



City of Oregon City

625 Center Street
Oregon City, OR 97045
503-657-0891

Meeting Agenda - Final-revised Planning Commission

Monday, January 9, 2017

7:00 PM

Commission Chambers

1. Call to Order

2. General Business

2a. 2017 Chair and Vice Chair Elections

Staff: Community Development Director Laura Terway

Attachments: [Commission Report for Election of Chair and Vice Chair](#)
[Chapter 2.24 of the Oregon City Municipal Code - Planning Commission](#)

2b. Recognition of Chair Charles Kidwell for his Years of Public Service on the Planning Commission

Staff: Community Development Director Laura Terway

3. Public Hearing

3a. AN-16-0003: Annexation of Oregon City Golf Course

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[City Attorney Memorandum](#)
[Property Owner's Request to rescind Continuance](#)
[Property Owner's Response to Oct 24 PC Concerns](#)
[Property Owner's Corrections to Oct 24 Staff Report for January 9th Hearing](#)
[AN 16-03 Oct 24 Public Notice](#)
[AN 16-03 Vicinity Map](#)

3b. AN-16-0004 / ZC-16-0001: Annexation and Zoning of 35.65 Acres (Request for Continuance)

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[Applicant's Attorney Letter 1.6.2017](#)
[Applicant's Continuance Request 12.29.2016](#)
[AN-16-0004 ZC-16-0001 Notice and Vicinity Map](#)
[ODOT Comments 12.23.2016](#)

4. Legal Training

4a. Legal Training

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[July 26, 2016 Land Use Procedures Memorandum](#)

5. Communications**6. Adjournment**

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.



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Staff Report

File Number: PC 17-004

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3a.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

AN-16-0003: Annexation of Oregon City Golf Course

RECOMMENDED ACTION (Motion):

The property owner has requested to rescind the continuance request. The Planning Commission may decide to grant the request, or else hear from any members of the public present who wish to testify, then continue the public hearing for AN-16-0003 to a date certain.

BACKGROUND:

Please see attached memorandum from the City Attorney, as well as additional new testimony from the property owner.

On October 24th, the Planning Commission heard testimony on the proposed annexation. A number of concerns were raised both in writing and orally by the Planning Commission and members of the public requesting further details about the proposed impacts of the annexation, including more details about projects discussed in adopted public facilities plans, funding, timeliness of the annexation, and several other concerns.

As of December 30th, the applicant had not prepared any written response to these issues. Staff subsequently recommended a continuance, in order to allow time for the applicant to prepare responses and for staff to prepare a revised staff report and recommendation upon submittal of the responses. After the agenda was published on December 30th, 2016, the applicant requested to rescind the continuance request and provided additional testimony to respond to the Planning Commission.

This proposal is for annexation of the Oregon City Golf Course (117 acres) and approximately 2,000 square feet of Abutting Beaver Creek Road Right-of-Way into Oregon City.

Locations:

No Situs Address, APN 3-2E-10D -03500 (63.82 ac);
20124 S Beaver Creek Rd, APN 3-2E-15A -00290 (50.87 ac);
20118 S Beaver Creek Rd, APN 3-2E-15A -00201 (0.25 ac); and
20130 S Beaver Creek Rd, APN 3-2E-15A -00202 (0.29 ac).

The 117 acre site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of FU- Future Urban with FU-10 and TBR zoning in

Clackamas County. The property is within the area of the Beaver Creek Road Concept Plan.

MEMORANDUM

TO: Oregon City Planning Commission
FROM: Carrie A. Richter
DATE: January 6, 2017
RE: Annexation of Oregon City Golf Course and Abutting Right-of-Way
City File No. AN-16-0003

It has been many months since the Planning Commission considered this matter and as a result, this memo is to provide a recap of the events since the last Planning Commission hearing and to start to frame the policy issues presented for the Commission's consideration in this request.

Recent Factual Background

On October 24, 2016, the Planning Commission opened the public hearing for consideration of the Oregon City Golf Course property for annexation. At that hearing, a number of Commissioners raised concerns about the adequacy of public utilities necessary to support an urban-scaled development. One concern was regarding the status of the Beavercreek Road Concept Plan and the remaining steps to be undertaken for the plan to be acknowledged by DLCD and implemented through adoption of comprehensive plan map amendments, zoning and development standards. You asked for greater explanation about how utilities will be extended to serve the proposed development and questioned whether the various utility master plan identified projects would be in place in advance of development. You asked whether the identification of public facilities contained within the utility master plans was sufficient to justify annexation and instead suggested that the facilities must either be in place or be imminent before annexation may be approved. Whether the extension of utilities necessary to serve this annexation area is economically viable and whether the public or development should or will be responsible the cost associated with expansion or extension, were also raised. Finally, the relationship between annexation and the adoption of alternative mobility measures necessary to address the Highway 213 / Beavercreek Road intersection was discussed. At that point, the hearing was continued to November 14, 2016.

At the applicant's request, the hearing scheduled for November 14, 2016 was continued to January 9, 2017. During this time, city staff reached out to the applicant and its representatives to coordinate the timing for filing a written response to the Commissioners' questions and concerns. On December 19, 2016, the applicant's representatives filed a request to continue the hearing to February 13, 2017 to allow a sufficient time to circulate responsive materials in advance of the hearing. Later that same day, the continuance request was rescinded and the January 9 hearing date preserved. With the hearing back on, City staff reached out again to the applicant and its representatives to determine when additional

responsive materials would be provided. On December 30, the applicant emailed city staff asking that the hearing be continued to February 13. As a result, city staff published the agenda for the January 9 meeting noting the request for a continuance. Again, a few hours after the request was given and the agenda published, the applicant rescinded its continuance request.

Nature of the Request

The subject property is included within the Metro Urban Growth Boundary and as a result, the City has an obligation to urbanize it in order to accommodate projected population and employment growth throughout the region. In order to fulfill this obligation, the City had to adopt a long-term land use development plan for this area, which was accomplished through the adoption of the Beaver Creek Concept Plan (BRCP). The BRCP identifies certain development objectives for the area and quantifies the various utility demands necessary to support those objectives. These utility demands resulting from BRCP development at urban densities were included in the utility master plans for the various utilities including a 2013 Transportation System Plan, a 2012 Water Distribution System Master Plan, a 2014 Sanitary Sewer Master Plan and the 2015 Stormwater and Low Impact Storm Water and Erosion Control Standards. All of these plans were adopted and have become part of the City's comprehensive plan and land use regulations. As a result, before any development could be approved within the annexation area, or anywhere else within the BRCP, the site would have to be served by utilities as prescribed by these various utility plans. If the Planning Commission determines that greater utility capacity is necessary to accomplish BRCP objectives or the BRCP objectives are no longer desired, amendments must be made to these plans.

As the Planning Commission is aware, the BRCP was re-adopted on remand in the spring of 2016 and that decision was appealed to LUBA. In late November 2017, LUBA affirmed the City's decision. LUBA's decision has been appealed to the Oregon Court of Appeals. The parties are briefing the case now and it is anticipated that the Court will reach a decision in the spring of 2017.

In order for the BRCP to take effect, the City must apply Comprehensive Plan designations, amend its zoning regulations to create zoning categories necessary to implement the BRCP, and adopt a zoning map amendment re-zoning all of the BRCP property to urban densities. All of these actions must be done in accordance with the adopted utility master plans as well as with the statewide land use goals. It is anticipated that through the process of adopting implementing zoning that the City will gain greater specificity as to permitted uses, densities, lot coverage and design limitations (which could affect utility infrastructure demand.) As a result, this effort will provide greater clarity and certainty for development and the utility demand that will result.

In addition to adopting plan and zoning designations for the BRCP area, the City must also deal with the limited capacity of the Highway 213 corridor between Redland Road and Molalla Ave, including the intersection of Highway 213 / Beaver Creek Road. Before any development in the BRCP area may occur, the City must adopt alternative mobility measures, as required by OCMC 12.04. The alternative mobility measures process is largely a policy-making effort to identify capacity limitations based balancing of community objectives including movability for various modes as well as improvement costs.

Once alternative mobility measurements for the intersections along Highway 213 and the BRCP zoning are in place, then BRCP-affected property owners may begin to file development applications, such as land divisions and site plan approvals. Every applicant seeking a subdivision or site plan approval must establish that utilities necessary to serve the use are either in place or will be in place before the development may occur. For example, if the Oregon City Golf Course property filed a subdivision application and the water and sewer lines necessary to serve had not yet been extended down Beaver Creek Road, the subdivision would have to be denied. In no circumstance could the City allow urban-scaled development to occur before the infrastructure identified within the various adopted utility master plans is in place to serve the use.

With this background, it is important to remember the limited nature of this request – it is for an annexation only. Annexation does nothing more than allow the City to take jurisdiction over the property such that it can collect property taxes and provide the existing club house and two existing single-family homes with city utilities and services. The only additional development that could occur, without first proceeding with the steps identified above and guided by the BRCP, would be the subdivision and creation of 8 additional 10-acre residential lots. City staff has determined that the City's existing infrastructure would accommodate an additional 8 residential homes, in the event that the property never redevelops to urban densities.

Utility Adequacy for Annexation

Given the dearth of additional information necessary to respond to the Planning Commissioners' more detailed questions as to how utilities will be extended, it is important to understand what the applicable approval criteria require with regard to infrastructure adequacy in order to approve the annexation. OCMC 14.04.060 sets forth a series of "factors" that are to be considered as part of an annexation approval decision. The key factor raised by a number of Planning Commissioners is the "adequacy and availability of public facilities and services to service potential development." OCMC 14.04.060(3). Therefore, it is up to the Planning Commission to interpret the terms "adequacy and availability" and then determine, based on the facts presented, how it will balance the factors to determine whether the annexation should be approved. The Planning Commission's interpretation must be reasonable when considering the plain language of the standard as well as contextual support that may come from other parts of the code or comprehensive plan.

In other words, the Planning Commission must decide, in cases where no "development" is proposed, to what degree is a finding of "adequacy and availability" required? This task is difficult for a number of reasons. First, determining when something is "adequate" requires a high degree of discretionary decision-making. The Planning Commission could conclude that there are too many unknowns with regard to the substance of the alternative mobility measures to conclude that transportation utility adequacy can be achieved. Or it could conclude that necessary utility extensions and facilities are feasible, based on the adopted master planning documents along with the additional planning steps needed before development. The second challenge is that the existing annexation policies presumed actions that are not present in this case. For example, it assumed the City decision-makers' decision on annexation would precede referral to the voters. This matter will not be considered by the voters. Also, some portions of the code presume that annexation will occur after the zoning designation is in place.

For example OCMC 17.68.025 requires rezoning upon annexation when urban planning designations are in place.

Assuming that the implementing zone and urban-scaled utilities need not actually be in place, particularly when the intensity of the development is not certain, “adequacy and availability” must impose some lesser requirement. The City’s Comprehensive Plan supports an interpretation of “adequacy and availability” that focuses on the City’s ability to provide services rather than a requirement that the services are actually available or imminent. For example, the plan explains:

Once inside the Urban Growth Boundary, areas can be proposed for annexation. The Oregon City zoning code lists factors for evaluating a proposed annexation. The Planning Commission and City Commission should not consider issues related to annexations that are better suited to development reviews. The City should consider its ability to adequately provide public facilities and services to an area and leave development plans and related issues to the site development/design review process. P. 118

However, the Comprehensive Plan also provides:

The zoning of the property should be considered when the Planning Commission and City Commission review the annexation request. Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City of Oregon City Municipal Code. An annexation may not be approved because the City cannot provide public services to the area in a timely fashion, as required by state and metro regulations. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can 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 this Comprehensive Plan and the City’s public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria. P. 118

Comprehensive Plan Policy 14.4.2 is also relevant to the City’s ability to provide services:

Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.

Based on the foregoing, it appears that compliance with annexation factor 3 does not require that urban-scaled infrastructure necessary to serve development must be in place or imminent before lands can be annexed to the City. This is particularly true given the number of additional steps necessary for the Oregon City Golf Course to be developed. Instead, this factor likely requires some evaluation of the likely potential development resulting from annexation and the adequacy and availability of utilities to serve that development at the time that development occurs along with some discussion of the costs associated with extending services and an evaluation of who will bear those costs. In other words, a

determination that necessary services could be extended to serve the use and that the costs associated with those improvements have been evaluated.

There are a number of LUBA cases supporting this result. For example, in *Just v. City of Lebanon*, LUBA held that neither Goal 11 or 14 required development approval or the provision of all urban facilities and services at the time of annexation. Rather, reliance on the City's utility master plans along with an explanation of how various utility systems will be improved and funded to provide capacity to serve the proposed development area was deemed sufficient. Similarly, in *Cutsforth v. City of Albany*, LUBA held that when a city's annexation criteria require that adequate infrastructure "is available, or will be made available in a timely manner," that criteria is satisfied by showing that urban services can be readily extended into the annexation territory, as development occurs. 49 Or LUBA 559, 565 – 566 (2005).

Taken together, the Comprehensive Plan and LUBA cases suggest that a reasonable interpretation of "adequacy and availability" would be to identify the intensity of the development contemplated by the BRCP and with that, evaluate whether the utility infrastructure called for in the master plan, if installed in advance of development, their timing for extension will be sufficient to support the use.

Conclusion

Although this memo does not respond to the more detailed utility adequacy questions raised at the last hearing, it provides some guidance for determining the extent to which utility adequacy must be assured, considering the procedural posture of this case along with the applicable approval standard. The staff report explains that the BRCP identified this area as suitable for mixed-use residential development, small-scale employment and retail uses and parks. The staff report summarizes the key components of the various utility master plans that will be required to support these identified uses including a water reservoir, a pump station, water transmission mains, sewer lines, transportation improvements, schools and parks, police, emergency and fire protection services. Staff believes that this analysis is sufficient to satisfy the applicable criteria and approve this request.

However, you may certainly interpret the utility adequacy criterion differently, take another approach to balancing the various factors, or simply find that the evidence presented by the applicant is insufficiently detailed to establish that utilities will be adequate to justify the annexation.

We look forward to discussing this matter in greater detail with you on Monday evening.

From: [Rose Holden](#)
To: [Pete Walter](#); [Laura Terway](#)
Cc: [Randy@Brownstonehomes.net](#); [DDerby@aol.com](#); [mayroseherb@gmail.com](#); "John Herberger"
Subject: Planning Commission Hearing
Date: Tuesday, January 03, 2017 10:10:35 AM
Attachments: [2008 BCRCP Impact Multipliers.pdf](#)

January 3, 2017

Pete and Laura,

I understand that:

- Unless we ask for a continuance, you will ask the Planning Commission for one against our wishes.
- If we do not respond to Commissioner Espe and the other Planning Commission's concerns regarding issues that are not relevant to our annexation by Friday December 30, 2016 staff support for our annexation will be withdrawn.
- Our developer, Randy Meyers, sent you a request shortly before the close of business on December 30, 2016 requesting the continuance.

The request from the Planning Commission for a more detailed and documented approach for annexation is new to this SB 1573 annexation request and beyond the scope of our proposal.

I understand the developer wants to work with staff in any way possible and appreciate the position he is in, However, To be very clear, there is to be no continuance. I will appear at the January 9, 2017 Planning Commission hearing and expect the staff and city attorney to "educate" the planning commission on their legal duties of this annexation and keep them within their scope of authority which is, "Statutes require a land use decision to be based on approval criteria. The decision must apply the approval criteria to the facts. See ORS 227.173."

227.173 Basis for decision on permit application or expedited land division; statement of reasons for approval or denial. (1) Approval or denial of a discretionary permit application shall be based on standards and criteria, which shall be set forth in the development ordinance and which shall relate approval or denial of a discretionary permit application to the development ordinance and to the comprehensive plan for the area in which the development would occur and to the development ordinance and comprehensive plan for the city as a whole.

(2) When an ordinance establishing approval standards is required under ORS 197.307 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.

(3) Approval or denial of a permit application or expedited land division shall be based upon and accompanied by a brief statement that explains the criteria and standards considered relevant to the decision, states the facts relied upon in rendering the decision and explains the justification for the decision based on the criteria, standards and facts set forth.

(4) Written notice of the approval or denial shall be given to all parties to the proceeding. [1977 c.654 §5; 1979 c.772 §10b; 1991 c.817 §16; 1995 c.595 §29; 1997 c.844 §6; 1999 c.357 §3]

Staff Report's findings demonstrate our annexation application meets all approval criteria therefore must be approved. The recently re-adopted Beavercreek Road Concept Plan covers all Planning Commission and Commissioner Espe's concerns. It is our position that the Concept Plan document speaks for itself and we are relying on that document to answer all concerns of Planning Commission and Commissioner Espe. My expectation is approval of our annexation so we can meet the February 1, 2017 City Commission hearing.

Goal 1 of the Concept Plan states, "Create a **complete community**, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are

necessary to support a thriving employment center.”

Mayor Holladay, at the October 27, 2015 Caufield Neighborhood Association meeting shared his vision of Beavercreek Road as Oregon City’s economic future. In support of that vision, the City Commission passed Resolution No. 16-31 in November 2016 acknowledging and pledging support for the Beavercreek Employment Area Marketing and Development Initiative. The city has over 100 acres designated as an Enterprise Zone by the state of Oregon that will provide an incentive for businesses who are looking for a place to invest in relocating, expanding, or starting a new business. This Enterprise Zone includes areas of Beavercreek Road.

Looking at the Beavercreek Road Concept Plan area as a conventional development does a great dis-service to all the visioning, extensive research, and work done by numerous community stakeholders, technical advisors, and city staff.

Conventional methods were developed during a time when most new development was single use, stand alone, highway oriented, and suburban. Applying those same practices to the BCRCP does not account for and overlooks the benefits of a mixed-use complete community that demonstrates “smart growth.” The following is from The American Planning Association, ***“Getting Trip Generation Right Eliminating the Bias Against Mixed Use Development.”***

“Empirical evidence and research provides evidence that mixed-use, infill, and transit-oriented developments generate fewer external vehicle trips than equivalent stand-alone uses. Standard traffic engineering practices are blind to the primary benefits of smart growth. A plan’s development density, scale, design, accessibility, transit proximity, demographics, and mix of uses all affect traffic generation in ways unseen to prescribed methods. The Institute of Transportation Engineers (ITE) *Trip Generation Manual* and *Handbook* overestimate peak traffic generation for mixed-use development by an average of 35 percent. For conventional suburban stand-alone development, ITE rates portray the average for such sites; so hedging mixed-use analysis toward more conservative assumptions creates a systematic bias in favor of single-use suburban development.

ITE overestimation of traffic impacts reduces the likelihood of approval of mixed use and related forms of smart growth such as infill, compact, and transit-oriented development. Such overestimation escalates development costs, skews public perception, heightens community resistance, and favors isolated single-use development.

The methods of evaluating mixed use development described in this report represent a substantial improvement over conventional traffic-estimation methods. They improve accuracy and virtually eliminate overestimation bias, and they are supported by the substantial evidence of surveys and traffic counts at 266 mixed use sites across the U.S. The MXD+ analysis method explains 97 percent of the variation in trip generation among mixed use sites and all but eliminates the ITE systematic overestimation of traffic.” (Bochner, 2013)

The city has spent a lot of money, human capital, staff time for appeal defense, and energy on this concept plan area. Development of this area is needed to revitalize the city. Development of approximately 250 acres by one developer is the largest, feasible, and tangible project the city has going at this time. Help me understand why the commission, staff and leadership isn’t falling all overthemselves to be solution makers instead of barriers to this project. Enclosed with this letter is a 2008 BCRCP development impact multiplier statement. If it were updated to 2017, I am sure the numbers would demonstrate an even more dramatic positive gain.

I have issue with some parts of the Staff Report that I will discuss with you in a follow up phone call later today. If necessary, I will put them in writing for you.

Once again, rescind the developer's request for a continuance. I will be at the January 9, 2017 Planning Commission hearing.

Thank you.

Rose Holden

January 5, 2017

Planning Commission and Commissioner Espe,

The answer to your questions concerning this annexation reside within the recently re-adopted Beavercreek Road Concept Plan which has had extensive public Involvement and has gone through a thorough and substantive review process by yourselves, staff, and City Commission. This commission, along with numerous community members, stakeholders, business owners, and City Commission has made the recommendations, set the priorities, policies, and guidelines contained within this document. Requesting the property owner or developer to duplicate the work contained in the city's own work product marginalizes all involved.

AN-16-0003-Page 27 of the Oregon City Staff Report Findings state, "The Beavercreek Road Concept Plan serves as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates which are part of the City's Capital Improvement Program; the Water System Master Plan (2012), the Sanitary Sewer Plan (2014), the Transportation System Plan (2014), and the Storm water and Grading Design Standards (2015)."

This Concept Plan is the principal guiding land use document for annexation and urbanization of the area, and as the city has relied upon it to serve as such, so to should the property owners and developers of the Concept Plan area also be able to rely on its contents with confidence and surety of what is contained within its pages.

In response to concerns raised both oral and written, please find attached documents in answer to trepidations expressed as well as criteria contained in SB 1573 and under which this annexation proposal is submitted.

Governor Brown signed Senate Bill 1573 into law on March 15, 2016 as an emergency law that became effective immediately upon her signature. This new law affects annexation procedures as explained below.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

RESPONSE: *The City's laws require voter approval of annexation requests. This application meets Senate Bill 1573's requirements, those requirements do not apply to this application.*

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

RESPONSE: The property is within the City's acknowledged UGB.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city.

RESPONSE: The territory proposed to be annexed is subject to the City's acknowledged Comprehensive Plan.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

RESPONSE: The territory proposed to be annexed is contiguous to the City limits.

(d) The proposal conforms to all other requirements of the city's ordinances.

This annexation does not request a zone change, or development the property at this time and no change in use.



Rose Holden

From: Espe, Paul [mailto:pespe@ci.oswego.or.us]

Sent: Monday, October 24, 2016 3:16 PM

To: Pete Walter <pwalter@ci.oregon-city.or.us>

Subject: AN-16-0003

Hello Pete

I apologize for the late comments. In general, I do not believe the public services are not adequate to serve site. In my opinion, the city needs to find that public facilities are available to serve the territory at future urbanizable levels to approve the annexation. I do not believe the city can claim that that public facilities are adequate merely by identifying them the Beavercreek Master Plan Public Facilities Plan, TSP or other adopted plans. These facilities either need to be in place or will be eminent in the very near future in order for the annexation to be approved. The annexation request is premature and cannot be supported by the Planning Commission until the Beavercreek Master plan has been adopted and specific development agreements with Clackamas County, Tri Cities Sewer District, the School District and other service providers for these public facilities have been made. Additional specific comments I made while reading the staff report are listed below:

1. Transportation facilities (ie., Beavercreek and Hwy 213) are not adequate for future urbanization of this area. The report does not discuss these future improvements identified in the Transportation Master Plan, or their timing. *See pg 5*
2. Sanitary Sewer Facilities: Not enough information has been provided to determine if Sewer facilities are adequate. Are the current houses and facilities out at the golf course on septic. Is their system function properly? How far away is the existing sewer from the property now? Is it within 300 feet? What is the size of the sewer line in Beavercreek road Will future development on this site impact existing flows relative to the schools and existing development in the area and is there adequate capacity for future development? What is the capacity of the Tri Cities Sewer District and how will the future urbanization of this area affect this capacity?
3. Are the property owners willing to follow the Beavercreek Master Plan? Do we have any guarantees that they will? Are they willing to sign and record a revocable annexation contract for them to follow the plan, even though it hasn't been adopted yet? How much open space are they willing to provide?
4. Beavercreek is a regional highway and serves many more people in surrounding communities than Oregon City traffic. Before I can support this annexation, the City needs to negotiate for more roadway improvements to Beavercreek – and the intersection with 213 - before the City agrees to annex or change the maintenance jurisdiction of this roadway, not afterward. A 2 inch lift is not adequate for this roadway or other in this vicinity that are likely in need of major road bed improvements. *IGA w/ City - UGMA Agreement*
5. Water: It does not appear that the water system is adequate for the future urbanization of this area. Does the property owner need to install more pipeline or upsize the pump station. How much of these improvements is the property owner willing to do? What kind of guarantees and agreements does the City have in hand today to ensure that the system will be upgraded to adequately serve future development of this territory?~
6. Specific quantitative information on the burden to Fire and Police is needed for the annexation and future urbanization of this 114 acre site. Have they specifically said that they will be accommodate development at the future urbanizable levels?
7. Provide a discussion under OCMC Chapter 14.04.050-C (Neighborhood Contact) of the discussion and major issues raised in this meeting.
8. School Capacity: Provide more information on how annexation of the territory will have existing capacity and future capacity of the schools.
9. OCMC 14.04.050(E)(7)(a-g): (Available Public Facilities and Services): c - "Statement of additional facilities" I believe that this criteria is applicable. Provide more information on the public facilities needed to support the current and future urbanization of this site, once the territory is annexed.

Thanks,

Paul

PUBLIC RECORDS LAW DISCLOSURE

This e-mail is a public record of the City of Lake Oswego and is subject to public disclosure unless exempt from disclosure under Oregon Public Records Law. This e-mail is subject to the State Retention Schedule

Management Agreement (UGMA) between the City and the County does address these requirements as discussed above.

f. Any applicable concept plan; and

Finding: The proposal is consistent with this requirement. As discussed above, the Beaver Creek Road Comprehensive Plan will ultimately be the concept plan that will guide future development in the proposed annexation area. The Concept Plan has been adopted by the city but due to a current second appeal at LUBA is not yet effective and therefore does not provide any applicable approval criteria. The appeals notwithstanding, the Beaver Creek Road Concept Plan has served as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates; the Water System Master Plan (2012), the Sanitary Sewer Master Plan (2014), the Transportation System Plan (2014), and the Stormwater and Grading Design Standards (2015).

The applicant has not applied for a comprehensive plan amendment or zone change at this time, but has referenced the status of the concept plan and acknowledges the land use designations within the Beaver Creek Road Concept Plan.

Consideration under Metro Code 3.09.045(D)(2) for Expedited Decisions

a. Promote the timely, orderly and economic provision of public facilities and services;

Finding: The proposal is consistent with this requirement. The proposed annexation site is inside the UGB, contiguous with the city limits, and directly adjacent to developed areas that currently receive public facilities and services. Public facilities (water, sewer and transportation) are available near the proposed annexation site and the city has adopted public facilities plans that provide for extension of those facilities to serve the site to accommodate future development.

b. Affect the quality and quantity of urban services; and

Finding: The proposal is consistent with this requirement. The city has updated its sewer, water and transportation facilities master plans to plan for future extension of those services into the proposed annexation area. Fire protection is provided by Clackamas Fire District #1; the fire district will continue to serve this area after annexation and will need to adjust service levels as development occurs. Parks and open spaces will be provided in accordance with the city's parks requirements and the guidance provided in the Concept Plan, which identifies an interconnected system of green corridors, parks, and natural areas. Transit service within the annexation area is currently not available; however, transit is available near the subject site at Clackamas Community College, and the Concept Plan anticipates transit-supportive levels of development for the Beaver Creek area and anticipates eventual extension of transit service.

c. Eliminate or avoid unnecessary duplication of facilities or services.

Finding: The proposal is consistent with this requirement. The city notified all applicable service providers of this annexation request for their review and comment. Annexation to, or withdrawal from, service provider districts has been addressed in this report as part of the final recommendations, and will be done concurrent or subsequent to this proposed annexation.

SUMMARY OF PROPOSAL

Brownstone Development, Inc. (applicant) is requesting annexation of four tax lots located on or near S. Beaver Creek Road. The subject properties are part of the Beaver Creek Road Concept Plan area and are within Oregon City's urban growth boundary (UGB). No development or City zoning or Comprehensive Plan designation is being proposed concurrent with this annexation request. The future application of zoning designations will be required concurrent or before a formal land division or development application can be submitted. All four private properties are under the same ownership or ownership representatives while the adjacent right-of-way is under the ownership of Clackamas County. Properties proposed for annexation are shown in Figure 1.

There is not a proposal to develop this site at the present time. Until issues regarding transportation planning impacting the Hwy. 213 corridor are resolved through adoption of alternative mobility standards, the City is unable to approve zone changes that would allow for increased traffic impacting this area. For this reason, the proposed annexation will bring the subject property into the city limits, but will leave the property with Clackamas County's Future Urbanizable 10 acre zoning (FU-10) on 51.42 acres and Timber (TBR) zoning on the northern 63.82 acres. The FU-10 zone is a holding zone that precludes creating parcels smaller than 10 acres until urban services can be provided by the City. The TBR zone is a resource zone district that predates the golf course use of the property. At such time as the traffic issues are resolved, a separate application to rezone the properties to an appropriate Oregon City residential and mixed use zoning will be filed. Zoning regulations to implement the Beaver Creek Road Concept Plan have not been developed at this time.

EXISTING CONDITIONS

The site is located in east Oregon City, on the east side of S. Beaver Creek Road within the southern limits of the Beaver Creek Road Concept Plan area. The site is comprised of four tax lots that total approximately 117 acres. The entire area is currently zoned FU-10 on 51.42 acres and TBR on 63.82 acres by Clackamas County. The site is the current location of the Oregon City Golf Club, which includes a club house facility with associated parking area and an 18-hole golf course. Two single-family homes and a number of accessory buildings are also located on the site. The eastern edge of the proposed annexation area is within a natural resource area associated with Thimble Creek and is undeveloped. Much of the site is relatively flat, with slopes ranging from 1% to 8% (there are limited areas of up to 15% slope).

Uses surrounding the site are described below.

North: Land uses to the north include a natural resource area associated with Thimble Creek and, further north, some low-density residential development. Although properties to the north are inside the city limits, no city plan or zoning designations have been applied to those properties. The area is zoned Timber (TBR) and Rural Residential Farm Forest (RRFF) by Clackamas County.

Positive Development Impacts of the Beaver Creek Annexation

	Units/SF	Lower Cost per unit	Upper Cost per unit	Total Cost Lower Range	Total Cost Upper Range
Residential	1,020	\$ 110,000	\$ 144,000	\$ 112,200,000	\$ 146,900,000
Industrial	788,000	\$ 78	\$ 98	\$ 61,500,000	\$ 77,200,000
Commercial	1,212,000	\$ 95	\$ 125	\$ 115,100,000	\$ 151,500,000
Total Construction Cost				\$ 288,800,000	\$ 375,600,000

	Avg Const Wage	Labor %	Lower Range	Upper Range
Construction Jobs	\$ 30,000	50%	4,813	6,260
Construction Jobs Income			\$ 144,400,000	\$ 187,800,000

	SF Employment	Jobs/1K SF	Low Multiplier	High Multiplier
BC Permanent Jobs	2,000,000	2.5	5,000	5,000
Multiplier			0.7	2.0
Indirect Jobs			3,500	10,000
Total Permanent Jobs			8,500	15,000

	Ave. Wage	Range of Income
BC Permanent Jobs Income	\$ 30,000	\$ 150,000,000 \$ 150,000,000
Indirect Jobs Income	\$ 18,000	\$ 63,000,000 \$ 180,000,000
Total Annual Jobs Income		\$ 213,000,000 \$ 330,000,000

Positive Impacts for Oregon City”

- Between 4,800 and 6,300 construction jobs over the duration of the buildout, or for a ten year buildout, between 480 and 630 construction jobs per year.
- Location of 5,000 permanent jobs in Oregon City.
- Indirect impact of another 3,500 to 10,000 jobs resulting from economic activity from permanent jobs, depending on the industries represented in permanent employment.
- While many indirect jobs will not be local, permanent employment will boost demand for retail and services in Oregon City and may generate jobs in other industries locally.
- Income from direct and indirect jobs ranging from \$213 million to \$330 million.
- Income from construction activity and permanent jobs and additional households will also have a multiplier effect locally.
- Addition of public open space to Oregon City at no cost to the city.
- Restoration of natural areas at no cost to the city.

1. Transportation facilities (ie., Beaver Creek and Hwy 213) are not adequate for future urbanization of this area. The report does not discuss these future improvements identified in the Transportation Master Plan, or their timing.

Transportation

In summary, the key elements of the Concept Plan transportation strategy are to:

- Plan 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.
- Improve Beavercreek Road as a green street boulevard.
- Create a framework of collector streets that serve the Beavercreek Road Concept Plan area.
- Require local street and pedestrian way connectivity.
- Require a multimodal network of facilities that connect the Beavercreek Road Concept Plan area with adjacent areas and surrounding transportation facilities.
- Provide an interconnected street system of trails and bikeways.
- Provide transit-attractive destinations.
- Provide a logical network of roadways that support the extension of transit services into the Beavercreek Road Concept Plan area.
- Use green street designs throughout the plan.
- Update the Oregon City Transportation System Plan to include the projects identified in the Beavercreek Road Concept Plan, provide necessary off-site improvements, and, assure continued compliance with Oregon's Transportation Planning Rule.

Streets

Figure 14 illustrates the street plan. Highlights of the plan include:

- *Beavercreek as a green boulevard.* The cross-section will be a 5 lane arterial to Clairmont, then a 3 lane arterial (green street boulevard) from Clairmont to UGB. The signalization of key intersections is illustrated on the Street Plan.

- *Center Parkway as a parallel route to Beavercreek Road.* This new north-south route provides the opportunity to completely avoid use of Beavercreek Road for trips between Old Acres and Thayer Road. This provides a much-needed separation of local and through trips, as well as an attractive east-side walking and biking route. Major cross-street intersections, such as Loder, Meyers and Glen Oak may be treated with roundabouts or other treatments to help manage average speeds on this street. Minor intersections are likely to be stop-controlled on the side street approaches. The alignment of Center Parkway along the central open space is intended to provide an open edge to the park. The cross-section for Center Parkway includes a multi-use path on the east side and green street swale. Center Parkway is illustrated as a three-lane facility. Depending on land uses and block configurations, it may be able to function well with a two lane section and left turn pockets at selected locations.
- *Ridge Parkway as a parallel route to Center Parkway and Beavercreek Road.* The section of Ridge Parkway south of the Glen Oak extension is intended as the green edge of the neighborhood. This will provide a community "window" and public walkway adjacent to the undeveloped natural areas east of the parkway. Ridge Parkway should be two lanes except where left turn pockets are needed. Major intersections south of Loder are likely to only require stop control of the side street, if configured as "tee" intersections. Mini roundabouts could serve as a suitable option, particularly if a fourth leg is added.
- *Ridge Parkway.* Ridge Parkway was chosen to extend as the through-connection south of the planning area to Henrici Road. Center Parkway and Ridge Parkway are both recommended for extension to the north as long-term consideration for Oregon City and Clackamas County during the update of respective Transportation System Plans. It is beyond the scope of this study to identify and determine each route and the feasibility of such extensions. Fatal flaws to one or both may be discovered during subsequent planning. Nonetheless, it is prudent at this level of study, in this area of the community, to identify opportunities to efficiently and systematically expand the transportation system to meet existing and future needs.

- *Extensions of Clairmont, Meyers, Glen Oak Roads and the south entrance through to the Ridge Parkway.* These connections help complete the network and tie all parts of the community to adjacent streets and neighborhoods.
- *Realignment of Loder Road at its west end. Loder is recommended for re-configuration to create a safer “T” intersection.* The specific location of the intersection is conceptual and subject to more site specific planning.

The streets of the Concept Plan area are recommended to be green streets. This is an integral part of the storm water plan and overall identity and vision planned for the area. The green street cross-sections utilize a combination of designs: vegetated swales, planter islands, curb extensions, and porous pavement. Figures 15 – 19 illustrate the recommended green street cross-sections. These are intended as a starting point for more detailed design.

Trails

Figure 14 also illustrates the trail network. The City’s existing Thimble Creek Trail and Metro’s Beaver Lake Regional Trail have been incorporated into the plan. New trails include the Powerline Corridor Trail, multi-use path along Center Parkway, and the Ridge Trail.

Transit

The Concept Plan sets the stage for future transit, recognizing that how that service is delivered will play out over time. Specifics of transit service will depend on the actual rate and type of development built, Tri-Met resources and policies, and, consideration of local options. Three options have been identified:

1. A route modification is made to existing bus service to Clackamas Community College (CCC) that extends the route through CCC to Beaver Creek Road via Clairmont, then south to Meyers or Glen Oak, back to HWY 213, and back onto Molalla to complete the normal route down to the Oregon City Transit Center. To date, CCC has identified Meyers Road as a future transit connection to the college.
2. A new local loop route that connects to the CCC transit center and serves the Beaver Creek Road Concept Planning area, the High School, the residential areas between Beaver Creek and HWY 213, and the residential areas west of HWY 213 (south of Warner Milne).
3. A new “express” route is created from the Oregon City Transit Center, up/down HWY 213 to major destinations (CCC, the Beaver Creek Road Employment area, Red Soils, Hilltop Shopping Center, etc.).

It is the recommendation of this Plan that the transit-oriented (and Use mix), density, and design of the Beaver Creek Road area be implemented so that transit remains a viable option over the long term. The City should work with Tri-Met, CCC, Oregon City High School, and developers within the Concept Plan area to facilitate transit.

Connectivity

The street network described above will be supplemented by a connected local street network. Consistent with the framework plan approach, connectivity is required by policy and by the standards in the code. The specific design for the local street system is flexible and subject to master plan and design review. Figure 20 illustrates different ways to organize the street and pedestrian systems. These are just three examples, and are not intended to suggest additional access to Beaver Creek Road beyond what is recommended in Figure 14. The Plan supports innovative ways to configure the streets that are consistent with the goals and vision for the Beaver Creek Concept Plan area.



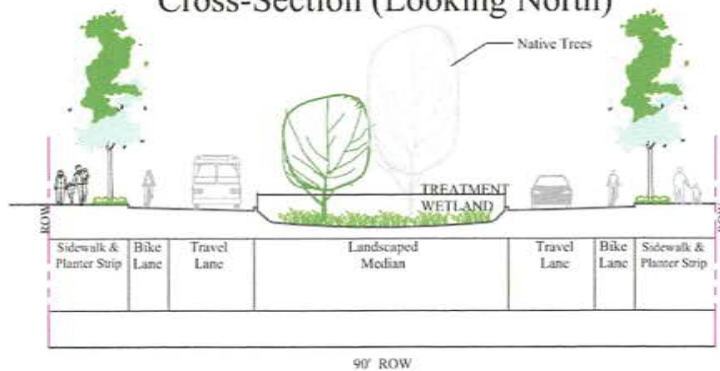
Figure 14 - Circulation Framework



Figure 20 - Connectivity Diagrams

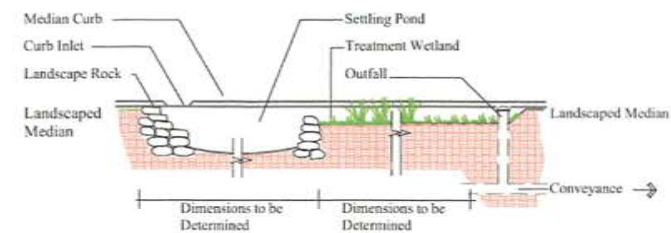
Conceptual only - See Figure 14 for recommended access points to Beaver Creek Road.

Beavercreek Road Greenstreet - Option 1 3-lane Right-of-way Cross-Section (Looking North)



Beavercreek Road Concept Plan

Median Treatment Wetland Conceptual Detail



Beavercreek Road - Option 1 3-lane Right-of-way Plan Concept

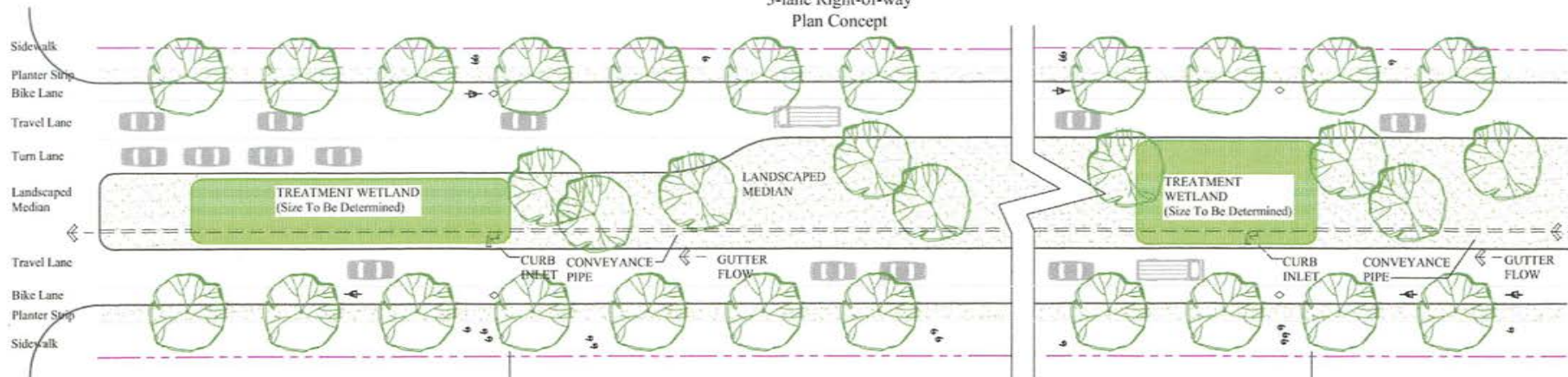


Figure 15 - Beaver Creek Road Green Street

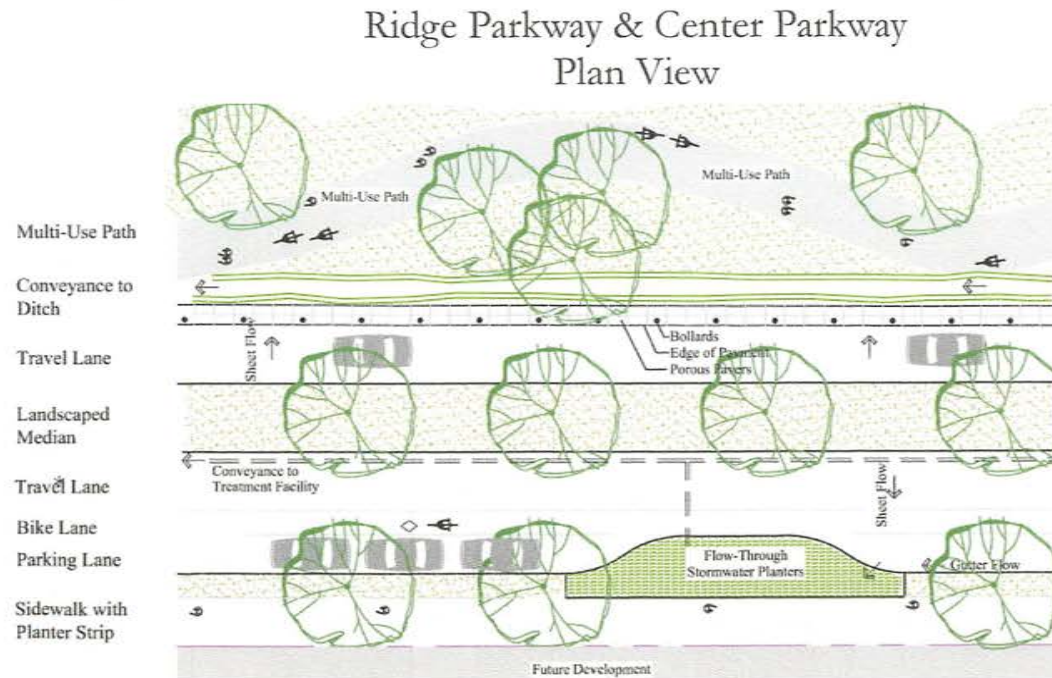
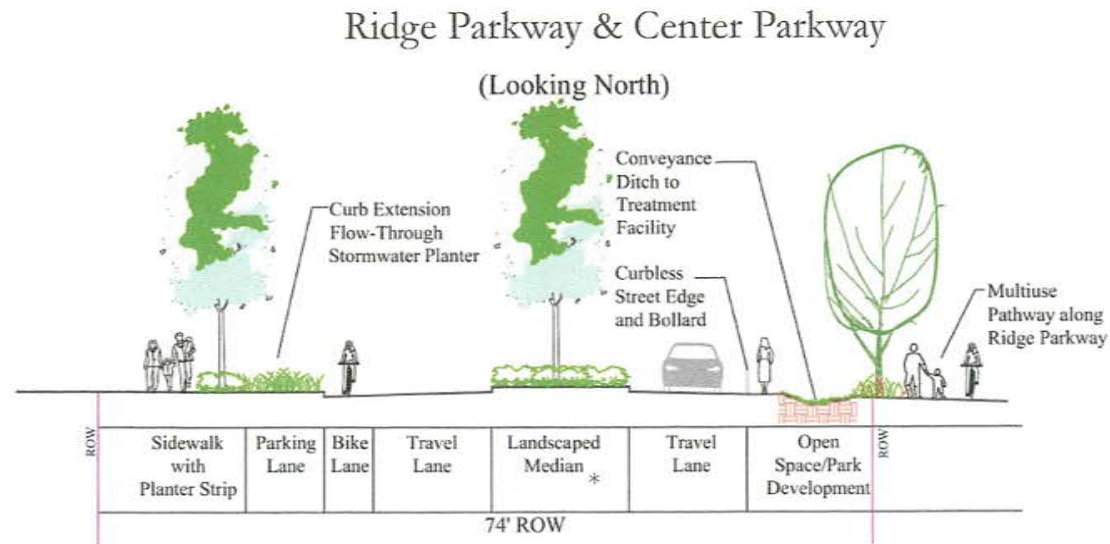
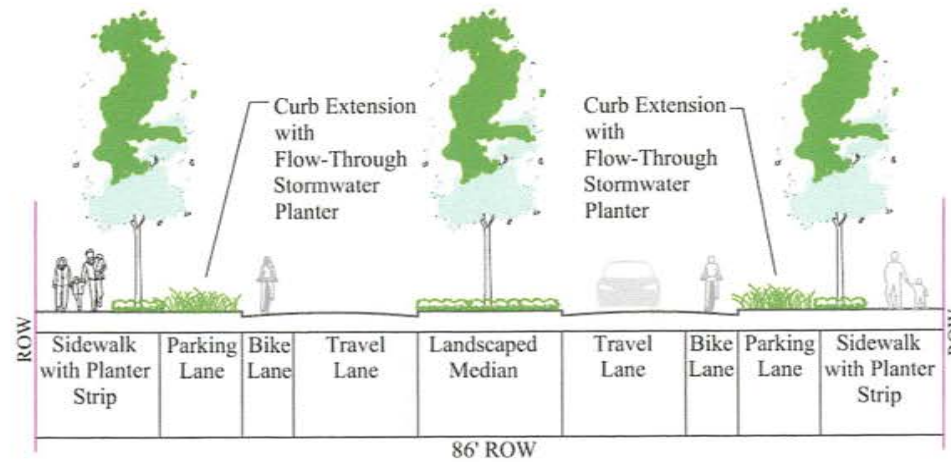


Figure 16 - Ridge Parkway and Central Parkway Green Streets

*Center median is optional for Ridge Parkway.

Collector Greenstreet (Looking North)



Collector Greenstreet Plan View

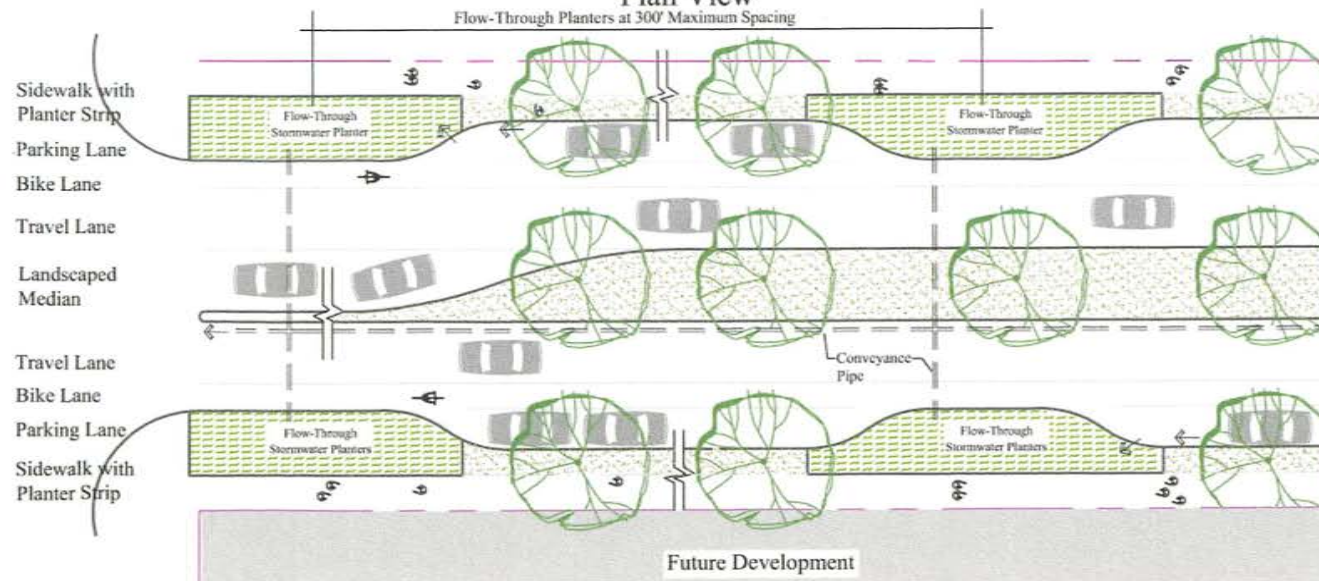
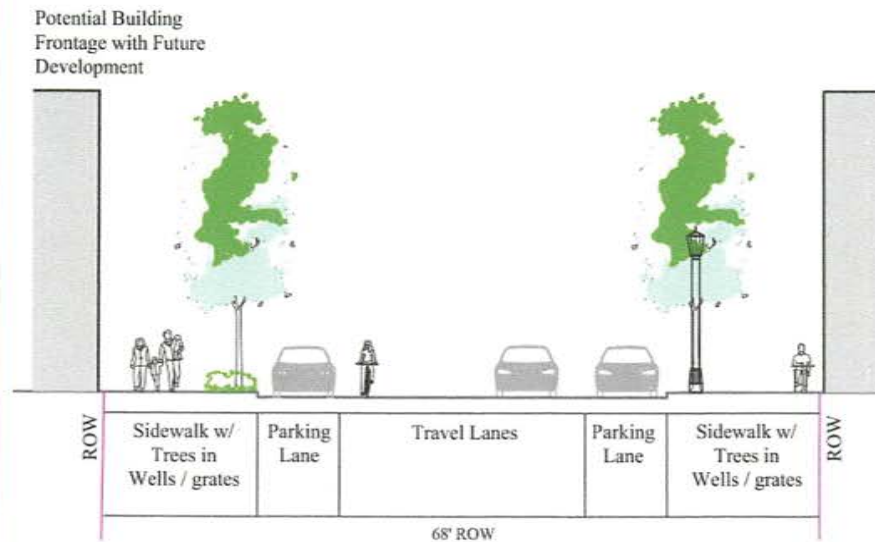


Figure 17 - Collector Green Street

Main Street Collector



Main Street Collector Plan View

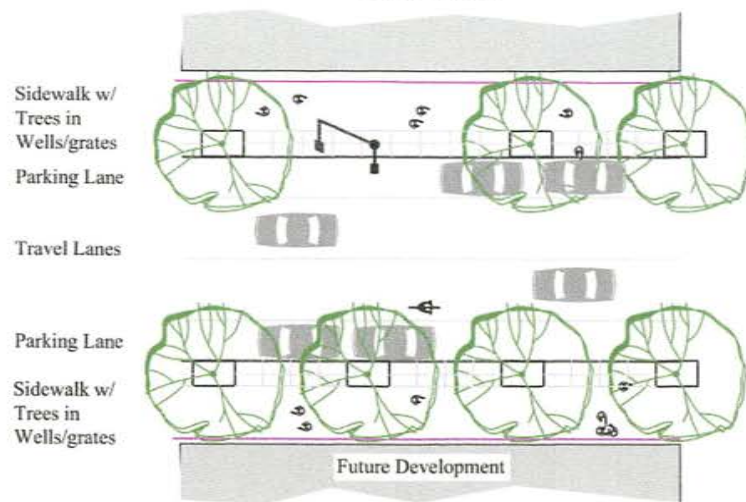
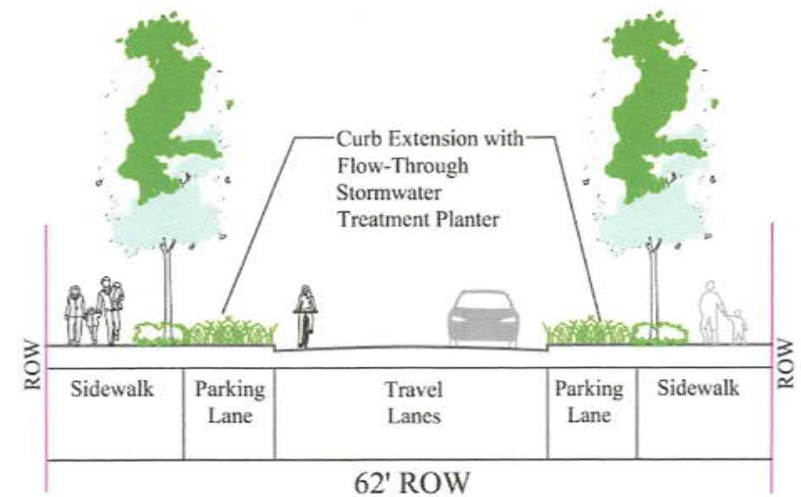


Figure 18 - Main Street Green Street

Neighborhood Greenstreet



Neighborhood Greenstreet Plan View

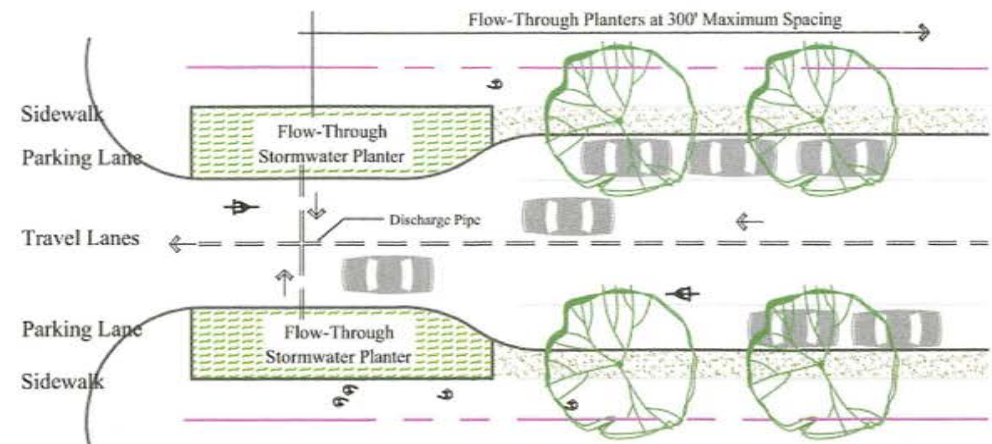


Figure 19 - Neighborhood Green Street

Cost Estimate

A planning-level cost estimate analysis was conducted in order to approximate the amount of funding that will be needed to construct the needed improvements to the local roadway system, with the build-out of the Beaver Creek Road Concept Plan. The table below lists these improvements and their estimated costs. These generalized cost estimates include assumptions for right-of-way, design, and construction.

For additional information, please see Technical Appendix, Sections C2 and G.

Roadway Improvements	Improvement	Estimated Cost
Beaver Creek Road: Marjorie Lane to Clairmont Drive	Construct 5-lane cross-section to City standards	\$6,300,000
Beaver Creek Road: Clairmont Drive to Henrici Road	Construct 3-lane cross-section to City standards	\$12,300,000
Clairmont Drive: Beaver Creek Road – Center Parkway	Construct new 3-lane collector to City standards and modify signal at Beaver Creek Road	\$2,400,000
Loder Road: Beaver Creek Road to Center Parkway	Construct 3-lane cross-section to City standards and signalize Beaver Creek Road intersection	\$1,400,000
Loder Road: Center Parkway – East Site Boundary	Construct 3-lane cross-section to City standards	\$4,200,000
Meyers Road: Beaver Creek Road – Ridge Parkway	Construct new 3-lane collector to City standards and modify signal at Beaver Creek Road	\$3,500,000
Glean Oak Road: Beaver Creek Road – Ridge Parkway	Construct new 3-lane collector to City standards and modify signal at Beaver Creek Road	\$3,400,000
Center Parkway	Construct new 3-lane collector with 12' multi-use path	\$17,700,000
Ridge Parkway	Construct new 3-lane collector	\$9,800,000
Total Roadway Improvements		\$61,000,000
Intersection Only Improvements	Improvement	Estimated Cost
Beaver Creek Road/Maple Lane	Road Construct new WB right-turn lane	\$250,000
Beaver Creek Road/ Meyers Road	Construct new NB and SB through lanes	\$5,000,000
Total Intersection Improvements		\$5,250,000
TOTAL IMPROVEMENTS		\$66,250,000

Transportation Cost Estimate

2. Sanitary Sewer Facilities: Not enough information has been provided to determine if Sewer facilities are adequate. Are the current houses and facilities out at the golf course on septic. Is their system function properly? How far away is the existing sewer from the property now? Is it within 300 feet? What is the size of the sewer line in Beavercreek road. Will future development on this site impact existing flows relative to the schools and existing development in the area and is there adequate capacity for future development? What is the capacity of the Tri Cities Sewer District and how will the future urbanization of this area affect this capacity

Response:

The houses and golf facilities are on a currently functioning septic system.

Sanitary Sewer

The northern half of the concept area drains generally to the north and follows the natural land contours formed by the uppermost portion of Thimble Creek. The proposed sanitary sewer system in the vicinity of Loder Road will follow the north-south street rights-of-way. This part of the system will terminate at the low point of the concept plan area in a wetwell. A sanitary lift station over the wetwell will pump the wastewater uphill in a westerly direction to a point that it can be discharged into a gravity sewer that will flow west to the trunk sewer in Beaver Creek Road. The lift station and pressure sewer project has been identified in the Sanitary Sewer Master Plan as projects BC-COL-5 and 6. A utility bridge that will carry the pressure pipe and gravity sewer pipe over Thimble Creek is anticipated.

A short road access to the pump station that is parallel to Thimble Creek will also be needed.

The majority of the southern half of the concept area will have a gravity sanitary sewer system that will convey waste water to the existing 2,400-foot long trunk sewer in Beaver Creek Road, which currently extends from Highway 213 to approximately 800 feet south of Marjorie Lane. This portion of the system can be built in the planned roadways and in the existing Beaver Creek Road right-of-way. This portion of the system can be built in the planned roadways. A portion of the system, approximately 900 feet long, will need to be built in the current alignment of Loder Road so that the gravity sewer can be connected to the trunk sewer in Beaver Creek Road. The circulation plan includes a realignment of Loder Road. Therefore, a sewer easement will need to be retained across the future parcel that now includes the current Loder Road alignment.

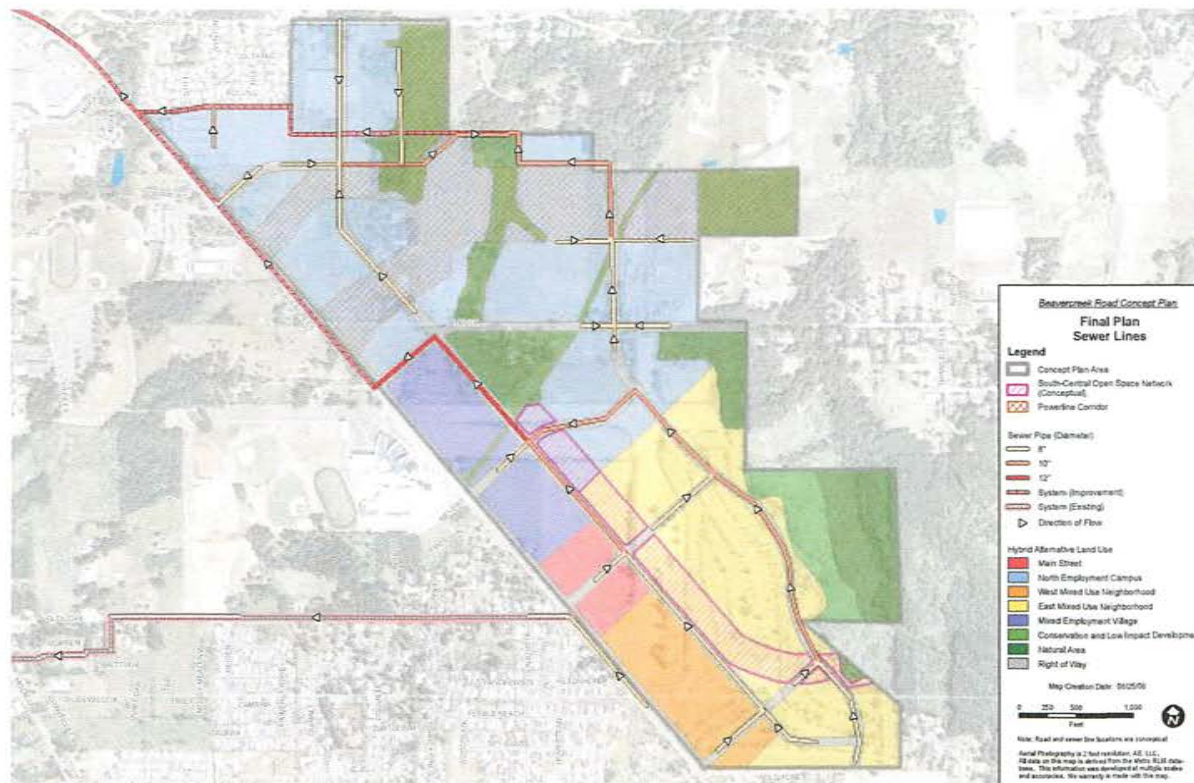


Figure 23 - Sewer Plan

The approximate elevation of 490 ft (MSL) is important in the southern half of the concept plan area relative to gravity sewer service. Roadways and development constructed above 490 ft 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 ft, individual pump stations and pressurized services may be required.

3. **Are the property owners willing to follow the Beaver Creek Master Plan? Do we have any guarantees that they will?** Are they willing to sign and record a revocable annexation contract for them to follow the plan, even though it hasn't been adopted yet? How much open space are they willing to provide?

Project Participants

Citizen Advisory Committee

Dave Prideaux	Natural Resources
Elizabeth Graser-Lindsey	The Hamlet of Beavercreek
Dan Lajoie	Planning Commission
Mike Riseling	Oregon City School District
Mary Smith	Transportation Advisory Committee
Bill Leach	Clackamas Community College
Lynda Orzen	Resident, Caufield Neighborhood
Ron Estes	Resident, Caufield Neighborhood
Rose Holden	Property Owner, Oregon City Golf Course
Ken Allen	Development Interest, Representing Hall family
Richard Mudgett/Patty Jacobs (alt)	Representing Hall family
Phil Gentemann	Development Interest, Property Owner
Renate Mengelberg	Clackamas County, Economic Development
Beverly Thacker	State of Oregon, Economic Development
Amber Holveck	Oregon City Chamber of Commerce, Business
Doug Neeley	Transportation Advisory Committee

Technical Advisory Committee

Ray Valone	Metro
Ben Baldwin	Tri-Met
Gail Curtis	Oregon Department of Transportation
Stacy Humphrey	Department of Land Conservation and Development
Joe Marek	Clackamas County Transportation
Nancy Kraushaar	Oregon City Public Works Department
Renate Mengelberg	Clackamas County
Lorranine Gonzales	Clackamas County
Dan Drentlaw	Oregon City Community Development

City Staff

Dan Drentlaw, Community Development Director
Tony Konkol, Senior Planner and City Project Manager
Nancy Kraushaar, Public Works Director
Laura Butler, Planner

Consultant Team

Otak

Joe Dills, AICP, Project Manager
Michelle Stephens, Planner
Kathryn Yagodinski, Project Assistant
Martin Glastra van Loon, Urban Designer
Chunlin Yang, Urban Designer
Del Leu, GIS
Dan Antonson, GIS
Jerry Markisino, PE, Engineer
Amanda Owings, PE, Engineer
Kevin Timmins, PE, Water Resource Engineer
Mandy Flett, Planner

ECONorthwest

Terry Moore
Anne Fifield
Sarah Graham
Radcliffe Dacanay
Jacob Holcombe

Environmental Sciences Associates

Wallace Leake

Kittelson and Associates

Phillip S.D. Worth
Nick Foster

Jeanne Lawson Associates

Kristin Hull
Kalin Schmoldt

4. Beaver Creek is a regional highway and serves many more people in surrounding communities than Oregon City traffic. Before I can support this annexation, the City needs to negotiate for more roadway improvements to Beaver Creek – and the intersection with 213 - before the City agrees to annex or change the maintenance jurisdiction of this roadway, not afterward. A 2 inch lift is not adequate for this roadway or other in this vicinity that are likely in need of major road bed improvements.

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .

Finding: The proposal is consistent with this requirement. The required notice was provided to Clackamas County at least 20 days before the Planning Commission hearing. The UGMA requires that adjacent road rights-of-way be included within annexations. The Beaver Creek Road right-of-way adjacent to the subject site is included in the initial legal description provided with this application. Since Beaver Creek Road is an arterial, transfer of jurisdiction to the city would fall under the case-by-case basis, subject to negotiation. The County has agreed to consent to the annexation of the Beaver Creek Road Right-of-Way and has signed the Petition and Land Use application, but the transfer in ownership of the roadway is not proposed with this application. Beaver Creek Road shall be included in the final legal description for annexation.

d. Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;

Finding: The proposal is consistent with this requirement. The proposed annexation is consistent with adopted public facility plans, as described below.

Water: The city's 2012 *Water Distribution System Master Plan* identifies recommended improvement projects intended to serve the proposed annexation area. Those projects include:

- Pipeline project no. F-CIP-4 – New 8-inch and 12-inch pipelines (total of 5,875 feet in length) that connect to the existing system along S. Beaver Creek Road and travel north through the proposed annexation area. The project description states it is “intended to supply future growth in the area and will likely be developer driven.” Total estimated cost is \$1,133,720.
- Pipeline project no. F-CIP-14 – A new 2 MG water storage facility and 10,750 feet of 16-inch pipeline extending from the storage facility on S. Wilson Road to the Fairway Downs Pump Station along S. Beaver Creek Road. This project is intended to create storage for a newly created pressure zone in the Fairway Downs areas. A siting study will be required prior to design. Total estimated cost is \$5,687,500.

5. Water: It does not appear that the water system is adequate for the future urbanization of this area. Does the property owner need to install more pipeline or upsize the pump station. How much of these improvements is the property owner willing to do? What kind of guarantees and agreements does the City have in hand today to ensure that the system will be upgraded to adequately serve future development of this territory?



Figure 21 - Sustainable Stormwater Plan

Storm Water and Water Quality

This Beavercreek Road stormwater infrastructure plan embraces the application of low-impact development practices that mimic natural hydrologic processes and minimize impacts to existing natural resources. It outlines and describes a stormwater hierarchy focused on managing stormwater in a naturalistic manner at three separate scales: site, street, and neighborhood.

Tier 1 – Site Specific Stormwater Management Facilities (Site)

All property within the study area will have to utilize on-site best management practices (BMPs) to reduce the transport of pollutants from their site. Non-structural BMPs, such as source control (e.g. using less water) are the best at eliminating pollution. Low-impact structural BMPs such as rain gardens, vegetated swales, pervious surface treatments, etc. can be designed to treat stormwater runoff and reduce the quantity (flow and volume) by encouraging retention/infiltration. They can also provide beneficial habitat for wildlife and aesthetic enhancements to a neighborhood. These low-impact BMP's are preferred over other structural solutions such as underground tanks and filtration systems. Most of these facilities will be privately maintained.

Tier 2 – Green Street Stormwater Management Facilities (Street)

Green Streets are recommended for the entire Beavercreek Concept Plan area. The recommended green street design in Figures 15 - 19 use a combination of vegetated swales or bioretention facilities adjacent to the street with curb cuts that allow runoff to enter. Bioretention facilities confined within a container are recommended in higher density locations where space is limited or is needed for other urban design features, such as on-street parking or wide sidewalks. The majority of the site is underlain with silt loam and silty clay loam. Both soils are categorized as Hydrologic Soil Group C and have relatively slow infiltration rates.

The recommended green streets will operate as a collection and conveyance system to transport stormwater from both private property and streets to regional stormwater facilities. The conveyance facilities need to be capable of managing large storm events that exceed the capacity of the swales. For this reason, the storm water plan's conveyance system is a combination of open channels, pipes, and culverts. Open channels should be used wherever feasible to increase the opportunity for stormwater to infiltrate and reduce the need for piped conveyance.

Tier 3 – Regional Stormwater Management Facilities (Neighborhood)

Regional stormwater management facilities are recommended to manage stormwater from larger storms that pass through the Tier 1 and Tier 2 facilities. Figure 21 illustrates seven regional detention pond locations. Coordinating the use of these for multiple properties will require land owner cooperation during development reviews, and/or, City initiative in advance of development.

The regional facilities should be incorporated into the open space areas wherever possible to reduce land costs, and reduce impacts to the buildable land area. Regional stormwater facilities should be designed to blend with the other uses of the open space area, and can be designed as a water feature that offers educational or recreational opportunities. Stormwater runoff should be considered as a resource, rather than a waste stream. The collection and conveyance of stormwater runoff to regional facilities can offer an opportunity to collect the water for re-use.

Discharge Locations

Post-development stormwater runoff rates from the Beaver Creek Road Concept Plan Area will need to match pre-development rates at the existing discharge locations, per City Stormwater Design Standards. Since there are several small discharge locations to Thimble Creek, flow control facilities may not be feasible at all discharge locations. In this situation, over-detention is needed at some discharge locations to compensate for the undetained areas so that flows in Thimble Creek at the downstream point of compliance meet City Stormwater Design Standards for flow control.

The stormwater infrastructure for the Beaver Creek Road Concept Plan Area is estimated to cost between \$7.8 million and \$9.4 million for base construction. When construction contingencies, soft costs (engineering, permitting, construction management), and land acquisition, the total cost is estimated at \$15 to \$23 million.

Water

The proposed water infrastructure plan creates a network of water supply pipelines as the “backbone” system. In addition, as individual parcels are developed, a local service network of water mains will be needed to serve individual lots.

Since there are two pressure zones in the concept plan area, there will need to be a network of pipes for each of the two zones. These systems are illustrated on Figure 22. The Fairway Downs Pressure Zone will serve the south one-third of the concept plan area. This zone receives water from

the system reservoirs. But, because this zone is at the highest elevation in the entire water system, pressure from the reservoir system is insufficient to maintain a usable pressure to customers in this part of the system. The water pressure is increased by using a booster pump station located at the intersection of Glen Oak Road and Beaver Creek Road.

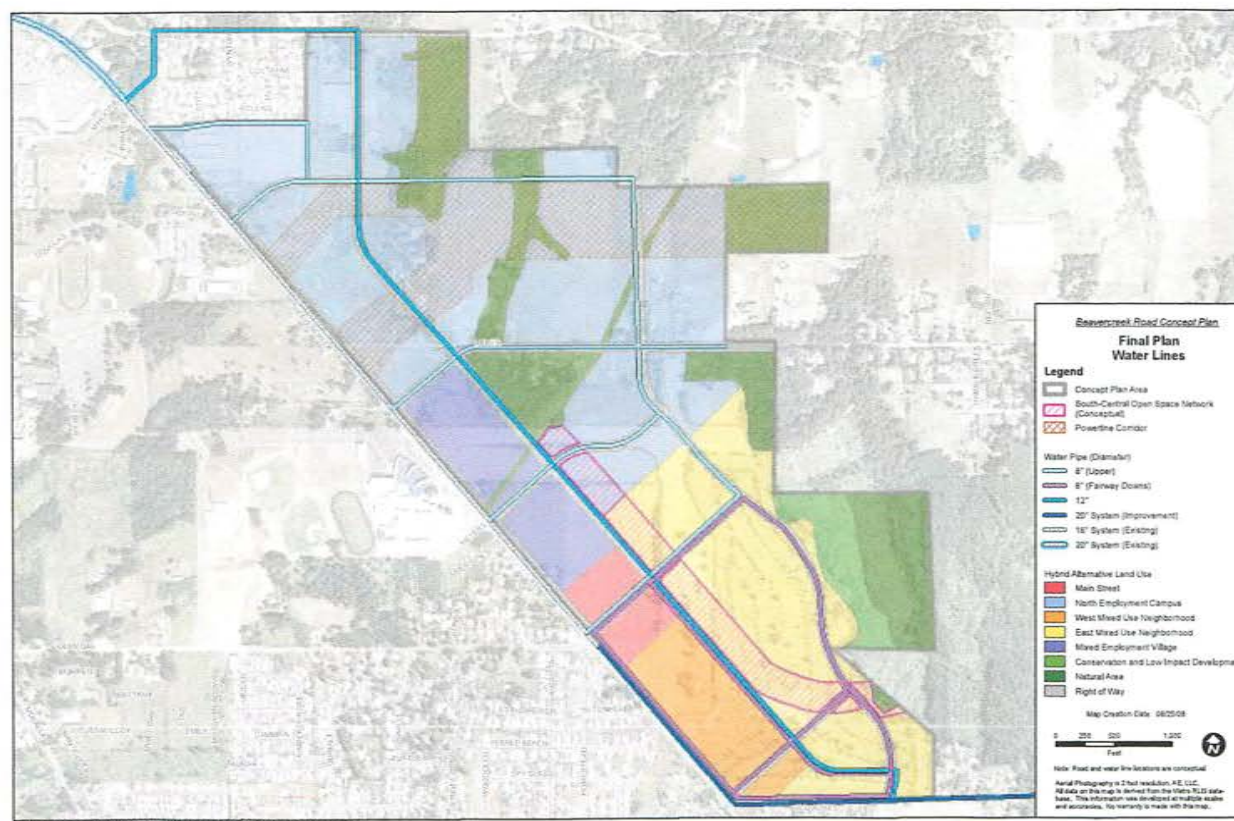


Figure 22 - Water Plan

In the Fairway Downs Pressure Zone, the majority of the water mains will be installed in the proposed public rights-of-way. However, a small portion of the system may need to be in strip easements along the perimeter of the zone at the far southeast corner of the concept plan area. The system layout shown is preliminary and largely dependent on future development and the final system of internal (local) streets. Additional mains may be needed or some of the water mains shown may need to be removed. For instance, if the development of the residential area located at the southeast end of the site, adjacent to Old Acres Road, includes internal streets, the water mains shown along the perimeter of the site may be deleted because service will be provided from pipes that will be installed in the internal street system.

Some of the planned streets in the Fairway Downs Pressure Zone will contain two water mains. One water main will provide direct water service to the area from the booster pump system. The other water main will carry water to the lower elevation areas in the Upper Pressure Zone.

The Upper Pressure Zone will serve the north two-thirds of the concept plan area. The “backbone” network for the Upper Pressure Zone will have water mains that are pressured from the Henrici and Boynton reservoirs. A single 12-inch water main will run parallel with Beaver Creek Road through the middle of concept plan area. This water conduit will serve as the “spine” for the Upper Pressure Zone. A network of 8-inch water pipes will be located in the public rights-of-way and will provide water to the parcels that are identified for development. The system can be extended easterly on Loder Road, if needed.

The preliminary design ensures that the system is looped so that there are no dead-end pipes in the system. Along a portion of the north perimeter, approximately 1,600 feet of water pipe will be needed to complete a system loop and provide water service to adjacent lots. This pipe will share

a utility easement with a gravity sanitary sewer and a pressure sewer. There may also be stormwater facilities in this same alignment.

In the Water Master Plan, under pipeline project P-201, there is a system connection in a strip easement between Thayer Road and Beaver Creek Road at the intersection with Marjorie Lane. Consideration should be given to routing this connection along Thayer Road to Maple Lane Road and then onto Beaver Creek Road. This will keep this proposed 12-inch main in the public street area where it can be better accessed.

The estimated total capital cost for the “backbone” network within the concept plan area will be in the area of \$5,400,000. This estimate is based on the one derived for Alternative D, which for concept planning purposes, is representative of the plan and costs for the final Concept Plan. This is in addition to the \$6.9 million of programmed capital improvement projects that will extend the water system to the concept plan area. All estimates are based on year 2003 dollars. Before the SDC can be established, the estimates will need to be adjusted for the actual programmed year of construction.

For additional information, please see Technical Appendix, Sections C6 and H3.

6. Specific quantitative information on the burden to Fire and Police is needed for the annexation and future urbanization of this 114 acre site. Have they specifically said that they will be accommodate development at the future urbanizable levels?



OREGON CITY

Police Department

320 Warner Milne Road | Oregon City OR 97045
Ph (503) 657-4964 | Fax (503) 655-0530 | Non Emergency Police Dispatch: (503) 655-8211

November 12, 2015

Oregon City Police Department appreciates the opportunity to comment on the Beavercreek Road Concept Plan.

OCPD already provides police services to several properties within and adjacent to the concept plan area within the city limits, including Oregon City High School.

When land within the concept plan area is annexed to Oregon City, the properties will be removed from the jurisdiction of the Clackamas County Enhanced Law Enforcement District and served by OCPD.

Currently our officer force is 44, and our reserve officer force is 4, providing a ratio of 1.25 officers / per 1000 population.

OCPD does not anticipate any problems being able to patrol and serve the concept plan area with police officers as development occurs. We anticipate that as urbanization occurs, our response times will remain within acceptable industry standards.

OCPD already works closely with the Planning Division to review new development applications to assure continued public safety.

Sincerely,

Jim Band, Chief
Oregon City Police Department

Clackamas Fire District #1 — Fire Prevention Division



Oregon City Planning Commission:

Clackamas Fire District #1 appreciates the opportunity to comment on the Beaver Creek Road Concept Plan. The Beaver Creek Road Concept Plan area is within Clackamas Fire District #1 and the Fire District provides fire and ALS (advanced life support) services to all areas served including this proposed site.

The Beaver Creek Road Concept Plan area is served by the Hilltop Fire Station #16, which is located at 19340 Molalla Avenue in Oregon City. Based on our Standards of Cover document our prescribed total response time to this area is approximately 8 minutes 14 seconds.

Clackamas Fire District #1 does not anticipate any problems being able to serve the concept plan area with fire and EMT services in the future as development occurs. We anticipate that as urbanization occurs, our response times will remain within acceptable industry standards. Clackamas Fire District #1 already works closely with Oregon City to review new development applications to assure continued fire and life safety.

Sincerely,

Doug Whiteley
Fire Marshal

7. Provide a discussion under OCMC Chapter 14.04.050-C (Neighborhood Contact) of the discussion and major issues raised in this meeting

A packed house tonight to hear about the proposed annexation of the Oregon City Golf Club into Oregon City. New state law allows annexation if 100% of the property owners whose property would be annexed agree to it. The property is already inside the urban growth boundary. Future planning would build a mix of homes, parks, trails and employment opportunities in the new community.



[Like](#) [Show more reactions](#)

[Comment](#)

[Share](#)

10 [Shelly Parini](#), [Gary Conkling](#) and 8 others

1 share

Comments



[Susan Kerr Shawn](#) I thought this one was settled a few years ago. Sigh.

[Like](#) · [Reply](#) · June 28, 2016 at 10:28pm



[Carlotta Collette](#) The concept plan was adopted but there was voter opposition to annexing it into Oregon City. The area next to it already is inside Oregon City. The change in the law will enable development to go forward.

[Like](#) · [Reply](#) · June 29, 2016 at 8:43am



[Write a reply...](#)



[William Gifford](#) When and where was this held? Surprised I hadn't heard anything about it.

[Like](#) · [Reply](#) · 1 · June 28, 2016 at 11:06pm



[Carlotta Collette](#) At the golf club last night. Neighbors were invited.

[Like](#) · [Reply](#) · [June 29, 2016 at 8:29am](#)



Write a reply...



Nick Veroske It's about time the UGB could be used as a reliable tool for meeting the housing and employment needs of a city!

[Like](#) · [Reply](#) · [3](#) · [June 28, 2016 at 11:57pm](#)



Carlotta Collette There's a lot of fear that it will be "Section 8 housing" or "crime center." The housing planned is all market rate or higher, a mix of attached and detached single family homes, a "Main Street" with coffee shop type amenities, employment area on the w... [See More](#)

[Like](#) · [Reply](#) · [1](#) · [June 29, 2016 at 8:50am](#)



Write a reply...



Kirstin Greene This is great news. A dream many many years in the making. Can I put an option in on a home now? Beavercreek and the CCC OC campus rules. Not to mention proximate to the Red Soils County hub. Kudos!

[Like](#) · [Reply](#) · [3](#) · [June 30, 2016 at 12:28pm](#) · Edited



Shelly Parini Carlotta thank you for your leadership! It's so important on so many levels.

[Like](#) · [Reply](#) · [1](#) · [June 29, 2016 at 3:22pm](#)



Paul F Shirey Let's hope it doesn't happen...

[Like](#) · [Reply](#) · [June 29, 2016 at 5:47pm](#)



William Gifford It will happen. Let's work to make it the best it can be.

[Like](#) · [Reply](#) · [1](#) · [June 29, 2016 at 5:50pm](#)



Write a reply...



Paul F Shirey Sorry! I mis-read. Thought it was the Langdon Farms Golf Course. I support the Oregon City annexation.

[Like](#) · [Reply](#) · [3](#) · [June 29, 2016 at 5:48pm](#)



[Carlotta Collette](#) replied · 1 Reply



[Gary Conkling](#) Thanks, Carlotta, for attending the meeting.

Like · Reply · 1 · [June 30, 2016 at 9:24am](#)



[Kirstin Greene](#) I had to edit my too-short, gleeful comment above. This really is happy news, indeed, for the Holden family and generations to come. Proximate to CCC. Jealous!

Like · Reply · [June 30, 2016 at 12:29pm](#)



[Daphne Eppler Wuest](#) I am so happy to hear of this legislative change. It is about time.

8. **School Capacity:** Provide more information on how annexation of the territory will have existing capacity and future capacity of the schools.



Oregon City School District No. 62

Learning to be our Best

P.O. Box 2110 (1417 12TH St.), Oregon City, Oregon 97045-5010 • OCSD62.org
Larry Didway, Superintendent • Telephone: (503) 785-8430 • FAX: (503) 657-2492

November 17, 2015

Peter Walter, Associate Planner
City of Oregon City
221 Molalla Avenue, Ste. 200
Oregon City, Oregon 97045

RE: Beaver Creek Road Concept Plan

Oregon City School District owns property adjacent to the Beaver Creek 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.

Even with existing school property adjacent to the Beaver Creek 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.

Sincerely,

A handwritten signature in blue ink, which appears to read "Larry Didway".

Larry Didway
Superintendent
Oregon City School District
PO Box 2110
Oregon City, OR 97045
503-785-8000

OREGON CITY SCHOOL DISTRICT

ENROLLMENT FORECASTS

2016-17 TO 2025-26



Portland State
UNIVERSITY

Population Research
Center



March, 2016

**OREGON CITY SCHOOL DISTRICT
ENROLLMENT FORECASTS
2016-17 TO 2025-26**

**Prepared By
Population Research Center
Portland State University**

March, 2015

Project Staff:

Charles Rynerson, Research Associate

Scott Stewart, Research Associate

ENROLLMENT TRENDS

Note: District-run charter schools, Oregon City Service Learning Academy (OCSLA), and the Clackamas Academy of Industrial Sciences (CAIS), are included in district-wide enrollment. Springwater Environmental Sciences School and Alliance Charter Academy are not included.

After reaching almost 8,000 students during the early 2000s, K-12 enrollment in the Oregon City School District decreased for seven straight years between 2005-06 and 2012-13. In 2013-14 the District experienced its largest growth in nine years, a gain of 162 students. The next two years seesawed, with decline of 80 students in 2014-15 and an increase of 66 in 2015-16. The K-12 total in fall 2015 was 7,535 students, five percent lower than enrollment in 2004-06.

After declining for five straight years through 2012-13 the District's elementary (K-5th) increased to 3,290 in 2013-14 and has remained above its 2012-13 low for each of the past three years. Over the 10 year period between 2005-06 and 2015-16, K-5 enrollment declined by 11 percent. Middle (6th-8th) grades enrollment fell by 229 students (12 percent) during the same period, while high school (9th-12th) grades added 201 students (eight percent).

The long-term trends in OCSD of K-8 decline and significant high school growth differ from the statewide experience. For Oregon overall between 2005-06 and 2015-16, K-8th grades enrollment grew by 4.7 percent, while 9th-12th grades added just one percent. The statewide K-12th grade total has grown very slowly, just 3.5 percent in 10 years, and many districts in Oregon have experienced enrollment decline due to lower fertility rates and an aging population.

EXECUTIVE SUMMARY

This report presents a range of three scenarios of district-wide enrollment forecasts by grade level for the Oregon City School District (OCSD) for the 10 year period between 2016-17 and 2025-26. Each enrollment forecast scenario is related to population forecasts that incorporate different assumptions about growth within the District, with the primary differences being the contribution of net migration to the District's population and age distribution. Individual school forecasts consistent with the middle range scenario are also presented for the 10 year period.

Population and Economic Trends

- Between 2000 and 2010, total population within the OCSD grew by 14 percent, while school-age population grew by only seven percent.
- OCSD population under age five *decreased* by 8.5 percent between 2000 and 2010.
- In 2014 the number of births to women living in the OCSD spiked to 667, approaching its pre-recession 2007-2008 peak of 682. This earlier peak precipitated the large incoming kindergarten enrollment in fall 2013. In 2008-2009 births declined as the recession took hold, leading to a decrease in fall 2014 kindergarten enrollment. It remains to be seen if the 2014 birth level is an anomaly or the beginning of an upward trend.
- Clackamas County's unemployment rate rose from 4.6 percent in 2007 to 10.2 percent in 2009. In 2014 it fell to 6.2 percent, equaling the U.S. rate.

Enrollment Trends

- After reaching almost 8,000 students during the early 2000s, K-12 enrollment in the Oregon City School District decreased for seven straight years between 2005-06 and 2012-13. In 2013-14 the District experienced its largest growth in nine years, a gain of 162 students. The next two years seesawed, with decline of 80 students in 2014-15 and an increase of 66 in 2015-16.
- The K-12 total in fall 2015 was 7,535 students, five percent lower than enrollment in 2004-05.

- After declining for five straight years through 2012-13 the District's elementary (K-5th) increased to 3,290 in 2013-14 and has remained above its 2012-13 low for each of the past three years.
- Over the 10 year period K-5 enrollment declined by 11 percent. Middle (6th-8th) grades enrollment fell by 229 students (12 percent) during the same period, while high school (9th-12th) grades added 201 students (eight percent).

District-wide Enrollment Forecast: Middle Range

- K-12 enrollment increases by 595 students (eight percent) in the next 10 years.
- K-5 enrollments grow by 154 students in the first five years and accelerate to an increase of 220 in the second five, for a total increase of 374 students (11 percent) over the forecast period.
- Over the ten year forecast period grade 6-8 grow by 180 students (10.8 percent).
- High school enrollment falls by 90 students in the first five years but grows by 131 in the second five years for a total growth of 41 students (1.6 percent) in ten-years.

District-wide Enrollment Forecast: Low Range

- The *low range* forecast depicts a scenario under which net migration remains near its recent low levels.
- K-12 enrollment declines through the first two years of the forecast, stabilizes, and then grows to a net increase of 178 over the ten year period.
- K-5 enrollment is fairly flat through the first four forecast years and then begins increasing in 2020-21. It ends the forecast period in 2025-26 with an overall increase of 206 students (6.3 percent).
- Middle school grades add 66 students during the first five years and ten in the second five, for a total increase of 76 (4.5 percent) over 10 years.
- Enrollment decline occurs in high school in the first five years of the forecast period: a loss of 162 students (6.3 percent). After 2019-20, 9th-12th grade enrollment increases,

but not enough to overcome the earlier losses. High school enrollment ends the ten year forecast period with a 104 student loss.

District-wide Enrollment Forecast: High Range

- The *high range* forecast includes net migration consistently near the higher levels observed in the mid-2000s.
- K-12 enrollment grows at an average of 1.3 percent annually and is expected to increase by 991 students (13 percent) over the 10 year period.
- Most of the enrollment increase occurs in the elementary grades, which add 550 students (17 percent) over the 10 year period.
- Enrollment in middle grades grows by 11 percent during the first five years, and then slows, ending the ten year forecast period with an overall 268 student (16 percent) increase.
- High school grades are flat for the first five years of the forecast and then increase by 171 students in the second five years, for a total increase of 173 (7 percent) for the ten year forecast period.

Table 1 summarizes recent and forecast K-12 enrollments by five year intervals under the three scenarios. Chart 1 depicts the District's 10 year K-12 enrollment history and the 10 year K-12 forecasts. Table 2 details the *Middle Range* forecast by grade level groups. More details of the forecasts are presented in the "Enrollment Forecasts" section and in Appendix A.

Table 1
Historic and Forecast K-12 Enrollment
Low, Middle, and High Scenarios
Oregon City School District

School Year	LOW		MIDDLE		HIGH	
	Enroll-ment ¹	5 year growth	Enroll-ment ¹	5 year growth	Enroll-ment ¹	5 year growth
2005-06	7,953		7,953		7,953	
2010-11	7,559	-394	7,559	-394	7,559	-394
2015-16	7,535	-24	7,535	-24	7,535	-24
2020-21 (fcst.)	7,489	-46	7,730	195	8,014	479
2025-26 (fcst.)	7,713	224	8,130	400	8,526	512
AAEG ² , 2015-16 to 2025-26	0.2%		0.8%		1.2%	

1. Includes OCSLA and CAIS. Does not include Alliance Academy or Springwater

2. Average Annual Enrollment Growth.

Source: Historic enrollment, Oregon City School District; Enrollment forecasts, Population Research Center, PSU, February 2016.

Chart 1
OCSD K-12 Enrollment History and Forecast
2005-06 to 2025-26

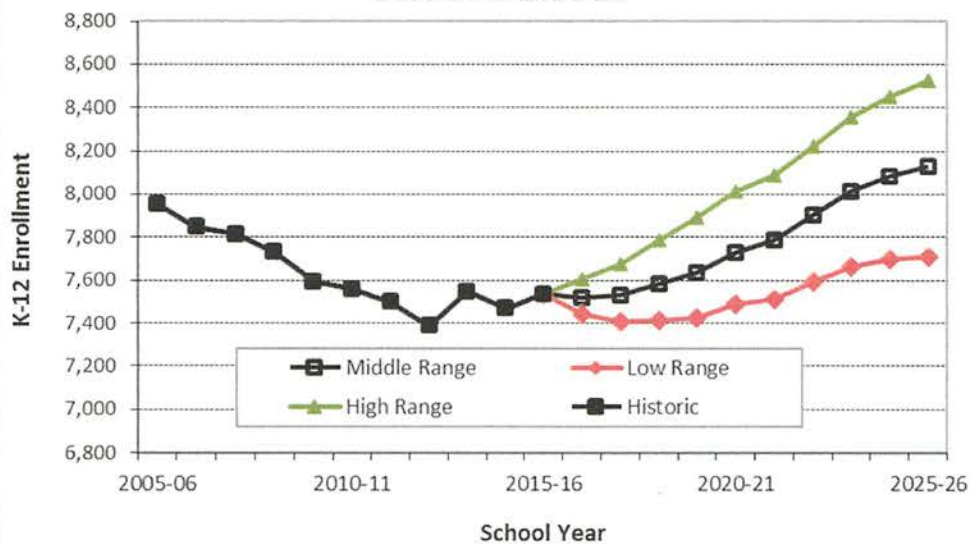


Table 2
Historic and Middle Range Forecast Enrollment
by School Level (K-5, 6-8, 9-12)
Oregon City School District

	Actual			Forecast	
	2005-06	2010-11	2015-16	2020-21	2025-26
Grades K-5	3,679	3,321	3,289	3,443	3,663
5 year change		-358	-32	154	220
		-9.7%	-1.0%	4.7%	6.4%
Grades 6-8	1,900	1,903	1,671	1,802	1,851
5 year change		3	-232	131	49
		0.2%	-12.2%	7.8%	2.7%
Grades 9-12	2,374	2,335	2,575	2,485	2,616
5 year change		-39	240	-90	131
		-1.6%	10.3%	-3.5%	5.3%
Total	7,953	7,559	7,535	7,730	8,130
5 year change		-394	-24	195	400
		-5.0%	-0.3%	2.6%	5.2%

Includes OCSLA and CAIS. Does not include Alliance Academy or Springwater

Actual: Oregon City School District, September 30 quarterly report information.

Forecast: Population Research Center, PSU, February 2016.

9. OCMC 14.04.050(E)(7)(a-g): (Available Public Facilities and Services): c - "Statement of additional facilities" I believe that this criteria *is* applicable. Provide more information on the public facilities needed to support the current and future urbanization of this site, once the territory is annexed.

More recently (May 2016), the city has provided an updated assessment of future water facilities that will be needed to serve the Concept Plan area. To serve areas above a ground elevation of 480 feet, which includes the subject annexation site, the city has identified the following future facilities: a reservoir, pump station, transmission main and main extensions to serve the Fairway Downs Pressure Zone. The city anticipates that a phasing plan for construction of these water facilities will be completed in the next two years (2016 – 2017).

Sewer: The *Oregon City Sanitary Sewer Master Plan* (2014) also identifies recommended improvements intended to accommodate future demand in the proposed annexation area. Those improvements consist of gravity sewer extensions throughout the annexation area connecting to an existing line in S. Beaver Creek Road.

Transportation: The TSP identifies the following planned improvements intended to serve the Beaver Creek area:

- Project D39 – A new roundabout at the intersection of S. Beaver Creek Road and Glen Oak Road.
- Project D47 – Extension of Meyers Road (planned minor arterial) through the Beaver Creek area, north of the proposed annexation site.
- Project D55 – Extension of Glen Oak Road through the annexation area from Beaver Creek Road to the Meadow Lane extension. Street will be built to the Residential Collector cross section, which has three travel lanes, sidewalk/landscape strip on both sides, on-street parking and a 6-foot bike lane.
- Project D56 – New east-west collector (Timbersky Way extension) connecting Beaver Creek Road to the Meadow Lane extension. Street will be built to the Residential Collector cross section.
- Project D59 – New north-south collector (Holly Lane extension) through the annexation area, parallel to S. Beaver Creek Road. Street will be built to the Mixed-Use Collector cross section, which has three travel lanes, 10.5-foot sidewalks with tree wells on both sides, on-street parking and a 6-foot bike lane.
- Project D60 – new north-south collector (Meadow Lane extension) through the annexation area. Street will be built to the Mixed-Use Collector cross section.
- Project D82 – Planned street upgrade to S. Beaver Creek Road from Meyers Road south to the edge of the UGB. Beaver Creek will be improved to the Residential Major Arterial cross-section, which has five travel lanes, sidewalk/landscape strip on both sides, on-street parking, a median and a 6-foot bike lane.

With the exception of the roundabout in Project D39, all improvements are designated as Likely to be Funded System Projects. The TSP also identifies a shared-use path extending throughout the annexation area and generally following the collector street alignments. That project is considered a Not Likely to be Funded System Project but it could be provided as development occurs.

Stormwater: On-site or sub-regional stormwater drainage, water quality, and detention facilities will be required at the time of development. The Beaver Creek Road Concept Plan has extensive language on the recommended methodology to capture and treat stormwater. Additionally, the City has adopted new a Stormwater and Grading Design Standard Manual and Low Impact Development (LID) standards. When development is proposed for the subject site, the owner will be required to design a stormwater drainage plan that is consistent with these standards.

Police, Emergency and Fire Protection:

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1

officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation, the Oregon City Police Department will serve the subject site. Oregon City fields approximately 1.41 officers per 1,000 people. The Police Department has a goal of four-minute emergency response, 7 to 9 minute actual, and twenty-minute non-emergency response times. As no zone change or additional development is proposed as part of this annexation application, this annexation will have a minimal impact on police services.

The proposed annexation area is currently, and will remain, within the Clackamas Fire District #1. The Clackamas Fire District provides all fire protection for Oregon City since the entire city was annexed into their district in 2007. As no zone change or additional development is proposed as part of this annexation application, this annexation will have no impact on fire protection services. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation; however, based on the November 2007 fire district annexation approval, staff recommends that the properties remain within the fire district.

Emergency Medical Services to the area are provided through American Medical Response (AMR) through a contract with Clackamas County. Oregon City and the unincorporated areas surrounding Oregon City are all part of the AMR contract service area. Clackamas Fire District#1 provides EMS service to all areas they serve include ALS (advanced life support) staffing. This means all fire apparatus are staffing with a minimum of one firefighter/paramedic; usually there are more than one. Additionally, Clackamas Fire does provide ambulance transport when an AMR unit is not readily available. Therefore EMS services are provided from Clackamas Fire #1 with AMR being dispatched as well.

e. Any applicable comprehensive plan;

Finding: The proposal is consistent with this requirement. The Beaver Creek Road Concept Plan will ultimately be the concept plan that will guide future development in the proposed annexation area, once acknowledged by State Department of Land Conservation and Development and following the resolution of the current LUBA appeal. The Concept Plan has been adopted by the city and has been adopted as an ancillary document to the Comprehensive Plan, but is not yet effective and therefore does not provide any applicable approval criteria. The Beaver Creek Road Concept Plan serves as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates; the Water System Master Plan (2012), the Sanitary Sewer Master Plan (2014), the Transportation System Plan (2014), and the Stormwater and Grading Design Standards (2015). The applicant has not applied for a comprehensive plan amendment or zone change at this time, but has relied upon and referenced the status of the concept plan and acknowledges the land use designations within the Beaver Creek Road Concept Plan. In the meantime the current adopted Oregon City Comprehensive Plan for the area is addressed below:

Clackamas County Comprehensive Plan Finding: The annexation area zoning designation of FU-10 and TBR is consistent with Clackamas County's Comprehensive Plan. The Clackamas County Comprehensive Plan implements the Oregon City Comprehensive Plan for lands within the Urban Growth Boundary. The plan

designation for these properties on the County's Urban Area Land Use Plan the properties as Urban. According to the County's Plan,

"Urban areas include all land inside urban growth boundaries. Urban areas are either developed or planned to be developed with adequate supportive public services provided by cities or by special districts. Urban areas have concentrations of people, jobs, housing, and commercial activity."

The Land Use section of the Clackamas County Comprehensive Plan, Chapter 4, further distinguishes Urban Areas into Immediate Urban Areas and Future Urban Areas.

Immediate Urban Areas: Immediate urban areas are lands that are within urban growth boundaries, are planned and zoned for urban uses, and meet at least one of the following conditions:

1. Served by public facilities, including sanitary sewage treatment, water, storm drainage, and transportation facilities;
2. Included within boundaries of cities or within special districts capable of providing public facilities and planned to be served in the near future; or
3. Substantially developed or surrounded by development at urban densities.

The County's plan and map 4-1 identifies the territory proposed for annexation as a future urban area, which is defined as:

"Future urbanizable areas are lands within the Urban Growth Boundaries but outside Immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.

Section 4.A of the County's Plan includes several policies that address the conversion of Future Urbanizable lands to Immediate Urban lands to "Provide for an orderly and efficient transition to urban land use." and "Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way."

Further, County Land Use Policy 4.A.1 requires that the County "Coordinate with Metro in designating urban areas within Metro's jurisdiction. Recognize the statutory role of Metro in maintenance of and amendments to the Portland Metropolitan Urban Growth Boundary."

Finally, 4.C. the County's Future Urban Policy 4.C.1. requires that the County control premature development (before services are available) by:

4.C.1.1. Applying a future urban zone with a 10-acre minimum lot size within the Portland Metropolitan UGB except those lands identified in Subsection 7.1.b.

The subject site is adjacent to the City limits of Oregon City. As demonstrated within this report, public facilities and urban services can be orderly and economically provided to the subject site. Nothing in the County Plan speaks directly to criteria for annexation of property from the County to the City, although the Urban Growth

Changes to Oregon City Staff Report for January 9, 2015 Hearing:

Page 4

Remove verbiage relating to SB1573 and replace with the following:

COMPLIANCE WITH SENATE BILL 1573 (2016). Governor Brown signed Senate Bill 1573 into law on March 15, 2016 as an emergency law that became effective immediately upon her signature. This new law affects annexation procedures as explained below.

1. SECTION 2.

(1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city. **RESPONSE:** The City's laws require voter approval of annexation requests. This application meets Senate Bill 1573's requirements, those requirements do not apply to this application.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015; **RESPONSE:** The property is within the City's acknowledged UGB.

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city. **RESPONSE:** The territory proposed to be annexed is subject to the City's acknowledged Comprehensive Plan.

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and **RESPONSE:** The territory proposed to be annexed is contiguous to the City limits..

(d) The proposal conforms to all other requirements of the city's ordinances.

RESPONSE: As demonstrated below, this application complies with other applicable requirements of the City ordinances.

At the bottom of page 4:

"If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Metro Appeals Commission within 10 days of the date of the City Commission's decision." —Why Metro?

Remove this Paragraph

Page 8-Site History and Beaver Creek Road Concept Plan

It is incorrect to state the remainder of the site was brought into the UGB in two separate expansions.

The southern portion of the site was included in the original UGB when it was established by Metro in 1979. The remainder of the site was brought into the UGB in 2004.

On the same page the staff report says the city began the concept planning effort in 2007, however the citizen and technical advisory committees met June 2006 through June 2007. The Concept Plan was originally adopted in September 2007 not September 2008.

Page 16-Compliance with Oregon City Municipal Code

OCMC Chapter 14.04 14.04.050-Annexation Procedures

- A. Application Filing Deadlines –Finding: *“The proposal is consistent with this requirement. Annexation of these properties may not be subject to vote approval...”*

The ambiguity in the above findings should be removed by stating the findings as, “The proposal is consistent with this requirement. Annexation of these properties **are not** subject to vote approval.”

Page 25-Policy 2.6.8-In the staff report findings staff says, “The northern location of this employment area is important because its proximity to Clackamas Community College and Oregon City High School is intended to foster connections and relationships among the employers that site in the employment area and these two educational institutions. The proposed annexation site is located in the southern portion of the Concept Plan area and is identified for mixed-use residential neighborhoods that will support the nearby employment uses. Therefore, the territory subject to this annexation application *has no impact on the city’s ability to meet its employment goals under this policy either before or after annexation.*”

The above finding is a blatant error on the part of staff and inconsistent with the BCRCP. Goal 1 of the Beaver Creek Road Concept Plan states, **“Create a complete community, in conjunction with the adjacent land uses, that integrates a diverse mix of uses, including housing, services, and public spaces that are necessary to support a thriving employment center;”**

The above findings need to be corrected to properly reflect the true context of Policy 2.6.8 and the BCRCP.

Page 36 contains a typographical error at the bottom of the page. Staff calls **Thimble Creek** *Trimble Creek*.

Page 40 number 10 needs to be changed, *“The City Commission concurs with Tri-County Service District’s annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation.”*

There will not be voter-approved annexation in this case and the words **“upon voter approval”** should be removed to reflect clarity.

Our annexation **page 40-Section IV-Staff Recommendation:** *“Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the Planning Commission:*

*Make a recommendation on **Proposal No. AN-16-0003** to the City Commission regarding how the proposal **has or has** not complied with the factors set forth in Section 14.04.060. Staff has prepared draft finding and stands ready to adjust them as needed.”*

For **AN-16-0001 Page 19** , the previous SB 1573 annexation, Staff Recommendation says, *“Based on the findings made in this report and the applicant’s petition, staff recommends that the City Commission approve Planning File AN-16-0001, and adopt as its own this Staff Report and Exhibits. Staff makes the following recommendations, which have been included in the attached findings, reasons for decision and recommendations attached hereto.”*

The discrepancy in context and message between the two annexations is disturbing. Staff should change AN-16-0003 language to reflect same message contained in AN-16-0001 or be prepared to explain why they feel compelled to slant our annexation in a negative direction.

Note: See page 27 of the Staff Findings relating to the commissions and P Espe’s concerns:

“...The Beavercreek Road Concept Plan, serves as the principal guiding land use document for annexation and urbanization of the area, and as mentioned in this report, has been relied upon and incorporated into the legislative review and approval of four recent major public facilities master plan updates...”

This statement in and of itself should be all the commission needs to satisfy its concerns relating to our annexation.

I believe the above corrections to the staff report are all I have for you at this time. Please let me know if there are any problems with them.

Thank you.

Rose Holden-



NOTICE OF ANNEXATION PUBLIC HEARING

Mailed to all Owners within 300 feet of the Subject Property on or before: October 4th, 2016

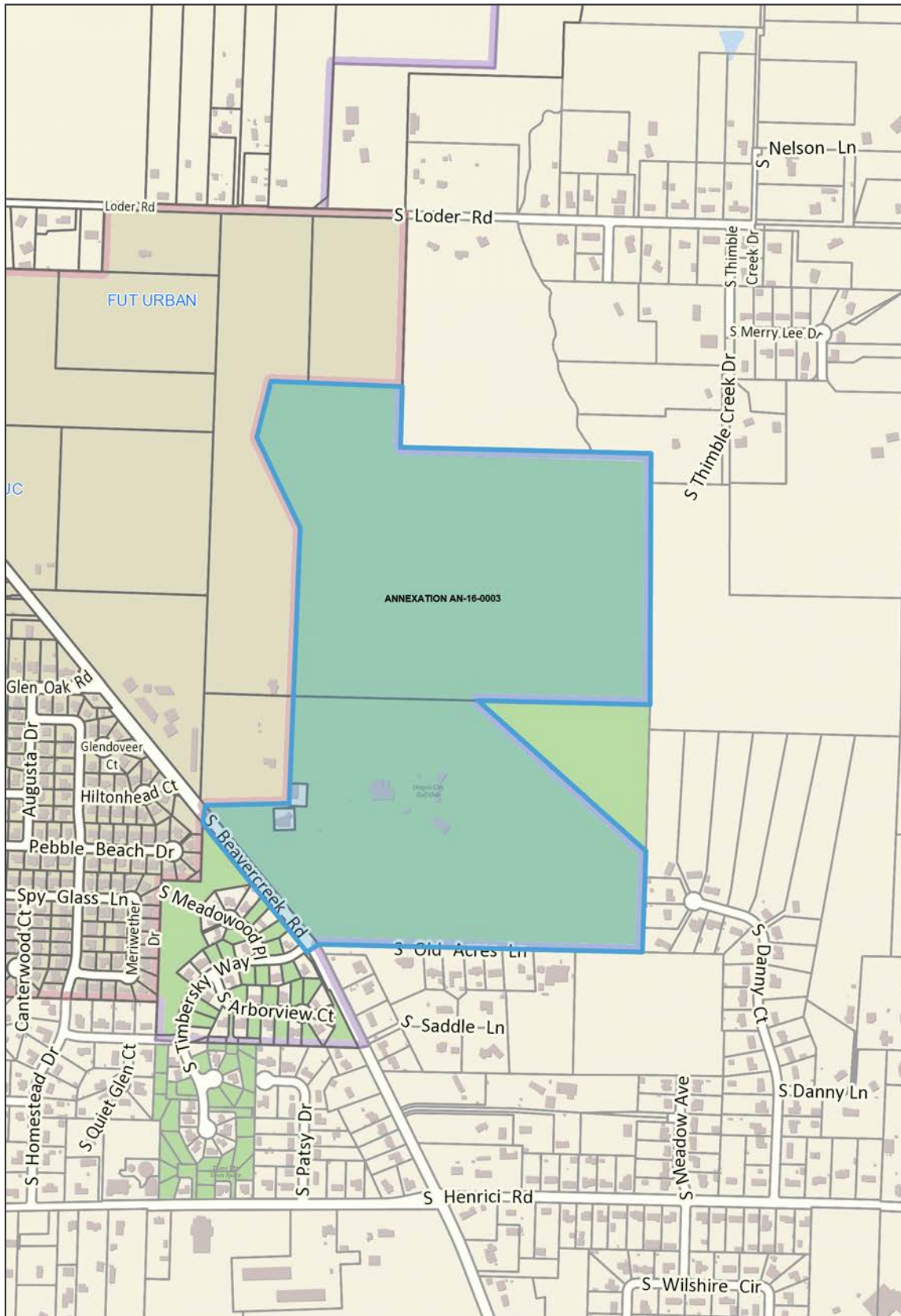
(Notices to affected parties & agencies, DLCD, Neighborhoods, and Newspaper provided separately)

COMMENT DEADLINE:	On Monday, October 24th, 2016 , the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, November 16th, 2016 , the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.
FILE NUMBER:	AN-16-0003: Annexation of Oregon City Golf Course and Abutting ROW
APPLICANT:	Brownstone Development, Inc., 47 South State St, Lake Oswego, OR 97934
OWNER:	Herberger Fam Ltd Ptnrshp / Herberger May Rose Co-Trste / Rosemary S Holden
REPRESENTATIVE:	DOWL, 720 SW Washington Street, Ste. 750, Portland, OR 97205
REQUEST:	Annexation of Oregon City Golf Course (117 acres) and approximately 2000 square feet of Abutting Beaver Creek Road Right-of-Way into Oregon City. (See attached map.) The 117 acre site is within the Oregon City Urban Growth Boundary and has a Comprehensive Plan designation of FU- Future Urban. The property is within the area of the Beaver Creek Road Concept Plan. No zone change is proposed at this time, and no changes in use are proposed or will be authorized by this application.
WEBPAGE:	https://www.orcity.org/planning/project/16-0003
LOCATION:	No Situs Address, APN 3-2E-10D -03500 (63.82 ac); 20124 S Beaver Creek Rd, APN 3-2E-15A -00290 (50.87 ac); 20118 S Beaver Creek Rd, APN 3-2E-15A -00201 (0.25 ac); and 20130 S Beaver Creek Rd, APN 3-2E-15A -00202 (0.29 ac) (See attached map.)
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcify.org
NEIGHBORHOOD ASSOC. / CPOs:	City - Caufield N.A. (Upon Annexation) County - Hamlet of Beaver Creek CPO
CRITERIA:	Oregon City Comprehensive Plan Chapters 11 and 14, Metro Code 3.09 - <i>Local Government Boundary Changes</i> , Oregon City Municipal Code (OCMC) Title 14 - <i>Annexations</i> , ORS 222 - <i>City Boundary Changes</i> , the Land Use Chapter of the <i>Clackamas County Comprehensive Plan</i> , and the <i>City/County Urban Growth Boundary Management Agreement (UGMA)</i> .

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearings. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The City Commission will make a determination as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code.

ANNEXATION PROPOSAL AN-16-0003

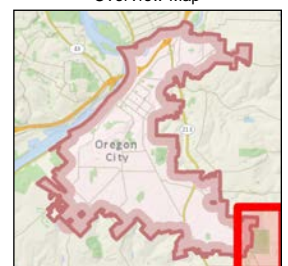


- Legend**
- All Streets - 9600 - RLIS
 - Taxlots
 - Taxlots (Outside UGB)
 - Unimproved ROW
 - City Limits
 - UGB
 - Basemap

Notes

Annexation of approx.
117 acres + Abutting
Right-of-Way of
Beavercreek Road to
the City of Oregon
City

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



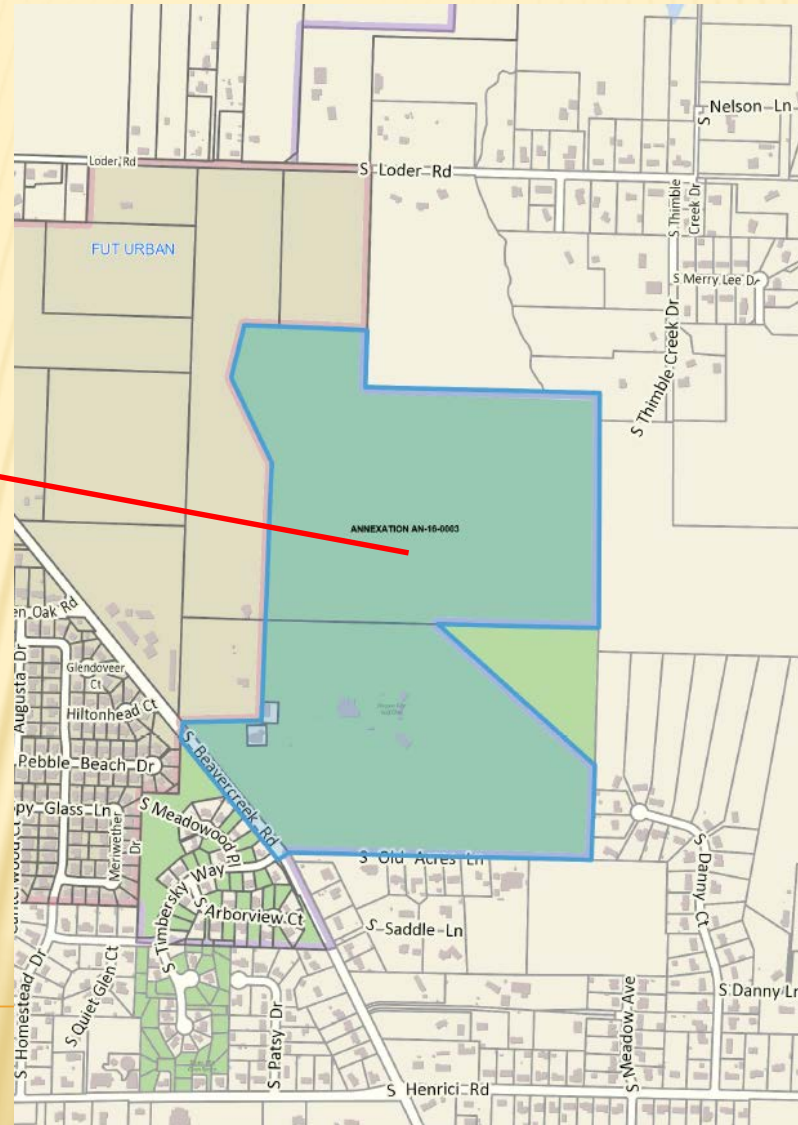
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City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org



CITY OF OREGON CITY ANNEXATION REQUEST - AN-16-03 VICINITY MAP

Subject Site
117 acres



Planning Commission – January 9, 2017
Continued from November 14, 2016
Continued from October 24th, 2016

A14-TP-003 - AERIAL PHOTO



PLANNING FILE: AN-16-03

PLANNING COMMISSION OPTIONS

Hear report from City Attorney, owner's presentation, public testimony, discuss options.

1. **Continuance.** To allow time for the commission, public and staff to respond to additional items submitted with the revised agenda on Friday, January 6th, continue to subsequent meeting.
2. **Approval without Continuance.** As requested by the property owner, if this option is agreed to it could include:
 - Making requested changes to the staff report as discussed at October 24, 2016 hearing; and
 - Any other changes or recommendations by the Planning Commission.
3. **Denial.** Requires the adoption of revised findings and a continuance. Staff would return with a written recommendation at a subsequent meeting.

Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789
www.orcity.org

Laura Terway

From: Amber Holveck <aholveck@oregoncity.org>
Sent: Monday, January 09, 2017 5:34 PM
To: Rose Holden; Laura Terway
Cc: Tony Konkol
Subject: Annexation of Oregon City Golf Course

Rose and Laura, I had intended to attend the Planning Commission tonight however learned last night that my son's rescheduled choir concert is tonight. So, I'm trying to share some thoughts with the two of you and the Planning Commission as a whole.

~Amber

To: Oregon City Planning Commission, Community Development Director Laura Terway and Rose Holden

The Beavercreek Road Concept Plan and Beavercreek Employment Area are both 2017 priorities identified by the Oregon City Chamber of Commerce. While the Beavercreek Employment Area is a newer project, we recognize the importance of annexing land into the City of Oregon City for purposes of moving these efforts forward. Future residents of Oregon City, future (and perhaps) current employers of Oregon City and certainly Clackamas Community College, can look forward to homes designed for a work/live lifestyle thanks to the forward thinking of Rose Holden. This vision for the land at the Oregon City Golf Club works hand in glove for the Beavercreek Road Concept Plan.

I admit that this is a challenging consideration before you and admittedly, I'm thankful it is you and not me making this decision.

The challenges that Rose Holden and the City of Oregon City have had to endure through numerous legal proceedings by those seeking the same thing over and over again, with no different determination from the courts than each time prior, is frustrating and costly.

From the perspective of observers and perhaps those in the middle of this effort, it appears that a next step for development is contingent on annexation which is contingent on... and the list goes on. What will it take to get to YES?

Please remember that annexation doesn't automatically open "flood gates" of development in the next month. Annexation will, however, allow the next steps of due diligence. Remember too that efforts are presently underway to improve the sewer infrastructure in that direction (Beavercreek Rd) thanks to the Economic Development Director, as well as additional access and transportation connectors that have been identified by the applicant. And funding is likely to come as a function of SDC's.

I'm sorry I was unable to attend this evening but since this item will be continued, I should have another opportunity to join you.

Thank you for your time and consideration on a complicated but vitally important issue.

Amber D. Holveck

ENTERED INTO THE RECORD

DATE RECEIVED: 1/9/2017

SUBMITTED BY: Amber Holveck

SUBJECT: AN-16-0003

CEO/Executive Director
Oregon City Chamber of Commerce
2895 S Beavercreek Rd Suite 103
Oregon City, OR 97045
P: 503-656-1619 | F: 503-656-2274
aholveck@oregoncity.org | www.oregoncity.org

Working together to build a vibrant economy and enhance the quality of life for the Oregon City community.

January 9, 2017

Testimony of Rose Holden

Oregon City, OR 97045

I am here tonight asking you to consider carefully all of the Approval Findings for this annexation and to forward recommendation of approval to the City Commission.

In 1979 the southern border of our property was the last contiguous parcel inside the UGB. At that time it was brought in as outer neighborhood-residential. Years went by with no activity or interest in our property the UGB boundary, or zoning. We never thought too much about the UGB, Metro and the future importance of this boundary until 2003 when we received a postcard from the city of Oregon City notifying us of a land use decision which could affect the value of our property.

Oregon City began revising its Comprehensive Plan in 2003 and without our knowledge, the city and Metro decided to make all the lands on the east side of Beaver Creek Road Industrial up to, and including the edge of the UGB. Our family had not considered changing its use from a golf course but suddenly confronted with future industrial zoning we chose to get proactive and help determine a more diverse, inclusive, and sustainable model for our community. We had confidence that presented with a concept unique to our area, the planning and city commission would embrace the vision and work with us and the planning team we hired, Cogan Owen Cogan.

For three years, our family worked with and paid the best sustainability experts in the Portland area to develop the concept of an Eco community or complete sustainable community. This city, recognizing the value of synergistic connections with Clackamas Community College, Oregon City High School and the concept of working where you live, play and recreate, hired OTAK in 2006 to continue our work. It was with extensive public involvement, numerous stakeholders, and staff from city, state, and Metro that developed the goals and policies that resulted in the Beaver Creek Road Concept Plan to serve as the guiding document for all development that is to occur in this area.

In 2008, we applied for annexation of our property. Both the planning commission and the city commission enthusiastically supported this annexation and with its' approval sent their decision to the voters. Unfortunately, after all of our hard work, and money spent, annexation efforts failed.

In March of 2016, the state of Oregon gave us a remedy to facilitate annexation of our property providing we met specific criteria including that of Oregon City. We meet that criterion.

The Beaver Creek Road Concept Plan has received intense scrutiny by the planning staff, the City Commission, Planning Commission, and the community as well. I believe the process to re-adopt the Concept Plan was a well-considered decision made with effective, efficient and appropriate determinations and findings. The resulting land use document includes updates of all the masterplans and services necessary to ensure a smooth, efficient, and livable future.

ENTERED INTO THE RECORD 2
DATE RECEIVED: 1/9/2017
SUBMITTED BY: Rose Holden
SUBJECT: AN - 16-0003

Having served on numerous committees myself, I want to take this opportunity to thank you for the commitment all of you have made to our city and community. You have immense responsibility in a city facing rapid growth and change.

I urge you to recommend this annexation application in order that we may move forward and begin to fulfil a vision begun over 13 years ago.

Rose Holden

Testimony of Christine Kosinski, Unincorporated Clackamas County
being turned into Oregon City at the Planning Commission Meeting of January 9th, 2017
to become part of the City record for.....

ENTERED INTO THE RECC.
DATE RECEIVED: 1/9/2017
SUBMITTED BY: Christine Kosinski
SUBJECT: AN-16-0003

Agenda Item 3a – AN 0003 Annexation of Oregon City Golf Course

I request that the hearing be continued until the City has completed and identified what improvements may be necessary to meet current standards or whether an alternative mobility target needs to be pursued to fix the capacity problems existing at the Intersection of Beaver Creek Road and Hwy 213.

I further ask for the hearing to be continued since Funding Transportation for the BRCP must be addressed prior to Annexation, Urban Renewal funds were to be part of the funding package, but can no longer be used since the voters voted to End Urban Renewal.

I further ask for the hearing to be continued since the City still has not given notice to property owners on Holly Lane, Maple Lane or Thayer Road. The City proposes to “limit access” onto Beaver Creek Road due to high capacity issues, traffic will be diverted to these other parallel roads, but property owners have never been legally notified.

TESTIMONY

In 2013, the City placed Holly Lane into its Transportation System Plan, against the will of the property owners of Holly Lane who begged the City not to put Holly Ln into its TSP for widening of the street and for large amounts of excessive traffic. Holly Lane is filled with large landslides, six homes were either destroyed or severely damaged in 1997 with the homeowners taking almost all of the monetary losses since Insurance policies will NOT COVER LOSSES due to LANDSLIDES. My Husband and I were Denied coverage for Landslide Insurance last year due to six landslide risks within one mile of our home. This denial is included with this testimony.

In addition, I am turning in an article titled “Insurance won't pay for landslide damage”. Ron Fredrickson, Manager of Oregon's Consumer Advocacy team for the Oregon Insurance Division (who works under our State Insurance Commissioner) states “Landslide insurance is almost unheard of. It can be purchased only from highly specialized carriers and its liable to come with a hefty premium. **I've yet to come across anybody who has it**”.

Further, I am turning in for the record, Legislative File L13-01 and L13-02, Transportation System Plan, Pages 13, 21, 22, 23, 24, 25.

Page 13, 4th paragraph – Where are the detailed surveys conducted to identify geological constraints on Holly Lane?

Page 21, from 3rd paragraph to bottom of page – If the \$136 million needed to reconstruct the three intersections of I-205/OR 213, OR 99E-I-205, Beaver Creek Rd/OR 213 is not available, why isn't a Moratorium being put into place until funding and plans for responsible development can be done?

Page 22, Alternate Mobility Standards and a Funding Package must be put into place before any further development along Beaver Creek Road should be anticipated or approved. Since the aforementioned expensive improvements are NOT included in the TSP, congestion would be allowed to occur at these locations. Since the expensive improvements at these three key locations are NOT included in the TSP project list, the current SDC program does not include the collection of any funds to pay for any

improvements at these locations.

Page 24, 3rd Paragraph – Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan. The TSP was adopted in 2013, mobility standards still have not been set. Until these are identified with funding in place, no development should go forward.

Page 25, 3rd Paragraph – Holly Lane is designated as an arterial in the Oregon City TSP and projects are identified to upgrade Holly Lane to an urban arterial standard as required by the RTP. It should be noted that the projects along Holly Lane are either unfunded or dependent upon annexations and development along the street. **I remind the City once again, the homeowners of Holly Lane cannot get Landslide Insurance, who will pay for destruction and/or damages to homes from landslides that may be created by City Development!** I remind you also that this is being done against the Will of the People!

I am turning in for the record, “State of Oregon Landslide TRG, or Technical Resource Guide” which was adopted by the State in 1999. Chapter 5-17 through 5-20 refers to Oregon State Laws related to Landslide Hazards, one of which is GOAL 7 which clearly states “Developments subject to damage or that could result in loss of life shall not be planned or located in known areas of natural disasters and hazards without appropriate safeguards”. I have, on several occasions, made the City aware that including Holly Lane in its TSP is not legal. Any development being undertaken on Holly Lane could re-activate landslides resulting in possible loss of life, possible loss of home and property. Oregon City knows Holly Lane is dangerous, and yet continues to pursue the street for very heavy traffic even though **State Law Forbids you from doing this!**

Holly Lane must be taken out of the Oregon City TSP permanently, by the City, by Metro and ODOT. The City must work on alternatives where landslides do not exist.

The Annexation of the Oregon City Golf Course should NOT be approved until all of the above is completed and until Holly Lane, as well as Maplelane and Thayer Road are taken out of the TSP to serve as alternate roads, taking excess traffic off Beavercreek Road. All of these streets are dangerous and filled with landslides. For the City to include them in their TSP is morally and legally wrong as Goal 7 clearly states “Developments subject to damage or that could result in loss of life shall not be planned or located in known areas of natural disasters and hazards without appropriate safeguards”. For the City to use Holly Lane for future heavy traffic loads goes against State Land Use Laws and is not allowed.

Enclosing:

Christine Kosinski, Denial for Landslide Insurance
News Article “Insurance won't pay for landslide damage”
Legislation File L 13-01 & L 13-02, pages 13, 21,22,23,24,25
State Landslide TRG Chapter 5-17 through 5-20

From: Jackie Goodman <jackie@huggins.com>
To: britenshin <britenshin@aol.com>
Subject: RE: Landslide and earthquake quote
Date: Wed, Oct 28, 2015 11:20 am

Hello Christine and John,

I received a response from the Underwriter and I am sorry to tell you that your application has been denied. Unfortunately you are ineligible for landslide coverage at this time. The comments from the Underwriter indicate the risk is surrounded by 6 large landslides and a recent fan of debris. The Catcoverage.com market is the only market that we have available for this type of coverage.

I am so sorry that I am unable to assist you. If you have any questions or concerns, please let me know.

Kindly,

Jackie Goodman
Account Manager
Huggins Insurance Services
jackie@huggins.com
503-480-8737

http://www.gazettetimes.com/news/local/insurance-won-t-pay-for-landslide-damage/article_10c17900-5216-11e1-80fe-0019bb2963f4.html

Insurance won't pay for landslide damage

By Bennett Hall, Corvallis Gazette-Times Feb 8, 2012



A house on Vineyard Mountain shifted down the hillside Thursday morning. (Jesse Skoubo | Corvallis Gazette-Times)



Like most homeowners, Bob and Gayna Flake had no coverage slide that wrecked their house

The owners of a **Corvallis-area** house knocked off its



Neighbors question drainage



Rains send earth moving

foundations by a landslide last month have plenty of insurance but that doesn't mean they're covered.

"We have the same exclusion as everybody else," Bob Flake said. "At this point it looks like it's just a total loss."

Flake and his wife, Gayna, were awakened in the predawn hours of Jan. 19 by a call from their security company informing them that a sliding glass door was broken. A quick inspection revealed cracks in the walls, and soon the house at 5994 N. Rosewood Drive was breaking apart.

The couple got out before the structure failed completely, but now it's uninhabitable. The Flakes are staying at their daughter's house and wondering what they're going to do next.

"We have \$2 million worth of insurance, and it's not doing us any good," Bob Flake said. "And we've still got to pay the mortgage."

At first the Flakes, like many people, assumed their homeowners insurance would help them rebuild. As it turns out, however, landslides aren't covered by standard policies.

"Homeowners insurance covers a whole lot of stuff, but earth movement isn't in there," said Ron Fredrickson, who manages the consumer advocacy team for the Oregon Insurance Division. "It's specifically excluded, as are earthquake and flood."

And while it's possible to buy additional coverage to protect against loss from flooding or earthquakes, landslide insurance is almost unheard of. It can be purchased only from highly specialized carriers called surplus lines companies, and it's liable to come with a hefty premium.

"I've yet to come across anybody who has it," Fredrickson said.

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The reason landslide coverage is so hard to come by — and pricey — is simple, Fredrickson said. Relatively few homeowners are ever likely to need it, but when they do, the damage is apt to be catastrophic — meaning the individual claims could be quite high.

Not the kind of odds that appeal to underwriters.

"The chance of loss is very great for a small number of people," he said.

For the Flakes, the loss has been devastating, and they've retained an attorney to explore the possibility of a lawsuit to recover some of their investment. The couple believe Benton County should shoulder at least some of the blame for a drainage system that routed runoff from the January storm directly onto their property.

County officials say the drainage system was designed by a private developer and was built years before the county assumed responsibility for the road that runs through the

STEEPLY SLOPED RURAL NEIGHBORHOOD.



OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

FILE NO.: Legislative File: L 13-01 - Transportation System Plan
Legislative File L 13-02 – Associated Oregon City Municipal Code Amendments

APPLICANT: Oregon City Public Works Department
John Lewis
625 Center Street, Oregon City, Oregon 97045

REPRESENTATIVE: DKS Associates, Consulting Engineers
Carl D. Springer, PE
720 SW Washington Street, Suite 500, Portland, OR 97205

REQUEST: Update the Oregon City Transportation System Plan, an Ancillary Document to the Oregon City Comprehensive Plan and adopt associated amendments to the Oregon City Municipal Code.

LOCATION: City-wide.

REVIEWER: Laura Terway, AICP
Christina Robertson-Gardiner, AICP

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

- 1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*
- 2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*
- 3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*

C. City Commission Review.

- 1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person*

The share of improvements recommended in the TSP update which result in more significant levels of pollution has dramatically decreased since the 2001 TSP. As shown in Figure 24 of the TSP (Volume 1), projects related to walking, biking, and taking transit have increased from approximately 51% of the projects in the 2001 TSP to approximately 74% of the projects in the TSP update, represented by over 260 projects. This set of projects combined with projected employment growth within the city over the next 20 years results in an approximately 13% reduction in vehicle miles traveled (VMT) in the evening peak period through 2035, more than the 10% reduction set as a climate change target (TSP Volume 1, Table 25).

The Oregon City Municipal Code amendments are proposed to implement the TSP update and comply with the Regional Transportation Function Plan (RTFP) to include provisions to establish unobstructed paths on sidewalks, require more closely spaced pedestrian and bicycle accessways, support crossings in the vicinity of transit stops, and establish requirements for long-term bicycle parking (TSP Volume 2, Section K). Based on the existing review processes defined in the Oregon City Municipal Code, the proposed TSP update and code amendments are consistent with Statewide Planning Goal 6.

STATEWIDE PLANNING GOAL 7:

To protect people and property from natural hazards.

Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 7 of the Oregon City Comprehensive Plan: Natural Hazards. This goal primarily addresses how the city should plan development to avoid hazard posed by floods, steep slopes, geologically unstable areas and other natural hazards. The projects recommended in the TSP update were established through a “solutions identification process” with evaluation criteria that accounted for environmental hazards and impacts. Even when transportation projects are permitted outright in underlying zones, the Flood Management Overlay District (OCMC Chapter 17.42), US-Geologic Hazards Overlay District (OCMC Chapter 17.44) and Natural Resource Overlay District (OCMC Chapter 17.49) provide development standards for transportation projects in these overlay districts.

All projects within the TSP, whether they are within the Geologic Hazards Overlay District or not, include detailed surveys conducted to identify hydrologic, topographic or other geological constraints that could hinder the widening and future extensions of the planned streets before construction is initiated. All street extensions included in this Plan are shown with conceptual alignments with a planning level illustration that street connectivity enhancements are needed in these areas. Final street alignments will be identified after these surveys have been completed. Based on development standards and review processes defined in the Oregon City Municipal Code, the TSP update is consistent with Statewide Planning Goal 7.

STATEWIDE PLANNING GOAL 9:

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

Finding: Complies. This goal is implemented through the applicable Goals and Policies in Section 9 of the Oregon City Comprehensive Plan: Economic Development. Policy and projects in the TSP update are proposed to serve existing and planned commercial and employment uses in the interchange study area. Employment trips were a part of future traffic conditions analyzed in the city. Over 23,000 jobs are expected in 2035, which represents almost 60% growth since 2010 (TSP Volume 1, Section 3). There are areas of commercial, industrial, mixed use commercial, and mixed use employment land designated along arterials and collectors in the city. The future demand projections showed congested and over-capacity conditions on segments of OR 99E in Downtown and around the I-205 interchange

Policy 1B (Land Use and Transportation) recognizes the need for coordination between state and local jurisdictions.

Finding: Complies. Coordination between Oregon City, Clackamas County and ODOT has occurred in developing the TSP for project administration and through the Technical Advisory Team (TAT) process.

Policy 1F (Highway Mobility Standards) sets mobility standards for ensuring a reliable and acceptable level of mobility on the highway system by identifying necessary improvements that would allow the interchange to function in a manner consistent with OHP mobility standards.

Finding: Complies. The TSP update is designed to meet performance standards for existing and future development within the UGB. Oregon Highway Plan, Policy 1F3 sets forth the applicable mobility targets for the state roads. As part of the analysis conducted for the TSP, twenty key intersections were analyzed to determine their performance in 2035 based on planned development. The predicted performance at these 20 key intersections was compared with the mobility standards proposed in the TSP. If the level of congestion exceeded allowable standards, projects were identified that would improve intersection performance to meet the applicable mobility standards and were included within the TSP. Example projects that increase capacity and allow an intersection to meet the mobility standards include the construction of an additional turn lane or the installation of a traffic signal. Once the projects are constructed the intersection would meet the mobility standard over the planning horizon.

For most of the key intersections, affordable and implementable improvements were identified which would allow the intersection to meet mobility standards during the 20-year planning horizon. However, at three intersections, the improvements necessary to satisfy the mobility standard were determined to be so costly that they could not be reasonably constructed. The three locations, all on the state highway system, are:

I-205/OR 213 Interchange- According to ODOT the redesigned interchange would include construction of additional lanes and bridges, costing \$100 million to \$200 million.

OR 99E/I-205 Interchange- The City and ODOT agreed that the redesigned interchange would include increasing the capacity of the freeway off-ramps with additional lanes or extending existing lanes, costing \$10 million to \$30 million or more. Speculation today suggests that the "or more" solutions could include additional travel lanes on I-205 between the Gladstone interchange and the West Linn/Lake Oswego interchange.

Beavercreek Road/OR 213 - The 2001 TSP identified a grade-separated interchange costing \$20 million. Adjusting for inflation, that same project today would be \$26 million.

Using the lowest range of the estimated costs, the total of all the intersection improvements is \$136 million (\$100M + \$10M + \$26M = \$136 M). Again, these locations are all on the state highway system.

Even in combination, ODOT, Clackamas County, and Oregon City do not have projected funding to implement the \$136 million needed to reconstruct the three facilities to comply with the mobility standards. Due to the large cost associated with the improvements, the projects do not appear on the Oregon Highway Plan, the Regional Transportation System Plan or the proposed TSP project list because there is no reasonable likelihood that the projects will be funded. ODOT has made it clear to staff that they would oppose constructing the improvements associated with the intersections and would not contribute any funds for this purpose. ODOT's current revenue projections will be sufficient to cover

only the highest priority projects within the region. There is no state or regional funding identified for the three Oregon City locations.

Because funding is not likely to be available to implement these very expensive projects, ODOT recommends that the City undertake additional studies to develop other ways of meeting the City's transportation needs that do not involve major construction projects at these three locations. In addition, these studies may support adoption of alternate mobility standards that allow for a greater level of congestion than is currently allowed by ODOT or is proposed in the TSP. The transportation studies would likely look more broadly at the intersections to identify less costly improvements that provide some increased capacity as well as opportunities to invest in the local network to provide alternative routes and improvements for non-automobile travel in an effort to reduce peak hour trips at the aforementioned intersections. The scope of these additional studies has not been determined and may result in the identification of additional projects that could be added to those already included TSP. As most other jurisdictions in the region are also discovering that insufficient funds will be available to meet mobility standards, additional studies and the adoption of alternate mobility standards that allow for greater levels of congestion will likely be pursued by many jurisdictions. Undertaking such studies and adopting alternate mobility standards, an action that will also need to be taken by the Oregon Transportation Commission if it involves state highways, is likely to take 12-24 months to complete.

As specified in the Oregon City Municipal Code, most developers are required to conduct a traffic study identifying the traffic impacts of development on proximate intersections throughout the City that are most likely to be more significantly impacted. The Municipal Code requires that if development puts more than 20 new automobile trips through an intersection during the AM or PM peak hour, an analysis is required to demonstrate compliance with mobility standards.

As explained above, some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City is proposing to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the three aforementioned locations and all state facilities within or adjacent to the Regional Center. Attached is a table illustrating the standards applicable to the various intersections. This temporary exemption would be in effect while the City undertakes more detailed analysis and pursues adoption of an alternate mobility standard over the next 12-24 months.

Providing a temporary exemption for permitted and conditional uses with regard to their impact on state highway facilities would align City code requirements with ODOT requirements and other local governments which do not require compliance for any ODOT facility. In addition, the exemption satisfies the City's obligation to implement the state and regional transportation plans as required by state law.

Improvements identified in the TSP would be constructed but would not necessarily result in satisfaction of the mobility standards at the locations discussed above. If there are no improvements identified in the TSP associated with an intersection, no improvements would be made at that intersection. Since the aforementioned expensive improvements are not included in the TSP, congestion would be allowed to occur at these locations. Since the expensive improvements at these three key locations are not

included in the TSP project list, the current SDC program does not include the collection of any funds to pay for any improvements at these locations.

Subsection Policy 1F3 allows the development of alternative mobility standards “where it is infeasible or impractical to meet the mobility targets...in Table 7....ODOT and local jurisdictions may explore different target levels, methodologies and measures for assessing system performance...” Policy 1F further allows “If alternative targets are needed but cannot be established through the system planning process prior to adoption of a new or updated transportation system plan, they should be identified as necessary and committed to as a future refinement plan work items with an associated timeframe for completion and adoption”. The mobility targets of OHP Table 7 remain in effect for the state facilities until alternative measures are adopted both locally and by the Oregon Transportation Commission.

Policy 1G (Major Improvements) *requires maintaining performance and improving safety by improving efficiency and management before adding capacity. ODOT works with regional and local governments to address highway performance and safety.*

Finding: Complies. Policy 1G is aligned with the five-tiered solutions structure established by the RTP/RTFP and followed by this TSP process. Solutions in the Financially Constrained and Planned Transportation Systems focused on management and multimodal measures before considering roadway extension and expansion projects. As a result, approximately 74% of the projects and programs recommended in the TSP are related to walking, biking, transit, and crossings. Of the 26% of projects that are roadway-related, 19 projects address management and intersection improvements, 17 projects are roadway extensions, and four projects are roadway expansions (Table 5, TSP Volume 1). The proposed TSP is consistent with Policy 1G.

Policy 2B (Off-System Improvements) *helps local jurisdictions adopt land use and access management policies.*

Finding: Complies. Improvements recommended on the local system in the Financially Constrained Transportation (likely to be funded) System include signalization, signal optimization, installation of turn lanes and roundabouts, sidewalk construction, bike lane striping, extension of roadways, reconstruction of roadways to City standards, installation of crossings and curb ramps, and citywide programmatic measures such as wayfinding tools, transit signal priority and transit stop improvements, expanded bicycle parking design guidance and requirements, and Safe Routes to School (Table 5 and Figures 14-19 in TSP Volume 1). These local system improvements will help to reduce traffic and improve conditions on State roadways in the city. The proposed TSP is consistent with Policy 2B.

Policy 2F (Traffic Safety) *improves the safety of the highway system.*

Finding: Complies. As reported in earlier OHP and OTP findings, there are a number of high collision sites and safety concerns along state facilities OR 99E and OR 213 in the city (Figure 7, TSP Volume 2, Section D). Although there is not a reliable tool for forecasting future collisions, safety is expected to improve given implementation of the recommended investments in street crossings, walking and biking facilities, and improvements to high collision locations and congested intersections in the TSP update. The proposed TSP is consistent with Policy 2F.

Policy 3A (Classification and Spacing Standards) *sets access spacing standards for driveways and approaches to the state highway system.*

Finding: Complies. The TSP update proposes access spacing standards in OCMC 12.04 for streets in Oregon City. The standards are differentiated by functional classification and surrounding Comprehensive Plan designations. New and redevelopment construction must comply with these

standards. Existing access points that do not comply with these standards may be required to consolidate access points or have access points restricted or closed in the future pursuant to the TSP. The proposed TSP and associated amendments are consistent with Policy 3A.

Policy 4B (Alternative Passenger Modes) *It is the policy of the State of Oregon to advance and support alternative passenger transportation systems where travel demand, land use, and other factors indicate the potential for successful and effective development of alternative passenger modes.*

Finding: Complies. As cited in the OTP findings, the recommended solutions related to walking, biking, shared-use paths, family friendly facilities, transit, and crossings account for about 74% of the recommended solutions, as shown in Section 5 (Investments) of the TSP. The projects are included in both the Financially Constrained Transportation (likely to be funded) System and Planned Transportation (unlikely to be funded) System plans in the 2013 updated TSP. The financially constrained plan (Table 5, Section 6, Volume 1) features pedestrian projects that fill sidewalk gaps throughout the city, including in the Downtown and Regional Center. Biking projects focus on wayfinding signage, shared lane marking, and bike lanes, and transit projects on signal prioritization and bus stop amenity improvements. All of the pedestrian, biking, and transit solutions in the financially constrained plan are reinforced and expanded upon by the family friendly route, shared-use path, and crossing solutions proposed in the plan as well. The proposed TSP is consistent with Policy 4B.

Policy and projects in the TSP update are proposed to serve existing and planned uses within the urban growth boundary surrounding Oregon City. The recommended projects are projected to meet performance targets throughout the city, with exceptions. Some intersections on the state highway system cannot be brought into compliance with current ODOT and proposed TSP mobility standards without unreasonably expensive projects for which there is no identified funding. As the City is not required to assure compliance with mobility standards for permitted and conditional uses on state facilities beyond what is identified in the Regional Transportation System Plan, the City proposed to temporarily exempt permitted and conditional uses from complying with the current mobility standards for the interchanges of I-205/99E, I-205/213 and OR 213/Beavercreek Road and all state facilities within or adjacent to the Regional Center. With no reasonable solution resulting in compliance with mobility standards for these locations, the City will continue to work with regional partners to pursue special studies and alternate mobility standards for these locations. Minor improvements are anticipated for a majority of the three intersections until the solutions are adopted, likely one to two years after adoption of the Transportation System Plan.

OAR 660 Division 12 Transportation Planning Rule (TPR)

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

Finding: Complies. Findings demonstrating compliance with the TPR are located Exhibit 2.

OAR 734, Division 51. Highway Approaches, Access Control, Spacing Standards and Medians

OAR 734-051 governs the permitting, management, and standards of approaches to state highways to ensure safe and efficient operation of the state highways. OAR 734-051 policies address the following:

- *How to bring existing and future approaches into compliance with access spacing standards, and ensure the safe and efficient operation of the highway;*
- *The purpose and components of an access management plan; and*
- *Requirements regarding mitigation, modification and closure of existing approaches as part of project development.*

Finding: Complies.

The TSP update proposes access spacing standards for streets in Oregon City. The standards are differentiated by functional classification and surrounding Comprehensive Plan designations. New and redevelopment construction must comply with these standards. Existing access points that do not comply with these standards may be required to consolidate access points or have access points restricted or closed in the future pursuant to the TSP.

Regional Transportation Plan

The Regional Transportation Functional Plan (RTFP) directs how Oregon City should implement the RTP through the TSP and other land use regulations. The RTFP codifies existing and new requirements which local plans must comply with to be consistent with the RTP. If a TSP is consistent with the RTFP, Metro will find it to be consistent with the RTP.

Finding: Complies. The Transportation System Plan has integrated all regionally designated roads into the TSP. For example, Holly Lane which is designated as an arterial in the Regional Transportation Plan is also designated as an arterial in the Oregon City TSP and projects are identified to upgrade Holly lane to an urban arterial standard as required by the RTP. It should be noted that the projects along Holly are either unfunded or dependent upon annexations and development along the street. Additional findings demonstrating compliance with the RTFP and RTP are located Exhibit 2.

CONCLUSION

For the reasons set forth above, the City Commission approves Planning files L 13-01 and L 13-02 for the 2013 Oregon City Transportation System Plan including the adoption of the Regional Center boundary, as an ancillary document to the Oregon City Comprehensive Plan and amends the Oregon City Municipal Code to implement this plan.

EXHIBITS

- 1) Transportation System Plan Public Outreach Plan
- 2) Regional Transportation Functional Plan (RTFP) and Transportation Planning Rule (TPR) Compliance
- 3) Map of Regional Center



Section 3:

What are the Laws in Oregon for Landslide Hazards?

Oregon communities have a statutory mandate to develop comprehensive plans and implementing ordinances. As a part of the comprehensive planning process, cities and counties must address areas with “known” natural hazards. This section of the Landslide Guide presents laws that Oregon communities are required to address.

The state of Oregon passed landslide legislation in response to the property damage and fatalities from the 1996 flood and landslide events. The Debris Avalanche Action Plan, established by an Executive Order issued by Oregon Governor John Kitzhaber, March 4, 1997, was the initial state response.

The Governor’s Debris Avalanche Action Plan included specific recommendations for state and local governments to reduce the occurrence of debris flows and reduce the risk to the public when debris flows occur.³⁰ The Executive Order calls for specific actions to be taken by state agencies, including Oregon Departments of Transportation, Forestry, Land Conservation and Development, Geology and Mineral Industries; Oregon State Police (OSP)-Office of Emergency Management (OEM); Building Codes Division; and the Governor’s office. Outcomes from this action plan included development of ODF debris flow maps, brochures, forest practices deferral, the debris flow warning system (see the ODF Website), the 1998 review of Statewide Planning Goal 7, and creation of the Governor’s Interagency Hazard Mitigation Team.

3.1 Oregon Laws Related to Landslide Hazards

3.1.1 Goal 7: Areas Subject to Natural Disasters and Hazards

Goal 7 is the Statewide Planning requirement that directs local governments to address natural hazards in their comprehensive plans. Goal 7 states that “Developments subject to damage or that could result in loss of life shall not be planned or located in known areas of natural disasters and hazards without appropriate safeguards. Plans shall be based on an inventory of known areas of natural disasters and hazards...”

3.1.2 Senate Bill 12 – Debris Flows

Following the flood and landslide events of 1996, legislation was drafted to reduce risk from future landslide hazards. The legislature passed Senate Bill 1211 in 1997, which dealt with rapidly moving landslide issues around steep forestlands, and not in typical urban or community settings. Senate Bill 1211 granted authority to the State Forester to prohibit forest operations in certain landslide-prone locations, and created the Interim Task Force on Landslides and Public Safety. SB 1211 charged the Interim Task Force with developing a comprehensive, practicable, and equitable solution to the problem of risks associated with landslides.³¹

The Interim Task Force developed the legislative concept that resulted in Senate Bill 12 in the 1999 session. Senate Bill 12

TRG Key



Information on Goal 7 can be found in Appendix A of the Natural Hazards Technical Resource Guide.

TRG Key



For information on Goal 17 and coastal shorelands, refer to Chapter 6: the Coastal Hazard Technical Resource Guide and Appendix A.

directs state and local governments to protect people from rapidly moving landslides. The bill has three major components affecting local governments: detailed mapping of areas potentially prone to debris flows (i.e., “further review area maps”); local government regulating authority; and funding for a model ordinance. The legislature allocated funding to the Department of Geology and Mineral Industries (DOGAMI) to prepare the “further review area maps,” and provided \$50,000 for a grant to a local government to develop a model program to address rapidly moving landslides. *Senate Bill 12 applies only to rapidly moving landslides, which are uncommon in many communities, but are very dangerous in areas where they do occur.*

Local Government Responsibilities under Senate Bill 12

In order to reduce the risk of serious bodily injury or death resulting from rapidly moving landslides, Senate Bill 12 requires local governments to:³²

- Exercise all available authority to protect the public during emergencies;
- Decide when to require a geotechnical report and, if a report is required, provide for a coordinated review of the geotechnical report by DOGAMI or ODF, as appropriate, before issuing a building permit for a site in a Further Review Area;
- Regulate through mitigation measures and site development standards the siting of dwellings and other structures designed for human occupancy in Further Review Areas where there is evidence of substantial risk for rapidly moving landslides; and
- Maintain a record, available to the public, of properties for which a geotechnical report has been prepared within the jurisdiction of the local government.³³

Further Review Area Maps

Senate Bill 12 requires mapping of areas with potential for rapidly moving landslides. The language defines “Further Review Areas” as: an area of land within which further site specific review should occur before land management or building activities begin because either DOGAMI or ODF determines that the area reasonably could be expected to include sites that experience rapidly moving landslides as a result of excessive rainfall.³⁴

DOGAMI will prepare further review area maps that include at a minimum all regions in Western Oregon mapped by ODF as high or extreme hazard debris flows by 2002. Communities can contact the Nature of the Northwest Information Center to access the DOGAMI maps or existing ODF maps (See contact information in Section 6 of this Guide). Developers may be required by local government to attain a geotechnical site report if the property is determined to be in a Further Review Area. However, local governments can request that a site report be prepared prior to granting a building permit, regardless of



whether the site has been determined to be in a further review area. Local governments may need to include language in their ordinances requiring such site reports. Some of these “further review areas” may lie within Urban Growth Boundaries. Cities and counties may therefore need to modify their comprehensive plans and ordinances to meet requirements of Senate Bill 12 if DOGAMI maps show a landslide hazard in their community.

Forest Practices Public Safety Regulations

Senate Bill 12 requires the Oregon Board of Forestry to adopt regulations that reduce the risks associated with rapidly moving landslides which will replace the interim prohibition of certain forest operations. This bill also recognizes, however, that rapidly moving landslides can and do commonly occur on steep slopes regardless of past timber harvesting, therefore it will take the combined actions of homeowners, road users, forestland owners, and state and local government to protect the public.

Development of Model Ordinances

Senate Bill 12 also provided for a pilot program, under the guidance of the Department of Land Conservation and Development, to develop model ordinances, regulations and procedures for mitigation of hazards and for allowing the transfer of development rights. The grant of \$50,000 for the pilot program was awarded to Douglas County. Douglas County began development of a model ordinance in February 2000 and can be contacted at (541) 440-4289 for more information.

Senate Bill 12 can be obtained online from the State of Oregon Home page at <http://www.leg.state.or.us/billsset.htm>.

3.1.3 Oregon State Building Codes Division - Landslides

The Oregon Building Codes Division adopts statewide standards for building construction that are administered by the state and local municipalities throughout Oregon. The One- and Two- Family Dwelling Code and the Structural Specialty Code contain provisions for lot grading and site preparation for the construction of building foundations.

Both codes contain requirements for cut, fill and sloping of the lot in relationship to the location of the foundation. There are also building setback requirements from the top and bottom of slopes. The codes specify foundation design requirements to accommodate the type of soils, the soil bearing pressure, and compaction and lateral loads from soil and ground water on sloped lots. The building official has the authority to require a soils analysis for any project where it appears the site conditions do not meet the requirements of the code or that special design considerations must be taken. **ORS 455.447** and the Structural Code require a seismic site hazard report for projects that include essential facilities such as hospitals, fire and police stations and emergency response facilities, and special occupancy structures, such as large schools and prisons. This report includes consideration of any potentially unstable soils and landslides.

State building codes do not set standards for lot grading that is not associated with the construction of buildings. However, the state has recognized the Uniform Building Code Appendix Chapter 70 as an appropriate standard for excavation and fill of such properties. Local municipalities have the option of adopting this standard or their own to regulate lot grading in areas other than the building foundation. Many jurisdictions use these standards in conjunction with local planning ordinances. Building codes do not address “off-site” or deep-seated landslide hazards. Local governments can take the initiative to address these hazards.

3.2 Summary: Laws for Landslide Hazards

- ⌞ Oregon Statewide Planning Goal 7: Areas Subject to Natural Hazards
- ⌞ Senate Bill 12: Addressing Rapidly Moving Landslide Hazards in Oregon
- ⌞ Oregon State Building Codes Division

Planning for Natural Hazards: Reviewing your Comprehensive Plan



Statewide Planning Goal 2 requires that comprehensive plan policies be supported by an adequate factual base. Section 3 of the Landslide Technical Resource Guide describes laws that communities are required to address in their comprehensive plans.

Your community should ask the following questions after identifying landslide hazards in your area:

- ⌞ Does your community’s comprehensive plan contain an inventory of landslide hazards, a vulnerability assessment and policies addressing landslide hazards?
- ⌞ Has your community’s comprehensive plan been updated to reflect the latest information on landslide hazards in your community, the current laws for rapidly moving landslides and the State Building Codes?
- ⌞ Does your comprehensive plan have policies and implementing measures to reduce risk to existing and future development in landslide hazard areas?

Date: January 9, 2017

Ref: AN-16-0003 Annexation of Oregon City Golf Course

I have the following concerns regarding the Subject AN-16-0003 Annexation of Oregon City Golf Course:

- Increase in Crime that comes along with high density housing
- Property values that decrease with high density housing developments
- Wildlife Displacement – proposed development borders some heavily wooded wildlife habitat
- School Capacity is not available to accommodate an additional 1800 – 2000 students
- The development will most likely end the life of the airport
- Traffic noise is already overbearing, adding more traffic and congestion

A Beaver Creek Traffic study conducted by *Quality Counts* (See AP 14-01/02), on Wed, Sept 15, 2013 found:

7:00AM – 8:55AM Wed, Sept 15, 2013

Ore 213 – S Beaver Creek Rd	4920 vehicles
S Beaver Creek Rd – S Loder Rd	2328 vehicles
S Beaver Creek Rd – S Glen Oak Rd	1284 vehicles

4:00PM – 5:55PM Wed, Sept 15, 2013

Ore 213 – S Beaver Creek Rd	5808 vehicles
S Beaver Creek Rd – S Loder Rd	1785 vehicles
S Beaver Creek Rd – S Glen Oak Rd	1360 vehicles

- ✓ 1800 additional vehicles (Nat Avg 1.8 vehicles per household)
- ✓ 3600 additional vehicle movements per day on the Beaver Creek Road exchange
- ✓ 3800 additional family members (with married couples, 1.8 children under age 18, US Census)
- ✓ 1800 school students (based on 1.8 children under age 18 per household, US Census)

**** I urge this committee not to approve annexation of these properties for the proposed future development.**

Steve Callistini
PO Box 1990 - Oregon City, OR 97045
T: (971)223-2905

ENTERED INTO THE RECORD
DATE RECEIVED: 1/9/2017
SUBMITTED BY: Steve Callistini
SUBJECT: AN-16-0003

Planning Commission Public Hearing
on Annexation Proposal AN-16-0003
Elizabeth Graser-Lindsey

~~October 24, 2016~~

Jan. 9, 2017

This annexation proposal should not be considered before the concept plan for this area is adopted. A concept plan plans an area and ensures that the necessary infrastructure is in place. Without a valid concept plan in place, the annexation criteria, which include evaluation of the infrastructure, are not satisfied. The application is written as if the concept plan is in place and valid and the concept plan is used pervasively as a supporting document to the application, but in fact it was remanded by LUBA and, after re-adoption, it is currently before LUBA. The application errors (p. 7) that:

“LUBA remanded the decision back to the city to address an issue associated with industrial land designations (not related to the proposed annexation site).”

On the contrary, the industrial land issue affects the larger northerly portion of the annexation site (63.82 acres) which was brought into the UGB in 2004 to be used as industrial. The application says the industrial land designation issue was resolved; however, actually that issue is currently before LUBA. The county continues to emphasize the need for industrial land. The county says,

“In Clackamas County..., our 10-year supply of industrial land is short by approximately 1,100 acres. The shortage of industrial land threatens the job and economic growth potential for us all. As population increases, more land is needed for the business and industry that keep our economy growing.” Attachment 1.

The vision that the appealed and remanded BRCP represents is likely to change if the BRCP is remanded by LUBA again.

5
ENTERED INTO THE RECORD
DATE RECEIVED: 1/9/2017
SUBMITTED BY: Elizabeth Graser-Lindsey
SUBJECT: AN-16-0003

As has been seen in recent proposals to the city that the transportation system, sewage system and water system are not able to support this annexation.

The Beaver Creek Rd./Hwy 213 intersection, sections of Hwy 213, and the Hwy 213/I205 intersection are all failing or expected to fail before the planning horizon of the TSP. You have discussed the Beaver Creek Rd./Hwy 213 intersection approaching a level of service Z. The rush hour now exceeds 4-6 pm and is most of the day leaving drivers no alternative hour (Attachment 2). Holly Lane might be an alternative route except neither the city nor the county intend to fix it for 20 (city) to 60 (county) years and it is plagued by landslides violating the city's own law and the Statewide Planning Goals. ____ The city's TSP indicating^{ed} that a grade-separated interchange is still needed to handle all the traffic. Despite all these most serious problems, the City and ODOT don't intend to increase the capacity of the intersection due to the cost.

Although this intersection had a fatality recently according to ODOT data and, according to the city's TSP, it has over 2 accidents per MEV which is twice as bad as the next highest high collision intersection, safety is not planned to improve. Attachment 3. The city merely intends to further reduce its standards (alternative mobility standards) despite this being what ordinary citizen's most don't want.

The sewer system is not in place (i.e. the needed sewer pipe in Beaver Creek Rd.); the needed funding is not identified; the sewer would feed into a system with surcharging and overflows according to the Sewer Master Plan; and the sewer would finally lack any capacity at the sewer plant about which the county says:

"The plant's digesters are now being overwhelmed by the growing demand. Both digesters must operate 24 hours a day, which means there is no backup system in place should one of the digesters need maintenance or repairs." Attachment 4.

The lack of capacity is the measure of risk at which the sewage plant is operating. This plant is operating at the highest risk of untreated sewage discharges into the Willamette and Columbia Rivers. Its highest-level risk

levels are by far the highest in the region. _____. There is no evidence adequate capacity will ever accommodate this annexation with all the other regional development planned. It is irresponsible to the region, the city's own residents, to the environment to operate in such an irresponsible manner where development continues when there is not infrastructure to serve it.

There is inadequate water pressure for the development and there are insufficient funds to develop a reservoir in order to have the adequate pressure. There is nothing to suggest that these situations would change.

The City needs to ask its voters of the whole city for their approval. In the past the voters repeatedly re-affirmed that they did not want this annexation, because they knew that it would diminish their liveability and increase their expenses. There is no reason or evidence to think that voters would feel differently at this time. The city needs to be operated for the good of the many and not just the benefit of a few.

ATTACHMENTS

1. *Citizen News*, "Land to grow jobs", Fall 2016.
2. ODOT Collision Report
3. Traffic volumes at the intersection of Beavercreek Rd. and Highway 213
4. *Citizen News*, "WES reduces wastewater treatment capacity project", Fall 2016.

Ensuring future prosperity

The future prosperity of Clackamas County will be built on good-paying jobs. Good jobs that support families are crucial to the long-term economic health of the county.

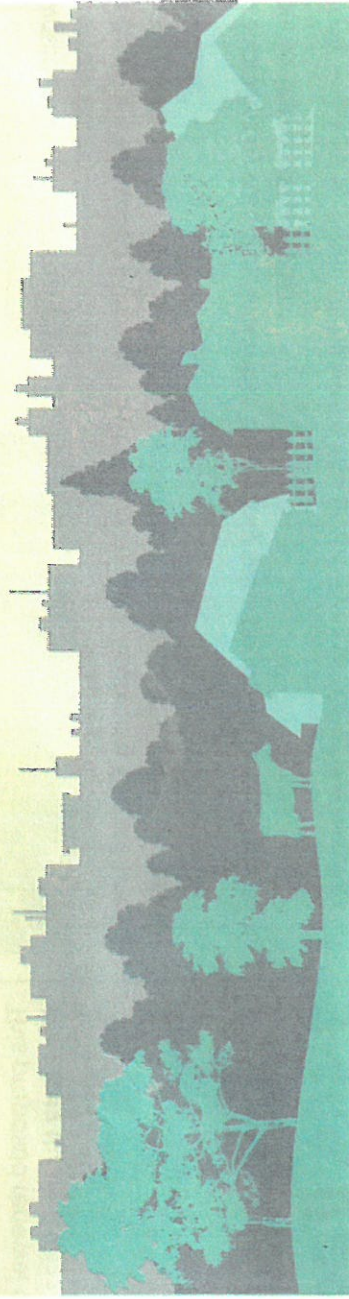
Currently, the Portland metropolitan area faces a critical shortage of industrial lands. In Clackamas County alone, our 20-year supply of industrial land is short by approximately 1,100 acres. The shortage of industrial land threatens the job and economic growth potential for us all. As the population increases, more land is needed for the business and industry that keep our economy growing.

Your county commissioners have established goals to ensure there are plenty of family-wage jobs that promote healthy, thriving families and communities:

- Goal: By 2019, 10,000 new family-wage jobs
- Goal: By 2020, have and maintain a 20-year supply of serviceable non-retail employment land in the Urban Growth Boundary (UGB) to encourage employers in Clackamas County

Designating employment land allows communities to plan the infrastructure needed and prepare for the future. The Board of County Commissioners can't just pick a spot and designate it as employment lands, however. The county is constrained by Oregon state law and Metro restrictions. State law mandates that cities and metropolitan areas have plans in place to control urban expansion to protect farmland, forests and natural resources. Metro is tasked with maintaining the Portland-area UGB, a legal boundary which

Land to grow jobs



separates urban from rural land and is designed to reduce urban sprawl. Metro coordinates with cities and counties in the area to ensure a 20-year supply of developable land.

The county also has land outside the UGB, and it is classified in three ways:

- Rural reserves are lands outside the UGB on which urban development is prohibited for at least 50 years. These lands may have working farms, forests or natural features like rivers, wetlands or buttes.
- Urban reserves are lands outside the UGB that may be considered for potential urban development within the next 50 years.
- Undesignated lands are lands outside the UGB that are neither in an urban reserve or a rural reserve. Generally, undesignated lands may not be used for urban development until much of the urban reserve lands are already developed.

The board is examining whether some areas currently designated as rural reserves should be changed to undesignated lands. This study focuses on less than 2 percent of the county's 68,700 acres of rural reserve land.

One other factor that the board is considering is that residents of the now-former city of Damascus voted to disincorporate on May 17, and land use decisions involving that area are now the responsibility of the county. The majority of the Damascus area lands are within the UGB, but no land use plan was ever developed by the city. As it stands now, the county will be responsible for developing an urban level comprehensive plan.

There are no easy decisions. Commissioners have difficult choices and negotiations to make. We all want to ensure we have enough industrial lands available for strong job growth while preserving and protecting our farmland, forests, and natural features. Follow the progress at bit.ly/2bkmwAC.

Fall 2016

OREGON DEPARTMENT OF TRANSPORTATION - TRANSPORTATION DEVELOPMENT DIVISION
TRANSPORTATION DATA SECTION - CRASH ANALYSIS AND REPORTING UNIT
CRASH SUMMARIES BY YEAR BY COLLISION TYPE

OR 213 Cascade Highway South (Hwy 180) & Benview Road
January 1, 1988 through December 31, 2014

COLLISION TYPE		FATAL CRASHES		NON-PROPERTY DAMAGE		TOTAL CRASHES		PEOPLE KILLED		PEOPLE INJURED		TRUCKS		DRY SURF		WET SURF		DAY		DARK		INTER-SECTION RELATED ROAD		INTER-SECTION OFF.	
YEAR: 2014																									
REAR-END		0	0	9	10	19	0	0	11	0	16	2	11	7	19	0	0	0	0	0	0	0	0	0	0
SIDESWIPE - OVERTAKING		0	0	0	1	1	0	0	0	0	0	1	1	0	1	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	0	1	1	0	0	0	0	0	1	0	1	1	0	1	1	0	0	0	0	0	0	0
2014 TOTAL		0	0	9	12	21	0	0	11	0	16	4	12	8	21	0	0	0	0	0	0	0	0	0	0
YEAR: 2013																									
ANGLE		0	0	0	1	1	0	0	0	0	0	1	0	1	1	0	0	0	0	0	0	0	0	0	0
BACKING		0	0	0	1	1	0	0	0	0	0	1	0	0	1	0	1	1	0	0	0	0	0	0	0
REAR-END		0	17	0	11	28	0	0	18	0	22	5	20	8	28	0	0	0	0	0	0	0	0	0	0
SIDESWIPE - OVERTAKING		0	0	0	1	1	0	0	0	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	2	0	2	0	0	3	1	2	0	1	1	2	0	0	0	0	0	0	0	0	0	0
2013 TOTAL		0	19	0	14	33	0	0	21	1	25	7	22	10	33	0	0	0	0	0	0	0	0	0	0
YEAR: 2012																									
ANGLE		0	0	0	1	1	0	0	0	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0
FIXED / OTHER OBJECT		0	0	1	0	1	0	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0
PEDESTRIAN		0	0	1	0	1	0	0	1	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0
REAR-END		0	18	0	6	24	0	0	24	0	16	6	16	8	24	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	2	0	2	0	0	3	0	2	0	0	2	2	0	0	0	0	0	0	0	0	0	0
2012 TOTAL		0	22	0	7	29	0	0	29	0	21	6	19	10	29	0	0	0	0	0	0	0	0	0	0
YEAR: 2011																									
ANGLE		1	0	0	2	3	1	0	2	1	1	2	2	1	3	0	0	0	0	0	0	0	0	0	0
REAR-END		0	12	0	13	25	0	0	13	0	19	6	18	7	25	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	2	0	2	0	0	3	0	0	2	0	2	2	0	0	0	0	0	0	0	0	0	0
2011 TOTAL		1	14	0	16	30	1	0	18	1	20	10	20	10	30	0	0	0	0	0	0	0	0	0	0
YEAR: 2010																									
REAR-END		0	10	0	10	20	0	0	13	0	13	7	17	3	20	0	0	0	0	0	0	0	0	0	0
2010 TOTAL		0	10	0	10	20	0	0	13	0	13	7	17	3	20	0	0	0	0	0	0	0	0	0	0
YEAR: 2009																									
ANGLE		0	0	2	1	3	0	0	2	0	1	2	0	3	3	0	0	0	0	0	0	0	0	0	0
REAR-END		0	6	0	3	9	0	0	7	1	6	3	7	2	9	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	1	1	2	0	0	1	0	2	0	1	1	2	0	0	0	0	0	0	0	0	0	0
2009 TOTAL		0	6	0	5	14	0	0	10	1	9	5	8	4	14	0	0	0	0	0	0	0	0	0	0
YEAR: 2008																									
REAR-END		0	0	1	2	3	0	0	1	0	3	0	2	1	3	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	3	1	4	0	0	9	0	2	2	1	3	4	0	0	0	0	0	0	0	0	0	0
2008 TOTAL		0	0	4	3	7	0	0	10	0	5	2	3	4	7	0	0	0	0	0	0	0	0	0	0
YEAR: 2007																									
ANGLE		0	0	0	1	1	0	0	0	0	1	0	1	0	1	0	0	0	0	0	0	0	0	0	0
REAR-END		0	0	3	4	7	0	0	6	0	6	1	6	1	7	0	0	0	0	0	0	0	0	0	0
TURNING MOVEMENTS		0	0	0	1	1	0	0	0	0	1	0	0	1	1	0	0	0	0	0	0	0	0	0	0
2007 TOTAL		0	0	3	5	9	0	0	6	0	7	1	6	2	8	0	0	0	0	0	0	0	0	0	0

APPENDIX 17

App-17-1

17. Intervenor-Petitioner Elizabeth Graser-Lindsey March 2, 2016
Written Testimony Rejected from Record (ODOT Collision Data)

APP-19-3

The Intersection of Beaver Creek Road and Highway OR 213

Has been reported at LOS "F" = V/C.1 Status

Beaver Creek Rd. East of OR213 - WB

Coordinates 45.3314 N, -122.5730 W

Date: 02/12/2015, Thursday

Weather: Partly Sunny - 55%

Trips per AM Peak Hours - West Bound

6:00 AM	913
7:00 AM	1043
8:00 AM	1000
9:00 AM	818
10:00 AM	817

Beaver Creek Rd. East of OR213 - EB

Coordinates 45.3314 N, -122.5730 W

Date: 02/12/2015, Thursday

Weather: Partly Sunny - 55%

Trips per AM Peak Hours - East Bound

7:00 AM	692
8:00 AM	555
9:00 AM	608
10:00 AM	552
11:00 AM	658

Trips per PM Peak Hours - West Bound

12:00 PM	942
1:00 PM	863
2:00 PM	898
3:00 PM	1033
4:00 PM	935
5:00 PM	907
6:00 PM	815

Trips per PM Peak Hours - East Bound

12:00 PM	749
1:00 PM	722
2:00 PM	843
3:00 PM	862
4:00 PM	1009
5:00 PM	1149
6:00 PM	1022

Counts come from Clackamas County Transportation/Engineering

Under the proposed Mixed Use Corridor zoning, a wide range of uses is allowed with the potential for a much higher number of trips. To alleviate concerns about the impact the rezoning, the applicant proposes a trip cap. The use of a trip cap would allow the applicant greater flexibility with regard to uses of the site while limiting the total development to that specified by the current zoning.

Accordingly, the applicant proposes a trip cap of 161 PM peak hour trips.

This Trip Cap has to be on 3-Hours each, of AM and PM Peak Hours and impose restrictions on any new/added trip impacts on the intersection of Beaver Creek Rd. and OR213 Highway. Options must be established using a LID "Local Improvement District" or equivalent, to cover any associated cost to mitigate congestion on all development, associated with PZ 15-01 and ZC 15-03.

CitizenNews



WES reduces cost of wastewater treatment capacity project

Clackamas County Water Environment Services (WES) engineers and experts worked with consultants to reduce the cost of a wastewater treatment infrastructure upgrade that will protect public health, the environment, and future economic growth.

The project at the Tri-City Water Pollution Control Plant in Oregon City will provide additional capacity for the plant's digesters to handle and treat solids, which are a byproduct of sewage from homes and businesses. Wastewater treated and cleaned at the plant is then released into the Willamette River.

WES provides wastewater treatment services to 165,000 customers in Clackamas County. Together, WES' treatment plants in Oregon City and Milwaukie process more than six billion gallons of sewage every year.

WES serves Gladstone, Happy Valley, Johnson City, Milwaukie, Oregon City and West Linn, in addition to unincorporated Clackamas County, Boring, Fischer's Forest Park, and Hoodland.

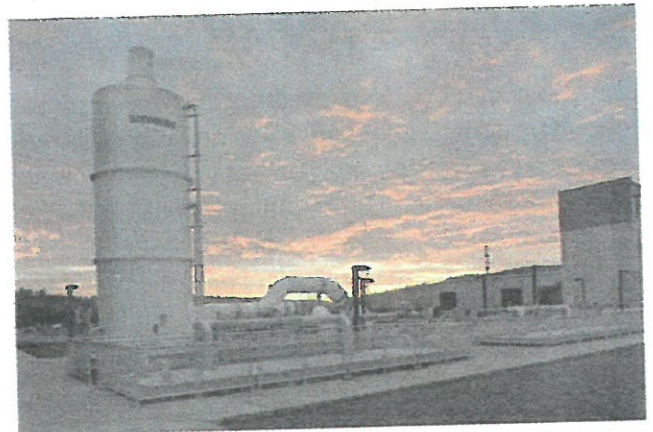
After 30 years of service, the populations served by the Tri-City facility have doubled. The plant's digesters are now being overwhelmed by the growing demand.

cont'd on page 14

WES Reduces Cost of Wastewater Capacity Project *cont'd from page 1*

Both digesters must operate 24 hours a day, which means there is no backup system in place should one of the digesters need maintenance or repairs.

WES staff recommended a "phased" approach to construction and a strategic method of delivery of equipment to save money for ratepayers. Value engineering by WES staff and the evaluation of current and future capacity needs based on new population growth forecasts also helped keep costs down as it helped determine exactly how much equipment is needed right now.



Construction on a single new digester is expected to be completed in 2020. During that time period, existing equipment at the plant will be upgraded to support the additional capacity and future improvements.

A regional committee will help determine how the cost of the project will be distributed among partner cities and communities.

This co-investment strategy is the latest collaboration in a partnership that has saved millions of dollars for ratepayers over the past 20 years.

Since 1996, the districts' treatment plants have been operationally intertwined and routinely share equipment, management resources, staff, and

Item 39 Beaver Creek Annexation

78th OREGON LEGISLATIVE ASSEMBLY--2016 Regular Session

Enrolled
Senate Bill 1573

Sponsored by Senator BEYER (Presession filed.)

CHAPTER

AN ACT

Relating to boundary changes; and declaring an emergency.

Be It Enacted by the People of the State of Oregon:

SECTION 1. Section 2 of this 2016 Act is added to and made a part of ORS 222.111 to 222.180.

SECTION 2. (1) This section applies to a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

(a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;

(b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the city's ordinances.

(3) The territory to be annexed under this section includes any additional territory described in ORS 222.111 (1) that must be annexed in order to locate infrastructure and right of way access for services necessary for development of the territory described in subsection (2) of this section at a density equal to the average residential density within the annexing city.

(4) When the legislative body of the city determines that the criteria described in subsection (2) of this section apply to territory proposed for annexation, the legislative body may declare that the territory described in subsections (2) and (3) of this section is annexed to the city by an ordinance that contains a description of the territory annexed.

SECTION 3. This 2016 Act being necessary for the immediate preservation of the public peace, health and safety, an emergency is declared to exist, and this 2016 Act takes effect on its passage.

ENTERED INTO THE RECORD 6

DATE RECEIVED: 1/9/2017

SUBMITTED BY: James Nicita

SUBJECT: AN-16-0003

Submitted by James J. Nicita

OC Charter

Section 3 - Boundaries.

Unless mandated by law, the city shall include all territory encompassed by its boundaries as they now exist or hereafter are modified by the voters. The recorder shall keep in his office at City Hall at least two copies of this charter, in each of which he shall maintain an accurate, up-to-date description of the boundaries. The copies and description shall be available for public inspection at any time during regular office hours of the recorder.

(Amended by voters at the City election held May 18, 1999.)

Oregon Constitution Art. XI

Section 2. Formation of corporations; municipal charters; intoxicating liquor regulation. Corporations may be formed under general laws, but shall not be created by the Legislative Assembly by special laws. *The Legislative Assembly shall not enact, amend or repeal any charter or act of incorporation for any municipality, city or town.* The legal voters of every city and town are hereby granted power to enact and amend their municipal charter, subject to the Constitution and criminal laws of the State of Oregon, and the exclusive power to license, regulate, control, or to suppress or prohibit, the sale of intoxicating liquors therein is vested in such municipality; but such municipality shall within its limits be subject to the provisions of the local option law of the State of Oregon. [Constitution of 1859; Amendment proposed by initiative petition filed Dec. 13, 1905, and adopted by the people June 4, 1906; Amendment proposed by initiative petition filed June 23, 1910, and adopted by the people Nov. 8, 1910]



OREGON CITY PLANNING COMMISSION

Tally of Votes

Planning Commission Hearing Date: 1/9/2017

Board Members Present

Staff Present

ALL

Walter
Terway
Richter

Agenda Item: 3b.] AN-16-0004/EC-16-0001

Decision: Approve with Conditions Approve Deny Continue to Feb 13, 2017

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil		✓	✓			
Commissioner McGriff			✓			
Commissioner Mabee			✓			
Commissioner Henkin			✓			
Commissioner Espe	✓		✓			
Commissioner Mahoney			✓			
Chair Kidwell			✓			

Agenda Item: 3a.] AN-16-0003 Golf Course See City AHY = comments.

Decision: Approve with Conditions Approve Deny Continue to

	Motion:	Second:	Aye:	Nay:	Abstain:	Comments:
Commissioner Geil				✓		SB 1573 issues
Commissioner McGriff				✓		Transportation - Mobility
Commissioner Mabee	1		✓			Services - concurrency
Commissioner Henkin			✓			Adequacy / zero impact
Commissioner Espe					✓	Continuance
Commissioner Mahoney		2	✓			RECUSED
Chair Kidwell						ready to annex

re on-going litigation Including corrections to Staff Report of Oct 14.