

**ORDINANCE NO. 14-1007**

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**AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06.020: OF THE OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING A PORTION OF THE PROPERTY IDENTIFIED AS CLACKAMAS COUNTY MAP 2-2E-21DC-01300, CLACKAMAS COUNTY MAP 2-2E-21DC-01600, AND CLACKAMAS COUNTY MAP 2-2E-28AB-01600 FROM R-10 SINGLE-FAMILY DWELLING DISTRICT TO R-8 SINGLE-FAMILY DWELLING DISTRICT AND APPROVING A 27-LOT SUBDIVISION. OREGON CITY PLANNING FILES ZC 14-01 & TP 14-01**

**WHEREAS**, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

**WHEREAS**, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

**WHEREAS**, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

**WHEREAS**, the owners of the subject properties, located between Ames Street and Holcomb Boulevard and just west of Holcomb Elementary School, and identified as Clackamas County Map 2-2E-21DC, Tax Lot 1600, Clackamas County Map 2-2E-28AB, Tax Lot 1600 and Clackamas County Map 2-2E-28AB, Tax Lot 1300 have requested the approval of a zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District and a 27-lot subdivision; and

**WHEREAS**, notice of the proposed zone change and subdivision hearings were mailed to residents within 300 feet of the subject site, signs were posted on the property, notice was published in a local newspaper and the City held public hearings where the objectives and concepts of the proposal were presented and discussed; and

**WHEREAS**, on May 12, 2014 and June 9, 2014 the Planning Commission held public hearings and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval with conditions to the City Commission by a 4–3 vote for the requested Zone Change and Subdivision; and

**WHEREAS**, the comprehensive plan designation of the site as Low Density Residential supports the R-8 Single-Family Dwelling District zoning designation, and

**WHEREAS**, the zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, transportation system, parks, or schools; and

**WHEREAS**, the projected transportation impacts resulting from a zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District have been found to meet the City's transportation requirements and no off-site mitigation measures are required; and

**WHEREAS**, the proposed zone change complies with the design requirements of the Oregon City Municipal Code; and

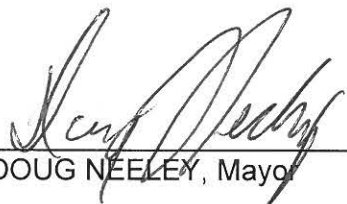
**WHEREAS**, approving the zone change is in compliance with the Goal and Policies of the Oregon City Comprehensive Plan and is in compliance with all applicable city requirements.

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The zone change request from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District (ZC 14-01) and the request for approval of a 27-lot subdivision (TP 14-01) are hereby approved as proposed by the applicant for the properties located between Ames Street and Holcomb Boulevard and just west of Holcomb Elementary School, and identified as Clackamas County Map 2-2E-21DC, Tax Lot 1600, Clackamas County Map 2-2E-28AB, Tax Lot 1600 and Clackamas County Map 2-2E-28AB, Tax Lot 1300.

**Section 2.** The Commission adopts the findings and conclusions that are attached to the Ordinance as Attachment A, and incorporated herein to support the City's approval to amend the zoning map and approve the Zone Change and Subdivision application.

Read for the first time at a regular meeting of the City Commission held on the 18th day of June 2014, and the City Commission finally enacted the foregoing ordinance this 2nd day of July 2014.

  
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DOUG NEELEY, Mayor

Attested to this 2nd day of July 2014:

  
\_\_\_\_\_  
Nancy Ide, City Recorder

Approved as to legal sufficiency:

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

Attachment:

A. Staff Report with Conditions of Approval

**FINAL CITY COMMISSION CONDITIONS OF APPROVAL  
TP 14-01 and ZC 14-01**

1. The Applicant is responsible for this project's compliance with Engineering Policy 00-01. The policy pertains to any land use decision requiring the Applicant to provide any public improvements. This includes attending a pre-design meeting with the City. *(DS)*
2. Prior to final plat approval, the Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water and/or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. *(DS)*
3. Prior to final plat approval, the Applicant shall provide an Erosion Prevention and Sedimentation Control Plan suitable to the Public Works Department to meet the Public Works requirements for erosion control. The Applicant shall provide a Preliminary Residential Lot Grading Plan to the City for review prior to the approval of construction plans. A final site Residential Lot Grading Plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the International Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or other ponding situations. The plan shall show the existing and proposed swales. *(DS)*
4. All new water lines shall be 8-inch diameter. The new water lines shall form a looped system with no dead-ends. It shall be connected to the existing water distribution system on Ames Street at both Stables Place and Pastures Way, and on School Street. *(DS)*
5. All new water services shall be constructed with individual copper water laterals a minimum of 1-inch diameter in size connecting the water main to the water meter. *(DS)*
6. Prior to final plat, the Applicant shall submit the proposed development plans to Clackamas County Fire District No. 1 for review and install any required fire hydrants. *(F)*
7. All new sanitary sewer mains shall be 8-inch diameter gravity mains connected to the existing collection system on Ames Street at both Stables Place and Pastures Way. Where there is insufficient cover at the connection on Pastures Way DI pipe shall be used. *(DS)*
8. All new sanitary sewer laterals shall be constructed with individual laterals connecting to the sanitary sewer main. Where there is insufficient depth to provide for gravity service lines near the intersection of Ames Street and Pastures Way, individual and privately owned pump systems shall be provided. It shall be marked on the plans where these systems are required. *(DS)*
9. Public storm sewer improvements shall be designed and constructed to collect, detention and treatment in a manner suitable to the Public Works Department. *(DS)*
10. Temporary storm collection and conveyance shall be designed and constructed along the half street portion of Stables Place such that run-off from the street shall not be discharged to the adjacent property. Improvements may include a temporary curb along the east side of the street. *(DS)*

11. A final storm water report which reflects the final design shall be completed as part of the design. (DS)
12. The applicant shall dedicate to the City a controlled access strip along the half street portion of Stables Place. It shall be recorded on the plat and shall control the ingress and egress to the property adjacent to the street. (DS)
13. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. Any off-site utility easements required for this project, such as for work on the storm outfall, shall be obtained and submitted to the City prior to approval of the construction plans. (DS)
14. The Applicant shall construct improvements on the proposed new streets that includes dedication of 54-feet of right-of-way, and improvements that include, but are not to limited to, base rock, paved street width of 32 feet, curb and gutter, 5-foot landscape strip excluding curb width, 5-foot concrete sidewalk (curb, landscape strip and sidewalk on both sides of the street), curb return radii, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. This shall include sidewalks, landscape strip, curb, gutter and pavement on land to be dedicated by the Clackamas County Housing Authority to connect the sidewalk to the existing sidewalk on Holcomb School Street. (DS)
15. The Applicant shall construct improvements on Ames Street east of Stables Way which include a 1-foot right-of-way dedication (such that there is 27-feet from centerline), and improvements that includes, but are not to limited to, base rock, 6-feet of additional paved street, resurfacing of the existing pavement to centerline, curb and gutter on the south side of the street, 5-foot landscape strip excluding curb width on the south side of the street, 5-foot concrete sidewalk on the south side of the street, curb return radii, centerline monuments in boxes, traffic control devices, street trees, and street lights. (DS)
16. The Applicant shall construct improvements on Ames Street west of Stables Way which include a 2-foot right-of-way dedication (such that there is 27-feet from centerline), and improvements that includes, but are not to limited to, base rock, 7-feet of additional paved street, resurfacing of the existing pavement to centerline, curb and gutter on the south side of the street, 5-foot landscape strip excluding curb width on the south side of the street, 5-foot concrete sidewalk on the south side of the street, curb return radii, centerline monuments in boxes, traffic control devices, street trees, and street lights. (DS)
17. The Applicant shall construct improvements on the half street portion of Stables Way which include a dedication of 38-feet of right-of-way, and improvements that includes, but are not to limited to, base rock, 26-feet of paved street, curb and gutter on the west side of the street, 5-foot landscape strip excluding curb width on the west side of the street, 5-foot concrete sidewalk on the west side of the street, curb return radii, centerline monuments in boxes, traffic control devices, street trees, and street lights. (DS)
18. The applicant shall obtain sufficient right-of-way from the School District (Holcomb Elementary School) and the Housing Authority of Clackamas County (Oregon City View Manor development) in order to construct a complete street section at the intersection between Pastures Way and School street such that it is a 90-degree angle, and such that there is sufficient room to allow a larger curve at the intersection to facilitate a right hand turn from Pastures Way onto Holcomb School Street. The applicant shall connect the sidewalk on Pastures Way to the sidewalk on the northwest side of Holcomb School Street, and provide a curb ramp. Prior to recording of the final subdivision plat for the subject parcel, the applicant shall finalize the agreements with Holcomb Elementary School (OCSD) and the Housing Authority of Clackamas County (Oregon City View Manor development) and provide copies of the recorded agreements to the City, along with any easements and dedication documents that are required. If full

right-of-way cannot be obtained, the applicant shall construct an emergency vehicle access within the dedicated Right-of-Way of Pastures Way to be approved by the City and Clackamas Fire District #1.

19. The applicant shall provide a 15-foot wide pedestrian access way from Pastures Way to the eastern boundary of the property. This shall include a 5-foot planter strip with trees, a 7-foot paved section and a 3-foot planter strip with plantings per the code. It shall also include pedestrian level lighting, and there shall be street lights in the public right-of-way at the ends of the pedestrian way. (DS)
20. The pedestrian accessways shall be incorporated into a recorded easement that requires the property owner to provide for ownership, liability and maintenance. (DS)
21. The intersection of Pasture Way and School Street shall be 90-degrees. Due to the horizontal curves required to provide the intersection angle, additional right-of-way and pavement width is required for the right turn movement from Pasture Way onto School Street. (DS)
22. At the intersection of Pastures Way and there shall be a "stop" sign on Pastures Way. There shall also be a "stop sign ahead" sign on Pastures Way near the beginning of the compound curve. There shall also be extra lighting through the compound horizontal curve. (DS)
23. The horizontal curves on Stables Place are designed as traffic calming structures. The final radius of the curves shall be coordinated with the City staff. (DS)
24. Where pavement cuts are made in existing streets for the installation of improvements, the restoration shall be done in accordance with the City of Oregon City Pavement Cut Standards. (DS)
25. Prior to final plat the Applicant shall submit a final Street Tree Plan for the frontage of the properties that includes the number, location, size, and species of the trees. (P)
26. Prior to final plat approval the Applicant shall submit a tree mitigation plan in accordance with OCMC 17.41. Prior to issuance of any construction permit, grading or fill permit, or construction plans by the Public Works Department the applicant shall request an inspection by a member of the Planning Division that these measures have been installed. Trees not identified for removal will be protected outside of the construction area throughout the construction phase of the project. Replacement trees will be planted pursuant to the provisions of this section. Prior to final plat, the Applicant shall submit a revised tree mitigation plan in accordance with OCMC 17.41 and Table 17.41.060-1. (P)
27. Prior to final plat, the applicant shall coordinate with the City to select an appropriate name for the new streets. (P)
28. Prior to final of building permits, the applicant must submit street lighting plan and documentation from a lighting professional that confirms that the lighting meets the City's requirements under OCMC 16.12.090. (DS)
29. Prior to recordation of the final plat for the subdivision, a plat restriction shall be placed on the subdivision indicating the requirements of OCMC 17.40.060-H. Oregon Trail-Barlow Road Historic Corridor and the location of the Barlow Road easement on the applicable lots. The plat note shall state "No new building or sign construction shall be permitted within required open visual corridors. Landscaping, parking, streets, driveways are permitted within required open visual corridors." The applicant shall also cause to be recorded a deed restriction, restrictive covenant or other document to be approved by the City Attorney that provides disclosure of the Barlow Road Historic Corridor easement on all affected parcels prior to recordation of the final plat of the subdivision. (P)
30. Prior to issuance of a public works construction permit, the applicant shall submit engineering plans for traffic calming measures along Pastures Way for review and approval by the City Engineer. Such

measures may include speed bumps, curb bump-outs or similar measures meeting Oregon City engineering standards. (DS)

31. The applicant has proposed off-site improvements paving and drainage improvements to improve the safety of the Swan Avenue / Ames Street intersection. Any paving or drainage improvements associated with off-site improvements at the Swan Avenue / Ames Street intersection shall be reviewed by the City Engineer. (DS)
32. The applicant shall improve the off-site drainage ditch to the north of the property. The improvement shall consist of erosion control measures and excavation of the drainage ditch near Forsythe Road. (DS)
33. The applicant shall not connect a minimum of two lots to the public storm system and they shall instead utilize French drains, sumps or other on-site storm water detention measures approved by the City Engineer. (DS)
34. All new homes constructed within the subdivision shall comply with the minimum front setback for the R-10 zone (20' to living area, 15' to porch) irrespective of the zoning. (P)

(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.

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