \$60,223. Affordable housing is typically defined as housing that does not cost more than 30% of a household's income. In addition, very low income households are typically defined as those earning less than 30% of median household income; low-income households as those earning less than 50% of median household income; and moderate income households are those making between 50% and 80% of median income. Typically, the types of housing most affordable to people with low and moderate incomes are single-family homes on small lots, attached single-family homes, duplexes and multi-family housing, and accessory dwelling units. These types of housing types are expected to account for 390 to 480 units, providing affordable housing opportunities within the concept plan area. As stated above, requiring a variety of housing types will create opportunities for affordable housing within the proposed neighborhoods.

The City finds this requirement is satisfied.

5. Provision for the amount of land and improvements needed, if any, for public school facilities sufficient to serve the area added to the UGB in coordination with affected school districts. This requirement includes consideration of any school facility plan prepared in accordance with ORS 195.110;

Analysis: The concept plan has not identified any new school sites within the study area. The Oregon City School District High School is located directly across Beavercreek Road from the study area and the district owns a vacant parcel of land directly south of the study area that could be used as a future school facility. The Oregon City School District provided a representative that was a member of the Citizen Advisory Committee. No need for additional lands identified as a result of the implementation of the concept plan was identified.

Oregon City School District owns property adjacent to the Beavercreek Road Concept Plan and believes this is probably adequate for the near term. The District has some current capacity at the elementary school K-5 level and high school 9-12 level. The District is near capacity at the middle school 6-8 level.

According to the School District, even with existing school property adjacent to the Beavercreek Road Concept Plan, public financing support will be required to develop the additional capacity in the future. The District is embarking on a long-range facilities planning process to study existing and future capital needs.

The City finds this requirement is satisfied.

6. Provision for the amount of land and improvements needed, if any, for public park facilities sufficient to serve the area added to the UGB in coordination with affected park providers.

Analysis: The Beavercreek Road Open Space Framework plan provides a network of green spaces that are intended to provide a system of connected parks, opens spaces and natural areas, provide access to nature, preserve existing natural resources and provide green spaces near the system of trails and pedestrian connections. The power line corridors comprise approximately 52 acres of land north of Loder Road and have been utilized to provide publicly accessible opens space, trails and links to the broader open space network. The City's Parks and Recreation Master Plan requires between 6 and 10 acres of parkland per 1,000 population. The extent and location of the park is conceptual, flexible and the costs associated with acquisition and development may need to be determined through more detailed Master Planning processes, similar to the Glen Oak Road park site and the Hazel Grove parks site master planning that was conducted in 2014. Existing parks SDCs do not reflect the cost of providing parks in this area, and they may need to be updated to account for the amount of parks acreage envisioned in the concept plan. A park is proposed to extend through the central and southern areas of the BRCP. The location and linearity of the park was first indicated by Metro's Goal 5 mapping. This open space feature is intended as a continuous green space that links the districts and neighborhoods south of Loder Road.

The City finds this requirement is satisfied.

7. A conceptual street plan that identifies internal street connections and connections to adjacent urban areas to improve local access and improve the integrity of the regional street system. For areas that allow residential or mixed-use development, the plan shall meet the standards for street connections in the Regional Transportation Functional Plan;

Analysis: See also findings under Goal 12 earlier in this report. The BRCP provides for a mixed use community that provides viable options for internal trip making (i.e. many daily needs provided on-site), transit use, maximized walking and biking, and re-routed trips within the Oregon City area. Beaver Creek Road will be improved as a green boulevard that will be a 5-lane arterial section to Clairmont, then a 3-lane arterial from Clairmont to the UGB. The internal street system will provide logical, but limited access to Beaver Creek Road, by connecting to existing streets on the west side of Beaver Creek Road and requiring that an internal street/alley system be utilized, eliminating driveway cuts on Beaver Creek Road and maximizing its available capacity. The plan identifies an internal north-south connection from Old Acres Lane to Thayer Road that will reduce the need to access Beaver Creek Road for daily trips within the area and an extensive pedestrian and bicycle circulation system connecting the residential, commercial and industrial areas together and extends to existing and proposed transportation systems adjacent to the study area. The plan identifies appropriate green street options to be implemented, and expanded on, as development occurs, including: vegetated swales, planter islands, curb extensions, and porous pavement.

Goal 6 of the BRCP recommends providing multi-modal transportation links connected within the site as well as to the surrounding areas and includes policies recommending that land use reviews support bus service by ensuring a mix of land uses, densities and design options that support public transportation and other alternative transportation methods, ensure that local connectivity and off-street pedestrian routes link together in a highly connected pedestrian system that is safe, direct, convenient and attractive and improve pedestrian and bicycle safety along Beaver Creek Road. The concept plan process has identified and prepared the construction cost estimates for the planned transportation improvements and a detailed list of financing options has been created.

The City finds this requirement is satisfied.

8. Provision for the financing of local and state public facilities and services; and

Analysis: The plan includes adequate consideration of public facilities cost estimates and financing approaches.

The plan provides a thorough explanation of the existing conditions pertaining to this analysis and provides recommendations and preliminary cost estimates for improvements that will be necessary in order for the concept plan to be carried out. Since the BRCP was initially adopted in 2008, three public facilities plans were amended to include the concept plan area. These plan updates include cost estimates which have subsequently been updated in the city's public infrastructure and transportation planning as follows:

Transportation System Plan (2013)

Sewer Master Plan (2014)

Water Master Plan (2010)

Stormwater and Erosion Control Manual and Design Standards (2015)

Parks and recreation system development charges may need to be analyzed to reflect the type of dwelling unit to be constructed and the number of employees associated with non-residential uses in the area. SDCs could be utilized to acquire open space, natural resource and natural hazard areas that are part of the larger open space framework plan. Four other primary funding sources have been identified, including: Urban Renewal/Tax Increment Financing; Local Improvement Districts; Bonds; and Developer Funded Improvements. The plan also calls for creating the Environmentally Sensitive Resource Area to protect, conserve and enhance identified natural by applying a low-density base zoning that allows property owners to cluster density outside the ESRA and transfer to more appropriate sites.

Planning, funding and cost estimates for the transportation system plan (TSP) consistent with the Regional Transportation Plan (RTP) were adopted in early 2014 and are described in more detail under section 7 above.

The City finds this requirement is satisfied.

9. A strategy for protection of the capacity and function of state highway interchanges, including existing and planned interchanges and planned improvements to interchanges.

Analysis: The Statewide Planning Goal 12 analysis provided earlier in this report discusses in detail the City's Transportation System Plan and consistency with the Metro RTP, as well as a discussion of mobility challenges for existing state highway interchanges.

The City finds this requirement is satisfied.

D. The county or city responsible for comprehensive planning of an area shall submit to Metro a determination of the residential capacity of any area zoned to allow dwelling units, using the method in section 3.07.120, within 30 days after adoption of new land use regulations for the area.

Analysis: See analysis under provision 3 above relating to zoned capacity.

The City finds this requirement is satisfied.

3.07.1130 Interim Protection of Areas Added to the UGB

Until land use regulations that comply with section 3.07.1120 become applicable to the area, the city or county responsible for planning the area added to the UGB shall not adopt or approve:

A. A land use regulation or zoning map amendment that allows higher residential density in the area than allowed by regulations in effect at the time of addition of the area to the UGB;

B. A land use regulation or zoning map amendment that allows commercial or industrial uses not allowed under regulations in effect at the time of addition of the area to the UGB;

C. A land division or partition that would result in creation of a lot or parcel less than 20 acres in size, except for public facilities and services as defined in section 3.07.1010 of this chapter, or for a new public school;

D. In an area designated by the Metro Council in the ordinance adding the area to the UGB as Regionally Significant Industrial Area:

- 1. A commercial use that is not accessory to industrial uses in the area; and*
- 2. A school, a church, a park or any other institutional or community service use intended to serve people who do not work or reside in the area.*

Analysis: The areas added to the UGB which are subject to this title are zoned County FU-10 which is a holding zone that prevents urbanization prior to concept plan adoption, and does not allow land uses A, B or C described above. None of the lands added to the UGB are considered RSIAs, although they are considered important to the local employment and industrial land capacity of Oregon City.

The City finds this requirement is satisfied.

VI. CONCLUSION

The City finds that Beavercreek Road Concept Plan and appendices meets the requirements of the Statewide Land Use Goals, Metro Title 11, Metro Title 4, as well as the applicable Comprehensive Plan criteria.

DAN HOLLADAY, Mayor

Date

Attested to this ____ day of ____ 20015

KATTIE RIGGS, City Recorder