

ORDINANCE NO. 24-1007

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**AN ORDINANCE APPROVING ANNEXATION AND ZONE CHANGE PROPOSAL  
NO. GLUA-24-0004: AN-24-0001 AND ZC-24-0001 OF CERTAIN PROPERTY  
LOCATED AT 14389 AND 14421 MAPLELANE ROAD TO THE CITY OF OREGON CITY**

**AN ORDINANCE OF THE CITY OF OREGON CITY**

**WHEREAS**, the owners of certain real property adjacent to the City of Oregon City proposed an Annexation Proposal No. GLUA-24-0004: AN-24-0001 and a Zone Change to a City zoning designation ZC-24-0001 for an approximately 1.65-acre property located at 14389 and 14421 Maplelane Road, Oregon City OR 97045, identified as 32E04C as tax lots 00300 and 00500, more fully identified in Exhibit 'A' to this Ordinance, and

**WHEREAS**, the City finds that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.

**WHEREAS**, the Zone Change would change the zoning designation from the Clackamas County designation of Future Urbanizable 10 (FU 10) to a City designation of "R-6" a Low-Density Residential District. No further development is proposed, and

**WHEREAS**, as the proposed annexation and zone change involves properties located within the city's urban growth boundary since 1979, all of the city's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analyses.

**WHEREAS**, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

**WHEREAS**, Senate Bill 1573, adopted in 2016, requires annexation of territory without a vote by the people, notwithstanding city charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, will be subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; and

**WHEREAS**, the identified property is currently in Clackamas Fire District # 1 (CFD#1), and CFD#1 will continue to provide fire protection service to the identified property when annexed; and

**WHEREAS**, the identified property is currently within the Clackamas River Water district, and Oregon City will be responsible for Water service to the identified property when annexed; and

**WHEREAS**, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement, and the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

**WHEREAS**, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

Ordinance No. 24-1007

Effective Date: \_\_\_\_\_

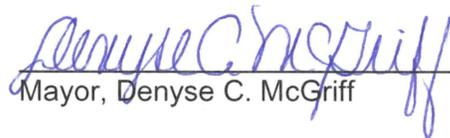
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**WHEREAS**, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district;

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

- Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.
- Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit "A" shall hereby withdrawn from Clackamas River Water District.
- Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners to the extent allowed by law.
- Section 6. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 21<sup>st</sup> day of August, 2024, and the City Commission finally enacted the foregoing ordinance this 4<sup>th</sup> day of September, 2024.

  
\_\_\_\_\_  
Mayor, Denyse C. McGriff

Attested to this 4<sup>th</sup> day of September 2024:

  
\_\_\_\_\_  
City Recorder

Approved as to legal sufficiency:

  
\_\_\_\_\_  
City Attorney

Exhibit A – Map and Legal Description of Proposed Annexation  
Exhibit B – Proposed Findings, Reasons for Decision, and Conclusions

## EXHIBIT A

Tax Lots 3 2E 04C-300 & 500  
14389 & 14421 S Maplelane Rd  
Oregon City, 97045

April 29, 2024  
Page 1 of 2

### ANNEXATION DESCRIPTION

Being all those properties described in Document Number's 95-078259 and 95-065937, Clackamas County Deed records and a portion of S Maplelane Court right-of-way located in the Southwest One-Quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

**Beginning** at the Southwest corner of Lot 5, Plat of "Miami Terrace", Clackamas County Survey Records; thence North  $36^{\circ}57'35''$  West, along the west line of said Lot 5 and the east line of Document Number 95-078259, 350.94 feet to an angle point; thence North  $53^{\circ}38'35''$  East, along said east line and west line, 12.00 feet to an angle point; thence North  $36^{\circ}21'25''$  West, along said east line and west line, 129.50 feet, more or less, to a point on the southerly line of Document Number 97-054728, Clackamas County Deed Records and the beginning of a 473.00 foot radius non-tangent curve to the right having a central angle of  $11^{\circ}52'41''$ ; thence along said southerly line and the arc of said non-tangent curve to the right (the long chord of which bears South  $51^{\circ}41'15''$  West, 97.88') 98.06 feet, more or less, to the northwest corner of Document Number 95-078259, Clackamas County Deed Records; thence South  $2^{\circ}11'52''$  West, along west line of Document Number's 95-078259 and 95-065937, 545.81 feet, more or less, to an angle point; thence South  $37^{\circ}54'55''$  East, along the west line of Document Number 95-065937, 61.92 feet, more or less, to a point on the centerline of S Maplelane Court (County Road No. 398); thence North  $52^{\circ}05'05''$  East, along said centerline, 428.17 feet, more or less, to the intersection of the centerline of S Maplelane Court with the southerly extension of the east line of that property described in said Document Number 95-078259, Clackamas County Deed Records, also being the west line of the Plat of "Miami Terrace"; thence North  $36^{\circ}57'35''$  West, 30.00 feet to the **Point of Beginning**.

The above-described tract of land contains 135,261 Square Feet (3.1 acres), more or less.

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

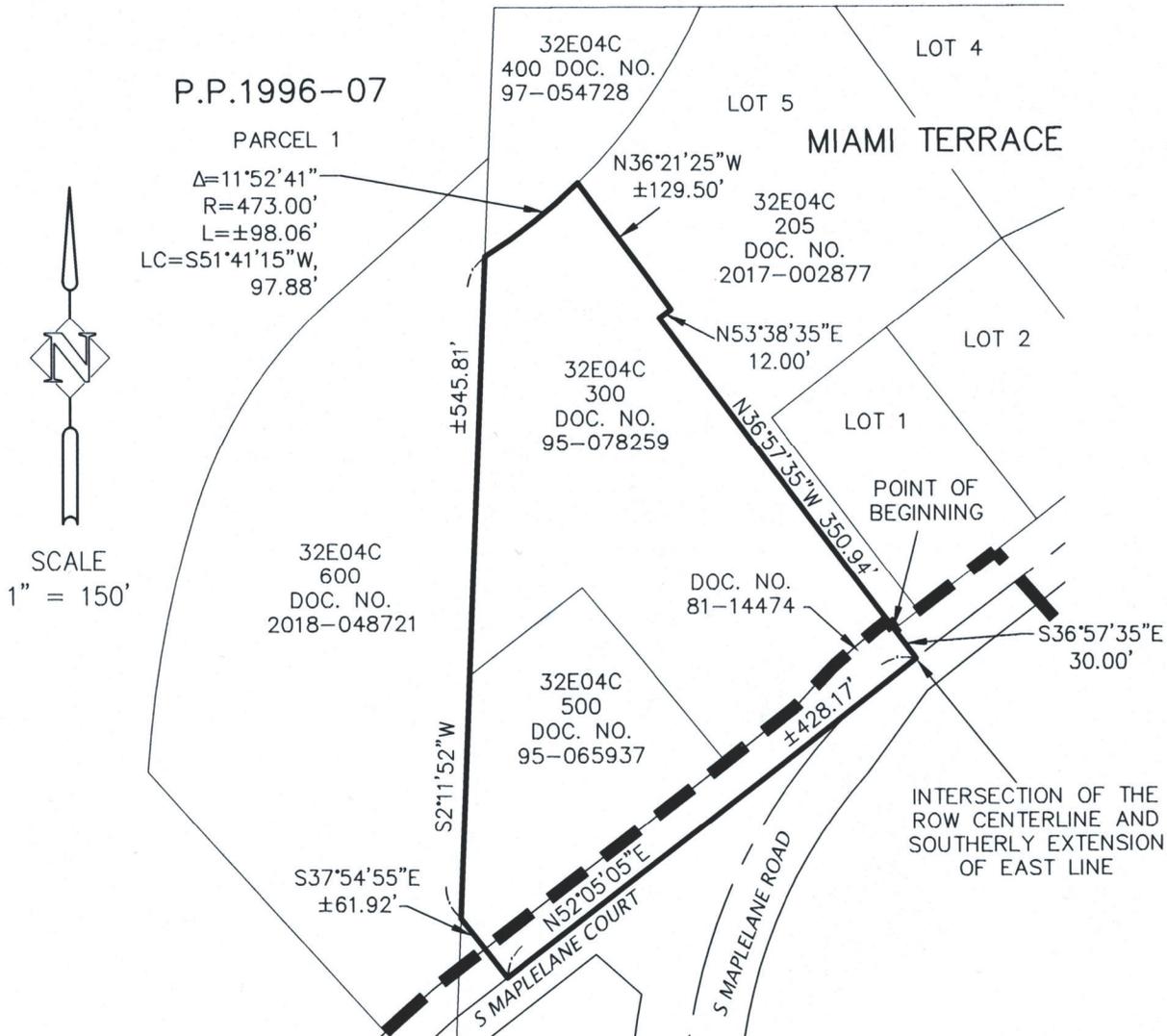
*Brian K. Henson* 4/29/24

OREGON  
JANUARY 20, 1998  
BRIAN K. HENSON  
2855

EXPIRES 6-30-2025

# EXHIBIT "A"

LOCATED IN THE SW ONE-QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH,  
RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



**PREPARED FOR**

CITY OF OREGON CITY  
 625 CENTER ST.  
 OREGON CITY, OR 97045

**LEGEND**

--- CITY OF OREGON CITY LIMITS LINE

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

*Brian K. Henson* 4/29/24

OREGON  
 JANUARY 20, 1998  
 BRIAN K. HENSON  
 2855

EXPIRES: 6/30/2025

BASIS OF BEARINGS AS SHOWN HEREON,  
 ARE PER SURVEY NO. 2021-163  
 SEE ATTACHED LEGAL DESCRIPTION



**Harper  
 Houf Peterson  
 Righellis Inc.**

ENGINEERS • PLANNERS  
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202  
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

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**Type IV STAFF RECOMMENDATION**

**Revised**

August 10, 2024

*The following staff report includes a preliminary analysis of the applicable approval criteria. All applicable criteria must be met or met with conditions in order to be approved. The Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.*

**FILE NO:** **GLUA-24-0004: AN-24-0001:** Annexation and **ZC-24-0001:** Zone Change

**APPLICANT/** Moehnke Properties LLC  
Attn: Graeme Newhouse  
10256 SE 145th Ave.  
Happy Valley, OR 97086

**REPRESENTATIVE:** Thuy Cao, AICP  
Harper Houf Peterson Righellis Inc  
205 SE Spokane Street, Suite 200  
Portland, OR 97202

**PROPOSAL:** Annexation and Zone Change of an approximately 2.5 acre property. The Applicant has requested a Zone Change from County FU-10 to City R-6 Dwelling District. The proposal does not include a request for development approval or change in use. The subject territory is within the Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low Density Residential. No development is proposed with this application.

**REVIEWER:** Christina Robertson-Gardiner AICP, Senior Planner

**CURRENT ZONING** County: FU-10

**LOCATION:** 14389 and 14421 Maplelane Road, Oregon City OR 97045  
Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres)

**RECOMMENDATION:** Evaluate the factors set forth in Section 14.04.060 (annexation) and criteria in OCMC 17.68 (Zone Change). The Planning Commission voted 5-0 to recommend approval of this application at the July 22, 2024, Planning Commission meeting

**PROCESS:** Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is outlined in Oregon City Code Chapter 17.50 and 17.68.

*The public hearing process is governed by OCMC 14.04 and 17.50. The Applicant and all documents submitted by or on behalf of the Applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30 am to 3:30 pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days before the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The Annexation was initiated as a result of a public health hazard, and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors outlined in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.*

## **PROPOSAL NO. AN-240001 & ZC 24-00001 - CITY OF OREGON CITY – Annexation & Zone Change**

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Property Owners / Voters: 4

Applicant(s): Graeme Newhouse, Moehnke Properties LLC

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The proposal is a two-tax lot annexation initiated by a consent petition signed by 100% of the property owners and registered voters. The petition meets the initiation requirement set forth in ORS 222.170 and Metro Code 3.09.040(a).

### **REASON FOR ANNEXATION**

The applicant is requesting an Annexation and Zone Change of an approximately 2.5-acre property (two tax lots). The Applicant has additionally requested a Zone Change from County FU-10 to City R-6 Dwelling District. The proposal does not include a request for development approval or change in use at this time. The subject territory is within the 1979 Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low-Density Residential. No development is proposed with this application. The family-owned properties were included within the initial urban growth boundary for the City of Oregon City and have been waiting for urban growth and services to arrive for some time.

Once the site is annexed and Re-zoned, the applicant could choose to submit a development proposal or continue with the existing uses onsite. Unlike many previous applications, this request is unrelated to a failed septic system.

### **STAFF SUMMARY**

The proposed annexation and zone change are for properties located within the city's urban growth boundary since 1979. All of the City's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analysis. Utilities are available or can be easily made available during development. The site is directly adjacent to two recently approved and currently being constructed multi-family projects.

A Zone Change to R6 is reasonable and appropriate for this area, particularly as half the site is constrained by the Geohazard District, which has a reduced density of two units per acre. This will push most of the development to the flat areas abutting the road.

The applicant has provided a reasonable worst-case scenario to evaluate the site's development, which is a requirement of the Zone Change analysis. The applicant's consultant and the city-contracted transportation engineer have found that the reasonable worst-case scenario meets the Transportation Planning Rule (TPR) and is

consistent with the City's Transportation System Plan. As no development is proposed with this application, this is more of an exercise to see if there would be any variation of development allowed in the R6 zone that would not meet our master plan development assumptions and methodology. In this instance, there was no conflict.

With the introduction of Middle Housing options in the City's low-density zoning districts, the differences between R6, R8, and R10 are less pronounced. In many cases, the same cluster housing or quadplex development could be approved in any of the zones. Therefore, the requested zone change to R6 is reasonable and appropriate considering the surrounding area and limits of the geohazard district.

**Staff has highlighted the following items that the City Commission should consider and provide staff direction in their deliberations. The Planning Commission's direction is highlighted below.**

### **Historic Considerations**

Both 14389 and 14421 Mapelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4. Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could choose to add a condition or additional requirements that address this topic. These could vary from:

1. Request additional information from the applicant and an updated survey information that provides additional background information, as well as current historical status from a qualified historic preservation professional.
2. Request official comment and guidance for the Historic Review Board, or
3. Require that either a portion (only the resource along with a small buffer) or the full tax lots be designated a local Oregon City landmark as a condition or in conjunction with the annexation.

Alternatively, the City Commission could utilize this information to balance the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

Local historic designation in Oregon requires owner consent. If the City Commission desires to regulate these two resources through the OCMC 17.40 historic overlay, the best approach is to add a condition to the annexation or require the applicant to apply for local designation concurrently.

**Planning Commission Direction:** The Planning Commission voted 5-0 not to respond officially on this topic because it felt it was outside its expertise or purview.

### **Tree summary**

The site has a fair number of mature trees along the street frontage, although many of them have been topped and were poorly pruned over the years. Residentially zoned properties not undergoing development review are not generally subject to OCMC 17.41 *Tree protection, preservation, removal, and replanting standards*. Prior to any development onsite, The City Commission could choose to require the site be subject to OCMC 17.41, which regulates the removal of trees over 6 inches in the caliper that are not dead, diseased, or dying until development is proposed onsite. Trees can be removed through this regulated process but must be replaced with mitigation trees or a fee in lieu. Once the property is developed, this condition would met, and the property would be treated as any other low-density, residentially zoned land.

Please note that the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope area of the Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting.

**Planning Commission Direction:** The Planning Commission voted 4-1 not to require any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city. This was not a unanimous decision, and one Commissioner highlighted the need for a city-wide residential tree program that would have addressed the issue.

### **ANNEXATION PROCESS**

The annexation request is to determine if the city wants to bring the property within the city limits and assign a city zoning that is consistent with the Low-Density Comprehensive Plan designation. This is a Type IV City Commission decision, guided by the recommendation of the Planning Commission. A City Commission hearing date will be scheduled once the Planning Commission provides its recommendation to the City Commission. Annexations are not subject to the 120-day state land use deadline, though city staff prepared a staff report and scheduled a Planning Commission meeting within 50 days of a complete application.

### **SITE DETAILS**

The two-tax lot annexation proposal is initiated by consent petitions of a double majority of the property owners and registered voters. The petition meets the initiation requirement set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition.)

The project site includes two properties located at 14389 and 14421 Maplelane Road within Clackamas County. The properties are described on Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres). The territory in the proposed annexation contains approximately 2.5 acres and has two single-family residences with a population of 4, with a current combined estimated assessed value in 2023 of \$ 323,215 and a total value of \$917,610. In total, the properties are approximately 2.5 acres in size, located within the existing Urban Growth Boundary, zoned Future Urbanizable (FU-10) 10-acre district in Clackamas County, with a Comprehensive Plan designation of Low-Density Residential (LR) within Oregon City. The properties are located north and west of Maplelane Road near its intersection with Maplelane Court (outlined in red below).



This Annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

## LAND USE PLANNING

### SITE CHARACTERISTICS

The project site consists of two residential properties with a few trees around the two existing single-family houses. The project site includes two parcels, Tax Lot 3-2E-04C-00500 does not contain any mapped geologic hazard areas, and Tax Lot 3-2E-04C-00300 contains areas mapped as geologic hazard zones. The geologic hazard zone district is characterized by steep slopes exceeding 25 percent and their 50-foot buffers, and landslides and their 200-foot buffers. Tax Lot 00300 contains steep slopes greater than 25% on the northwest portion of the property, with buffers extending further southeast. Geologic mapping shows a documented landslide adjacent northwest of the steep slopes area with the landslide buffer extending to the southeast, covering about two-thirds of the lot

### Frontage to City Limits

The abutting right-of-way of Maple Lane/Maple Lane Court is already within the City and will not need to be annexed as part of this approval. If approved, it will make the property contiguous to the City Limit for approximately 401 feet along the full frontage of the property. The property includes two homes with setbacks approximately 30-40 feet from the Road, with one accessory structure. No land division is proposed at this time.

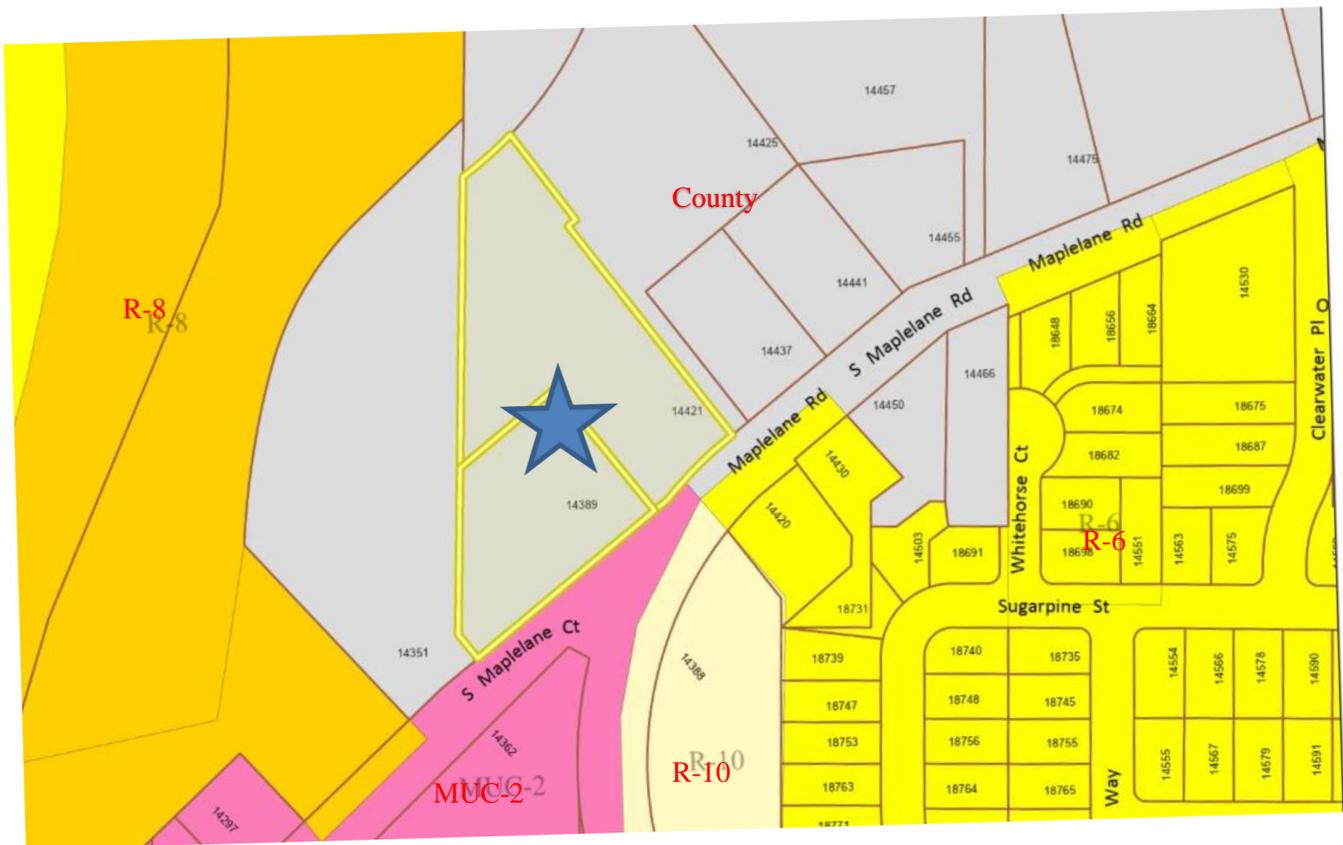


FIGURE 1. LOCATION MAP

FIGURE 3. STREET VIEW (2021)



FIGURE 4. UTILITIES

The figure above indicates the location of Oregon City sewer, and water utilities near the property.

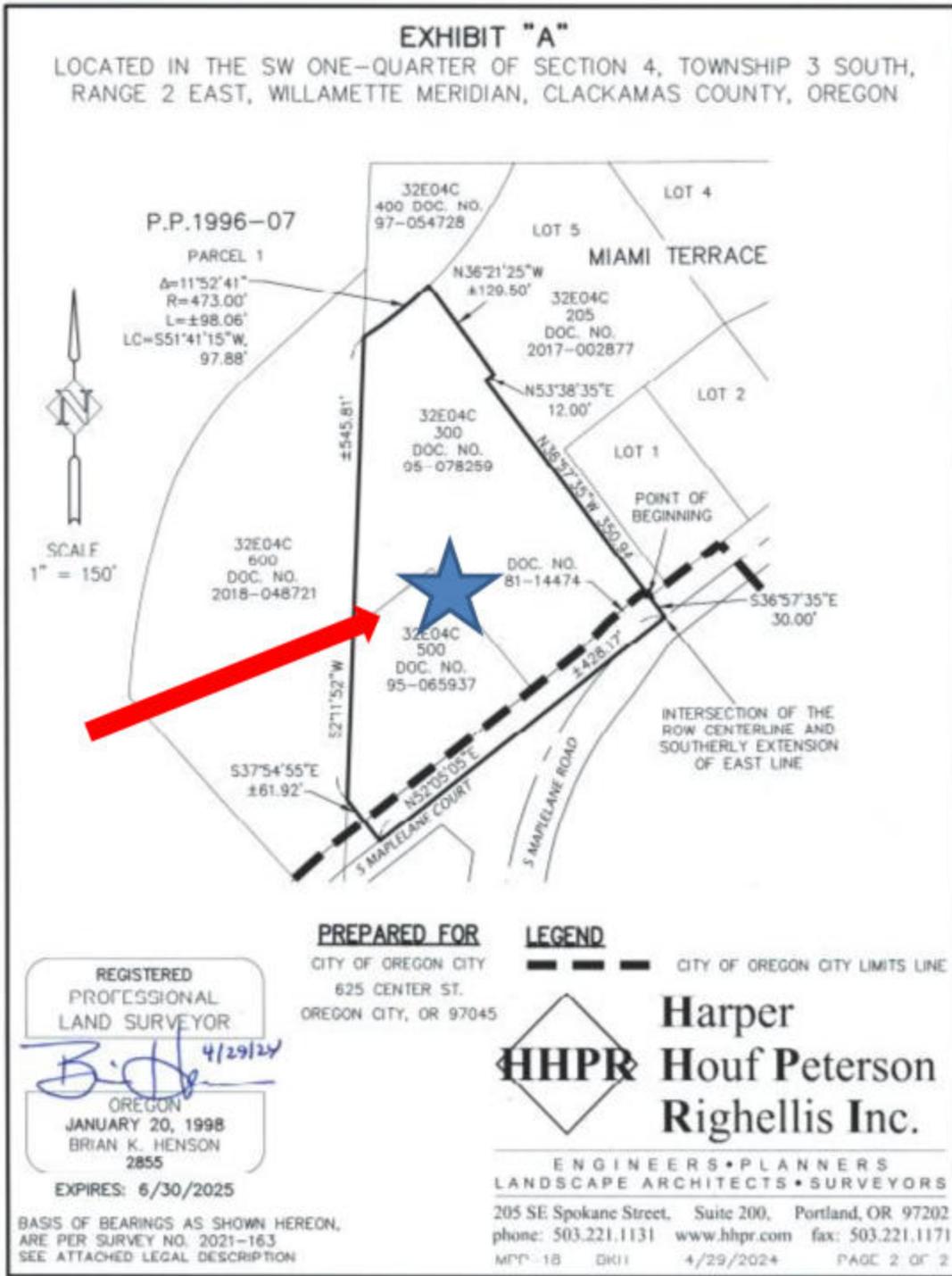


FIGURE 5. LEGAL DESCRIPTION MAP

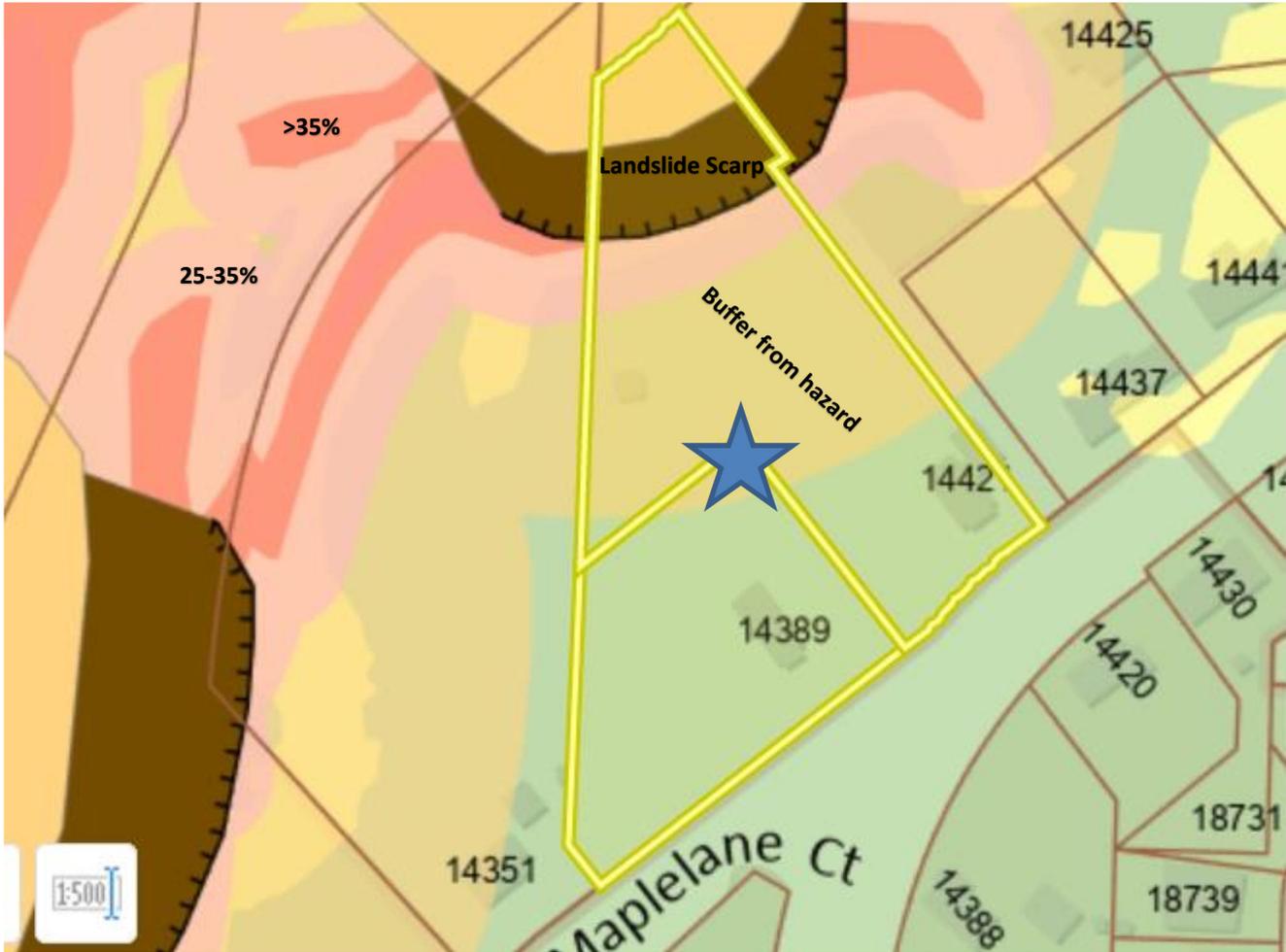


FIGURE6. GEOHAZARD DISTRICT

The Geological Hazards District required reduced density for areas located on steep slopes, landslides, and buffer areas. Additional information can be found in section 17.44 of the staff report. The existing homes are not located within the Geohazard District. All new developments will be subject to the geohazard district development requirements upon annexation.

*REGIONAL PLANNING CONSIDERATIONS*

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). This area was part of the original 1979 UGB.

**Metro Boundary Change Criteria**

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.

2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements, along with the timely, orderly, and economical provision of public services as required by the Metro Code, are discussed in greater detail below.

The Metro Code also contains a second set of 10 factors that are to be considered where 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. Those ten factors are not applicable at this time to this Annexation because no necessary party has contested the proposed Annexation.

***Metro Regional Framework Plan***

The law that requires Metro to adopt criteria for boundary changes and specifically states that those criteria shall include ". . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the District [Metro]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

***CLACKAMAS COUNTY PLANNING***

The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

The Clackamas County Comprehensive Plan is currently applicable to this area. The plan designation for this site is Medium Density Residential (MH) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of the land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

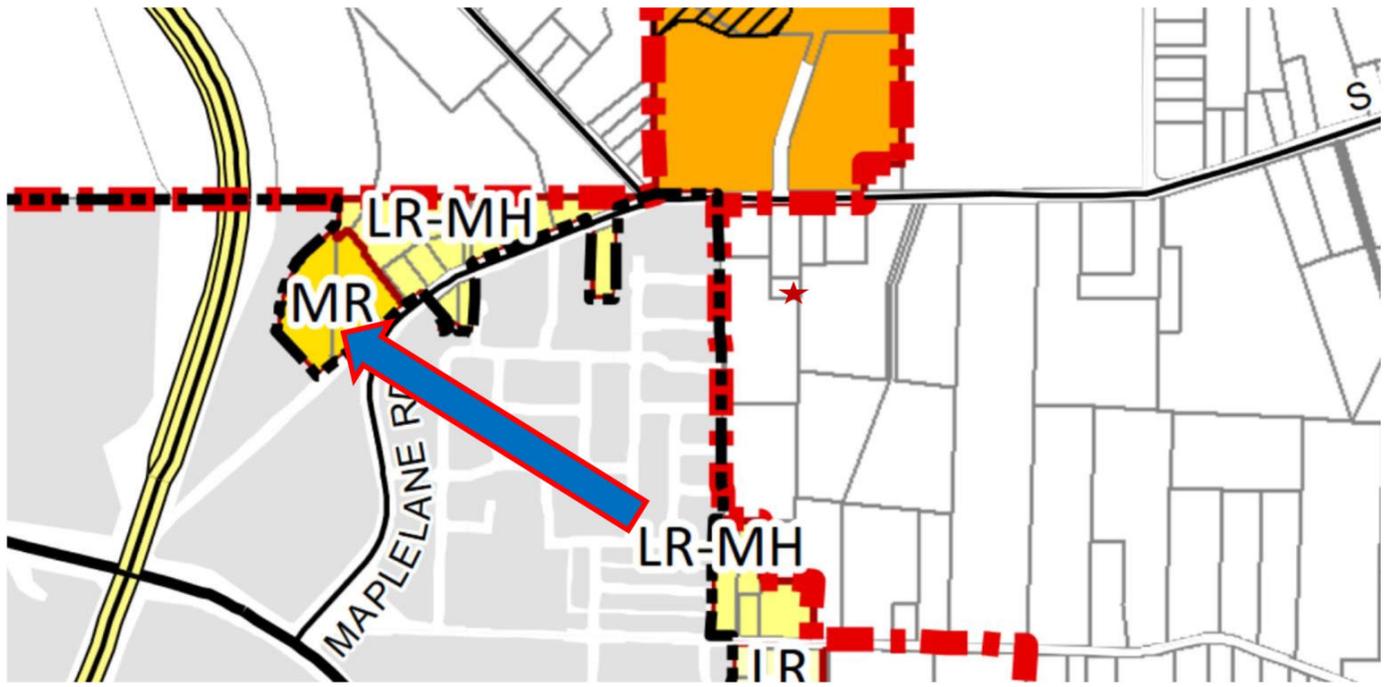


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION MR

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for Annexation as *future urban*, which are defined as:

*"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.*

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City’s Comprehensive Plan designations for this area that is Low Density Residential. The applicant concurrently applied to receive R-6 zoning following annexation.

The Agreement presumes that all the urban lands within the UGMB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11.

The Agreement goes on to say:

4. City and County Notice and Coordination

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D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

\*\*\*

5. City Annexations

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

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

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

\* \* \*

**NOTIFICATION TO THE COUNTY**

The required notice was provided to the County at least 20 days before the City Commission hearing.

**ADJACENT ROAD RIGHT-OF-WAY**

**Finding: Complies as proposed.** The subject properties abut Maplelane Road and Maplelane Court, and Oregon City has jurisdiction over the entire width of the rights-of-way abutting the property.

**CLACKAMAS RIVER WATER**

**Finding: Complies as proposed.** This territory is currently within the Clackamas River Water District (CRW). Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. This annexation area will be withdrawn from the CRW district upon approval of the annexation. However, the existing houses shall remain served by CRW until the redevelopment of the properties.

**TRI-CITY SEWER DISTRICT**

**Finding: Complies with conditions.** The property is not within the Tri-City Service District (TCSD) and will be required to annex into TCSD to receive sanitary sewer service. Upon annexation approval, the applicant shall commence the process of annexing into TCSD.

**Staff recommends that the City Commission concur with Tri-City Service District’s annexation of the subject property in the enacting ordinance.**

**FACILITIES AND SERVICES**

**ORS 195 Agreements.** ORS 195 requires agreements among providers of urban services. Urban services are defined as sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads, and mass transit.

**Sanitary Sewers.** The City of Oregon City provides sanitary sewer service for the area via an 8-inch sanitary sewer main in Maplelane Court. Future development will be required to extend an 8” sewer main to and through the frontage of the development property.

**Water.** The property is currently being served by Clackamas River Water (CRW). The properties must leave the Clackamas River Water District as part of the Ordinance approving the annexation. The City of Oregon City provides water service for the area via a 12-inch ductile iron water main that runs within Maplelane Road that can serve the

properties. Future development will be required to extend a 6" main to and through the development frontage from a tee on the 12" water main located at the intersection of Maplelane Court and Maplelane Road.

**Stormwater.** The City of Oregon City provides storm sewer service for the area via a 12" stormwater main within Maplelane Court. Future development will be required to extend a 12" stormwater line to and through the frontage of the development property.

**Fire Protection.** This territory is currently within Clackamas Fire District #1, which serves portions of Clackamas County as well as Oregon City. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory is automatically withdrawn from the District upon approval of the Annexation. Staff recommends that the territory **not** be withdrawn from CFD#1.

**Police Protection.** The Clackamas County Sheriff's Department currently serves the territory. The proposed Annexation was forwarded for comment to the Sheriff's Department as well as the Oregon City Police Department. Neither entity indicated that there is inadequate capacity to serve the property.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact on police services upon Annexation will be negligible. Clackamas County Sheriff's Department was contacted and did not indicate any conflicts with the Annexation.

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

Upon Annexation, the Oregon City Police Department will officially serve the property.

**Parks, Open Space, and Recreation.** The nearest city park is Tyrone S. Woods Memorial Park, about 1.25 miles from the property. Any future homes constructed on the property, following annexation, re-zoning, and land division, would contribute to the Parks System Development Charge, which is currently \$7,912 per single-family or middle housing dwelling unit.

**Transportation.** Access is provided via Maplelane Court, a local street that is under Oregon City jurisdiction. The applicant submitted a Transportation Impact Letter (TAL) written by Daniel Stumpf, PE of Landcaster Mobley (traffic engineer conducting a transportation study in conformance with the City's Guidelines for Transportation Impact Analyses). The TAL provided addresses the potential traffic impacts associated with the proposed annexation and subsequent rezone of two properties located at 14389/14421 S Maplelane Road. DKS Associates (Oregon City's Transportation Consultant) has reviewed the submitted TAL and concluded that it meets Oregon City and TPR requirements. The reasonable worst-case development scenario under the existing FU-10 zoning was determined to be Single-Family Detached Housing (ITE land use code 210) with two dwelling units. The Transportation Planning Rule (TPR) per OAR 660-012-0060 was evaluated. Based on the 230-trip increase in daily trip generation potential for the annexation and rezoning of the project site, the project will not increase average daily trips by more than 400, which will not result in the degradation of the performance of surrounding transportation facilities. Therefore, TPR requirements are satisfied. There are no recommended conditions of approval at this time.

**Other Services.** Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon Annexation.

## **OREGON CITY COMPREHENSIVE PLAN**

The Oregon City acknowledged Comprehensive Plan designates this territory as LR—Low-Density Residential. Portions of the City's Comprehensive Plan have some applicability, and these are covered here.

### **Housing Needs Analysis- HNA (2021)**

The study, an ancillary document of the comprehensive plan, found that Oregon City should plan for the growth of 7,435 new dwelling units over the next 20 years. Much of the housing growth will be driven by household growth. The city will meet Metro's requirements for net density and housing mix but will have a slight shortage of land for high-density housing and an unmet need for affordable housing.

**Finding: Complies** The proposed annexation and zone change are consistent with the HNA, as the requested zoning provides the greatest housing opportunity within the low-density residential comprehensive plan designation.

### **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: Direction Needed.** Both 14389 and 14421 Maplelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4. Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could add a condition or requirements that address this topic. Alternatively, the City Commission could utilize this information to balance the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

**Planning Commission Direction:** The Planning Commission voted 5-0 not to respond officially on this topic because it felt it was outside its expertise or purview.

### **POLICY 5.4 Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.**

**Finding: Complies** The two properties are currently located within the City's Urban Growth Boundary and the annexation of lands within the project site is consistent with the Oregon City Comprehensive Plan, ordinances, and the City Charter.

STRATEGY 5.4.A Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

**Finding: Complies.** The project site includes two properties that are both currently within the City's Urban Growth Boundary and are contiguous with the city limits. Utilities and services are close to the property lines and will help to facilitate development of the area that is consistent with the Oregon City Comprehensive Plan and related development regulations. Currently, no development is proposed on the project site. New development will be

required to connect to existing public utilities and develop in a manner consistent with the urban zone applied to the property upon annexation.

**STRATEGY 5.4.B Evaluate and in some instances require that parcels adjacent to proposed annexations**

**be included to:**

- i. avoid creating unincorporated islands within the city;*
- ii. enable public services to be efficiently and cost-effectively extended to the entire area; or*
- iii. implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

**Finding: Complies.** The proposed annexation of the project site is contiguous with the city limits. Shown on the map below, the Oregon City limits follow the northern Maplelane Road right-of-way line, and the annexing properties are located directly adjacent to that line. There are no existing concept plans or sub-area master plans that include the project site. Abutting the project site are two county parcels, one owned by the Metropolitan Service District to the north and a private property to the west. These two parcels are connected and touch each other; thus, the annexation of the subject's land would not create an island. The City Commission provided a similar finding during the Serres Farm annexation and Zone Change review in 2016 (AN-16-0004 AND ZC-16-0001) that a small sliver connection of two county parcels was sufficient not to create an island.



**STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.**

**Finding: Complies** There are no existing public health hazards or concerns for a failing septic tank sewage system connected to the project site. This strategy does not apply to this request

*STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.*

**Finding: Complies.** There are no existing public health hazards or concerns for a failing septic tank sewage system connected to the project site. This strategy does not apply to this request.

***POLICY 4.4 Coordinate infrastructure to support the equitable development of “Climate-Friendly Areas,” as defined by DLCDC***

*STRATEGY 4.4.C Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.*

**Finding: Complies.** The Comprehensive Plan designation for the project site is Low-Density Residential (LR), which permits the City zoning of R-6, R-8, or R-10. The proposal is requesting a Zone Change to R-6 which is a low density residential district with a minimum lot size of 6,000 square feet. The project site would be required to develop with permitted uses within the low-density residential zones and comply with the development standards adopted by the City once annexed into the City.

***POLICY 5.1 Ensure the Urban Growth Boundary conforms to Title 11 of the Code of the Metropolitan Service District and provides sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.***

**Finding: Complies** The City’s approved UGB conforms with Title 11 of the Code of the Metropolitan Service District for housing programs. The properties are currently located within the City’s UGB and the proposed annexation and accompanying zone change to R-6 will accommodate future infill development of additional residential urban land needs.

*STRATEGY 5.1.A Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

**Finding: Complies.** The properties are not subject to a current or prior concept plan. The properties are located within the original UGB adopted for the City. They are adjacent to existing public utilities, and the nearby neighborhoods are already provided with public services, so annexation of these properties would be orderly and efficient as it pertains to providing public services to the site. It should be noted that the property is not proposed to be developed at this time. Future development of the property would require the extension of public utilities in accordance with local laws. The cost of those extensions is paid for by the developer with few exceptions.

**LAND USE**

This application has one residential land use type:

1. *Low-Density Residential [LR]: Areas in the LR category are primarily for single-family and middle housing.*

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until Annexation, and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of Annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

**CITY LAND USE CLASSIFICATION**

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6

Medium-density residential  
High-density residential

R-3.5, R-5  
R-2

The applicant has submitted for a Zone Change to R6 and has submitted the needed Transportation Analysis Letter to meet the Oregon Transportation Planning Rule and response to the Zone Change criteria in 17.68 later in this report.

**OCMC 14.04.060 - Annexation factors.**

A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:

1. *Adequacy of access to the site;*

**Finding:** The site access is discussed below in the Facilities and Services section. The site has direct access to Maple Lane Road, and the existing access is adequate.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

**Finding:** As demonstrated in that section of the staff report, the City's Comprehensive Plan is satisfied.

3. *Adequacy and availability of the following public facilities and services to serve potential development at time of development:*

a. Transportation. The urbanization of the site is accounted for in the transportation system plan. The application demonstrates that the annexation is consistent with the transportation planning rule (TPR)

**Finding: Complies.** A Transportation Analysis Letter (TAL) was provided along with the application that indicates the annexation and zone change will not have a significant impact on the planned function, capacity and level of service of the transportation system serving the project site. The Transportation Planning Rule (TPR) per OAR 660-012-0060 was evaluated. Based on the 230-trip increase in daily trip generation potential for the annexation and rezoning of the project site, the project will not increase average daily trips by more than 400, which will not result in the degradation of the performance of surrounding transportation facilities. Therefore, TPR requirements are satisfied. There are no recommended conditions of approval at this time.

Oregon Department of Transportation (ODOT) defines a threshold at which a project would "significantly affect" a transportation facility in relation to mobility targets. This threshold is detailed in the Oregon Highway Plan (OHP) Action 1F.5, with the relevant sections quoted below:

*If an amendment subject to OAR 660-012-0060 increases the volume-to-capacity ratio further or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.*

...

*In applying "avoid further degradation" for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause "further degradation" of the facility.*

*The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:*

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

b. Sewer. The urbanization of the site is accounted for in the sewer master plan;

c. Water. The urbanization of the site is accounted for in the water master plan;

d. Stormwater. The urbanization of the site is accounted for in the stormwater master plan;

**Finding: Complies** The stormwater, water, and sanitary Master Plans have all accounted for future growth on site.

e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;

**Finding: Complies.** The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon Annexation. The police department has not indicated the site cannot be accounted for within the Oregon City Public Safety service area.

f. Parks. The urbanization of the site is accounted for in the parks and recreation master plan; and

**Finding: Complies** The Park Master Plans have all accounted for future growth on site. No parks are proposed to be built on site.

g. Schools. The urbanization of the site is analyzed for school capacity in a concept plan or in a school forecast approved by Oregon City School District.

**Finding: Complies** the site is already within the Oregon City School District Boundary.

4. Demonstration of how the impacts of future development to city public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to city standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The city commission reserves the right to enter into a development agreement with the Applicant that governs the extent and timing of infrastructure improvements.

**Finding: Complies.** The Applicant has shown that needed infrastructure is available or can be made available as part of a development proposal. Systems Development fees for any development will proportionally contribute to the future city's capital improvement plans (CIP). The impact on city facilities has been evaluated and found to be consistent with the various adopted master plans' methodology and development assumptions.

5. Annexations over five acres shall obtain master plan approval at a public hearing before the planning commission prior to or concurrent with a land division or site plan and design review application. The master plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.

**Finding: No Applicable.** The site is less than 5 acres.

6. The annexation is in the best interest of the city. Generally, the commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:

- a. It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or
- b. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern; or
- c. It provides needed routes for utility and transportation networks.

**Finding: Complies.** The proposed annexation and zone change are for properties located within the city's urban growth boundary since 1979. All of the City's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analysis. Utilities are available or can be easily made available during development. The site is directly adjacent to two recently approved and currently being constructed multi-family projects. The new residential zoning will provide for additional housing units for the city once developed.

7. Compliance with applicable sections of ORS 222, and Metro Code Section 3.09, including a demonstration that the proposed annexation is timely, orderly, and efficient;

**Finding: Complies** The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 407 feet along the property boundary. The Metro Code

criteria are set out on page 9 of this report. This report considers each factor, and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

8. All natural hazards identified by the city, such as wetlands, floodplains, steep slopes, and landslides, including those mapped and unmapped by the city, County, state, or other government agencies, are identified;

**Finding: Complies.** The rear of the property has a mapped geohazard area that will be regulated by the Geohazard District upon annexation.

9. All historically designated, and potentially eligible historic structures are identified;

**Finding: Direction needed** Both 14389 and 14421 Maplelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4. Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could choose to add a condition or additional requirements that address this topic. These could vary from:

1. Requesting additional information from the applicant and an updated survey information that provides additional background information, and current historic status from a qualified historic preservation professional.
2. Request official comment and guidance from the Historic Review Board, or
3. Require either a portion (only the resource along with a small buffer) or the full taxlots to be designated a local Oregon City landmark as a condition of annexation.

Alternatively, the City Commission could utilize this information as it balances the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

**Planning Commission Direction:** The Planning Commission voted 5-0 not to provide an official response on this topic because it felt that it was outside its expertise or purview.

10. Any significant adverse impacts on the economic, social, and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the comprehensive plan by urbanization of the subject property at time of annexation can be avoided or mitigated;

**Finding: Direction needed. Based on the direction of the above criteria, a condition of approval could be added to address or mitigate any impacts.**

11. The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the city, excluding properties under farm or forest tax deferral or farm or forest practices as defined under ORS 30.930. Annexations that demonstrate efforts to avoid significant site grading or tree removal will be viewed more favorably than those upon which such activities have occurred.

**Finding: Direction needed Based on the direction of the above criteria, a condition of approval could be added to address or mitigate any impacts.** The site has a fair number of mature trees along the street frontage, although many of them have been topped and were poorly pruned over the years. Residentially zoned properties not undergoing development review are not generally subject to OCMC 17.41 *Tree protection, preservation, removal and replanting standards*. Prior to any development onsite, The City Commission could choose to require the site to be subject to OCMC 17.41, which regulates the removal of trees over 6 inches in the caliper that are not dead, diseased, or dying. Trees can be removed through this regulated process but must be replaced with mitigation trees or a fee in lieu. Once the property is developed, this condition would be met, and the property would be treated as any other low-density, residentially zoned land.

**Planning Commission Direction:** The Planning Commission voted 4-1 not to require any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city. This was not a unanimous decision, and one Commissioner highlighted the need for a city-wide residential tree program that would have addressed the issue.

Please note that the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope area of the Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The city will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities, including fire, police, and general administration. The City already occasionally delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the Annexation are insignificant.

If annexed, the property owner could apply to the City for land use permits. Any impacts on the community that result from the approval of development permits are a direct consequence of the future permit approval, not of the Annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. Upon voter approval of the city annexation, the City Commission must concur with the Tri-City Service District's Annexation of the subject property in the enacting Ordinance.

Section 8 of the Ordinance states:

*"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this Ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."*

As analyzed earlier in this report, the requirement to refer this Annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

## **CHAPTER 17.44 – GEOLOGIC HAZARDS**

*17.44.010 – Intent and purpose.*

- A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;*
- B. To establish standards and requirements for the use of lands within geologic hazard areas;*
- C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;*
- D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.*

*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 property contains areas of mapped Geologic Hazards Overlay Zone as adopted by Oregon City. The City was not provided with specific topographic information to evaluate the size of such areas, which generally occurs at the time of development. However, based on the city's GIS topographic and geohazard layer, it appears that the geohazard district and density reduction constrain about half the site (58,000 square feet).

- For those areas containing mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre (approximately 58,000 square-feet of the development site).
- 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 (these areas are overlapped and match the mapped landslide and buffer zone).
- 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 (approximately 58,000 square-feet of the development site).

For those areas with slopes over thirty-five percent between grade breaks, any new development shall be prohibited except 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. Only a portion of the site is located in this section, and its final location is subject to a development topographic survey.

Additionally, the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope portion of Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting. Any future development onsite will be subject to review of this chapter. No development is being proposed at this time, and specific findings for the applicability of the geohazard will occur at the time of any proposed development. These comments and findings are provided for context only.

## **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.*
- B. *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. *Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

**Finding: Complies.** A pre-application meeting (PA-23-00040) was held on December 13, 2023 to review the proposed annexation and potential zone change. Pre-application meeting notes were provided, and all relevant land use requirements have been acknowledged and addressed as part of this application narrative. Please see Attachment 010 and 011 of the applicant's submittal.

*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** A meeting was requested with the Caufield Neighborhood Association and scheduled for January 23, 2024, where the proposed annexation was presented virtually. A copy of the meeting notice was provided to the chair of the citizen involvement committee, and a copy of the agenda and the email confirmation from the Caufield Neighborhood Association is provided as part of this application (see Attachment 007 of the applicant's submittal)

*17.50.060 Application Requirements.*

**Finding: Complies as Proposed.** All required application materials are submitted with this narrative. The applicant has provided full-size and two reduced-size sets of plans to accompany the submittal items.

*17.50.070 Completeness Review and 120-day Rule.*

*17.50.080 Complete Application--Required Information.*

**Finding: Complies as Proposed.** This land use application was submitted/paid on April 16, 2024. The application was deemed incomplete on May 13, 2024 and after the submittal of additional information, the application was deemed complete on June 2, 2024. As this application is in conjunction with an annexation which is not subject to the 120 rule- no 120-day decision date is applicable for this file.

*17.50.090 Public Notices.*

**Finding: Complies as Proposed.** Staff provided public notice within 300 feet of the site via mail; the site was posted with multiple land use notices and posted on the Oregon City website. Staff provided email transmittal of the application and notice to affected agencies and Neighborhood Associations.

*17.50.100 Notice Posting Requirements.*

**Finding: Complies as Proposed.** The site was posted with a sign longer than the minimum requirement.

*17.50.130 Conditions of approval and notice of decision.*

A. *All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.*

**Finding: Complies-** the City Commission may place conditions upon this application as appropriate to the approval criteria. As this application is for a residential zone property- any condition shall be clear and objective and are required to be proportional; to the proposal.

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.*

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.*

**Finding: Not Applicable-** No development is proposed at this time.

## **CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS**

17.68.010 – INITIATION OF THE AMENDMENT.

*A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:*

*A. A resolution request by the City Commission;*

*B. An official proposal by the Planning Commission;*

*C. An application to the Planning Division; or.*

*D. A Legislative request by the Planning Division.*

*All requests for amendment or change in this title shall be referred to the Planning Commission.*

**Finding: Complies.** The proposed zone change requires an amendment to the zoning map and has been initiated by the property owners through an application to the Planning Division.

17.68.020 – CRITERIA.

*The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:*

*A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;*

**Finding: Complies.** The project site has the Comprehensive Plan designation of LR (Low Density Residential), which permits the City zoning of R-6, R-8, and R-10. The proposed annexation into Oregon City Limits and zone change to R-6 is consistent with the applicable goals and policies of the City of Oregon City's Comprehensive Plan.

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

**Finding: Complies.** The project site has access to adjacent public utility lines, nearby public facilities, and services. There is an existing water main and sanitary sewer main that runs within Maplelane Road and a stormwater main within Maplelane Court. The properties are also currently served by Clackamas Fire District #1 and the Oregon City School District and will have access to police service under the Oregon City Police Department. All public facilities and services are available to support the proposed zone change to R-6, which permits low-density residential development. There is no development proposed at this time. **See findings under Urban Growth Management Agreement for more information.**

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

**Finding: Complies.** A Transportation Analysis Letter (TAL) was provided along with the application that indicates the

annexation and zone change will not have a significant impact on the planned function, capacity, and level of service of the transportation system serving the project site.

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

**Response:** The subject properties are designated as Low-Density Residential (LR) under Oregon City's acknowledged the Comprehensive Plan, which is a complaint about the Statewide Planning Goals. The proposal complies with the goals and policies of the comprehensive plan designation.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation, as identified in Table 17.06.030, provided the criteria for a zone change can be met.

**Finding: Complies.** Upon annexation, both properties associated with the project site are requesting a Zone Change from County zoning of FU-10 (Future Urbanizable 10-acre lot) to Oregon City's zoning of R-6 (Low-Density Residential 6,000 square foot minimum lot size) zoning. The proposed Zone Change complies with the zoning designations for Low Density Residential (LR) Comprehensive Plan Classification as identified in Table 17.06.030. The most recently adopted comprehensive plan OC2040 was acknowledged by Department of Land Conservation and Development (DLCD) as complying with statewide planning goals.

17.68.040 – APPROVAL BY THE COMMISSION.

*If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.*

**Finding: Complies.** The subject properties are currently located within the existing UGB. The proposed zone changes to the R-6 zoning district are consistent with the Oregon City Comprehensive Plan designation of Low-Density Residential (LR) for both properties and comply with the criteria of OCMC 17.68.020.

17.68.050 – CONDITIONS.

*In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.*

**Finding: Complies** The proposed zone changes from the FU-10 zoning district to the City's low-density residential R-6 zoning district is consistent with the Oregon City Comprehensive Plan designation of Low Density Residential (LR) for both properties. The City Commission may choose to add conditions to this application that are proportional to the request and are consistent with the goals and strategies of the Commission through the adopted comprehensive plan.

## **PLANNING COMMISSION RECOMMENDATION**

Based on the staff report and the Proposed Findings and Reasons for Decision for this annexation, The Planning Commission forwarded a recommendation for approval to the City Commission regarding how the proposal complies with the factors set forth in Section 14.04.060 (annexation) and OCMC 17.68 (Zone Change). and forwards the following proposed findings and reasons for the decision for adoption by the City Commission.

Planning File **GLUA-24-00004: AN-24-0001:** Annexation and **ZC-24-0001:** Zone Change and adopt as its own this Staff Report and Exhibits and;

- Find that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommends that the property is removed from the Clackamas River Water District

- Recommend that the City Commission concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance.
- Recommend the rezoning of the site from FU-10 to R6
- **The Planning Commission forwarded the proposal without a specific comment on additional historic regulation because it felt that it was outside its expertise or purview.**
- **The Planning Commission forwarded the proposal without any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city.**

**DRAFT City Commission Findings**

**ANNEXATION PETITION: GLUA-24-00004: AN-24-0001: Annexation and ZC-24-0001: Zone Change**

**PROPOSED FINDINGS, CONDITIONS AND REASONS FOR DECISION**

Based on the staff report and findings, the City Commission finds the following:

1. The Metro Code calls for consistency of the Annexation with the Regional Framework Plan or any functional plan. The Commission concludes the Annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted according to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, the Commission finds that there are no inconsistencies between these plans/agreements and this Annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as *Immediate Urban* lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for Annexation. Therefore, the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the Annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development, as noted in the Findings above. The City operates and provides a full range of urban services. Specifically, with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.
5. With regard to storm drainage to the Newell Basin, the City has the service available in the form of regulations to protect and control stormwater management.
6. The Commission notes that the Metro Code also calls for consistency of the Annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
7. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the Annexation will not interfere with the timely, orderly, and economic provision of services.

8. The Oregon City Code contains provisions on annexation processing. Section 6 of the Ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings, and on balance the Commission believes they are adequately addressed to justify approval of this Annexation.
9. The City Commission concurs with Tri-City Service District's Annexation of the subject property in the enacting City ordinance.
10. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon Annexation.
11. The Commission determines that the property should not be withdrawn from the Clackamas Fire District #1.
12. The Commission determines that the property should withdraw from the Clackamas River Water District.

**Exhibits:**

1. Applicant's Submittal
2. Public Comment
  - a. Erik Bertram- Clackamas Water Environment Services (WES)
  - b. ODOT
  - c. Clackamas River Water (CRW)
3. Development Transportation Impact Review – DKS
4. Historic Survey Forms
5. Updated Legal Description, approved by the Department of Revenue.
6. [Housing Need Analysis- 2021 \(on file\)](#)