



## Legislation Details (With Text)

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<b>Title:</b>	The Cove Disposition and Development Agreement - Approval of Preconditions				
<b>Sponsors:</b>	Eric Underwood				
<b>Indexes:</b>	Goal 1: Implement Economic Development Strategy and Maintain an Environment for Success.				
<b>Code sections:</b>					
<b>Attachments:</b>	1. Staff Report, 2. Attachment 1: Design Development Concept and Quality Plan - Residences at the Cove, 3. Attachment 2: Preliminary Earthwork Plan, 4. Attachment 3: Color Perspectives, 5. Attachment 4: Concept Development Plan - Plan Set, 6. Attachment 5: Detailed Development Plan Mass Grading Plan Set, 7. Attachment 6: October 15, 2018 Trip Generation Letter, 8. Attachment 7: Floodplain Balance Memorandum, 9. Attachment 8: Concept Development Plan Amendment Narrative, 10. Attachment 9: Building Elevations, 11. Attachment 10: Land Use Application Form, 12. Attachment 11: Disposition and Development Agreement				

Date	Ver.	Action By	Action	Result
11/26/2018	1	Urban Renewal Commission	adopt	Pass

### The Cove Disposition and Development Agreement - Approval of Preconditions

#### **RECOMMENDED ACTION (Motion):**

Staff recommends that the Urban Renewal Commission Approve Preconditions 3.2.1, 3.2.2 and 3.2.6 of the Cove Disposition and Development Agreement.

#### **BACKGROUND:**

The Cove Disposition and Development Agreement (DDA) identifies certain preconditions that must be satisfied within two hundred seventy (270) days after the Effective Date of the DDA. If all of the preconditions are satisfied, the parties associated with the DDA can then proceed with their respective obligations that are set forth in the Agreement. However, there are several preconditions within the DDA that require Urban Renewal Commission approval prior to the developer having the ability to submit land use applications for final approval. These preconditions can be referred to in Section 3.2 of the DDA (attachment 11) and consist of the following:

- \* 3.2.1 - The parties shall have agreed on the Development Plans pursuant to Section 5.1 (attachments 1, 3, 4 and 5)
- \* 3.2.2 - The parties shall have agreed on the Land Use Approval Applications for the Project (attachments 3-10 and on file)
- \* 3.2.6 - The parties shall have agreed on the Earthwork Plan pursuant to Section 4.2.1 (attachments 2, 5 and 7)

Precondition 3.2.1 - The parties shall have agreed on the Development Plans pursuant to Section 5.1 of the DDA

Section 5.1 of the DDA requires that the developer make a presentation to the Commission on the proposed Development Plan for Phases 2A and 2B. The Commission has the right to review the Development Plan, including the design concept and quality (attachment 1) and infrastructure work based on the functional utility of the proposed improvements and for compliance with applicable City codes, rules and regulations (attachment 3, 4 and 5). "Infrastructure Work" is defined in the DDA as:

- \* Construction of Agnes Avenue between the Main/Agnes intersection and the proposed cul-de-sac at the north end of the Development Site;
- \* Construction of a 20-foot wide bicycle and pedestrian path and emergency access drive from the cul-de-sac at the north end of the Development Site to the existing dead-end of S. Agnes Avenue east of the sewer plant or alternative as approved;
- \* Construction of an esplanade and related improvements on Tract C; and
- \* Construction of a trail head (including parking) and monument sign on Tract A or Lot 1 in a location agreed to by the parties, and a path connecting the trailhead to the sidewalk on the north side of Main Street.

Section 5.2 - Final Approval of Development Plans of the DDA provides the Commission with up to 30 days after the presentation of the proposed Development Plans to either approve, conditionally approve or disapprove of the Development Plans.

The developer appears to have prepared Development Plans that are consistent with the intent of the DDA and previous presentations to the Commission concerning the final building product/quality and infrastructure work that will be constructed on the site. The trailhead parking, per the DDA, will be delayed until a later phase in the development and the location of the Agnes Avenue path/emergency access is currently being reviewed to coordinate with the Tri-City Sewer Plant for the best short term and final long term location.

Precondition 3.2.2 - The parties shall have agreed on the Land Use Approval Applications for the Project

Section 6 - Land Use Approvals. The developer shall prepare and submit to the Commission drafts of applications to the City for the Land Use Approvals, which shall be subject to approval by the Commission prior to filing with the City.

The developer has proposed to apply for the initial land use application package, which will include amendments to the previously approved Concept Development Plan, a Detailed Development Plan for the site grading, and applications for a subdivision, compliance with the Natural Resource Overlay District and the Geologic Hazards and Floodplain Overlay Districts. The second land use application package for the buildings, roads, trails and infrastructure/utilities will be submitted at a later date. The developer has provided the City with the proposed land use application, which includes:

- \* Color perspectives - attachment 3;
- \* Concept Development Plan - Plan set - attachment 4;
- \* Detailed Development Plan Mass Grading Plan Set - attachment 5;
- \* October 15, 2018 Trip generation letter - attachment 6;
- \* Floodplain balance memorandum - attachment 7;
- \* The Concept Development Plan narrative - attachment 8;
- \* Building Elevations - attachment 9;

- \* Application forms - attachment 10;
- \* Land Use approval history - on file;
- \* Previously approved adjustments - on file;
- \* Findings for specific architectural standards - on file;
- \* Tax map, title and trio report - on file;
- \* Pre-application notes and city GIS maps - on file;
- \* July 2015 Traffic Impact Analysis - on file;
- \* Natural Resource Overlay District report - on file;
- \* Figure 1 Aerial map - on file;
- \* Figure 2 Vicinity map - on file;
- \* Geotechnical report and letter - on file;
- \* Neighborhood meeting materials - on file;
- \* Previously approved tree removal plan - on file;
- \* March 12, 2018 Habitat Enhancement memorandum - on file;
- \* Angled parking car turning - on file; and
- \* Proposed adjustments legend - on file.

Staff has attached to this Commission report information that was thought to be most relevant to the Commission to demonstrate the quality of the proposed applications and to assist with the determination. Any exhibit not attached is available upon request for review.

The developer appears to have prepared a land use application that can be submitted to the City to begin the review process. The application appears to address the applicable sections of the Oregon City Municipal Code. If approved for submittal, the application will be reviewed for compliance with all applicable approval criteria, will be subject to a public review and comment process and a land use decision will be rendered. During the review process, additional information may be requested from the developer if necessary.

Precondition 3.2.6 - The parties shall have agreed on the Earthwork Plan pursuant to Section 4.2.1 (attachments 2, 5 and 7)

The developer appears to have prepared a detailed Earthwork Plan, mass grading plan and documented the ability to balance the cut and fill on the site.