

Application for Groundwater Registration Modification



Oregon Water Resources Department
725 Summer Street NE, Suite A
Salem, Oregon 97301-1266
(503) 986-0900
www.oregon.gov/OWRD

Part 1 of 5 – Minimum Requirements Checklist

This Groundwater Registration Modification application will be returned if Parts 1 through 4 and all required attachments are not completed and included.

For questions, please call (503) 986-0900, and ask for Transfer Section.

Check all included with this application (N/A = Not Applicable)

- ☒ Part 1 – Completed Minimum Requirements Checklist.
- ☒ Part 2 – Completed Application Map Checklist.
- ☒ Part 3 – Completed Applicant Information and Signature.
- ☒ Part 4 – Completed Groundwater Registration Modification Application – Groundwater Registration Information. (Only one Groundwater registration per application, unless the Groundwater registrations to be modified are layered).
- ☒ Completed Groundwater Registration Modification Application Map (Does not have to be prepared by a Certified Water Right Examiner).
- ☒ Groundwater registration modification fees – Amount enclosed: \$ \$ 1,250
(\$875.00 for a place of use change only; \$1,250.00 for any other change or combination).
- Attachments:** \$ 120
- ☒ ☐ N/A Request for Assignment Form and statutory fee. This form needs to be completed if the applicant owns the land to which the registration is appurtenant and is **not** the registration certificate holder of record. The Request for Assignment Form is available at <https://www.oregon.gov/OWRD/Forms/Pages/default.aspx>.
Assignment is not needed for any person or entity who can demonstrate authorization to request recognition of a modification (e.g. legal representative, power of attorney, agent, etc.) **or** the applicant is named on the certificate of registration, or has been assigned to the certificate of registration.
- ☒ ☐ N/A Oregon Water Resources Department's Land Use Information Form with approval and signature (or signed land use form receipt stub) from each local land use authority in which water is to be diverted, conveyed, and/or used. Not required if water is to be diverted, conveyed, and/or used only on federal lands or if **all** of the following apply: a) a change in place of use only, b) no structural changes, c) the use of water is for irrigation only, and d) the use is located within an irrigation district or an exclusive farm use zone.
(Property entirely within incorporated limits of City of Oregon City so don't need for Clackamas County)
- ☐ ☒ N/A Water Well Report/Well Log for changes in point(s) of appropriation (well(s)) or additional point(s) of appropriation. (Well will be refurbished in the future; in same location on site.)

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(For Staff Use Only)

WE ARE RETURNING YOUR APPLICATION FOR THE FOLLOWING REASON(S):

- | | |
|--|--|
| ☐ Application fee not enclosed/insufficient | ☐ Map not included or incomplete |
| ☐ Land Use Form not enclosed or incomplete | ☐ Assignment Form and fee not enclosed/insufficient |
| ☐ Additional signature(s) required | ☐ Part _____ is incomplete |

Other/Explanation _____

Staff: _____ 503- _____ Date: ____/____/____

Part 2 of 4 – Groundwater Registration Modification Map Checklist

Your Groundwater Registration Modification application will be returned if any of the map requirements listed below are not met.

Please be sure that the map you submit includes all the items listed below and meets the requirements of OAR 690-380-3100, however, the map does not have to be prepared by a Certified Water Right Examiner. Check all boxes that apply.

- ☒ Permanent quality printed with dark ink on good quality paper.
- ☒ The size of the map can be 8½ x 11 inches, 8½ x 14 inches, 11 x 17 inches, or up to 30 x 30 inches. For 30 x 30 inch maps, one extra copy is required.
- ☒ A north arrow, a legend, and scale.
- ☒ The scale of the map must be: 1 inch = 400 feet, 1 inch = 1,320 feet, the scale of the county assessor map if the scale is not smaller than 1 inch = 1,320 feet, or a scale that has been pre-approved by the Department.
- ☒ Township, Range, Section, ¼ ¼, DLC, Government Lot, and other recognized public land survey lines.
- ☒ Tax lot boundaries (property lines) are required. Tax lot numbers are recommended.
- ☒ Major physical features including rivers and creeks showing direction of flow, lakes and reservoirs, roads and railroads.
- ☒ Major water delivery system features from the point(s) of appropriation such as main pipelines, canals, and ditches.
(n/a: No major system; well and place of use all on site.)
- ☒ Existing place of use that includes hachuring, priority date, and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions. If less than the entirety of the registration is being changed, a separate hachuring is needed for the portion of the registration left unchanged.
(n/a: No existing area of use was mapped. No major system; well and place of use all on site.)
- ☒ ☐ N/A If you are proposing a modification in place of use, show the proposed place of use with hachuring including priority date and use including number of acres in each quarter-quarter section, government lot, or in each quarter-quarter section as projected within government lots, donation land claims, or other recognized public land survey subdivisions.
(Entire site area of property shown for landscape irrigation.)
- ☒ Existing point(s) of appropriation with distance and bearing or coordinates from a recognized survey corner.
- ☐ ☒ N/A If you are proposing a modification in point(s) of appropriation, show the proposed location and label it clearly with distance and bearing or coordinates. If GPS coordinates are used, latitude-longitude coordinates may be expressed as either degrees-minutes-seconds with at least one digit after the decimal (example – 42°32'15.5") or degrees-decimal with five or more digits after the decimal (example – 42.53764°).

Part 3 of 4 – Applicant Information and Signature

Applicant Information

APPLICANT/BUSINESS NAME Confederated Tribes of the Grand Ronde Community of Oregon		PHONE NO. (503) 879-2404	ADDITIONAL CONTACT NO. n/a
ADDRESS 9615 Grand Ronde Road		FAX NO. n/a	
CITY Grand Ronde	STATE OR	ZIP 97347	E-MAIL ryan.webb@grandronde.org
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Agent Information – The agent is authorized to represent the applicant in all matters relating to this application

APPLICANT/BUSINESS NAME WSP USA, Inc. (Attn Seth Jelen, PE, CWRE)		PHONE NO. (503) 636-1908	ADDITIONAL CONTACT NO. n/a
ADDRESS 1300 SW Fifth Avenue Suite 3100		FAX NO. n/a	
CITY Portland	STATE OR	ZIP 97201	E-MAIL seth.jelen@wsp.com
BY PROVIDING AN E-MAIL ADDRESS, CONSENT IS GIVEN TO RECEIVE ALL CORRESPONDENCE FROM THE DEPARTMENT ELECTRONICALLY. COPIES OF THE FINAL ORDER DOCUMENTS WILL ALSO BE MAILED.			

Explain in your own words what you propose to accomplish with this modification; and why:
Refurbishing the well in same location, water used for dust suppression, fire fighting, and irrigation of landscaping.

If you need additional space, continue on a separate piece of paper and attach to the application as "Attachment 1".

☐ Check this box if this project is fully or partially funded by the American Recovery and Reinvestment Act. (Federal stimulus dollars)

(Check one box)

- ☒ By signing this application, I (we) understand that, upon receipt of the draft preliminary determination and prior to Department approval of the Groundwater modification, I (we) will be required to provide landownership information and evidence that I am authorized to pursue the modification as identified in OAR 690-382-0400(16)(a); **OR**
- ☐ I (we) affirm the applicant is a municipality as defined in ORS 540.510(3)(b) and that the right is in the name of the municipality or a predecessor; **OR**
- ☐ I (we) affirm that the applicant is an entity with the authority to condemn property and is acquiring the property to which the Groundwater registration proposed for modification is appurtenant by condemnation and have attached supporting documentation.

I understand that prior to Department approval of the groundwater registration modification, I may be required to submit payment to the Department for publication of a notice in a newspaper with general circulation in the area where the groundwater registration is located, once per week for two consecutive weeks. If more than one qualifying newspaper is available, I suggest publishing the notice in the following paper: _____

DJC: Daily Journal of Commerce

I (we) affirm that the information contained in this application is true and accurate.

Ryan Webb

Applicant Signature

n/a

Applicant Signature

Digitally signed by Ryan Webb
DN: cn=US,
e=Ryan.Webb@grandronde.org,
ou=Confederated Tribes of Grand
Ronde, cn=Ryan Webb
Date: 2025.03.04 12:11:49 -08'00'

Ryan Webb, PE

Engineering and Planning Manager

Print Name (and Title if applicable)

Date

Print Name (and Title if applicable)

Date

Is the applicant the sole owner of the land on which the Groundwater registration modification or portion thereof, is located? ☒ Yes ☐ No *If NO, include signatures of all deeded landowners (and mailing and/or e-mail addresses if different than the applicant's) or attach affidavits of consent (and mailing and/or e-mail addresses) from all landowners or individuals/entities to which the Groundwater registration has been conveyed.*

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Check the appropriate box, if applicable:

- ☐ Check here if the Groundwater registration proposed for modification is or will be located within or served by an irrigation or other water district.

IRRIGATION DISTRICT NAME n/a	ADDRESS	
CITY	STATE	ZIP

- ☐ Check here if water for the Groundwater registration is supplied under a water service agreement or other contract with a federal agency or other entity.

ENTITY NAME n/a	ADDRESS	
CITY	STATE	ZIP

To meet State Land Use Consistency Requirements, you must list all local governments (each county, city, municipal corporation, or tribal government) within whose jurisdiction water will be diverted, conveyed or used.

ENTITY NAME (Property owner; "fee" not "trust" land) Confederated Tribe of the Grand Ronde Community of Oregon	ADDRESS 9615 Grand Ronde Road	
CITY Grand Ronde	STATE OR	ZIP 97347

ENTITY NAME City of Oregon City, Planning Dept.	ADDRESS 695 Warner Parrott Road	
CITY Oregon City	STATE OR	ZIP 97045

(For info only; property entirely in incorporated area)

ENTITY NAME Clackamas County, Planning and Zoning	ADDRESS 150 Beaver Creek Road Room #225	
CITY Oregon City	STATE OR	ZIP 97045

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INSTRUCTIONS for editing the Application Form

To add additional lines to tables within the forms or to copy and paste additional Part 4 pages, please **save the application form to your computer**. Unlock the document by using one of the following instructions for your Microsoft Word software version:

Microsoft Word 2003

Unlock the document by one of the following:

- Using the **Tools** menu => click **Unprotect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

To relock the document to enable the checkboxes to work, you will need to:

- Using the **Tools** menu => click **Protect Document**;
- OR**
- Using the **Forms** toolbar => click on the **Protect/Unprotect** icon.

Microsoft Word 2007

- Unlock the document by clicking the **Review** tab, then click **Protect Document**, then click **Stop Protect**
- To relock the document, click **Editing Restrictions**, then click **Allow Only This Type of Editing**, select **Filling In Forms** from the drop-down menu, then check **Yes, Start Enforcing Protection**.

Microsoft Word 2010

- Unlock the document by clicking the **Review** tab; toggle the **Restrict Editing** icon at the upper right, then click **Stop Protect** at the bottom right. Then uncheck the "**Allow only this type of editing** in the document: **Filling in forms**" in the "Editing restrictions" section on the right-hand list of options.
- To relock the document, check the **Editing Restrictions/Allow Only This Type of Editing/Filling In Forms** box from the drop-down menu, then check **Yes, Start Enforcing Protection**. You do not need to assign a password for the editing restrictions.

Other Alternatives:

- Photocopy pages or tables in Part 4, ~~mark-through~~ any non-applicable information, insert/attach photocopied pages to document in the appropriate location, and manually amend page numbers as necessary (e.g. Page ~~5~~ 6 of ~~9~~ 10).
- You may refer to additional attachments that you may include, such as separately produced tables or spreadsheets to convey large numbers of rows of place of use listings, owner/property parcels, etc. You may contact the Department at 503-986-0900 and ask for Transfer Staff if you have questions.

Once the application has been unlocked, you may:

- add additional rows to tables using the Table tools, and
- select and copy the pages of Part 4 and paste as many additional sets of Part 4 pages as needed at the end of the application.

After editing, re-lock the document to enable checkboxes to work.

1 4 6 3 4 -

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Part 4 of 4 – Groundwater Registration Information

Please use a separate Part 4 for each registration being modified. See instructions on page 5, to copy and paste additional Part 4s, or to add additional rows to tables within the form.

Groundwater Registration # GR- 707 (Certificate # GR- 662)

Table 1. Location of Authorized and Proposed Point(s) of Appropriation (POA)

(Note: If the POA name is not specified in the registration, assign it a name or number here.)

POA Name or Number	Is this POA Authorized by the registration or is it Proposed?	OWRD Well Log ID# (or Well ID Tag # L-____)	Twp	Rng	Sec	¼ ¼	Tax Lot, DLC or Gov't Lot	Measured Distances (from a recognized survey corner)
Well	☒ Authorized ☐ Proposed	CLAC_4419	2 S	2 E	31	SE NW	300	Approx. 3370 feet west & 2380 feet south from NE corner Section 31 T 2S R 2E.
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							
	☐ Authorized ☐ Proposed							

Check all type(s) of modifications(s) proposed below (modification "CODES" are provided in parentheses):

- ☒ Place of Use (POU)
☒ Character of Use (USE)

☐ Point of Appropriation (well) (POA)
☐ Additional Point of Appropriation (APOA)

Will all of the proposed changes affect the entire Groundwater registration?

- ☒ Yes
☐ No

Complete only the proposed ("to" lands) section of Table 2 on the next page. Use the "CODES" listed above to describe the proposed changes.

Complete all of Table 2 to describe the portion of the registration to be changed.

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Do you have questions about how to fill-out the tables?
Contact the Department at 503-986-0900 and ask for Transfer

List only the part of the registration that will be modified. For the acreage in each $\frac{1}{4}$ $\frac{1}{4}$, list the modification proposed. If more than one modification, specify the acreage associated with each modification. If more than one POA, specify the acreage associated with each POA.

Additional remarks: _____

14634 -

For a modification in place of use or character of use:

Are there other water right certificates, water use permits, or Groundwater registrations associated with the "from" or "to" lands? ☐ Yes ☒ No

If YES, list the other certificate, water use permit, or other Groundwater registration numbers:

Pursuant to OAR 690-382-0200, any "layered" water use, such as an irrigation right that is supplemental to a primary irrigation right proposed for transfer, must be concurrently transferred with the registration or be cancelled. Any change to a water right must be filed separately in a transfer application. Any change to a water use permit must be filed separately with a permit amendment. Any modification to a Groundwater registration on the "to" lands must be filed separately with a Groundwater registration modification.

For modifications in point(s) of appropriation (well(s) or additional point(s) of appropriation:

☒ Well log(s) are attached for each well that are clearly labeled and associated with the corresponding well(s) in Table 1 above and on the accompanying application map.

(Tip: You may search for well logs on the Department's web page at:

http://apps.wrd.state.or.us/apps/gw/well_log/)

AND/OR (Well exists; will be refurbished in the near future with same depth and casing.)

☐ Describe the construction of the authorized and proposed well(s) in Table 3 for any wells that do not have a well log. For *proposed wells not yet constructed or built*, provide "a best estimate" for each requested information element in the table. The Department recommends you consult a licensed well driller, geologist, or certified water right examiner to assist with assembling the information necessary to complete Table 3.

Table 3. Construction of Point(s) of Appropriation

Any well(s) in this listing must be clearly tied to corresponding well(s) described in Table 1 and shown on the accompanying application map. Failure to provide adequate information is likely to delay the processing of your modification application until it is received. The information is necessary for the department to assess whether the proposed well(s) will access the same source aquifer as the authorized point(s) of appropriation (POA). The Department is prohibited by law from approving POA changes that do not access the same source aquifer.

Proposed or Authorized POA Name or Number	Is well already built? (Yes or No)	If an existing well, OWRD Well ID Tag No. L-___	Total well depth	Casing Diameter	Casing Intervals (feet)	Seal depth(s) (intervals)	Perforated or screened intervals (in feet)	Static water level of completed well (in feet)	Source aquifer (sand, gravel, basalt, etc.)	Well - specific rate (cfs or gpm). If less than full rate of water right
N/a - no change to well / casing.										

State Well No. 2/2-31F(1)
County Clackamas
Application No. GR-707

Owner: Publisher's Paper Company Owner's No. 1
Driller: R. J. Strasser Date Drilled 1940

[illegible]

14634 -

STATE ENGINEER
Salem, Oregon

CLAC

Well Record

04419

STATE WELL NO. 2/2-31F(1)
COUNTY Clackamas
APPLICATION NO. GR-707

OWNER: Publisher's Paper Co.

MAILING
ADDRESS:

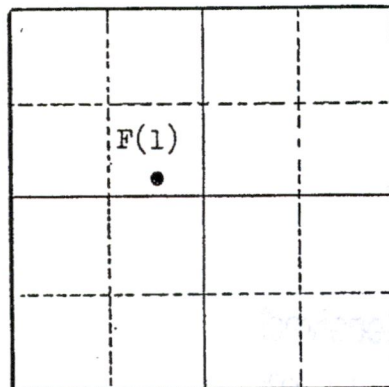
LOCATION OF WELL: Owner's No. 1

CITY AND
STATE:

Oregon City, Oregon

SE 1/4 NW 1/4 Sec. 31 T. 2 N. S. R. 2 E. W.M.

Bearing and distance from section or subdivision
corner Approx. 3370 feet West & 2380 feet South
from NE corner of Section 31, T.2 S.
R. 2 E.



Altitude at well 120' Interpolated

TYPE OF WELL: Drilled Date Constructed 1940

Depth drilled 250' Depth cased 17

Section 31

CASING RECORD:

12-inch

FINISH:

AQUIFERS:

WATER LEVEL:

49 feet

PUMPING EQUIPMENT: Type Deming turgine H.P. 20
Capacity 220 G.P.M.

WELL TESTS:

Drawdown 41 ft. after _____ hours 230 G.P.M.
Drawdown _____ ft. after _____ hours _____ G.P.M.

USE OF WATER Manufacturing Temp. _____ °F., 19 _____

SOURCE OF INFORMATION GR-707

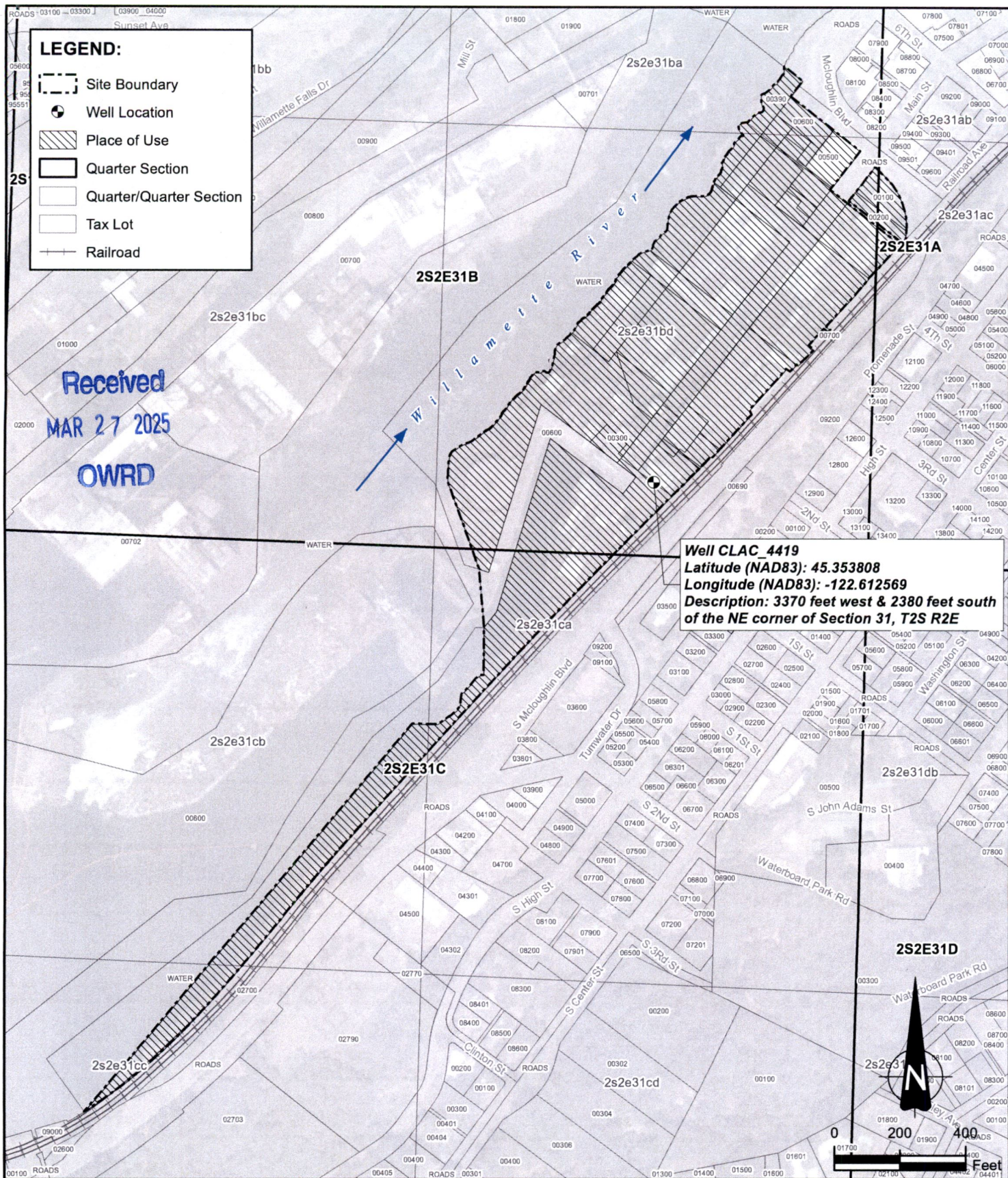
DRILLER or DIGGER R.J. Strasser Drilling Co., Portland, Oregon

ADDITIONAL DATA:

Log X Water Level Measurements _____ Chemical Analysis _____ Aquifer Test _____

REMARKS:

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CONFEDERATED TRIBES
OF THE GRAND RONDE

WSP USA
15862 SW 72nd Ave., Suite 150
Portland, OR 97224



FORMER BLUE HERON PAPER MILL
419-427 MAIN STREET
OREGON CITY, OREGON

GROUNDWATER REGISTRATION
MODIFICATION APPLICATION MAP
GROUNDWATER REGISTRATION
GR-707 (CERTIFICATE # GR-662)

DATE
JANUARY 2025

SCALE
1" = 400 feet

PROJECT NO.
961M13558.08

FIGURE
1

Land Use Information Form



Oregon Water Resources Department
725 Summer Street NE, Suite A
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(503) 986-0900
www.oregon.gov/OWRD

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MAR 27 2025

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NOTE TO APPLICANTS

In order for your application to be processed by the Oregon Water Resources Department (OWRD), this Land Use Information Form must be completed by a local government planning official in the jurisdiction(s) where your water right will be diverted, conveyed, used, and developed. The planning official may choose to complete the form while you wait or return the "Receipt Acknowledging Request for Land Use Information" to you. Applications received by OWRD without the Land Use Information Form, or the signed receipt, will be returned to you. **IMPORTANT:** Please note that while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for OWRD's acceptance of all other applications. Please be aware that your application cannot be approved without land use approval.

This form is **NOT** required if:

- 1) Water is to be diverted, conveyed, and used on federal lands only; **OR**
- 2) The application is for a water right transfer, allocation of conserved water, exchange, permit amendment, or ground water registration modification, and all of the following apply:
 - a. The existing and proposed water use is located entirely within lands zoned for exclusive farm-use or within an irrigation district;
 - b. The application involves a change in place of use only;
 - c. The change does not involve the placement or modification of structures, including but not limited to water diversion, impoundment, distribution facilities, water wells and well houses; and
 - d. The application involves irrigation water uses only.

NOTE TO LOCAL GOVERNMENTS

The person presenting the attached Land Use Information Form is applying for a new water right or modifying an existing water right. The Oregon Water Resources Department (OWRD) requires applicants to obtain land use information to ensure the water right does not result in land uses that are incompatible with your comprehensive plan. Please complete the form and return it to the applicant for inclusion in their application. **NOTE:** For new water right applications only, if you are unable to complete this form while the applicant waits, you may complete the "Receipt Acknowledging Request for Land Use Information" and return it to the applicant.

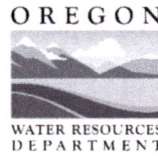
You will receive notice via OWRD's weekly Public Notice once the applicant formally submits their request to OWRD. The notice will give more information about OWRD's water right process and provide additional comment opportunities. If you previously only completed the receipt for an application for a new permit to use or store water, you will have 30 days from the Public Notice date to complete the Land Use Information Form and return it to OWRD. Your attention to this request for information is greatly appreciated. If you have questions concerning this form, please contact OWRD's Customer Service Group at 503-986-0900 or WRD_DL_customerservice@water.oregon.gov.

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NAME Confederated Tribes of the Grand Ronde Community of Oregon		PHONE (503) 879-2404	
MAILING ADDRESS 9615 Grand Ronde Road Attn. Ryan Webb, PE, Engineering and Planning Manager			
CITY Grand Ronde	STATE OR	ZIP 97347	EMAIL ryan.webb@grandronde.org

A. Land and Location MUD (comp)

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
2S	2E	31	BD	00300	WFDD (zone)	☒ Diverted (Well)	☐ Conveyed	☒ Used	Same
2S	2E	31	BD	00100	MUD	☐ Diverted	☐ Conveyed	☒ Used	Same
2S	2E	31	BD	00200	MUD	☐ Diverted	☐ Conveyed	☒ Used	Same
2S	2E	31	BD	00500	WFDD	☐ Diverted	☐ Conveyed	☒ Used	Same

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Property /project is entirely within city limits of Oregon City (in Clackamas County)

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☐ Permit to Use or Store Water ☐ Water Right Transfer ☒ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License ☐ Exchange of Water ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 230 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other _____

Briefly describe: Water will be used for dust suppression, fire fighting, and landscape irrigation.

The property is being transformed from a former industrial complex into an environmentally-restored mixed-use village on the banks of tumwata. Buildings will be sensitively placed in an expansive green space that evokes that character of the site's historic landscape, extensive basalt channel formations and the site's unique topography and relationship to the falls.

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

See Page 4 →

Received

MAR 27 2025

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NAME Confederated Tribes of the Grand Ronde Community of Oregon			PHONE (503) 879-2404	
MAILING ADDRESS 9615 Grand Ronde Road Attn. Ryan Webb, PE, Engineering and Planning Manager				
CITY Grand Ronde	STATE OR	ZIP 97347	EMAIL ryan.webb@grandronde.org	

A. Land and Location

Please include the following information for all tax lots where water will be diverted (taken from its source), conveyed (transported), and/or used or developed. Applicants for municipal use, or irrigation uses within irrigation districts, may substitute existing and proposed service-area boundaries for the tax-lot information requested below.

Township	Range	Section	¼ ¼	Tax Lot #	Plan Designation (e.g., Rural Residential/RR-5)	Water to be:			Proposed Land Use:
2S	2E	31	BD	00600	MUD (zone)	☐ Diverted	☐ Conveyed	☒ Used	Same
2S	2E	31	BD	00390	MUD	☐ Diverted	☐ Conveyed	☒ Used	Same
						☐ Diverted	☐ Conveyed	☐ Used	
						☐ Diverted	☐ Conveyed	☐ Used	

List all counties and cities where water is proposed to be diverted, conveyed, and/or used or developed:

Property /project is entirely within city limits of Oregon City (in Clackamas County)

NOTE: A separate Land Use Information Form must be completed and submitted for each county and city, as applicable.

B. Description of Proposed Use

Type of application to be filed with the Oregon Water Resources Department:

- ☐ Permit to Use or Store Water
 ☐ Water Right Transfer
 ☒ Permit Amendment or Ground Water Registration Modification
☐ Limited Water Use License
 ☐ Exchange of Water
 ☐ Allocation of Conserved Water

Source of water: ☐ Reservoir/Pond ☐ Ground Water ☐ Surface Water (name) _____

Estimated quantity of water needed: 230 ☐ cubic feet per second ☒ gallons per minute ☐ acre-feet

Intended use of water: ☒ Irrigation ☐ Commercial ☐ Industrial ☐ Domestic for _____ household(s)
☐ Municipal ☐ Quasi-Municipal ☐ Instream ☒ Other Dust suppression, fire fighting

Briefly describe:

(Please see previous page for description.)

Note to applicant: For new water right applications only, if the Land Use Information Form cannot be completed while you wait, please have a local government representative sign the receipt on the bottom of page 4 and include it with the application filed with the Oregon Water Resources Department.

Received

MAR 27 2025

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See Page 4 →

For Local Government Use Only

The following section must be completed by a planning official from each county and city listed unless the project will be located entirely within the city limits. In that case, only the city planning agency must complete this form. This deals only with the local land use plan. Do not include approval for activities such as building or grading permits.

Please check the appropriate box below and provide the requested information

- ☐ Land uses to be served by the proposed water use(s), including proposed construction, are allowed outright or are not regulated by your comprehensive plan. Cite applicable ordinance section(s): _____
- ☐ Land uses to be served by the proposed water use(s), including proposed construction, involve discretionary land-use approvals as listed in the table below. (Please attach documentation of applicable land-use approvals which have already been obtained. Record of Action/land-use decision and accompanying findings are sufficient.) **If approvals have been obtained but all appeal periods have not ended, check "Being Pursued."**

Type of Land-Use Approval Needed (e.g., plan amendments, rezones, conditional-use permits, etc.)	Cite Most Significant, Applicable Plan Policies & Ordinance Section References	Land-Use Approval:	
Master Plan Amendment required as part of previous Master Plan for site CP 14-02	See attached staff report	☒ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued
		☐ Obtained ☐ Denied	☐ Being Pursued ☐ Not Being Pursued

Local governments are invited to express special land use concerns or make recommendations to the Oregon Water Resources Department regarding this proposed use of water in the box below or on a separate sheet.

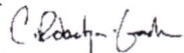
GLUA-24-00027: MAS-24-00002 (Master Plan Revision to CP 14-02) MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001 (Detailed Development Plan to build street network) approved by the Planning Commission - see attached

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Name: Christina Robertson-Gardiner Title: Senior Planner

Signature:  Date: 2.12.2025

Governmental Entity: City of Oregon City Planning Dept. Phone: (503) 722-3789

Receipt Acknowledging Request for Land Use Information

Note to Local Government Representative:

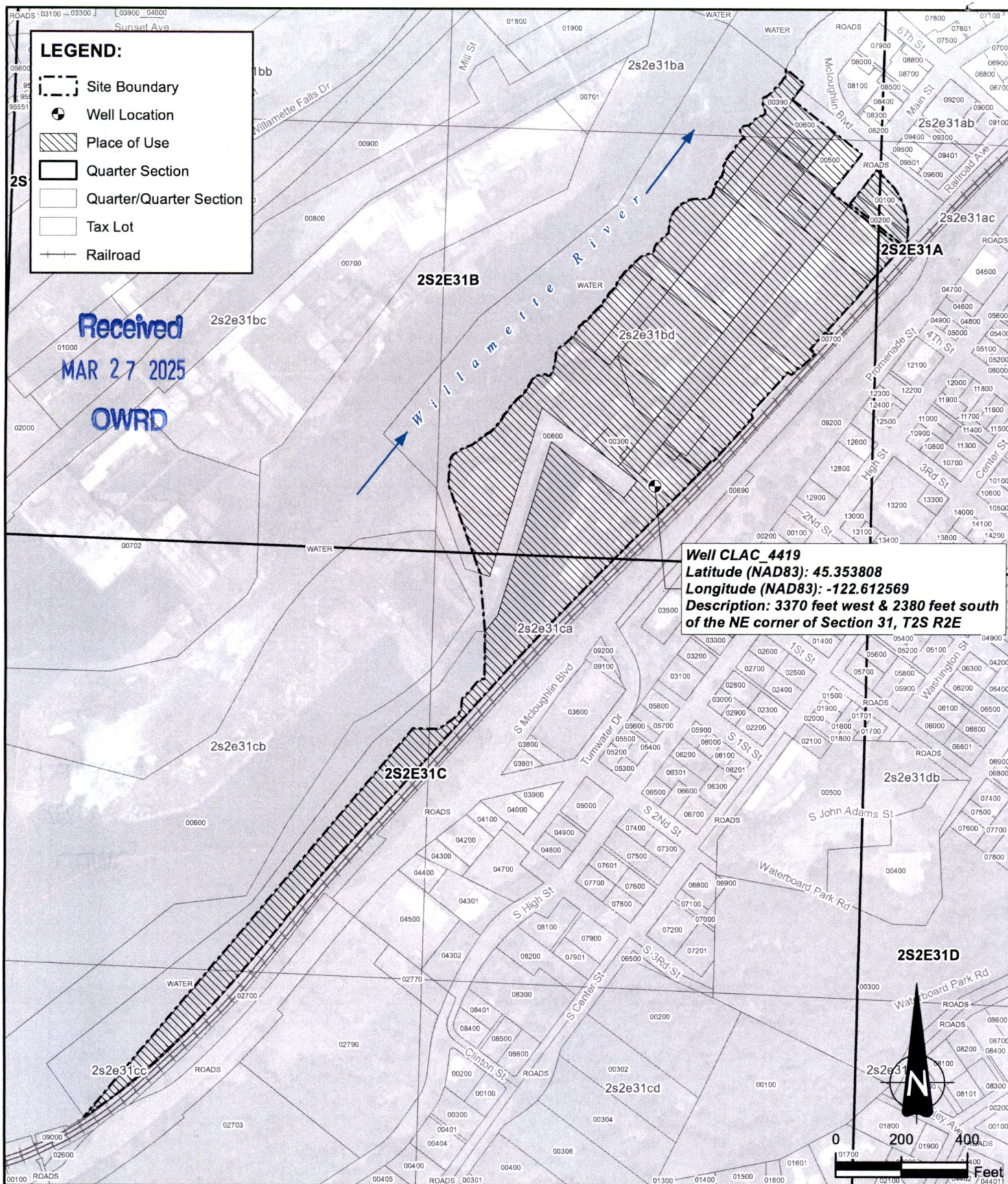
Please complete this form and return it to the applicant. **For new water right applications only**, if you are unable to complete this form while the applicant waits, you may complete this receipt and return it to the applicant. If you sign the receipt, you will have 30 days from the date of OWRD's Public Notice of the application to submit the completed Land Use Information Form to Oregon Water Resources Department. Please note while OWRD can accept a signed receipt as part of intake for an application for a new permit to use or store water, a completed Land Use Information Form is required for all other applications.

Applicant Name: _____

Staff Name: _____ Title: _____

Staff Signature: _____ Date: _____

Governmental Entity: _____ Phone: _____



CONFEDERATED TRIBES
OF THE GRAND RONDE

WSP USA
15862 SW 72nd Ave., Suite 150
Portland, OR 97224



FORMER BLUE HERON PAPER MILL
419-427 MAIN STREET
OREGON CITY, OREGON

GROUNDWATER REGISTRATION
MODIFICATION APPLICATION MAP
GROUNDWATER REGISTRATION
GR-707 (CERTIFICATE # GR-662)

DATE
JANUARY 2025

SCALE
1" = 400 feet

PROJECT NO.
961M13558.08

FIGURE
1



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TYPE III STAFF RECOMMENDATION

January 17, 2025

DETAILED DEVELOPMENT PLAN (DDP) STREET IMPROVEMENTS

FILE NUMBER: GLUA-24-00027; MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001

APPLICANT: Confederated Tribes of the Grand Ronde Community of Oregon
Kristen Svicarovich, P.E., Community Development Manager
9615 Grand Ronde Road
Grand Ronde OR 97317

OWNER: Confederated Tribes of the Grand Ronde Community of Oregon
c/o Stacia Hernandez
9615 Grand Ronde Road
Grand Ronde OR 97317

REQUEST: A Detailed Development Plan to build a private street network with public access onsite. No specific building projects are proposed in this application. The design implements MAS 24-00002.

LOCATION: 419 Main Street, 450 Main Street, 427 Main Street
2-2E-31BD-00100, 200, 300, 500, 600, 390

REVIEWER: Christina Robertson- Gardiner, Senior Planner
Sang Pau, Public Works Project Manager

ZONING: Willamette Falls Downtown District, Mixed Use Downtown

DECISION: Approval with Conditions.

Application Submitted: 10/23/2024
Application PAID: 11/04/2024
Application Incomplete: 11/27/2024
Application Complete: 12/09/2024
120-Day Decision Deadline: 04/08/2025

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city

commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CHAPTER

CHAPTER 12.04 STREETS, SIDEWALKS, AND PUBLIC PLACES.....	
CHAPTER 12.08 - PUBLIC AND STREET TREES	
CHAPTER 13.12 STORMWATER MANAGEMENT	
CHAPTER 15.48 - GRADING, FILLING AND EXCAVATING.....	
CHAPTER 16.12 MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT	
CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT	
CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT	
CHAPTER 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS....	
CHAPTER 17.42 - FLOOD MANAGEMENT OVERLAY DISTRICT	
CHAPTER 17.44 - US—GEOLOGIC HAZARDS.....	
CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT	
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES	
CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW.....	
CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS	

CONDITIONS OF APPROVAL

Planning File GLUA-24-00027: MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall fulfill the following conditions through design prior to receiving a permit and beginning construction.

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)

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MAR 27 2025

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2. Facility or right-of-way improvements under jurisdiction of Oregon Department of Transportation (ODOT) shall be reviewed and approved by ODOT before issuance of construction permits. (DS)
3. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
4. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
5. Any street furniture, appurtenances or landscaping which create potential obstructions shall be located outside of right-of-way or public roadways easements and shall follow OCMC 10.32. (DS)
6. The development shall coordinate with ODOT to satisfy the following GDP condition of approval:

Project b: A channelized right turn lane or raised median at the Water Avenue/OR 99E intersection to prevent left turn movements into the development site and reinforce right-in, right-out access at that location.

7. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
8. The property owner shall provide public access easements and a maintenance plan for streets proposed. (DS)
9. The proposed shared accessway shall be lighted to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one. A photometric plan shall be provided. (DS)
10. All accessways intended for public use shall comply with ADA. (DS)
11. The applicant shall provide streetlights along public rights-of-way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for review and approval. (DS)
12. The development shall provide an Access and Water Supply Plan to Clackamas Fire District No. 1 for review. (DS)
13. The development shall perform the following water infrastructure improvements as part of this DDP:
 - Abandon the PRV near OR 99E & Main Street.
 - Abandon the existing hydrant at intersection of Water Street and OR 99E and associated hydrant main.
 - Install fire hydrants to comply with Clackamas Fire District #1.
 - Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained with the development property with the first DDP.

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MAR 27 2025

14634 -

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- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The size of the new public water main shall be as follows:
 - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
 - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.
- 14. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)
- 15. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider. (DS)
- 16. The developer shall obtain a city-issued permits before the commencement of any filling or grading activities. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. (DS)
- 17. A revised geotechnical report shall be submitted that reviews relevant publications from OCMC 17.44.050 and provides an opinion of site geologic stability, and incorporates the review findings and opinions into their conclusions regarding the effect of geologic conditions on the proposed development. This principally applies to the geologic hazard zone and buffer along proposed Water Street. (DS)
- 18. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.2 regarding local drainage or the impact of proposed activities on local drainage. (DS)
- 19. A revised geotechnical report shall be submitted that provides the information and recommendations required by OCMC Section 17.44.050.A.3, 17.44.050.A.4, 17.44.050.A.5, 17.44.050.A.8, 17.44.050.A.9, 17.44.050.B.1 and 17.44.050.B.2. (DS)
- 20. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. (DS)
- 21. Grading, drainage improvements or other land disturbances within mapped geologic hazard areas and buffers shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with OCMC 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (DS)
- 22. The geotechnical engineer of record shall review final grading and drainage plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. (DS)
- 23. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. (DS)

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MAR 27 2025

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24. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. (DS)
25. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer. (DS)
26. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
27. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
28. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be provided on the approved plans, and street signs shall be provided for review of the City prior to installation. (DS)
29. Street name signs and traffic control devices shall be in conformance with MUTCD. (DS)
30. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. (DS)
31. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development prior to start of construction. (DS)
32. The development shall confirm that construction is not proposed within areas identified to contain hazardous materials as defined by the Department of Environmental Quality. (DS)
33. For construction proposed within the Floodplain Overlay Zone, the development shall provide cut and fill calculations to show proposed construction activities do not result in net fill. (DS)
34. Excavation and fill required for the construction of detention facilities or structures, shall be designed to reduce or mitigate flood impacts and improve water quality. (DS)
35. The development shall meet requirements of section 6.9 (Land with Suspected or Known Contamination) of the Public Works Stormwater and Grading Design Standards. (DS)
36. The development shall provide information to show that the conveyance system between the project site and the Willamette River has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected. (DS)
37. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section

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MAR 27 2025

14634 -  OWRD

9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)

38. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)
39. The development shall obtain Department of State Lands (DSL) and/or US Army Corps of Engineers (USACE) permits as required. (DS)
40. If construction will occur within the banks of the Willamette River, the development shall obtain Oregon Department of Fish and Wildlife (ODFW) permits as required. (DS)

The applicant shall fulfill the following conditions during construction.

41. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. In the case of work within ODOT rights-of-way, work shall be in conformance with their respective construction standards. (DS)
42. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
43. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. (DS)
44. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D as stated and written in the pre-construction meeting notes. (DS)
45. The development shall disconnect the stormwater system from the sanitary sewer system. (DS)
46. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during earthworks construction activities. The geotechnical engineer shall provide reports to confirm that standards from OCMC Section 17.44.100 are met. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. (DS)
47. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. (DS)

The applicant shall fulfill the following conditions before closeout of permits and completion of the project.

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MAR 27 2025
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48. The developer shall record an easement over the shared-use paths (or accessways) located within the development property which allows for its use by the public. The easement shall specifically require the property owner and future property owners to provide for the liability and maintenance of the accessway. All fees associated with processing and recording of the easement shall be paid. (DS)
49. The development shall provide a 15-foot-wide public water main easement for the public water main running through the development property. (DS)
50. The application has proposed private streets with access easements. The width of access easements shall contain the full width of the private street including the space between the back of the sidewalks proposed on either side of proposed private streets. (DS)
51. Existing sanitary sewer infrastructure within private property except an existing sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main shall be private (to be owned and maintained by the property owner). The development shall provide a 20-foot-wide sanitary sewer easement for the sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main. (DS)
52. Upon conclusion of construction, the geotechnical engineer shall provide a summary letter confirming that all structural fill was constructed in accordance with their design and the provisions of OCMC 17.44.060.E. The letter shall be signed and stamped by the geotechnical engineer licensed in the State of Oregon. (DS)
53. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in City approved construction plans shall be upon completion of construction. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Section 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
54. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making water improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to platting occupancy. (DS)
55. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. (DS)
56. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)

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MAR 27 2025

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14634 - --

57. The applicant has proposed a street tree plan that exceeds the minimum spacing requirements of one street tree for every 35 feet of frontage. Prior to project final, the applicant must demonstrate that the as built tree planting plan complies with the minimum requirement of one street tree for every 35 feet of improved street frontage. The locations of the street trees may be adjusted based on the placement of streetlights, utility meters, and other factors. Alternatively, the applicant may opt to pay a fee in lieu of planting in accordance with OCMC 12.08, if site constraints or other issues prevent meeting the required total number of minimum tree plantings. (P)
58. McLoughlin Blvd/99E is an ODOT facility, and the applicant shall satisfy all ODOT construction requirements. All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending their potential impact on the safe operation of the State highway. (DS)
59. ODOT frontage, median, and intersection improvements shall be constructed as necessary to implement the planned cross section along the State highway consistent with ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards. The Applicant shall continue to work with ODOT on the design and construction of improvements on OR 99E (McLoughlin Boulevard) in the Master Plan area. The general roadway cross-section assumes 4-lanes with a raised median at Water Avenue, minimum 12-foot travel lane and a 5-foot clear zone. A 10-foot minimum clear pedestrian walkway is also assumed in the Master Plan area. Final design of improvements on 99E in the Master Plan area, including the conditioned improvements, shall be determined through the permitting process as the Applicant moves to construct. The Applicant may provide all conditioned improvements on OR 99E ahead of the triggered scenarios listed in condition #20 and #21 (of CP 14-02). If the applicant does build all conditioned improvements ahead of the triggers identified in conditions #20 and #21 (of CP 14-02), no additional frontage improvements will be required unless the Master Plan site exceeds the conditioned trip cap of 700 peak hour trips. If condition #22 (of CP 14-02) is triggered, applicant will be required to provide funding for the safety audit. If condition #23 (of CP 14-02) is triggered, the Applicant will be required to provide additional safety measures when the site reaches the conditioned trip cap of 700 peak hour trips. (DS)
60. Right of way shall be donated or trade exchanged to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility. The donation deed must be to the State of Oregon - Oregon Department of Transportation and shall be recorded with the County. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site before the property is transferred to ODOT. The ODOT District Contact will assist in coordinating the transfer. ODOT should verify with the local jurisdiction that this requirement has been fulfilled prior to final permitting. All public frontage improvements on State owned facilities must be within State owned right of way. Donation of additional property to ODOT may be necessary to construct required improvements. (DS)

I. BACKGROUND:

1. Existing Conditions

The site is currently occupied by industrial buildings and infrastructure related to the closed Blue Heron Paper Mill. The built elements of the site include remnants of previous uses. A depiction and list of existing buildings.

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Since the Blue Heron Paper Mill ceased operations in 2011, the site has sat vacant. No construction has taken place on the site based on the plan approved in 2014. Demolition of several derelict or dangerous structures has occurred, with permits from the city, including a building that was severely damaged by a fire in 2020. Maintenance of on-site structures effectively stopped in the early 1980s, according to Oregon City planning and engineering staff, and buildings have continued to deteriorate.

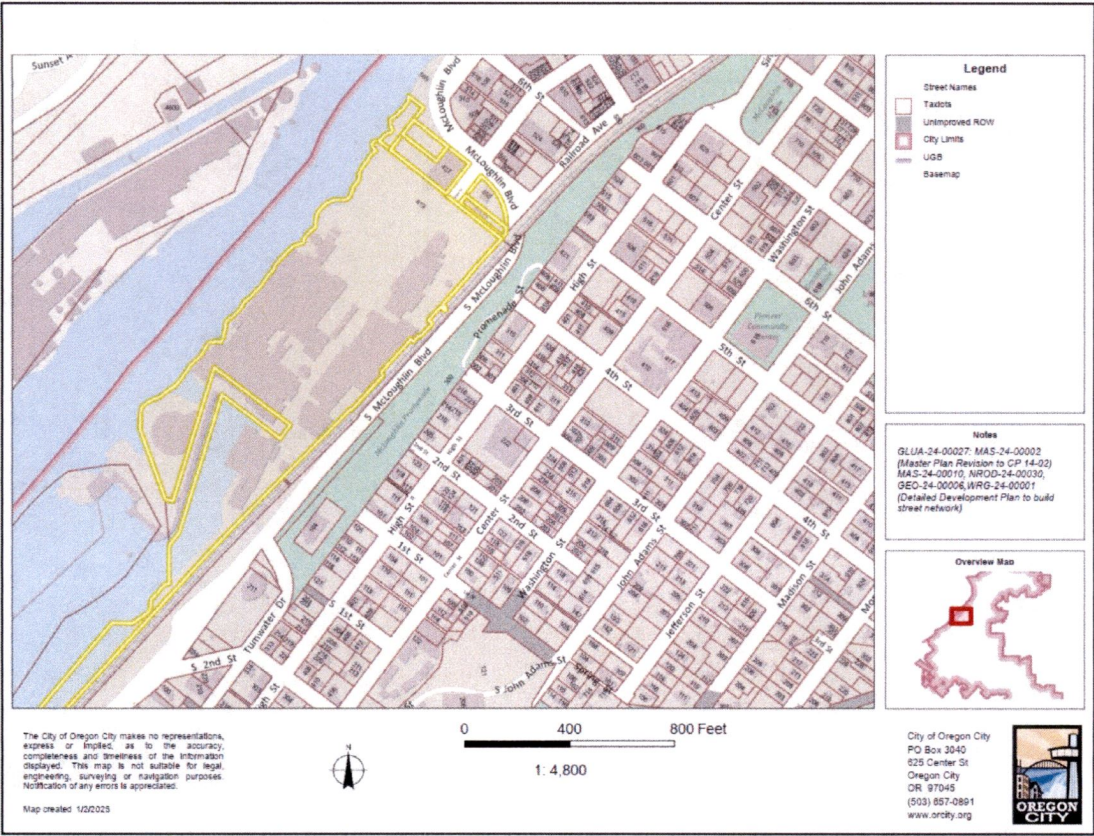


Figure 1. Vicinity Map

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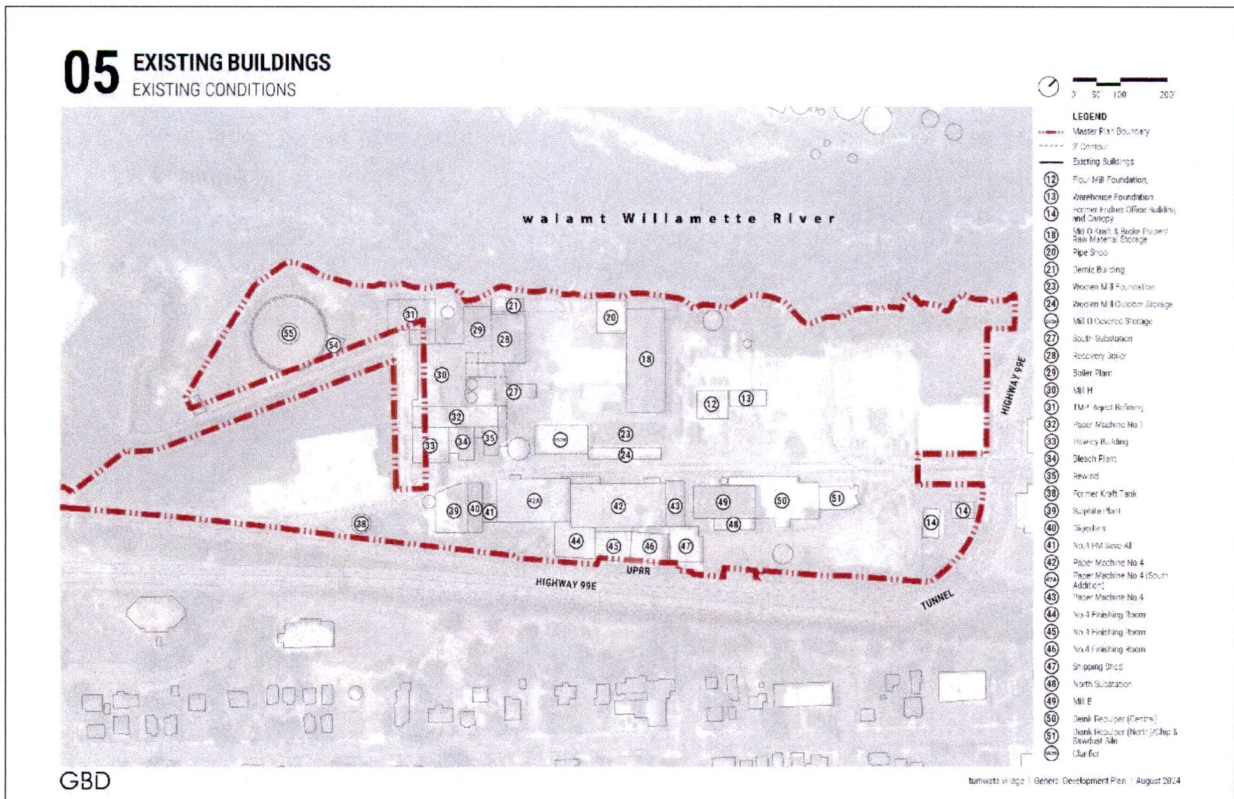


Figure 2: Existing Conditions – Aerial Image

2. Project Description

Proposed Development:

This detailed development plan proposal is for the construction of streets and infrastructure. Unusually for a detailed development application, no buildings or structures are proposed. Typically, development of streets would simply comply with city infrastructure standards and therefore be exempt from a DDP process. Because the streets in *tumwata village* will remain under private ownership and may deviate from city street standards, their development is subject to DDP review. Specifically, the DDP proposes street sections of Main Street, Water Ave, Railroad Ave, and 3rd and 4th Streets, and infrastructure for Block 1 improvements. The street segments are shown in the image below, with a heavy dashed black line. The private streets will have public access easements and utility easements. Unless modified in this application, private streets will follow public street design and construction standards.

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MAR 27 2025
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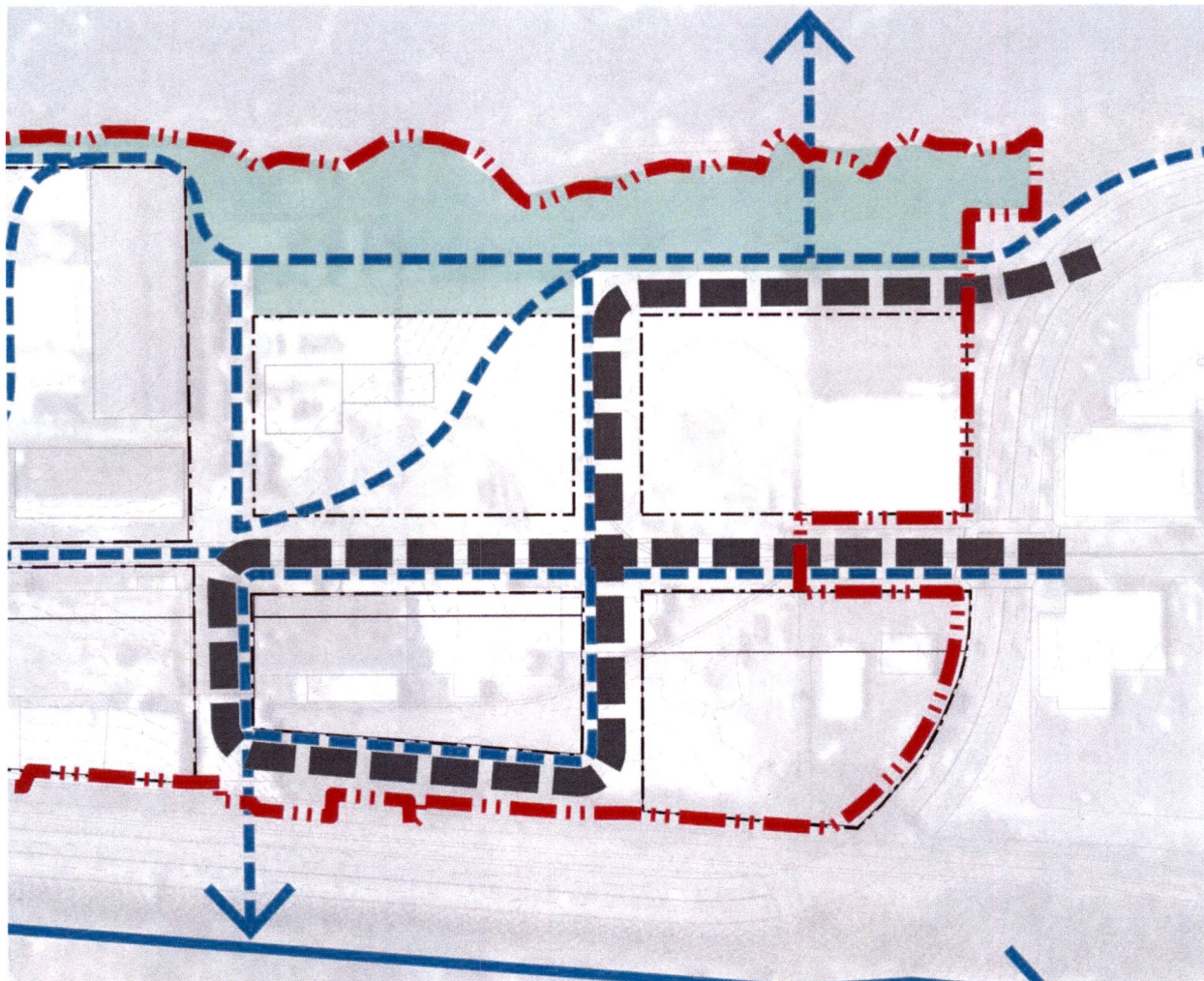
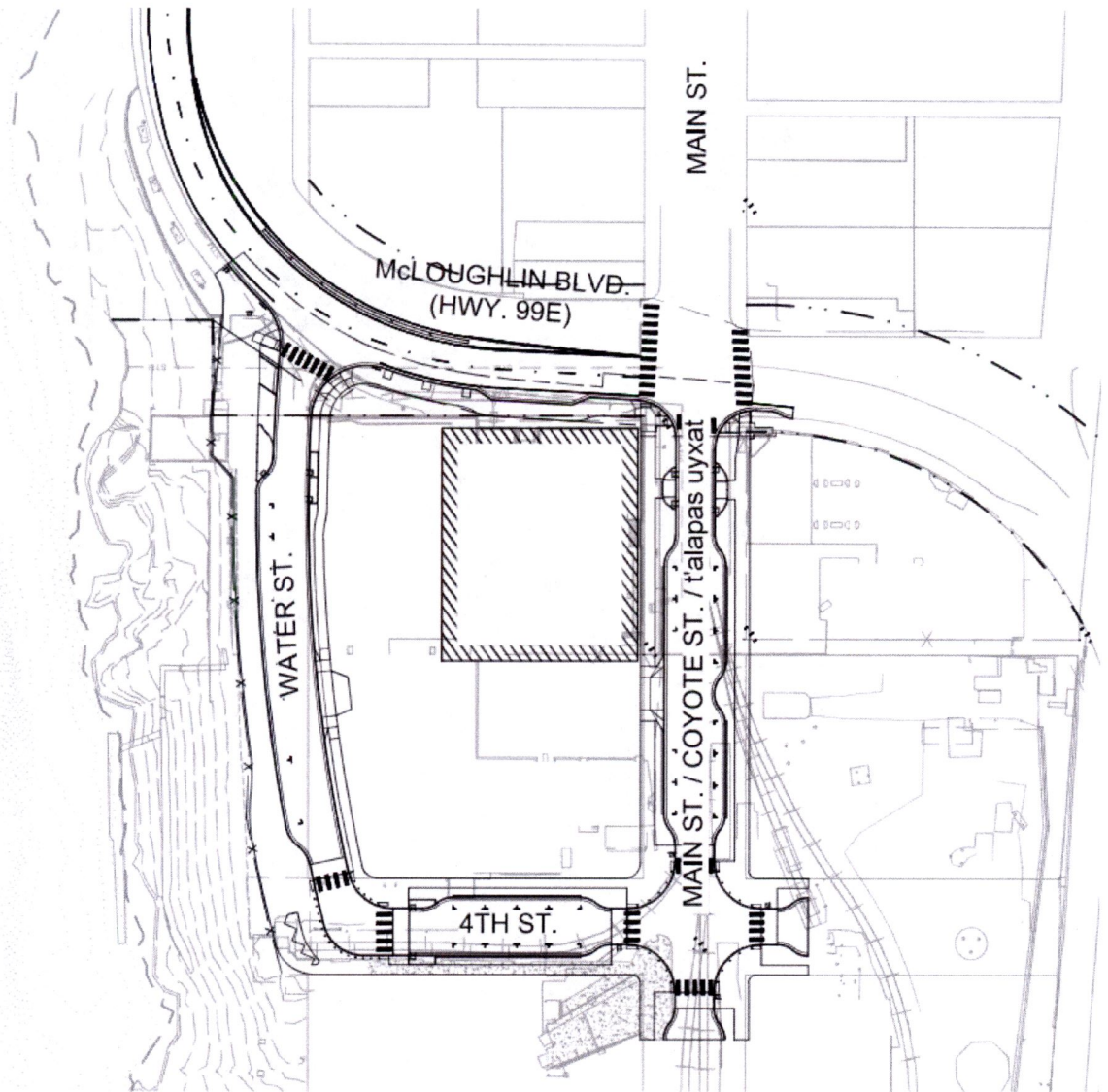


Figure 9. Street development (dashed black line)

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**Please note that street names are approved through the development/construction process and must meet City and EMS naming conventions. The final street names will be confirmed later in the development process. Approval of this Detailed Development Plan(DDP) does not automatically approve any existing or proposed street names.*

The GDP application contains an updated transportation trip generation analysis for the entire district to show concurrence with the original TPR analysis. This proposed DDP is for streets within *tumwata village*, which do not in themselves generate trips or create transportation impacts. These streets comply and implement the amended Master Plan Street Network.

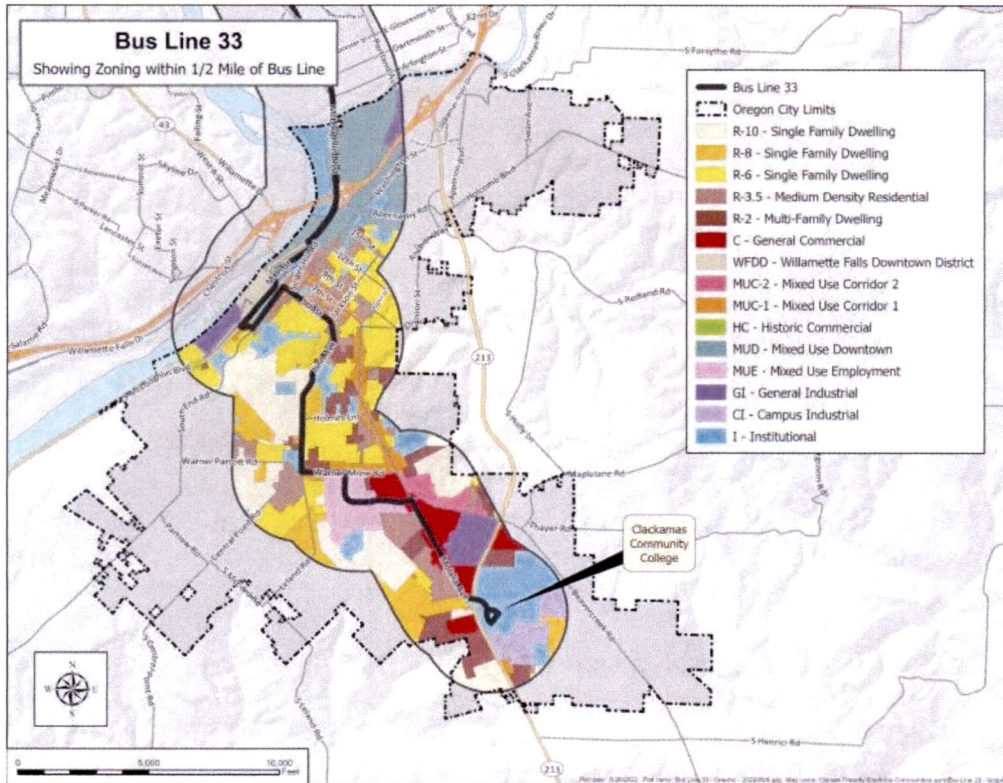
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MAR 27 2025

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Off-Street Parking and Loading (17.52)

Per Climate Friendly and Equitable Communities Rules (OAR 660-012-0440), Oregon City parking standards apply unless, at the time of development, the proposed project is located within ½ mile of frequent transit service or meet any of the other CFEC categories. As shown in the figure below, the entire master plan amendment area is within ½ mile of frequent transit service, therefore, minimum parking standards do not apply.



Other provisions of this chapter, including Bicycle Parking Standards, Loading Areas, and Parking Lot Landscaping do not apply to the proposed development, the proposed development does not include any parking lots or buildings, just streets.

Minimum Public Improvements and Design Standards for Development (16.12)

The DDP will meet minimum public improvement and design standards for Development unless otherwise modified

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MAR 27 2025
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Building out these streets will be a catalyst for future development of the site. The first phase of anticipated development at the site will be the construction of new streets and utilities to serve Block 1. CTGR recently secured \$2 million in Federal appropriations for this development. This DDP application also addresses the other streets in *tumwata village*, outside of those adjacent to Block 1, because they will follow the same pattern, and because their dimensions vary slightly from the city's engineering standards for local streets. As such, the DDP contains a modification request from these local street standards.

Proposed street development is within the NROD, Willamette River Greenway, the Geologic Hazard Overlay, and the Flood Management Overlay District.

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. Public Comment

Public comments submitted include (Exhibit 5):

Jim Nicita

Mr. Nicita provided comments questioning the correct venue for the Master Plan amendment, arguing that it should be processed as a Type IV Legislative process. He identified additional policy considerations that the City Commission should use in their analysis. Staff requested guidance from Assistant City Attorney Carrie Richter on this matter. The memo can be found in Exhibit 2 of the Staff Report.

Neelam Dorman, Planning Manager- ODOT Region 1

A portion of the site's McLoughlin Blvd/99E frontage is located within ODOT Jurisdiction, and the applicant will be required to obtain all needed permits for those improvements from ODOT. ODOT has provided the required improvements in its January 15, 2025 letter, which has been incorporated as a condition of approval in the DDP application. ODOT also provided comments related to small corrections to the Master Plan conditions that relate to the previous CP 14-02 transportation improvements, which are being carried over for this review. As one of the projects has been completed (tunnel lighting and signage), it is being removed from the revised conditions for clarity.

Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025

The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2005 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of the structures are locally designated under the OCMC 17.40 Historic Overlay District, nor did the previous CP 14-02 condition of approval require rehabilitation or adaptive reuse of the buildings identified for retention. The condition was placed on a

MAR 27 2025

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number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors in determining if the previous condition requiring a Type III review of the application of certain buildings should be revised with this application. These letters should be seen as background information to aid the Planning Commission in its deliberations.

Two Rivers Neighborhood Association July 11, 2024 Meeting Minutes

The application submitted the NA minutes into the record, indicating a vote of support for the application.

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.

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.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER 17.65 – MASTER PLANS AND PLANNED UNIT DEVELOPMENT

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

Finding:

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

Finding: Complies as proposed. The applicant has concurrently applied for a general development plan and a detailed development plan. For more details regarding public services and facilities required for this DDP, please see findings from 16.12.095.

17.65.060 - Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have

Received

MAR 27 2025

OWRD

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occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.

4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.

5. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.

2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.

3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070

Finding: Complies- The applicant has submitted adequate information to review the proposed for adequacy.

Received

MAR 27 2025

OWRD

Received

MAR 27 2025

OWRD

CHAPTER 12.04 – STREETS SIDEWALKS AND PUBLIC SPACES

12.04.005 - Jurisdiction and management of the public rights-of-way.

A. The City has jurisdiction and exercises regulatory management over all public rights-of-way within the City under authority of the City Charter and state law by issuing separate public works right-of-way permits or permits as part of issued public infrastructure construction plans. No work in the public right-of-way shall be done without the proper permit. Some public rights-of-way within the City are regulated by the State of Oregon Department of Transportation (ODOT) or Clackamas County and as such, any work in these streets shall conform to their respective permitting requirements.

B. Public rights-of-way include, but are not limited to, streets, roads, highways, bridges, alleys, sidewalks, trails, paths, public easements and all other public ways or areas, including the subsurface under and air space over these areas.

C. The City has jurisdiction and exercises regulatory management over each public right-of-way whether the City has a fee, easement, or other legal interest in the right-of-way. The City has jurisdiction and regulatory management of each right-of-way whether the legal interest in the right-of-way was obtained by grant, dedication, prescription, reservation, condemnation, annexation, foreclosure or other means.

D. No person may occupy or encroach on a public right-of-way without the permission of the City. The City grants permission to use rights-of-way by franchises, licenses and permits.

E. The exercise of jurisdiction and regulatory management of a public right-of-way by the City is not official acceptance of the right-of-way, and does not obligate the City to maintain or repair any part of the right-of-way.

Finding: Applicable. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way.

Furthermore, the previous masterplan (CP 14-02) provided the following options regarding streets to serve the development areas. "Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan."

The applicant has chosen to provide private streets with full public access easements.

12.04.025 - Driveways.

Driveways shall be reviewed in accordance with OCMC 16.12.035. Driveway requirements may be modified through the procedures in OCMC 16.12.013.

Finding: Applicable. See 16.12.035 for more information.

12.04.030 - Maintenance and repair.

The owner of land abutting the street where a sidewalk has been constructed shall be responsible for maintaining said sidewalk and abutting curb, if any, in good repair.

Finding: Complies as proposed. Existing sidewalk of the street abutting the development property do not appear to be in disrepair and the City has not found the need to make repairs at the at the time of application. The applicant proposes to make sidewalk improvements along street frontages which will improve the condition of existing sidewalks.

12.04.031 - Liability for sidewalk injuries.

A. The owner or occupant of real property responsible for maintaining the adjacent sidewalk shall be liable to any person injured because of negligence of such owner or occupant in failing to maintain the sidewalk in good condition.

B. If the City is required to pay damages for an injury to persons or property caused by the failure of an owner or occupant to perform the duty that this chapter imposes, the owner or occupant shall compensate the City for the amount of the damages paid. The City may maintain an action in a court of competent jurisdiction to enforce this section.

Finding: Not applicable. Existing sidewalk of the street abutting the development property do not appear to be in disrepair and the City has not found the need to make repairs at the at the time of application. The applicant proposes to make sidewalk improvements along street frontages which will improve the condition of existing sidewalks.

12.04.032 - Required sidewalk repair.

A. When the public works director determines that repair of a sidewalk is necessary, written notice shall be provided to the owner of property adjacent to the defective sidewalk.

B. The notice shall require the owner of the property adjacent to the defective sidewalk to complete the repair of the sidewalk within ninety days after the service of notice. The notice shall also state that if the repair is not made by the owner, the City may do the work and the cost of the work shall be assessed against the property adjacent to the sidewalk.

1. All sidewalks hereafter constructed in the City on improved streets shall be constructed to city standards and widths required in the Oregon City Transportation System Plan and OCMC 16.12. Sidewalks and curbs are to be constructed according to plans and specifications approved by the City Engineer.

2. Sidewalks constructed on unimproved streets shall be constructed of concrete according to lines and grades approved by the City Engineer. On unimproved streets, curbs do not have to be constructed.

C. The public works director shall cause a copy of the notice to be served personally upon the owner of the property adjacent to the defective sidewalk, or the notice may be served by registered or certified mail, return receipt requested. If after diligent search the owner is not discovered, the public works director shall cause a copy of the notice to be posted in a conspicuous place on the property, and such posting shall have the same effect as service of notice by mail or by personal service upon the owner of the property.

D. The person serving the notice shall file with the City Recorder a statement stating the time, place and manner of service or notice.

Finding: Not applicable. Existing sidewalk of the street abutting the development property do not appear to be in disrepair and the City has not found the need to make repairs at the at the time of

Received

MAR 27 2025

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application. The applicant proposes to make sidewalk improvements along street frontages which will improve the condition of existing sidewalks.

12.04.050 - Retaining walls—Required.

Every owner of a lot within the City, abutting upon an improved street, where the surface of the lot or tract of land is above the surface of the improved street and where the soil or earth from the lot, or tract of land is liable to, or does slide or fall into the street or upon the sidewalk, or both, shall build a retaining wall, the outer side of which shall be on the line separating the lot, or tract of land from the improved street, and the wall shall be so constructed as to prevent the soil or earth from the lot or tract of land from falling or sliding into the street or upon the sidewalk, or both, and the owner of any such property shall keep the wall in good repair.

Finding: Not Applicable. No retaining walls exist or are proposed on this project adjacent to the public sidewalk.

12.04.100 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the City Engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standard in effect at the time a right-of-way permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies with Condition. This condition only applies to the remaining portion of right-of-way of Main Street. Any work within 99E/McLoughlin Boulevard will be conditioned and permitted by ODOT. All other streets such as the remaining portion of Main Street and Water and 4th Street will remain private in nature and do not exist today; therefore, pavement cuts do not apply to streets which currently do not exist or not within City jurisdiction. Pavement cuts may be needed within a public street due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (Also written in 16.12.029) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.120 - Obstructions—Permit required.

A. Permanent Obstructions. It is unlawful for any person to place, put or maintain any obstruction, other than a temporary obstruction, as defined in subsection B of this section, in any public street or alley in the City, without obtaining approval for a right-of-way permit from the City Commission by passage of a resolution.

1. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.

2. The applicant shall submit at least the following information in the permitting process in order to allow the City Commission to adequately consider whether to allow the placement of an obstruction and whether any conditions may be attached:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;*
- b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;*

- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Alternative routes if necessary;
- e. Minimizing obstruction area; and
- f. Hold harmless/maintenance agreement.

3. If the City Commission adopts a resolution allowing the placement of a permanent obstruction in the right-of-way, the City Engineer shall issue a right-of-way permit with any conditions deemed necessary by the City Commission.

4. Signage that acts as an obstruction is approved through OCMC 15.28.

B. Temporary Obstructions.

1. A "temporary obstruction" is defined as an object placed in a public street, sidewalk, road, or alley which is not permanently anchored to another surface such as the pavement, sidewalk, or a building. A "temporary obstruction" includes, but is not limited to, moving containers, debris dumpsters, and seating.

a. Planters and benches are exempt from permitting unless the City Engineer finds by inspection that the planter or bench is impeding use of the right-of-way. If deemed an impeding use, a planter or bench will comply with the requirements for temporary obstructions.

2. The City Engineer, or designee, is authorized to grant a permit for a temporary obstruction.

3. The City Engineer shall provide applicants with an application form outlining the minimum submittal requirements.

4. The applicant shall submit, and the City Engineer, or designee, shall consider, at least the following items in the permitting process. Additional information may be required in the discretion of the City Engineer:

- a. Site plan showing right-of-way, utilities, driveways as directed by staff;
- b. Sight distance per OCMC 10.32, Traffic Sight Obstructions;
- c. Traffic control plan including parking per Manual on Uniform Traffic Control Devices (MUTCD);
- d. Handicap accessible route complying with Americans with Disability Act (ADA) standards;
- e. Alternative routes if necessary;
- f. Minimizing obstruction area; and
- g. Hold harmless/maintenance agreement.

5. In determining whether to issue a right-of-way permit to allow a temporary obstruction, the City Engineer may issue such a permit only after finding that the following criteria have been satisfied:

- a. The obstruction will not unreasonably impair the safety of people using the right-of-way and nearby residents;
- b. The obstruction will not unreasonably hinder the efficiency of traffic affected by the obstruction;
- c. No alternative locations are available that would not require use of the public right-of-way; and
- d. Any other factor that the City Engineer deems relevant.

6. The permittee shall post a weatherproof copy of the temporary obstruction permit in plain view from the right-of-way.

7. Types

a. A short-term temporary obstruction is allowed for a period of not more than sixty consecutive calendar days. It is permitted with a temporary obstruction in the right-of-way permit.

b. A long-term temporary obstruction is allowed for a period of not more than one year, and it is permitted with a renewable right-of-way permit.

8. Signage that acts as an obstruction is approved through OCMC 15.28

C. Fees. The fee for obtaining a right-of-way permit for either a permanent obstruction or a temporary obstruction shall be set by resolution of the City Commission.

Received

MAR 27 2025

OWRD

Finding: Complies with condition. Obstructions within the right of way is likely to occur during construction but separate obstruction permits will not be required or issued. All construction activities will be permitted through approval of an overall construction permit required for the project. Additionally, any street furniture, appurtenances or landscaping which create potential obstructions shall be located outside of right-of-way or public roadways easements and shall follow OCMC 10.32. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

12.04.150 - Street and alley vacations—Cost.

At the time of filing a petition for vacation of a street, alley, or any part thereof, a fee as established by City Commission resolution shall be paid to the City. The City Commission, upon hearing such petition, may grant the same in whole or in part, or may deny the same in whole or in part, or may grant the same with such reservations as would appear to be for the public interest, including reservations pertaining to the maintenance and use of underground public utilities in the portion vacated.

Finding: Not Applicable. No vacations are proposed as part of this application; however, if the applicant chooses to request the vacation of the remaining portion of Main Street, this section of code will apply. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way.

12.04.170 - Street design—Purpose and general provisions.

All development shall be in conformance with the City's public facility master plans, public works policies, standard drawings, and engineering specifications. All streets shall be reviewed and approved by the City Engineer prior to construction. All streets and driveway connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat or site planning and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with condition. See findings from chapter 16.12 of this report.

12.04.270 - Standard construction specifications.

The workmanship and materials for any work performed under permits issued per this chapter shall be in accordance with the current edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City in accordance with this ordinance, in effect at the time of application. The exception to this requirement is where this chapter and the public works street standard drawings provide other design details, in which case the requirements of this chapter and the public works street standard drawings shall control. In the case of work within ODOT or Clackamas County rights-of-way, work shall be in conformance with their respective construction standards.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon

Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. In the case of work within ODOT rights-of-way, work shall be in conformance with their respective construction standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 13.12 – STORMWATER MANAGEMENT

13.12.050 - Applicability and exemptions.

This chapter establishes performance standards for stormwater conveyance, quantity and quality. Additional performance standards for erosion prevention and sediment control are established in OCMC 17.47.

A. Stormwater Conveyance. The stormwater conveyance requirements of this chapter shall apply to all stormwater systems constructed with any development activity, except as follows:

- 1. The conveyance facilities are located entirely on one privately owned parcel;*
- 2. The conveyance facilities are privately maintained; and*
- 3. The conveyance facilities receive no stormwater runoff from outside the parcel's property limits. Those facilities exempted from the stormwater conveyance requirements by the above subsection will remain subject to the requirements of the Oregon Uniform Plumbing Code. Those exempted facilities shall be reviewed by the building official.*

Finding: Not Applicable. The conveyance facilities proposed are located entirely on one privately owned parcel, are privately maintained and receive no stormwater runoff from any City right-of-way or properties outside the parcel's property limits. The applicant will need to work with ODOT to determine how to best handle any pass-through drainage of S. McLoughlin Blvd.

B. Water Quality and Flow Control. The water quality and flow control requirements of this chapter shall apply to the following proposed uses or developments, unless exempted under subsection C:

- 1. Activities located wholly or partially within water quality resource areas pursuant to OCMC 17.49 that will result in the creation of more than five hundred square feet of impervious surface within the NROD or will disturb more than one thousand square feet of existing impervious surface within the NROD as part of a commercial or industrial redevelopment project. These square footage measurements will be considered cumulative for any given five-year period; or*
- 2. Activities that create or replace more than five thousand square feet of impervious surface, cumulated over any given five-year period.*

Finding: Applicable. The proposed development will create or replace more than 5000 sf of impervious area, will create more than 500 sf of new impervious area in the NROD, or will disturb more than 1000 sf of existing impervious surface within the NROD.

C. Exemptions. The following exemptions to subsection B of this section apply:

- 1. An exemption to the flow control requirements of this chapter will be granted when the development site discharges to the Willamette River, Clackamas River or Abernethy Creek; and either lies within the one hundred-year floodplain or is up to ten feet above the design flood elevation as defined in OCMC 17.42, provided that the following conditions are met:*

a. The project site is drained by a conveyance system that is comprised entirely of man-made elements (e.g. pipes, ditches, culverts outfalls, outfall protection, etc.) and extends to the ordinary high water line of the exempt receiving water; and

b. The conveyance system between the project site and the exempt receiving water has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected.

2. Projects in the following categories are generally exempt from the water quality and flow control requirements:

a. Stream enhancement or restoration projects approved by the city.

b. Farming practices as defined by ORS 30.960 and farm use as defined in ORS 214.000; except that buildings associated with farm practices and farm use are subject to the requirements of this chapter.

c. Actions by a public utility or any other governmental agency to remove or alleviate an emergency condition.

d. Road and parking area preservation/maintenance projects such as pothole and square cut patching, surface sealing, replacing or overlaying of existing asphalt or concrete pavement, provided the preservation/maintenance activity does not expand the existing area of impervious coverage above the thresholds in subsection B of this section.

e. Pedestrian and bicycle improvements (sidewalks, trails, pathways, and bicycle paths/lands) where no other impervious surfaces are created or replaced, built to direct stormwater runoff to adjacent vegetated areas.

f. Underground utility projects that replace the ground surface with in-kind material or materials with similar runoff characteristics.

g. Maintenance or repair of existing utilities.

Finding: Complies with condition. The development asserts that they are exempt from flow control requirements per section C.1.a because the development site discharges directly to the Willamette River. However, the application did not provide enough evidence to support that it has met requirements of C.1.b.

The development shall provide information to show that the conveyance system between the project site and Willamette River has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Uses Requiring Additional Management Practices. In addition to any other applicable requirements of this chapter, the following uses are subject to additional management practices, as defined in the public works stormwater and grading design standards:

1. Bulk petroleum storage facilities;

2. Above ground storage of liquid materials;

3. Solid waste storage areas, containers, and trash compactors for commercial, industrial, or multi-family uses;

4. Exterior storage of bulk construction materials;

5. Material transfer areas and loading docks;

6. Equipment and/or vehicle washing facilities;

7. Development on land with suspected or known contamination;

8. Covered vehicle parking for commercial or industrial uses;
9. Industrial or commercial uses locating in high traffic areas, defined as average daily count trip of two thousand five hundred or more trips per day; and
10. Land uses subject to DEQ 1200-Z Industrial Stormwater Permit Requirements.

Finding: Complies with conditioned. The development proposed property meets the following

7. Development on land with suspected or known contamination;

8. Covered vehicle parking for commercial or industrial uses;

The development is on land suspected or known to have contamination. Covered vehicle parking is not proposed for commercial or industrial uses.

The development shall meet requirements of section 6.9 (Land with Suspected or Known Contamination) of the Public Works Stormwater and Grading Design Standards. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.080 - Submittal requirements.

A. Applications subject to stormwater conveyance, water quality, and/or flow control requirements of this chapter shall prepare engineered drainage plans, drainage reports, and design flow calculation reports in compliance with the submittal requirements of the public works stormwater and grading design standards.

B. Each project site, which may be composed of one or more contiguous parcels of land, shall have a separate valid City approved plan and report before proceeding with construction.

Finding: Complies with condition. See findings from section 13.12.090 of this report.

13.12.090 - Approval criteria for engineered drainage plans and drainage report.

An engineered drainage plan and/or drainage report shall be approved only upon making the following findings:

A. The plan and report demonstrate how the proposed development and stormwater facilities will accomplish the purpose statements of this chapter.

B. The plan and report meet the requirements of the public works stormwater and grading design standards adopted by resolution under OCMC 13.12.020.

C. The storm drainage design within the proposed development includes provisions to adequately control runoff from all public and private streets and roof, footing, and area drains and ensures future extension of the current drainage system.

D. Streambank erosion protection is provided where stormwater, directly or indirectly, discharges to open channels or streams.

E. Specific operation and maintenance measures are proposed that ensure that the proposed stormwater quantity control facilities will be properly operated and maintained.

Finding: Complies with Condition. The applicant provided a preliminary stormwater drainage plan and report. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.100 - Alternative materials, alternative design and methods of construction.

The provisions of this chapter are not intended to prevent the use of any material, alternate design or method of construction not specifically prescribed by this chapter or the public works stormwater and grading design standards, provided any alternate has been approved and its use authorized by the City Engineer. The City Engineer may approve any such alternate, provided that the City Engineer finds that the proposed design is satisfactory and complies with the intent of this chapter and that the material, method, or work offered is, for the purpose intended, at least the equivalent of that prescribed by this chapter in effectiveness, suitability, strength, durability and safety. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use. The details of any action granting approval of an alternate shall be recorded and entered in the City files.

Finding: Not Applicable. The applicant has not proposed alternative design methods requiring special approval by the City Engineer. However, should the applicant propose such methods with the public facilities construction plan submittal, the proposal will be reviewed and approved by the City Engineer as required.

13.12.110 - Transfer of engineering responsibility.

Project drainage plans shall always have a project engineer. If the project engineer is changed during the course of the work, the City shall be notified in writing and the work shall be stopped until the replacement engineer has agreed to accept the responsibilities of the project engineer. The new project engineer shall provide written notice of accepting project responsibility to the City within seventy-two hours of accepting the position as project engineer.

Finding: See section 16.12.014 regarding requirement to execute a "Developer/Engineer Agreement for Public Works Improvements"

13.12.120 - Standard construction specifications.

The workmanship and materials shall be in accordance with the current edition of the "Standard Specifications for Public Works Construction," as prepared by the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City, in effect at the time of application. The exception to this requirement is where this chapter and the Public Works Stormwater and Grading Design Standards provide other design details, in which case the requirements of this chapter and the Public Works Stormwater and Grading Design Standards shall be complied with.

Finding: Complies with Condition. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the city. (Also written in the findings of section 12.04.270) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.140 - Maintenance of public stormwater facilities.

A. A stormwater facility that receives stormwater runoff from a public right-of-way shall be a public facility. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those public stormwater facilities. Access for

maintenance of the stormwater facilities shall be provided to the City through the granting of a stormwater easement or other means acceptable to the City.

Finding: Not applicable. All stormwater facilities proposed are private. No public facilities are proposed.

B. Responsibility for maintenance of stormwater facilities including all landscaping, irrigation systems, structures and appurtenances shall remain with the property owner/developer for two years (known as the warranty period). The owner/developer shall provide the City a separate two-year landscaping maintenance surety bond for one hundred ten percent of the landscaping cost. Transfer of maintenance of stormwater conveyance systems shall occur when the City accepts the stormwater conveyance system.

Finding: Not applicable. All stormwater facilities proposed are private. No public facilities are proposed.

13.12.145 - Maintenance of private stormwater facilities.

A. An applicant shall submit an operation and maintenance plan for each proposed stormwater facilities, unless exempted in the Public Works Stormwater and Grading Design Standards. The information in the operation and maintenance plan shall satisfy the requirements of the Public Works Stormwater and Grading Design Standards.

B. Private owners are required to inspect and maintain stormwater facilities on their property in accordance with an approved operation and maintenance plan. A maintenance log is required to document facility inspections and specific maintenance activities. The log shall be available to City inspection staff upon request.

C. Failure to operate or maintain a stormwater facility according to the operation and maintenance plan may result in an enforcement action under Section 13.12.150.

Finding: Complies with Condition. Private stormwater facilities are proposed.

The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

13.12.170 - Permits from other jurisdictions.

A. The Oregon State Department of Environmental Quality (DEQ) currently issues NPDES 1200-C permits for projects that cover areas of one acre or greater. No permit shall be issued for projects of this size (or any other size as modified by DEQ) without a copy of said DEQ permit being on file with Oregon City. DEQ is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DEQ representatives.

Finding: Complies with Condition. The development exceeds 1.0 acre in disturbed area. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality

Received

MAR 27 2025

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(DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Projects may require Oregon State Division of State Lands (DSL) and/or United States Army Corps of Engineers (USACE) permits. If such permits are required, no permission to construct will be granted until such a time as a copy of such permit is on file with the City or notice is received from those agencies that a permit is not required. DSL/USACE is responsible for enforcing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate DSL/USACE representatives.

Finding: Complies with condition. Proposed development is adjacent to the Willamette River and may require DSL and/or USACE permits. The development shall obtain (DSL) and/or (USACE) permits as required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Projects may require Oregon State Department of Fish and Wildlife (ODFW) permits. When ODFW permits are required, no work will be authorized until the receipt of a copy of the ODFW permit. ODFW is responsible for policing its own permits; however, if City personnel observe conditions that are believed to be in violation of any such permit, and cannot get corrections made, the City will bring such conditions to the attention of the appropriate ODFW representatives.

Finding: Complies with condition. Proposed development is adjacent to the Willamette River and may require ODFW permits. If construction will occur within the banks of the Willamette River, the development shall obtain ODFW permits as required. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 15.48 – GRADING, FILLING AND EXCAVATING

15.48.030 Applicability—Grading permit required.

A. A city-issued grading permit shall be required before the commencement of any of the following filling or grading activities:

- 1. Grading activities in excess of ten cubic yards of earth;*
- 2. Grading activities which may result in the diversion of existing drainage courses, both natural and man-made, from their natural point of entry or exit from the grading site;*
- 3. Grading and paving activities resulting in the creation of impervious surfaces greater than two thousand square feet or more in area;*
- 4. Any excavation beyond the limits of a basement or footing excavation, having an unsupported soil height greater than five feet after the completion of such a structure; or*
- 5. Grading activities involving the clearing or disturbance of one-half acres (twenty-one thousand seven hundred eighty square feet) or more of land.*

B. Those fill and grading activities proposed to be undertaken in conjunction with a land use application, including but not limited to subdivisions, planned unit developments, partitions and site plan reviews, are subject to the standards of this chapter. However, a separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

Finding: Applicable. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Construction plans are required to be submitted after the land use application has been processed and associated construction permit issued shall constitute the grading permit required under this chapter.

15.48.040 - Grading permit exemptions.

The following filling and grading activities shall not require the issuance of a grading permit:

- A. Excavation for utilities, or for wells or tunnels allowed under separate permit by other governmental agencies;*
- B. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. The placement of any fill material removed from such an excavation requires a grading permit if:*
 - 1. It exceeds fifty cubic yards,*
 - 2. More than ten cubic yards are removed from the site, or*
 - 3. The fill is placed on the site to a depth greater than one foot;*
- C. Farming practices as defined in ORS 30.930 and farm uses as defined in ORS 215.203, except that buildings associated with farm practices and farm uses are subject to the requirements of this chapter;*
- D. Excavation for cemetery graves;*
- E. Sandbagging, diking, ditching, filling or similar work when done to protect life or property during an emergency;*
- F. Repaving of existing paved surfaces that does not alter existing drainage patterns;*
- G. Maintenance work on public roads performed under the direction of the city, Clackamas County or Oregon State Department of Transportation personnel.*

Finding: Not Applicable. The application does not qualify for an exemption.

15.48.090 Submittal requirements.

An engineered grading plan or an abbreviated grading plan shall be prepared in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards whenever a city approved grading permit is required. In addition, a geotechnical engineering report and/or residential lot grading plan may be required pursuant to the criteria listed below.

A. Abbreviated Grading Plan. The city shall allow the applicant to submit an abbreviated grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards if the following criteria are met:

- 1. No portion of the proposed site is within the flood management area overlay district pursuant to **Chapter 17.42**, the unstable soils and hillside constraints overlay district pursuant to **Chapter 17.44**, or a water quality resource area pursuant to **Chapter 17.49**; and*
- 2. The proposed filling or grading activity does not involve more than fifty cubic yards of earth.*

B. Engineered Grading Plan. The city shall require an engineered grading plan in compliance with the submittal requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer if the proposed activities do not qualify for abbreviated grading plan.

C. Geotechnical Engineering Report. The city shall require a geotechnical engineering report in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer who specializes in geotechnical work when any of the following site conditions may exist in the development area:

1. When any publicly maintained facility (structure, street, pond, utility, park, etc.) will be supported by any engineered fill;
2. When an embankment for a stormwater pond is created by the placement of fill;
3. When, by excavation, the soils remaining in place are greater than three feet high and less than twenty feet wide.

D. Residential Lot Grading Plan. The city shall require a residential lot grading plan in compliance with the minimum report requirements of the Public Works Stormwater and Grading Design Standards to be prepared by a professional engineer for all land divisions creating new residential building lots or where a public improvement project is required to provide access to an existing residential lot.

Finding: Not applicable. Fill and grading activities are proposed to be undertaken in conjunction with a land use application. A separate grading permit is not required. Approval of the construction plans submitted through the land use application process shall constitute the grading permit required under this chapter.

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.008 Definitions.

Whenever the words or terms and their derivatives are used in this chapter, they shall have the meaning herein ascribed to them as described in OCMC 17.04 unless the context dictates application of a different meaning.

16.12.010 - Purpose and general provisions.

The purpose of this chapter is to identify the standards for development in and adjacent to spaces which benefit the public including right-of-way, access to the right-of-way, public off-street pedestrian and bicycle accessways, and easements. All development shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the City's public facility master plans and city design standards and specifications. In reviewing applications for development, the City Engineer shall take into consideration any approved development and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any development shall be reviewed and approved by the City Engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way shall be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.

Finding: Complies with Condition. Compliance with the “purpose and general provisions” of chapter 16.12 can be met by adhering to the following: The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. Facility or right-of-way improvements under jurisdiction of Oregon Department of Transportation (ODOT) shall be reviewed and approved by ODOT before issuance of construction permits. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle housing units' living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.

The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:

1. Minor Site Plan and Design Review applications.
2. Work within the right-of-way.
3. Lot Line Adjustments and Abandonments.
4. Public capital improvement projects.

Finding: Applicable. The application is a detailed development plan; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable. The City has exercised its regulatory management authority by providing findings within this staff report with conditions to be met by the applicant prior to working within all existing or proposed public rights-of-way and easements.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. Compliance with the following criteria is required:
The modification meets the intent of the standard;

Finding: Applicable. The following modifications have been requested.

"The proposed modification to the street standards meets the intent as stated above. Most of the streets do not extend from existing street patterns due to topographic or other physical constraints of the area. The site has hard boundaries of 99E, the bluff, railroad tracks, and the Willamette River.

The proposed modification of Main Street is minor and offers a slightly wider overall paved width that better reflects the city's existing Main Street north of 99E. It also allows increased pedestrian access areas and larger planting strips that indicate a subtle shift in development with increasingly naturalized areas towards the falls, and where the street extension loops back upon itself. Wider travel lanes are needed for fire truck movements and public transit vehicles. Larger sidewalks are intended to activate additional pedestrian traffic movement from north to south from across McLoughlin Boulevard.

Railroad Avenue, 3rd, 4th and Water Streets generally align with local street standards, with slight modifications that still allow for the safe passage of emergency vehicles. The master planned area is unique in that there are few opportunities to extend streets from adjacent lands due to environmental and topographic constraints. This results in a looped street pattern that need ample pedestrian access and opportunities to visit the falls and nearby public amenities, necessitating unique street sections.

On Water Ave, the wider parking width is to allow tour buses or school buses to have parking to access planned interpretive sites and parks. Coordination with TriMet is planned for a potential transit stop. A wider sidewalk on the west side of Water Ave will be multiuse and will have space for viewing areas of the river and loading and unloading of transit.

Railroad Ave accommodates 45-degree angled parking. The curb tight sidewalk on the east side of the street provides a landing for pedestrians entering and exiting the angled parking. 3rd and 4th street necessitate wider travel lanes for fire truck movements. The additional width of the streets are also needed for 7' curb tight parking on both sides.

The proposed street section modifications allow for pedestrian access and sidewalks, the local street standard requires 10.5 foot sidewalks including 5-by-5 foot tree wells. 3rd, 4th, and Main Street provide larger sidewalk and planter strip areas. Railroad Ave still provides a 12 foot sidewalk and planter strip. Bicycles are anticipated to share low speed lanes."

Finding: Compiles as proposed. The previous masterplan (CP 14-02) provided the following options regarding streets to serve the development areas.

Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.

The applicant has stated, "The intent of these streets is for them to be privately owned with public access easements." (in 12.04.005).

The Public Works Director has approved the alternate proposal to provide private streets governed by a full public access easement. The city and developer may choose to enter into a maintenance agreement for said private streets.

The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Finding: Complies as proposed. The applicant states the following:

“Modifications expand pedestrian routes wider than the minimum standard and provide safe routes for bikes as outlined in OCMC 16.12.023 intersections, and paths shown in the Street Circulation Exhibits in Appendix T. As discussed in the findings above, the proposed modifications to the travel lanes allow for safe passage of fire trucks, transit, as well as motor vehicles. Low speed lanes accommodate bicyclists. Generally, the modifications propose larger than required sidewalks, accommodating movement of pedestrians.”

Staff concurs with the proposed modification.

The modification is consistent with an adopted transportation or utility plan;

Finding: Complies as proposed. The applicant states the following:

“No mapped streets are shown through the development in Oregon City’s TSP. Streets shown on the master plan are anticipated to be private, with public access easements. These facilities will be consistent with prior approvals and they are compatible with surrounding street network. The proposed modifications to Main Street are based on compatibility with the existing Main Street on the other side of 99E.”

The width of the automobile travel lanes are consistent with the “Determining Optimum Street Designs” provisions of Transportation System Plan and meet the intent of the original masterplan CP 14-02.

The modification is complementary with a surrounding street design; or, in the alternative;

Finding: Complies as proposed. The applicant states the following:

The proposed modification is based on elements of existing street design to provide a cohesive appearance between streets. Street intersection design for connections to 99E have been reviewed/coordinated with ODOT. Due to topographical constraints, the other proposed streets in the area do not connect to an existing grid.

Staff concurs with the proposed modification because the Public Works Director has determined that the proposed streets comply with the previously approved masterplan (CP 14-02).

If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Not Applicable. The modification is not requested for constitutional reasons. This criterion does not apply.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

- 1. Modifications to driveway location, size, and sharing standards in 16.12.035;*
- 2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.*

Received
MAR 27 2025

OWRD

Finding: Complies as proposed. The applicant states the following:

Proposed modifications are addressed above and are processed concurrently with the Type III amendment to a General Development Plan, future DDPs may apply for a Type I modification for the items listed in this criterion.

Staff concurs that proposed modification is not a Type I modification the current DDP has not proposed Type I modifications.

16.12.014 - Administrative provisions.

An applicant shall submit the following items to the City and complete the following tasks prior to proceeding with construction of proposed development plans. These items include the following:

- A. Pre-Design Meeting;*
- B. Final Engineering Plans, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- C. Stormwater Report, Stamped and Signed by an Oregon Licensed Professional Engineer;*
- D. Geotechnical Report, Stamped and Signed by an Oregon Licensed Professional Engineer (if applicable);*
- E. Engineer's Preliminary and Final Cost Estimates (also may be known as engineer's opinion of probable construction cost);*
- F. Plan Check and Inspection Fees (as set by City resolution);*
- G. Certificate of Liability Insurance for City funded public projects contracted by the City (not less than one million dollars single incident and two million dollars aggregate);*
- H. Preconstruction Meeting;*
- I. Financial Guarantee(s) per OCMC 17.50.140;*
- J. Applicable Approvals/Permits from other agencies or entities;*
- K. Developer/Engineer Agreement for public works improvements.*

An applicant shall submit the following additional items to the City and complete the following tasks prior to completing construction of proposed development plans. These items include the following:

- L. Project Engineer's Certificate of Completion;*
- M. Stormwater Operation and Maintenance Easement (if applicable);*
- N. Deed of Dedication (Bargain and Sale Deed);*
- O. Recorded Plat and/or Easements (if applicable);*
- P. Recorded Non-Remonstrance Covenant Agreement;*
- Q. Land Division Compliance Agreement (if applicable);*
- R. Permanent Stabilization and/or Restoration of the impact from the development;*
- S. Fulfillment of all Conditions of Approval;*
- T. Payment of all Outstanding Fees;*
- U. Maintenance Guarantee(s). per OCMC 17.50.141;*
- V. Indemnity Agreement (if applicable);*
- W. Completed Punchlist;*
- X. As-Built Drawings;*

Details on individual items required by this subsection can be obtained by contacting public works. Many items, such as the engineer's cost estimate and plan check and inspection fee, maybe be submitted in conjunction with documentation for other infrastructure improvements that are done with the development (such as street, sanitary sewer, and water).

Finding: Complies with Condition. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City.

Received

MAR 27 2025

OWRD

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.015 - Street design—Generally.

Development shall be required to provide existing or future connections to adjacent sites through the use of vehicular and pedestrian access easements where applicable. Development shall provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations. The location, width and grade of street shall be considered in relation to: Existing and planned streets, topographical conditions, public convenience and safety for all modes of travel, existing and identified future transit routes and pedestrian/bicycle accessways, overlay districts, and the proposed use of land to be served by the streets. The street system shall assure an adequate traffic circulation system with intersection angles, grades, tangents and curves appropriate for the traffic to be carried considering the terrain. To the extent possible, proposed streets shall connect to all existing or approved stub streets that abut the development site. The arrangement of streets shall either:

A. Provide for the continuation or appropriate projection of existing principal streets in the surrounding area and on adjacent parcels or conform to a plan for the area approved or adopted by the City to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical;

B. Where necessary to give access to or permit a satisfactory future development of adjoining land, streets shall be extended to the boundary of the development and the resulting dead-end street (stub) may be approved with a temporary turnaround as approved by the City Engineer. Notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future.

Access control in accordance with OCMC 16.12.017 shall be required to preserve the objectives of street extensions.

C. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided and be consistent with the City's transportation system plan. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

Finding: Complies as proposed. The proposed level of development with this DDP does not trigger transportation improvements; however, a condition has been written to ensure proposed street improvements that overlap with conditions required by the associated GDP are properly addressed.

The applicant has proposed improvements within OR 99E to fulfill the following from the associated GDP.

The development shall coordinate with ODOT to satisfy the following GDP condition of approval:
Project c: A pork-chop or raised median at the Water Avenue/OR 99E intersection to prevent left turn movements into the development site and reinforce right-in, right-out access at that location. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb

Received

MAR 27 2025

OWRD

ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

See findings from 16.12.013 regarding street improvements.

16.12.016 - Street design.

All development regulated by this chapter shall provide street improvements in compliance with the

standards in Table 16.12.016 depending on the street classification set forth in the transportation system plan and the comprehensive plan designation of the adjacent property, unless an alternative plan has been adopted. The table implements the adopted transportation system plan and illustrates the maximum design standards. These standards may be reduced with an alternative street design which may be approved based on the modification criteria in OCMC 16.12.013. The steps for reducing the street design are found in the transportation system plan.

Table 16.12.016 Street Design

To read the table select the road classification as identified in the Transportation System Plan and the Comprehensive Plan designation of the adjacent properties to find the maximum design standards for the road cross section. If the Comprehensive Plan designation for lands on either side of the street differs, the wider right-of-way standard shall apply.

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscaping Strip	Bike Lane	Street Parking	Travel Lanes	Median
Major Arterial	<i>Mixed Use, Commercial or Public/Quasi Public</i>	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	<i>Industrial</i>	120 ft.	88 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	N/A	(5) 14 ft. Lanes	6 ft.
	<i>Residential</i>	126 ft.	94 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.

Received

MAR 27 2025

35

Road Classification	Comprehensive Plan Designation	Right-of-Way Width	Pavement Width	Public Access	Sidewalk	Landscape Strip	Bike Lane	Street Parking	Travel Lanes	Median
Minor Arterial	Mixed Use, Commercial or Public/Quasi Public	116 ft.	94 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(5) 12 ft. Lanes	6 ft.
	Industrial	118 ft.	86 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(5) 12 ft. Lanes	N/A
	Residential	100 ft.	68 ft.	0.5 ft.	5 ft.	10.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	6 ft.
Collector	Mixed Use, Commercial or Public/Quasi Public	86 ft.	64 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		6 ft.	8 ft.	(3) 12 ft. Lanes	N/A
	Industrial	88 ft.	62 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 12 ft. Lanes	N/A
	Residential	85 ft.	59 ft.	0.5 ft.	5 ft.	7.5 ft.	6 ft.	7 ft.	(3) 11 ft. Lanes	N/A
Local	Mixed Use, Commercial or Public/	62 ft.	40 ft.	0.5 ft.	10.5 ft. sidewalk including 5 ft. x 5 ft. tree wells		N/A	8 ft.	(2) 12 ft. Lanes	N/A

<i>Road Classification</i>	<i>Comprehensive Plan Designation</i>	<i>Right-of-Way Width</i>	<i>Pavement Width</i>	<i>Public Access</i>	<i>Sidewalk</i>	<i>Landscape Strip</i>	<i>Bike Lane</i>	<i>Street Parking</i>	<i>Travel Lanes</i>	<i>Median</i>
	Quasi Public									
	Industrial	60 ft.	38 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 19 ft. Shared Space			N/A
	Residential	54 ft.	32 ft.	0.5 ft.	5 ft.	5.5 ft.	(2) 16 ft. Shared Space			N/A

1. Pavement width includes bike lane, street parking, travel lanes and median.
2. Public access, sidewalks, landscape strips, bike lanes and on-street parking are required on both sides of the street in all designations. The right-of-way width and pavement widths identified above include the total street section.
3. A 0.5 foot curb is included in landscape strip or sidewalk width.
4. Travel lanes may be through lanes or turn lanes.
5. The 0.5 foot public access provides access to adjacent public improvements.
6. Alleys shall have a minimum right-of-way width of twenty feet and a minimum pavement width of sixteen feet. If alleys are provided, garage access shall be provided from the alley.
7. A raised concrete median or landscape median shall be utilized for roads identified to have access restrictions.
8. A public utility easement (PUE) shall be provided on both sides of the right-of-way or public access easement on private property as identified in 16.12.085.

Finding: Modifications to these standards have been requested. See findings from 16.12.013 regarding street improvements.

A. *Sidewalks.* The applicant shall provide for sidewalks on both sides of all public streets, on any private street if so required by the decision-maker, and in any special pedestrian way within the development. Both sidewalks and curbs are to be constructed to city standards and at widths set forth above, and according to plans and specifications provided by the City Engineer. Exceptions to this requirement may be allowed in order to accommodate topography, trees or some similar site constraint. In the case of major or minor arterials, the decision-maker may approve a development without sidewalks where sidewalks are found to be dangerous or otherwise impractical to construct or are not reasonably related to the applicant's development. The decision-maker may require the applicant to provide sidewalks concurrent with the issuance of the initial building permit within the area that is the subject of the development application. Applicants for partitions may be allowed to meet this requirement by providing the City with a financial guarantee per OCMC 16.12.110.

Received
MAR 27 2025

OWRD

Finding: Complies as proposed. The applicant has proposed sidewalks along all public streets fronting the development.

B. Pedestrian and Bicycle Accessways Routes. If deemed appropriate to extend pedestrian and bicycle routes, existing or planned, the decision-maker may require the installation of separate pedestrian and bicycle facilities.

Finding: Complies as proposed. The Oregon City Transportation System Plan (TSP) identifies two accessway routes through the development property, projects S3 & S37. The masterplan associated with this DDP included a concept for pedestrian and bicycle routes which meets the intent of the TSP. Design for portions of these access routes contained with this DPP were provided.

C. Street Name Signs and Traffic Control Devices. The applicant shall install street signs and traffic control devices as directed by the City Engineer. Street name signs and traffic control devices shall be in conformance with all applicable city regulations and standards.

Finding: Complies with Condition. The development fronts Main St but desires to change the name of the street. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be provided on the approved plans, and street signs shall be provided for review of the City prior to installation. Street name signs and traffic control devices shall be in conformance with MUTCD. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

D. Street Lights. The applicant shall install street lights which shall be served from an underground source of supply. Street lights shall be in conformance with all City regulations.

Finding: Complies with condition. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way. The applicant shall provide streetlights along public rights-of-way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for review and approval. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Any new street proposed with a pavement width of less than thirty-two feet shall be processed through OCMC 16.12.013 and meet minimum life safety requirements, which may include fire suppression devices as determined by the Fire Marshall to assure an adequate level of fire and life safety. The modified street shall have no less than a twenty-foot wide unobstructed travel lane.

Finding: Complies with condition. The development has proposed streets with varying widths through OCMC 16.12.013. The street design has not been reviewed by Clackamas Fire District No. 1. The development shall provide an Access and Water Supply Plan to Clackamas Fire District No. 1 for review. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. All development shall include vegetated planter strips that are five feet in width or larger and located between the sidewalk and curb unless otherwise approved pursuant to this chapter. All development shall utilize the vegetated planter strip for the placement of street trees or place street trees in other acceptable locations, as prescribed by OCMC 12.08. Development proposed along a collector, minor arterial, or major arterial roads may place street trees within tree wells within a wider sidewalk in lieu of a planter strip. In addition to street trees per OCMC 12.08, vegetated planter strips shall include ground cover and/or shrubs spaced four feet apart and appropriate for the location. No invasive or nuisance plant species shall be permitted.

Finding: Complies with Condition. See section 16.12.016 regarding requirements for vegetated planter strips located between the sidewalk and curb for the placement of street trees. See section 12.08 regarding placement of street trees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. Vehicle and pedestrian access easements may serve in lieu of streets when approved by the decision maker and only where dedication of a street is deemed impracticable.

Finding: Complies as proposed. Only construction of infrastructure around Block 1 is proposed with this DDP. The applicant has proposed a looped private street system in lieu of public streets to serve the development site (Block 1). The development has also proposed, at a minimum, a 14-foot-wide sidewalk along the north side of Water Street to complete a portion of the "Riverwalk" adjacent the proposed development of Block 1.

H. Vehicular and pedestrian easements shall allow for public access and shall comply with all applicable pedestrian access requirements.

Finding: Complies as proposed. The private streets proposed are proposed to have public access and utility easements.

16.12.017 - Street design—Access control.

A. A street which is dedicated to end at the boundary of the development or in the case of half-streets dedicated along a boundary shall have an access control granted to the City as a City controlled plat restriction for the purposes of controlling ingress and egress to the property adjacent to the end of the dedicated street. The access control restriction shall exist until such time as a public street is created, by dedication and accepted, extending the street to the adjacent property.

Finding: Not Applicable. No new streets with access control are required. Access to all private streets will be subject to proposed easements.

B. The City may grant a permit for the adjoining owner to access through the access control.

Finding: Not Applicable. The city has no obligation to ensure adjoining property owners have access through the development property.

C. The plat shall contain the following access control language or similar on the face of the map at the end of each street for which access control is required: "Access Control (See plat restrictions)."

Received

MAR 27 2025

OWRD

14634 -

Finding: Not Applicable. No new streets with access control are required. Access Control will be determined by the terms of the proposed access easement and since all proposed streets are private.

D. Said plats shall also contain the following plat restriction note(s): "Access to (name of street or tract) from adjoining tracts (name of deed document number[s]) shall be controlled by the City of Oregon City by the recording of this plat, as shown. These access controls shall be automatically terminated upon the acceptance of a public road dedication or the recording of a plat extending the street to adjacent property that would access through those Access Controls."

Finding: Not Applicable. No new streets will be platted. The terms of use for private streets will be determined by easements.

16.12.018 - Street design—Alignment.

The centerline of streets shall be:

A. Aligned with existing streets by continuation of the centerlines; or

B. Offset from the centerline by no more than five feet, provided appropriate mitigation, in the judgment of the City Engineer, is provided to ensure that the offset intersection will not pose a safety hazard.

C. Driveways that are at least twenty-four feet wide shall align with existing or planned streets on adjacent sites.

Finding: Complies as Proposed. The proposed street alignments match past location of historical streets and satisfy City requirements. This standard is met.

16.12.019 - Traffic sight obstructions.

All new streets shall comply with the Traffic Sight Obstructions in Chapter 10.32.

Finding: Applicable. No new public streets are proposed or required; however, all streets shall comply with OCMC 10.32.

16.12.020 - Street design—Intersection angles.

Except where topography requires a lesser angle, streets shall be laid out to intersect at angles as near as possible to right angles. In no case shall the acute angles be less than eighty degrees unless there is a special intersection design. An arterial or collector street intersecting with another street shall have at least one hundred feet of tangent adjacent to the intersection unless topography requires a lesser distance. Other streets, except alleys, shall have at least fifty feet of tangent adjacent to the intersection unless topography requires a lesser distance. All street intersections shall be provided with a minimum curb return radius of twenty-five feet for local streets. Larger radii shall be required for higher street classifications as determined by the City Engineer. Additional right-of-way shall be required to accommodate curb returns and sidewalks at intersections. Ordinarily, intersections should not have more than two streets at any one point.

Finding: Complies as Proposed. The proposed intersection meets the City requirements. This standard is met.

16.12.021 - Street design—Grades and curves.

Grades and center line radii shall conform to standards approved by the City Engineer.

Received

MAR 27 2025

OWRD

Finding: Complies as Proposed. The proposed streets have been designed per this standard.

16.12.022 - Street design—Development abutting arterial or collector street.

Where development abuts or contains an existing or proposed arterial or collector street, the decision maker may require: Access control; screen planting or wall contained in an easement or otherwise protected by a restrictive covenant in a form acceptable to the decision maker along the rear or side property line; or such other treatment it deems necessary to adequately protect residential properties or afford separation of through and local traffic. Reverse frontage lots with suitable depth may also be considered an option for residential property that has arterial frontage. Where access for development abuts and connects for vehicular access to another jurisdiction's facility then authorization by that jurisdiction may be required.

Finding: Not Applicable. The development abuts an arterial street, however the city has not required access control to protect residential properties.

16.12.023 - Street design—Pedestrian and bicycle safety.

Where deemed necessary to ensure public safety, reduce traffic hazards and promote the welfare of pedestrians, bicyclists and residents of the subject area, the decision maker may require that local streets be so designed as to discourage their use by nonlocal automobile traffic.

The City Engineer may require that crosswalks include a large vegetated or sidewalk area which extends into the street pavement as far as practicable to provide safer pedestrian crossing opportunities. These curb extensions can increase the visibility of pedestrians and provide a shorter crosswalk distance as well as encourage motorists to drive slower. The City Engineer may approve an alternative design that achieves the same standard for constrained sites.

Finding: Complies as proposed. The development has proposed intersections with curb extensions to minimize crossing distances at crosswalks as far as practicable to provide safer pedestrian crossing opportunities.

16.12.024 - Street design—Half street.

Half streets, while generally not acceptable, may be approved where essential to the development, when in conformance with all other applicable requirements, and where it will not create a safety hazard. When approving half streets, the decision maker shall first determine that it will be practical to require the dedication of the other half of the street when the adjoining property is divided or developed. Where the decision maker approves a half street, the applicant shall construct a half street with at least twenty feet of pavement width and provide signage prohibiting street parking so as to make the half street safe until such time as the other half is constructed. Whenever a half street is adjacent to property capable of being divided or developed, the other half of the street shall be provided and improved when that adjacent property divides or develops. Access control may be required to preserve the objectives of half streets.

When the remainder of an existing half-street improvement is completed it shall include the following items: Dedication of required right-of-way, construction of the remaining portion of the street including pavement, curb and gutter, landscape strip, sidewalk, street trees, lighting and other improvements as required for that particular street. It shall also include at a minimum the

Received

MAR 27 2025

OWRD

14634 -

pavement replacement to the centerline of the street. Any damage to the existing street shall be repaired in accordance with the City's "Pavement Cut Standards" or as approved by the City Engineer.

Finding: Not Applicable. This application does not propose any half streets.

16.12.025 - Street design—Cul-de-sacs and dead-end streets.

The City discourages the use of cul-de-sacs and permanent dead-end streets except where construction of a through street is found by the decision maker to be impracticable due to topography or some significant physical constraint such as geologic hazards, wetland, natural or historic resource areas, pre-existing dedicated open space, pre-existing development patterns, arterial access restrictions or similar situation as determined by the decision maker. This section is not intended to preclude the use of curvilinear eyebrow widening of a street where needed.

A. When permitted, access from new cul-de-sacs and permanent dead-end streets shall be limited to a maximum of twenty-five dwelling units.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

B. Cul-de-sacs and permanent dead-end streets shall include pedestrian/bicycle accessways to meet minimum block width standards as prescribed in OCMC 16.12.030.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

C. Cul-de-sacs shall have sufficient radius to provide adequate turn-around for emergency vehicles in accordance with fire district and City adopted street standards.

Finding: Not Applicable. No cul-de-sacs or dead-end streets are proposed or required for this development.

D. Permanent dead-end streets shall provide public street right-of-way/easements sufficient to provide a sufficient amount of turn-around space complete with appropriate no-parking signs or markings to accommodate waste disposal, sweepers, emergency and other long vehicles in the form of a hammerhead or other design to be approved by the decision maker.

Finding: Complies as proposed. Permanent dead-end streets have not been proposed.

E. In the case of dead-end stub streets that will connect to streets on adjacent sites in the future, notification that the street is planned for future extension shall be posted on the stub street until the street is extended and shall inform the public that the dead-end street may be extended in the future. A dead-end street shall include signage or barricade meeting Manual on Uniform Traffic Control Devices (MUTCD).

Finding: Not Applicable. No public dead-end stub streets are proposed or required for this development.

16.12.026 - Street design—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker. All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the City Engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Finding: Not Applicable. Alleys are not proposed or required for this development.

16.12.027 - Street design—Off-site street improvements.

During consideration of the preliminary plan for a development, the decision maker shall determine whether existing streets impacted by, adjacent to, or abutting the development meet the applicable design or dimensional requirements. Where such streets fail to meet these requirements, the decision-maker shall require the applicant to make proportional improvements sufficient to achieve conformance with minimum applicable design standards required to serve the proposed development.

Finding: Complies as proposed. Off-site street improvements are required per the GDP associated with this development.

16.12.028 - Street design—Transit.

Streets shall be designed and laid out in a manner that promotes pedestrian and bicycle circulation. The applicant shall coordinate with transit agencies where the application impacts transit streets as identified in OCMC 17.04.1310. Pedestrian/bicycle access ways shall be provided as necessary to minimize the travel distance to transit streets and stops and neighborhood activity centers. The decision maker may require provisions, including easements, for transit facilities along transit streets where a need for bus stops, bus pullouts or other transit facilities within or adjacent to the development has been identified.

Finding: Complies as proposed. New streets are proposed and the existing streets adjacent to the development are laid out in a manner that promotes pedestrian and bicycle circulation.

16.12.029 - Excavations—Restoration of pavement.

Whenever any excavation shall have been made in any pavement or other street improvement on any street or alley in the City for any purpose whatsoever under the permit granted by the engineer, it shall be the duty of the person making the excavation to restore the pavement in accordance with the City of Oregon City Public Works Pavement Cut Standards in effect at the time the permit is granted. The City Commission may adopt and modify the City of Oregon City Public Works Pavement Cut Standards by resolution as necessary to implement the requirements of this chapter.

Finding: Complies with Condition. The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way. Pavement cuts may be needed within a public street due to proposed utility service installations and required frontage improvements. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. **Staff has determined that it is possible,**

Received

MAR 27 2025

OWRD

14634 -

likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

16.12.030 - Blocks—Width.

The width of blocks shall ordinarily be sufficient to allow for two tiers of lots with depths consistent with the type of land use proposed. The length, width and shape of blocks shall take into account the need for adequate building site size, convenient motor vehicle, pedestrian, bicycle and transit access, control of traffic circulation, and limitations imposed by topography and other natural features.

All new streets shall be designed as local streets unless otherwise designated as arterials and collectors in the current adopted transportation system plan. The maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines except in zones GI, CI, MUE, I, and WFDD where determining the appropriate street spacing will be determined by the City Engineer. If the maximum block size is exceeded, pedestrian accessways shall be provided every three hundred thirty feet. The spacing standards within this section do not apply to alleys.

Finding: Not applicable. The development property is in the WFDD and maximum or minimum block length spacing has not been required by City Engineer.

16.12.031 - Street design—Street names.

Except for extensions of existing streets, no street name shall be used which will duplicate or be confused with the name of an existing street. Street names shall conform to the established standards in the City and shall be subject to the approval of the City.

Finding: Complies as proposed. All new streets proposed are private and have names acceptable to the City.

16.12.032 – Public off-street pedestrian and bicycle accessways.

Pedestrian/bicycle accessways are intended to provide direct, safe and convenient connections between residential areas, retail and office areas, institutional facilities, industrial parks, transit streets, neighborhood activity centers, rights-of-way, and pedestrian/bicycle accessways which minimize out-of-direction travel, and transit orientated developments where public street connections for automobiles, bicycles and pedestrians are unavailable. Pedestrian/bicycle accessways are appropriate in areas where public street options are unavailable, impractical or inappropriate. Pedestrian and bicycle accessways are required through private property or as right-of-way connecting development to the right-of-way at intervals not exceeding three hundred thirty feet of frontage; or where the lack of street continuity creates inconvenient or out of direction travel patterns for local pedestrian or bicycle trips.

Finding: Complies as Proposed. The development has proposed an off-street pedestrian and bicycle accessway along the northwest side of the property which follows the path of a proposed private street. See findings from 16.12.016.B.

A. Entry points shall align with pedestrian crossing points along adjacent streets and with adjacent street intersections.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

Received

MAR 27 2025

OWRD

B. Accessways shall be free of horizontal obstructions and have a nine foot six inch high vertical clearance to accommodate bicyclists. To safely accommodate both pedestrians and bicycles, accessway right-of-way widths shall be as follows:

- 1. Accessways shall have a fifteen foot wide right-of-way with a seven foot wide paved surface with a minimum four foot planter strip on either side.*
- 2. If an accessway also provides secondary fire access, the right-of-way width shall be at least twenty- four feet wide with a sixteen foot paved surface between four foot planter strips on either side.*

Finding: Complies as proposed. The development has proposed an accessway with no vertical obstructions and it has more than a seven-foot paved surface. The accessway does not provide secondary fire access.

C. Accessways shall be direct with at least one end point of the accessway always visible from any point along the accessway. On-street parking shall be prohibited within fifteen feet of the intersection of the accessway with public streets to preserve safe sight distance and promote safety.

Finding: Complies as proposed. The proposed accessway will satisfy project S3 and is proposed to be more than 12 feet wide. See findings from 16.12.016.B for more information.

D. To enhance pedestrian and bicycle safety, accessways shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances.

Finding: Complies with conditioned. Lighting has been proposed along accessways but it is unclear the level of lighting proposed. Due to the urban nature of the development property and its isolation from other property owners, the city will permit non-pedestrian-scale lighting and lighting to shine upon adjacent properties. The proposed shared accessway shall be lighted to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one. A photometric plan shall be provided. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Accessways shall comply with Americans with Disabilities Act (ADA).

Finding: Complies with condition. All accessways intended for public use shall comply with ADA. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The planter strips on either side of the accessway shall be landscaped along adjacent property by installation of the following:

- 1. Either an evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than four feet apart on average; and*
- 2. Ground cover covering one hundred percent of the exposed ground. No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees; and*
- 3. A two-inch minimum caliper tree for every thirty-five feet along the accessway. Trees may be planted on either side of the accessway, provided they are spaced no more than thirty-five feet apart; and*

4. In satisfying the requirements of this section, evergreen plant materials that grow over forty-two inches in height shall be avoided. All plant materials shall be selected from the Oregon City Native Plant List.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

G. Accessways shall be designed to prohibit unauthorized motorized traffic. Curbs and removable, lockable bollards are suggested mechanisms to achieve this.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

H. Accessway surfaces shall be paved with all-weather materials as approved by the City. Pervious materials are encouraged. Accessway surfaces shall be designed to drain stormwater runoff to the side or sides of the accessway. Minimum cross slope shall be two percent.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

I. In parks, greenways or other natural resource areas, accessways may be approved with a five-foot wide gravel path with wooden, brick or concrete edgings.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

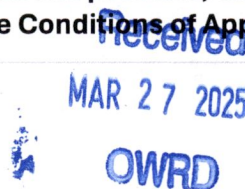
J. The decision maker may approve an alternative accessway design due to existing site constraints through the modification process set forth in OCMC 16.12.013.

Finding: Not applicable. Off-street pedestrian and bicycle accessways are not proposed or required with this DDP.

K. Ownership, liability and maintenance of accessways. To ensure that all pedestrian/bicycle accessways will be adequately maintained over time, the City Engineer shall require one of the following:

1. Dedicate the accessways to the public as public right-of-way prior to the final approval of the development; or
2. The developer incorporates the accessway into a recorded easement or tract that specifically requires the property owner and future property owners to provide for the ownership, liability and maintenance of the accessway.

Finding: Complies with condition. The applicant expressed a desire to not dedicate ROW for the accessways on the property. The developer shall record an easement over the shared-use paths (or accessways) located within the development property which allows for its use by the public. The easement shall specifically require the property owner and future property owners to provide for the liability and maintenance of the accessway. All fees associated with processing and recording of the easement shall be paid. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**



16.12.033 - Mobility standards.

Development shall demonstrate compliance with intersection mobility standards. When evaluating the performance of the transportation system, the City of Oregon City requires all intersections, except for the facilities identified in subsection E below, to be maintained at or below the following mobility standards during the two-hour peak operating conditions. The first hour has the highest weekday traffic volumes and the second hour is the next highest hour before or after the first hour. Except as provided otherwise below, this may require the installation of mobility improvements as set forth in the transportation system plan (TSP) or as otherwise identified by the City Engineer.

A. For intersections within the regional center, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 1.10 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

3. Intersections located on the regional center boundary shall be considered within the regional center.

B. For intersections outside of the regional center but designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. During the first hour, a maximum v/c ratio of 0.99 shall be maintained. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

2. During the second hour, a maximum v/c ratio of 0.99 shall be maintained at signalized intersections. For signalized intersections, this standard applies to the intersection as a whole. For unsignalized intersections, this standard applies to movements on the major street. There is no performance standard for the minor street approaches.

C. For intersections outside the boundaries of the regional center and not designated on the arterial and throughway network, as defined in the regional transportation plan, the following mobility standards apply:

1. For signalized intersections:

a. During the first hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

b. During the second hour, LOS "D" or better will be required for the intersection as a whole and no approach operating at worse than LOS "E" and a v/c ratio not higher than 1.0 for the sum of the critical movements.

2. For unsignalized intersections outside of the boundaries of the regional center:

a. For unsignalized intersections, during the peak hour, all movements serving more than twenty vehicles shall be maintained at LOS "E" or better. LOS "F" will be tolerated at movements serving no more than twenty vehicles during the peak hour.

D. For the intersection of OR 213 and Beaver Creek Road, the following mobility standards apply:

1. During the first, second and third hours, a maximum v/c ratio of 1.00 shall be maintained.

Calculation of the maximum v/c ratio will be based on an average annual weekday peak hour.

Received

MAR 27 2025

OWRD

14634 -

E. Until the City adopts new performance measures that identify alternative mobility targets, the City shall exempt proposed development that is permitted, either conditionally, outright, or through detailed development master plan approval, from compliance with the above-referenced mobility standards for the following state-owned facilities:

I-205/OR 99E Interchange.

State intersections located within or on the regional center boundaries.

1. In the case of conceptual development approval for a master plan that impacts the above references intersections:

a. The form of mitigation will be determined at the time of the detailed development plan review for subsequent phases utilizing the code in place at the time the detailed development plan is submitted; and

b. Only those trips approved by a detailed development plan review are vested.

2. Development which does not comply with the mobility standards for the intersections identified in OCMC 16.12.033 shall provide for the improvements identified in the transportation system plan (TSP) in an effort to improve intersection mobility as necessary to offset the impact caused by development. Where required by other provisions of the code, the applicant shall provide a traffic impact study that includes an assessment of the development's impact on the intersections identified in this exemption and shall construct the intersection improvements listed in the TSP or required by the code.

Finding: Complies as proposed. The applicant provided a transportation analysis performed by Dowl dated September 8, 2022 which concluded the following:

The proposed development at *tumwata village* is forecast to generate less than 700 PM peak hour trips. This is consistent with the 700 projected PM peak hour trips provided in the 2013 Draft Transportation Analysis that was previously approved. Therefore, the traffic impacts of the current proposed development will be equal or less than the originally anticipated and future traffic impact analysis should not be necessary for the *tumwata village* Master Plan Amendment. While the exact use areas/unit counts are not fully developed at this time, the applicant anticipates that the total combined master plan will remain at or below the 700 PM peak hour trips vested through the Willamette Falls Legacy Project Master Plan CP 14-02.

Staff concurs with the analysis and also this DDP only proposes street and utility infrastructure improvements but no commercial or residential development which are the major contributors of trip generation. Therefore, additional improvements from what is already identified with the associated master plan (GLUA 24-027) is not required with this DDP. Subsequent DDP will trigger transportation related conditions from the master plan depending on the level of development proposed as prescribed by the conditions contained within said masterplan.

16.12.035 - Driveways.

A. All new development, redevelopment, and capital improvement projects shall meet the minimum driveway spacing standards identified in Table 16.12.035.A. Minor Site Plan and Design Review do not follow these standards unless a request is made to modify the driveway.

Table 16.12.035.A Minimum Driveway Spacing Standards

Street Functional Classification	Minimum Driveway Spacing Standards	Distance
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Received

MAR 27 2025

OWRD

Major Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	175 ft.
Minor Arterial Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	175 ft.
Collector Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	100 ft.
Local Streets	Minimum distance from a street corner to a driveway and between driveways for all uses other than detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses	25 ft.

1. When driveways are shared (combined), the minimum driveway spacing shall be 20 feet.
2. All driveways, except for shared driveways, shall be placed a minimum of 5 feet from the property line.
3. The distance from a street corner to a driveway is measured along the right-of-way from the edge of the intersection (on the same side of the road) right-of-way to the nearest portion of the driveway and the distance between driveways is measured at the nearest portions of the driveway at the right-of-way.

Finding: Not applicable. All driveways, will be private.

B. All detached single-family dwellings, duplexes, triplexes, quadplexes and townhouses shall have driveways which meet the minimum distance from a street corner standards except when the lot size is smaller than the minimum distance required. When minimum distance cannot be met due to lot size or due to the location of an overlay district, the driveway shall be located as far away from the intersection as possible, but no more than 5 feet to the neighboring property line, as approved by the City Engineer.

Finding: Not applicable. Detached single-family dwellings, duplexes, triplexes, quadplexes or townhouses are not proposed.

C. Nonresidential or multi-family residential use driveways that generate high traffic volumes as determined by a traffic analysis shall be treated as intersections and shall adhere to requirements of OCMC 16.12.020.

Finding: Complies as proposed. The development propose entrances which are intersections and street intersection design for connections to 99E have been reviewed/coordinated with ODOT.

D. For any detached single-family dwellings, duplexes, triplexes, quadplexes, and townhouses or property developed with an ADU with multiple frontages, only one driveway is allowed per street frontage classified as a local street and in no case shall more than two driveways (one per frontage), unless otherwise approved by the City Engineer.

Two driveways shall never be granted for any property with only one frontage on a local road for any single-family detached residential property or property that contains an ADU unless required by Clackamas Fire District No. 1.

E. Cluster housing properties may be granted more than one driveway per property and per frontage meeting the spacing standards. Driveways should be combined whenever possible to limit the number of driveways per property.

Middle housing properties with only one building may be allowed one driveway for every two units, provided that spacing standards and/or driveway width requirements are met.

Middle housing properties with more than one structure shall meet the cluster housing standards.

F. Townhouses shall have one driveway approach for every two dwelling units (round up for townhouse structures with an odd number of dwellings).

G. Driveways on collectors or arterials shall be provided in such a way that no backing of a vehicle will occur from the driveway to the collector or arterial.

H. When a property fronts multiple roads, access shall be provided from and limited to the road with the lowest classification in the transportation system plan to minimize points of access to arterials and collectors. Access shall not be provided on arterial or collector roads unless there is no other alternative. At the discretion of the City Engineer, properties fronting a collector or arterial road may be allowed a second driveway, for the creation of a circulation pattern that eliminates reverse maneuvers for vehicles exiting a property if applied for and granted through procedures in OCMC 16.12.013. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:

1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or

2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.

I. All driveway approaches shall be limited to the dimensions identified in Table 16.12.035.D.

Table 16.12.035.D Driveway Approach Size Standards			
Property Use	Minimum Driveway Approach Width		Maximum Driveway Approach Width
Single-Family Detached and Duplexes	10 feet		24 feet
Townhouses	10 feet		24 feet
Triplexes, Quadplex and Cottage Clusters	10 feet		36 feet
Multi-Family	18 feet		30 feet
Commercial, Industrial, Office, Institutional, Mixed Use, and/or Nonresidential	One-Way 12 feet	Two-Way 20 feet	40 feet

1. Shared driveways for middle housing structures shall be minimum 18 feet and maximum 36 feet except when section J.4.a applies.

2. Driveway widths shall match the width of the driveway approach where the driveway meets sidewalk or property line but may be widened onsite (for example between the property line and the entrance to a garage). Groups of more than four parking spaces shall be so located and served by driveways so that their use will not require backing movements or other maneuvering within a street right-of-way other than an alley.

Finding: Not applicable. All driveways, will be private.

J. The City Engineer reserves the right to require a reduction in the number and size of driveway approaches as far as practicable for any of the following purposes:

- 1. To provide adequate space for on-street parking;*
 - 2. To facilitate street tree planting requirements;*
 - 3. To assure pedestrian and vehicular safety by limiting vehicular access points; and*
 - 4. To assure that adequate sight distance requirements are met.*
- a. Where the decision maker determines any of these situations exist or may occur due to the approval of a proposed development for non-residential uses or attached or multi-family housing, a shared driveway shall be required and limited to twenty-four feet in width adjacent to the sidewalk or property line.*

Finding: Not Applicable. No restrictions are proposed by the City Engineer.

K. For all driveways, the following standards apply.

- 1. Each new or redeveloped curb cut shall have an approved concrete approach or asphalted street connection where there is no concrete curb and a minimum hard surface for at least ten feet back into the property as measured from the current edge of sidewalk or street pavement to provide for controlling gravel tracking onto the public street. The hard surface may be concrete, asphalt, or other surface approved by the City Engineer.*
- 2. Any driveway approach built within public right-of-way shall be built and permitted per city requirements as approved by the City Engineer.*
- 3. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the City Engineer.*

Finding: Not applicable. All driveways, will be private.

L. Exceptions. The City Engineer reserves the right to waive these standards or not allow driveway access, if the driveway(s) would cause a significant traffic safety hazard. Narrower or wider driveway widths may be considered where field conditions preclude use of recommended widths. When larger vehicles and trucks will be the predominant users of a particular driveway, turning templates may be utilized to develop a driveway width that can safely and expeditiously accommodate the prevalent type of ingress and egress traffic.

Finding: Not Applicable. No exemptions are proposed.

16.12.065 - Building site—Grading.

Grading of building sites shall conform to the state of Oregon Structural Specialty Code, Title 18, any approved grading plan and any approved residential lot grading plan in accordance with the requirements of OCMC 13.12, 15.48, 16.12 and the public works stormwater and grading design standards, and the erosion control requirements of OCMC 17.47.

Finding: Applicable. Please refer to the findings within sections 13.12, 15.48, 16.12 & 17.47 of this report.

16.12.085 - Easements.

The following shall govern the location, improvement and layout of easements:

A. Utilities. Utility easements shall be required where necessary as determined by the City Engineer.

Insofar as practicable, easements shall be continuous and aligned from block-to-block within the development and with adjoining subdivisions or partitions.

1. Specific public utility easements for water, sanitary or storm drainage shall be provided based on approved final engineering plans conforming to the requirements found within the applicable design standards.

2. Conveyance of public utility easements for gas, electric, telecommunication, and fiberoptic shall be required where necessary as determined by the City Engineer. The City Engineer will require the easement unless it is found that the utility can be placed in a different location or can be placed in a smaller easement than what is required. The easement shall be located adjacent to all public rights-of-way or public access easements within private property. In the event that the provision of a public utility easement would create a conflict with achieving compliance with another part of the code, the location and width may be adjusted by the City Engineer.

a. The easement shall be 10 feet in the R-10, R-8, R-6, R-5, R-3.5, R-2, GI, and CI zones

b. The easement shall be a minimum of 5 feet in the NC, HC, I, C, MUC-1, MUC-2, MUE, MUD, and WFDD zones.

i. The applicant shall obtain a written determination from all utilities that the minimum 5 foot PUE coupled with use of a minimum of a five-foot area under the public sidewalk or parkway area is sufficient to serve the development. Where the minimum width is deemed inadequate, a modification shall be required.

c. An applicant may seek a modification to the public utility easement dedication requirement using 16.12.013.

Finding: Complies with Condition. There are no adjoining properties that are not already served by franchise utility providers. Therefore, additional easements for the benefit of franchise utilities are not required. There is an existing public water main which is located within the development property that is to remain. The development shall provide a 15-foot-wide public water main easement for the public water main running through the development property. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

B. Unusual Facilities. Easements for unusual facilities such as high voltage electric transmission lines, drainage channels and stormwater detention facilities shall be adequately sized for their intended purpose, including any necessary maintenance roads. These easements shall be shown to scale on the preliminary and final plats or maps. If the easement is for drainage channels, stormwater detention facilities or related purposes, the easement shall comply with the requirements of the public works stormwater and grading design standards.

Finding: Not applicable. New easements for unusual facilities are required for this development.

C. Watercourses. Where a development is traversed or bounded by a watercourse, drainageway, channel or stream, a stormwater easement or drainage right-of-way shall be provided which conforms substantially to the line of such watercourse, drainageway, channel or stream and is of a sufficient width to allow construction, maintenance and control for the purpose as required by the responsible agency. For those subdivisions or partitions which are bounded by a stream of

established recreational value, setbacks or easements may be required to prevent impacts to the water resource or to accommodate pedestrian or bicycle paths.

Finding: Not Applicable. The application does not affect any watercourses.

D. Access. When easements are used to provide vehicular access to lots within a development, the construction standards, but not necessarily width standards, for the easement shall meet City specifications. The minimum width of the easement shall be 20 feet. The easements shall be improved and recorded by the applicant and inspected by the City Engineer. Access easements may also provide for utility placement.

Finding: Complies with condition. The application has proposed private streets with access easements. The width of access easements shall contain the full width of the private street including the space between the back of the sidewalks proposed on either side of proposed private streets. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Resource Protection. Easements or other protective measures may also be required as the Community Development Director deems necessary to ensure compliance with applicable review criteria protecting any unusual significant natural feature or features of historic significance.

Finding: Easements or protective measures were required with the GDP associated with this DDP.

16.12.090 - Minimum improvements—Procedures.

In addition to other requirements, improvements installed by the applicant either as a requirement of these or other regulations, or at the applicant's option, shall conform to the requirements of this title and be designed to City specifications and standards as set out in the City's facility master plan and Public Works Stormwater and Grading Design Standards. The improvements shall be installed in accordance with the following procedure:

A. Improvement work shall not commence until construction plans have been reviewed and approved by the City Engineer and to the extent that improvements are located in county or state right-of-way, they shall be approved by the responsible authority. To the extent necessary for evaluation of the proposal, the plans may be required before approval of the preliminary plat of a subdivision or partition. Expenses incurred thereby shall be borne by the applicant and paid for prior to final plan review.

Finding: Commencement of improvement work is further restricted by requirements of section 16.12.014; see section 16.12.014 of this report for associated findings.

B. Improvements shall be constructed under the inspection and approval of the City Engineer. Expenses incurred thereby shall be borne by the applicant and paid prior to final approval. Where required by the City Engineer or other City decision-maker, the applicant's project engineer also shall inspect construction.

Finding: Complies with Condition. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. The City will perform inspections in accordance with city policies and standards. See section 16.12.014 of

this report regarding inspection fees. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Erosion control or resource protection facilities or measures are required to be installed in accordance with the requirements of OCMC 17.47, 17.49 and the Public Works Erosion and Sediment Control Standards.

Finding: See findings from section 17.47, 17.49 of this report.

D. Underground utilities, waterlines, sanitary sewers and storm drains installed in streets shall be constructed prior to the surfacing of the streets. Stubs for service connections for underground utilities, such as, storm, water and sanitary sewer shall be placed beyond the ten-foot-wide public utility easement within private property as defined in OCMC 16.12.85.A.2.

Finding: Complies as proposed. All streets are private; therefore, surfacing of streets may occur based on timing needs of the applicant.

E. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer upon completion of the improvements.

Finding: Complies with Condition. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. The City Engineer may regulate the hours of construction and access routes for construction equipment to minimize impacts on adjoining residences or neighborhoods.

Finding: Complies with Condition. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D as stated and written in the pre-construction meeting notes. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.095 - Minimum improvements—Public facilities and services.

The following minimum improvements shall be required of all applicants for a development, unless the decision-maker determines that any such improvement is not proportional to the impact imposed on the City's public systems and facilities:

A. Transportation System. Applicants and all subsequent lot owners shall be responsible for improving the City's planned level of service on all public streets, including alleys within the development and those portions of public streets adjacent to but only partially within development. Applicants are responsible for designing and providing adequate vehicular, bicycle and pedestrian access to their developments and for accommodating future access to neighboring undeveloped properties that are suitably zoned for future development. Storm drainage facilities shall be installed and connected to off-site natural or man-made drainageways. Upon completion of the street improvement survey, the applicant shall reestablish and protect monuments of the type required by ORS 92.060 in monument boxes with covers at every public street intersection and all

Received
MAR 27 2025
OWRD

points or curvature and points of tangency of their center line, and at such other points as directed by the City Engineer.

Finding: Private streets have been proposed to meet the transportation needs of the development. Modifications to city standards have been requested. See findings from 16.12.013 regarding proposed transportation system improvements.

B. Stormwater Drainage System. Applicants shall design and install drainage facilities within a development and shall connect the development's drainage system to the appropriate downstream storm drainage system as a minimum requirement for providing services to the applicant's development. The applicant shall obtain county or state approval when appropriate. Applicants are responsible for extending the appropriate storm drainage system to the development site and for providing for the connection of upgradient properties to that system. The applicant shall design the drainage facilities in accordance with city drainage master plan requirements, OCMC 13.12 and the public works stormwater and grading design standards.

Finding: Complies with Condition. All stormwater infrastructure within the development property shall be private. Confirm that no existing stormwater systems are connected to the sanitary sewer system and disconnect them from the sanitary sewer system as needed. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Sanitary Sewer System. The applicant shall design and install a sanitary sewer system to serve all lots or parcels within a development in accordance with the City's sanitary sewer design standards, and shall connect those lots or parcels to the City's sanitary sewer system, except where connection is required to the county sanitary sewer system as approved by the county. Applicants are responsible for extending the City's sanitary sewer system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development. The applicant shall obtain all required permits and approvals from all affected jurisdictions prior to final approval and prior to commencement of construction. Design shall be approved by the City Engineer before construction begins.

Finding: Complies with Condition.

The development does not propose new public streets within public rights of way and the city has no need for public sanitary sewer infrastructure within the development property to serve the public or any upstream developable properties. Also, the applicant has stated, "An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement." Therefore, sanitary sewer condition of approval for the master plan shall be as follows:

Existing sanitary sewer infrastructure within private property except an existing sanitary sewer manhole located at the northern most corner of the development property shall be private (to be owned and maintained by the property owner). The development shall provide a 20-foot-wide sanitary sewer easement for the sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main. The applicant has stated that all

sanitary sewer systems that previously connected to the existing storm system has been separated prior to application of this DDP. The development shall disconnect the stormwater system from the sanitary sewer system.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

D. Water System. The applicant shall design and install a water system to serve all lots or parcels within a development in accordance with the City public works water system design standards, and shall connect those lots or parcels to the City's water system. Applicants are responsible for extending the City's water system to the development site and through the applicant's property to allow for the future connection of neighboring undeveloped properties that are suitably zoned for future development.

Finding: Complies with Condition. The development has proposed a new water main through Water Avenue. City standards require hydrant lines come from the nearest water main whenever possible. The existing hydrant at Water Avenue will not meet this requirement if it is to remain. Other water infrastructure improvements are required from the master plan. The development shall perform the following water infrastructure improvements as part of this DDP:

- Abandon the PRV near OR 99E & Main Street.
- Abandon the existing hydrant at intersection of Water Street and OR 99E and associated hydrant main.
- Install fire hydrants to comply with Clackamas Fire District #1.
- Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained within the development property with the first DDP.
- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The size of the new public water main shall be as follows:
 - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
 - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

E. Street Trees. Refer to OCMC 12.08, Street Trees.

Finding: See findings from section 12.08.

F. Bench Marks. At least one bench mark shall be located within the subdivision boundaries using datum plane specified by the City Engineer.

Finding: Complies with Condition. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Received

MAR 27 2025

OWRD

G. Other Utilities. The applicant shall make all necessary arrangements with utility companies or other affected parties for the installation of underground lines and facilities. All new utilities shall be placed underground unless the respective franchise agreements allow otherwise or unless it is physically or technically impossible to comply with applicable standards. Existing electrical lines and other wires, including but not limited to telecommunication, street lighting and fiberoptic, shall be relocated underground.

1. Exemptions to relocation of existing overhead utilities to underground for property development as follows (Only one exemption criteria is required to be exempt from this requirement):

a. No transmission or feeder lines shall be relocated underground unless approved by the City Engineer.

b. Properties with less than one acre of land area shall not be required to relocate existing overhead utilities unless required by the franchise utility.

c. Properties with less than two hundred feet of frontage on any individual roadway shall not be required to relocate existing overhead utilities unless required by the franchise utility.

d. Land divisions with five or fewer subdivided lots shall not be required to relocate existing overhead utilities unless required by the franchise utility.

2. The exemptions in G.1. do not apply if properties within the same block were required to relocate the overhead utilities within the past ten years. In those cases, the existing overhead utilities shall be relocated underground.

3. When any franchise utility (electric, gas, telecommunication, fiberoptic, street lighting or similar utility) is installed along an existing or new roadway, the utility shall be installed within the existing or proposed public utility easement unless it is physically or technically impossible.

4. These requirements do not apply to work by a franchise utility for improvement, repair, alteration or addition to their existing systems.

Finding: Complies with Condition. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

H. Oversizing of Facilities. All facilities and improvements shall be designed to city standards as set out in the City's facility master plan, public works design standards, or other city ordinances or regulations. Compliance with facility design standards shall be addressed during final engineering. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The City may require oversizing of facilities to meet standards in the City's facility master plan or to allow for orderly and efficient development. Where oversizing is required, the applicant may request reimbursement from the City for oversizing based on the City's reimbursement policy and funds available or provide for recovery of costs from intervening properties as they develop.

Finding: See findings from 16.12.095 regarding oversizing of facilities.

I. Erosion Control Plan—Mitigation. The applicant shall be responsible for complying with all applicable provisions of OCMC 17.47 with regard to erosion control.

Finding: See findings from section 17.47 of this report

16.12.100 - Same—Road standards and requirements.

A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions and the applicable street design standards of this Chapter. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

- 1. The establishment of the public street is initiated by the City Commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;*
- 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.*

Finding: Not Applicable. The creation of a new public street is not proposed or required.

B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the Community Development Director and City Engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions.

Finding: Not Applicable. The applicant has not proposed the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions.

C. The design and construction of public streets shall be per the standards found in this chapter and the most recent version of any City Design and Construction Standards.

Finding: Complies with condition. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (Also written in 16.12.010). **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.105 - Same—Timing requirements.

A. Prior to applying for final plat approval, the applicant shall either complete construction of all public improvements required as part of the preliminary plat approval or guarantee the construction of those improvements. Whichever option the applicant elects shall be in accordance with OCMC 17.50.140.

Finding: See findings from OCMC 17.50.140 regarding timing of construction of improvements and guarantee for construction of improvements.

B. Construction. The applicant shall construct the public improvements according to approved final engineering plans and all applicable requirements of this Code, and under the supervision of

the City Engineer. Under this option, the improvement shall be complete and accepted by the City Engineer prior to final plat approval.

Finding: Not applicable. There is no final plat approval associated with this development.

16.12.110 -Public improvements—Financial guarantees.

A. To ensure construction of required public improvements, the applicant shall provide the City with a performance guarantee in accordance with OCMC 17.50.140.

Finding: Please see findings from Section 17.50.140 of this report.

B. After satisfactory completion of required public improvements and facilities, all public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period as prescribed in OCMC 17.50.141.

Finding: Please see findings from Section 17.50.141 of this report.

16.12.120 Waiver of Remonstrance

The review authority may require a property owner to sign a waiver of remonstrance against the formation of and participation in a local improvement district where it deems such a waiver necessary to provide needed improvements reasonably related to the impacts created by the proposed development. To ensure compliance with this chapter, the review authority may require an applicant to sign or accept a legal and enforceable covenant, contract, dedication, easement, performance guarantee, or other document, which shall be approved in form by the City Attorney.

Finding: Complies with Condition. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making water improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to platting occupancy. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

16.12.125 Violation—Penalty.

Any act or omission in violation of this chapter shall be deemed a nuisance. Violation of any provision of this chapter is subject to the code enforcement procedures of OCMC 1.16, 1.20 and 1.24.

CHAPTER 17.42 – FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.010 - Purpose—Findings.

A. There is established in the City a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the City's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.

B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

1. To protect human life and health;

To minimize expenditure of public money and costly flood control projects;

To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

2. To minimize prolonged business interruptions;

3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;

5. To ensure that potential buyers are notified that property is in an area of special flood hazard;

6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and

7. To protect flood management areas, which provide the following functions:

a. Protect life and property from dangers associated with flooding;

b. Flood storage, reduction of flood velocities, reduction of flood peak;

c. Flows and reduction of wind and wave impacts;

d. Maintain water quality by reducing and sorting sediment loads;

e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater; and

f. Provide plant and animal habitat, and support riparian ecosystems.

17.42.020 - Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the City. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

*1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to **Section 17.42.040** and the area of inundation for the February 1996 flood; and*

2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Applicable. Portions of the development contains land within the Floodplain Overlay Zone.

17.42.030 - Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for Clackamas County, Oregon and Incorporated Areas," dated June 17, 2008, with accompanying flood insurance maps is adopted by

reference and declared to be a part of this chapter. The flood insurance study is on file at the office of the City Recorder in the City Hall.

17.42.040 - Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of these floodplain regulations and other applicable regulations. Violations of the provisions of this chapter by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a civil infraction. Any person who violates this chapter or fails to comply with any of its requirements shall be subject to the enforcement procedures of this code per OCMC 1.20 Civil Infractions and 1.24 Code Enforcement. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy.

Finding: Complies as proposed. The proposed activities are in compliance with the terms of these floodplain regulations.

17.42.050 - Abrogation and interpretation.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. All provisions shall be considered as minimum requirements and liberally construed in favor of the governing body. Where this chapter and another section, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restriction shall prevail.

Finding: Applicable. The applicant has been made aware of this requirement.

17.42.060 - Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flooding damages. This chapter shall not create liability on the part of the City, any officer or employee thereof, or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

Finding: Applicable. The applicant has been provided this disclaimer.

17.42.070 - Severability.

The provisions of this chapter are severable. If any section, clause or phrase of this chapter is adjudged to be invalid by a court of competent jurisdiction, the decision of that court shall not affect the validity of the remaining portions of this chapter.

Finding: Applicable. The applicant has been made aware of this requirement.

17.42.080 - Administration.

This chapter establishes a flood management overlay district, which is delineated on the water quality and flood management areas map attached and incorporated by reference as a part of this document.

A. The following maps and studies are adopted and declared to be a part of this chapter. These maps are on file in the office of the City Recorder:

1. The Water Quality and Flood Management Areas Map, dated June 7, 1999;
2. The Federal Insurance Administration, Flood Insurance Rate Maps for Clackamas County, Oregon and Incorporated Areas dated June 17, 2008;

B. Applicants are required to provide the City with a delineation of the flood management areas on the subject property as part of any application. An application shall not be complete until this delineation is submitted to the City.

C. The City shall review the water quality and flood management areas maps during periodic review as required by ORS 197.633 (1997).

D. Development Permit.

1. A development permit shall be obtained before construction or development begins within any portion of the flood management overlay district. The permit shall be for all structures, including manufactured homes and all other development, including fill and other activities, as set forth in **Chapter 17.04** (Definitions).

2. Application for a development permit shall be made on forms furnished by the Community Development department. Requirements may include, but are not limited to: plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage materials, drainage facilities; and the location of the foregoing.

3. The following information is specifically required:

- a. Elevation in relation to mean sea level of the lowest floor (including basement) of all structures;
- b. Elevation in relation to mean sea level to which any structure has been floodproofed;
- c. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.42.170E.5.; and
- d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

Finding: Complies as proposed. The development has pursued development permit as required by this section of the Oregon City Municipal Code.

17.42.120 - Alteration of watercourses.

A. Notify adjacent communities and the department of land conservation and development prior to any alteration or relocation of a watercourse and submit evidence of such notification to the Federal Insurance Administration.

B. Require that maintenance is provided within the altered or relocated portion of the watercourse so that the flood-carrying capacity is not diminished.

Finding: Not applicable. Alteration of watercourses are not proposed.

17.42.140 - Appeals and variance procedure.

A. The purpose of this section is to ensure that compliance with this chapter does not cause unreasonable hardship. To avoid such instances, the requirements of this chapter may be varied. Variances are also allowed when strict application of this chapter would deprive an owner of all economically viable use of land.

B. This section applies to requests to vary from the standards of this chapter only. Requests to vary from other standards of this title shall be subject to the requirements of **Chapter 17.80**.

1. Variance applications made pursuant to this section shall follow the variance procedures outlined in **Chapter 17.50**.
2. In addition to the public notice requirements outlined in **Section 17.50.090**, Metro shall be notified within fourteen days of the City receiving an application to vary the requirements of this section and within fourteen days of a decision on the variance.
3. The requirements of **Section 17.60.020** (Variances—Grounds) do not apply to requests to vary from the standards of **Chapter 17.42**.
4. If an application to vary from the standards of **Chapter 17.42** is made in conjunction with an application to vary from other standards of this chapter, the variances may be processed as one application, provided the standards applicable to each variance requested must be met before the requested variance may be granted.

Finding: Not applicable. Appeals or variance are not requested.

C. Hardship Variance. Variances to avoid unreasonable hardship caused by the strict application of this chapter are permitted subject to the criteria set forth in this section. To vary from the requirements of this chapter, the applicant must demonstrate the following:

1. The variance is the minimum necessary to allow the proposed use or activity;

Finding: Not applicable. Appeals or variance are not requested.

2. The variance will not increase danger to life and property due to flooding or erosion;

Finding: Not applicable. Appeals or variance are not requested.

3. The impact of the increase in flood hazard which will result from the variance will not prevent the City from meeting the requirements of this chapter. In support of this criteria the applicant shall have a qualified professional engineer document the expected height, velocity and duration of floodwaters, and estimate the rate of increase in sediment transport of the floodwaters expected both downstream and upstream as a result of the variance;

Finding: Not applicable. Appeals or variance are not requested.

4. The variance will not increase the cost of providing and maintaining public services during and after flood conditions so as to unduly burden public agencies and taxpayers; and

Finding: Not applicable. Appeals or variance are not requested.

5. The proposed use complies with the standards of the base zone.

Finding: Not applicable. Appeals or variance are not requested.

D. The Planning Commission shall hear and decide appeals and requests for variances when it is alleged there is an error in any requirement, decision or determination made by the building official in the enforcement or administration of these regulations, or that enforcement of this district would result in exceptional hardship. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this title, and:

1. The danger that materials may be swept onto other lands to the injury of others;
2. The danger to life and property due to flooding or erosion damage;
3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. The importance of the services provided by the proposed facility to the community;
5. The necessity to the facility of a waterfront location, where applicable;
6. The availability of alternative locations for the proposed use, which are not subject to flooding or erosion damage;
7. The compatibility of the proposed use with existing and anticipated development;
8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. The safety of access to the property in times of flood for ordinary and emergency vehicles;
10. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
11. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, and streets and bridges.

E. Upon consideration of the factors listed in subsection D of this section and the purposes of this district, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to meet the purposes of this district.

F. The City Recorder shall maintain the records of all appeal actions and the Building Official shall report any granted variances to the Federal Insurance Administration upon request.

Finding: Not applicable. Appeals or variance are not requested.

17.42.150 - Conditions for variances.

The Planning Commission, pursuant to **Chapter 17.60**, may impose such conditions as are deemed necessary to limit any adverse impacts that may result from granting relief. If a variance is granted pursuant to **Section 17.42.140**, the variance shall be subject to the conditions set out in this section. In addition to other standards listed in **Section 17.42.160**, the following conditions must be met:

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register or identified as a locally designated historic structure and without regard to the procedures set forth in the remainder of this chapter.

Finding: Not applicable. Appeals or variance are not requested.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

Finding: Not applicable. Appeals or variance are not requested.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

Finding: Not applicable. Appeals or variance are not requested.

D. Variances shall only be issued upon a showing of good and sufficient cause.



Finding: Not applicable. Appeals or variance are not requested.

E. A determination that failure to grant the variance would result in exceptional hardship to the applicant.

Finding: Not applicable. Appeals or variance are not requested.

F. Variances as interpreted in the national flood insurance program are based on the general zoning law principle that they pertain to a physical piece or property; they are not personal in nature and do not pertain to the structure, its inhabitants, economic or financial circumstances. They primarily address small lots in densely populated residential neighborhoods. As such, variances from the flood elevations should be quite rare.

Finding: Not applicable. Appeals or variance are not requested.

G. Variances may be issued for nonresidential buildings in very limited circumstances to allow a lesser degree of floodproofing than watertight or dry-floodproofing, where it can be determined that such action will have low damage potential, complies with all other variance criteria as set forth in this chapter.

Finding: Not applicable. Appeals or variance are not requested.

H. A variance from the elevation standard may only be issued for new construction, and substantial improvements to be erected on a lot of one-half acre or less in size, that are to contiguous and surrounded by lots with existing structures constructed below the base flood level. As the lot size increases the technical justification required for issuing the variance increases.

Finding: Not applicable. Appeals or variance are not requested.

I. Variances shall not result in increased flood heights, additional threats to public safety, extraordinary public expenses, cause nuisances, cause fraud on or victimization of the public or conflict with existing laws or ordinances.

Finding: Not applicable. Appeals or variance are not requested.

J. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest flood elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Finding: Not applicable. Appeals or variance are not requested.

17.42.160 - Flood management area standards.

A. Uses Permitted Outright:

1. Excavation and fill required to plant any new trees or vegetation.
2. Restoration or enhancement of floodplains, riparian areas, wetland, upland and streams that meet federal and state standards provided that any restoration project which encroaches on the floodway complies with the requirements of Section 17.42.190 (Floodways).

Finding: Complies as proposed. Activities proposed that meet requirements of 17.42.160.A will be permitted outright.

B. Provisional Uses.

1. All uses allowed in the base zone or existing flood hazard overlay zone are allowed in the flood management overlay district subject to compliance with the development standards of this section.

Finding: Complies as proposed. Proposed use complies with base zone.

C. Prohibited Uses.

1. Any use prohibited in the base zone;

2. Uncontained areas of hazardous materials as defined by the Department of Environmental Quality.

Finding: Complies as conditioned. Areas of development may contain hazardous materials. The development shall confirm that construction is not proposed within areas of hazardous materials as defined by the Department of Environmental Quality.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

D. Site Development Standards. All development in the floodplain shall conform to the following balanced cut and fill standards:

1. This subsection does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies provided that, after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Not applicable. Proposed activities are not improvements in response to emergencies.

2. No net fill in any floodplain is allowed. All fill placed in a floodplain shall be balanced with at least an equal amount of soil material removed. For the purpose of calculating net fill, fill shall include any structure below the design flood elevation that has been floodproofed pursuant to subsection (E)(5) of this section.

Finding: Complies with condition. For construction proposed within the Floodplain Overlay Zone, the development shall provide cut and fill calculations to show proposed construction activities do not result in net fill. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. Any excavation below bank-full stage shall not count toward compensating for fill.

Finding: Not applicable. Excavation below bank-full stage is not proposed.

4. Excavation to balance a fill shall be located on the same parcel as the fill unless it is not practicable to do so. In such cases, the excavation shall be located in the same Oregon City floodplain, so long as the proposed excavation and fill will not increase flood impacts for surrounding properties as determined through hydrologic and hydraulic analysis.

Finding: Complies as proposed. The development only proposes excavation to balance fill on the development property.

Received

MAR 27 2025

OWRD

5. For excavated areas identified by the City to remain dry in the summer, such as parks or mowed areas, the lowest elevation of the excavated area shall be at least six inches above the winter "low water" elevation, and sloped at a minimum of two percent towards the protected water feature pursuant to Chapter 17.49. One percent slopes will be allowed in smaller areas.

Finding: Not applicable. Excavated areas are not identified by the City to remain dry in the summer.

6. For excavated areas identified by the City to remain wet in the summer, such as a constructed wetland, the grade shall be designed not to drain into the protected water feature pursuant to Chapter 17.49.

Finding: Not applicable. Excavated areas are not identified by the City to remain wet in the summer.

7. Parking areas in the floodplain shall be accompanied by signs that inform the public that the parking area is located in a flood management area and that care should be taken when the potential for flooding exists.

Finding: Not applicable. Parking areas are not proposed in the floodplain.

8. Temporary fills permitted during construction shall be removed at the end of construction, thirty days after subdivision acceptance or completion of the final inspection.

Finding: Not applicable. Temporary fill is not proposed within the floodplain.

9. New culverts, stream crossings and transportation projects shall be designed as balanced cut and fill projects or designed not to significantly raise the design flood elevation. Such projects shall be designed to minimize the area of fill in flood management areas and to minimize erosive velocities. Stream crossings shall be as close to perpendicular to the stream as practicable. Bridges shall be used instead of culverts wherever practicable.

Finding: Not applicable. No new culverts or stream crossings are proposed.

10. Excavation and fill required for the construction of detention facilities or structures, and other facilities, such as levees, specifically shall be designed to reduce or mitigate flood impacts and improve water quality. Levees shall not be used to create vacant buildable lands.

Finding: Complies as conditioned. The applicant did not specifically respond to this code section. Excavation and fill required for the construction of detention facilities or structures, shall be designed to reduce or mitigate flood impacts and improve water quality. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

E. Construction Standards.

1. Anchoring.

a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.

b. All manufactured homes must likewise be anchored to prevent flotation, collapse or lateral movements and shall be installed using methods and practices that minimize flood damage.

Anchoring methods may include, but are not limited to, use of over-the-top or frame ties to ground anchors (reference FEMA's "Manufactured Home Installation in Flood Hazard Areas" guidebooks for additional techniques).

Finding: No applicable. New building structures are not proposed with this DDP.

2. Construction Materials and Methods.

- a. All new construction, and substantial improvements, and substantial flood damage restoration for residential and non-residential buildings, including manufactured homes in subdivisions and manufactured home parks, subject to this Chapter shall follow this section.*
- b. All construction considered herein shall be constructed using methods and practices that minimize flood damage.*
- c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during conditions of flooding.*
- d. "Machinery and Equipment" (electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities), other than specially designed equipment, shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. Residential Machinery and Equipment shall be elevated to at least the base flood elevation plus one foot. Machinery and Equipment may be placed below the base flood elevation if floodproofed to the base flood elevation. Locating Machinery and Equipment below one foot above base flood elevation is permitted provided that the machinery and equipment is designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to the design flood elevation. Specially designed equipment (e.g. elevator components) may be located below one foot above base flood elevation.*

Finding: No applicable. New building structures are not proposed.

3. Utilities.

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.*
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.*
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.*

Finding: No applicable. New or replacement water supply, sanitary sewage systems are proposed within the floodplain.

4. Residential Construction

- a. New construction, and substantial improvements, and substantial flood damage restoration of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the design base flood elevation referred to as the design flood elevation.*
- b. Full enclosed areas below the lowest floor that are subject to flooding are prohibited unless they are designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria.*
 - i. A minimum of two openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.*

- ii. The bottom of all openings shall be no higher than one foot above grade.
- iii. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

C. *Manufactured Homes.* The following standards apply to all manufactured homes to be placed substantially improved or restored after substantial flood damage on sites within Flood Hazard Overlay District. When manufactured homes in a subdivision or mobile home park are installed in flood hazard areas, they shall be elevated such that the lowest finished floor is at least one foot above base flood elevation; and, anchored according to the Oregon Residential Specialty Code.

Finding: Not applicable. Construction of residential structures is not proposed.

5. *Nonresidential Construction.*

a. *New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above base flood elevation; or, together with attendant utility and sanitary facilities, shall:*

- i. *Be floodproofed so that below the design flood level the structure is watertight with walls substantially impermeable to the passage of water provided that the requirements of subsection D.2. of this section are met;*
- ii. *Have structured components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;*
- iii. *Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 17.42.110B.;*
- iv. *Nonresidential structures that are elevated, not floodproofed, must meet the same standards for space below the lowest floor as described in subsection E.4.b. of this section; and*
- v. *Applicants floodproofing nonresidential buildings shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level (e.g., a building constructed to the design flood level will be rated as one foot below that level).*

vi. *Manufactured Homes.* The following standards apply to all manufactured homes to be placed or substantially improved on sites within Flood Hazard Areas.

When manufactured dwellings are installed in flood hazard areas, they shall be elevated and anchored according to the Oregon Residential Specialty Code.

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

F. *Recreational Vehicles.* Recreational vehicles placed on sites within Zones A1-30, AH and AE as shown on the flood insurance rate map shall:

- 1. *Be on site for fewer than one hundred eighty consecutive days, and be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or*
- 2. *Meet the requirements of subsection E.6. of this section and the elevation and anchoring requirements for manufactured homes.*

Finding: Not applicable. Recreational vehicles are not proposed.

G. *Below Grade Crawlspaces.* Below grade crawlspaces are allowed subject to the following standards. It should be noted that there are potential increased charges to personal insurance costs for below grade crawlspaces.

Finding: Not applicable. Below grade crawlspaces are not proposed.

1. *The building shall be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Hydrostatic loads and effects of buoyancy can usually be addressed through the required openings stated in subsection 2. below. Because of hydrodynamic loads, crawlspace construction is not allowed in areas with flood velocities greater than five feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer. Other types of foundations are recommended for these areas.*

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

2. *The crawlspace is an enclosed area below the base flood elevation (BFE) and, as such, must have openings that equalize hydrostatic pressures by allowing the automatic entry and exit of floodwaters. The bottom of each flood vent opening can be no more than one foot above the lowest adjacent exterior grade.*

Finding: Not applicable. Crawlspaces are not proposed.

3. *Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawlspace used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE. The recommended construction practice is to elevate the bottom of joists and all insulation above BFE.*

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

4. *Any building utility systems within the crawlspace must be elevated above BFE or designed so that floodways cannot enter or accumulate within the system components during flood conditions. Ductwork, in particular, must either be placed above the BFE or sealed from floodwaters.*

Finding: No applicable. New building structures or improvement to existing building structures are not proposed.

5. *The interior grade of a crawlspace below the BFE must not be more than two feet below the lowest adjacent exterior grade.*

Finding: Not applicable. Crawlspaces are not proposed.

6. *The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed four feet at any point. The height limitations is the maximum allowable unsupported wall height according to the engineering analyses and building code requirements for flood hazard areas.*

Finding: Not applicable. Crawlspaces are not proposed.

7. *There must be an adequate drainage system that removes floodwaters from the interior area of the crawlspace. The enclosed area should be drained within a reasonable time after a flood event.*

The type of drainage system will vary because of the site gradient and other drainage characteristics, such as soil types. Possible options include natural drainage through porous, well-drained soils and drainage systems such as perforated pipes, drainage tiles or gravel or crushed stone drainage by gravity or mechanical means.

Finding: Not applicable. Crawlspace are not proposed.

8. The velocity of floodwaters at the site should not exceed five feet per second for any crawlspace. For areas with floodwater velocities in excess of five feet per second, below grade crawlspaces are prohibited.

Finding: Not applicable. Crawlspaces are not proposed.

17.42.170 - Review of building permits.

Where elevation data is not available either through the flood insurance study, FIRM or from another authoritative source (Section 17.42.110), application for building permits shall be reviewed to assure that proposed construction will be reasonably safe from flooding. The test of reasonableness shall be made by the building official, considering use of historical data, high water marks, photographs of past floodings, etc., where available, and the provisions of this title. Failure to elevate at least two feet above grade in these zones may result in higher insurance rates.

Finding: Not applicable. Elevation data is available.

17.42.180 - Subdivision standards.

A. Subdivision Proposals.

1. All subdivision proposals shall be consistent with the need to minimize flood damage.

Finding: Not applicable. The development is not proposing a subdivision.

2. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize or eliminate flood damage.

Finding: Not applicable. The development is not proposing a subdivision.

3. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

Finding: Not applicable. The development is not proposing a subdivision.

4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).

Finding: Not applicable. The development is not proposing a subdivision.

5. All structures and site grading developed or conducted in conjunction with a subdivision proposal shall comply with Section 17.42.160, flood management area standards.

Finding: Not applicable. The development is not proposing a subdivision.

B. The purpose of this section is to allow density accruing to portions of a property within the flood management overlay district to be transferred outside the overlay district.

1. Density transfers shall be allowed if the applicant demonstrates compliance with the following standards:

a. The density transfer is proposed as part of a subdivision.

b. Minimum density standards will not increase due to the density transfers.

c. The area of land contained in a flood management area may be excluded from the calculations for determining compliance with minimum density requirements of the zoning code.

Finding: Not applicable. The development is not proposing a subdivision. Density transfers are not proposed.

17.42.190 - Floodways.

Located within areas of special flood hazard established in Section 17.42.030 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

A. Encroachments, including fill, new construction, substantial improvements and other development shall be prohibited unless certification by a registered professional engineer or architect is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

Finding: Not applicable. Encroachments are not proposed.

B. If subsection A of this section is satisfied, all new construction and substantial improvements shall comply with all applicable flood management area standards of Sections 17.42.160 through 17.42.190.

Finding: Not applicable. Encroachments are not proposed.

C. Below-grade crawlspace construction is allowed in the floodplain in accordance with the Oregon Residential Specialty Code and the Oregon State Structural Specialty Code as adopted by local building code.

Finding: Not applicable. Below-grade crawl space construction is not proposed. Only rehabilitation of an existing stormwater swale.

D. In areas where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Finding: Not applicable. Development is not proposed within Zones A1-30 and AE.

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.025 - When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Applicable. The development property contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone.

17.44.030 - Procedures.

No building or site development permit or other authorization for development shall be issued until the plans and other documents required by this chapter have been reviewed and found by the review authority to comply with the requirements of this chapter.

Where the development is part of an application that otherwise requires a Type III procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type III review.

Where the development is part of an application that otherwise requires a Type II procedure, review shall occur in the manner established in Chapter 17.50 for a consolidated Type II review.

For any other proposed development not otherwise subject to review as part of a development proposal that requires land use review, review shall occur in the manner established in Chapter 17.50 for a Type II procedure.

Finding: Complies with Condition. This application meets Criteria A as the development is part of a general land use application. The developer shall obtain a city-issued permits before the commencement of any filling or grading activities. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.035 - Exemptions.

The following activities, and persons engaging in same, are EXEMPT from the provisions of this chapter.

A. An excavation which is less than two feet in depth, or which involves less than twenty-five cubic yards of volume;

B. A fill which does not exceed two feet in depth or which includes less than twenty-five cubic yards of volume;

C. A combined cut and fill that does not involve more than twenty-five cubic yards of volume.

Received

MAR 27 2025

OWRD

14634 -

D. Installation, new construction, addition or structural alteration of any existing structure of less than five hundred square feet in building footprint that does not involve grading as defined in this chapter;

E. Installation, construction, reconstruction, or replacement of public and private utility lines in the hardscape portion of the city right-of-way, existing utility crossings, existing basalt lined drainage channels, or public easement, not including electric substations;

F. Tree removal on slopes twenty-five percent or greater where canopy area removal is less than twenty-five percent of the portion of the lot which contains twenty-five percent or greater slopes. For the purpose of this chapter, "tree" shall be as defined in OCMC 17.04.1315.

G. The removal or control of noxious vegetation;

H. Emergency actions which must be undertaken immediately to prevent an imminent threat to public health or safety, or prevent imminent danger to public or private property. The person undertaking emergency action shall notify the building official on all regulated activities associated with any building permit or City Engineer/Public Works Director on all others within one working day following the commencement of the emergency activity. If the City Engineer/Public Works Director or building official determine that the action or part of the action taken is beyond the scope of allowed emergency action, enforcement action may be taken.

Finding: Not Applicable. The application does not meet any of the criteria for an exemption to the geologic hazard code 17.44.

17.44.050 - Development - Application Requirements and Review Procedures and Approvals.

Except as provided by subsection C. of this section, an application for a geologic hazards overlay review shall include the following:

A. A geological assessment and geotechnical report that specifically includes, but is not limited to:

1. Comprehensive information and data regarding the nature and distribution of underlying geology, the physical and chemical properties of existing soils and groundwater; an opinion of site geologic stability, and conclusions regarding the effect of geologic conditions on the proposed development. In addition to any field reconnaissance or subsurface investigation performed for the site, the following resources, as a minimum, shall be reviewed to obtain this information and data:

a. The State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area;

b. Portland State University study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992);

c. Portland State University study, "Landslides in the Portland, Oregon, Metropolitan Area Resulting from the Storm of February 1996: Inventory Map, Database and Evaluation" (Burns and others, 1998);

d. DOGAMI Open File Report O-06-27, "Map of Landslide Geomorphology of Oregon City, Oregon, and Vicinity Interpreted from LIDAR Imagery and Aerial Photographs" (Madin and Burns, 2006);

e. "Preliminary Geologic Map of the Oregon City Quadrangle, Clackamas County, Oregon" (Madin, in press);

f. Landslide Hazards Land Use Guide for Oregon Communities (October 2019), prepared by the State of Oregon Department of Geology and Mineral Industries (DOGAMI) and the Oregon Department of Land Conservation and Development (DLCD);

Received
MAR 27 2025
OWRD

g. *Landslide hazard and risk study of northwestern Clackamas County, Oregon: Oregon Department of Geology and Mineral Industries, Open-File Report O-13-08, 74 map plates; Burns, W.J., Mickelson, K.A., Jones, C.B., Pickner, S.G., Hughes, K.L., Sleeter, R., 2013.*

h. *Mapped landslide data shall be from the city's maps as a minimum but may be supplemented with maps from items a through f above.*

Finding: Complies with Condition. The geotechnical report submitted with the application does not document review of the above publications and does not address geologic stability. A revised geotechnical report shall be submitted that reviews relevant publications from 17.44.050 and provides an opinion of site geologic stability, and incorporates the review findings and opinions into their conclusions regarding the effect of geologic conditions on the proposed development. This principally applies to the geologic hazard zone and buffer along proposed Water Street. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable, that the applicant can meet this standard through the Conditions of Approval.**

2. *Information and recommendations regarding existing local drainage, proposed permit activity impacts on local drainage, and mitigation to address adverse impacts;*

Finding: Complies with Condition. The geotechnical report submitted with the application does not consider local drainage or the impact of proposed activities on local drainage. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.2 regarding local drainage or the impact of proposed activities on local drainage. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. *Comprehensive information about site topography;*

Finding: Complies with Condition. The geotechnical report submitted with the application does not provide information on the steep slopes along the northwest edge of the site, near Water Street. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.3. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

4. *Opinion as to the adequacy of the proposed development from an engineering standpoint;*

Finding: Complies with Condition. The geotechnical report submitted with the application did not state whether the proposed development is adequate. A revised geotechnical report shall be submitted that provides this opinion, as required by Section 17.44.050.A.4. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Received

MAR 27 2025

14634 - OWRD

5. *Opinion as to the extent that instability on adjacent properties may adversely affect the project;*

Finding: Complies with Condition. The geotechnical report submitted with the application did not provide an opinion on the extent that instability on adjacent properties may adversely affect the project, in particular, the cliffs along the northwest side of the site, near Water Street. A revised geotechnical report shall be submitted that provides this opinion, as required by Section 17.44.050.A.5. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

6. *Description of the field investigation and findings, including logs of subsurface conditions and laboratory testing results;*

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.6; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

7. *Conclusions regarding the effect of geologic conditions on the proposed development, tree removal, or grading activity;*

Finding: Complies as Proposed. The application has provided all of the information listed in 17.44.050.A.7; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

8. *Specific requirements and recommendations for plan modification, corrective grading, and special techniques and systems to facilitate a safe and stable site;*

Finding: Complies with Condition. The geotechnical report submitted with the application did not provide requirements or recommendations to facilitate a safe or stable site relative to the steep slope along the northwest side of the site, near Water Street. A revised geotechnical report shall be submitted that provides these requirements or recommendations, if any, as required by Section 17.44.050.A.8. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

9. *Recommendations and types of considerations as appropriate for the type of proposed development:*

- a. *General earthwork considerations, including recommendations for temporary and permanent cut and fill slopes and placement of structural fill;*
- b. *Location of residence on lot;*
- c. *Building setbacks from slopes;*
- d. *Erosion control techniques applicable to the site;*
- e. *Surface drainage control to mitigate existing and potential geologic hazards;*
- f. *Subsurface and/or management of groundwater seepage;*
- g. *Foundations;*

Received

MAR 27 2025

OWRD

- h. Embedded/retaining walls;*
- i. Management of surface water and irrigation water; and*
- j. Impact of the development on the slope stability of the lot and the adjacent properties.*
- k. Construction phasing and implementation schedule as it relates to foundation excavation, allowance for stockpiles, imported backfill, site subsurface drainage or dewatering, provision for off season site protections;*
- l. Stormwater management; and*
- m. Construction methods.*

Finding: Complies with Condition. The applicant has provided most of the applicable information listed in 17.44.050.A.9; however, the geotechnical report submitted with the application did not address geologic hazards related to the steep slope along the northwest side of the site, near Water Street, if any. A revised geotechnical report shall be submitted that provides additional recommendations related to geologic hazards, if any, as required by Section 17.44.050.A.9. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

10. Scaled drawings that describe topography and proposed site work, including:

- a. Natural physical features, topography at two or ten-foot contour intervals locations of all test excavations or borings, watercourses both perennial and intermittent, ravines and all existing and man-made structures or features all fully dimensioned, trees six-inch caliper or greater measured four feet from ground level, rock outcroppings and drainage facilities;*
- b. All of the features and detail required for the site plan above, but reflecting preliminary finished grades and indicating in cubic yards whether and to what extent there will be a net increase or loss of soil.*
- c. A cross-section diagram, indicating depth, extent and approximate volume of all excavation and fills.*

Finding: Complies as Proposed. The application has provided sufficient information listed in 17.44.050.A.10 for this site; however, detailed review of the report will occur as part of the permit review and revisions may be requested.

11. For properties greater than one acre and any property that has any portion of its property existing within a mapped landslide, where the activity is not exempted by 17.44.35, a preliminary hydrology report, prepared by a suitably qualified and experienced hydrology expert, addressing the effect upon the watershed in which the proposed development is located; the effect upon the immediate area's stormwater drainage pattern of flow, the impact of the proposed development upon downstream areas and upon wetlands and water resources; and the effect upon the groundwater supply.

Finding: Complies as proposed. The proposal shows the majority of the existing surface to be impervious and all stormwater captured directly discharges to the Willamette River. A hydrology report is not required.

B. Review Procedures and Approvals require the following:
1. Examination to ensure that:

- a. Required application requirements are completed;*
- b. Geologic assessment and geotechnical report procedures and assumptions are generally accepted; and*
- c. All conclusions and recommendations are supported and reasonable.*

Finding: Complies with Condition. The applicant has met the requirements of Section 17.44.050.B.1, for the information submitted; however, some information associated with geologic hazards related to the steep slope along the northwest side of the site, near Water Street, was not provided. A revised geotechnical report shall be submitted that meets the requirements of this section for any additional geologic hazards information submitted, if any, as required by Section 17.44.050.B.1. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

2. Conclusions and recommendations stated in an approved assessment or report shall then be directly incorporated as permit conditions or provide the basis for conditions of approval for the regulated activity.

Finding: Complies with Condition. The applicant has provided most of the applicable information listed in 17.44.050.B.2; however, the geotechnical report submitted with the application did not address geologic hazards related to the steep slope along the northwest side of the site, near Water Street, if any. A revised geotechnical report shall be submitted that provides additional conclusions and recommendations related to geologic hazards, if any, and which will be incorporated as permit conditions or conditions of approval, as required by Section 17.44.050.B.2. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

3. All geologic assessments and geotechnical reports shall be reviewed by an engineer certified for expertise in geology or geologic engineering and geotechnical engineering, respectively, as determined by the City. The City will prepare a list of prequalified consultants for this purpose. The cost of review by independent review shall be paid by the applicant.

Finding: Complies with Condition. A geotechnical engineer provides consultation services to the City. The geotechnical consultant provide review of all geologic assessments and geotechnical reports for the City. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. The City Engineer may waive one or more requirements of subsections A and B of this section if the City Engineer determines that site conditions, size or type or development of grading requirements do not warrant such detailed information. If one or more requirements are waived, the City Engineer shall, in the staff report or decision, identify the waived provision(s), explain the reasons for the waiver, and state that the waiver may be challenged on appeal and may be denied by a subsequent review authority.

Finding: Not Applicable. The City Engineer has not waived any of the requirements as all requirements apply to this application.

17.44.060 Development Standards.

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter. Requirements of this chapter are in addition to other provision of the Oregon City Municipal Code. Where provision of this chapter conflict with other provision of the Oregon City Municipal Code, the provisions that are more restrictive of regulated development activity shall govern.

A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

Finding: Complies as Proposed. Proposed development sufficiently avoids unnecessary ground and vegetation disturbance.

B. All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. "Land disturbance" is defined as any movement of earth, placement of earth, or movement of heavy trucks on earth, not including the right-of-way. Erosion control measures shall be installed and functional prior to any disturbances. Erosion control measures shall also be functioning and in a winterized stable condition once all land disturbance work has ceased for the year. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 30), based upon weather conditions and the recommendation and direction of the project's geotechnical engineer. The City Engineer may use the expertise of a city contracted geotechnical consultant to make the decision to allow any work before May 1 or after October 31. The City Engineer has full authority to not allow any extension of work before May 1 or after October 31. In no case shall the applicant be allowed to begin work before May 1 or complete work after October 31 if the average monthly rainfall in any individual month between September and April is exceeded.

Finding: Complies with Condition. Grading, drainage improvements or other land disturbances within mapped geologic hazard areas and buffers shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

C. Designs shall minimize the number and size of cuts and fills.

Finding: Complies as proposed. The site is relatively flat and cuts and fills are only proposed as necessary to construct the roadways and utilities.

D. Cut and fill slopes greater than seven feet in height (as measured vertically) shall be terraced. Faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut and fill slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut or fill slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

Finding: Complies as proposed. The project does not include any areas where these cut and fill criteria are triggered.

E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter. The structural fill design must be provided prior to any fill being placed onsite. The structural fill design must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Complies with Condition. The geotechnical report has provided structural fill design recommendations. Upon conclusion of construction, the geotechnical engineer shall provide a summary letter confirming that all structural fill was constructed in accordance with their design and the provisions of 17.44.060.E. The letter shall be signed and stamped by the geotechnical engineer licensed in the State of Oregon. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

F. Retaining walls shall be constructed in accordance with the Oregon Structural Specialty Code adopted by the State of Oregon.

- 1. Retaining walls that are four feet or greater in height, tiered walls with a total height four feet or greater, and walls on slopes steeper than 2:1 must be designed by a professional engineer licensed in the State of Oregon which includes a stamped and signed set of plans.*
- 2. The construction of the wall must be inspected by the professional engineer responsible for the design and must be certified prior to the structure receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.*
- 3. All retaining walls required to be designed by a professional engineer shall be reviewed by the City, when expertise exists on staff, or by the City's consultant. When reviewed by the City's consultant, the applicant shall reimburse the City for time spent by the City's consultant to review the design.*

Finding: Complies as proposed. No retaining walls are proposed for this project.

G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the City's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

Finding: Complies as Proposed. The road proposed meets the standards in OCMC 16.12 and have been minimized providing proper drainage control.

H. Density shall be determined as follows:

1. Slope

a. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district, unless further limited by the following code section;

b. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

c. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection I 4 of this section.

2. Existing landslide (as shown in the Geologic Hazard Overlay Zone)

a. For those areas with historic landslides where the structure or ground disturbance will be located within any portion of the mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;

Finding: Not applicable. The development has not proposed residential properties within the Geologic Hazard Overlay Zone.

I. For properties with slopes of twenty-five to thirty-five percent between grade breaks or are located within any portion of a mapped landslide and buffer zone:

1. For those portions of the property with slopes of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;

2. An individual lot or parcel with slopes between twenty-five and thirty-five percent or located within any portion of a mapped landslide and buffer zone, shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.

3. No cut into a slope of twenty-five to thirty-five percent or located within any portion of a mapped landslide and buffer zone, for the placement of a housing unit shall exceed a maximum vertical height of fifteen feet for the individual lot or parcel.

4. For those portions of the property with slopes over thirty-five percent between grade breaks:

a. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

Received

MAR 27 2025

14634 - OWRD

b. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.

Finding: Complies as Proposed. Roads and utilities are located outside of areas of slopes.

J. The geotechnical engineer of record shall review final grading, drainage, and foundation plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report.

Finding: Complies with Condition. The geotechnical engineer of record shall review final grading and drainage plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

K. At the City's discretion, peer review shall be required for the geotechnical evaluation/investigation report submitted for the development and/or lot plans. The peer reviewer shall be selected by the City. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permit.

Finding: Complies with condition. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

L. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the City's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur.

Finding: Complies with Condition. A prequalified geotechnical engineer provides consultation services to the City. The geotechnical consultant provide review of all geologic assessments and geotechnical reports for the City. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. (Also written in section 17.44.050.B.3) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.070 - Access to Property.

A. Shared private driveways may be required if the City Engineer or principal planner determines that their use will result in safer location of the driveway and lesser amounts of land coverage than would result if separate private driveways are used.

B. Innovations in driveway design and road construction shall be permitted in order to keep grading and cuts or fills to a minimum and to achieve the purpose and policy of this chapter.

C. Points of access to arterials and collectors shall be minimized.

Received

MAR 27 2025

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D. The City Engineer or principal planner shall verify that adequate emergency services can be provided to the site.

Finding: Not applicable. Shared private driveways are not required by the City Engineer.

17.44.080 - Utilities.

All new utilities (storm sewer, sanitary sewer, potable water, and gas), both on-site and off-site, shall be placed underground and under roadbeds where practicable. All other service utilities (including, but not limited to, electric, telephone, telecom, cable, fiberoptic) shall be placed above ground on existing poles if poles exist. If no poles exist, the service lines shall be placed underground. Every effort shall be made to minimize the impact of utility construction. Underground utilities require the geologic hazards permitting and review prescribed herein when applicable.

Finding: Complies with Condition. All new service utilities are proposed to be underground and under roadbeds. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.090 - Stormwater Drainage.

The applicant shall submit a permanent and complete stormwater control plan. The program shall include, but not be limited to the following items as appropriate: Curbs, gutters, inlets, catch basins, detention facilities and stabilized outfalls. Detention facilities shall be designed to city standards as set out in the City's drainage master plan and design standards. The review authority may impose conditions to ensure that waters are drained from the development so as to limit degradation of water quality consistent with Oregon City's Title III section of the Oregon City Municipal Code Chapter 17.49 and the Oregon City Stormwater and Grading Design Standards or other adopted standards subsequently adopted by the City Commission. The review authority may also impose conditions to limit the volume, velocity, or flow rate of water such that it does not negatively impact the underlying drainageway cross section. Drainage design shall be approved by the City Engineer before construction, including grading or other soil disturbance, has begun.

A geotechnical report must include analysis and solutions for infiltration facilities located in areas where these facilities could impact nearby slopes of greater than ten percent. Infiltration shall be minimized as practicable for any site located within a geologic hazard overlay. Infiltration is not allowed for any site located in areas greater than twenty-five percent.

The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer prior to receiving temporary occupancy. The certification must contain the stamp and signature of a professional engineer licensed in the state of Oregon.

Finding: Complies with Condition. See findings from 13.12 regarding requirements for the development to meet the Oregon City Stormwater and Grading Design Standards. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and

Received

14634 - MAR 27 2025

OWNED

geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

17.44.100 - Construction Standards.

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.

Finding: Complies as proposed. The applicant proposes to minimize vegetation removal and soil disturbance. Detailed review of construction plans will occur as part of the permit review and revisions may be requested to ensure this standard is met.

B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the City Engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the City Engineer as part of the City's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.

Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance No. 99-1013). Erosion control measures shall be in place at all times during construction to the maximum extent practicable.

Finding: Complies with Condition. See 15.48 regarding city requirements for grading. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval**

C. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.

Finding: Not applicable. Vegetation disturbance is not proposed.

D. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.

Finding: Not applicable. Vegetation disturbance is not proposed.

E. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts. The City, at its discretion, is not required to but may request the examination and assessment by other State agencies to determine if impacts are acceptable.

Finding: Complies as Proposed. No watercourses exist within the site proposed in the application.

F. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the City Engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the City may order work to be stopped.

Finding: Complies with condition. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (also written in findings from 17.44.060.B) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

G. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

Finding: Complies as Proposed. No proposed lots have building envelopes with slopes of 35% or greater.

H. The applicant's geotechnical engineer shall provide special inspection during construction to confirm that the subsurface conditions and assumptions made as part of their geotechnical evaluation/investigation are appropriate. This will allow for timely design changes if site conditions are encountered that are different from those anticipated. Inspection is required on a daily basis for any day that earth disturbance is occurring or after any rainfall event of one-half inch or greater.

Finding: Complies with Condition. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during earthworks construction activities. The geotechnical engineer shall provide reports to confirm that standards from Section 17.44.100 are met. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

I. Prior to issuing an occupancy permit, the geotechnical engineer shall prepare a summary letter stating that the soils- and foundation-related project elements were accomplished in substantial conformance with their recommendations. The summary letter must contain the stamp and signature of a professional engineer licensed in the State of Oregon.

Finding: Complies with Condition. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.110 - Approval of development.

The City Engineer shall review the application and verify, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. If, in the City Engineer's opinion, a particular development poses such a hazard, the City Engineer shall recommend to the review authority permit conditions designed to reduce or eliminate the hazard. These conditions may include, but are not limited to, prohibitions on construction activities between November 1st and April 30th.

Finding: Applicable. City Engineer has reviewed the application and verified, based on the applicant's materials and the land use record, whether the proposed development constitutes a hazard to life, property, natural resources or public facilities. Permit conditions have been written within this document designed to reduce or eliminate the hazard per the recommendations of the City's geotechnical consultant. A condition of approval prohibits construction activities between November 1st and April 30th.

17.44.120 - Liability.

Approval of an application for development on land subject to this chapter shall not imply any liability on the part of the City for any subsequent damage due to earth slides. Prior to the issuance of a building permit, a waiver of damages and an indemnity and hold harmless agreement shall be required which releases the City from all liability for any damages resulting from the development approved by the City's decision. The indemnity and hold harmless agreement shall be recorded on the property and run with the property.

Finding: Complies with Condition. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development prior to start of construction. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.44.130 - Compliance.

Nothing contained in this chapter shall relieve the developer of the duty to comply with any other provision of law. In the case of a conflict, the more restrictive regulation shall apply.

Finding: Applicable. This is requirement standard across all development.

17.44.140 - Appeal.

The review authority's decision may be appealed in the manner set forth in Chapter 17.50.

CHAPTER 17.47 – EROSION AND SEDIMENT CONTROL

17.47.030 - Applicability.

Received
MAR 27 2025

A. This chapter, which may also be referred to as "erosion control" in this Code, applies to development that may cause visible or measurable erosion on any property within the City limits of Oregon City.

B. This chapter does not apply to work necessary to protect, repair, maintain or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to emergencies, provided that after the emergency has passed, adverse impacts are mitigated in accordance with applicable standards.

Finding: Applicable. The application disturbs more than 1,000 square feet of earth; therefore, erosion and sediment control standards shall be followed.

17.47.060 - Permit required.

The applicant must obtain an erosion and sediment control permit prior to, or contemporaneous with, the approval of an application for any building, land use or other City-issued permit that may cause visible or measurable erosion.

Finding: Complies with condition. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.070 - Erosion and sediment control plans.

A. *An application for an erosion and sediment control permit shall include an erosion and sediment control plan, which contains methods and interim measures to be used during and following construction to prevent or control erosion prepared in compliance with City of Oregon City public works standards for erosion and sediment control. These standards are incorporated herein and made a part of this title and are on file in the office of the City recorder.*

B. *Approval Standards. An erosion and sediment control plan shall be approved only upon making the following findings:*

- 1. The erosion and sediment control plan meets the requirements of the City of Oregon City public works standards for erosion and sediment control incorporated by reference as part of this chapter;*
- 2. The erosion and sediment control plan indicates that erosion and sediment control measures will be managed and maintained during and following development. The erosion and sediment control plan indicates that erosion and sediment control measures will remain in place until disturbed soil areas are permanently stabilized by landscaping, grass, approved mulch or other permanent soil stabilizing measures.*

C. *The erosion and sediment control plan shall be reviewed in conjunction with the requested development approval. If the development does not require additional review, the manager may approve or deny the permit with notice of the decision to the applicant.*

D. *The City may inspect the development site to determine compliance with the erosion and sediment control plan and permit.*

E. *Erosion that occurs on a development site that does not have an erosion and sediment control permit, or that results from a failure to comply with the terms of such a permit, constitutes a violation of this chapter.*

F. *If the manager finds that the facilities and techniques approved in an erosion and sediment control plan and permit are not sufficient to prevent erosion, the manager shall notify the owner or his/her designated representative. Upon receiving notice, the owner or his/her designated representative shall immediately install interim erosion and sediment control measures as*

specified in the City of Oregon City public works standards for erosion and sediment control. Within three days from the date of notice, the owner or his/her designated representative shall submit a revised erosion and sediment control plan to the City. Upon approval of the revised plan and issuance of an amended permit, the owner or his/her designated representative shall immediately implement the revised plan.

G. Approval of an erosion and sediment control plan does not constitute an approval of permanent road or drainage design (e.g., size and location of roads, pipes, restrictors, channels, retention facilities, utilities, etc.).

Finding: Complies with condition. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (Also written in 17.44) **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.47.080 - Plan implementation.

An approved erosion control and sediment control plan shall be implemented and maintained as follows:

A. *Plan approval, where required, shall be obtained prior to clearing or grading. No grading, clearing or excavation of land requiring a plan shall be undertaken prior to approval of the plan.*

B. *The erosion and sediment control facilities shall be constructed prior to any clearing and grading activities, and maintained in such a manner as to ensure that sediment laden water does not enter the drainage system or violate applicable water standards.*

C. *The implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities is the responsibility of the owner or his/her designated representative until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.*

D. *The erosion and sediment control facilities herein are the minimum requirements for anticipated site conditions. During the construction period, these erosion and sediment control facilities shall be upgraded as needed for unexpected storm events and to ensure that sediment-laden water does not leave the site.*

E. *Any observation of visible or measurable erosion, or an observation of more than a ten-percent increase in downstream channel turbidities, will result in an enforcement action by the City.*

F. *The owner or his/her designated representative shall implement the measures and construct facilities as provided for and according to the implementation schedule in the approved plan. The manager shall be allowed reasonable access to the development site for inspection purposes.*

Finding: Applicable. Plan approval is required be obtained per chapter 16.12. The Oregon City Erosion Control Officer ensures that the development will comply with the City's Erosion and Sediment Control Standards. The Oregon City Erosion Control Officer will access the development site and perform inspections to ensure compliance prior to any clearing and grading activities are permitted. The Oregon City Erosion Control Officer ensures implementation of an erosion and sediment control plan and the construction, maintenance, replacement, and upgrading of erosion and sediment control facilities. The Oregon City Erosion Control Officer may issue a Stop Work Order if the owner or his/her designated representative fails to implement and maintain the approved erosion control and sediment control plan until all construction is completed and approved, and vegetation, landscaping or approved finished surfaces is established.

17.47.090 - Plan performance guarantee and security.

After the plan is approved by the manager and prior to construction or grading, the owner shall provide a financial guarantee. Erosion and sediment control shall be included in the cost estimate for the primary project, such as land division or site plan, and included in that project's performance guarantee.

Finding: See findings in Section 17.50.140.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.050 – Pre-application conference.

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.

- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
- 2. 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.*
- 3. 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 pre-application conference.*

Finding: Complies as Proposed. The applicant held a pre-application conference (PA 24-17) for this proposal on June 26, 2024

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall

Received
MAR 27 2025
14634 -
OWRD

schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.

C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. The applicant met with the Two Rivers Neighborhood Association on July 11, 2024

17.50.070 Completeness review and one hundred twenty-day rule.

A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.

B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:

- 1. All the missing information;*
- 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
- 3. Written notice from the applicant that none of the missing information will be provided.*

Received
MAR 27 2025
OWRD

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.
2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.
3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.

4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:

1. The project includes five or more residential units, including assisted living facilities or group homes;
2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and
3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies, the application was deemed complete on December 9, 2024. The 120-day decision date for this application is April 8, 2024

17.50.080 Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

A. One copy of a completed application form that includes the following information:

1. An accurate address and tax map and location of all properties that are the subject of the application;

2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A complete and detailed narrative description of the proposed development;
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II—IV applications, the following is required:
 1. An electronic copy of all materials.
 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
 3. Documentation indicating there are no liens favoring the City on the subject site.
 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
 5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);
- I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies the application was deemed complete on December 9, 2024.

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

- 1. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;*
- 3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;*
- 4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;*
- 5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;*

6. *The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;*
7. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.*

Finding: Complies. A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. *The time, date and location of the public hearing;*
2. *Street address or other easily understood location of the subject property and city-assigned planning file number;*
3. *A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*
4. *A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
5. *A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;*
6. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
7. *A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
8. *The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and

that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

A. Form of Guarantee. Guarantees shall be in a form approved by the City attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.

B. Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.

1. After Final Approved Design by the City. The City may request the permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.

2. Before Complete Design Approval and Established Engineered Cost Estimate. The City may request a permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.

C. Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the

permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.

D. *Fee-in-lieu.* When conditions of approval or the City engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City attorney.

Finding: Complies with condition. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. The City engineer has not allowed the permittee to provide a fee-in-lieu of actual construction of public improvements. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

A. *Duration of Warranty.* Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.

B. *Financial Guarantee.* Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.

C. *Amount of Warranty.* The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two-year maintenance period), and shall be supported by a verified engineering estimate and approved by the City engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.

D. *Transfer of Maintenance.* The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City engineer before acceptance of

maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two-year warranty period.

Finding: Complies with condition. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in City approved construction plans shall be upon completion of construction. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Received
MAR 27 2025
OWRD

CHAPTER 12.08 – PUBLIC AND STREET TREES

12.08.015 - Street tree selection, planting and maintenance requirements.

All development shall provide street trees adjacent to all street frontages. Species and locations of trees shall be selected based upon vision clearance requirements but shall in all cases be selected from the Oregon City Street Tree List, an approved street tree list for a jurisdiction in the Metropolitan region or be approved by a certified arborist unless otherwise approved pursuant to this section. If a setback sidewalk has already been constructed or the public works department determines that the forthcoming street design shall include a setback sidewalk, then all street trees shall be installed with a planting strip or within tree-wells. If existing street design includes a curb-tight sidewalk, then all street trees shall be placed according to OCMC 12.08.035.C.

A. One street tree shall be planted for every thirty-five feet of property frontage. The tree spacing shall be evenly distributed throughout the total development frontage to meet the clearance distances required in subsection B below. The Community Development Director may approve an alternative street tree plan or accept fee-in-lieu of planting pursuant to OCMC 12.08.035, if site or other constraints prevent meeting the required total number of tree plantings.

B. The following clearance distances shall be maintained when planting trees:

- 1. Fifteen feet from street lights;*
- 2. Five feet from fire hydrants;*
- 3. Twenty feet from intersections;*
- 4. Five feet from all public utilities (i.e. sewer, storm and water lines, utility meters, etc.).*

C. All street trees planted in conjunction with development shall be a minimum of two inches in caliper at six inches above the root crown and installed to City specifications. Larger caliper size trees may be approved if recommended by a certified arborist or registered landscape architect.

D. All established trees shall be pruned tight to the trunk to a height that provides adequate clearance for street cleaning equipment and ensures ADA complaint clearance for pedestrians.

E. All trees planted within the right-of-way shall be planted with root barriers at least eighteen inches in depth adjacent to the sidewalk and curb to ensure proper root growth and reduce potential damage to sidewalks, curbs and gutters.

F. All trees planted beneath powerlines shall be selected based on what is appropriate for the location. In addition, the tree species shall be approved by the associated franchise powerline utility company.

G. Tree species, spacing and selection for stormwater facilities in the public right-of-way and in storm water facilities shall conform to requirements of OCMC 13.12 and the adopted stormwater and grading design standards and be approved by the City engineer.

Received

MAR 27 2025

14634 -  OWRD

H. Any public or street trees planted within the natural resource overlay district shall conform to the applicable requirements of OCMC 17.49, Natural Resources Overlay District (NROD).

Finding: Complies with Condition. The applicant has proposed a street tree plan that exceeds the minimum spacing requirements of one street tree for every 35 feet of frontage. Prior to project final, the applicant must demonstrate that the as built tree planting plan complies with the minimum requirement of one street tree for every 35 feet of improved street frontage. The locations of the street trees may be adjusted based on the placement of streetlights, utility meters, and other factors. Alternatively, the applicant may opt to pay a fee in lieu of planting in accordance with OCMC 12.08 if site constraints or other issues prevent meeting the required total number of minimum tree plantings.

Received
MAR 27 2025
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12.08.035 - Tree removal and replacement.

Existing street trees, trees in the right-of-way, and trees on public property shall be retained and protected during development unless removal is specified as part of a land use approval or in conjunction with a public capital improvement project, in accordance with OCMC 17.41. Tree removal shall be mitigated by the following:

A. A dead, diseased, or hazardous street tree, as determined by a registered arborist and approved by the City Manager or designee, may be removed if replaced with one (1) new tree for each dead, diseased or hazardous tree that is removed.

1. Hazardous trees which have raised the adjacent sidewalk in a manner which does not comply with the Americans with Disabilities Act may be removed and replaced without a report from a Certified arborist, as defined in OCMC 17.04.082.

2. All replacement trees under this section shall have a minimum one and one half (1.5) inch caliper trunk measured six (6) inches about the root crown.

B. Removed trees that were not determined to be dead, diseased, or hazardous shall be replaced in accordance with Table 12.08.035. All replaced street trees shall have a minimum one and one-half-inch (1.5 inch) caliper trunk measured six (6) inches above the root crown.

Table 12.08.035

Replacement Schedule for Trees Determined to be Dead, Diseased or Hazardous by a Certified Arborist		Replacement Schedule for Trees Not Determined to be Dead, Diseased or Hazardous by a Certified Arborist	
Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted	Diameter of tree to be Removed (Inches of diameter at 4-ft. height)	Number of Replacement Trees to be Planted
Any Diameter	1 Tree	Less than 6"	1 Tree
		6" to 12"	2 Trees
		13" to 18"	3 Trees
		19" to 24"	4 Trees
		25" to 30"	5 Trees
		31" and over	8 Trees

C. Removed trees shall be replaced by approved species:

1. Within the right-of-way abutting the same frontage; and
2. Subject to the requirements under OCMC 12.08.015.

Received
MAR 27 2025
14634 - OWRD

D. If an applicant can demonstrate to the satisfaction of the City Manager or designee that a sufficient location to replant tree(s) according to section C is not available, the City Manager or designee may allow:

1. Installation of replacement tree(s) in one of the following alternative locations
 - a. Within the right-of-way abutting another property, with abutting property owner approval, or
 - b. On public property, with City Manager or designee approval, or
 - c. Within 10 feet of the right of way in the abutting private yard; or
2. As a last resort, a fee in lieu of replacing the tree(s), subject to the following:
 - a. The applicant must demonstrate to the satisfaction of the City Manager or designee that none of the alternative replanting option in section D.1 is sufficient for replanting.
 - b. Is to be placed into a City fund dedicated to obtaining trees, planting trees and/or tree education in Oregon City.

E. Exceptions:

1. Trees that are listed as invasive non-native, nuisance, prohibited, or noxious vegetation species, as defined in OCMC 17.04.605, may be removed without replacement or fee in lieu of replacement.
2. Trees in planter strips three (3) feet or less in width may be removed without replacement or fee in lieu of replacement.

Finding: Complies. Any street tree removal proposed is reviewed in accordance with OCMC 17.41.

Chapter 17.41 TREE PROTECTION, PRESERVATION, REMOVAL AND REPLANTING STANDARDS

17.41.020 - Tree protection—Applicability.

- A. Applications for development subject to OCMC 16.08 (Land Divisions) or OCMC 17.62 (Site Plan and Design Review) shall demonstrate compliance with these standards as part of the review proceedings for those developments. Compliance with this chapter is required from the date a land use application is filed until a land division is recorded or other development approval is final.
- B. For public capital improvement projects, the city engineer shall demonstrate compliance with these standards pursuant to a Type I process.
- C. Tree canopy removal greater than twenty-five percent on areas with greater than twenty-five percent slope, unless exempted under OCMC 17.41.040, shall be subject to these standards.
- D. A heritage tree or grove which has been designated pursuant to the procedures of OCMC 12.32 shall be subject to the standards of this section.
- E. A tree that has been planted pursuant to this section shall remain or shall be replaced with a new tree if removed

Finding: Complies. No trees 6-inch diameter or greater are located within the project area. The requirements of this chapter are met.

CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.020 - Permitted uses.

U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

Received

MAR 27 2025

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CHAPTER 17.36 MIXED USE DOWNTOWN

17.34.020 - Permitted uses.

T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;

Finding: Complies. Private Street /public and private entities are all permitted uses in both districts.

Received

MAY 27 2025

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CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT**17.49.010 Purpose.**

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. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.*
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.*
- C. Protect upland habitats and enhance connections between upland and riparian habitat.*
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.*
- E. Conserve scenic, recreational, and educational values of significant natural resources.*

The NROD ecological functions listed above are planned for integration with existing neighborhoods, new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

17.49.070 - Prohibited uses.

The following development and activities are not allowed within the NROD:

- A. Any new gardens, lawns, structures, development, other than those allowed outright (exempted) by the NROD or that is part of a regulated use that is approved under prescribed conditions. Note: Gardens and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to continue but cannot expand further into the overlay district.*
- B. New lots that would have their buildable areas for new development within the NROD are prohibited.*
- C. The dumping of materials of any kind is prohibited except for placement of fill as provided in subsection D. below. The outside storage of materials of any kind is prohibited unless they existed before the overlay district was applied to a subject property. Uncontained areas of hazardous*

materials as defined by the Oregon Department of Environmental Quality (ORS 466.005) are also prohibited.

D. Grading, the placement of fill in amounts greater than ten cubic yards, or any other activity that results in the removal of more than ten percent of the existing native vegetation on any lot within the NROD is prohibited, unless part of an approved development activity.

Finding: Complies- No prohibited uses are being proposed with this application

17.49.080 - Uses allowed outright (exempted).

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

A. Stream, wetland, riparian, and upland restoration or enhancement projects as authorized by the City.

B. Farming practices as defined in ORS 215.203 and farm uses, excluding buildings and structures, as defined in ORS 215.203.

C. Utility service using a single utility pole.

D. Boundary and topographic surveys leaving no cut scars greater than three inches in diameter on live parts of native plants listed in the Oregon City Native Plant List.

E. Soil tests, borings, test pits, monitor well installations, and other minor excavations necessary for

geotechnical, geological or environmental investigation, provided that disturbed areas are restored to pre-existing conditions as approved by the Community Development Director.

F. Trails meeting all of the following:

1. Construction shall take place between May 1 and October 30 with hand held equipment;

2. Widths shall not exceed forty-eight inches and trail grade shall not exceed twenty percent;

3. Construction shall leave no scars greater than three inches in diameter on live parts of native plants;

4. Located no closer than twenty-five feet to a wetland or the top of banks of a perennial stream, or no closer than ten feet of an intermittent stream;

5. No impervious surfaces; and

6. No native trees greater than one-inch in diameter may be removed or cut, unless replaced with an equal number of native trees of at least two-inch diameter and planted within ten feet of the trail.

G. Land divisions provided they meet the following standards, and indicate the following on the final plat:

1. Lots shall have their building sites (or buildable areas) entirely located at least five feet from the NROD boundary shown on the City's adopted NROD map. For the purpose of this subparagraph, "building site" means an area of at least three thousand five hundred square feet with minimum dimensions of forty feet wide by forty feet deep;

2. All public and private utilities (including water lines, sewer lines or drain fields, and stormwater disposal facilities) are located outside the NROD;

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MAR 27 2025

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3. Impervious streets, driveways and parking areas shall be located at least ten feet from the NROD; and
4. The NROD portions of all lots are protected by:
- a. A conservation easement; or
 - b. A lot or tract created and dedicated solely for unimproved open space or conservation purposes.

H. Site plan and design review applications where all new construction is located outside of the NROD boundary shown on the City's adopted NROD map, and the NROD area is protected by a conservation easement approved in form by the City.

I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.

J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.

K. Measures approved by the City of Oregon City to remove or abate nuisances or hazardous conditions.

L. Tree Removal. The Community Development Director may permit the removal of any tree determined to be a dead, hazardous, or diseased tree as defined in OCMC 17.04. Any tree that is removed in accordance with this subsection L shall be replaced with a new tree of at least one-half-inch caliper or at least six-foot overall height. An exception to this requirement may be granted if the applicant demonstrates that a replacement tree has already been planted in anticipation of tree removal, or if the existing site conditions otherwise preclude tree replacement (due to existing dense canopy coverage or other ecological reasons).

The replacement tree(s) shall be located in the general vicinity of the removed tree(s), somewhere within NROD on the property. The replacement tree(s) shall be identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland). The property owner shall ensure that the replacement tree(s) survives at least two years beyond the date of its planting.

M. Planting of native vegetation and the removal of non-native, invasive vegetation (as identified on the Oregon City Native Plant List or other locally adopted plant list (e.g. Metro or Portland), or as recommended by an environmental professional with experience and academic credentials in one or more natural resource areas such as ecology, arboriculture, horticulture, wildlife biology, botany, hydrology or forestry), and removal of refuse and fill, provided that:

1. All work is done using hand-held equipment;
2. No existing native vegetation is disturbed or removed; and
3. All work occurs outside of wetlands and the top-of-bank of streams.

N. Activities in which no more than one hundred square feet of ground surface is disturbed outside of the bank-full stage of water bodies and where the disturbed area is restored to the pre-construction conditions, notwithstanding that disturbed areas that are predominantly covered with invasive species shall be required to remove the invasive species from the disturbance area and plant trees and native plants pursuant to this chapter.

O. New fences meeting all of the following:

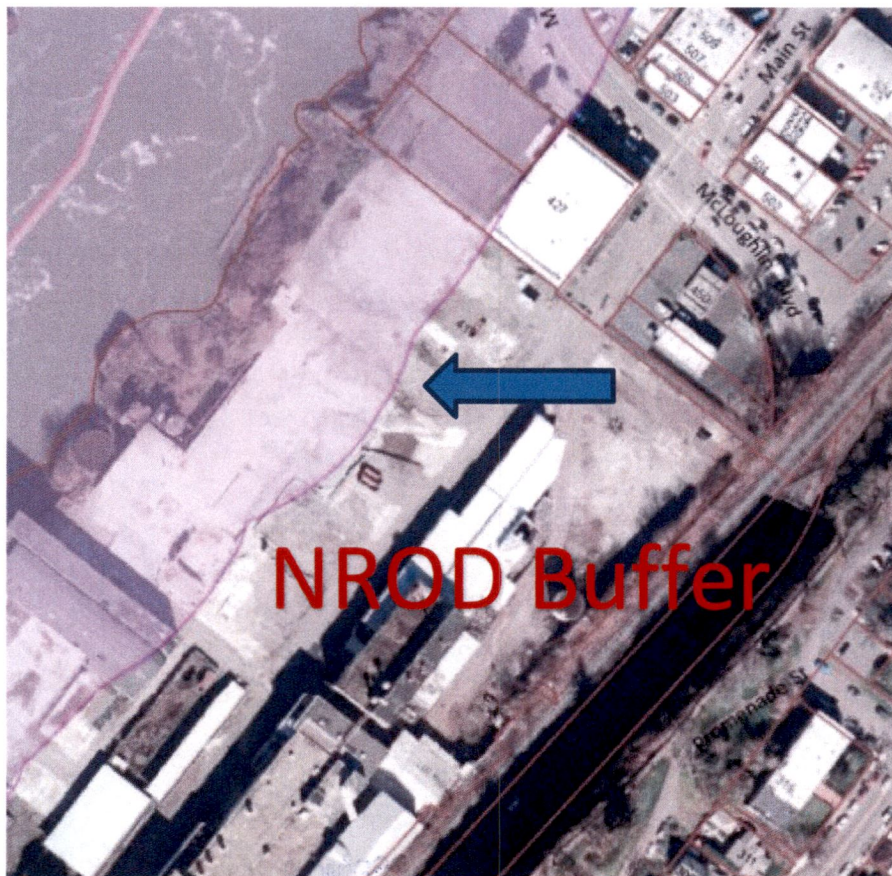
1. No taller than three and a half feet and of split rail or similar open design;

Received
MAR 27 2025
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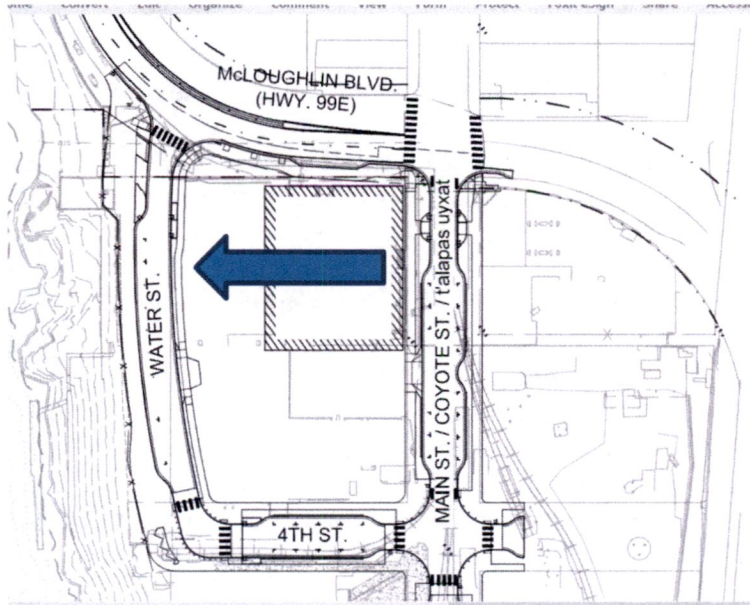
2. Two feet width on both sides of fence shall be planted or seeded with native grasses, shrubs, herbs, or trees to cover any bare ground;
3. Six inches of clearance from ground level;
4. Fence posts shall be placed outside the top-of-bank of streams and outside of delineated wetlands.

P. Gardens, fences and lawns within the NROD that existed prior to the time the overlay district was applied to a subject property are allowed to be maintained but cannot expand further into the overlay district.

Finding: Complies: OCMC 17.49.080.J, exempts development from NROD permits development “where ground level impervious surface area is not increased.” Streets within tumwata village, and all other development areas where structures and other activities will be located, is entirely impervious surface. This is the result of more than a century of urban development, most recently for heavy industrial uses. Nearly every developed square foot of the site is either paved, covered by a building. Because the site is built on top of a basalt shelf, even those areas without buildings or paving are impervious. Consequently, impervious surface area is not increased due to the proposal for new streets, and this development is exempt.



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MAR 27 2025
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Road locations are on existing surfaces

Chapter 17.62 - SITE PLAN AND DESIGN REVIEW

17.62.030 - When required.

Site plan and design review shall be required for all development of real property in all zones except the low and medium density residential districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses, cluster housing developments, multi-family uses, manufactured home parks, and nonresidential uses in all zones. Site plan and design review does not apply to activities occurring within the right-of-way except for communication facilities pursuant to OCMC 17.80.

Finding: Complies. The applicant proposes constructing private streets on private property ahead of any building development. Because construction is occurring onsite, the streets are subject to the Site Plan and Design Review chapter. However, Sections 17.62.055, 17.62.056, 17.62.057, 17.62.065, and 17.62.085 are related to building construction and are not applicable to this application.

The remainder of the review criteria are in Chapters 12, 13, and 16. Findings relevant to these sections can be found earlier in the staff report.

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MAR 27 2025
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CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Master Plan located at 419 Main Street, 450 Main Street, 427 Main Street, Oregon City, OR 97045 , Clackamas County Tax Map 2-2E-31BD-00100, 200, 300, 500, 600, 390 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval of Planning Files GLUA-24-00027: MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

- Exhibit 1 Applicant's Narrative
- Exhibit 1 A. Drawing Set
- Exhibit 1 B. Transportation Report
- Exhibit 1 C. Utility Report
- Exhibit 1 D. 10-Structure Study
- Exhibit 1 E. Conditions of Approval Table
- Exhibit 1 F. Fencing Standards
- Exhibit 1 G. Material Palette
- Exhibit 1 H. FAR Analysis
- Exhibit 1 I. Flood Zone Analysis
- Exhibit 1 J. Vision 2.0
- Exhibit 1 L. Neighborhood Association Meeting Notes
- Exhibit 1 M. DDP Drawing Set
- Exhibit 1 N. DDP Street Sections
- Exhibit 1 O. DDP Vicinity Map
- Exhibit 2 January 15, 2025 Memo from Carrie Richter, Deputy City Attorney
- Exhibit 3 Conditions of Approval Matrix– City Response
- Exhibit 4 Plan Sheet 9 (Transportation Network) -Revised
- Exhibit 5 Public Comment
 - a) Neelam Dorman, Planning Manager- ODOT Region 1
 - b) Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025
 - c) Jim Nicita
 - i) **January 13, 2025, Planning Commission Meeting**
 - ii) Reference to Exhibit 6
 - d) July 11, 2024 Two Rivers Neighborhood Association Meeting Minutes
- Exhibit 6 ORD 14-10016 Adopting CP 14-02

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MAR 27 2025

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TYPE III NOTICE OF DECISION

Date of Decision: January 28, 2025 | Date of Mailing: January 27, 2025

FILE NUMBER: **GLUA-24-00027: MAS-24-00002** (Master Plan Revision to CP 14-02) **MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001** (Detailed Development Plan to build street network)

APPLICANT: Confederated Tribes of the Grand Ronde Community of Oregon
Kristen Svicarovich, P.E., Community Development Manager
9615 Grand Ronde Road
Grand Ronde OR, 97317

Application Submitted:
10/23/2024
Application PAID:
11/04/2024
Application Incomplete:
11/27/2024
Application Complete:
12/09/2024
120-Day Decision Deadline:
04/08/2025

OWNER: Confederated Tribes of the Grand Ronde Community of Oregon
c/o Stacia Hernandez
9615 Grand Ronde Road
Grand Ronde OR, 97317

REQUEST: Proposed Master Plan Amendment to CP 14-02 to create a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon. No specific building projects are proposed in this application. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.

LOCATION: 419 Main Street, 450 Main Street, 427 Main Street
2-2E-31BD-00100, 200, 300, 500, 600, 390

ZONING: Willamette Falls Downtown District, Mixed-Use Downtown

DECISION: On January 27, 2025, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted 4-0-1 to approve the application, file numbers **GLUA-24-00027: MAS-24-00002, MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001** for the reasons outlined in the January 17, 2025 Staff Report and January 27, 2025 staff presentation.

PROCESS: *Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the Applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only*

those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CONDITIONS OF APPROVAL

MASTER PLAN

Planning File GLUA-24-00027: MAS-24-00002

1. This Amended Master Plan adopts the refined Framework Plan and is implemented through the following conditions of approval. The following conditions replace CP 14-02 Conditions of Approval.
2. Per OCMC 17.65.020.A, Unless further amended and extended by the Planning Commission, this Master Plan Amendment shall control development on the site until December 31, 2045. Future DDP applications are to be processed as Type I or II review as directed by the Oregon City Municipal Code, and the applicant may choose to use either the 2024 code adopted at the time of the Master Plan Amendment submittal or the current code.
3. Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements that follow the alignments shown schematically on Sheet 9 (Transportation Network- Revised). Easements will be provided concurrent with future Detailed Development Plan applications at the locations identified as "future pedestrian routes" (dashed blue line). The intent and long-term goal of continuous access to and along the river is satisfied by public easements and, over time, development by public or private entities. Sufficient route planning in DDP applications insures continuous pedestrian access along the river can be accomplished. An easement will be applied to each completed section at the time of the DDP Approval, granting that final route locations may vary to account for site grading.
 - a. Each DDP submittal shall indicate what portion, if any, of the pedestrian network shown on Sheet 9 will be constructed. The submittal shall show an up-to-date route map to ensure that the long-term goal of continuous pedestrian access along the river can be accomplished on site.
 - b. Each DDP phase requires public access easements in the area of proposed development along "future pedestrian routes" consistent with the revised plan sheet 9 (Transportation Network) in Exhibit A of the GDP submittal.
 - c. Areas of Main Street south of 3rd Street to the future Canemah Trail will be designed as a shared-use path, at a minimum. Identified future pedestrian routes on proposed streets are required to be constructed at the time of any development over 500 square feet on abutting lots, to the extent practicable.
 - d. Public access is not required on open space areas identified for habitat restoration.
4. The applicant shall show construction of a publicly accessible open space area that is a minimum of 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment approved in the GDP, the property will include a total of 40,000 square feet of open/public space, which shall include active and passive uses with prominent views of *walamt* and/or *tumwata*. As part of the detailed

development review for this open space, the applicant will develop a long-term maintenance and operation plan to ensure that the publicly accessible open space can be maintained.

5. To address the expansion of private/public open space on Block 3 of the Framework Plan Map (indicated in yellow), a new open space area is proposed. At the time of development of over 1000 square feet on Block 3, A minimum 2,500 square foot open space shall be provided south of any new building, towards the falls. This open space may be a mix of active and passive uses and will be physically connected to the adjacent riverfront pedestrian public access. This shall be in addition to the open space requirements of the Condition 4 above.
6. The site is located within a Mixed Use Multi-Modal area, adopted through ORD14-1015, all future development will be reviewed for impacts to safety in this area and not be subject to review of the development on the capacity of the system.
7. The tumwata village Framework Plan acknowledges that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site will be retained. All other structures and elements may be removed through a Type I Demolition review. Any revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site require a Type III Master Plan Amendment.
8. Before engaging in any grading or form of site disturbance, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action and as recommended by SHPO, could include archeological monitoring during times of site disturbance.
9. The property owner shall provide public access easements and a maintenance plan for all streets proposed with each DDP.
10. Oregon City and ODOT have agreed on the following transportation improvements along OR 99E:
 - a. Project "a" was fulfilled prior to this land use application.
 - b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
 - c. Channelized right turn lane or raised median at the intersection of Water Avenue and OR 99E to prevent left turn maneuvers; reinforce right-in, right-out access to Water Avenue.
11. Oregon City will assure design and construction of the following projects:
 - a. Project "a" was fulfilled prior to this land use application.
 - b. Design of and right of way acquisition for Project "b" will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of Project "b" which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site. Compliance with this condition will occur when either the project is completed, and any outstanding items are bonded, or grant funds have been authorized to construct the improvement

- through a publicly funded project.
- c. Project “c” will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
 - i. At the time of Riverwalk construction adjacent to Water Avenue.
 - ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan.
 - iii. Once development on the site has surpassed 140 peak hour trips.
12. If Oregon City or ODOT determines as part of a future detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to \$60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.
13. The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If, at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the land use application submittal of a Detailed Development plan. The latest Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.
14. Future Detailed Development Plans (DDPs) are encouraged to use the Oregon City Transportation Demand Management (TDM) tools described in the approved 2017 Oregon City Transportation Demand Management Plan. The success of public access onsite will be through the use of a combination of public and private TDM tools and projects that will fundamentally reside outside of any specific detailed development plan. The applicant, city, and downtown interests are encouraged to continue collaborating on a TDM approach to bringing visitors to and from the downtown area, including the subject site.
15. The pedestrian bridge project connecting the Promenade to 99E has been added to the City’s Transportation System Plan via the “Willamette Falls Legacy Project (CP 14- 02) amendment to the TSP.” Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. The applicant shall ensure that all future DDPs integrate any bridge planning location efforts into their plans, as the specific site landing location has yet to be finalized.
16. Boundaries for both the compatibility area and the Greenway setback are shown on Map 07 of the applicant’s submittal. New development within the Willamette River Greenway is presumed to meet the compatibility review standards of OCMC 17.48.100.B if a) the development is located outside the Greenway Setback, or b) the development provides restoration and a shared-use path between the development and the river to be determined as part of future DDP reviews. Compatibility review requirements are pre-emptively satisfied when development is consistent with the approved Framework Plan, and no additional Type III

review is required. Protection of the Greenway Setback and consistency with the Framework Plan under this condition will be confirmed through a future Type II detailed development plan review.

17. Minimum FAR of 1.0 (defined in OCMC 17.34.080) shall be maintained for the developable areas on the site, based on a methodology provided in Appendix H of the Applicant's submittal. Proposed development will follow this long-term plan for future build out. Compliance will be verified as part of the DDP process.
18. The street system, as proposed and approved in the Master Plan, shall be considered street frontage for the purpose of siting standards in OCMC 17.62 Site Plan and Design Review. Building setbacks shall be measured from the back of the sidewalk (or curb if no sidewalk) along private streets. Small revisions to the street system can be approved through the DDP process if they substantially comply with the Master Plan.
19. To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the Framework Plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.
20. All future development must reference and demonstrate compliance with the fencing standards outlined in Exhibit F of the applicant's submission. Items not covered in Exhibit F shall be consistent with the applicable municipal code provisions unless modified through an amendment to the Master Plan or obtaining an individual Variance or Modification as permitted by the code.
21. Parking areas in Block 5 & 6 shall be reviewed under OCMC 17.52 Off Street Parking and Loading Standards at the DDP level. Requirements for inground landscaping are waived for these blocks due to the existing lack of soil and plans for the future parking garage. Landscaping requirements may be met through a combination of above-ground planting, including trees through the alternative landscape plan process, as part of a future Type II DDP review.
22. Reference to street names in any conditions is based on names as referenced in the submitted Framework Plan. Street names may be amended or added over time outside of the land use process and should be cross-referenced to names in the adopted revised Framework Plan during any DDP submittal.
23. The Design Palette (Exhibit G) and Vision 2.0 (Exhibit J) from the applicant's submittal were provided to explain the broader vision for tumwata village, which serves as the foundation for approving the amended master plan. However, the details in these two documents, which were not created as clear and objective approval criteria, should be regarded as background documents, and compliance with them is not a requirement for any future Detailed Development Plan (DDP).
24. Future DDP applications proposing construction within the Flood Management Overlay District shall conform with Chapter 17.42 of the Oregon City Municipal Code. A final balanced cut and fill determination or plan shall be completed at the conclusion of the master plan. Each DDP shall track the status of cut and fill within each phase of development and, if not balanced, show how cut and fill will be balanced. DDP conditions will be added, when applicable, to

ensure that balance cut and fill will be achieved within the 20-year timeline of the Master Plan.

25. Water infrastructure will be built over time, and future DDP improvements shall include the following elements:

- Abandon the “pressure reducing valve (PRV)” near OR 99E & Main Street with the first DDP.
- Install fire hydrants to comply with Clackamas Fire District #1 based on the level of development with each DDP.
- Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained within the development property with the first DDP.
- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The length of water main to be replaced shall be determined with each DDP. The size of the new public water main shall be as follows:
 - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
 - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.
- Coordinate installation of a 10-inch water main over OR 99E with construction of a new pedestrian bridge over OR 99E from the Promenade to the development property. (DS)

26. All stormwater infrastructure within the development property shall be private.

27. Existing sanitary sewer infrastructure within private property, except an existing sanitary sewer manhole located at the northernmost corner of the development property, shall be private (to be owned and maintained by the property owner).

DETAILED DEVELOPMENT PLAN- STREET NETWORK

Planning File GLUA-24-00027: MAS-24-00010, NROD-24-00030, GEO-24-00006, WRG-24-00001

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

The applicant shall fulfill the following conditions through design prior to receiving a permit and beginning construction.

1. The development plans shall comply with all current Oregon City Public Works design standards, specifications, codes, and policies prior to receiving a permit and beginning construction. (DS)
2. Facility or right-of-way improvements under jurisdiction of Oregon Department of Transportation (ODOT) shall be reviewed and approved by ODOT before issuance of construction permits. (DS)
3. The developer shall submit or address all items in section 16.12.014 of the Oregon City Municipal Code based on the timing requirements contained therein and as deemed applicable by the City. (DS)
4. All pedestrian crossings, existing and proposed, fronting the development, shall have curb ramps which comply with Americans with Disabilities Act (ADA) for each direction of travel. Approved curb ramp design(s) will need to be included on engineering plans following proper engineering technical standards prior to receiving a permit and beginning construction. (DS)
5. Any street furniture, appurtenances or landscaping which create potential obstructions shall be located outside of right-of-way or public roadways easements and shall follow OCMC 10.32. (DS)
6. The development shall coordinate with ODOT to satisfy the following GDP condition of approval:

C.Channelized right turn lane or raised median at the intersection of Water Avenue and OR 99E to prevent left turn maneuvers; reinforce right-in, right-out access to Water Avenue.
7. The property owner shall provide public access easements and a maintenance plan for streets proposed. (DS)
8. The proposed shared accessway shall be lighted to a minimum level of one-half-foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one. A photometric plan shall be provided. (DS)
9. All accessways intended for public use shall comply with ADA. (DS)
10. The applicant shall provide streetlights along public rights-of-way in conformance with all City standards, specifications, codes, and policies and as approved by Portland General Electric (PGE). The applicant shall submit a photometric plan for review and approval. (DS)
11. The development shall provide an Access and Water Supply Plan to Clackamas Fire District No. 1 for review. (DS)

12. The development shall perform the following water infrastructure improvements as part of this DDP:

- Abandon the pressure reducing valve (PRV) near OR 99E & Main Street.
- Abandon the existing hydrant at intersection of Water Street and OR 99E and associated hydrant main.
- Install fire hydrants to comply with Clackamas Fire District #1.
- Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained within the development property with the first DDP.
- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The size of the new public water main shall be as follows:
 - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
 - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.

13. The engineering plans shall provide a local benchmark, onsite, using the NAVD88 datum prior to receiving a permit and beginning construction. (DS)

14. New franchise utilities shall be placed underground and all existing overhead utilities adjacent to the property frontage shall be relocated underground unless deemed infeasible by the City and franchise utility provider. (DS)

15. The developer shall obtain a city-issued permits before the commencement of any filling or grading activities. This condition may be met when the City approves construction plans and geotechnical reports that include all construction activities associated with the proposed development. (DS)

16. A revised geotechnical report shall be submitted that reviews relevant publications from OCMC 17.44.050 and provides an opinion of site geologic stability, and incorporates the review findings and opinions into their conclusions regarding the effect of geologic conditions on the proposed development. This principally applies to the geologic hazard zone and buffer along proposed Water Street. (DS)

17. A revised geotechnical report shall be submitted that provides the information and recommendations required by Section 17.44.050.A.2 regarding local drainage or the impact of proposed activities on local drainage. (DS)

18. A revised geotechnical report shall be submitted that provides the information and recommendations required by OCMC Section 17.44.050.A.3, 17.44.050.A.4, 17.44.050.A.5, 17.44.050.A.8, 17.44.050.A.9, 17.44.050.B.1 and 17.44.050.B.2. (DS)

19. Costs associated with geologic hazard review of the land use application by the City's geotechnical engineer shall be paid by the developer. (DS)

20. Grading, drainage improvements or other land disturbances within mapped geologic hazard areas and buffers shall be restricted to between May 1 and October 31, unless extended by the City Engineer consistent with OCMC 17.44. The developer shall submit a work schedule which has been reviewed and approved by a licensed geotechnical engineer with regard to the viability of completing necessary project goals within the aforementioned time period. Erosion control

measures and temporary protective fencing around all trees and vegetation designed for protection shall be installed prior to the commencement of grading or other soil disturbance. Erosion control measures shall be in conformance with OCMC Chapter 17.47. (DS)

21. The geotechnical engineer of record shall review final grading and drainage plans and specifications and confirm in writing that they are in conformance with the recommendations provided in their report. (DS)
22. The applicant's geotechnical engineer shall respond to written comments provided by the City's peer reviewer prior to issuance of building permits. (DS)
23. The placement of existing utilities underground within areas of geologic hazard shall be reviewed and approved by the City. (DS)
24. The developer's geotechnical consultant shall review the drainage design for the project so that it does not negatively impact the underlying drainageway cross section and certify that the design is consistent with the conclusions and recommendations stated in their geologic assessment and geotechnical report. The project's civil or geotechnical engineer shall inspect any stormwater management feature and must certify that the stormwater management feature was constructed per plan and with the recommendations of the geotechnical engineer. (DS)
25. Erosion and sediment control plans shall be submitted for review and approval by the City prior to issuance of an erosion and sediment control permit. (DS)
26. A City issued erosion and sediment control permit shall be obtained prior to commencement of any earth disturbing activities. (DS)
27. The applicant shall submit a request to the Community Development Department to receive approval for new street names. Street names shall be provided on the approved plans, and street signs shall be provided for review of the City prior to installation. (DS)
28. Street name signs and traffic control devices shall be in conformance with MUTCD. (DS)
29. A Performance Guarantee which is equal to 120% of the estimated cost for construction of public improvements as shown in City approved construction plans shall be provided prior to receiving a permit and beginning construction. The estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The guarantee shall be in a form identified in Code 17.50.140.A of the Oregon City Municipal Code. The guarantee shall remain in effect until the construction of all required improvements are completed and accepted by the City. (DS)
30. The developer shall submit waiver of damages, indemnity and hold harmless agreement completed by all owners of property disturbed by the development prior to start of construction. (DS)
31. The development shall confirm that construction is not proposed within areas identified to contain hazardous materials as defined by the Department of Environmental Quality. (DS)
32. For construction proposed within the Floodplain Overlay Zone, the development shall provide cut and fill calculations to show proposed construction activities do not result in net fill. (DS)
33. Excavation and fill required for the construction of detention facilities or structures, shall be designed to reduce or mitigate flood impacts and improve water quality. (DS)

34. The development shall meet requirements of section 6.9 (Land with Suspected or Known Contamination) of the Public Works Stormwater and Grading Design Standards. (DS)
35. The development shall provide information to show that the conveyance system between the project site and the Willamette River has sufficient hydraulic capacity and erosion stabilization measures to convey discharges from the proposed conditions of the project site and the existing conditions from non-project areas from which runoff is collected. (DS)
36. The developer shall provide finalized engineered drainage plan(s), drainage report(s), and design flow calculation report(s) stamped and signed by a licensed engineer addressing all items from Section 9.3 & 9.4 of the Public Works Stormwater and Grading Design Standards prior to receiving a permit and beginning construction. (DS)
37. The developer shall obtain a 1200-C (NPDES) permit from Oregon Department of Environmental Quality (DEQ) for construction activities one acre or greater prior to receiving a permit and beginning construction. (DS)
38. The development shall obtain Department of State Lands (DSL) and/or US Army Corps of Engineers (USACE) permits as required. (DS)
39. If construction will occur within the banks of the Willamette River, the development shall obtain Oregon Department of Fish and Wildlife (ODFW) permits as required. (DS)

The applicant shall fulfill the following conditions during construction.

40. The workmanship and materials for any work performed under permits issued by Oregon City Public Works shall be in accordance with the edition of the "Oregon Standard Specifications for Construction" as prepared by the Oregon Department of Transportation (ODOT) and the Oregon Chapter of American Public Works Association (APWA) and as modified and adopted by the City. In the case of work within ODOT rights-of-way, work shall be in conformance with their respective construction standards. (DS)
41. Pavement cuts or other improvements made in a City street shall be done in accordance with the City of Oregon City Public Works Pavement Cut Standards and restored in accordance with the City of Oregon City Public Works Pavement Cut Standards. (DS)
42. The developer's project engineer shall inspect construction of public improvements and stormwater management facilities at the cost of the applicant. (DS)
43. The applicant shall comply with permitted hours of construction as set forth by the City Engineer for any public improvements (in existing public right-of-way or easements or which will be dedicated in public right-of-way or easements) that will not follow OCMC 9.12.023.D as stated and written in the pre-construction meeting notes. (DS)
44. The development shall disconnect the stormwater system from the sanitary sewer system. (DS)
45. The developer shall retain the services of a licensed geotechnical engineer to conduct inspections prior to and during earthworks construction activities. The geotechnical engineer shall provide reports to confirm that standards from OCMC Section 17.44.100 are met. The geotechnical engineer of record shall observe all excavations and geologic conditions exposed during construction and document that the conditions are consistent with the conditions assumed in the geotechnical evaluation. If the conditions are different than assumed in the preliminary report, the effect of the new observations shall be evaluated and mitigation provided as required. Additional geologic hazards review may be required at the City's discretion. (DS)

46. The developer's geotechnical engineer shall certify, during construction, that structural fill used on the site meets the provided design specifications and is placed as designed. The certification shall be in writing and shall be signed and stamped by a licensed engineer in the State of Oregon. (DS)

The applicant shall fulfill the following conditions before closeout of permits and completion of the project.

47. The developer shall record an easement over the shared-use paths (or accessways) located within the development property which allows for its use by the public. The easement shall specifically require the property owner and future property owners to provide for the liability and maintenance of the accessway. All fees associated with processing and recording of the easement shall be paid. (DS)
48. The development shall provide a 15-foot-wide public water main easement for the public water main running through the development property. (DS)
49. The application has proposed private streets with access easements. The width of access easements shall contain the full width of the private street including the space between the back of the sidewalks proposed on either side of proposed private streets. (DS)
50. Existing sanitary sewer infrastructure within private property except an existing sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main shall be private (to be owned and maintained by the property owner). The development shall provide a 20-foot-wide sanitary sewer easement for the sanitary sewer manhole located at the northern most corner of the development property and associated downstream sewer main. (DS)
51. Upon conclusion of construction, the geotechnical engineer shall provide a summary letter confirming that all structural fill was constructed in accordance with their design and the provisions of OCMC 17.44.060.E. The letter shall be signed and stamped by the geotechnical engineer licensed in the State of Oregon. (DS)
52. Maintenance Guarantee equal to fifteen percent of the estimated cost for construction of public improvements as shown in City approved construction plans shall be upon completion of construction. The estimated costs shall be supported by a verified engineering estimate approved by the City Engineer. The guarantee shall be in a form identified in Section 17.50.140.A of the Oregon City Municipal Code. The maintenance guarantee shall warrant to the City of Oregon City that construction of public improvements will remain, for a period of twenty-four (24) months from the date of acceptance, free from defects in materials and workmanship. (DS)
53. The property owner(s) shall sign a Restrictive Covenant Non-Remonstrance Agreement for the purpose of making water improvements in the future that benefit the property and all fees associated with processing and recording the Non-Remonstrance Agreement shall be paid prior to platting occupancy. (DS)
54. The property owner(s) shall execute an agreement providing maintenance of, and giving Oregon City access to, privately-owned stormwater management facilities and pay associated recording fees. The agreement shall include a site plan identifying all privately-owned stormwater management facilities and an operation and maintenance plan for each type of

stormwater facility in accordance with the Public Works Stormwater and Grading Design Standards. The agreement shall run with the land and be applicable to subsequent property owners. (DS)

55. As-built construction plans and digital copies of as-built drawings shall be filed with the City Engineer within 90 days of completing improvements. (DS)
56. The applicant has proposed a street tree plan that exceeds the minimum spacing requirements of one street tree for every 35 feet of frontage. Prior to project final, the applicant must demonstrate that the as built tree planting plan complies with the minimum requirement of one street tree for every 35 feet of improved street frontage. The locations of the street trees may be adjusted based on the placement of streetlights, utility meters, and other factors. Alternatively, the applicant may opt to pay a fee in lieu of planting in accordance with OCMC 12.08, if site constraints or other issues prevent meeting the required total number of minimum tree plantings. (P)
57. McLoughlin Blvd/99E is an ODOT facility, and the applicant shall satisfy all ODOT construction requirements. All alterations within the State highway right of way are subject to ODOT standards. Alterations along the State highway but outside of the ODOT right of way may also be subject to ODOT review pending their potential impact on the safe operation of the State highway. (DS)
58. ODOT frontage, median, and intersection improvements shall be constructed as necessary to implement the planned cross section along the State highway consistent with ODOT Highway Design Manual, ODOT Traffic Manual, and Americans with Disabilities Act (ADA) standards. The Applicant shall continue to work with ODOT on the design and construction of improvements on OR 99E (McLoughlin Boulevard) in the Master Plan area. The general roadway cross-section assumes 4-lanes with a raised median at Water Avenue, minimum 12-foot travel lane and a 5-foot clear zone. A 10-foot minimum clear pedestrian walkway is also assumed in the Master Plan area. Final design of improvements on 99E in the Master Plan area, including the conditioned improvements, shall be determined through the permitting process as the Applicant moves to construct. The Applicant may provide all conditioned improvements on OR 99E ahead of the triggered scenarios listed in condition #20 and #21 (of CP 14-02). If the applicant does build all conditioned improvements ahead of the triggers identified in conditions #20 and #21 (of CP 14-02), no additional frontage improvements will be required unless the Master Plan site exceeds the conditioned trip cap of 700 peak hour trips. If condition #22 (of CP 14-02) is triggered, applicant will be required to provide funding for the safety audit. If condition #23 (of CP 14-02) is triggered, the Applicant will be required to provide additional safety measures when the site reaches the conditioned trip cap of 700 peak hour trips. (DS)
59. Right of way shall be donated or trade exchanged to ODOT as necessary to accommodate the planned cross section on the ODOT owned facility. The donation deed must be to the State of Oregon - Oregon Department of Transportation and shall be recorded with the County. The property owner must be the signatory for the deed and will be responsible for a certified environmental assessment of the site before the property is transferred to ODOT. The ODOT District Contact will assist in coordinating the transfer. ODOT should verify with the local jurisdiction that this requirement has been fulfilled prior to final permitting. All public frontage improvements on State owned facilities must be within State owned right of way. Donation of additional property to ODOT may be necessary to construct required improvements. (DS)

The complete staff report, Planning Commission Agenda, and exhibits can be found on the project page at the following links:

<https://oregoncity.teammunicode.com/communitydevelopment/project/glua-24-00027-tumwata-village-master-plan-amendment-and-detailed>



TYPE III STAFF RECOMMENDATION

January 17, 2025

MASTER PLAN AMENDMENT to CP 14-02

Received

MAR 27 2025

OWRD

FILE NUMBER: GLUA-24-00027: MAS-24-00002, WRG-24-00001

APPLICANT: Confederated Tribes of the Grand Ronde Community of Oregon
Kristen Svcarovich, P.E., Community Development Manager
9615 Grand Ronde Road
Grand Ronde OR 97317

OWNER: Confederated Tribes of the Grand Ronde Community of Oregon
c/o Stacia Hernandez
9615 Grand Ronde Road
Grand Ronde OR 97317

REQUEST: Proposed Master Plan Amendment to CP 17-02 to create a framework for future development of the site that reflects the values of the Confederated Tribes of the Grand Ronde Community of Oregon. No specific building projects are proposed in this application. Future development can include a combination of open space, commercial, residential, and employment uses, with provisions for public access and enhancement of riparian resources.

LOCATION: 419 Main Street, 450 Main Street, 427 Main Street
2-2E-31BD-00100, 200, 300, 500, 600, 390

REVIEWER: Christina Robertson- Gardiner, Senior Planner
Sang Pau, Public Works Project Manager

Application Submitted: 10/23/2024
Application PAID: 11/04/2024
Application Incomplete: 11/27/2024
Application Complete: 12/09/2024
120-Day Decision Deadline: 04/08/2025

ZONING: Willamette Falls Downtown District, Mixed Use Downtown

DECISION: Approval with Conditions.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless



appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

CHAPTERS

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT
CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT
CHAPTER 17.42 FLOOD MANAGEMENT OVERLAY DISTRICT
CHAPTER 17.44 US—GEOLOGIC HAZARDS
CHAPTER 17.48 WRG WILLAMETTE RIVER GREENWAY OVERLAY DISTRICT
CHAPTER 17.49 NATURAL RESOURCES OVERLAY DISTRICT
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
CHAPTER 17.52 OFF-STREET PARKING AND LOADING
CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS
CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW
CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS

Staff Summary

The following is an executive summary of the major elements of the plan amendment. Additional findings and background are found throughout the document.

The Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) request Oregon City approve the tumwata village Master Plan Amendment. This amendment is a land use action that amends the still active Willamette Falls Legacy Project Master Plan (CP 14-02). That plan was approved by Oregon City in 2014 for a period of 20 years.

Located on 23.57 acres at the south end of downtown Oregon City, tumwata village is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. An amended master plan will allow redevelopment of the site with a mix of uses and additional open space as depicted in the plan.

In 2014, the site was rezoned from Industrial to a newly created Willamette Falls Downtown District, accompanied by the adoption of a Framework Plan that outlines the areas designated for development, streets, and open spaces. CP 14-02, a quasi-judicial approval on private property, established a legal right to



redevelop the site. The applicant has reviewed the previous approval and, along with city staff, is viewing this application as more of an audit/refinement and is requesting amendments as prescribed by 17.65.80, where needed, to implement the tumwata village vision.

The guiding principle of site redevelopment is Healing. Healing landscapes and people requires consideration of multiple scales and timelines. Success at *tumwata village* will be evident by creating active spaces intended to gather and connect people, views, and resources of abundance. Ultimately, the general development plan will foster the growth of the Willamette Falls Downtown District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and ensuring a clear path forward for high-quality future projects.

The CTGR (Confederated Tribes of Grand Ronde) aims to explain its vision and values, detailing how this plan serves as an alternative approach to the previous plan while sharing the same general overall goals of habitat restoration, cultural and historic interpretation, public access, and economic development. After being forcibly removed from their land, the CTGR began the process of healing the site through their own community-created vision and values, and this staff report will provide the necessary technical review to reduce or eliminate barriers to the plan's implementation while keeping the shared goals embedded in the approval conditions.

The Planning Commission's role is to review the proposed revisions to the Conditions of Approval and Framework Plan Map to determine if the modified plan satisfies the applicable approval criteria in OCMC 17.65 and, if not, consider attaching conditions of approval necessary to achieve compliance.

Since acquiring the property in 2019, the applicant has been working to remediate and clean up the former paper mill site through several federal grants. This work includes removing hazardous substances and demolishing buildings on-site, which are allowed as a Type I staff review through the previous CP 14-02 Master Plan approval. Additionally, a recent federal grant to build portions of the street network in preparation for future development projects will further aid these efforts and is included as an associated detailed development plan with this application.

The applicant's intention is to develop the site over time through the city's type II Detailed Development Plan process based on the revised Framework Plan. Once adopted- the revised Master Plan will be in effect for 20 years and will allow the applicant to rely on the 2024 code (time of submittal) or the current code at the time of development. This option is provided for all Master Plan applications to ensure that their vision can be implemented over time, notwithstanding changes to state or federal requirements that are outside of the city's review.

A good master plan should be succinct in its scope and clear in its conditions. The applicant will discuss their vision and story, which is important background information and central to describing a comprehensive vision for the site. The role of city staff and the Planning Commission is to develop technical conditions that facilitate the implementation of this vision consistent with the comprehensive plan and municipal code. The applicant has created a conditions matrix, to which the city has responded in Exhibit 3, and is the basis of the recommended conditions of approval for the amended Master Plan.



Post-approval, staff also recommends that the applicant work with staff to create a DDP summary sheet that allows for ease of DDP review to ensure that all applicable conditions of approval are met.

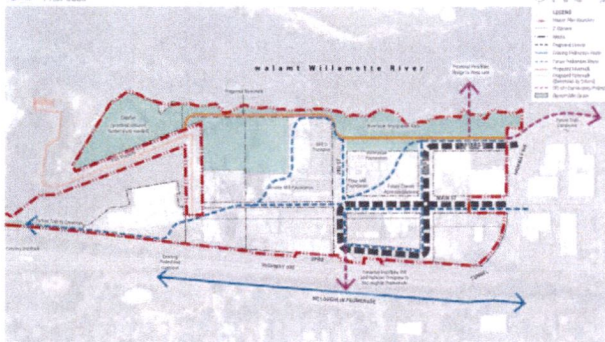
Amendment to Development Review Process

The 2014 Master Plan (CP 14-02) was initially intended as a holding document until a new owner with a vision purchased the property. Along with adopting the Framework Plan, several Conditions of Approval were added, necessitating Planning Commission review of development applications until a vision for the site could be finalized. The previous owner, was unlikely to be the final developer for the site. Therefore, it made sense to continue reviewing development plans at a Type III level, adopt high-level, general urban design guidelines, and retain some key buildings until there was a final owner of the site. Now that the site has a new owner and a comprehensive vision, development review steps following this approval will be accomplished through a Type II procedure based on the adopted city development code with the approval of the Master Plan amendment.



Public Access/Riverwalk

09 TRANSPORTATION NETWORK



The Riverwalk and public access to open space were identified in 2014 as a general line on the Framework Plan map akin to a project line on a Transportation System Plan map, understanding that future planning would create not just a path along the river but an integrated open space experience. Public agencies performed further work between 2015-2017, but it was never adopted as a land use amendment to CP 14-02. Therefore, the Riverwalk, a combination of open space and shared use/pedestrian paths, is still required to fully implement the Framework Master Plan and is retained

on the Map with its original line. However, its final location and design are still flexible and could be constructed solely by the site owner utilizing the proposed pedestrian routes as depicted on the revised Sheet 9 (Exhibit 4) or with support from other government sources or agreements on other areas of the shoreline.

Metro Regional Government holds a Riverwalk easement on the site for the future construction of a government-supported Riverwalk. The easement was created in November 2014, just after the adoption of the CP 14-02 Master Plan, as a coordination document describing areas where Metro or the site owner has more control over what is developed. Oregon City is not a legal party to this easement, and the Planning Commission should not use it as a criterion for amending the Master Plan. Staff review of this plan is based on a private property owner wishing to develop private property through the quasi-judicial land use process.

The proposed amendments to the CP 14-02 are consistent with the goal of implementing an open space and publicly accessible shared use/pedestrian path over time to comply with the requirements of the Willamette River Greenway. Staff has provided additional conditions that will ensure adequate public access through the



end of Main Street and through the former paper mill storage yard near Mill O/ future hotel, where the applicant has proposed amendments to the map. This will help ensure that an adequate public shared-use/pedestrian path and open space experience will be implemented in these areas as the lots are redeveloped. The public will not have access to the site in its current state as some areas are unsafe for public visitors.

Maintaining the Riverwalk review, at Type III is also not beneficial due to its limited applicable approval criteria in OCMC 17.62 Site Plan and Design Review for open space. This creates expectations that the public hearing will focus on subjective criteria, which it will not. Typically, these types of technical reviews would be through a Type II DDP.

If public funds were part of a future phase of the Riverwalk, public engagement for any publicly-funded open space/Riverwalk project should occur during the design phase and when the City Commission officially directs the allocation of public funds for permitting and construction. Should these negotiations occur, they will happen outside of this land use review; again, this review is limited to the application of the criteria for a GDP and nothing more.

As explained in detail below, staff recommends that all segments of the Riverwalk and future pedestrian routes indicated in Revised Plan Sheet 9 (Transportation Network) found in Exhibit 4 of the staff report, whether developed publicly or privately, be reviewed at a Type II level. If the primary public interest is to ensure sufficient access to these areas, a Type II Site Plan and Design Review approach would be the most effective way to guarantee that any necessary adjustment to the public access easement is recorded with each development phase. Staff has provided an amended condition of approval to address this matter.

Revision to Framework Plan Map

The applicant has submitted several revisions to the adopted Framework Plan map, which arose from additional information obtained about the site since 2014 or are necessary to implement the owner's vision for tumwata village. These revisions are further explained in the staff report, and staff has found that they are, as conditioned, consistent overall with the goals of the initial Framework Master Plan.

Retention of Structures Onsite

In Feb 2011, the former Blue Heron Paper Mill was closed, and the assets were transferred to a final bankruptcy judge who has a fiduciary duty to sell off the asset and pay existing creditors. The trustee sold all the nonbuilding assets to a salvage firm, who removed much of the mill equipment, and nonbuilding structures and elements.

Many of the remaining buildings have been stripped of their components and are in a state that does not support a long-term mothball approach, which is a process of securing the building for future use. These buildings were purpose-built, either as covers for paper machines or to house other paper-making processes. As a result, their ability to be mothballed for an extended period is limited. Updated information about building conditions can be found in Exhibit 1D 10-Structure Study.

In 2012, The city, in an attempt to better understand the reuse options for the structure onsite, provided a reconnaissance-level historical survey to the State Historic Preservation Office to identify which buildings

might one day be potentially eligible for historic tax credits if a future owner wanted to pursue those funds. This reconnaissance survey found that there were numerous buildings that could be potentially eligible for listing on the National Register.

In September 2012, SHPO provided a concurrence letter reviewing the reconnaissance Leve survey (exhibit 5b), confirming that the site was not eligible for listing as a historic district due to the loss of mill elements. As such, each of the buildings would need to be individually assessed for eligibility. This analysis was an interim measure that examined the potential eligibility. Only an intensive-level survey or an official National Register nomination could provide the detailed information needed to formally determine eligibility.

As part of the original Master Plan (CP 14-02), the city's consultant evaluated the redevelopment potential of the potential historic resources on-site. They provided rankings based on historic significance, structural integrity, and the feasibility of architectural reuse (specifically, whether leasable spaces could be created). Four buildings were identified as meeting the minimum threshold for reuse. (Mill O, Hawley, No 4 Paper Machine and Di Ink) . These were added along with the Woolen Mill Foundation as a condition to CP 14-02 to require some of the buildings to be retained unless further amended. Other elements, such as the digesters, Horton Sphere, and Flour Mill foundation, were added as elements for retention to ensure some elements of the mill site were retained. The conditions were created to provide a pause or stay of full site demolition until a new owner and vision could be developed.

With the purchase of the site by the Confederate Tribes of the Grand Ronde, a new vision for the site emerged. This vision envisioned healing the landscape and creating active spaces intended to gather people and connect them to the breath of the stories on-site rather than retaining the large stripped and aging industrial mill building that represents only a small portion of the site's 13,000 years of human history.

The applicant retained Historic Research and Associates to complete an Intensive-Level Surveys (ILS) for the four buildings as well as each of the buildings identified as potentially eligible for listing on the National Register in 2012, fulfilling a condition from CP 14-02 requiring mitigation/documentation prior to undergoing demolition or alteration. They also provided intensive-level surveys for the smaller elements identified for retention, such as digesters and Horton Sphere, which were not required. These documents can be found in Exhibit 1D and provide an extensive research effort of the site, which is available to the public and can be used in future interpretation projects.

Historical Research Associates reviewed the buildings based on National Park Service (NPS) guidance regarding eligibility for listing in the National Register of Historic Places. With the additional research provided in the intensive-level survey, HRA found that all the buildings, except for Woolen Mill and Flourmill/No.2 Paper Machines site foundations, were not individually eligible for listing on the National Register. This was because they were generally too altered, were not unique to the region's papermaking history, and were commonly found elsewhere in the area. Updated building conditions reports submitted by the applicant's engineering consultant also indicated that in the 10 years since the original GDP many buildings incurred further environmental damage making reuse of the building economically infeasible.



Chrissy Curran, Deputy SHPO Concurrence Letters 2025

The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2025 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of these structures are locally designated under the OCMC 17.40 Historic Overlay District, which requires owner consent, nor did the previous CP 14-02 condition of approval mandate rehabilitation or adaptive reuse of the buildings identified for retention. The retention condition was placed on a number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors to determine if the previous condition requiring a Type III review of demolition of certain buildings should be revised with this application. These SHPO letters should be considered background information to aid the Planning Commission's deliberations.

As the initial intent of the CP 14-02 conditions was to provide a pause or stay of full site demolition until a new owner and vision could be developed, requiring retention of structures not part of the tumwata village vision would be problematic as the existing conditions do not mandate re-use or rehabilitation of the buildings on site and retaining the Hawley Building and Horton Sphere in this location directly conflicts with the owner's goal of ecological restoration for this area. For this reason, staff recommends that the Planning Commission adopt the revised approval condition that acknowledges the retention of the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site and that all other structures can be removed through a Type I Demo Review. Any future revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site would require a Type III Master Plan Amendment.

Please note that any removal of building/elements identified as eligible for listing on the National Register utilizing federal funds is required to adhere to the Section 106 process of the National Historic Preservation Act (NHPA) through the State Historic Preservation Office (SHPO), which looks at alternative analysis, public outreach, and proportional mitigation if there is an adverse effect. This will occur separately and should not be integrated into the local land use process.

Transportation

The applicant's revised goals for site redevelopment are more modest in terms of total building area. This updated master plan emphasizes healing the site and returning much of it to a more naturalized landscape. As such, the tumwata village Framework Plan envisions a target of approximately 300,000 square feet of buildable space, roughly half the square footage of what was originally envisioned through the approved plan.

Nevertheless, The Grand Ronde Tribe reserves the right to use the "capacity cap" developed under the "worst case re-development scenario" of the previous analysis. This was established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. The



updated transportation study in this application (Appendix B) determined that anticipated trips are well within the “trip cap” established in 2014. This application proposes a site development plan with less development when compared to the WFLPMP, and that will continue to be within the limitations imposed in 2014.

The city additionally signed a Memorandum of Understanding (MOU) with ODOT in 2015 that recorded the CP 14-02 conditions for the previous zone change from industrial to higher mixed-use intensity (Willamette Falls Downtown District). These conditions have been carried forward for this application, as no changes are being proposed that would require an update—other than acknowledging that Project A has been completed, which involved additional lighting and safety signage at the railroad 99E tunnel and some small grammatical edits for clarity.

Other Modifications/Revisions

Fences

As demolition and construction work will be ongoing, large portions of the site will need to be fenced off for the purposes of public health and safety. Demolition debris and construction equipment will be moving and operating on a regular basis, and these activities will need to be separated from parts of the site that will be accessible to the public. Chain link fencing is typically prohibited, except in special circumstances, which include construction sites on a temporary basis. (“Temporary” is not defined in the code.)

The applicant proposes to address fencing types and materials more broadly by requesting the adoption of a fencing policy document as part of this master plan amendment, in addition to approving the modification of this development standard. The applicant has detailed the types of fencing and situations where the fencing would be used on the site in a policy document attached as Appendix F. This fence policy document includes example photos as well as an illustrative map. To summarize, the following fencing types are anticipated:

- Long-Term Safety and Security Fencing
- Construction Fencing
- Railroad Safety and Separation Fencing
- Riverfront/NROD Fencing

Streets

The proposed development plan for the site includes a redeveloped network of streets to serve the proposed uses within the site and provide access to the existing PGE site to the south. A wide variety of vehicles will utilize these public streets for access to the development buildings, access to the PGE site, emergency vehicles, service and deliveries, shuttles and buses for visitors and more. Additional pedestrian and bicycle circulation will link the Riverwalk, the overlook and plaza space areas to public right-of-way. The Master Plan will adopt the revised street standards as part of this application.

This package also includes a detailed development plan for all planned streets at the site: Main Street, Water Avenue, 3rd Street, 4th Street, and Railroad Avenue. Building out these



streets will be a catalyst for future development of the site. The first phase of anticipated development at the site will be the construction of new streets and utilities to serve Block 1. CTGR recently secured \$2 million in Federal appropriations for this development. Consequently, this application package requests a concurrent DDP for streets in *tumwata village*.

Interim parking

The *tumwata village* plan includes parking lot arrangement where portions of Block 5 and 6 will be used as “temporary parking”, which we still anticipate will meet Chapter 17.52 standards, but development of this site has a unique approach described below.

The cleanup, demolition, and subsequent redevelopment of the large site will take time and will be accomplished in phases. The applicant has described the proposed areas as “temporary parking zones” necessary to support buildings and activities during the full buildout of the site. However, according to the city’s general definition, the duration for which the parking lot will be in service may not necessarily be considered “temporary.”

Rather, the city views this proposal as a request to build a parking lot through the standard Type II Detailed Development Plan process, with an exception/waiver for below ground landscaping, as bringing in fill for planting does not seem practical. Therefore, staff has provided a condition of approval that allows the applicant to construct a conventional parking lot, supporting alternative landscape approaches and allowing for above-ground plantings, including trees, where applicable.

A multi-level parking structure will eventually be constructed, with the capacity to serve multiple blocks, uses and buildings. Early phases of new development are planned closer to the river while the eastern side of the site, between ‘Main’ Street and the railroad/99E, is planned to support other development, offering temporary parking, stormwater management, and potentially public space/activation functions. Eventually, these blocks will be developed with buildings. Staff has provided conditions of approval to address this request.

Overlay Districts

Willamette River Greenway

The entire Willamette Falls District is within the Willamette River Greenway (WRG), which protects the scenic, historic, and recreational qualities of the riverfront. Any development within 150 feet of the ordinary low water line requires a Greenway “compatibility review” (17.48.100.A) in future detailed development plan applications and is the nexus to originally requiring the riverwalk. This compatibility review emphasizes the landscaped area between the new activity and the river and public access along the riverfront. Through the Framework Plan, this application proposes a “Greenway setback” on the site that is required for future development within the WRG. If future plans in *tumwata village*, as conditioned, comply with the public access and restoration provisions that are demonstrated by the

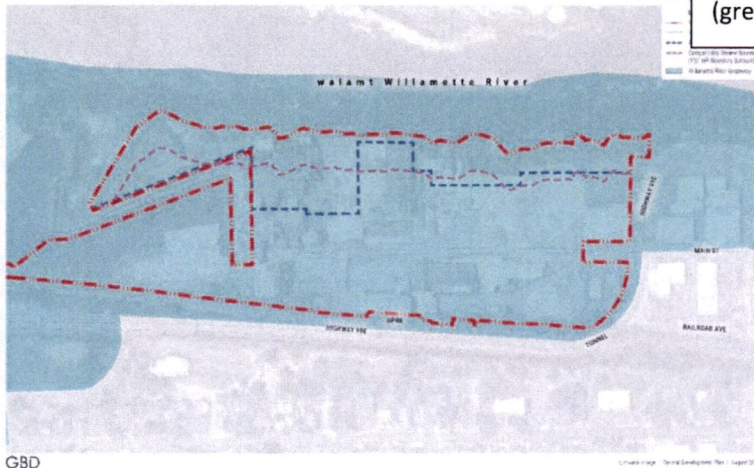


Framework Plan, the Greenway compatibility standards are presumed to be satisfied and would not be required for future DDPs in the compatibility boundary. The Framework Plan, the greenway setback, and the commitment to restoration and healing as a core value of the proposed master plan amendment reflect the purpose of the Willamette River Greenway.

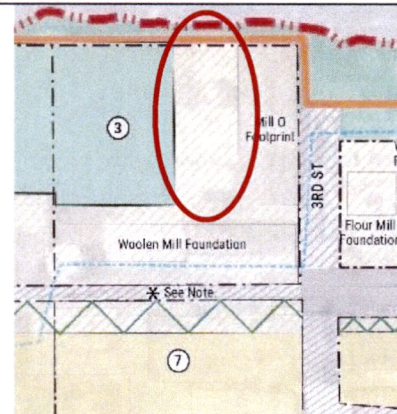
Staff has provided a condition that defines how development in the Willamette River Greenway will occur and provides findings for sitewide compliance with the Willamette River Greenway, which will allow future development within the “compatibility review area” to be approved through the traditional Type II Development process provided that adequate public access and habitat restoration are included with any specific Detailed Development Plan (DDP) in the compatibility area. Revision to these conditions would require a Type III amendment to the Master Plan.

The amended Framework Plan map also anticipates that constraining new development solely on the Mill O footprint (which was the approach in CP 14-02) may be problematic, and some flexibility is needed for successful development; therefore, staff has provided a condition that clearly indicates a minimum level of open space to be constructed in this newly expanded area and that the public access must be located in front of any private use in this highlighted area. This will provide clarity for the applicant in their development planning and clarity for the public expectation of placing public space/habitat restoration closer to the river than private development.

07 WILLAMETTE RIVER GREENWAY ZONING EXISTING CONDITIONS



The area will be amended from strict open space (green) to hybrid open space/development (yellow).



Natural Resources Overlay District

Natural resources on the site are related to the proximity to the river, and its 4,500 feet of shoreline. The entire *tumwata* village site is within Oregon City's Natural Resources Overlay District, the city's environmental protection overlay. As noted in the previous master plan, projects are exempt from NROD rules “where ground level impervious surface area is not increased” (OCMC 17.49.080.J). This exemption applies even to “replacement” of existing structures. Because nearly every square foot of



the site is either paved, covered by a building, or on top of a basalt shelf, virtually the entire district will qualify for this exemption. Nonetheless, the anticipated habitat and shoreline enhancement actions identified in the proposed master plan amendment are expected to result in a significant improvement to the habitat function of the site.

Flood Management Overlay District

Because of its location on the Oregon City riverfront, areas of the site are prone to flooding. The last major flood event to occur on the site was in 1996. Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped 100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100-year flood zone, which covers only the southwestern portion of the site. Taken together, some of the proposed development along the Willamette River will be in the city's flood management area.

Available 1996 flood inundation information from Oregon City was used as an organizing framework for the 2014 master plan. However, conditions on the site have changed significantly since the flood and further hydrologic analysis was needed to establish the flood elevation. To refine the applicability of the flood management area, a civil engineering consultant hired by the applicant collected additional on-site data to refine the 1996 flood level and establish an elevation illustrative of the new conditions. Once the final analysis report is accepted, the elevation it establishes will become the basis for the floodplain analysis in *tumwata village*. This master plan sets out a process for evaluating future, phased development based on this methodology and for determining balanced cut and fill calculations. Future development will be required to comply with the city's flood district requirements based on this new information.

Geohazard Overlay District

Regulations within this chapter apply, and future development proposals will be required to respond to the standards within it. As with other overlay zones, the development standards are intended to apply to the specifics of land development, not to general plans such as the first step of a two-step master plan. Therefore, the rules of this chapter will be addressed as part of a future development application.



GEOLOGIC HAZARD OVERLAY DISTRICT.

Detailed Development Plan – Street Improvement

The Detailed Development Plan (DDP) for street improvement is included as a separate staff report, but it is based on meeting the requirements outlined in the amended master plan. The dual staff report approach was created to help manage a 20-year master plan by separating a one-time development application from the framework master plan analysis and conditions. The Master Plan refinement and the DDP are being presented as one application and will be voted on together with one motion. The Detailed Development plan is being consolidated with the Master Plan amendment by request of the Applicant as they wish to submit for construction permits as soon as the application is approved.



CONDITIONS OF APPROVAL

Planning File GLUA-24-00027: MAS-24-00002

(P) = Verify that condition of approval has been met with the Planning Division.

(DS) = Verify that condition of approval has been met with the Development Services Division.

(B) = Verify that condition of approval has been met with the Building Division.

(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. This Amended Master Plan adopts the refined Framework Plan and is implemented through the following conditions of approval. The following conditions replace CP 14-02 Conditions of Approval.
2. Per OCMC 17.65.020.A, Unless further amended and extended by the Planning Commission, this Master Plan Amendment shall control development on the site until December 31, 2045. Future DDP applications are to be processed as Type I or II review as directed by the Oregon City Municipal Code, and the applicant may choose to use either the 2024 code adopted at the time of the Master Plan Amendment submittal or the current code.
3. Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements that follow the alignments shown schematically on Sheet 9 (Transportation Network-Revised). Easements will be provided concurrent with future Detailed Development Plan applications at the locations identified as “future pedestrian routes” (dashed blue line). The intent and long-term goal of continuous access to and along the river is satisfied by public easements and, over time, development by public or private entities. Sufficient route planning in DDP applications insures continuous pedestrian access along the river can be accomplished. An easement will be applied to each completed section at the time of the DDP Approval, granting that final route locations may vary to account for site grading.
 - a. Each DDP submittal shall indicate what portion, if any, of the pedestrian network shown on Sheet 9 will be constructed. The submittal shall show an up-to-date route map to ensure that the long-term goal of continuous pedestrian access along the river can be accomplished on site.
 - b. Each DDP phase requires public access easements in the area of proposed development along “future pedestrian routes” consistent with the revised plan sheet 9 (Transportation Network) in Exhibit A of the GDP submittal.
 - c. Areas of Main Street south of 3rd Street to the future Canemah Trail will be designed as a shared-use path, at a minimum. Identified future pedestrian routes on proposed streets are required to be constructed at the time of any development over 500 square feet on abutting lots, to the extent practicable.
 - d. Public access is not required on open space areas identified for habitat restoration.
4. The applicant shall show construction of a publicly accessible open space area that is a minimum of 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment approved in the GDP, the property will include a total of



40,000 square feet of open/public space, which shall include active and passive uses with prominent views of *walamt* and/or *tumwata*. As part of the detailed development review for this open space, the applicant will develop a long-term maintenance and operation plan to ensure that the publicly accessible open space can be maintained.

5. To address the expansion of private/public open space on Block 3 of the Framework Plan Map (indicated in yellow), a new open space area is proposed. At the time of development of over 1000 square feet on Block 3, A minimum 2,500 square foot open space shall be provided south of any new building, towards the falls. This open space may be a mix of active and passive uses and will be physically connected to the adjacent riverfront pedestrian public access. This shall be in addition to the open space requirements of the Condition 4 above.
6. The site is located within a Mixed Use Multi-Modal area, adopted through ORD14-1015, all future development will be reviewed for impacts to safety in this area and not be subject to review of the development on the capacity of the system.
7. The tumwata village Framework Plan acknowledges that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site will be retained. All other structures and elements may be removed through a Type I Demolition review. Any revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site require a Type III Master Plan Amendment.
8. Before engaging in any grading or form of site disturbance, the applicant shall submit and adhere to an inadvertent discovery plan that, depending on the proposed action and as recommended by SHPO, could include archeological monitoring during times of site disturbance.
9. The property owner shall provide public access easements and a maintenance plan for all streets proposed with each DDP.
10. Oregon City and ODOT have agreed on the following transportation improvements along OR 99E:
 - a. Project “a” was fulfilled prior to this land use application.
 - b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
 - c. Channelized right turn lane or raised median at the intersection of Water Avenue and OR 99E to prevent left turn maneuvers; reinforce right-in, right-out access to Water Avenue.
11. Oregon City will assure design and construction of the following projects:
 - a. Project “a” was fulfilled prior to this land use application.
 - b. Design of and right of way acquisition for Project “b” will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of Project “b” which is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of



pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site. Compliance with this condition will occur when either the project is completed, and any outstanding items are bonded, or grant funds have been authorized to construct the improvement through a publicly funded project.

- c. Project “c” will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
 - i. At the time of Riverwalk construction adjacent to Water Avenue.
 - ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan.
 - iii. Once development on the site has surpassed 140 peak hour trips.
- 12. If Oregon City or ODOT determines as part of a future detailed development plan review, that significant safety issues remain or will result from the proposal, the applicant shall contribute up to \$60,000 (2014 dollars) for the cost of the safety audit. Safety measures identified as a result of an audit tied to review of a development proposal may be required to be implemented after the trip generated from the Willamette Falls area development exceeds 700 peak hour trips.
- 13. The Master Plan approval requires ODOT concurrence for any phase of development of the Willamette Falls Downtown District that would result in the total estimated peak hour trips generated from the Willamette Falls Downtown District to exceed 700. If, at that time, traffic analysis establishes that additional safety measures are needed, the applicant will be required to include additional safety measures acceptable to ODOT. Or, other safety measures not associated with the proposed development may be provided with agreement from ODOT. The Applicant will estimate the number of trips at the time of each phase of master plan review and will notify ODOT and the City of the proposed development and estimated trips 30 days prior to the land use application submittal of a Detailed Development plan. The latest Institute of Traffic Engineers Trip Generation Manual will be the source for trip generation estimates unless ODOT and the City agree to an adjustment.
- 14. Future Detailed Development Plans (DDPs) are encouraged to use the Oregon City Transportation Demand Management (TDM) tools described in the approved 2017 Oregon City Transportation Demand Management Plan. The success of public access onsite will be through the use of a combination of public and private TDM tools and projects that will fundamentally reside outside of any specific detailed development plan. The applicant, city, and downtown interests are encouraged to continue collaborating on a TDM approach to bringing visitors to and from the downtown area, including the subject site.
- 15. The pedestrian bridge project connecting the Promenade to 99E has been added to the City’s Transportation System Plan via the “Willamette Falls Legacy Project (CP 14- 02) amendment to the TSP.” Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. The applicant shall ensure that all future DDPs integrate any bridge planning location efforts into their plans, as the specific site landing location has yet to be finalized.



16. Boundaries for both the compatibility area and the Greenway setback are shown on Map 07 of the applicant's submittal. New development within the Willamette River Greenway is presumed to meet the compatibility review standards of OCMC 17.48.100.B if a) the development is located outside the Greenway Setback, or b) the development provides restoration and a shared-use path between the development and the river to be determined as part of future DDP reviews. Compatibility review requirements are pre-emptively satisfied when development is consistent with the approved Framework Plan, and no additional Type III review is required. Protection of the Greenway Setback and consistency with the Framework Plan under this condition will be confirmed through a future Type II detailed development plan review.
17. Minimum FAR of 1.0 (defined in OCMC 17.34.080) shall be maintained for the developable areas on the site, based on a methodology provided in Appendix H of the Applicant's submittal. Proposed development will follow this long-term plan for future build out. Compliance will be verified as part of the DDP process.
18. The street system, as proposed and approved in the Master Plan, shall be considered street frontage for the purpose of siting standards in OCMC 17.62 Site Plan and Design Review. Building setbacks shall be measured from the back of the sidewalk (or curb if no sidewalk) along private streets. Small revisions to the street system can be approved through the DDP process if they substantially comply with the Master Plan.
19. To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the Framework Plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.
20. All future development must reference and demonstrate compliance with the fencing standards outlined in Exhibit F of the applicant's submission. Items not covered in Exhibit F shall be consistent with the applicable municipal code provisions unless modified through an amendment to the Master Plan or obtaining an individual Variance or Modification as permitted by the code.
21. Parking areas in Block 5 & 6 shall be reviewed under OCMC 17.52 Off Street Parking and Loading Standards at the DDP level. Requirements for inground landscaping are waived for these blocks due to the existing lack of soil and plans for the future parking garage. Landscaping requirements may be met through a combination of above-ground planting, including trees through the alternative landscape plan process, as part of a future Type II DDP review.
22. Reference to street names in any conditions is based on names as referenced in the submitted Framework Plan. Street names may be amended or added over time outside of the land use process and should be cross-referenced to names in the adopted revised Framework Plan during any DDP submittal.
23. The Design Palette (Exhibit G) and Vision 2.0 (Exhibit J) from the applicant's submittal were provided to explain the broader vision for tumwata village, which serves as the foundation for approving the



amended master plan. However, the details in these two documents, which were not created as clear and objective approval criteria, should be regarded as background documents, and compliance with them is not a requirement for any future Detailed Development Plan (DDP).

24. Future DDP applications proposing construction within the Flood Management Overlay District shall conform with Chapter 17.42 of the Oregon City Municipal Code. A final balanced cut and fill determination or plan shall be completed at the conclusion of the master plan. Each DDP shall track the status of cut and fill within each phase of development and, if not balanced, show how cut and fill will be balanced. DDP conditions will be added, when applicable, to ensure that balance cut and fill will be achieved within the 20-year timeline of the Master Plan.
25. Water infrastructure will be built over time, and future DDP improvements shall include the following elements:
 - Abandon the PRV near OR 99E & Main Street with the first DDP.
 - Install fire hydrants to comply with Clackamas Fire District #1 based on the level of development with each DDP.
 - Provide a minimum 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained within the development property with the first DDP.
 - Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The length of water main to be replaced shall be determined with each DDP. The size of the new public water main shall be as follows:
 - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
 - If required fire flows is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.
 - Coordinate installation of a 10-inch water main over OR 99E with construction of a new pedestrian bridge over OR 99E from the Promenade to the development property. (DS)
26. All stormwater infrastructure within the development property shall be private.
27. Existing sanitary sewer infrastructure within private property, except an existing sanitary sewer manhole located at the northernmost corner of the development property, shall be private (to be owned and maintained by the property owner)



I. BACKGROUND:

1. Existing Conditions

The site is currently occupied by industrial buildings and infrastructure related to the closed Blue Heron Paper Mill. The built elements of the site include remnants of previous uses. A depiction and list of existing buildings.

Since the Blue Heron Paper Mill ceased operations in 2011, the site has sat vacant. No construction has taken place on the site based on the plan approved in 2014. Demolition of several derelict or dangerous structures has occurred, with permits from the city, including a building that was severely damaged by a fire in 2020. Maintenance of on-site structures effectively stopped in the early 1980s, according to Oregon City planning and engineering staff, and buildings have continued to deteriorate.

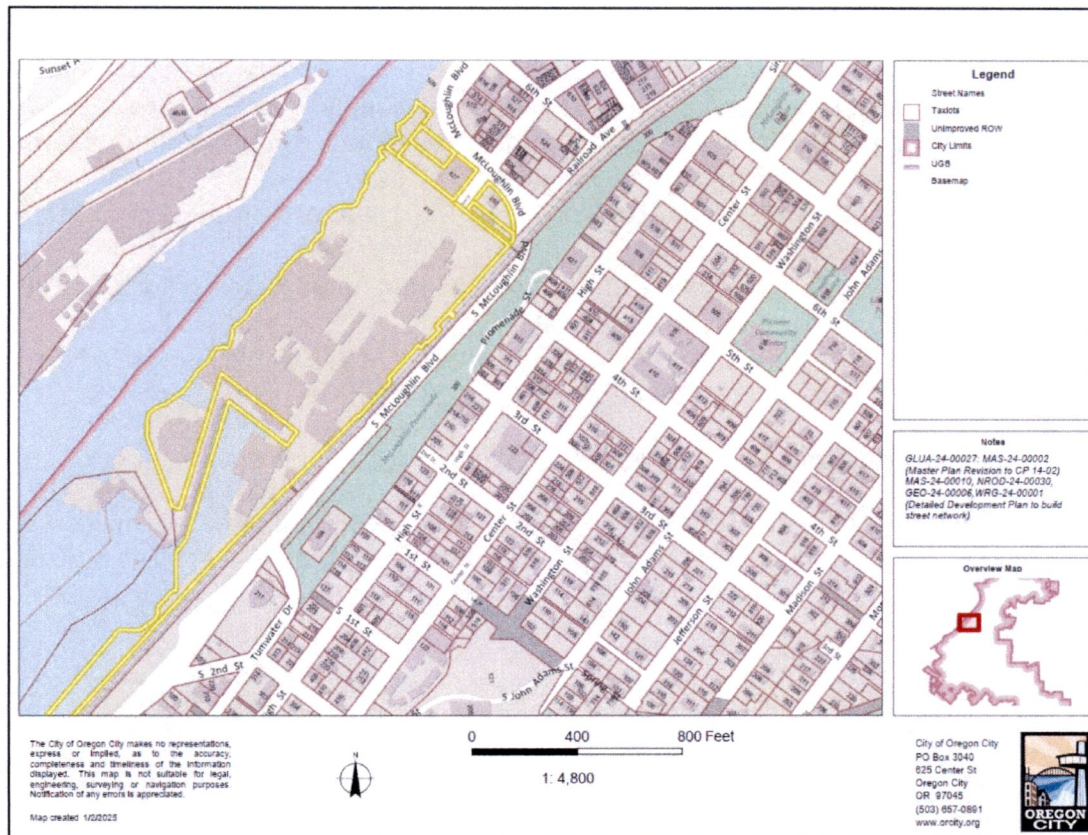


Figure 1. Vicinity Map

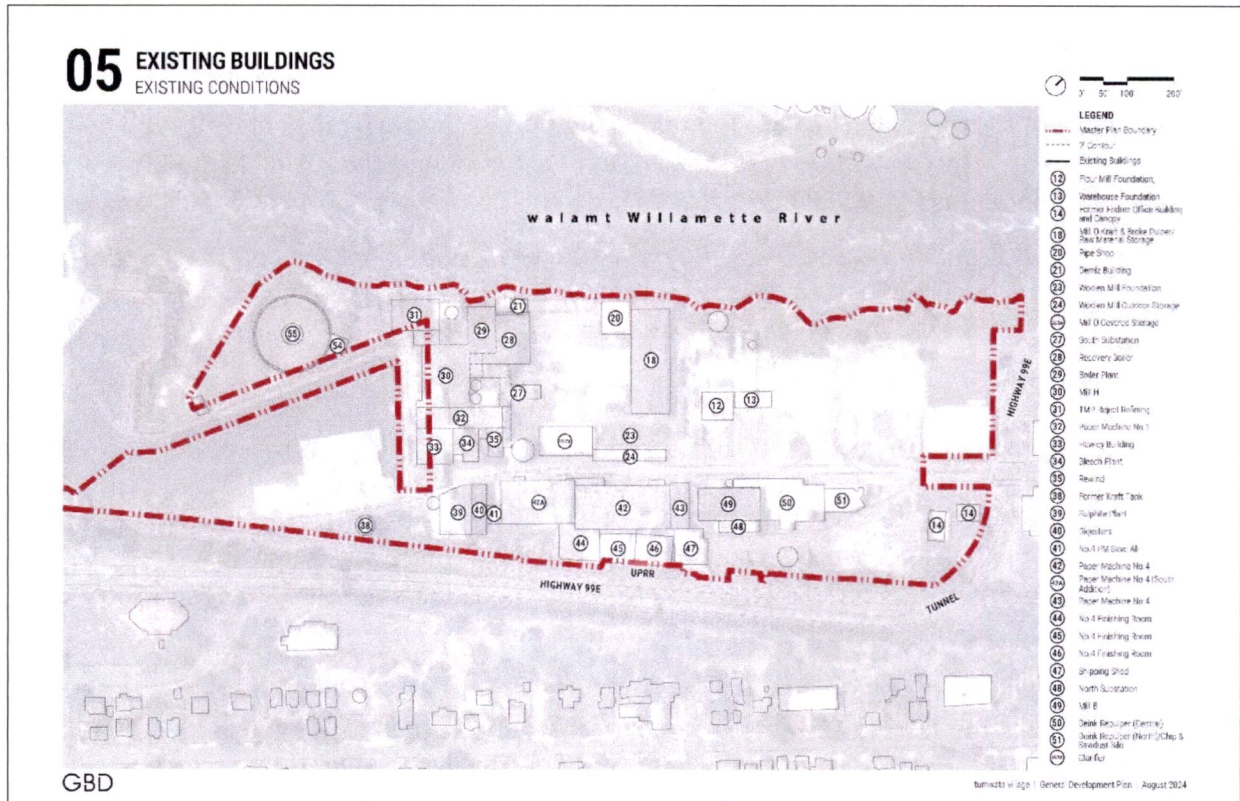


Figure 2: Existing Conditions – Aerial Image

2. Project Description

The Confederated Tribes of the Grand Ronde Community of Oregon (CTGR) request Oregon City approve the *tumwata village* Master Plan Amendment. This amendment is a land use action that amends the still active Willamette Falls Legacy Project Master Plan (CP 14-02). That plan was approved by Oregon City in 2014.

Located on 23.57 acres at the south end of downtown Oregon City, *tumwata village* is a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination that includes opportunities for public and Tribal celebration. An amended master plan will allow redevelopment of the site with a mix of uses and additional open space as depicted in the plan.

2014 Master Plan CP 14-02

The Master Plan approved in 2014 outlined how development would occur onsite by identifying key areas for access, open space, and development. It provided a generalized understanding that redevelopment would be consistent with rezoning, but did not develop or



include all the materials of a typical master plan submittal. The next land use step, submitting a Detailed Development Plan, was never carried out. No DDPs have been applied for or approved since.

The existing 2014 Master Plan has 32 Conditions of Approval (COAs), many of which are no longer applicable. The *tumwata village* Master Plan Amendment is proposing to modify that plan and its conditions.

The findings in this staff report likewise may generate new conditions. The applicant has created a conditions matrix, to which the city has responded in Exhibit 3, and is the basis of the recommended conditions of approval for the Amended Master Plan.

Changes from 2014 Plan

According to the applicant, changes from the approved 2014 plan can be described as follows:

- Reflect Recent Changes to the Site

New plans set the baseline of existing conditions and show a more accurate version of proposed development on the site. Numerous deteriorated buildings have been removed since 2014.

- Update the Approval Process

The previous plan required future development to go through a unique, ad hoc design review process. This plan simplifies future actions by relying on the city's standard approval processes.

- Increase Restoration and Open Space Areas

The new plan increases land area dedicated to habitat enhancement and open space. Refinements to development blocks and open spaces areas are shown on a revised Framework Plan map.

- Revise Standards for Streets in *tumwata village*

This plan sets standards for streets according to the applicant's desired dimensions and sections. Because these are slightly different from city standards, a modification is requested.

- Revise standards for fencing in *tumwata village* .

The city's fencing standards do not address the unique circumstance of the sprawling form mill complex. As the site redevelopments, there will be a need for additional long-term and medium security fencing to separate the developed areas from the non-developed areas.

- Refine Riverwalk Development Timing

The previous plan assumed development of the public Riverwalk prior to any private development. The new plan still acknowledges Riverwalk development over time, contingent



on funding. Private development is likely to proceed before full completion of the publicly-funded Riverwalk.

- Re-evaluate Historic Structures for Retention and Reuse

The new plan re-evaluates the historical analysis and preservation of structures on site.

Using standards set by the National Parks Service, fewer structures were determined to be eligible for protection.

New Framework Plan Summary

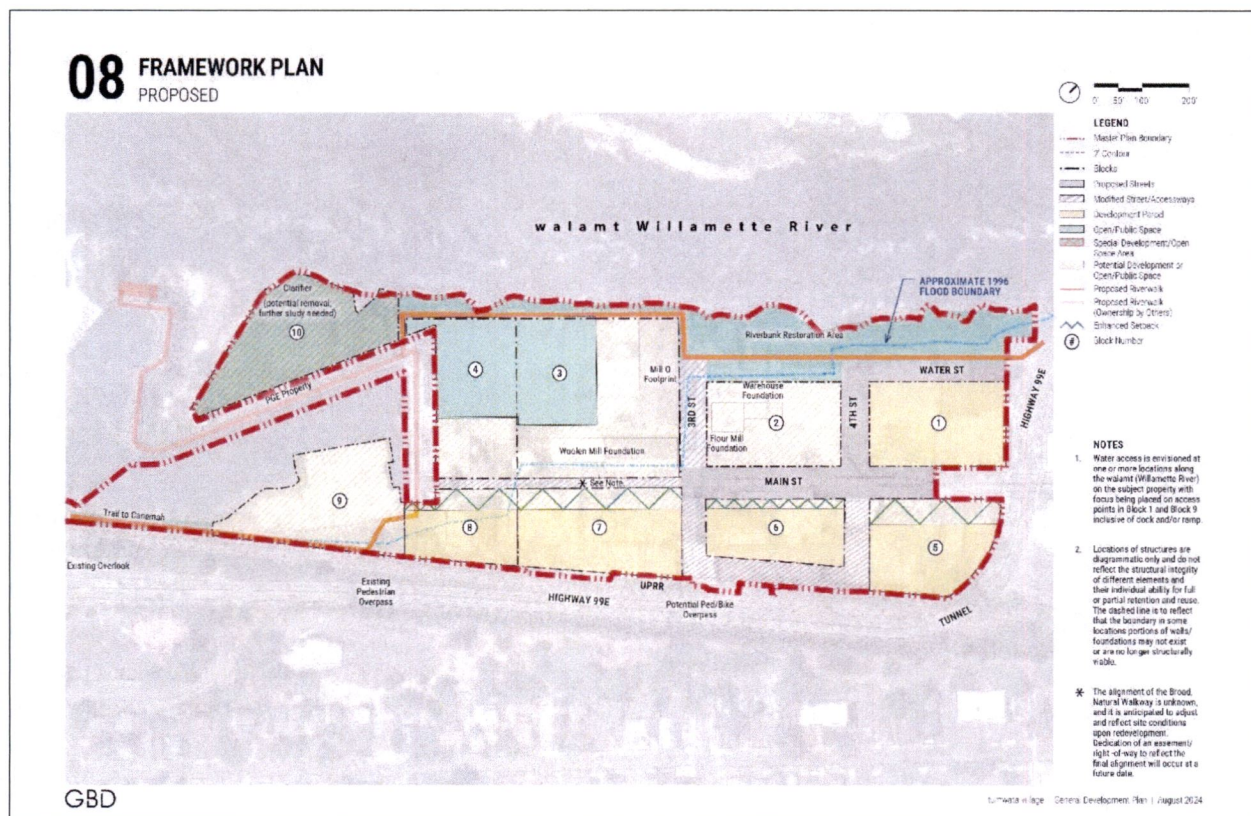


Figure 1. Proposed Framework Plan



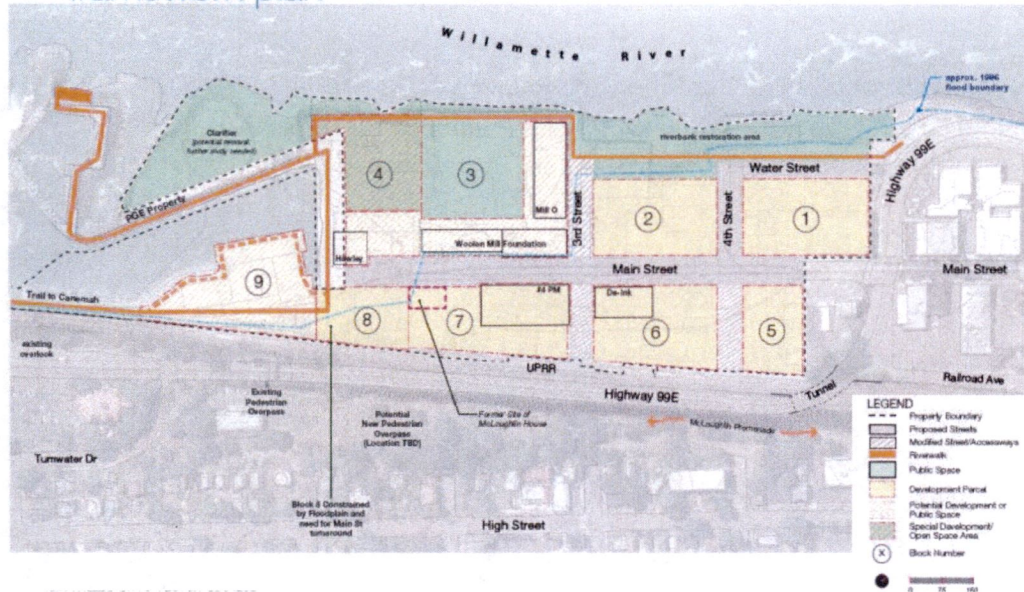
OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

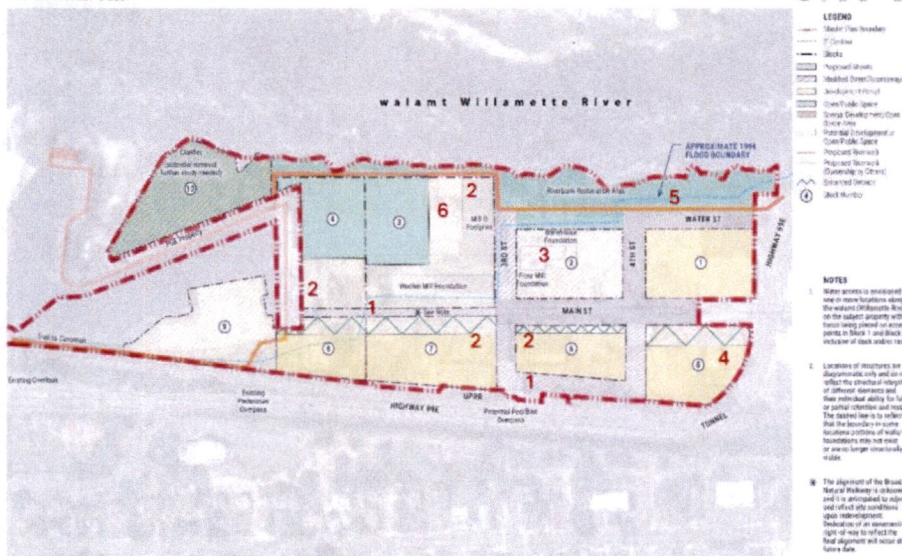
framework plan



Existing Adopted Framework Plan – (CP 14-02)

Proposed Revisions to 2014 CP 14-02

08 FRAMEWORK PLAN PROPOSED



GBD

Updated: April 2014, Revised: April 2014, August 2014

1. Include Railroad Ave, refine south/west Main Street to be a shared use use path
2. Remove 4 buildings (#4, De INK, Mill O, Hawley) and remove reference to McLoughlin House
3. Change Block 2 to potential development/public space- outline floor mill foundation
4. Include Endres tax lot (main 99E) and keep MUD zoning with landscaping entryway buffer along southside of Main Street
5. Does not change the Riverwalk line- but note in the condition that the final access route will be determined by topography- restoration efforts.
6. Add some additional potential development/public space next to Mill O/Hotel- outdoor seating- ensure riverwalk public access in this area in conditions

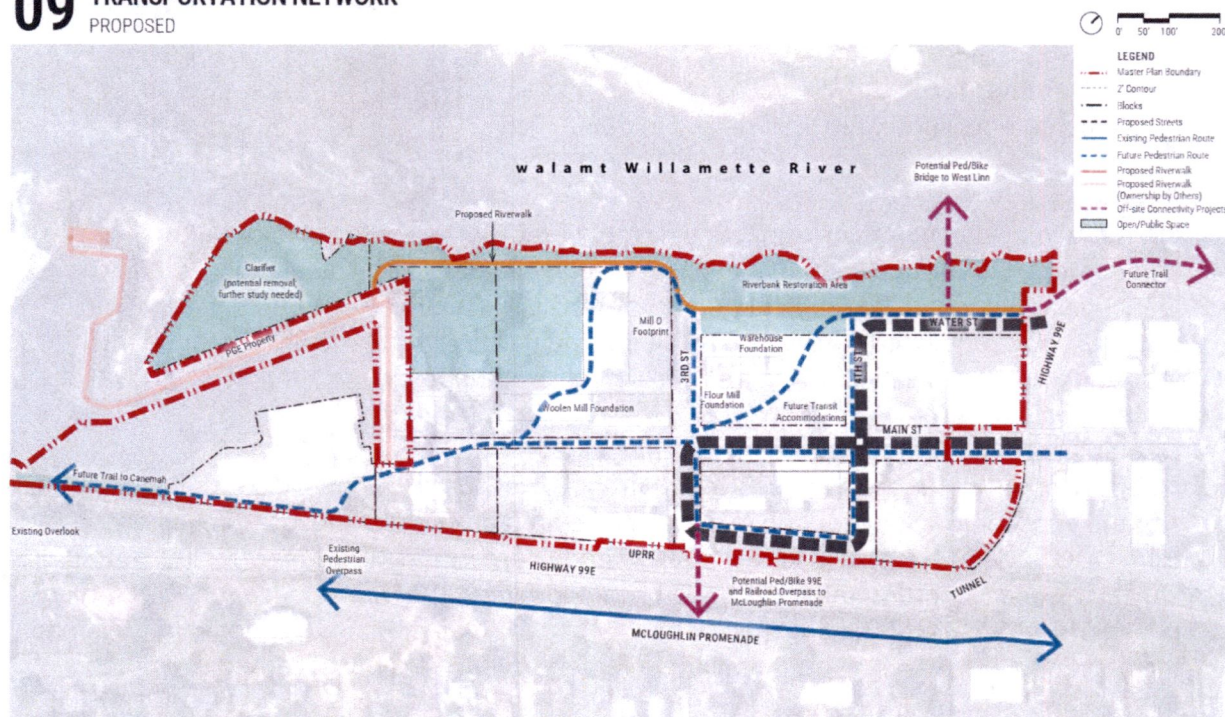


The Framework Plan graphically depicts a mix of open spaces, development blocks, and street spaces for the site. Although the plan closely resembles the one approved with the 2014 plan, some elements have been updated. Using the above map as an illustrative reference, a general written description of the plan follows:

Areas closest to the river (in green) are within the 1996 flood inundation area, making these areas more suitable for open space and habitat enhancements. Conversely, areas closer to the bluffs on the north and east side of the site (in solid yellow) are mostly out of the flood area, easier to develop, and re-establish new city blocks in downtown Oregon City. In between are areas that contain several structures with opportunities for rehabilitation, but it may be difficult because they are also within the flood area (light yellow). Those parts of the site may be a mix of open space and development. A shared multi-use path along the riverfront (i.e., public Riverwalk) is located at the river's edge (orange line) and remains in the same location as in the 2014 plan. A portion of this path to the south is located on property owned by other parties (light orange line) and is therefore outside the amended master plan boundary. The public Riverwalk leads to a platform at the edge of the falls. The plan shows the location of three historic structures at the center of the site, the Woolen Mill, Flour Mill, and Warehouse Foundations, that are potentially eligible for listing on the National Register of Historic Places.

09 TRANSPORTATION NETWORK

PROPOSED



The Framework Plan sets a conceptual pattern for future development, with a street grid and blocks where buildings or open space areas will occur. Actual development within these blocks will take place over time as funding and designs become available. The plan identifies the location of a transportation network and circulation through the site for vehicles and pedestrians. It also identifies riverbank restoration and potential open space areas.

Land Use Actions

To accomplish the objectives above, numerous land use actions are packaged together as part of this application. Specifically, the permit application consists of the following components:

1. Amendment to General Development Plan (OCMC 17.65.80)
2. Modification of Conditions of Approval (OCMC 17.65.80 & 17.50.130.D)
3. Adjustment to Development Standards (OCMC 17.65.070)
4. Modification to Site Plan and Design Review Standards (OCMC 17.62.015)
5. Willamette River Greenway Review (OCMC 17.65.80)
6. Flood Management Overlay Review (OCMC 17.42)
7. Detailed Development Plan (for new streets) (OCMC 17.65.060)
8. Modification to Street Standards (OCMC 16.12.013)

- 3. Permits and Approvals:** The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department in Oregon City, including but not limited to the Engineering and Building Divisions.

4. Public Comment

Public comments submitted include (Exhibit 5):

Jim Nicita

Mr. Nicita provided comments questioning the correct venue for the Master Plan amendment, stating that it should be processed as a Type IV Legislative process. He identified additional policy considerations that the City Commission should use in their analysis. Staff requested guidance from Department City Attorney Carie Richter on this matter. The memo can be found in Exhibit 2 of the Staff Report.

Neelam Dorman, Planning Manager- ODOT Region 1

A portion of the site's McLoughlin Blvd/99E frontage is located within ODOT Jurisdiction, and the applicant will be required to obtain all needed permits for those improvements from ODOT. ODOT has provided the required improvements in its January 15, 2025 letter, which has been incorporated as a condition of approval in the DDP application. ODOT also provided comments related to small corrections to the Master Plan conditions that relate to the previous CP 14-02 transportation improvements, which are being carried over for this



review. As one of the projects has been completed (tunnel lighting and signage), it is being removed from the revised conditions for clarity.

Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025

The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2005 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of the structures are locally designated under the OCMC 17.40 Historic Overlay District, nor did the previous CP 14-02 condition of approval require rehabilitation or adaptive reuse of the buildings identified for retention. The condition was placed on a number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors in determining if the previous condition requiring a Type III review of the application of certain buildings should be revised with this application. These letters should be seen as background information to aid the Planning Commission in its deliberations.

Two Rivers Neighborhood Association July 11. 2024 Meeting Minutes

The application submitted the NA minutes into the record, indicating a vote of support for the application.

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.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER 16.12 – MINIMUM PUBLIC IMPROVEMENTS AND DESIGN STANDARDS FOR DEVELOPMENT

16.12.011 - Applicability.

A. Compliance with this chapter is required for all development including land divisions, site plan and design review, master plan, detailed development plan and conditional use applications and all public improvements that are required in conjunction with a land use decision.

B. Compliance with this chapter is also required for new construction or additions which exceed fifty percent of the existing square footage of all single-family detached residential and middle



housing units' living space. Garages, carports, sheds, and porches may not be included in the calculation if these spaces are not living spaces. Accessory dwelling units are not subject to compliance with this chapter. All single-family detached residential and middle housing units shall provide any necessary dedications, easements or agreements as identified in the transportation system plan and this chapter, subject to constitutional limitations. In addition, the street frontage shall be improved to include the following priorities for improvements:

1. Improve street pavement, construct curbs, gutters, sidewalks and planter strips; and
2. Plant street trees.

The cost of compliance with the standards identified in subsections 16.12.011.B.1 and 16.12.011.B.2 is calculated based on the square footage valuation from the state of Oregon Building Codes Division and limited to ten percent of the total construction costs. The value of the alterations and improvements is based on the total construction costs for a complete project rather than costs of various project component parts subject to individual building permits. The entire proposed construction project cost includes engineering and consulting fees and construction costs. It does not include permit fees, recording fees, or any work associated with drafting or recording dedications or easements.

C. Exemptions. The following are exempt from review by this chapter unless public improvements, driveways, PUEs, or other items regulated by this chapter are proposed:

1. Minor Site Plan and Design Review applications.
2. Work within the right-of-way.
3. Lot Line Adjustments and Abandonments.
4. Public capital improvement projects.

Finding: Applicable. The application is a master plan; therefore, the development shall follow the standards set forth in OCMC 16.12.

16.12.012 - Jurisdiction and management of the public rights-of-way.

The City has jurisdiction and exercises regulatory management over all public rights-of-way as defined and outlined within 12.04 of the Oregon City Municipal Code.

Finding: Applicable.

The City of Oregon City has jurisdiction over portions of Main Street and the existing alley right-of-way from Main Street to Railroad Avenue. The City will support the vacation of Main Street and said alley as allowed by 12.04 of the Oregon City Municipal Code. 4th Street and Water Street were previously vacated and are not intended to be rededicated as public right-of-way.

16.12.013 - Modifications.

The applicant may request and the review body may consider modification of the standards in this chapter resulting from constitutional limitations restricting the City's ability to require the dedication of property or for any other reason, based upon the criteria listed below and other criteria identified in the standard to be modified. All modifications, except for adjustments approved by the City Engineer for tree preservation purposes pursuant to Section 16.12.013.A, shall be processed through a Type II land use application and may require additional evidence from a



transportation engineer or others to verify compliance. Compliance with the following criteria is required:

A. Compliance with the following criteria is required:

1. The modification meets the intent of the standard;

Finding: Complies with condition. The following modifications have been requested.

“The proposed modification to the street standards meets the intent as stated above. Most of the streets do not extend from existing street patterns due to topographic or other physical constraints of the area. The site has hard boundaries of 99E, the bluff, railroad tracks, and the Willamette River.

The proposed modification of Main Street is minor and offers a slightly wider overall paved width that better reflects the city’s existing Main Street north of 99E. It also allows increased pedestrian access areas and larger planting strips that indicate a subtle shift in development with increasingly naturalized areas towards the falls, and where the street extension loops back upon itself. Wider travel lanes are needed for fire truck movements and public transit vehicles. Larger sidewalks are intended to activate additional pedestrian traffic movement from north to south from across McLoughlin Boulevard.

Railroad Avenue, 3rd, 4th and Water Streets generally align with local street standards, with slight modifications that still allow for the safe passage of emergency vehicles. The master planned area is unique in that there are few opportunities to extend streets from adjacent lands due to environmental and topographic constraints. This results in a looped street pattern that need ample pedestrian access and opportunities to visit the falls and nearby public amenities, necessitating unique street sections.

On Water Ave, the wider parking width is to allow tour buses or school buses to have parking to access planned interpretive sites and parks. Coordination with TriMet is planned for a potential transit stop. A wider sidewalk on the west side of Water Ave will be multiuse and will have space for viewing areas of the river and loading and unloading of transit.

Railroad Ave accommodates 45-degree angled parking. The curb tight sidewalk on the east side of the street provides a landing for pedestrians entering and exiting the angled parking. 3rd and 4th street necessitate wider travel lanes for fire truck movements. The additional width of the streets are also needed for 7’ curb tight parking on both sides.

The proposed street section modifications allow for pedestrian access and sidewalks, the local street standard requires 10.5 foot sidewalks including 5-by-5 foot tree wells. 3rd, 4th, and Main Street provide larger sidewalk and planter strip areas. Railroad Ave still provides a 12 foot sidewalk and planter strip. Bicycles are anticipated to share low speed lanes.”

Staff has determined that the applicant meets the intent of this standard because the streets are not proposed to be under jurisdiction of Oregon City as indicated by the applicant in item 3 below.



2. The modification provides safe and efficient movement of pedestrians, motor vehicles, bicyclists and freight;

Finding: Complies as proposed. The applicant states the following:

“Modifications expand pedestrian routes wider than the minimum standard and provide safe routes for bikes as outlined in OCMC 16.12.023 intersections, and paths shown in the Street Circulation Exhibits in Appendix T. As discussed in the findings above, the proposed modifications to the travel lanes allow for safe passage of fire trucks, transit, as well as motor vehicles. Low speed lanes accommodate bicyclists. Generally, the modifications propose larger than required sidewalks, accommodating movement of pedestrians.”

Staff has determined that the applicant meets the intent of this standard.

3. The modification is consistent with an adopted transportation or utility plan;

Finding: Complies with condition. The applicant states the following:

“No mapped streets are shown through the development in Oregon City’s TSP. Streets shown on the master plan are anticipated to be private, with public access easements. These facilities will be consistent with prior approvals and they are compatible with surrounding street network. The proposed modifications to Main Street are based on compatibility with the existing Main Street on the other side of 99E.”

In response to 12.04.005 the applicant has stated, “The intent of these streets is for them to be privately owned with public access easements.”

The previous masterplan (CP 14-02) provided the following options regarding streets to serve the development areas. “Right of Way dedication shall be governed by the street and utility phasing plan which shall be submitted at the time of the first development application of more than 1,000 square feet of new habitable space. The Public Works Director may approve an alternate proposal of private streets governed by a full public access easement if the design and maintenance plan meets or exceeds the intent of the Master Plan.”

The Public Works Director has approved the alternate proposal to provide private streets governed by a full public access easement. Access easements and maintenance plan are still needed per CP 14-02. The property owner shall provide public access easements and a maintenance plan for streets proposed with each DDP.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

The width of the automobile travel lanes are consistent with the “Determining Optimum Street Designs” provisions of Transportation System Plan.

The modification is complementary with a surrounding street design; or, in the alternative;

Finding: Complies as proposed. The applicant states the following:



The proposed modification is based on elements of existing street design to provide a cohesive appearance between streets. Street intersection design for connections to 99E have been reviewed/coordinated with ODOT. Due to topographical constraints, the other proposed streets in the area do not connect to an existing grid.

Staff has determined that the applicant meets the intent of this standard.

If a modification is requested for constitutional reasons, the applicant shall demonstrate the constitutional provision or provisions to be avoided by the modification and propose a modification that complies with the state or federal constitution. The City shall be under no obligation to grant a modification in excess of that which is necessary to meet its constitutional obligations.

Finding: Not Applicable. The modification is not requested for constitutional reasons. This criterion does not apply.

B. The following modifications shall be processed as a Type I modification by the City Engineer using the criteria in 16.12.13.A.

- 1. Modifications to driveway location, size, and sharing standards in 16.12.035;*
- 2. Modifications to sidewalk and planter strips widths and location in 16.12.016 that preserve existing street trees or trees on private property to ensure compliance with ADA standards.*

Finding: Complies as proposed. The applicant states the following:

Proposed modifications are addressed above and are processed concurrently with the Type III amendment to a General Development Plan, future DDPs may apply for a Type I modification for the items listed in this criterion. **Staff has determined that the applicant meets the intent of this standard.**

CHAPTER 17.42 – FLOOD MANAGEMENT OVERLAY DISTRICT

17.42.010 - Purpose—Findings.

A. There is established in the City a flood management overlay district. The flood management overlay district is an overlay zone classification defining areas subject to periodic flooding or inundation which can result in property harm or loss, disruption of public services, hazards for public health, or added expense for public services. All conditions and restrictions of land use established by this chapter of the City's zoning ordinance shall be in addition to such restrictions and conditions as may be imposed and established in underlying zoning districts.

B. It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- 1. To protect human life and health;*
To minimize expenditure of public money and costly flood control projects;
To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- 2. To minimize prolonged business interruptions;*
- 3. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;*



4. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
5. To ensure that potential buyers are notified that property is in an area of special flood hazard;
6. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions; and
7. To protect flood management areas, which provide the following functions:
 - a. Protect life and property from dangers associated with flooding;
 - b. Flood storage, reduction of flood velocities, reduction of flood peak;
 - c. Flows and reduction of wind and wave impacts;
 - d. Maintain water quality by reducing and sorting sediment loads;
 - e. Processing chemical and organic wastes and reducing nutrients, recharge, store and discharge groundwater; and
 - f. Provide plant and animal habitat, and support riparian ecosystems.

17.42.020 - Applicability.

A. This chapter shall apply to development in the flood management overlay district, which may also be referred to as the "floodplain overlay district" in this code. The flood management overlay district includes all areas of special flood hazards and all flood management areas within the City. The overlay district restricts the uses that are allowed in the base zone by right, with limitations, or as provisional uses.

B. The flood management areas which have been mapped include the following locations:

1. Land contained within the one hundred-year floodplain, flood area and floodway as shown on the Federal Emergency Management Agency flood insurance maps dated June 17, 2008, including areas of special flood hazard pursuant to **Section 17.42.040** and the area of inundation for the February 1996 flood; and
2. Lands that have physical or documented evidence of flooding within recorded history based on aerial photographs of the 1996 flooding and/or the water quality and flood management areas maps.

C. The standards that apply to the flood management areas apply in addition to state or federal restrictions governing floodplains or flood management areas.

Finding: Compiles with condition. Portions of Water Street are within the elevations established in Flood Zone analysis attached in Appendix I, therefore, this section applies. The GDP appears to show development within the 1996 flooding area. The applicant has also stated that, "The change in flood capacity is a net reduction of 47.66 cubic yards. As discussed in Appendix I, specific phases of development at *tumwata village* may result in a net reduction in flood storage capacity, but overall, there will be no net reduction in flood storage capacity for the overall buildout." Subsequent DDPs will be subject to floodplain codes applicable at the time of GDP application or the code applicable at the time of DDP application, whichever is preferred by the applicant. Future DDPs utilizing the code applicable at the DDP application may be required to complete a Mitigation Assessment to comply with FEMA regulations intended to protect Endangered Species Act species and habitat.



Future DDP applications proposing construction within the Flood Management Overlay District shall address Chapter 17.42 of the Oregon City Municipal code. A final balanced cut and fill shall be completed at the conclusion of the master plan. Each DDP shall track the status of cut and fill within each phase of development and if not balanced show how the site will balance upon full buildout. **Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.**

Willamette River Greenway Overlay District (17.48)

17.48.070 Development standards—Specific use.

In approving any development or change or intensification of use, the approving officer or body shall apply the following standards:

Considerations for Specific Uses.

- A. With respect to recreational uses only: the considerations set forth in section C.3.b. of Goal 15.*
- B. With respect to those fish and wildlife habitats identified in the city comprehensive plan only: The considerations set forth in section C.3.d. of Goal 15.*
- C. With respect to those scenic qualities and views identified in the city comprehensive plan only: The considerations set forth in section C.3.e. of Goal 15.*
- D. With respect to timber resources only: The considerations set forth in section C.3.h. of Goal 15.*
- E. With respect to aggregate extraction only: The considerations set forth in section C.3.i. of Goal 15.*

Finding: Complies with Conditions. To the extent that any of the above-identified uses are re-proposed or located on the site, the applicable Goal 15 standards will apply. The Greenway overlay does not generally restrict uses on the property. Rather, allowed uses are listed in the underlying zone. Below are the following WRG sections relevant to this application.

- c. Access -- Adequate public access to the river shall be provided for, with emphasis on urban and urbanizable areas;*
- d. Fish and wildlife habitat -- Significant fish and wildlife habitats shall be protected;*
- e. Scenic qualities and views -- identified scenic qualities and viewpoints shall be preserved;*



The applicant's proposal for open space, public access, and habitat restoration along the shoreline meets the minimum legal requirements and also the overall spirit and vision of Goal 15.

17.48.080 Development standards—General considerations.

The following considerations shall be applicable to all Willamette River Greenway permits.

- A. Access. Adequate public access to the Willamette River shall be considered and provided for.*
- B. Protection and Safety. Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided for to the maximum extent practicable.*
- C. Vegetative Fringe. The natural vegetative fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable.*
- D. Directing Development Away from the River. Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title.*
- E. A Greenway Setback. In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the city comprehensive plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses. No greenway setback standards shall apply for areas outside of the one hundred fifty- foot compatibility boundary.*
- F. Other Applicable Standards. The Oregon Department of Transportation Greenway Plan, the Greenway portions of the city comprehensive plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway permits.*

Finding: Complies with Conditions. In relation to the Willamette River Greenway Requirements, the proposed Framework Plan is very similar to the adopted 2014 plan. The amended plan proposes additional open space along the river, a riverfront access path, and development that is set back from the river. The amendments to the master plan propose to expand open space and restoration areas in the Framework Plan and provides further clarity on enhancement activities. The amended plan has expanded areas designated for active and passive uses as open/public space. The amended Framework Plan shows a development area adjacent to the Mill O Footprint, but this still maintains public access along the river. There is



planned redevelopment in the existing footprint of the Mill O Foundation. On balance, the plan expands open/public space and restoration activities along the river, meeting the intent of the Willamette River Greenway.

The plan proposes a greenway setback (as allowed by subsection E above) delineated by areas designated open space and areas designated as development. This setback is shown on Appendix A, Sheet 7, Willamette River Greenway Zoning map. The proposed setback was determined by a context-sensitive analysis reflected in the Framework Plan. The entire district is committed to urban uses. Within the greenway setback this general development plan proposes a multiuse pedestrian path along the riverfront that would satisfy the consideration under subsection (A). Likewise, the design of the path will determine protection and safety under subsection (B). The vegetative fringe consideration in subsection (C) can also be achieved by some of the environmental enhancements and restoration listed in this plan. The proposed plan commits to much more restoration than the adopted plan. The proposed amendments meet the purpose and standards of the WRG.

By establishing an enforceable greenway setback in this proposed Framework Plan, future development within *tumwata village* that is outside of the greenway setback will not require additional compatibility review, so long as development is consistent with Framework Plan. That is, future development must create open space in areas designated for it, maintain the greenway setback, and keep the public access between any development and the river.

17.48.100 Compatibility review.

- A. In all areas within one hundred fifty feet of the Oregon Department of State Lands' mapped ordinary low-water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses, so as to ensure their compatibility with Oregon's Greenway statutes, and to assure that the best possible appearance, landscaping and public access be provided.*
- B. All development or changes or intensifications of uses in the compatibility area shall be approved only if the following findings are made by the planning commission through a Type III review process pursuant to OCMC 17.50.*
 - 1. That to the greatest extent possible, the development or change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.*
 - 2. That to the greatest degree possible, necessary public access is provided to and along the Willamette River by appropriate legal means.*

Finding: Complies with Conditions. By establishing an enforceable greenway setback in this

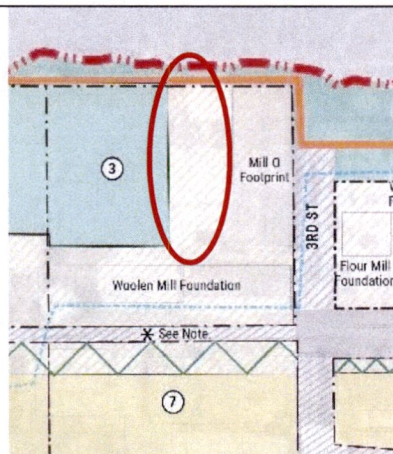


proposed Framework Plan, future development within *tumwata village* that is outside of the greenway setback will not require additional compatibility review, so long as development is consistent with Framework Plan. That is, future development must create open space in areas designated for it, maintain the greenway setback, and keep the public access between any development and the river.

Staff has provided a condition that defines how development in the Willamette River Greenway will occur and provides findings for sitewide compliance with the Willamette River Greenway, which will allow future development within the “compatibility review area” to be approved through the traditional Type II Development process provided that adequate public access and habitat restoration are included with any specific Development Plan (DDP) in the compatibility area. New private spaces outside the Mill O footprint must not be closer to the Willamette River than the identified public open space/public access within the compatibility boundary of the WRG. Revision to these conditions would require a Type III amendment to the Master Plan.

The amended Framework Plan map also anticipated that constraining new development solely on the Mill O footprint (which was the approach in CP 14-02) may be problematic, and some flexibility is needed for successful development, such as outdoor seating, restaurant space or circulation, which may need to be added to the area highlighted below in red. Therefore, staff has provided a condition that clearly indicates a minimum level of open space to be constructed in this newly expanded area and that the open space must be located in front of any private use in this highlighted area. This will provide clarity for the applicant in their development planning and clarity for the public expectation of placing public space/habitat restoration closer to the river than private development.

The area will be amended from strict open space (green) to hybrid open space/development (yellow).





In relation to the Willamette River Greenway Requirements, this amended plan proposes additional open space along the river, a riverfront access path, and development that is set back from the river. The master plan proposes to expand open space and restoration areas in the Framework Plan and provides further clarity on enhancement activities. The amended plan has expanded areas designated for active and passive uses as open/public space.

The Framework Plan shows a development area adjacent to the Mill O Footprint, but this still maintains public access along the river. There is planned redevelopment in the existing footprint of the Mill O Foundation. Compared with the 2014 Framework Plan, the revised Framework Plan has additional “potential development area” on Block 3, south of the Mill O footprint. This area is envisioned as, potentially, the site of a new hotel. Both the 2014 and the current plans show a continuous riverfront access path and significant open space development at the river edge. However, because the proposed amendment shows additional potential development area, it is appropriate to condition the plan with a requirement to provide a minimum amount of open space on the south/waterfall side of the Mill O footprint, where development of this new building may occur. A minimum 2,500 square foot open space area that is connected to the riverfront access, will be required as part of the construction of any new building on the Mill O footprint. This condition will insure provision of open and public space opportunities, while still allowing flexibility for new development.

On balance, the plan expands open/public space and restoration activities along the river, meeting the intent of the Willamette River Greenway.

17.48.110 Prohibited activities.

The following are prohibited within the Willamette River Greenway:

- A. Structural bank protection, except rip rap or a channelization used as an emergency measure only to protect existing structures. Any such rip rap or channelization to stabilize undeveloped sites shall be prohibited as well;*
- B. Subsurface sewage disposal drainfields within one hundred feet of the ordinary mean low- water line of the Willamette River.*

(Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

Finding: Complies with Conditions. Structural bank protection is not anticipated on the site, nor is subsurface sewage disposal. When the WFLPMP was approved, there was a prohibition on residential structures exceeding 35 feet in Section 17.48.110. The WFLPMP did not propose a change to this regulation. Since then, Section 17.48.110 has been amended to delete the prohibition on such residential structures in the Willamette River Greenway. As a result of this change, a predominantly residential building taller than 35 feet would be allowed under current rules.

17.48.120 - Additional procedural requirements.



In addition to the requirements of Chapter 17.50, the following procedural requirements shall be applicable to all matters arising out of Sections 17.48.070 through 17.48.100:

A. Applications submitted for review under Sections 17.48.070 through 17.48.100 shall be accompanied by such materials as are reasonably necessary for adequate review, including, as necessary:

- 1. A site and landscaping plan showing existing vegetation and development and location of proposed development for activities;*
- 2. Elevations of any proposed structures;*
- 3. Materials list for any proposed structures, including type and colors of siding and roofing; and*
- 4. Cross-sections of any area within the vegetative fringe where grading, filling, timber harvesting or excavating will occur.*

B. 1. Written notice, including a copy of the application, shall be sent immediately upon receipt to the Oregon Department of Transportation by certified mail, return receipt requested. The Oregon Department of Transportation shall have seven working days from the date of mailing to respond before a decision be rendered.

2. Written notice shall be given to the Oregon Department of Transportation by certified mail, return receipt requested, within seven days of the entry of a final order on the disposition of all applications made under Sections 17.48.070 through 17.48.100.

Finding: Complies with Conditions The application materials include site and landscaping drawings showing locations of proposed development for activities in the Framework Plan, Appendix A, Sheet 8 . The entire site has been developed. The Framework Plan is conceptual and will occur in phases, therefore no elevations of proposed structures are necessary for this application. The materials palette (included as Appendix G) is intended to guide design character of landscape and architectural structures and spaces on site and is intended for illustrative purposes.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all

permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.050 – Pre-application conference.

A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application 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.

1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.

2. 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.

3. 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 pre-application conference.

Finding: Complies as Proposed. The applicant held a pre-application conference (PA 24-17) for this proposal on June 26, 2024

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.

B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.



C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.

D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.

E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.

Finding: Complies as Proposed. The applicant met with the Two Rivers Neighborhood Association on July 11, 2024

17.50.070 Completeness review and one hundred twenty-day rule.

A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.

B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:

- 1. All the missing information;*
- 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
- 3. Written notice from the applicant that none of the missing information will be provided.*

C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the



applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:

- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
- 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
- 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*

4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.

D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:

- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
- 2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and*
- 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*

E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

Finding: Complies, the application was deemed complete on December 9, 2024. The 120-day decision date for this application is April 8, 2024

17.50.080 Complete application—Required information.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

A. One copy of a completed application form that includes the following information:



1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);
- B. A complete list of the permit approvals sought by the applicant;
- C. A complete and detailed narrative description of the proposed development;
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;
- E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications. One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II—IV applications, the following is required:
 1. An electronic copy of all materials.
 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.
 3. Documentation indicating there are no liens favoring the City on the subject site.
 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.
 5. A current preliminary title report or trio for the subject property(ies);
- G. All required application fees;
- H. Annexation agreements, traffic or technical studies (if applicable);
- I. Additional documentation, as needed and identified by the Community Development Director.

Finding: Complies the application was deemed complete on December 9, 2024.

17.50.090 - Public notices.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;



3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at City Hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

Finding: Complies. A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;
2. Street address or other easily understood location of the subject property and city-assigned planning file number;
3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;
4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;
5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;
6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;



7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and
8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

17.50.100 - Notice posting requirements.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.

B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: Complies A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing. Copies of the public notice and affidavit of sign posting are in the record.

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

17.65.010 Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, 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 housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address 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. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

Finding: Compiles with Conditions The *tumwata village* Master Plan Amendment meets the purpose and intent of this Chapter by amending (OCMC 17.65.80) the original Willamette Falls Legacy Project Master Plan (CP 14-02). The *tumwata village* Master Plan Amendment shows developing the 23-acre site with mixed-use development creating a modern tribal *village* inclusive of commercial, retail, entertainment, open space, a hotel, and residential uses. The proposed amendments build upon the prior plan by defining on-site uses and infrastructure that are anticipated to be developed over the life of the plan. Included in this application are proposed updates to the previously completed infrastructure analysis for water, sewer, stormwater, transportation, and open space to serve the development.

17.65.020 What is included in a master plan or planned unit development.

A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.

B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow

existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.

C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

Finding: Compiles with Conditions: This land-use application is a request for an amendment to the existing, approved 2014 Willamette Falls Legacy Project Master Plan CP 14-02. The *tumwata village* Master Plan is a General Development Plan (GDP) Amendment. This GDP Amendment application identifies the proposed uses within the development as discussed below.

The project boundary is being amended as part of this land-use application to include the former Edres Property (458 Main Street) on the southeast corner of the OR99E/Main Street intersection, which is now currently owned by the applicant. This property was not included in the previous plan.

Where applicable, the applicant's design team has evaluated previously identified mitigation and mitigation triggers to off-set the impacts of the prior Master Plan development and have re-evaluated those proposed mitigation actions based on the current development proposal. Updated mitigation and mitigation triggers are proposed where applicable. As a general note, the intensity of envisioned site development is at a level lower than what was previously anticipated. The amount of future development was evaluated through the Transportation Planning Rule (TPR) analysis in 2014 for the proposed zone change. This reduction in development reflects the Tribe's commitment to site healing and restoration. However, because it is already approved, the Tribe reserves its right to use the "capacity cap" developed under the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

Although a site phasing plan has not yet been developed, public and private improvements are expected to be constructed with Detailed Development Plans over the life of the *tumwata village* Master Plan.

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.

A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in

a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.

C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.

D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.

Finding: Complies. The CTGR is the applicant and owner of the site and is voluntarily submitting this master plan amendment for review. The site includes both the former Blue Heron Paper Mill site (22-acres), and an additional adjacent parcel located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. The existing Master Plan, the 2014 Willamette Falls Legacy Project Master Plan (CP 14-02), is in effect and will be amended as part of this land use action. The amendment application incorporates the adjacent parcel located at 458 Main Street into the master plan boundary.

17.65.040 - Procedure.

A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.

B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.

C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.

D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.

E. Relationship to Other Reviews. It is the express policy of the City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

Finding: Complies. A preapplication conference was held on June 27th, 2024. A neighborhood association meeting was held on July 11, 2024. In addition to the proposed amendment to a master plan, this application includes a Greenway Compatibility Review. A concurrent Detailed Development Plan (DDP) approval for new streets in *tumwata village* and flood development permit review is requested with this application. A Type III procedure is required for all concurrent reviews. This review will reset the planning period of 20 years.

17.65.050 - General Development Plan.

A. Existing Conditions Submittal Requirements.

1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:

- a. Current uses of and development on the site;*
- b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;*
- c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;*
- d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;*
- e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;*
- f. Existing utilization of the site;*
- g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:*
 - i. Physical characteristics;*
 - ii. Ownership patterns;*
 - iii. Building inventory;*
 - iv. Vehicle/bicycle parking;*
 - v. Landscaping/usable open space;*
 - vi. FAR/lot coverage;*
 - vii. Natural resources that appear on the City's adopted Goal 5 inventory;*
 - viii. Cultural/historic resources that appear on the City's adopted Goal 5 inventory;*
 - ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and*
 - x. Geologic hazards pursuant to OCMC 17.44.*

h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.

i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;

ii. Transit routes, facilities and availability;

iii. Alternative modes utilization, including shuttle buses and carpool programs; and

iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).

i. Infrastructure facilities and capacity, including the following items:

i. Water;

ii. Sanitary sewer;

iii. Stormwater management; and

iv. Easements.

Finding: Compiles Some of the noted information requested in this section was previously provided as part of the 2014 Willamette Falls Legacy Project Master Plan CP14-02, including diagrams and descriptions of land uses that surround the site, previous land use approvals, physical characteristics, ownership patterns, locations of trees, geologic hazards, and the establishment of a Multi Modal Mixed-Use Area.

This amendment to that plan provides updated information, where there are changes from the previous plan. The following are provided as a part of this application:

- *Development and current uses on site (Sheet 1, 5 of the Appendix A: Drawing Set)*
- *A building inventory (Sheet 5 of Appendix A: Drawing Set)*
- *A vicinity map (Sheet 1 of Appendix A: Drawing Set)*
- *An FAR analysis (Appendix H)*
- *A description of Goal 5 natural resources (page 18)*
- *A study of potentially historic structures on site (Appendix D)*
- *A Transportation Report is provided as Appendix B*
- *A Utility Report that analyzes infrastructure facilities and capacity (Appendix C).*

2. Maps and Plans.

a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.

i. Date, north point, and scale of drawing.

ii. Identification of the drawing as an existing conditions site plan.

iii. Proposed development boundary.

iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.

v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.

b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At

least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.

c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one half inches by eleven in size, and black and white reproducible.

Finsings: Complies. A new drawing set for *tumwata village* includes existing conditions plans, site plans, and aerial photo, are provided with this application attached as the Drawing Set.

B. Proposed Development Submittal Requirements.

1. Narrative statement. An applicant shall submit a narrative statement that describes the following:

a. The proposed duration of the general development plan.

Finding: Complies with Condition. The applicant requested a 20-year timeframe for the master plan. Based on previous experience, it will be helpful in the future to include an exact date in the decision. Staff has recommended a date of December 31, 2045

b. The proposed development boundary. May also reference submitted maps or diagrams.

Finding: Complies with Condition. The applicant is proposing a modification to the previously-approved development boundary to include an additional adjacent parcel now owned by the applicant. This new lot is located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. The proposed Master Plan Amendment boundary can be seen in the Drawing Set on page 8. As shown on attached drawings, the property boundary extends upstream along the Trail to Canemah. As with the previous plan, this “cherry stem” of the existing property is within the master plan boundary.

c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.

Finding: Complies with Condition. The first phase of development will be the construction of new streets and utilities to serve Block 1. The Grand Ronde Tribe recently secured \$2 million in Federal appropriations for street and utility improvements surrounding Block 1. This application package requests a concurrent DDP for the streets. Beyond this project, no formal phasing is proposed. The ability to complete improvements depends on market demand and conditions. Depending on market conditions, the applicant anticipates onsite development to occur over a 20-year time frame (2044).

d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.

An amended master plan will allow redevelopment of the site with a mix of commercial, service, entertainment, residential, open space, and retail uses as depicted in the plan.

Finding: Complies with Condition. The 23-acre site has the potential for large-scale development to the benefit of Oregon City and the region. Redevelopment of the site creates economic

development opportunities, enhances habitat and open space, provides public access, and creates new opportunities for people to experience the natural wonder of the largest falls in Oregon. tumwata village is a living honor to the Tribal People of the Falls and their continued persistence. It will become a thriving modern tribal village and place of prosperity and abundance. tumwata village will contribute to economic development both within the site and throughout Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years). Any impacts on surrounding properties with regard to transportation and public infrastructure will be mitigated by incremental offsetting changes to public systems for accommodating new growth, that is, the transportation and public utility improvements that are identified in this plan and will be implemented concurrent with new development.

These amendments to the GDP are an important step in the future of the new district. This review process includes an assurance of compliance with the principles of and standards within the general development plan, all the requirements and information necessary for subsequent detailed development plans. Having a framework for future development on the site allows for renewal of the area to occur over time, while assuring consistency with the general principles of the plan. The general development plan and proposed amendments address the larger development needs, such as street location, layout of development and open space areas, and infrastructure capacity, while leaving details of building orientation or how uses are mixed until the detailed development phase.

The guiding principle of site redevelopment is Healing. Healing landscapes and people requires consideration of multiple scales and timelines. Success at tumwata village will be evident by creating active spaces intended to gather and connect people, views, and resources of abundance. Ultimately, the general development plan will foster the growth of the Willamette Falls Downtown District by clearly delineating areas for new development and open space, designating public access through a grid of streets and multi-use paths along the waterfront, and ensuring a clear path forward for high-quality future projects.

e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.

Finding: Complies with Condition The applicant has reviewed the City's inventory for historic designations of structures and parcels. No historic designations were found within the proposed Master Plan boundary. The Trail to Canemah segment extends tribally-owned property south along the riverfront. There is no overlap between the Canemah Historic District and the Trail to Canemah segment or the Master Plan Boundary.

In the 2014 plan, some structures onsite were identified as potentially eligible for historic protections, and the applicant has reviewed that list. A new study, attached as Appendix D, was performed to evaluate the 10 structures through the lenses of Historical Significance, Structural Stability, Architectural

Significance, and Archeological Potential. The result of the study was that the Woolen Mill Foundation, the Flour Mill Foundation, and a newly identified element, the Warehouse Foundation, are the only sites within the proposed boundary that are potentially eligible for listing on the National

Register of Historic Places (US National Parks Service). The PGE Dam, which is not located within the proposed boundary, but is located within 250-feet of the proposed development boundary, is listed on the National Register of Historic Places. More broadly, this General Development Plan Amendment establishes a framework for future development. When buildings and open spaces are redeveloped, Detailed Development Plans must demonstrate compliance for the protection of Goal 5 resources. Refer to previous sections of the staff report that address Goal 5 resources for additional findings.

With regard to natural resources, the City's Natural Resources Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resources Goals and Policies. Resources on this site are described in the introduction and related to its proximity to the Willamette River. The associated NROD district boundary reflects the riparian resources. The NROD overlay applies to a portion of the Willamette Falls Downtown District and its requirements will be met as part of any future DDP application. The tumwata village Master Plan Amendment identifies enhancement opportunities for the site that will improve riparian conditions for fish and wildlife.

f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:

i. Transportation impacts as prescribed in subsection g below;

ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on City-wide systems; including a phasing plan for all onsite and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.

systems; including a phasing plan for all onsite and off-site public

iv. Neighborhood livability impacts;

v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.

Finding: Complies with Condition The memos, mapping, analysis of the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), and proposed amendments to the WFLPMP are provided in the tumwata village Master Plan Amendment materials Appendix A—Appendix L.

The approved WFLPMP included baseline assumptions for site development. Associated impacts to transportation, parking, public facilities, neighborhood livability, and natural, cultural, and historical resources were quantified, and their effects mitigated for through established Conditions of Approval as part of land-use decision CP 14-02. The proposed amendment includes additional habitat enhancements and open space that exceed the mitigation requirements of the 2014 approval.

A baseline development package of 500,000 to 600,000 square feet of new building area was approved as part of the existing plan. A Framework Plan was also developed to serve as “base zoning” to regulate the type of development that could occur on a block-by-block basis throughout

the site in addition to the zoning that was established in OCMC Chapter 17.35 Willamette Falls Downtown District (WFDD).

The applicant's site redevelopment goal is to heal the site and return much of the site to a more naturalized landscape. As such, the tumwata village Master Plan Amendment Framework Plan envisions a reduction in development onsite, with a target of approximately 300,000 square feet of buildable space. This reduction is roughly half of what was originally envisioned for construction through the 2014 WFLP Vision Report. Impacts on natural and cultural resources will be reduced from those originally evaluated in 2014, however, the applicant is proposing enhancement activities that exceed the habitat and open space mitigation requirements in this amendment request.

As such, impacts to public facilities, neighborhood livability, and natural, cultural, and historical resources are universally less significant in this amended plan than in the current plan. Insofar as this standard applies, the findings of the previous plan are still valid to a less-intensive plan for development on the site. An updated Traffic Impact Analysis and Site Utility Plans are found in Appendix A and Appendix B. Proposed modifications to mitigation and mitigation timing for development impacts can be found in the Conditions of Approval table in Appendix E. The tumwata village Master Plan Amendment evokes a modern tribal village with high-quality buildings and open spaces. The tumwata village Master Plan Amendment allows for future integration with the publicly funded Riverwalk, and heals this sacred land.

g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.

h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by City requirements. The transportation impact study shall either:

i. Address the impacts of the development of the site consistent with all phases of the general development plan; or

ii. Address the impacts of specific phases if the City engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.

i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:

i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.

ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be

submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.

iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.

Finding: Complies with Condition As part of the prior land-use process in 2014, Oregon City adopted Ordinance No. 14-1015 which created a mixed-use Multi-Modal Area (MMA) as identified in OAR 660-012-0060 for the area on either side of Main Street, south from 11th Street, through downtown and into the proposed Willamette Falls Downtown District. This boundary includes both properties owned by the applicant. In 2014, transportation impacts resulting from changes to the Comprehensive Plan were evaluated using the Transportation Planning Rule (TPR). This analysis allows for a balance between allowed land uses and the transportation system necessary to support them. The rule assesses whether proposed changes create a “significant impact” on the system. If so, mitigation must be proposed that brings the conditions back to the same level (or better) than the no-build condition.

Building on the prior analysis work completed with the WFLPMP2, the tumwata village Master Plan Amendment, reviewed the baseline assumptions of the WFLPMP and did an on-balance analysis of the tumwata village Master Plan Amendment site impacts, provided in Appendix A. The land use assumptions established through the WFLPMP are shown below:

Table 4: Land Use Assumptions for the Willamette Falls Legacy Project Site

Scenario	Housing Units	Retail Employees	Other Employees	PM Peak Hour Vehicle Trips Ends
2035 Baseline*	0	0	289	140
2035 with Willamette Falls Redevelopment	240	219	1,453	700

* The 2035 Baseline scenario was assumed for the 2013 Oregon City TSP

The applicant’s revised goals for site redevelopment are more modest in terms of total building area. This updated master plan emphasizes healing the site and returning much of it to a more naturalized landscape. As such, the tumwata village Framework Plan envisions a target of approximately 300,000 square feet of buildable space, roughly half the square footage of what was originally envisioned through the approved plan.

Nevertheless, The Grand Ronde Tribe reserves the right to use the “capacity cap” developed under the “worst case re-development scenario” of the previous analysis. This was established through the Multi- Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. The updated transportation study in this application (Appendix B) determined that anticipated trips are well within the “trip cap” established in 2014. This application

proposes a site development plan with less development when compared to the WFLPMP, and that will continue to be within the limitations imposed in 2014.

The city additionally signed a Memorandum of Understanding (MOU) with ODOT in 2015 that recorded the conditions for the previous zone change from industrial to higher mixed-use intensity (Willamette Falls Downtown District). These conditions have been carried forward for this application, as no changes are being proposed that would require an update—other than acknowledging that Project A has been completed, which involved additional lighting and safety signage at the railroad 99E tunnel.

Condition of approval No. 20 of CP 14-02 states, “Oregon City and ODOT have agreed on three key transportation improvements along OR 99E with the goal of maintaining safety and improving accessibility of the site:

- a. Intelligent Transportation Systems designed to warn traffic approaching the tunnel of hazardous conditions ahead.
- b. Prohibiting left turns northbound from OR 99E to Main Street and modification of the right turn geometry from 99E to Railroad Avenue to allow space for turning traffic to slow and maneuver outside the travel lanes on a curve with limited sight distance.
- c. A pork-chop (or raised median) at the Water Avenue/OR 99E intersection to prevent unsafe movements and reinforce right-in, right-out access at that location.”

Item ‘a’ has been fulfilled. The labeling of the projects will remain the same to be consistent with the exiting IGA between ODOT and Oregon City.

Condition of approval No. 21 of CP 14-02 states, “Oregon City will assure design and construction of the three projects as follows:

- a. A \$1,940,000 project to replace the tunnel’s illumination system in the 2017-18 time frame is included in the draft ODOT STIP. ODOT will design and construct project “a” with this illumination project. Should the \$1,940,000 available to ODOT be insufficient to fund both the illumination and ITS projects, Oregon City will contribute up to \$500,000 to cost of the project, which will include up to \$250,000 contribution by the applicant.
- b. Design of and right of way acquisition for Project “b” will be completed prior to opening of the Riverwalk or within two years of plan adoption (whichever comes first). The design and acquisition will be led by Oregon City in cooperation with ODOT. The applicant is responsible for construction of project b and is required to be completed prior to trip generation to the site surpassing 140 peak hour trips. The purpose of this improvement is to safely accommodate the increasing number of motor vehicles slowing in the tunnel to turn right on Railroad Avenue and for the safety of pedestrians crossing Railroad Avenue. The right turn into Railroad Avenue is part of an indirect left turn movement required for OR 99E northbound motor vehicles accessing the Willamette Falls site.
- c. Project “c” will be constructed during the construction of Water Avenue/OR 99E intersection. Construction of Water Avenue/99E will be triggered when one of the following occurs:
 - i. At the time of Riverwalk construction adjacent to Water Avenue.
 - ii. Any new construction or addition over 1,000 square feet on Block 1 of the Framework Master Plan
 - iii. Once development on the site has surpassed 140 peak hour trips.”

Item 'a' has been fulfilled. The labeling of the projects will remain the same to be consistent with the exiting IGA between ODOT and Oregon City.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

j. For residential and mixed-use projects:

i. Proposed minimum lot area, width, frontage and yard requirements.

ii. Proposed project density in number of units per acre.

iii. Proposed residential types and number of each.

Finding: Complies with Conditions: The current site is comprised of two properties. One large property at 23-acres under the Willamette Falls Downtown District zoning, and a smaller property at 0.5-acres under the Mixed-Use Downtown District zoning. The proposed area is primarily intended for institutional, commercial and mixed uses. Residential uses are allowed, but the area is not intended as a primarily residential project. The proposed density and residential types are not applicable to this proposal. Future DDPs will address dimensional requirements, density, and residential types.

The Willamette Falls Downtown District does not have a minimum lot area, width, frontage or yard requirements. tumwata village has a minimum FAR of 1.0. There is no minimum density requirement of the underlying zone.

The Mixed-Use Downtown District does not have a minimum lot area, width, frontage and yard requirements that apply to these properties. tumwata village has a minimum FAR of 0.5. There is no minimum density requirement of the underlying zone.

For both parcels and zoning designations, development is regulated by FAR. Additionally, the maximum height in the Willamette Falls Downtown District is 80 feet, and the maximum height in the Mixed-Use Downtown District is 75 feet. Since the site is under a single ownership, FAR may be calculated on a district-wide basis. Following advice from Oregon City staff, the applicant has developed a methodology for calculating FAR district-wide, which is detailed in Appendix H. This is a methodology that will be followed in future Detailed Development Plan applications, as each will be required by a proposed condition of approval to show compliance with the FAR requirements at that phase.

17.65.050.B.2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:

a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.

b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys,

sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.

d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.

e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.

Finding: Complies with Conditions The proposed Framework Plan and the drawings in the Drawing Set provide plans and diagrams that provide the requested information in this section. A transportation report is provided in Appendix B. A Utility report is provided in Appendix C. The 10-structure study attached as Appendix D analyzes potentially historic resources on site. The Framework Plan identifies development blocks, open space areas, and a street network. No phasing or specific building sizes are proposed. More detailed programming for on-site open spaces and specific building design will be provided with Detailed Development Plans and are expected to meet current Oregon City standards. The pedestrian bridge project connecting the Promenade to 99E has been added to the City's Transportation System Plan via the "Willamette Falls Legacy Project (CP 14-02) amendment to the TSP." Currently, there are no development triggers for this project, which is assumed to be primarily a publicly supported project. The applicant shall ensure that all future DDPs integrate any bridge planning location efforts into their plans, as the specific site landing location has yet to be finalized.

C. Approval Criteria for a General Development Plan. The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.

1. The proposed General Development Plan is consistent with the purposes of OCMC 17.65.

Finding: Complies with Conditions The purpose of OCMC 17.65 is as follows:

"It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, 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 housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute

developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address 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. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site

circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.”

The tumwata village Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The proposed amendments reflect modifications to the adopted CP 14-02 land-use decision to reflect the Grand Ronde Tribe’s vision for the site, including its goal of healing, which is embodied in the tribal values of Spirit, Place, Prosperity, and People. The tumwata village Master Plan Amendment envisions onsite development that evokes a modern tribal village with high-quality buildings and open spaces.

The proposed amendments facilitate a purposeful and efficient redevelopment of the former Blue Heron Paper Mill site. The proposal integrates existing land-use assumptions and approvals with the tribe’s desire to heal the site and create a modern tribal village. This application meets the purpose of the Master Plans and Planned Unit Developments chapter with a development Framework Plan that guides development to efficiently enact a cohesive vision for the area. The master plan and this master plan amendment facilitates analysis of adequate transportation and infrastructure and allows a cohesive vision for the future development of the site. The Framework Plan presents a plan for areas of development, integrated open spaces, and effective site circulation.

2. Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.

Finding: Complies as proposed. The applicant has established street locations and dimensions that are generally consistent with OCMC 12.04 & 16.12. Subsequent DDPs will trigger OCMC 17.62 and will be required to meet those requirements with each DDP application.

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Finding: Complies with conditions. : The *tumwata village* Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan, approved by Oregon City via CP 14-02. The 2014 Master Plan did an analysis of public services for transportation, water supply, police, fire, sanitary waste disposal, stormwater disposal, and any other needed public services and facilities including schools and parks for onsite uses. That plan demonstrated that this criterion was met, and all public services were capable of serving the proposed development. Conditions of approval were written in 2014 to mitigate impacts associated with a “worst case re-development scenario” established through the Transportation Planning Rule (TPR) zone change analysis. As noted, this amendment proposes less site development than the 2014 Master Plan.

Transportation:

Conditions of approval were written to mitigate impacts associated with a “worst case re-development scenario” established through the Transportation Planning Rule (TPR) zone change analysis. This application proposes a site development plan with less development when compared to the approved 2014 plan, therefore reducing development impacts. Still, the Grand Ronde Tribe reserves the right to use the “capacity cap” developed under the

“worst case re-development scenario” established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016. No substantial changes to transportation conditions of approval are proposed. One mitigation project has been completed and is therefore requested to be removed from the revised conditions of approval. An updated transportation analysis is detailed in Appendix B.

Water Supply:

An analysis of the water supply is provided in the Utility Report attached as Appendix C. The proposed water system design will follow the design and construction standards of the City of Oregon City and the requirements for fire protection established by Clackamas County Fire District. Future water services and design for individual development will be established as the uses for individual lots are programmed.

Police:

Police service will be the responsibility of Oregon City Police, who currently serve the site. The city has not indicated the need for any significant change in levels of police services due to the redevelopment of the site. The Grand Ronde Tribe also has a Tribal Police Department, and under the 2011 SB412, Tribal Police officers employed by a federally recognized Indian tribe located within the boundaries of the State of Oregon have the power to enforce state law provided that certain requirements are met.

Fire:

Fire protection will be the responsibility of the Oregon City Fire Department, who currently serve the site. As the site redevelops, new and rehabilitated buildings will comply with modern building codes that include fire protection and water supply that meets fire flow standards. Streets within *tumwata village* will be private, but will be constructed to city standards that accommodate firefighting equipment. The city has not indicated the need for any significant change in levels of fire services due to the long term redevelopment of the site.

Sanitary Waste Disposal:

The existing and proposed public sewer improvements have been studied to prepare a conceptual level plan to serve the proposed development sites, existing and proposed conditions are detailed in Appendix C. The concept plan was completed assuming full buildout of the development and is expected to be refined as the project phasing is established. An existing sewer system that serves many of the buildings onsite has been identified through survey efforts completed by AKS. The existing sewer was located throughout the site in the vacated street right of way. An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement. To serve the proposed development site, a new public sewer extension is anticipated through private streets with easements. The proposed extension will be designed and installed per the City of Oregon City Public Works Design Standards.

Stormwater Management:

The stormwater approach is detailed in Appendix C. The proposed stormwater management design will follow the Oregon City Stormwater and Grading Design Standards (SGDS),

updated March 2020. Per Section 1.2.2.I of the SGDS, the entire project site meets the flow control exemption requirements; therefore, on-site detention is not required. The proposed stormwater management strategy will focus on water quality treatment and conveyance of on-site runoff to the proposed outfalls to the Willamette River.

Schools and Parks:

Though the proposed use is not intended to be primarily residential, there may be a residential component to mixed use development. The city has not indicated that there are additional needed facilities for schools and parks due to anticipated development. The Framework Plan includes large amounts of natural areas and publicly accessible open space.

Staff concurs with the applicant regarding services for transportation, police, sanitary waste disposal, and any other needed public services related to schools and parks.

The city has no existing stormwater infrastructure within the development property and there is no need for city owned stormwater infrastructure within the development property to serve the public or any upstream developable properties. Therefore, stormwater condition of approval for the master plan shall be as follows:

All stormwater infrastructure within the development property shall be private.

The previous masterplan CP 14-02 condition read as follows:

Phasing plan for abandonment, removal, and/or replacement of existing sewer facilities, and new public sanitary sewer extensions with lateral services located within future public streets meeting separation standards from other utilities as applicable.

The development does not propose new public streets within public rights of way and the city has no need for public sanitary sewer infrastructure within the development property to serve the public or any upstream developable properties. Also, the applicant has stated, "An inspection of the existing system has not been completed at this time to determine integrity of the line; however, it is anticipated that the infrastructure is likely beyond or nearing its serviceable life and will likely require replacement." Therefore, sanitary sewer condition of approval for the master plan shall be as follows:

Existing sanitary sewer on the development property shall be private, to the maximum extent practicable.

Fire related standards are not from Oregon City and are instead from Clackamas Fire District No. 1. However, water infrastructure improvement are tied to fire standards so conditions of approvals related to both have been written under water infrastructure requirements (see below). Water infrastructure requirements have been determined based on the water master plan revised in 2021. Water infrastructure will be built over time and future DDP improvements shall include the following as applicable:

- Abandon the PRV near OR 99E & Main Street with the first DDP.
- Install fire hydrants to comply with Clackamas Fire District #1 based on the level of development with each DDP.
- Provide a 15-foot-wide easement that allows the right for the city to access and maintain the existing public water main contained within the development property with the first DDP.
- Replace the public water main within the development property which is part of the existing looped water main system providing two sources of supply (from Main Street and from the east of the property). The length of water main to be replaced shall be determined with each DDP. The size of the new public water main shall be as follows:
 - If required fire flows is limited to 3,500 gpm, the water main within Main Street shall be 12-inch in diameter.
 - If the required fire flow is 5,000 gpm or more, the water main within Main Street shall be 14-inch in diameter.
- Coordinate installation of a 10-inch water main over OR 99E with construction of a new pedestrian bridge over OR 99E from the Promenade to the development property.

Staff has determined that it is possible, likely and reasonable that the applicant can meet this standard through the Conditions of Approval.

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Finding: Complies with Conditions. The Tumwata Village Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02.

Historic/Cultural Resources:

There are currently no locally designated historic structures (OCMC 17.40) located on the property. The Willamette Falls site is not currently located within a local or National Register Historic District. In the WFLPMP, some structures onsite were identified as potentially eligible, and the applicant has reviewed that list. A study was performed to evaluate the 10 structures through the lenses of Historical Significance, Structural Stability, Architectural Significance, and Archeological Potential. It was found that the Woolen Mill Foundation, Flour Mill Foundation, and Warehouse Foundation are the only sites within the proposed boundary that are potentially eligible. The PGE Dam, which is located within 250- feet of the proposed development boundary but not within the proposed boundary, is listed on the National Register of Historic Places. This General Development Plan Amendment establishes a framework for future development and when buildings and open spaces are redeveloped the Detailed Development Plans must demonstrate compliance for the protection of Goal 5 resources.

In Feb 2011, the former Blue Heron Paper Mill was closed, and the assets were transferred to a final bankruptcy judge who has a fiduciary duty to sell off the asset and pay existing creditors. The trustee sold all the nonbuilding assets to a salvage firm, who removed much of the mill equipment, and nonbuilding structures and elements.

Many of the remaining buildings have been stripped of their components and are in a state that does not support a long-term mothball approach, which is a process of securing the building for future use. These buildings were purpose-built, either as covers for paper machines or to house other paper-making processes. As a result, their ability to be mothballed for an extended period is limited. Updated information about building conditions can be found in Exhibit 1D 10-Structure Study.

In 2012, The city, in an attempt to better understand the reuse options for the structure onsite, provided a reconnaissance-level historical survey to the State Historic Preservation Office to identify which buildings might one day be potentially eligible for historic tax credits if a future owner wanted to pursue those funds. This reconnaissance survey found that there were numerous buildings that could be potentially eligible for listing on the National Register.

In September 2012, SHPO provided a concurrence letter reviewing the reconnaissance Leve survey (exhibit 5b), confirming that the site was not eligible for listing as a historic district due to the loss of mill elements. As such, each of the buildings would need to be individually assessed for eligibility. This analysis was an interim measure that examined the potential eligibility. Only an intensive-level survey or an official National Register nomination could provide the detailed information needed to formally determine eligibility.

As part of the original Master Plan (CP 14-02), the city's consultant evaluated the redevelopment potential of the potential historic resources on-site. They provided rankings based on historic significance, structural integrity, and the feasibility of architectural reuse (specifically, whether leasable spaces could be created). Four buildings were identified as meeting the minimum threshold for reuse. (Mill O, Hawley, No 4 Paper Machine and Di Ink) . These were added along with the Woolen Mill Foundation as a condition to CP 14-02 to require some of the buildings to be retained unless further amended. Other elements, such as the digesters, Horton Sphere, and Flour Mill foundation, were added as elements for retention to ensure some elements of the mill site were retained. The conditions were created to provide a pause or stay of full site demolition until a new owner and vision could be developed.

With the purchase of the site by the Confederate Tribes of the Grand Ronde, a new vision for the site emerged. This vision envisioned healing the landscape and creating active spaces intended to gather people and connect them to the breath of the stories on-site rather than retaining the large stripped and aging industrial mill building that represents only a small portion of the site's 13,000 years of human history.

The applicant retained Historic Research and Associates to complete an Intensive-Level Surveys (ILS) for the four buildings as well as each of the buildings identified as potentially eligible for listing on the National Register in 2012, fulfilling a condition from CP 14-02 requiring mitigation/documentation prior to undergoing demolition or alteration. They also provided intensive-level surveys for the smaller elements identified for retention, such as digesters and Horton Sphere, which were not required. These documents can be found in Exhibit 1D and provide an extensive research effort of the site, which is available to the public and can be used in future interpretation projects.

Historical Research Associates reviewed the buildings based on National Park Service (NPS) guidance regarding eligibility for listing in the National Register of Historic Places. With the additional research provided in the intensive-level survey, HRA found that all the buildings, except for Woolen Mill and Flourmill/No.2 Paper Machines site foundations, were not individually eligible for listing on the National Register. This was because they were generally too altered, were not unique to the region's papermaking history, and were commonly found elsewhere in the area. Updated building conditions reports submitted by the applicant's engineering consultant also indicated that in the 10 years since the original GDP many buildings incurred further environmental damage making reuse of the building economically infeasible.

Chrissy Curran, Deputy SHPO Concurrence Letters 2025

The city requested a letter providing an updated determination of eligibility (DOE) based on the applicant's submission of Intensive level surveys for all the buildings previously identified as potentially eligible in 2012. The updated 2025 determination letter concurred that the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site are individually eligible for listing on the National Register. SHPO also finds that the Hawley Building and Horton Sphere are also individually eligible. Both the 2012 and 2025 letters can be found in Exhibit 5b.

None of these structures are locally designated under the OCMC 17.40 Historic Overlay District, which requires owner consent., nor did the previous CP 14-02 condition of approval mandate rehabilitation or adaptive reuse of the buildings identified for retention. The retention condition was placed on a number of buildings and structures that appeared to have the highest reuse potential, and retention was desired until a final owner was determined for the site. The Planning Commission can look at several factors in determining if the previous condition requiring a Type III review of demolition of certain buildings should be revised with this application. These SHPO letters should be seen as background information to aid the Planning Commission in its deliberations.

As the initial intent of the CP 14-02 conditions was to provide a pause or stay of full site demolition until a new owner and vision could be developed, requiring retention of structures not part of the tumwata village vision would be problematic as the existing conditions do not mandate re-use or rehabilitation of the buildings on site and retaining the Hawley Building and Horton Sphere in this location directly conflicts with the owner's goal of ecological restoration for this area. For this reason, staff recommends that the Planning Commission adopt the revised approval condition that acknowledges the retention of the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site and that all other structures can be removed through a Type I Demo Review. Any future revisions to the Framework Plan that do not retain the Woolen Mill Foundation and Flour Mill Foundations/No. 2 Paper Machine Site would require a Type III Master Plan Amendment.

Please note that any removal of building/elements identified as eligible for listing on the National Register utilizing federal funds is required to adhere to the Section 106 process of the National Historic Preservation Act (NHPA) through the State Historic Preservation Office (SHPO), which looks at alternative analysis, public outreach, and proportional mitigation if there is an adverse effect. This will occur separately and should not be integrated into the local land use process.

Natural Resources

The City's Natural Resources Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resources Goals and Policies. Resources on this site are related to its proximity to the Willamette River and the associated NROD district boundary reflects the riparian resources. The NROD overlay applies to a portion of the Willamette Falls Downtown District and its requirements will be met as part of any future DDP application. This amendment increases enhancement opportunities for the site that will improve riparian conditions for fish and wildlife. Any impacts to resources from future

development on site will be mitigated for, pursuant to the applicable chapters of this code. The tumwata village Master Plan Amendment demonstrates that it does not preclude or prohibit future compliance with the NROD. Though the site is on the banks of the river, the entire developed area of the site is covered with impervious surface. The NROD chapter provides an exemption for properties that do not increase impervious surface over existing conditions (17.49.080.J). This exemption is likely to be invoked for future development, since there is virtually no pervious surface on the existing site because the property is completely built out with decades of industrial development. In fact, changes to the site will likely increase pervious surface and natural functions in tumwata village.

5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The WFLPMP also proposed a re-zone of the site. Through the rezoning process it identified anticipated impacts to the public system and surrounding community. Proposed mitigation for impacts were outlined in the Conditions of Approval. The applicant's site development proposal is anticipated to be less intense than the "worst case re-development scenario" established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

Where applicable, the applicant's design team has evaluated previously identified mitigation and mitigation triggers to offset the impacts of the prior Master Plan development and has re-evaluated those proposed mitigation actions based on the current development proposal. One modification is proposed relevant to this criterion. Because the amended plan anticipates significantly less habitable space, the applicant proposes amending WFLPMP Condition of Approval 17 to reduce both the development threshold and amount of open space required. Condition of Approval 17 required provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because anticipated future development of the site will be approximately half as much as previously forecast, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. 40,000 square feet will still eventually be achieved, indeed the amendment to the master plan expands open spaces in comparison to the original plan. Further elaboration on the proposed COA is found in Appendix E.

Each Detailed Development Plan approval will be consistent with the applicable provisions of the 2024 Oregon City Municipal Code. The revised master plan drawings illustrate the site and utility plans. The Grand Ronde Tribe reserves the right to use the “capacity cap” developed under the “worst case re- development scenario” established through the Multi-Modal Area (MMA) adoption via Ordinance No. 14-1015 and the Master Plan adoption via Ordinance No. 14-1016.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.

The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The Oregon City Comprehensive Plan is acknowledged, many of the comprehensive plan findings from the 2014 application remain relevant. The principles within the comprehensive plan included in this GDP Amendment include urban development, promotion of redevelopment, protection of natural resources, fostering economic vitality, providing for efficient and cost-effective services, and ensuring a sense of history and place. These principles are embodied in the tribal values of Sprit, Place, Prosperity, and People. The following comprehensive plan goals and policies have been determined to be applicable to the general development plan and are addressed below. Findings focus on the proposed amendments to the WFLPMP.

HEALTHY AND WELCOMING COMMUNITIES

GOAL 2 -Acknowledge, protect, enhance, and commemorate Oregon City’s historic, artistic, and cultural resources.

POLICY 2.1 Promote the Willamette and Clackamas Rivers as a community benefit for cultural connection and understanding.

POLICY 2.2 Recognize and celebrate the history of tribal presence in Oregon City and seek opportunities to educate community members and elevate understanding.

STRATEGY 2.3.A Promote the designation of qualifying properties outside Historic and Conservation Districts as historic

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

STRATEGY 2.4.A Support the preservation of Oregon City’s historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

Finding: Complies with Conditions The proposed amendments to the WFLPMP promote the Willamette River as a community benefit, the amendments expand open and public space, protect and enhance the resources along the river, and restore tribal ownership and values to a culturally significant site. The applicant and landowner, The Confederated Tribes of Grand Ronde Community of Oregon, is a thriving sovereign nation. The tribe purchased this land to ensure tribal ancestral knowledge and teachings were celebrated, and that obligations and responsibilities to this sacred land were realized. The Grand Ronde Tribe owns property throughout its homelands based on cultural, historical, economic investments, and restoration values. Success at tumwata village will be evident by creating both active and passive spaces intended to gather and connect people, views, and resources of abundance. tumwata village is a celebration of perseverance and healing for the Grand Ronde Tribe and families who have been connected to this land since time immemorial. These

changes align with Policy 2.1, 2.2, and 2.4. In the CP 14-02 land-use decision, a narrow historical lens focused on the development of hydroelectricity and the establishment of the paper making industry in the State of Oregon was used to select structures and secondary elements for full or partial retention and reuse as part of the land-use decision. The purpose of requiring the full or partial retention and reuse of structures and secondary elements was to preserve and define the industrial character of the site upon redevelopment.

The Confederated Tribes of the Grand Ronde Community of Oregon coordinated an updated analysis of each of the ten structures and secondary elements through the following lenses:

- Historical - Analysis performed by Historical Research Associates, Inc. An intensive-level historical resources survey (ILS) consistent with the Oregon State Historic Preservation Office (SHPO) was completed for each of the ten structures/secondary elements, and their eligibility as it pertains to the National Register of Historic Places (NRHP) was also completed. The current evaluation (2022) of the ten structures was then compared to the prior evaluations done by George Kramer (2002), Oregon City (2012), and SHPO (2012).
- Architectural – Analysis performed by GBD Architects. Each structure/secondary element was evaluated for its current exterior and interior qualities as well as their respective site/location. A summary of the findings for each structure/secondary element is presented and then a rating for adaptive reuse both as a standalone item and within the context of the Tribe’s proposed tumwata village Master Plan Amendment was completed.
- Structural – Analysis performed by catena consulting engineers. Each structure/secondary element was observed and assessed for their structural condition, their expected structural performance and potential for renovation and/or adaptive reuse. Additionally, information regarding seismicity, soil liquefaction, and lateral spread considerations, and flooding considerations are presented. Also presented are code-mandated structural retrofit and repair triggers that are applicable to each of the building structures.

Based on both the prior analyses and the current analysis, it is evident that significant degradation to the site integrity has occurred. The 10-structure study is attached as Appendix D. The City’s 2014 effort through the CP14-02 land-use decision to preserve the industrial site character upon redevelopment has been impacted most significantly due to the lack of maintenance onsite which accelerated starting the mid-1980s. Maintenance of onsite infrastructure was often disregarded. As such, many of the identified structures have had little maintenance for nearly 40-years.

Based on the analysis it was determined that only two of the ten items are eligible for listing on the National Register of Historic Places (NRHP). Based on the criteria set forth by the National Park Service, the Woolen Mill Foundation, Flour Mill Foundation and a newly identified element, the Warehouse Foundation, are eligible for listing on the National Register of Historic Places. These three sites have been incorporated into the proposed tumwata village Master Plan Amendment for retention and reuse. Refer to the Goal 5 section above for additional complaint findings. For these reasons the proposed amendments are consistent with the above goals and policies.

DIVERSE ECONOMY

GOAL 1-Provide opportunities for a variety of goods, services, and employment options to work toward a dynamic, ecologically sound, and socially equitable economy

POLICY 1.6 Promote the city's destinations, natural resources, and historic and cultural amenities to grow the tourism industry.

STRATEGY 1.6.A Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

STRATEGY 1.6.C Ensure land uses and transportation connections that support tourism as an important aspect of the City's economic development strategy. This includes important cultural and historical amenities.

STRATEGY 1.6.D Encourage private development of tourism related uses such as: hotel, bed and breakfast, restaurant facilities and other visitor services

Finding: Complies with Conditions The proposed amendments support tumwata village, a modern development that will provide a mix of open space, retail, shopping, residential, office, restaurants, and a hotel/event space for visitors and patrons. It will become a vibrant pedestrian destination and place of prosperity and abundance. tumwata village will contribute to economic development both within the site and throughout Oregon City, West Linn, Clackamas County, and the State of Oregon (as it has for thousands of years).

A pedestrian-friendly network of local streets will link tumwata village with the rest of Oregon City's downtown to further enhance economic opportunities. In addition to new streets, public access to the site will include pedestrian and bicycle connections. This plan establishes expectations for the general location and purpose of public access. Moving west toward the river or south toward the falls, one has greater and greater connection to the invaluable resource of the Willamette River, contributing to the modern landscape-based tribal village. The core attraction of the site is its spectacular natural feature: the second largest falls, by volume, in North America, behind only Niagara Falls. The key component of this amendment is public access to the site, giving the greater public a chance to safely access the falls for the first time in many decades. Also, planned active and passive open space is located throughout the site orienting people to both the Willamette River and the falls. The plan therefore explicitly encourages river-related tourism and facilities to support it.

GOAL 2- Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

POLICY 2.4 Support and encourage transit-oriented development opportunities.

STRATEGY 2.4.A Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

STRATEGY 2.4.B Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses)

Finding: Complies with Conditions The proposed amendments continue to include an allowance for residential uses, though it proposes less space overall than the 2014 WFLPMP. The types and number of housing units will be determined in future DDPs. The proposed plan will use land efficiently because it provides for a range of uses to mix on the same site at urban densities, and in a location that is close to existing development and public services. This site is bounded by a transit corridor, on Highway 99E. The current site is not open to the public, nor is it currently in use as an

employment center, so it is not served in any real way by transit. With the anticipated redevelopment of the site, space for transit access into and through the

site is being planned and service will likely to improve. Overall, the development standards and requirements for the site are highly supportive of transit-oriented development. In these ways, the proposed amendments continue to be aligned with the above goals and policies.

GOAL 3

Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

POLICY 3.1 Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.

STRATEGY 3.1.B Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

STRATEGY 3.1.E Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

POLICY 3.2 Promote development of walkable neighborhoods to reduce transportation demand and enhance localized access to community services and amenities.

STRATEGY 3.2. A Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

Finding: Complies with Conditions This amendment to a master plan allows for district-wide planning to encourage efficient and strategic use of space on site. The area is already entirely developed with abandoned mill infrastructure and, because it sits on a basalt shelf, is impervious. Only three structures were identified for retention and reuse, the rest of the area will be appropriate for new development. Amendments to the WFLPMP promote a district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and high densities that will enhance convenient and efficient transportation choices.

The development standards and use provisions that are part of tumwata village's regulatory scheme will promote mixed uses and higher residential densities, along with walkable neighborhoods. The historic street pattern of downtown will be extended into tumwata village. A pedestrian-friendly network of local streets will link tumwata village with the rest of Oregon City's downtown. In addition to new streets, public access to the site will include pedestrian and bicycle connections. These strategies promote efficient use of land and public infrastructure and walkable neighborhoods, consistent with the above goals and policies.

CONNECTED INFRASTRUCTURE

GOAL 4 -Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

POLICY 4.1 Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.

STRATEGY 4.1.A Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

Finding: Complies with Conditions Included in this submittal is an updated utility report, attached as Appendix C, demonstrating how infrastructure will be extended to serve the site. The entire site is currently developed with impervious surfaces. These amendments to the WFLPMP support development on an underdeveloped and abandoned site that is easily served by public facilities and services, thereby encouraging sustainability and energy conservation.

PROTECTED ENVIRONMENT

GOAL 2-Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems

POLICY 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies with Conditions This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site. Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities. As listed in the plan, future development will enhance the shoreline habitat, diversify habitat, and establish a vegetated buffer along the riverbank. The amendments to the WFLPMP promote a district that has a high level of pedestrian and bicycle amenities, a mix of land uses in close proximity, and higher densities that will enhance convenient and efficient transportation choices. Restoration and efficient land use will improve air quality in Oregon City.

GOAL 3-Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.

POLICY 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

STRATEGY 3.2.A Protect existing development from natural hazards through mitigation measures identified in the Clackamas County Hazard Mitigation Plan.

Finding: Complies with Conditions. This application complies with city protections provided by the city's Geologic Hazards Overlay, OCMC 17.44. These city rules are consistent with Goal 7 and protect development from inappropriate development on steep slopes. Oregon City designates two land areas as part of its local flood management area: the Federal Emergency Management Agency-mapped 100-year floodplain, and areas inundated by the 1996 flood. The 1996 flood inundation boundary is larger than the FEMA 100-year flood zone, which covers only the southwestern portion of the site. Taken together, the city's flood management area covers 12.5 acres of the 23-acre site. A site-specific hydrologic analysis is included with this application that establishes a site-specific elevation of the 1996 flood inundation boundary.

This application proposes no changes to the city's flood management overlay district standards and future development will comply with city rules that are in effect at the time this master plan update is

submitted. New development will be subject to the existing flood overlay district requirements and geologic hazards overlay district requirements at the time of development, therefore the plan is consistent with the above goals and policies.

GOAL 4- Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.4 Restrict new substations and power line towers in the WRG and river view corridor.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan

Finding: Complies with Conditions The entire Willamette Falls Downtown District is within the Willamette River Greenway, which protects the scenic, historic, and recreational qualities of the riverfront. Allowed uses in the new zone are appropriate for lands within the greenway, as long as the development associated with these uses protects the important riverfront qualities. The proposed amendments expand the amount of natural and open spaces in tumwata village, the river continues to be a central focus of tumwata village by integrating its presence on site as well as renewing linkages and access to the Willamette River to bring healing, consistent with Goal 4.

The area is already entirely developed and impervious, any future development includes improvements to the natural environment and is expected to enhance resource values. This plan identifies both the location and type of restoration projects that will improve the natural resources present on the site.

Though degraded by a century of heavy industrial use, the riparian setting provides tremendous opportunities for restoration actions. As listed in the plan, future development could expose and restore the historical shoreline, diversify habitat, and establish a vegetated buffer along the riverbank. By designating a large area of the site as ideal for open space or park uses, the plan sets a framework for a large reduction in impervious surface and an increase in landscaped area as well as public access to the river and falls. Connectivity with downtown Oregon City, shoreline restoration and enhancement and the presence of a riverfront path will allow people access to this natural resource in a way that has not been possible for over 100 years. In all the anticipated options for development of the open spaces, citizens and visitors will be able to connect with the natural environment and gain access to views and the outdoors.

There are no existing parks or recreation areas, or recreation facilities in tumwata village. No new substations or power line towers are proposed. staff has provided an updated overall confirmation that looks at a phased DDP approach with required public access easement to meet the overlay goal of CP 14-02 to ensure public access along the river.

Pedestrian access to and along the river (17.48.100.B.2) will be provided by public access easements that follow the alignments shown schematically on Sheet 9 (Transportation Network-Revised). Easements will be provided concurrent with future Detailed Development Plan

applications at the locations identified as “future pedestrian routes” (dashed blue line). The intent and long-term goal of continuous access to and along the river is satisfied by public easements and, over time, development by public or private entities. Sufficient route planning in DDP applications insures continuous pedestrian access along the river can be accomplished. An easement will be applied to each completed section at the time of the DDP Approval, granting that final route locations may vary to account for site grading.

- Each DDP submittal shall indicate what portion, if any, of the pedestrian network shown on Sheet 9 will be constructed. The submittal shall show an up-to-date route map to ensure that the long-term goal of continuous pedestrian access along the river can be accomplished on site.
- Each DDP phase requires public access easements in the area of proposed development along “future pedestrian routes” consistent with the revised plan sheet 9 (Transportation Network) in Exhibit A of the GDP submittal.
- Areas of Main Street south of 3rd Street to the future Canemah Trail will be designed as a shared-use path, at a minimum. Identified future pedestrian routes on proposed streets are required to be constructed at the time of any development over 500 square feet on abutting lots, to the extent practicable.
- Public access is not required on open space areas identified for habitat restoration.

The applicant shall show construction of a publicly accessible open space area that is a minimum of 20,000 square feet at the time of completion of the first 200,000 square feet of new habitable space. Upon completion of site redevelopment approved in the GDP, the property will include a total of 40,000 square feet of open/public space, which shall include active and passive uses with prominent views of walamt and/or tumwata. As part of the detailed development review for this open space, the applicant will develop a long-term maintenance and operation plan to ensure that the publicly accessible open space can be maintained.

To address the expansion of private/public open space on Block 3 of the Framework Plan Map (indicated in yellow), a new open space area is proposed. At the time of development of over 1000 square feet on Block 3, A minimum 2,500 square foot open space shall be provided south of any new building, towards the falls. This open space may be a mix of active and passive uses and will be physically connected to the adjacent riverfront pedestrian public access. This shall be in addition to the open space requirements of Condition above.

7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The proposed tumwata village Master Plan Amendment is consistent with underlying zoning districts as well as the purpose and standards of all applicable overlay zone requirements per the following Oregon City Municipal Code Chapters:

- Chapter 17.34 Mixed-Use Downtown District (MUD) – 458 Main Street (former Edres property)
- Chapter 17.35 Willamette Falls Downtown District (WFDD)
- Chapter 17.42 Flood Management Overlay District

- Chapter 17.44 Geologic Hazards Overlay District
- Chapter 17.48 Willamette River Greenway Overlay District (WRG)
- Chapter 17.49 Natural Resources Overlay District (NROD)

Approval of the tumwata village General Development Plan Amendment does not specifically permit new development. Future development will be allowed for with approvals of Detailed Development Plans (DDPs) that are consistent with the applicable provisions of the Oregon City Municipal Code and the tumwata village Master Plan. There are no concept plans that apply to this area. The General Development Plan Amendment and accompanying documents have been developed to comply with the Oregon City Municipal Code and include plans demonstrating the feasibility that future development under this plan can comply with the applicable requirements of these districts except where standards are allowed to be modified.

8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.

a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.

b. Minimum required open space shall be 100 square feet per residential unit in the development.

c. The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.

d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.

f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for City review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The Amendment does include a residential component. The distance from OR 99E to the PGE Dam wall is approximately 0.23 miles. All residential development that could occur onsite will be within one-quarter mile (0.25 mile) of any other location on site. The applicant is providing for both active and passive open spaces throughout the site including open spaces designated for both passive and active uses. Using baseline assumptions for residential units, the tumwata village Master Plan Amendment illustrates that these standards can be satisfied with future Detailed Development Plan applications on the site.

Open space areas are identified on the Framework Plan. This amendment proposes less building area than the 2014 WFLPMP, therefore, the applicant proposes amending WFLPMP Condition of Approval 17 to reduce the trigger threshold and amount of open space required. Condition of Approval 17 required for provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because the anticipated maximum build out of the site

would have about half as much as was forecast in 2014, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. Eventually, at least 40,000 square feet of open/public space will still be provided. Indeed, the amendment to the master plan expands open spaces compared with the previous plan. Further elaboration on the proposed condition is found in Appendix E.

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The Amendment does include a residential component. The distance from OR 99E to the PGE Dam wall is approximately 0.23 miles. All residential development that could occur onsite will be within one-quarter mile (0.25 mile) of any other location on site. The applicant is providing for both active and passive open spaces throughout the site including open spaces designated for both passive and active uses. Using baseline assumptions for residential units, the tumwata village Master Plan Amendment illustrates that these standards can be satisfied with future Detailed Development Plan applications on the site.

Open space areas are identified on the Framework Plan. This amendment proposes less building area than the 2014 WFLPMP, therefore, the applicant proposes amending WFLPMP Condition of Approval 17 to reduce the trigger threshold and amount of open space required. Condition of Approval 17 required for provision of 40,000 square feet open/public space at the time of completion 400,000 square feet of new habitable space. Because the anticipated maximum build out of the site would have about half as much as was forecast in 2014, the applicant proposes requiring the provision of 20,000 square feet of open/public space at the time of completion of 200,000 square feet of new habitable space. Eventually, at least 40,000 square feet of open/public space will still be provided. Indeed, the amendment to the master plan expands open spaces compared with the previous plan. Further elaboration on the proposed condition is found in Appendix E.

17.65.060 - Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways,

pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.

3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.

4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.

5. Any other information the Community Development Director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

B. Approval Criteria. The Community Development Director shall approve an application for detailed development plan approval only upon findings that:

1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.

2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.

3. The detailed development plan conforms with the base zone standards, applicable residential design standards, and applicable standards contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070

Finding: Complies as proposed. This application includes a concurrent DDP for new streets in tumwata village and Block 1 infrastructure.

17.65.070 - Adjustments to development standards.

A. Purpose. In order to implement the purpose of the City's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.

B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. As part of this amendment, the applicant is requesting removal of two existing adjustments that were part of CP14-02. Justification for removal is provided in subsequent findings.

1.Future DDPs reviewed through Type III process.

The previous master plan was approved in an entirely different context with much less certainty about future development. Consequently, the city required all DDPs to go through a Type III process, with bespoke design guidelines that would be approved by an ad hoc design review committee. With this amendment, the applicant requests a change back to the typical, city-defined process for approval of a DDP, a Type II process subject to DDP approval criteria.

2.Future applications subject to regulations at time of submittal.

The previous master plan requested future DDP applications be subject to the rules in place at the time of their submittal. This request was approved. Regulations allow the applicant to request, "at its option," to make DDPs to be subject to regulations in effect at the time of approval of the GDP (OCMC 17.65.090). The applicant requests the city apply 2024 regulations to future DDPs.

C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:

1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.

2. Site plan and design standards.

3. Residential design standards.

4. Increase in allowed maximum residential density of up to ten percent.

5. Standards for land division approval.

6. Additional uses allowed with residential projects, or residential component of projects:

a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

- b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.*
- c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.*
- d. Common public and private open space including trails.*
- e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.*

Finding: Not applicable. No adjustments are proposed.

D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:

- 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;*
- 2. To any regulation that contains the word "prohibited";*
- 3. As an exception to a threshold review, such as a Type III review process; and*
- 4. Minimum density for residential sites may not be reduced.*

Finding: Not applicable. The applicant has not proposed an adjustment to any of the above-listed items.

E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met.

- 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;*
- 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;*

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The applicant is requesting that the two existing adjustments adopted as part of CP14-02 be removed.

WFLPMP Adjustment #1

The 2014 WFLPMP requested that future detailed development plans be reviewed through a Type III, rather than a Type II process, as would otherwise be required in OCMC17.65.040(C). The reason for this change was that the proposed general development plan in 2014 was less specific than usual for a master plan because it was designed to be a flexible Framework Plan for future development. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The applicant is also the land owner of the site, and as the indigenous people of this place intend to own the site into perpetuity its tribal people. As such, the owner/applicant has developed an amendment to the original 2014 WFLPMP that provides a level of certainty to the City of Oregon City to understand the Grand Ronde Tribe's vision for site restoration and redevelopment. The applicant has put forth amendments to the original land- use decision which will modify the 2014 Framework Plan, the adopted Conditions of Approval, and have proposed a demonstration plan to reflect a potential site redevelopment concept. Processing future Detailed Development Plans (DDP) as Type II land-use decisions will increase review efficiencies via a staff level review rather

than subsequent Planning Commission reviews and approvals each time the applicant submits a DDP. Reducing development barriers will speed up the public's ability to access the site and experience tumwata. Further findings on this topic can be found in the staff summary. Staff has provided a condition that addresses this request.

WFLPMP Adjustment #2

The 2014 WFLPMP requested that although the master plan chapter allows development to freeze regulations in time as of the date of the general development plan approval, future plans should instead be subject to the land use regulations in effect on the date those plans were submitted. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02. The applicant is also the land owner of the site, and as the indigenous people of this place intend to own the site into perpetuity. As such, the owner/applicant has developed an amendment to the original 2014 WFLPMP that provides a level of certainty to Oregon City to understand the Grand Ronde Tribe's vision for site restoration and redevelopment and requests the second adjustment repealed. The new applicant/land owner is requesting, per OCMC 17.65.090, to use the regulations in effect on the date of its general development plan (amendment) application was initially submitted pursuant to ORS 227.178(3). This allows the applicant to understand the requirements of development with more certainty over the lifetime of the 20-year Master Plan Amendment. Further findings on this topic can be found in the staff summary. Staff has provided a condition that addresses this request

3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

Finding: Complies with Condition. The applicant has indicated that a Natural Resource Overlay District Review will be performed at each DDP Phase. No amendments to Chapter 17.49 are submitted as part of this application. The site is not located within a historic district nor has any locally regulated historic resources, which requires owner consent. A previous condition has been amended to remove retention of some structures based on additional information on constituting status and building condition.

4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;

Finding: Complies with Condition. None of the requested modifications will impact abutting properties. The site is bounded by the Willamette River and Highway 99E/McLoughlin Blvd. The only adjacent property owner, PGE, has not submitted any comment, and staff has not indicated how a modification to its fence code or parking lot standards will affect them and their dam operations.

5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and

Finding: Complies with Condition. The applicant has indicated that a Natural Resource Overlay District Review will be performed at each DDP Phase. No amendments to Chapter 17.49 are submitted as part of this application.

6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

Finding: Complies with Condition. See compressive plan finding above for compliance findings

17.65.80 - Amendments to approved plans.

A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.

B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:

- 1. A proposed expansion of the approved boundary;*
- 2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;*
- 3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);*
- 4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;*
- 5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;*
- 6. A increase/decrease greater than ten percent in the amount of approved or required parking; and*
- 7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.*

C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.

D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:

- 1. Accessory uses and structures that meet applicable development regulations;*
- 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and*
- 3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations*

Finding: Complies with Conditions This application is a proposed Type III amendment to the 2014 Willamette Falls Legacy Project Master Plan, an approved Master Plan via CP 14-02.

The tumwata village Master Plan Amendment is proposing changes to the adopted 2014 Framework Plan and Conditions of Approval. The proposed changes to the 2014 Framework Plan reflect the Grand Ronde Tribe's commitment to healing the site with a priority on restoration, which is embodied in the tribal values of Spirit, Place, Prosperity, and People.

The trigger for the proposed amendment to be a Type III review is because the applicant is proposing to expand the master plan boundary to include property at 458 Main Street (approximately 0.5-acres) on the southeast corner of the OR99E/Main Street intersection.

17.65.090 - Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

Finding: Complies with Conditions The tumwata village Master Plan Amendment is a proposed amendment to the Willamette Falls Legacy Project Master Plan (WFLPMP), an approved Master Plan via CP 14-02.

The 2014 WFLPMP applicant requested that although the master plan chapter allows development to freeze regulations in time as of the date of the general development plan approval, they wanted future DDPs instead to be subject to the land use regulations in effect on the date those plans are submitted. The applicant now requests this adjustment be rescinded and to use the regulations in effect on the date its general development plan (amendment) application is submitted, pursuant to ORS 227.178(3). This allows the applicant to understand the requirements of development with more certainty over the life of the Master Plan and maintain consistency with long term planning goals and objectives of the city.

The applicant is formally requesting that future development within the site, including all DDPs, be vested under the applicable provisions of the 2024 Oregon City Municipal Code land use regulations with approval of the General Development Plan Amendment. This will afford future development on site within the tumwata Master Plan Amendment area with long term regulatory certainty and predictability. Staff has provided a condition that addresses this request.

CHAPTER 17.34 MUD MIXED-USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the community development director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this

sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

Findings: Complies with Conditions. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (CP 14-02). The applicant is proposing a modification to the WFLPMP development boundary to include an additional adjacent parcel owned by the applicant located at 458 Main Street (former Edres property) on the southeast corner of the OR99E/Main Street intersection. This additional parcel is located within the Mixed-Use Downtown District (MUD). The proposed Master Plan Amendment boundary can be seen in Sheet 8 of Appendix A: Drawing Set.

The proposed 2024 Framework Plan amendment designations within the proposed expansion of Block 5, include both the “Development Parcel” designation and the “Potential Development or Open/Public Space” designation.

The applicant acknowledges that proposed uses in the portion of Block 5 location within the Mixed-Use Downtown District (MUD) will need to meet the applicable zoning requirements at the time an application for a Detailed Development Plan is submitted. All future development will continue to be subject to the provisions of this chapter except where modifications have been proposed through the tumwata village Master Plan Amendment.

CHAPTER 17.35 WILLAMETTE FALLS DOWNTOWN DISTRICT

17.35.010 - Designated.

The Willamette Falls Downtown (WFD) District applies to the historic Willamette Falls site, bordered by 99E to the north and east, and the Willamette River to the west and south. This area was formerly an industrial site occupied by the Blue Heron Paper Mill and is the location of Oregon City's founding. A mix of open space, retail, high-density residential, office, and compatible light industrial uses are encouraged in this district, with retail, service, and light industrial uses on the ground floor and office and residential uses on upper floors. Allowed uses in the district will encourage pedestrian and transit activity. This district includes a downtown design overlay for the historic downtown area. Design guidelines for this sub-district require storefront facades along designated public streets featuring amenities to enhance the active and attractive pedestrian environment.

Finding: Complies. The tumwata village Master Plan Amendment is a proposed amendment to the 2014 Willamette Falls Legacy Project Master Plan (CP 14-02). The tumwata village Master Plan Amendment is proposing a master plan boundary change which would include two zoning districts: Willamette Falls Downtown District (WFDD) and Mixed-use Downtown District (MUD). This General Development Plan Amendment has been prepared to ensure it can meet the applicable standards of this Chapter. The applicant acknowledges that proposed uses within the WFDD will need to meet the applicable zoning requirements at the time an application for a Detailed Development Plan is submitted. All future development will continue to be subject to the provisions of this Chapter.

The tumwata village Master Plan Amendment is proposing a modification to the 2014 Framework Plan which met the requirements of this code section. The new Framework Plan still provides for a

mix of open space, retail, high-density residential, office, and compatible light industrial uses. Retail, service, and light industrial uses are still intended as ground floor uses, with office and residential uses on upper floors. Pedestrian and transit activity are encouraged and accommodated in the proposed amendment. Storefront facades will be provided along designated public streets featuring amenities to enhance the active and attractive pedestrian environment being created as part of tumwata village.

17.35.020 - Permitted uses.

Permitted uses in the WFD district are defined as:

- A. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, marijuana pursuant to OCMC 17.54.110, and specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed forty thousand square feet (a freestanding building over forty thousand square feet is allowed as long as the building contains multiple tenant spaces or uses);*
- B. Industrial uses including food and beverage production, limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials, and not to exceed sixty thousand square feet;*
- C. Research and development activities;*
- D. Offices, including finance, insurance, real estate, software, engineering, design, and government;*
- E. Restaurants, eating and drinking establishments without a drive-through, and mobile food units;*
- F. Parks, playgrounds, outdoor entertainment space, and community or neighborhood centers;*
- G. Museums, libraries, and interpretive/education facilities;*
- H. Outdoor markets, such as produce stands, craft markets and farmers markets;*
- I. Indoor entertainment centers and arcades;*
- J. Studios and galleries, including dance, art, film and film production, photography, and music;*
- K. Hotel and motel, commercial lodging;*
- L. Conference facilities and meeting rooms;*
- M. Public and/or private educational or training facilities;*
- N. Child care centers and/or nursery schools;*
- O. Health and fitness clubs;*
- P. Medical and dental clinics, outpatient; infirmary services;*
- Q. Repair shops, except automotive or heavy equipment repair;*
- R. Residential units—Multi-family, triplexes and quadplexes;*
- S. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- T. Seasonal sales;*
- U. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*
- V. Veterinary clinics or pet hospitals, pet day care;*
- W. Home occupations;*
- X. Religious institutions;*
- Y. Live/work units;*
- Z. Water-dependent uses, such as boat docks;*
- AA. Passenger terminals (water, auto, bus, train);*

- BB. Existing parking, storage and loading areas, as an interim use, to support open space/recreational uses;*
CC. After-hours public parking.

Finding: Permitted. Uses envisioned at this site include a mix of open space, retail, high-density residential, office, a hotel/event space, and compatible light industrial uses. Retail, service, and light industrial uses are still intended as ground floor uses, with office and residential uses on upper floors. The anticipated uses of the tumwata village site are all permitted in this zone. Compliance with specific proposals will be verified at the time of DDP application.

17.35.030 - Conditional uses.

- A. Emergency services;*
B. Hospitals;
C. Assisted living facilities; nursing homes, residential care facilities and group homes for over fifteen patients;
D. Parking not in conjunction with a primary use on private property, excluding after-hours public parking;
E. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding forty thousand square feet;
F. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
G. Industrial uses including food and beverage production, design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semifinished materials that exceed sixty thousand square feet;
H. Public utilities and services such as pump stations and sub-stations;
I. Stadiums and arenas

Finding: Complies. Any future conditional uses would be processed concurrent with and as part of future detailed development plans through a Type III process.

17.35.040 - Prohibited uses.

The following uses are prohibited in the WFD district:

- A. Kennels;*
B. Outdoor sales or storage that is not accessory to a retail use allowed in OCMC 17.35.020 or 17.35.030;
C. Self-service storage;
D. Distributing, wholesaling and warehousing not in association with a permitted use;
E. Single-family detached residential units, duplexes and townhouses;
F. Motor vehicle and recreational vehicle repair/service;
G. Motor vehicle and recreational vehicle sales and incidental service;
H. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
I. Marijuana production, processing, wholesaling, research, testing, and laboratories.

Finding: Complies The applicant does not anticipate any of the uses listed as prohibited in the WFDD. Compliance with use prohibitions will be made at the time of individual DDP applications.

17.35.050 - Temporary uses.

A. *Temporary activities are short-term or seasonal nature and do not fundamentally change the site. Examples of temporary activities include: Movie and TV filming, construction and film staging, and general warehousing. Temporary activities are not considered primary or accessory uses and require a temporary use permit be obtained from the City. The City has a right to deny or condition any temporary use permit if it feels the proposal conflicts with the purpose of the district or to ensure that health and safety requirements are met. Temporary use permits are processed as a Type II land use action.*

B. *The following uses may be allowed in the district on a temporary basis, subject to permit approval:*

1. *Outdoor storage or warehousing not accessory to a use allowed in OCMC 17.35.020 or 17.35.030;*

2. *Movie and Television Filming. On-site filming and activities accessory to on-site filming that exceed two weeks on the site are allowed with a City temporary use permit. Activities accessory to on-site filming may be allowed on-site, and include administrative functions such as payroll and scheduling, and the use of campers, truck trailers, or catering/craft services. Accessory activities do not include otherwise long-term uses such as marketing, distribution, editing facilities, or other activities that require construction of new buildings or create new habitable space. Uses permitted in the district and not part of the temporary use permit shall meet the development standards of the district;*

Finding: Complies At this time the applicant is not proposing any temporary uses as defined in OCMC 17.35.050. Individual applications for DDPs will be subject to a separate review of their proposed uses and will be subject to this code.

17.35.060 - Willamette Falls Downtown District dimensional standards.

A. *Minimum lot area: None.*

B. *Minimum floor area ratio (as defined in OCMC 17.34.080): 1.0.*

Finding: Complies OCMC 17.34.080(2)(a) is not applicable to the tumwata village Master Plan Amendment because the site is in the WFDD. All other text is applicable. The vision for the site includes a range of buildings and uses at different sizes and scales. At build out, the total site square footage will meet the 1:1 code requirement. Each individual building project within a DDP, on its own, may not achieve the minimum 1:1 FAR, or it may greatly exceed it. The applicant will keep a record of changes to the total anticipated FAR for the site with each DDP submittal, to track progress toward meeting the code requirement. A detailed methodology for determining how to calculate DDP compliance with the FAR is detailed in Appendix H. The applicant anticipates a condition of approval confirming the methodology and outlining monitoring and compliance.

C. *Minimum building height: Two entire stories and twenty-five feet, except for:*

1. *Accessory structures or buildings under one thousand square feet; and*
2. *Buildings to serve open space or public assembly uses.*

Finding: Complies. No specific buildings are proposed in this application. Future DDPs will need to show compliance with this standard.

D. *Maximum building height: Eighty feet.*

Finding: Complies. No buildings are proposed in this application. Future DDPs will show compliance with this standard.

E. Minimum required setbacks: None. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

F. Maximum allowed setbacks: Ten feet.

Finding : Complies as Conditioned Because tumwata village is almost entirely comprised of one large lot, the amount of “frontage” interior to the site may not be applicable. 17.62.055(D) supersedes 17.35.060.F to allow increased building setbacks. Per 17.62.055(C), in the event of a conflict of building front setbacks the design standard prevails. The applicant has proposed a modification requiring a green setback along the historic Main Street alignment along the frontages of Block 5, 6, 7, and 8. The green setback will exceed 10 feet, and as noted in OCMC 17.35.060(E) maximum setback may be increased per OCMC 17.62.055(D). There will be at least one building within tumwata village that is within 10 feet of the lot line, meeting this standard. The street system, as proposed and conditioned in the Master Plan, can be considered street frontage for the purpose of siting standards in OCMC 17.62 Site Plan and Design Review. Building setbacks are to be taken from the back of the sidewalk (or curb if no sidewalk) along private streets. Small revisions to the street system can be approved through the DDP process if they substantially comply with the Master Plan. To allow for a vegetated and landscaped corridor along Main Street, within Block 5, 6, 7 and 8, the front yard setback shall be measured from the edge of the enhanced buffer along Main Street, as shown on the Framework Plan. Increased setback allowances may still be applied per OCMC 17.62.055(D) in Detailed Development Plan applications.

G. Maximum site coverage: One hundred percent.

H. Minimum landscape requirement: None for buildings. Landscaping for parking areas required per OCMC 17.52.

Finding: Complies Landscaping for parking areas will be met at the time of the DDP submittal.

CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Master Plan located at 419 Main Street, 450 Main Street, 427 Main Street, Oregon City, OR 97045, Clackamas County Tax Map 2-2E-31BD-00100, 200, 300, 500, 600, 390 can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval of Planning Files GLUA-24-00027: MAS-24-00002 based upon the findings and exhibits contained in this staff report.

EXHIBITS:

- Exhibit 1 Applicant's Narrative
- Exhibit 1 A. Drawing Set
- Exhibit 1 B. Transportation Report
- Exhibit 1 C. Utility Report
- Exhibit 1 D. 10-Structure Study

Exhibit 1 E. Conditions of Approval Table
Exhibit 1 F. Fencing Standards
Exhibit 1 G. Material Palette
Exhibit 1 H. FAR Analysis
Exhibit 1 I. Flood Zone Analysis
Exhibit 1 J. Vision 2.0
Exhibit 1 L. Neighborhood Association Meeting Notes
Exhibit 1 M. DDP Drawing Set
Exhibit 1 N. DDP Street Sections
Exhibit 1 O. DDP Vicinity Map
Exhibit 2 January 15, 2025 Memo from Carrie Richter, Deputy City Attorney
Exhibit 3 Conditions of Approval Matrix– City Response
Exhibit 4 Plan Sheet 9 (Transportation Network) -Revised
Exhibit 5 Public Comment
a) Neelam Dorman, Planning Manager- ODOT Region 1
b) Chrissy Curran, Deputy SHPO Concurrence Letters, 2012 & 2025
c) Jim Nicita
 i) **January 13, 2025, Planning Commission Meeting**
 ii) Reference to Exhibit 6
d) July 11, 2024 Two Rivers Neighborhood Association Meeting Minutes
Exhibit 6 ORD 14-10016 Adopting CP 14-02