



STAFF REPORT AND RECOMMENDATION REVISED March 22, 2018

FILE NO.: LE 17-03: Alternate Mobility Standards Code Amendments

APPLICANT: City of Oregon City
625 Center Street, Oregon City, Oregon 97045

REQUEST: Amendments to Chapter 12 of the Oregon City Municipal Code, and to the Oregon City Transportation System Plan (TSP), to adopt mobility standards for the Highway 213 and Beavercreek Road intersection. The amendment also includes changes to the TSP project list.

LOCATION: Highway 213 Corridor including Beavercreek Rd. intersection

RECOMMENDATION: Approval

REVIEWER: Kelly Reid, AICP, Planner

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 may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.

2. *Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

I. Proposal

This application is being submitted as a legislative amendment to amend the municipal code and the Transportation System Plan project list. The Transportation System Plan is an ancillary document to the Comprehensive Plan.

The applicant provided the following background information:

Oregon City's 2013 Transportation System Plan (TSP) determined that the Highway 213 (OR213) corridor from Redland Road to Molalla Avenue (including the intersection of Beaver Creek Road) will exceed the current mobility target in 2035, resulting in more congestion than is allowed. The OR213 intersections with Molalla Avenue and Redland Road are anticipated to meet the target; however, Beaver Creek Road is not anticipated to meet the target.

Highway 213/Beaver Creek Road



Figure 1. Highway 213 and Beaver Creek Road intersection

The existing mobility target at the OR213/Beaver Creek Road intersection is a volume-to-capacity (v/c) ratio at or below 0.99 during the peak first and second hours. The previously identified intersection improvement projects and newly identified alternatives that would meet the existing mobility targets at the OR213/Beaver Creek Road intersection are not cost feasible ($\geq \$50$ million), given the financial

constraints of the City and other agency partners such as Clackamas County and ODOT. However, adoption of the alternate mobility targets does not preclude further consideration of the financially infeasible improvements in the future if additional funding becomes available.

Lacking the financial capability of implementing major capacity-increasing projects at this location, the existing Transportation System Plan employs a variety of tools to alleviate congestion at the intersection of Highway 213 and Beavercreek. The adopted plan included identification of vehicular, pedestrian and bicycle accessways around the intersection including a wide variety of parallel and alternate routes to provide choices for the public. In addition, this study was identified to work with the community to identify investments in improvements to increase the capacity and safety for all modes at the intersection and adopt alternative mobility targets are necessary.

Adoption of the alternative mobility targets results in the identification of the following improvements at the intersection of OR213 and Beavercreek Road to increase the overall capacity and safety for all modes of transportation:

- Construct a westbound right-turn merge lane. High visibility pavement markings and signage are recommended for pedestrians and bicycles to cross the channelized lane safely, and consideration should be given to installing a rectangular rapid flash beacon (RRFB) for increased visibility.
- Infill sidewalk on Beavercreek Road from south of the Coltrane Path to north of Marjorie Lane.
- Install various safety improvements outlined on pages 33 and 35 of the final report.

After adoption of the plan, the City may begin to collect funding and a proportionate share of the cost of improvements from developments which impact the intersection.

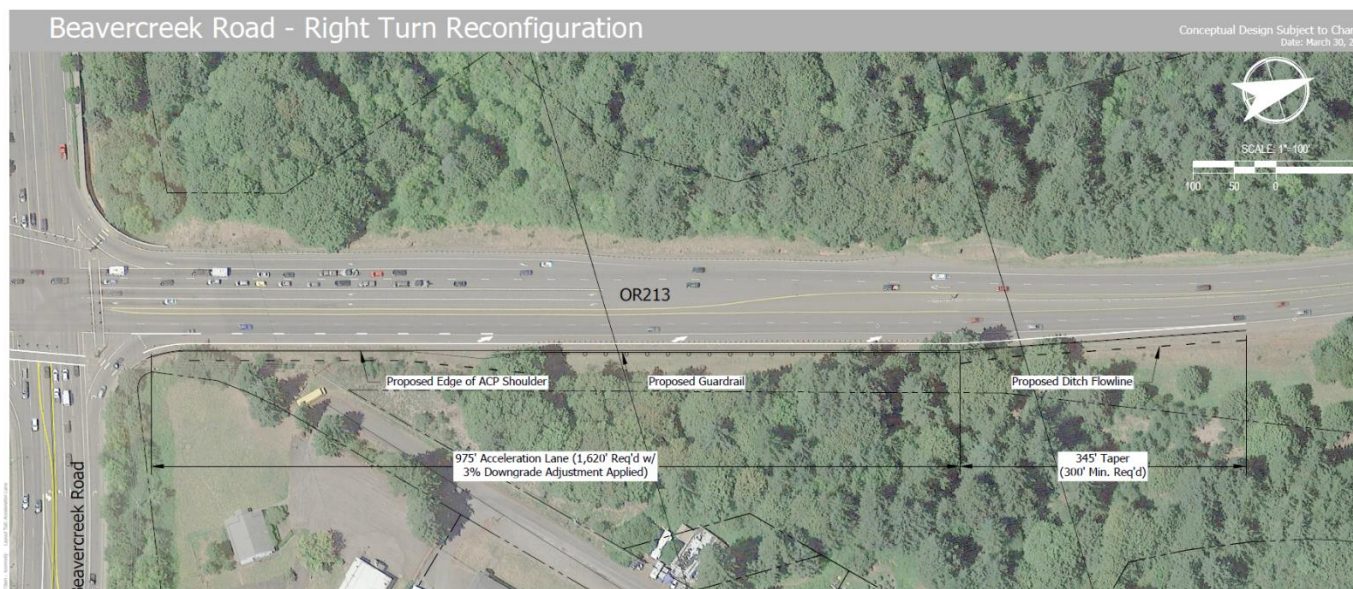


Figure 3. Depiction of right turn lane project at Beavercreek and Highway 213

For the intersection of OR213 and Beavercreek Road, the following mobility standards are proposed:

- Rather than a maximum v/c of 0.99 for the first and second hours, a maximum v/c ratio of 1.00 shall be maintained for the first, second and third hours (generally 3-6pm).
- Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

Changes to the TSP to incorporate these improvements and the alternative mobility targets are part of this Legislative application to City's Planning Commission and City Commission. The alternative mobility

target and financially feasible improvements that are needed will need to be agreed upon by ODOT and approved by the Oregon Transportation Commission.

Highway 213/Redland Road

Improvements to the intersection of Highway 213 and Redland Road were identified as part of the TSP and are not proposed to change. The improvements identified in the TSP are part of Phase 2 of the “Jughandle” project, a project that focused on the intersection of OR213 and Washington Street that was implemented in 2013. The Phase 2 improvements, including improvements at OR213/Redland Road are already 90% designed. The improvements identified in Phase 2 future construction include an additional northbound and southbound through lane resulting in three northbound and three southbound lanes through the intersection, as shown in Figure 4 below.

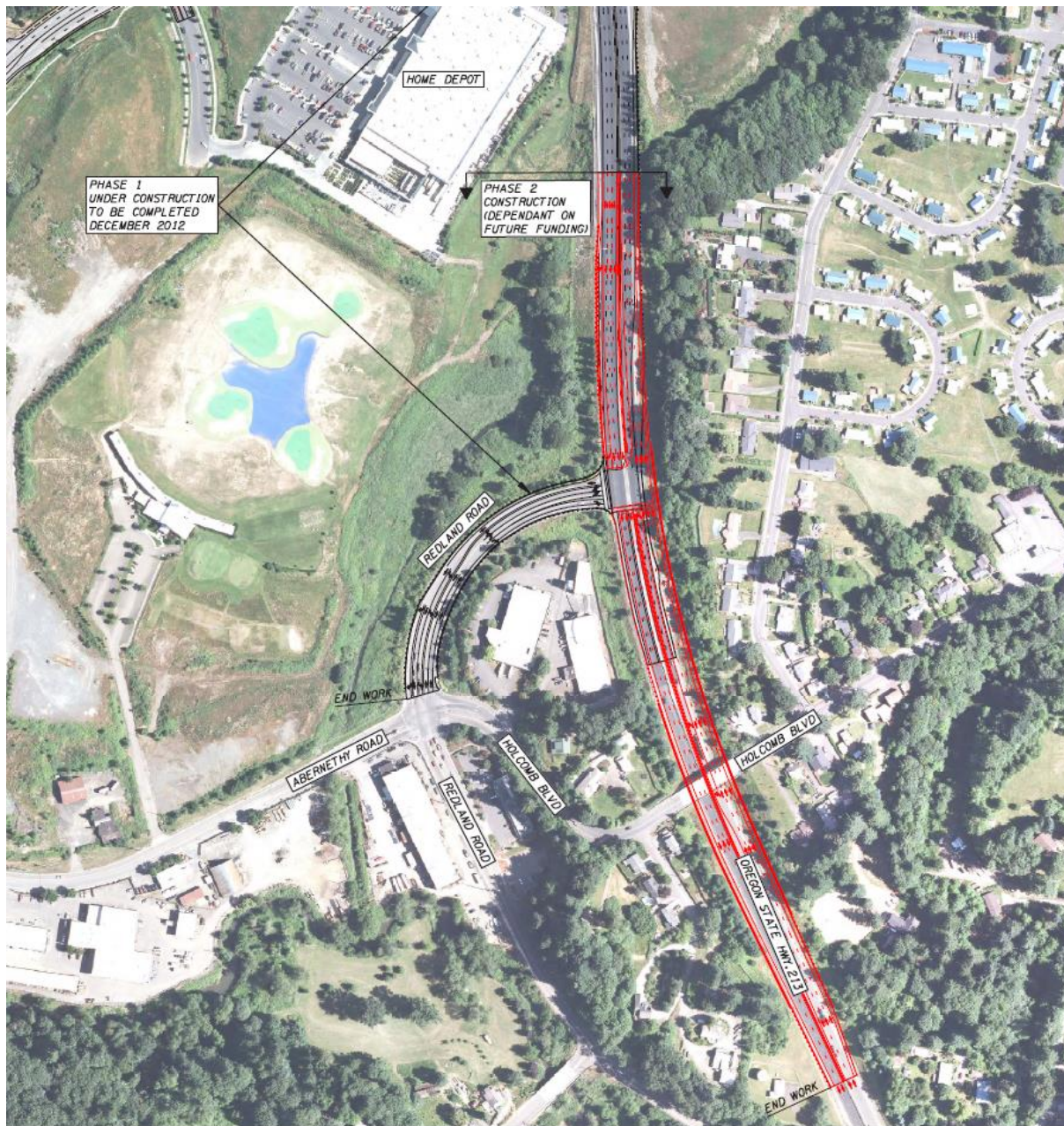


Figure 4. Depiction of Highway 213 at Redland Road planned improvements

The project at Highway 213 and Redland Road was anticipated for alternative mobility targets because it was not identified as likely to be funded in the Oregon City Transportation System Plan, however because it is identified in the Regional transportation System (RTP) it is feasible and thus no alternative mobility targets is not needed.

The attached full report (Exhibit 1) discusses the process and proposal in greater detail.

II. Draft Code Amendments

A copy of the draft code can be found in the Exhibits. The proposed amendments are to Chapter 12.04.205 – Mobility Standards.

III. Draft Transportation System Plan Project List Amendments

The proposal includes the addition of the following projects to the TSP Project List. Exhibits 5 and 6 includes a map of the projects.

Project #	Project Description	Project Extent	Project Elements	Priority	Cost Estimate
D95	Hwy 213 & Beaver Creek Road Westbound Right Turn Merge Lane	Hwy 213 & Beaver Creek Road to the north	Addition of a free flow right turn lane from Beaver Creek Road to Hwy 213 Northbound and associated merge lane on Hwy 213 northbound	Short-Term	\$2,700,000
W83	Beaver Creek Road Sidewalk Infill	South of the Coltrane Path to North of Marjorie Lane	Sidewalk Infill	Medium Term	\$330,000
W84	Hwy 213 & Beaver Creek Road Area Safety Improvements	Hwy 213 & Beaver Creek Road Intersection to Beaver Creek Road & Maple Lane Intersection	Implement feasible Safety Improvements as identified in the Hwy 213 Corridor Alternative Mobility Targets Final Report	Medium-Term	\$275,000
S13	Newell Creek Canyon/ Holly Lane Shared Use Path	Donovan Road to Beaver Creek Rd	Add a shared use path between Holly Lane and HWY 213 to Maple Lane Ct and beyond, connecting to the Oregon City Loop Trail at Beaver Creek Road. (RTP project 10147)	Long Term Phase 2	\$1,515,000

IV. Public Involvement and Public Comment

The Alternate Mobility Targets Project was led by Oregon City Public Works and included robust opportunities for public through the Community advisory group, Technical Advisory Group, open house,

public hearing process, multiple project mailings, newspaper noticing, meetings with the Transportation Advisory Committee, and Citizen Involvement Committee. A full description of the public engagement process is included in the full Report (Exhibit 2).

The City brought together a Community Advisory Group for the decisionmaking process that included a variety of stakeholders from the community. The 16 member Community Advisory Group met 4 times with the purpose of guiding the process to evaluate alternatives, and provide a recommendation to the City. The recommended trail alignments reflect the near-consensus of the Advisory Group, with one member unable to support the recommendation.

The Alternate Mobility Targets project and associated materials has been available for review on the Oregon City website at the following address: <https://www.orcity.org/publicworks/project/ps-16-024>

Notice of the first public hearing date was published in the newspaper on December 29, 2017. Notice of the public hearing was mailed to all property owners within the Oregon City limits and Urban Growth Boundary on December 29, 2017.

In accordance with ORS 197.610 and OAR 660-018-0020, a Notice of Proposed Amendment to the Oregon City Comprehensive Plan was provided to the Oregon Department of Land Conservation and Development 35 days prior to the first noticed Evidentiary Hearing).

Notice of the proposed amendment was provided to a variety of affected agencies including: South Fork Water Board (SFWB), Clackamas River Water (CRW), Clackamas County, Clackamas Fire District #1, Oregon City School District, Tri-City Services District, Metro, TriMet, and Oregon Department of Transportation (ODOT).

Public comments that have been received before, at the first hearing on January 22, 2018 and subsequent to the hearing are addressed in the Issues Matrix (Exhibit 1).

Commenter	Summary of Comment
Cathy Behrendt	Concerned about the lack of improvement to the City's road network. Supports light rail connections to the City, and HOV lanes on Highway 213. Would like to see Clackamas County bear responsibility for the improvement costs due to the traffic generated by County facilities, and would like to see an expansion of Beaver Creek Road.
Carl and Roseann Sheen	Concerned about overcrowded schools and traffic congestion.
Janine Offut	Would rather see the City cap development temporarily and encourage citizens to drive less.
Rose Holden, Oregon City Golf Club	Supports the alternative mobility standards in order to allow implementation of the Beaver Creek Road Concept Plan area. Concerned that the lack of standards and resulting delays in the approval process has pushed developers to other parts of the region.
Jon Makler, Planning Manager, ODOT Region 1	Supports the City's proposed alternative mobility standards and right turn merge lane project. Confirmation that alternative standards are not needed at Redland Road. Commitment to work with the City to bring the proposal to the Oregon Transportation Commission.
Paul Edgar	Requested a continuance of the first hearing January 22 nd , 2018. Raises concerns that increased congestion will have impact on freight routes. Points

	out that Seaside, OR has also gone through a process with ODOT for alternate mobility standards. Information on the experience in Seaside is attached to the comment.
Steve Callistini	Would like to see large intersection improvements rather than the alternate mobility standard. Supports the right turn merge lane and would like to see a speed limit reduction as well.
Lynn Andersen	Concerned that improvement projects are good ideas but they do not do enough to solve the congestion problem. Discussed sewer moratorium as example of how City handled the sewer capacity issue. Urges city to force County, state, and Metro to help fund real solutions.
Bill Merchant	Concerned that the intersection does not meet ADA requirements and that the Oregon Transportation Commission will not approve 1.0 v/c.
William Gifford	Urges the Planning Commission to approve the recommendation of the two committees that looked at this over the last year. A moratorium in Oregon City would not address the outside growth. Supports the plan as a reasonable compromise, acknowledges that it isn't fair that the City has to pay for all of it, but that is the reality.
Tammy Stevens, Hamlet of Beavercreek	Brought up the 1993 agreement for the interchange project. Concern about growth in the area and that development in enterprise zone does not pay full taxes or SDCs. There is a fear among Hamlet residents that Beavercreek Road won't be able to carry additional traffic generated by growth in the area.
Dave McNeel	As a former public works employee, remembers history of intersection planning and agreements between state, city, and county. Submitted a copy of a 1993 agreement signed by the City agreeing to plan for the grade separated interchanges. Concerned that state won't allow more than 0.99 v/c. Urges city to force County, state, and Metro to help fund a real solution. Businesses cannot afford to have their trucks tied up in traffic.
Christine Kosinski	Concerned that the merge lane will cause more rear end crashes. Supports grade separated intersection. Suggests putting the alternative mobility standards to a vote of the people.
Paul Edgar	Concerned that our projections do not account for the amount of growth that is occurring. Urges a larger solution than what is proposed, and that City demand more help from ODOT and Metro.
James Nicita	Suggests that the improvements to the intersection also include improvements to the Newell Creek culvert to provide better fish passage opportunities. Would like to see more inclusion of bicycle mobility, specifically the planned trail that parallels Highway 213 and Newell Creek. Concerned that there are no bus or transit improvements in plan.
Dan Fowler	Supports the proposal as a practical approach and a reasonable next step, but not the ultimate solution. Thinks the right turn merge lane will help people in the area. Suggested to keep the dialogue open with the state and county and consider a traffic shed, urban renewal funding. Wants the City to adopt this so they can begin collecting SDCs for the project
Robert Heiberg	Opposed to more growth and density; traffic system seems to be at capacity. Concerned that real problem is at I-205.

The above comments that pertain to approval criteria or otherwise raise issues for which the Planning Commission requested more information are addressed in the Issues Matrix (Exhibit 1). The request for a continuance was granted with a continuance of the hearing to February 26, 2018. None of the

comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

DECISION-MAKING CRITERIA:

Transportation System Plan

Finding: Complies as Proposed. The Transportation System Plan (TSP) adopted in 2013 identified the need to adopt Alternate Mobility Standards for these two intersections. Two of the objectives of the TSP include the identification of alternative standards for state highway corridors such as Highway 213. On page 38 of the TSP, the state highway mobility issues are outlined:

“State owned streets should comply with the mobility targets included in the Oregon Highway Plan. However, for proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, the OR 99E/I-205 SB Ramps, OR 99E/I-205 NB Ramps, OR 213/ Beaver Creek Road, and I- 205/OR 213 Interchange intersections shall be exempt from meeting the state mobility targets until further solutions (beyond those included in the TSP) or alternative mobility targets are explored for the intersections.”

The TSP also included a project, Project #D0, OR 213/Beaver Creek Road Refinement Plan. The project was needed to identify and evaluate circulation options to reduce motor vehicle congestion along the corridor and to explore alternative mobility targets.

Thus, this proposal fulfills the Transportation System Plan’s identified need for alternative standards.

All of the City’s mobility standards are found in Chapter 12.04 of the Municipal Code. This proposal includes amendments to Chapter 12.04 to adopt alternate standards for the HWY 213/Beaver Creek intersection.

The proposal also includes the addition of the following projects to the TSP Project List.

Project #	Project Description	Project Extent	Project Elements	Priority	Cost Estimate
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CHAPTER 17.68: ZONE CHANGES AND AMENDMENTS

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

- A. The proposal shall be consistent with the goals and policies of the Comprehensive Plan.*

Oregon City Comprehensive Plan

According to the 2004 Oregon City Comprehensive Plan (Introduction, “Implementing the Plan” Page 4): “Ancillary Plans are adopted by the City Commission for such things as parks and recreation, transportation systems, water facilities, and sewer facilities. Usually prepared by City departments through a public process, ancillary plans are approved by the City Planning Commission and adopted by the City Commission to provide operational guidance to city departments in planning for and carrying out city services. These plans are updated more frequently than the Comprehensive Plan.”

This proposal amends the Transportation System Plan, which is an adopted ancillary document to the Oregon City Comprehensive Plan. The TSP is both a technical document and a conceptual guide that requires regular review.

Chapter O. Comprehensive Plan Maintenance and Update

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

Plan implementation process;

Finding: Complies as Proposed. The applicant, Oregon City Public Works Department, has presented the update for input by the residents, affected agencies, property owners, the Transportation Advisory Committee, Neighborhood Associations, Planning Commission and City Commission in accordance with the recommended method described in the Comprehensive Plan and pursuant to the applicable process described in Oregon City Municipal Code section 17.50.170. The plan implementation process is consistent with the Comprehensive Plan.

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

Finding: Complies as Proposed. The final report provides an analysis of existing conditions and provides direction for future development, funding and needs. The proposal is based on updated and advanced traffic models and on real traffic data collected within the last 18 months.

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

Finding: Complies as Proposed. The proposal was created through a robust public engagement process in order to reflect community needs, desires, attitudes, and conditions.

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

Finding: Complies as Proposed. The proposal includes an analysis of existing conditions including natural resources and slopes, ODOT plans and conditions, advanced traffic models that forecast future population and travel growth, and all updated master plans adopted by the City.

Section 1 Citizen Involvement

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

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

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

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

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

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

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

Finding: Complies as Proposed. The City brought together a Community Advisory Group and Technical Advisory Group for the planning process that included a wide variety of stakeholders. Recruitment for the Community Advisory Group was open to all and was promoted heavily among neighborhood associations, businesses, and community groups.

The Community Advisory Group included slots for the following stakeholder representatives:

- Planning Commission representative
- City Commission representative
- Citizen Involvement Committee representative
- Transportation Advisory Committee representative
- Resident/Property Owner:
 - Maple Lane/Thayer Road area
 - Forest Edge area
- City wide
- Advocate for:
 - Accessibility
 - Transit
 - Cycling
- Business/Property Owner: Commercial/Industrial
- Community Development Department Stakeholder Group representative
- Oregon City Chamber of Commerce representative

- Oregon City Business Alliance representative
- Clackamas Community College representative
- Hamlet of Beavercreek representative

Technical Advisory Group (TAG)

- Oregon Department of Transportation (ODOT)
 - Traffic
 - Transportation Planning
- Metro
- Oregon Department of Land Conservation and Development (DLCD)
- Clackamas County
 - Traffic
 - Transportation Planning
- TriMet
- City of Oregon City
 - Planning
 - Economic Development
 - Engineering
 - Traffic Consultant

The City shared information on a project webpage throughout the project, presented the project to the Citizen Involvement Committee, Development Stakeholder Group, Transportation Advisory Committee, and hosted an open house in December 2017. This application was noticed through mailings to all property owners in the city limits and UGB limits and was noticed in the newspaper. Neighborhood meetings were held as required.

Section 2: Land Use

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

Finding: Not Applicable. This proposal does not change development patterns or the use of land.

Goal 2.2 Downtown Oregon City Develop the Downtown area, which includes the Historic Downtown Area, the “north end” of the Downtown, Clackamette Cove, and the End of the Oregon Trail area, as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

Finding: Not Applicable. This proposal does not change development patterns or plans for downtown.

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

Finding: Complies as Proposed. This proposal does not change Oregon City’s neighborhood development patterns. The result of the proposed change will be a relatively small increase in congestion at the Highway 213/Beavercreek Road intersection (general a maximum v/c of 0.99 for the first two hours, to a v/c of 1.0 for the first three hours with a suite of capacity and safety improvements), which is balanced against the alternative of increasing fees and taxes to afford the costly infrastructure projects. The City does not find it to be equitable to increase fees or taxes in order to pay for improvements to one intersection, when the alternative standards can be implemented with relatively little additional congestion.

Alternatives to modify the existing intersection configuration and traffic control, which would bring the intersection into compliance with the current mobility standards in the year 2035, identified at a cost of ≥\$50 million and included:

- Addition of lanes to current configuration,
- Quadrant road in the southwest quadrant of the intersection,
- Variations of displaced left-turns (also referred to as continuous flow intersection), and
- Grade-separated interchange forms.

Potential improvements for the intersection of Beavercreek Road and OR213 that focused on significantly increasing the intersection capacity to meet the current mobility target were presented to the TAG and CAG in December 2016 and January 2017. None of the alternatives were determined to be financially feasible, even by the 2035 horizon year of the TSP given the financial constraints of the city and other agency partners. In addition, some of the potential alternatives could have additional consequences including right-of-way impacts, environmental impacts, and could potentially complicate the provision of services for bicyclists, pedestrians, and transit users.

As a majority of trips neither start nor stop in Oregon City, additional trips are anticipated at the intersection regardless of the change in development within the City.

Goal 2.5: Retail and Neighborhood Commercial. Encourage the provision of appropriately scaled services to neighborhoods.

Finding: Not Applicable. This proposal does not change the scale or use of commercial areas.

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

Finding: Not Applicable. This proposal does not change the industrial land supply.

Goal 2.7: Comprehensive Plan Map - Maintain and review the comprehensive plan map as the official long-range planning guide for land use development of the city by type, density and location.

Finding: Not Applicable. This proposal does not change the comprehensive plan map.

Section 5: Natural Resources

Goal 5.1 - Establish an open space system that conserves fish and wildlife habitat and provides recreational opportunities, scenic vistas, access to nature and other community benefits.

Finding: Not Applicable. This proposal does not change the open space system in Oregon City.

Goal 5.2 Scenic Views and Scenic Sites - Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.

Finding: Not Applicable. This proposal does not impact scenic views.

Goal 5.3 Historic Resources - Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Finding: Not Applicable. This proposal does not change the preservation program in Oregon City.

Goal 5.4 Natural Resources

Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.

Policy 5.4.1 - Conserve and restore ecological structure, processes and functions within the city to closely approximate natural ecosystem structure, processes, and functions.

Policy 5.4.2 - Cooperate with Clackamas County, Metro and other agencies to identify and protect wildlife habitat, distinctive natural areas, corridors and linkages and other ecological resources within the Urban Growth Boundary and incorporate the information into the Urban Growth Management Agreement with Clackamas County.

Policy 5.4.4- Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Policy 5.4.8 - Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation and fish, and wildlife habitat.

Policy 5.4.9 - Protect and enhance riparian corridors along streams in Oregon City to increase shade, reduce streambank erosion and intrusion of sediments, and provide habitat for a variety of plants, animals, and fish.

Policy 5.4.12 - Use a watershed-scale assessment when reviewing and planning for the potential effects from development, whether private or public, on water quality and quantity entering streams.

Finding: Complies as Proposed. The Oregon City Municipal Code contains review criteria for uses within overlay districts to assure that designated Goal 5 resources are appropriately considered when development is proposed. In particular, the Natural Resource Overlay District designation: “provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) in Chapter 17.49 implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis (Exhibit 13). Trails, paths, and roads are permitted either outright or with restrictions in the Natural Resource Overlay District as identified in OCMC 17.49.150 as part of a Type II or Type III review process.

Oregon City is in compliance with Metro Title 3 and Title 13 according to Metro’s 2017 Compliance Report (Exhibit 11). Oregon City Municipal Code Chapter 17.49 provides equal protection of resources through the use of vegetated corridors which limit development. The width of the vegetated corridor is dependent on the type of feature, drainage basin, slope, and presence of anadromous fish.

The planning process for this proposal involved an assessment of each alternative’s impact on natural resources, including nearby Newell Creek. No scenic, historic areas, or open spaces are identified in the project area. While some of the intersection improvements would have led to large impacts on the stream, the proposed project to add a right turn merge lane minimizes the addition of impervious surface in the Natural Resource Overlay District. It also avoids any changes to the north side of HWY 213 that would impact the stream or its regulated buffer area. The proposed right turn merge lane project will impact the NE quadrant of the intersection, which is within the Natural Resources Overlay District and contains both a mapped stream and mapped wetland (Exhibit 7). The mapped stream is Newell Creek, and the mapped wetland is wetland NE-8 in the City’s Local Wetland Inventory Adopted in 1999 (Exhibit 8).

Public comments for this application included a concern about fish passage in Newell Creek and project impacts to the stream and wetlands. Newell Creek passes under HWY 213 at Beaver Creek Road by means of a culvert. According to documentation from the Greater Oregon City Watershed Council (GOCWC), fish are present in the lower and middle reaches of Newell Creek, including juvenile coho, juvenile steelhead, trout, and lamprey (Exhibit 9). It is not clear if fish passage currently occurs at the HWY 213 culvert due to natural topography of the creek leading to the area, and lamprey are more likely to be able to pass than other fish species. The GOCWC’s action plan does not include any specific fish passage improvements for Newell Creek (Exhibit 10). Another public comment on this application from

a member of the Natural Resources Committee stipulated that fish passage is not possible due to the steep terrain in the area.

In 2004, as part of a Highway 213 / Beavercreek improvement project, the City built a stormwater management pond on Beavercreek Road to detain and treat stormwater runoff from the roadways and Berry Hill Shopping Center before it enters Newell Creek. This project is described in Exhibit 12. The City initially set out to restore fish passage to the area, but according to the information in Exhibit 12, “the city’s third objective pertaining to fish passage restoration was found to be unworthy at this site. Instead, the City achieved this objective by working with Clackamas County and the US and State Departments of Fish and Wildlife to construct an ‘in lieu of’ project with far greater benefits at another site off of Redland Road.” This evidence shows that, to the extent additional water quality improvements are necessary, they can be implemented as part of the merge lane construction through direct or ‘in lieu of’ improvements.

Local governments are required to consider Goal 5 in limited circumstances. OAR 660–023–0250(3) provides, in part:

“Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.”
The proposed plan amendment will not modify the City’s existing Goal 5 resource list or modify any of the land use regulations in place to protect Goal 5 resources, most notably the City’s Natural Resource Overlay zone protections set forth in OCMC 17.49. This proposal does not amend or have any impact on the Metro UGB.

The only way that Goal 5 could be triggered is if it allowed a “new use” that could conflict with a Goal 5 resource. The approval does not authorize any new uses. In NWDA v. City of Portland, the Court of Appeals found that allowing a parking garage use type that was not previously allowed in the commercial zone was a “new use” for purposes of OAR 660–023–0250(3)(b). 198 Or App 286, 297-298 (2003) the opposite is true in this case. This approval does not authorize any different uses that were not previously allowed. Rather, this approval will allow for the continued urbanization of areas consistent with acknowledged concept plans and implementing zoning. All of this development will be subject to the City’s Natural Resource Overlay standards. Further, new roads and the expansion of existing roads are permitted subject to the City’s Natural Resource Overlay District requirements in OCMC 17.49.150.

If viewed as new uses, any development allowed as a result of the amendment to Chapter 12.04 and the TSP project amendments will not conflict with Goal 5 uses because it will be subject to the Natural Resource Overlay zone development requirements, ensuring that water quality values will be protected. OAR 660–023–0010(1) defines “conflicting use” to mean “a land use, or other activity reasonably and

customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource * *
*.” Compliance with the NROD standards will ensure that land uses permitted through this approval will
not adversely affect Goal 5 resources. For this reason, the requirements of OAR 660–023–0250(3)(b)
have not been satisfied and Goal 5 does not apply.

Regardless of the proposed code changes to Chapter 12.04 and the TSP project amendments, the
applicability of the Natural Resource Overlay District is the same. Addition of new impervious area
within the NROD is expected to be necessary for the proposed right turn lane project, and this project
will be required to undergo review per Chapter 17.49 of the Oregon City Municipal code. Mitigation will
be required for any new impervious surface added. It is not expected that changes to the culvert will be
required by City code. New stream crossings are required to be by bridge or bottomless culvert; upgrade
to existing stream crossings are not likely to be required, but may be proposed by ODOT as part of an
improvement project.

Section 6: Quality of Air, Water and Land Resources

Goal 6.1 Air Quality -Promote the conservation, protection and improvement of the quality of the air in Oregon City.

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

Finding: Complies as Proposed. The proposed amendment adds a TSP project for a right turn merge lane that adds a limited amount of capacity to the intersection.

The adoption of alternate mobility standards will result in the City’s ability to accept greater levels of traffic congestion at these intersections during peak congestion times. This recommendation balances various goals, including the provision of public facilities, traffic safety, protection of natural resources, economic development, and livability. The proposal includes improvements to bicycle and pedestrian infrastructure that could result in greater use of alternative transportation modes, which promotes better air quality.

Goal 6.2: Water Quality - Control erosion and sedimentation associated with construction and development activities to protect water quality.

Finding: Complies as Proposed. This proposal does not change erosion control measures and policies, set forth in OCMC 15.48, that would protect riparian areas from erosion and sedimentation caused by road widening projects. The right turn lane project does include limited pavement widening along the edge of the right of way, which is partially within the Natural Resource Overlay District. The City will be required to undergo land use review for the impacts associated with the new impervious surface, and will be required to provide mitigation along with the construction of the new pavement as required by OCMC 17.49.180. The appropriate reviews will occur during and after the project is designed and engineered, and before construction.

The Advisory Groups considered, among the alternatives, infrastructure upgrades that would alleviate more congestion but that would also have a larger impact on nearby natural resources such as Newell Creek and associated wetlands and vegetated corridors.

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

Finding: Not Applicable. This proposal does not change lighting regulations or uses.

Goal 6.4: Noise - To prevent excessive sound that may jeopardize the health, welfare, or safety of the citizens or degrade the quality of life.

Finding: Complies as Proposed. This proposal allows slightly higher congestion levels at the intersection of HWY 213 and Beavercreek, which will not have a significant impact on noise levels.

Goal 6.5: Solid Waste - Reduce solid waste and promote recycling.

Finding: Not Applicable. This proposal does not change solid waste measures in Oregon City.

Goal 6.6: Mineral and Aggregate Operations - Protect the livability and environment of Oregon City by prohibiting commercial aggregate extraction operations within the City and urban growth area.

Finding: Not Applicable. This proposal does not change the prohibition on mineral and aggregate operations.

Section 7: Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards.

Finding: Complies as Proposed. This proposal does not change any regulations related to natural hazards in Oregon City, including Geologic Hazard and floodplain overlay districts. When the right turn merge lane project is implemented, it will be reviewed for compliance with the City's regulations found in Chapter 17.44 – Geologic Hazards.

Section 8 Parks and Recreation.

Finding: Not Applicable. This proposal does not affect any parks or recreation facilities in Oregon City.

Section 9: Economic Development

Goal 9.1 Improve Oregon City's Economic Health - Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.

Finding: Complies as Proposed. This proposal allows for greater employment opportunities by allowing potential new development in industrial areas such as the Beavercreek Concept Plan Area which may not be implemented until zoning may be applied.

Section 10: Housing

Finding: Complies as Proposed. This proposal allows for greater housing opportunities by allowing potential new development in residential areas such as the Beavercreek Concept Plan Area which may not be implemented until zoning may be applied.

Section 11: Public Facilities

Goal 11.1 Provision of Public Facilities

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

Policy 11.1.1

Ensure adequate public funding for the following public facilities and services, if feasible:

- *Transportation infrastructure*

Finding: Complies as Proposed. The City does not have funding to complete large infrastructure projects at this intersection to fully alleviate congestion. Thus, the Advisory Groups evaluated various alternatives, considering the costs and benefits of each.

Alternatives to modify the existing intersection configuration and traffic control, which would bring the intersection into compliance with the current mobility standards in the year 2035, were identified and included:

- Addition of lanes to current configuration,
- Quadrant road in the southwest quadrant of the intersection,
- Variations of displaced left-turns (also referred to as continuous flow intersection), and
- Grade-separated interchange forms.

Potential improvements for the intersection of Beaver Creek Road and OR213 that focused on significantly increasing the intersection capacity to meet the current mobility target were presented to the TAG and CAG in December 2016 and January 2017. None of the alternatives were determined to be financially feasible, even by the 2035 horizon year of the TSP given the financial constraints of the city and other agency partners. In addition, some of the potential alternatives could have additional consequences including right-of-way impacts, environmental impacts, and could potentially complicate the provision of services for bicyclists, pedestrians, and transit users.

As a result of this study, some improvements were identified that, while not allowing the mobility standard to be fully met, would increase the intersection capacity, improve safety, and are within the financial capabilities of the city and its partner agencies.

The proposed projects for HWY 213 and Beaver Creek are estimated to cost \$2.7M, which is achievable with the City's current and projected resources.

Goal 11.2: Wastewater

Goal 11.3: Water Distribution

Goal 11.4: Stormwater Management

Goal 11.5: Solid Waste

Finding: Not Applicable. This proposal does not affect any of the above listed city utilities.

Goal 11.6 Transportation Infrastructure

Optimize the City's investment in transportation infrastructure.

Policy 11.6.1

Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

Finding: Complies as Proposed. The City does not have funding to complete large infrastructure projects at this intersection to fully alleviate congestion. Thus, the Advisory Groups evaluated various alternatives, considering the costs and benefits of each. The proposed project for HWY 213 and Beaver Creek is estimated to cost \$2.7M, which is achievable with the City's current and project resources.

Beaver Creek Road in the immediate vicinity of the intersection currently includes bicycle lanes and sidewalks, except for a gap between Maple Lane Road and the Coltrane pedestrian path. This proposal includes an additional TSP project to fill the sidewalk gap in the project area on Beaver Creek Road. Highway 213 does not include bicycle and pedestrian infrastructure as a state highway. No changes to existing planned bike and trail TSP projects are proposed. All existing bike lanes and paths in the TSP will be retained.

Safety improvements identified by the City for further investigation, or to be included as part of future projects in the area include:

- Install intersection enhancements including potential raised crosswalks, bike lane striping continuation, ladder-style crosswalks, and lane narrowing.
- Add wayfinding signage for people walking and biking.
- Enhance bike lanes on Beaver Creek Road with additional markings and green striping in transition areas.
- Add buffers to bike lanes on Beaver Creek Road where feasible.
- Add ADA curb ramps in the OR213/Beaver Creek Road area where missing.
- Add pedestrian facilities to Maple Lane Road between Beaver Creek Road and Thayer Road.

- Add transit stop amenities to existing stops in the area.

These projects will contribute to the multi-modal goals of the Oregon City transportation system.

Goal 11.7: Non-City Utility Operations

Goal 11.8: Health and Education

Goal 11.9: Fire Protection

Goal 11.10: Police Protection

Goal 11.11: Civic Facilities

Goal 11.12: Library

Finding: Not Applicable. This proposal does not affect any of the above listed public services.

Section 12: Transportation

Goal 12.1 Land Use-Transportation Connection

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

Policy 12.1.1 - Maintain and enhance citywide transportation functionality by emphasizing multi-modal travel options for all types of land uses.

Finding: Complies as Proposed. This proposal includes an additional TSP project to fill the sidewalk gap in the project area on Beavercreek Road and to add multimodal improvements in the project area. No changes to planned bike and trail TSP projects are proposed. All existing bike lanes and paths in the TSP will be retained.

Policy 12.1.4 - Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.

Finding: Complies as Proposed. Beavercreek Road currently includes bicycle lanes and sidewalks, except for a gap between Mapelane Road and the Coltrane pedestrian path. This proposal includes an additional TSP project to fill the sidewalk gap in the project area on Beavercreek Road. Highway 213 does not include bicycle and pedestrian infrastructure as a state highway.

Goal 12.2 Local and Regional Transit

Promote regional mass transit (South Corridor bus, Bus Rapid Transit, and light rail) that will serve Oregon City.

Finding: Complies as Proposed. This proposal does not change public transit service in the area.

Currently, TriMet line 32 uses the Hwy 213 & Beavercreek intersection. They use the Beavercreek eastbound to 213 southbound, and 213 northbound to Beavercreek westbound movements. Neither of those movements are ones that see the heavy movements and delays.

The TriMet Southeast Service Enhancement Plan provides a vision for the future of transit in the southeast portion of TriMet's transit district. The plan identifies the area along Beavercreek Road (and areas of south Oregon City) as part of a new community/job connector service in the neighborhoods in South Oregon City.

The community/job connectors are identified to serve areas that would be uneconomical with full-fledged TriMet service. This vision recommends community/jobs connector service in places where the businesses and/or homes are so scattered or are located on so much land that there aren't enough people within walking distance of bus stops to cost-effectively provide traditional fixed route bus service. In some instances there aren't enough roadway connections to allow people to walk to and from bus stops safely. The Clackamas Industrial Area, generally between Highway 212 and Sunnyside, and South Oregon City are candidates for community/jobs connector service in the Southeast.

The Beavercreek Road Concept Plan mentions that transit-oriented land uses have been strategically located to increase the feasibility of transit service in the future.

In order for any transit service to be successful, the area would need to develop at appropriate densities to warrant service.

Goal 12.3 Multi-Modal Travel Options

Develop and maintain a transportation system that provides and encourages a variety of multi-modal travel options to meet the mobility needs of all Oregon City residents.

Policy 12.3.1 -Provide an interconnected and accessible street system that minimizes vehicle miles traveled and inappropriate neighborhood cut through traffic.

Policy 12.3.2 -Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

Policy 12.3.3 - Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

Policy 12.3.4 -Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.

Policy 12.3.5 -Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.

Policy 12.3.6 -Establish a truck route network that ensures efficient access and mobility to commercial and industrial areas while minimizing adverse residential impacts.

Policy 12.3.8 -Ensure that the multi-modal transportation system preserves, protects, and supports the environmental integrity of the Oregon City community.

Policy 12.3.9 -Ensure that the city's transportation system is coordinated with regional transportation facility plans and policies of partnering and affected agencies.

Finding: Complies as Proposed. Beaver Creek Road currently includes bicycle lanes and sidewalks, except for a gap between Maple Lane Road and the Coltrane pedestrian path. This proposal includes an additional TSP project to fill the sidewalk gap in the project area on Beaver Creek Road. Highway 213 does not include bicycle and pedestrian infrastructure as a state highway. This proposal includes an amendment to TSP project S13 to make it consistent with the Regional Transportation Plan Project 10147 for a shared use path parallel to Highway 213.

No changes to planned bike and trail TSP projects are proposed. All existing bike lanes and paths in the TSP will be retained.

Safety improvements identified by the City for further investigation, or to be included as part of future projects in the area include:

- Install intersection enhancements including potential raised crosswalks, bike lane striping continuation, ladder-style crosswalks, and lane narrowing.
- Add wayfinding signage for people walking and biking.
- Enhance bike lanes on Beaver Creek Road with additional markings and green striping in transition areas.
- Add buffers to bike lanes on Beaver Creek Road where feasible.
- Add ADA curb ramps in the OR213/Beaver Creek Road area where missing.
- Add pedestrian facilities to Maple Lane Road between Beaver Creek Road and Thayer Road.
- Add transit stop amenities to existing stops in the area.

These projects will contribute to the multi-modal goals of the Oregon City transportation system.

Goal 12.4: Light-Rail

Promote light rail that serves Oregon City and locate Park and Ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Finding: Complies as Proposed. This proposal does not change public transit service in the area. There is an existing park and ride location at Clackamas Community College which is not proposed to change. In order for any light rail service to be successful, the area would need to develop at appropriate densities to warrant service. The Beaver Creek Road Concept Plan area will add increased density of housing and jobs to the area, improving the environment for successful transit service.

Goal 12.5 Safety

Develop and maintain a transportation system that is safe.

Policy 12.5.1 - Identify improvements that are needed to increase the safety of the transportation system for all users.

Policy 12.5.2 - Identify and implement ways to minimize conflict points between different modes of travel.

Policy 12.5.3 - Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

Finding: Complies as Proposed. The OR213/Beavercreek Road intersection was identified in the 2013 TSP as a high collision intersection. The intersection was in the top 5% of the ODOT Safety Priority Index System (SPIS) List for the years 2012-2014. The SPIS List is maintained by ODOT and updated each year with the latest available year of crash records and traffic volumes. 2012-2014 is the most current SPIS list. The intersection also has a crash rate that exceeds the Critical Crash Rate meaning that it exceeds the crash rate of other comparable intersections.

As shown in the final report, the most predominant crash type at the OR213/Beavercreek Road intersection is rear-end crashes. Beavercreek Road is the first at-grade intersection on OR213 for over two miles south of Redland Road, in a corridor that generally feels rural. A lack of driver expectation of southbound queues from the signal may contribute to the high number of reported rear-end crashes at the intersection. The reported fatality occurred in 2011, and was an angle crash in which the driver ran a red light under dark and rainy conditions. The 2010-2014 crash rate of 1.20 is already lower than the crash rate of 2.05 identified in the 2013 TSP, indicating that safety and/or driver attentiveness have improved in recent years. Lengthening the dual eastbound left-turn lanes to provide additional storage (Project D27; funded) and an advanced queue warning system on southbound 213 will further improve safety at the intersection.

As shown in the final report, the planned TSP and proposed improvements will reduce the number of expected annual crashes at the OR213/Beavercreek Road intersection. The potential financially feasible improvements at OR213/Beavercreek Road are predicted to reduce crashes at the intersection by almost 5%.

Public comments on this application raised concerns over ADA accessibility and pedestrian safety at the right turn lane from WB Beavercreek to NB HWY 213. The proposed merge lane will allow vehicles turning right to free flow onto HWY 213. The proposed project includes modifications to the existing pedestrian crossing to enhance safety. The project report (Exhibit 2) calls for high visibility pavement markings and signage for pedestrians and bicycles to cross the channelized lane safely, and calls for consideration of a rectangular rapid flash beacon (RRFB) for increased visibility. Detailed engineering and design of the project will address these items, along with required ADA improvements.

Goal 12.6 Capacity

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

Policy 12.6.1 - Provide a transportation system that serves existing and projected travel demand.

Policy 12.6.2 - Identify transportation system improvements that mitigate existing and projected areas of congestion.

Policy 12.6.3 - Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

Policy 12.6.4 - Identify and prioritize improved connectivity throughout the city street system.

Finding: Complies as Proposed. The analysis in the final report shows that, without improvements, the OR213/Beavercreek Road intersection will exceed current mobility targets in 2040. With potentially financially feasible improvements in place (i.e. a westbound right-turn merge lane at OR213/Beavercreek), the intersection will still exceed the existing mobility targets under 30th highest hour traffic conditions. Therefore, it is recommended that alternative mobility targets be based on average annual conditions, allowing the v/c ratio to exceed 0.99 for one hour per day at the OR213/Beavercreek Road intersection (upper limit of 1.0).

The proposal maintains freight mobility, which peaks during midday and will not be affected by the allowance of higher levels of congestion in the AM and PM peak hours.

Goal 12.7 Sustainable Approach

Promote a transportation system that supports sustainable practices.

Policy 12.7.4 - Promote multi-modal transportation links and facilities as a means of limiting traffic congestion.

Finding: Complies as Proposed. No changes to planned bike and trail TSP projects are proposed. All existing bike lanes and paths in the TSP will be retained. Beaver Creek Road currently includes bicycle lanes and sidewalks, except for a gap between Maple Lane Road and the Coltrane pedestrian path. This proposal includes an additional TSP project to fill the sidewalk gap in the project area on Beaver Creek Road. Highway 213 does not include bicycle and pedestrian infrastructure as a state highway. This proposal includes an amendment to TSP project S13 to make it consistent with the Regional Transportation Plan Project 10147 for a shared use path parallel to Highway 213 (See Exhibit 6). Safety improvements identified by the City for further investigation, or to be included as part of future projects in the area include:

- Install intersection enhancements including potential raised crosswalks, bike lane striping continuation, ladder-style crosswalks, and lane narrowing.
- Add wayfinding signage for people walking and biking.
- Enhance bike lanes on Beaver Creek Road with additional markings and green striping in transition areas.
- Add buffers to bike lanes on Beaver Creek Road where feasible.
- Add ADA curb ramps in the OR213/Beaver Creek Road area where missing.
- Add pedestrian facilities to Maple Lane Road between Beaver Creek Road and Thayer Road.
- Add transit stop amenities to existing stops in the area.

These projects will contribute to the multi-modal goals of the Oregon City transportation system.

Goal 12.8 Implementation/Funding

Identify and implement needed transportation system improvements using available funding.

Policy 12.8.1 - Maximize the efficiency of the Oregon City transportation system, thus minimizing the required financial investment in transportation improvements, without adversely impacting neighboring jurisdictions and facilities.

Finding: Complies as Proposed.

The cost of the westbound right-turn merge lane at OR213/Beaver Creek Road is estimated to be approximately \$2.7 million based on the design shown in Figure 2. This estimate does not include right-of-way acquisition.

The KAI and OBEC cost estimates, as well as exhibits of the proposed financially feasible improvements at OR213/Beaver Creek Road can be found in Appendix “G” of the final report.

The City is committed to nominating both the Redland project and the Beaver Creek project for inclusion in a potential regional bond measure that is being considered.

Local funds that can be used for these projects include SDCs and gas taxes. SDCs are paid by new development and they apply to all development, even in enterprise zone areas. SDCs can only be reduced if a developer builds improvement projects themselves that would otherwise be funded by SDCs. The City also analyzed what a local bond measure would mean if city residents voted to pay for a \$10M project here – Each household would be assessed an average of \$769. No changes to fees, SDCs,

taxes, or a bond are proposed at this time. Adding the project to the SDC financially constrained list means that the City can use SDCs collected to fund the right-turn merge lane project.

Section 13: Energy Conservation

Goal 13.1 Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.

Finding: Complies as Proposed. This proposal allows the city's systems to be used more efficiently through the addition of a right turn merge lane on Highway 213, and avoids the overbuilding of infrastructure that can lead to increased energy use.

Section 14: Urbanization

Goal 14.2: Orderly Redevelopment of Existing City Areas- *Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

Finding: Not applicable. This proposal applies equally to all lands in the City and has no impact on policies that encourage redevelopment in underdeveloped areas.

17.68.020.B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Finding: Not Applicable. No zone map change is proposed.

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

Finding: Not Applicable. No zone map change is proposed.

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

Finding: Complies as Proposed. While the Comprehensive Plan complies with statewide planning goals, staff provides additional findings as follows:

STATEWIDE PLANNING GOAL 1:

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

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 1 of the Oregon City Comprehensive Plan: Citizen Involvement. Development of the plan included an extensive public involvement effort.

STATEWIDE PLANNING GOAL 2:

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

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 2 of the Oregon City Comprehensive Plan: Land Use. Because the plan is an ancillary document to the City's Transportation System Plan and Comprehensive Plan, the application was processed pursuant to the legislative hearing process outlined in Section 17.50.170 of the Oregon City Municipal Code.

STATEWIDE PLANNING GOAL 3: Agricultural Lands and GOAL 4: Forest Lands

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

STATEWIDE PLANNING GOAL 5:

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

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 5 of the Oregon City Comprehensive Plan: Open Spaces, Scenic and Historic Areas, and Natural Resources. The Oregon City Municipal Code contains review criteria for uses within overlay districts to assure that designated Goal 5 resources are appropriately considered when development is proposed. In particular, the Natural Resource Overlay District designation: “provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ESEE Analysis (Exhibit 13). Trails, paths, and roads are permitted either outright or with restrictions in the Natural Resource Overlay District as identified in OCMC 17.49.150 as part of a Type II or Type III review process. Oregon City is in compliance with Metro Title 3 and Title 13 according to Metro’s 2017 Compliance Report (Exhibit 11).

No scenic, historic areas, or open spaces are identified in the project area. Natural resources include Newell Creek. The proposed right turn merge lane project will impact the NE quadrant of the intersection, which is within the Natural Resources Overlay District and contains both a mapped stream and mapped wetland (Exhibit 7). The mapped stream is Newell Creek, and the mapped wetland is wetland NE-8 in the City’s Local Wetland Inventory Adopted in 1999 (Exhibit 8).

Public comments for this application included a concern about fish passage in Newell Creek and project impacts to the stream and wetlands. Newell Creek passes under HWY 213 at Beaver Creek Road by means of a culvert. According to documentation from the Greater Oregon City Watershed Council (GOCWC), fish are present in the lower and middle reaches of Newell Creek, including juvenile coho, juvenile steelhead, trout, and lamprey (Exhibit 9). It is not clear if fish passage currently occurs at the HWY 213 culvert due to natural topography of the creek leading to the area, and lamprey are more likely to be able to pass than other fish species. The GOCWC’s action plan did not include any specific fish passage improvements for Newell Creek (Exhibit 10). Rather, the GOCWC report notes that Newell Creek has cool water temperatures and remains in good condition. Another public comment on this application from a member of the Natural Resources Committee stipulated that fish passage is not possible due to the steep terrain in the area.

In 2004, as part of a Highway 213 / Beaver Creek improvement project, the City built a stormwater management pond on Beaver Creek Road to detain and treat stormwater runoff from the roadways and Berry Hill Shopping Center before it enters Newell Creek. This project is described in Exhibit 12. The City initially set out to restore fish passage to the area, but according to the information in Exhibit 12, “the city’s third objective pertaining to fish passage restoration was found to be unworthy at this site. Instead, the City achieved this objective by working with Clackamas County and the US and State Departments of Fish and Wildlife to construct an ‘in lieu of’ project with far greater benefits at another site off of Redland Road.” This evidence shows that, to the extent additional water quality improvements are necessary, they can be implemented as part of the merge lane construction through direct or ‘in lieu of’ improvements.

Local governments are required to consider Goal 5 in limited circumstances. OAR 660–023–0250(3) provides, in part:

“Local governments are not required to apply Goal 5 in consideration of a PAPA unless the PAPA affects a Goal 5 resource. For purposes of this section, a PAPA would affect a Goal 5 resource only if:

(a) The PAPA creates or amends a resource list or a portion of an acknowledged plan or land use regulation adopted in order to protect a significant Goal 5 resource or to address specific requirements of Goal 5;

(b) The PAPA allows new uses that could be conflicting uses with a particular significant Goal 5 resource site on an acknowledged resource list; or

(c) The PAPA amends an acknowledged UGB and factual information is submitted demonstrating that a resource site, or the impact areas of such a site, is included in the amended UGB area.”

The proposed plan amendment will not modify the City’s existing Goal 5 resource list or modify any of the land use regulations in place to protect Goal 5 resources, most notably the City’s Natural Resource Overlay zone protections set forth in OCMC 17.49. This proposal does not amend or have any impact on the Metro UGB.

The only way that Goal 5 could be triggered is if it allowed a “new use” that could conflict with a Goal 5 resource. The approval does not authorize any new uses. In *NWDA v. City of Portland*, the Court of Appeals found that allowing a parking garage use type that was not previously allowed in the commercial zone was a “new use” for purposes of OAR 660–023–0250(3)(b). 198 Or App 286, 297-298 (2003) The opposite is true in this case. This approval does not authorize any different uses that were not previously allowed. Rather, this approval will allow for the continued urbanization of areas consistent with acknowledged concept plans and implementing zoning. All of this development will be subject to the City’s Natural Resource Overlay standards. Further, new roads and the expansion of existing roads are permitted subject to the City’s Natural Resource Overlay District requirements in OCMC 17.49.150.

If viewed as new uses, any development allowed as a result of the amendment to Chapter 12.04 and the TSP project amendments will not conflict with Goal 5 uses because it will be subject to the Natural Resource Overlay zone development requirements, ensuring that water quality values will be protected. OAR 660–023–0010(1) defines “conflicting use” to mean “a land use, or other activity reasonably and customarily subject to land use regulations, that could adversely affect a significant Goal 5 resource * * *.” Compliance with the NROD standards will ensure that land uses permitted through this approval will not adversely affect Goal 5 resources. For this reason, the requirements of OAR 660–023–0250(3)(b) have not been satisfied and Goal 5 does not apply.

Regardless of the proposed code changes to Chapter 12.04 and the TSP project amendments, the applicability of the Natural Resource Overlay District will continue to apply to all development so as to protect Newell Creek and any other regulated natural resource. Addition of new impervious area within the NROD is expected to be necessary for the proposed right turn lane project, and this project will be required to undergo review per Chapter 17.49 of the Oregon City Municipal code. Mitigation will be required for any new impervious surface added. It is not expected that changes to the culvert will be required by City code. New stream crossings are required to be by bridge or bottomless culvert; upgrade

to existing stream crossings are not likely to be required, but may be proposed by ODOT as part of an improvement project.

STATEWIDE PLANNING GOAL 6:

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

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 6 of the Oregon City Comprehensive Plan: Quality of Air, Water and Land Resources. By planning system improvements based on projected demand and land use patterns, the plan will ensure that land suited for development will be served efficiently. All new development will be subject to the City's Natural Resource Overlay District standards and erosion control standards, which implement state and local water quality standards.

The improvements recommended in the plan will result in less pollution by providing a safe opportunity for pedestrian and bicycle travel.

STATEWIDE PLANNING Goal 7:

To protect life and property from natural disasters and hazards.

Finding: Not Applicable. This proposal does not change any regulations related to natural hazards in Oregon City, including Geologic Hazard and floodplain overlay districts.

STATEWIDE PLANNING GOAL 8:

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

Finding: Not Applicable. This proposal does not affect any parks or recreation facilities in Oregon City.

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 as Proposed. The adoption of these standards will allow the City to approve new development in the area that contributes to economic vitality.

STATEWIDE PLANNING Goal 10:

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

Finding: Complies as Proposed. This proposal allows for greater housing opportunities by allowing potential new development in residential areas such as the Beavercreek Concept Plan Area to meet transportation requirements.

STATEWIDE PLANNING GOAL 11:

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

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 11 of the Oregon City Comprehensive Plan: Public Facilities. As stated in Section 11, the transportation infrastructure in Oregon City is governed by the Oregon City Transportation System Plan (Oregon City TSP). The relevant Public Facilities goals and policies and findings are discussed in greater detail above. The proposal includes upgrades to public facilities that balances costs, environmental impacts, livability, safety, and traffic congestion.

STATEWIDE PLANNING GOAL 12:

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

Finding: Complies as Proposed. This goal is implemented at the local level through the applicable Goals and Policies in the updated TSP, Section 2 (The Vision). This goal is also implemented at the state level through the Transportation Planning Rule (TPR), OAR 660-012. The proposal will result in fewer crashes and will increase the capacity of the intersection.

STATEWIDE PLANNING GOAL 13: To conserve energy.

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Finding: Complies as Proposed. This goal is implemented through the applicable Goals and Policies in Section 13 of the Oregon City Comprehensive Plan: Energy Conservation. The multimodal transportation system and improvements proposed will support efficient use of land and encourage walking and biking by providing a cohesive transportation system for a variety of modes.

Oregon Transportation Plan (2006)

The Oregon Transportation Plan (OTP) is the state's long-range multimodal transportation plan. The OTP is the overarching policy document among a series of plans that together form the state transportation system plan (TSP). A TSP must be consistent with applicable OTP goals and policies. Findings of compatibility will be part of the basis for TSP approval. The most pertinent OTP goals and policies for city transportation system planning are provided below.

POLICY 1.2 – Equity, Efficiency and Travel Choices

It is the policy of the State of Oregon to promote a transportation system with multiple travel choices that are easy to use, reliable, cost-effective and accessible to all potential users, including the transportation disadvantaged.

POLICY 4.1 - Environmentally Responsible Transportation System

It is the policy of the State of Oregon to provide a transportation system that is environmentally responsible and encourages conservation and protection of natural resources.

POLICY 5.1 – Safety

It is the policy of the State of Oregon to continually improve the safety and security of all modes and transportation facilities for system users including operators, passengers, pedestrians, recipients of goods and services, and property owners.

POLICY 7.1 – A Coordinated Transportation System

It is the policy of the State of Oregon to work collaboratively with other jurisdictions and agencies with the objective of removing barriers so the transportation system can function as one system.

POLICY 7.3 – Public Involvement and Consultation

It is the policy of the State of Oregon to involve Oregonians to the fullest practical extent in transportation planning and implementation in order to deliver a transportation system that meets the diverse needs of the state.

POLICY 7.4 – Environmental Justice

It is the policy of the State of Oregon to provide all Oregonians, regardless of race, culture or income, equal access to transportation decision-making so all Oregonians may fairly share in benefits and burdens and enjoy the same degree of protection from disproportionate adverse impacts.

Finding: Complies as Proposed. The City's Transportation System Plan has been found to be in compliance with the Oregon Transportation Plan. The proposed amendments to the TSP address equity, efficiency, choice, environmental issues and safety. The proposal was developed with Advisory Groups including multiple ODOT staff. The proposal will go before the Oregon Transportation Commission for final approval.

Oregon Highway Plan

The 1999 Oregon Highway Plan (OHP) establishes policies and investment strategies for Oregon's state highway system over a 20-year period and refines the goals and policies found in the OTP. Policies in the OHP emphasize the efficient management of the highway system to increase safety and to extend highway capacity, partnerships with other agencies and local governments, and the use of new techniques to improve road safety and capacity. These policies also link land use and transportation, set standards for highway performance and access management, and emphasize the relationship between state highways and local road, bicycle, pedestrian, transit, rail, and air systems. The policies applicable to the Oregon City TSP are addressed below.

Policy 1A (Highway Classification) defines the function of state highways to serve different types of traffic that should be incorporated into and specified through IAMPs.

Policy 1C (State Highway Freight System) states the need to balance the movement of goods and services with other uses.

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

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.

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.

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

Finding: Complies as Proposed. The OHP Policy 1F establishes mobility targets (as defined by motorized vehicle volume-to-capacity ratios) for state facilities that vary by region, facility classification, and whether or not the roadway is located inside an urban growth boundary (UGB). It states, "It is the policy of the State of Oregon to maintain acceptable and reliable levels of mobility on the state highway system, consistent with expectation for each facility type, location and functional objectives. Highway mobility targets will be the initial tool to identify deficiencies and consider solutions for vehicular mobility on the state system."

Specifically, mobility targets shall be used for:

- Identifying state highway mobility performance expectations for planning and plan implementation;
- Evaluating the impacts on state highways of amendments to transportation plans, acknowledged comprehensive plans and land use regulations pursuant to the Transportation Planning Rule (OAR 660-12-0060); and
- Guiding operations decisions such as managing access and traffic control systems to maintain acceptable highway performance."

The OHP Policy 1F allows for development of alternative mobility targets in areas where it is "infeasible or impractical to meet the mobility targets". The policy allows for the use of alternative mobility targets to "balance overall transportation system efficiency with multiple objectives of the area being addressed." It requires that targets "shall be clear and objective and shall provide standardized procedures to ensure consistent application of the selected measure. The alternative mobility target(s) shall be adopted by the Oregon Transportation Commission as an amendment to the OHP." The OHP currently includes alternative mobility targets in many locations throughout the State; however, none have been adopted within the Portland Metro area to date.

The proposal maintains freight mobility, which peaks during midday and will not be affected by the allowance of higher levels of congestion in the AM and PM peak hours.

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 as Proposed. Mobility targets for state highways, as established in this policy or as otherwise adopted by the Oregon Transportation Commission (OTC) as alternative mobility targets, are considered the highway system performance standards in compliance with the Transportation Planning Rule (TPR) (OAR 660-012), including applicability for actions that fall under Section -0060 of the TPR. The TPR Section -0060 applies when cities or counties are considering zone changes or plan amendments that would allow for additional development that would significantly impact or worsen the performance of existing or planned transportation facilities. Currently, significant impacts are found to exist when levels of automobile traffic cause roadway facilities to exceed motorized vehicle standards, such as mobility targets. If there is a significant impact, jurisdictions are required to “ensure that allowed land uses are consistent with the identified function, capacity, and performance standards of the facility measured at the end of the planning period identified in the adopted Transportation System Plan.”

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 as Proposed. The RTP includes a project in the area for Southbound OR 213 Advanced Warning System. This project is retained in the existing proposal. The RTP also includes a project for Redland Road improvements, which will also be retained.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

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

Finding: Complies as Proposed. The proposed Legislative application is being reviewed pursuant to the Type IV process. Notice was posted, online and mailed to all property owners in the City and UGB and posted in the paper.

17.50.050 Preapplication Conference

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City

staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

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

Finding: Complies as Proposed. On June 28, 2017, a pre-application conference was held. The application was filed with the City within six months of the pre-application conference. These criteria are met.

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. The applicant held neighborhood meetings with all neighborhoods bordering the HWY 213 intersections involved in the proposal, including Caufield, Gaffney Lane, Park Place, and Hillendale. The meeting notes are included in application materials. This standard has been met.

17.50.060 Application Requirements.

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

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This land use application was submitted on December 15, 2017. The application was deemed complete on December 16, 2017.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land use application was submitted on December 15, 2017. The application was deemed incomplete on July 20, 2017.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice citywide and in the Urban Growth Boundary via mail, posted on the Oregon City website and in a general circulation newspaper. Staff provided email transmittal of the application and notice to affected agencies, and to all Neighborhood Associations requesting comment.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. No signs were posted as there is no specific property involved for this proposed Legislative amendment.

RECOMMENDATION

Based on the findings identified above, the proposal to amend the mobility standards in Chapter 12.04 and revise the TSP Project list appears to comply with the review criteria. Staff recommends approval of Planning file L 17-03.

EXHIBITS

- 1) Planning Commission Issues Matrix
 - a) 1993-05-19 City Commission Minutes
 - b) Hwy 213 Improvements Before and After Images
 - c) Hwy 213 Corridor Study 2000

- d) ODOT Stormwater Improvements Images
- e) GOCWC Watershed Action Plan
- 2) Alternate Mobility Targets Final Report and Appendices
 - a) Final Report Appendices
- 3) OCMC 12.04.205 Proposed Changes
- 4) TSP Amendments
- 5) TSP Projects Map
- 6) Existing TSP/RTP Map of Newell Creek/Holly Lane Shared Use Path
- 7) Natural Resource Overlay District Maps
- 8) Adopted Local Wetland Inventory (Relevant Excerpts)
- 9) Greater Oregon City Watershed Assessment
- 10) Greater Oregon City Watershed Council Action Plan
- 11) Metro Compliance Report 2017
- 12) 2004 Drainage Improvements Fact Sheet
- 13) Metro Phase I and Phase II ESEE Analysis
- 14) Public Comments
- 15) Land Use Application Form
 - a) Applicant's Narrative and Code Responses
 - b) Combined Neighborhood Meeting Materials