



**April 6, 2018**

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**To:** Chair Denyse McGriff and Planning Commission  
**From:** Pete Walter, AICP, Planner  
**Re:** AN-17-0006 / ZC-17-0005: Park Place 92-Acre Annexation and Rezoning –  
Supplemental Findings to Staff Report of February 12, 2018

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Good Evening Commissioners:

Following the initial public hearing for AN-17-06 / ZC-17-01 on February 12, 2018, staff has prepared this summary memorandum responding to various issues raised.

***Please Note:*** Staff is recommending a continuance of the public hearing to the date certain of April 23, 2018 to allow the Applicant additional time to prepare transportation analysis for the intersection of Redland Road and Anchor Way. This was omitted from the recently submitted Transportation Analysis Addendum.

### Park Place Concept Plan

The Park Place Concept Plan was approved by the City Commission in April, 2007 and acknowledged by the Department of Land Conservation and Development in 2008. See attached Ordinance 07-1007. It was required in order to comply with Metro Title 11 concept planning requirements and provides a foundation for urbanization of the Park Place area brought in the City's Urban Growth Boundary (UGB) in 2002. The Park Place Concept Plan addresses annexation, urban services, residential density and design, housing, commercial and employment uses, transportation, natural resources, public facilities and services, schools, roads, and developable and unbuildable lands. The plan is based on furthering a series of core values developed by the Project Advisory Committee, and supported by the Planning Commission and City Commission, to address these issues. The Park Place Concept Plan was developed through an extensive interactive public process and was guided by a Project Advisory Committee comprised of neighbors, stakeholders, business owners and City residents starting in February 2006, to draft a framework for sustainable development of the Park Place area.

Since its adoption the urbanization objectives contained within the Park Place Concept Plan have been implemented in all subsequent public facilities plan updates for sewer, water, stormwater and transportation. Density levels and the resulting public improvement demand, necessary to support that development, including the widening of Holly Lane, were established by the Park Place Concept Plan. The annexation / zone change request pending review takes the next step in implementing these objectives. Much of the testimony was directed at concerns that were settled upon adoption of the Concept Plan and cannot be revisited as part of this review.



### Master Plan Prior to Development

Staff wishes to reiterate the importance of a Master Plan process for the successful implementation of the Park Place Concept Plan. As conditioned, approval of this annexation and zoning proposal requires that a future master plan approval, General and Detailed Development Plan pursuant to OCMC 17.65, including the entire 91-acre annexation area shall be obtained and submitted prior to any development

approval authorized by this zone change. The General Development Plan and all phases of development authorized by it, must implement the Park Place Concept Plan and Oregon City's adopted Public Facilities Plans with regard to the provision of open space, park and trails, sewer, water, stormwater and transportation improvements. Implementation of these plans, through Master Plan review, will ensure that the City can provide urban levels of services to these newly developed areas while continuing to serve existing residents and businesses.

The purpose of a Master Plan is discussed in [OCMC 17.65.010](#):

*It is the intent of this chapter to foster the growth of major institutions and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable services and employment opportunities that these developments bring to Oregon City residents. The master plan process is intended to facilitate an efficient and flexible review process for major developments and to provide them with the assurance they need over the long term so that they can plan for and execute their developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address the larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.*

### TIS Addendum – Lancaster Engineering

*Note: Staff is recommending a continuance of the public hearing to the date certain of April 23, 2018 to allow the Applicant additional time to prepare transportation analysis for the intersection of Redland Road and Anchor Way. This was omitted from the recently submitted Transportation Analysis Addendum.*

The applicant's Transportation Engineer, Lancaster Engineering, has prepared a memorandum addendum entitled "Transportation Impact Study Addendum #1", to the original Park Place Annexation Transportation Impact Study (TIS), dated August 2<sup>nd</sup>, 2017. Oregon Department of Transportation requested that trip generation assumptions within the TIS be revised. Accordingly, this addendum re-assesses site trip generation and includes capacity analyses for year 2035 build-out conditions reflecting this change in projected trips generated.

A draft version of this memorandum was distributed to ODOT and City of Oregon City staff in mid-March. The final version of the memo incorporates revisions made by public agency review of the draft report. This includes:

1. Explanation of the assumed number of homes on the site,
2. Additional discussion of pass-by trips and the use of internal trip reduction,
3. Explanation of ODOT's recent interpretation regarding the application of intersection performance standards,
4. A proposal to establish a trip cap for the subject site.

Addendum #1 provides new information related to a “worst case” development scenario that is calculated to produce significantly more traffic than that calculated in the original TIS. Addendum #1 presents updated operational analyses for the 16 study area intersections based on the higher trip generation assumed in Addendum #1. Addendum #1 provides some additional discussion of Clackamas County’s operational standards. Addendum #1 provides a calculation of the operational performance of the intersection of Highway 213 and Redland Road assuming it is expanded as specified in Metro’s adopted Regional Transportation Plan (RTP). Finally, Addendum #1 proposes a trip cap on the development proposed for this annexation.

The City’s Transportation Consultant, Replinger and Associates, has prepared a complete revised review of the TIS and the addendum and will present his findings at the public hearing on April 9. Based on the addendum, Mr. Replinger recommends slightly modified conditions of approval be applied to any subsequent application for a future Master Plan development application.

Staff recommends that the Planning Commission accept these modified recommendations as Conditions of Approval for See attached.

### [Oregon Department of Transportation \(ODOT\) Comments](#)

ODOT staff reviewed the application and submitted comments which are attached. Based on their review of the traffic impact study and the planned investments and improvements to improve performance of the transportation system, ODOT is satisfied that the staff report demonstrates compliance with the Transportation Planning Rule. The requirement for a Master Plan affords ODOT and the city a future opportunity to ensure that the infrastructure consistent with the TSP is implemented to meet the criteria for adequate transportation facilities. Additionally ODOT mentions the necessity of the Holly Lane extension, which is clearly identified in the City’s TSP as well as other planning documents.

### [Clackamas County Transportation Comments](#)

Clackamas County transportation staff provided comments on April 3 and April 6 (Attached).

### Tree Removal Prior to Annexation

The issue of tree removal prior to annexation was raised during the last hearing as an issue of serious concern. Land within Urban Growth Boundaries that is designated for urban use must be urbanized in order to adequately protect farm and forest land outside of the UGB, since that is the basis behind Oregon's Land Use Planning system.

Currently the City has no adopted policy that restrict or requires mitigation for tree removal on properties that are located outside of the City boundaries but within the Urban Growth Boundary. Individual land owners that are not yet annexed currently have to comply with applicable Clackamas County tree cutting regulations depending on their particular situation. Clackamas County also has regulations protecting the water quality of streams and sloped areas. Lastly, the Forest Practices Act applies to areas of harvestable timber, and may pre-empt local regulations in such cases, though by definition there are few such areas within the Urban Growth Boundary.

Once lands are annexed to Oregon City, the City has various regulations that restrict or require permitting and mitigation for impacts to trees and identified sensitive areas such as wetlands, streams, habitat areas and steep slopes and landslide areas. These include OCMC 17.41 Tree Protection, which applies to development applications, and the Natural Resources Overlay District and Geologic Hazard Overlay District, OCMC 17.49 and 17.44, respectively.

For urbanizable land, there is an iterative process of natural resource evaluation that occurs in successively more detailed phases. This first occurs with the Metro process of UGB expansion study areas wherein Metro evaluates the suitability of land for inclusion within the Urban Growth Boundary pursuant to state law.

Once within the UGB, Metro law protecting Water Quality and Habitat (Titles 3 and 13) applies to both Cities and Counties. This is based on known and accepted inventories and strikes a balance between the need to provide an adequate land supply for urbanization and housing while identifying and preserving sensitive sites, features and areas that should be off limits for development. This is a critical component of the Park Place Concept Plan.

Following Annexation and zoning, the process of Master Planning pursuant to OCMC 17.65 provides yet more opportunity to refine the concept plan and identify and protect the natural features, open space, trails, parks and natural resource areas, and the mechanism by which those features become part of the community amenities in the future. This would necessarily include conditions of approval that clearly identify what the developer is and is not responsible for with respect to protected areas.

Finally, the process of actual development, through land division (subdivision and partitions) and site development approval is reached. For residential subdivisions, the City requires planting of trees on new residential lots, based on the lot size. For non-residential sites, the City's Site Plan and Design Review includes minimum landscaping standards that require trees be planted. Ultimately, the cost of new trees and mitigation for removed trees is passed on to the new homeowners and residents in the sale price for a new home.

### Traffic Safety and Speeding Issues

Several citizens shared their concerns about speeding and traffic safety, particularly on Holcomb Boulevard. These issues are important; however, this is an enforcement issue for an existing problem and there is no evidence that identified existing safety concerns will be exacerbated by the subject annexation and zone change request. The applicant has retained a licensed and experienced traffic engineer to analyze crash data, safety issues and speed zones with their required Traffic Impact Study, and will contribute to any share of identified safety improvements in the City's Transportation System Plan for areas that their development may exacerbate, such as for installation of a four-way stop, turn lanes, and traffic signals. The findings in the Traffic Impact Study are then reviewed by three independent licensed traffic engineers who work for the City, the County and for Oregon Department of Transportation. Upon submittal of a Master Plan, the City and residents will have further opportunity to understand the transportation impact of development within the annexation area. Current speeding concerns and safety issues may be addressed to the Clackamas County Traffic Safety Commission or the Oregon City Traffic Safety Committee, or the Oregon City Police Department or Clackamas County Sheriff's Department, as applicable.

### Geologic Hazards and Dr. Scott Burns – PSU Geology Professor

The Planning Commission heard testimony about the potential for landslides within the concept plan area and Holly Lane, as well a request that Dr. Scott Burns of Portland State University be invited to speak to the Planning Commission. Dr. Scott Burns is Professor Emeritus of Geology and has studied the geologic hazards of Oregon City for 28 years. Dr. Burns has accepted an invitation to present to both the Planning Commission and the Natural Resources Committee at a joint worksession which is tentatively scheduled for June 11<sup>th</sup>, 2018.

The City's Geologic Hazard Overlay District code OCMC 17.44 requires applicants to review a variety of official Portland State University (PSU) and Oregon Department of Geology and Mineral Industries (DOGAMI) research documents for landslide hazards in the Oregon City area. Dr. Burns is author or co-author for several of these documents, which are required references for the Geological Assessment and Geotechnical Report required as part of a development application submittal within the overlay district. See [17.44.050 - Development—Application requirements and review procedures and approvals](#). Applications which do not include these references are considered incomplete and cannot move forward for review by the City's Geologic Engineering consultant.

### Cultural and Historic Resources (Goal 5)

Senior Planner Christina Robertson-Gardiner conducted a query of the SHPO historic sites database <http://heritagedata.prd.state.or.us/historic/>, and the City's access database for eligible historic resources in or near the annexation area. Eligible resources found in the query are included as an attachment.

There are no resources identified as potentially eligible on the National Register in this Annexation proposal. Three houses were identified as over 50 years old in the annexation area but not eligible for listing on the National register individually, or as part of a district.

- 15110 S Holcomb Blvd
- 16472 Livesay Road
- 16582 Livesay Road

The area of potential effect (APE) looked at properties within 300 feet of the annexed properties. Eligible resources near the annexation include:

- 14493 S Livesay Rd (1948)
- 14508 S Livesay- Rd Kraeft House (1903), a Clackamas County Landmark.
- 15138 s Holcomb Blvd (1940)
- 15172 S Holcomb Blvd- (1935)

A map of these sites is attached and provided below.

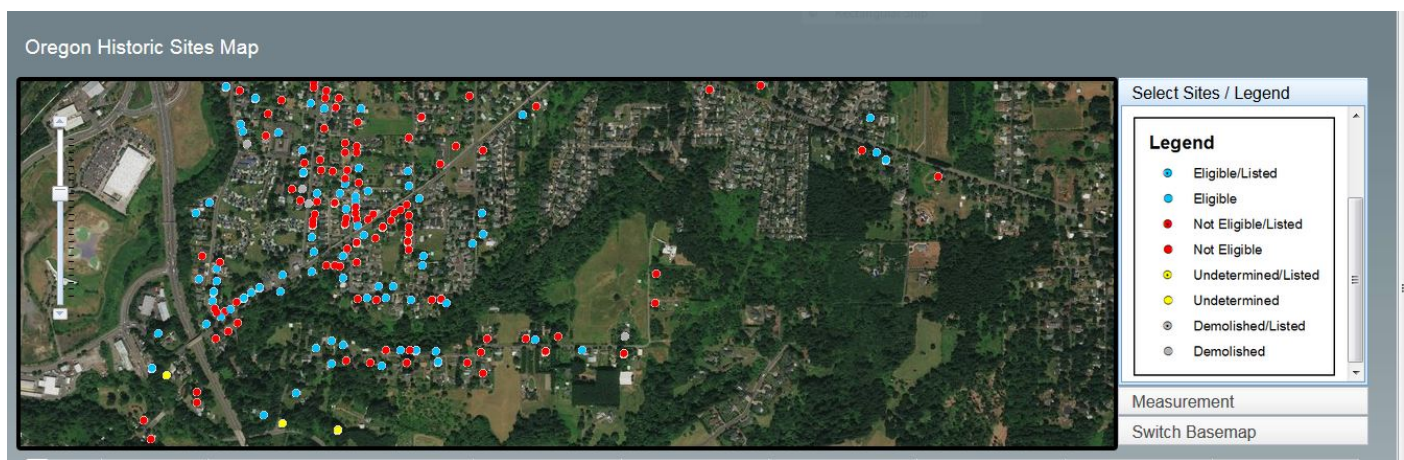


Figure 1. SHPO Map of Historic Sites near Annexation Area

The proposed annexation and development will not have an adverse effect on the significance of the Kraeft House as it remains a Clackamas County Landmark. It is located adjacent to Livesay Road with a collection of non-historic farm outbuilding that could be removed and redeveloped allowing the resource to be retained near the street in any future annexation request. The same analysis is consistent with the 1948 and 14993 Livesay Road house.

Livesay Road is a highly constrained rural road made of a combination of non-eligible 1960s ranch homes, and some eligible 1920s typical and 1940s minimal traditional farmhouses, aside from to two resources identified above, the remainder eligible structures are located west of the town center area on Livesay. This area of Livesay has not been identified for street improvements and was specifically identified to be a street designed for local access in the Park Place Concept Plan to preserve a sense of place for this community.



Two modest 1930s and 1940s minimal traditional/early ranches are located near the proposed connector road on Holcomb Blvd.

No adverse impact is identified for these resources as part of the annexation and development as the housing location and orientation to Holcomb Blvd will not change.

### Infrastructure Timing

The Planning Commission heard testimony regarding the adequacy of parks and other infrastructure, asking why improvements cannot be in place prior to development. This individual was concerned that the City has not “banked land” for parks within the annexation area. The City has not acquired land within the annexation area at this time for park purposes due to lack of funds. It is for this reason that the staff is recommending, and the applicant has agreed to as a Condition of Approval of the annexation and zone change, a master plan prior to any development so that (prior to issuance of building permits), the City will have the necessary levels of park land available to serve this new development. The applicant is required in the Master Plan process to identify how the City will secure park land for future development.

Additionally, developers are required to pay for their fair share of off-site improvements necessary to serve their development and build infrastructure directly related to their development impacts prior to issuance of building permits. The City requires that the burden of new public infrastructure improvement of public infrastructure fall on the developer.

Since developers are only required to provide their proportional share of such improvements, and since public money for large scale capital improvements is constrained, there will inevitably be a lag time between when the development occurs and when the full build-out of an area makes the full share of the improvements possible. Furthermore, developers are legally entitled under state law to use the payment of System Development Charges as a means to meet this requirement, rather than actually construct the improvement at the time of development.

### Conclusion and Recommendation

This memorandum, along with the attached exhibits listed below, supplements the original February 12, 2018 staff report and recommended findings, and addresses all issues raised and submitted into the record as of the date of agenda publishing on April 2<sup>nd</sup>, 2018.

Staff believes that all of the applicable criteria for approval of AN 17-04 / ZC 17-06 are met through the Conditions of Approval, as modified to include the recommendations regarding transportation mitigation prepared by Replinger and Associates.

### Exhibits

1. Ordinance 07-1007, Park Place Concept Plan.
2. Department of Land Conservation (DLCD) Acknowledgement of Adoption File 002-07.

3. Goal 5 - Historic Inventory of Sites adjacent to and within the Annexation Area.
  - a. SHPO Sites Map
  - b. Eligible Adjacent
    - i. 14493 S Livesay Rd (1948)
    - ii. 14508 S Livesay- Rd Kraeft House (1903), a Clackamas County Landmark.
    - iii. 15138 s Holcomb Blvd (1940)
    - iv. 15172 S Holcomb Blvd- (1935)
  - c. Within the annexation area but not eligible for listing on the National register individually, or as part of a district.
    - i. 15110 S Holcomb Blvd
    - ii. 16472 Livesay Road
    - iii. 16582 Livesay Road
4. Technical Memorandum; *Park Place Annexation - Transportation Impact Study Addendum #1*, Todd Mobley, PE and Daniel Stumpf, EI, Lancaster Engineering, March 27, 2018.
5. *Review of Traffic Impact Study – Park Place Annexation and Rezoning – AN17-04 & ZC17-05*, Replinger and Associates, March 29, 2018.
6. Comments from Marah Danielson, Senior Planner, ODOT Region 1, April 2, 2018