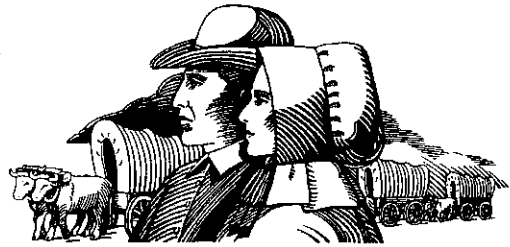


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 657-7892



AGENDA

City Commission Chambers - City Hall

April 12, 2004 at 7:00 P.M.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page (www.orcity.org) under PLANNING.

****Please note: The Planning Department will be conducting an open house on April 12th from 5 pm to 6:45 pm at City Hall to inform community members about the Wal-Mart application****

PLANNING COMMISSION MEETING

CALL TO ORDER

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

3. APPROVAL OF MINUTES: *March 8, 2004*

4. HEARINGS:

VR 04-01 (*Quasi-Judicial Hearing*), Applicants: Carol Loss and the City of Oregon City, Request for the approval of a Variance to the Oregon City Municipal Code Section 12.100: Maximum cul-de-sac length and Section 16.12.200: Maximum block length. The subject sites are located at 12901 Frontier Parkway, identified as Clackamas County Map 3S-2E-7D, Tax Lot 501 and 19866 Leland Road and identified as Clackamas County Map 3S-2E-7DD, Tax Lot 1900.

ZC 04-01 (*Quasi-Judicial Hearing*), Applicants: Carol Loss and the City of Oregon City, Request for the approval of a Zone Change from R-10 Single Family Dwelling District (10,000 square foot minimum lot size) to R-6 Single Family Dwelling District (6,000 square foot minimum lot size). The subject sites are located at 12901 Frontier Parkway, identified as Clackamas County Map 3S-2E-7D, Tax Lot 501 and 19866 Leland Road and identified as Clackamas County Map 3S-2E-7DD, Tax Lot 1900.

5. DISCUSSION ITEM:

Wal-Mart Site Plan and Design Review application

6. ADJOURN

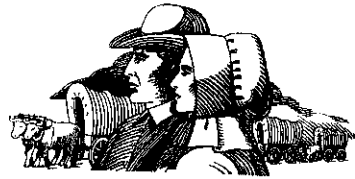
NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

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WAL-MART OPEN HOUSE

Currently, Wal-Mart is seeking approval for a retail shopping center and associated parking in the General Commercial District and Water Resource Overlay District. Site Plan and Design Review is a Type II Land Use decision processed by city staff, and is appealable to the City Commission. The purpose of the Open House is to allow the public an opportunity to review the full application prior to the end of the public comment period. Planning Staff and members of the Planning Commission will be on hand to answer questions. No presentation is planned.

Project: SP 04-02 WR 04-04

Date: April 12, 2004

Time: 5:30PM to 7:00PM

**Place: City Hall Commission Chambers
City Hall, 320 Warner-Milne Road, Oregon City 97045**

Any interested party may submit written comments prior to the issuance of the Planning Manager's decision. Written comments must be received at City Hall no later than the close of business on **April 16, 2004**, to be considered by the Planning Manager. **Written comments will be accepted at the open house for inclusion into the public record.**

Additional submittal information can be found under "Recent Land Use Notices" on the Planning Page of the City's website: WWW.OREGONCITY.ORG

**CITY OF OREGON CITY
PLANNING COMMISSION
March 8, 2004**

COMMISSIONERS PRESENT

Chairperson Linda Carter
Commissioner Dan Lajoie
Commissioner Renate Mengelberg
Commissioner Lynda Orzen
Commissioner Tim Powell

STAFF PRESENT

Dan Drentlaw, Planning Director
Tony Konkol, Associate Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

None.

1. CALL TO ORDER

The meeting was called to order at 7:02 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

Kathy Hogan, 19721 S. Central Point Road, noted the neighborhood association meetings for South End and Hazelgrove on March 18, 2004.

3. APPROVAL OF MINUTES: December 8, 2003, December 18, 2003, February 11, 2004 & February 23, 2004

Powell moved to approve the minutes of Dec. 8, 2003, Dec. 18, 2003, Feb. 11, 2004, and Feb. 23, 2004 as submitted. **Orzen** seconded the motion, and it passed unanimously.

4. OLD BUSINESS:

Wal-Mart Update. **Tony Konkol** said the Wal-Mart application is being reviewed by staff and has not yet been deemed complete. He said staff has not heard back from their attorney, but it appears that the Site Plan request and the Similar Application determination will be handled as a single application within a single staff report. It will be a Type II application and it appears that there will be an open house, at which time the complete file will be available, staff will be present, and written comment will be accepted. He said a date would probably be set once the application is deemed complete.

Konkol said our City Attorney was quite sure there was no way the application could come back to the Planning Commission. Even if it were to be remanded back to the City Commission, it would probably be sent back to the staff as a Type II. Therefore, the Planning Commissions members could submit comments as individual citizens.

Orzen asked if the open house would be sponsored by the Planning Commission or the City Commission, and **Konkol** said it could be handled either way, although it would not be a public hearing, rather it would be more like an open house or neighborhood meeting.

Powell asked if the Planning Commission could comment as a group or if they should comment individually, and **Konkol** said they could do both.

Powell asked if it were approved by staff and were then appealed, would it then go to the City Commission for a final decision? **Konkol** confirmed that, noting that only comments made at the staff level would be considered. However, he noted that the City Commission does have the ability to ask to review any decision (denial or

approval) after the staff has made its decision, since they are the final decision maker. However, any appeal would also go to them.

Hogan asked if Planning Commissioner comments even as individuals could be thought of as a conflict of interest, but was told no because, according to the Attorney, this is a whole new application, and it will never come before the Planning Commission again.

Mengelberg asked if the outstanding issue is traffic or something else as to why it is not yet deemed complete. **Konkol** said we have 30 days and we usually maximize that to review any application thoroughly. He said staff has forwarded it to the attorney and the traffic review team (David Evans) and staff is also still reviewing it. Once it is deemed complete, the 120-day clock starts. Staff is currently checking for signatures, studies, etc., to make sure it addresses all the criteria required by Code.

Chair Carter said she had heard (unsubstantiated) that Wal-Mart had tried to obtain the housing tracts behind the Home Depot building in Southeast Portland, but that city would not allow them to convert back to Commercial, so now they are back seeking the site in Oregon City.

Konkol said they had also appealed the decision in Hillsboro, which is currently in LUBA and a decision is expected about April 7th.

Orzen asked who can appeal, and **Konkol** said anyone who has submitted comments on a substantial issue, once the comment period begins.

Mengelberg asked if the same conditions of appeal apply regarding the design or if this is completely new. **Konkol** said this is a completely new application so it must stand on its own merits, although much of it is similar, such as the water resource issues, but the design of the building will include numerous conditions of approval.

Hogan asked if it would still involve digging down into sensitive area for a garage and runoff into the canyon, etc. **Konkol** said staff will have to review the new application and see how that has changed.

Konkol noted that the City Commission has a work session scheduled for March 17, 2004 at 5:00 p.m. at City Hall and the second public hearing will be at the Pioneer Community Center on Wednesday, April 7th at 7:00 p.m. He said the last day to submit written comments will be Friday, April 16th at 5:00 p.m., and the next public hearing will be on Wednesday, May 5th, hopefully with adoption then, which means it would go into effect on June 5th.

Mengelberg asked if many written comments had been received so far, and **Konkol** said no, only four so far. He said staff still hadn't received comments from Mr. Poisner of the State Historic and Preservation Organization, which is the only real outstanding issue perceived.

When **Chair Carter** asked what his concerns were, **Powell** said he was concerned about the language, saying it was not specific enough, especially when talking about heritage, etc. For instance, once a building is gone, there is nothing to be done about it. For that reason, he was going to submit some new language.

Konkol said that is hard because a lot of it needs to be codified. **Powell** said he thinks this would probably be more at Code level, and they talked about what this would mean.

Konkol said OTAK did the Downtown Plan, which had some specific design criteria for the Historic Downtown District if this was to be a new zone. He reminded them that this whole process started as a housekeeping process with no intention of implementing the OTAK recommendations, and at this late date, staff would feel

more comfortable taking it through the process again and implementing it that way rather than just sliding it in at this point of the process because those are some pretty different design criteria and standards than what currently exist and they would have an impact.

5. NEW BUSINESS

- **Orzen** suggested inviting guest speakers to come to the work sessions on some of our open dates, perhaps to cover things such as "green technology" or perhaps to give a review of the NEMO project, or speakers from LEED or the Natural Resources Committee. **Mengelberg** concurred with the suggestion.

- **Election of Planning Commission Chairperson**

Chair Carter said she was willing to continue as the Chair if there was support, but she would be willing to step aside if the support is not there.

Lajoie requested that between this voting and before getting into any discussion of the Planning Commission goals, perhaps we could a brief post mortem on how we've done this year. He said the by-laws say that "The Planning Commission shall establish goals at a minimum annually." He said we have goals of what to do as a City, but he thinks this could also mean goals as individuals and as a Commission. He said in ways this has been a tough year but he also thinks we did a lot of great things. He also said he thinks everyone learned a lot, but each one has different strengths and weaknesses, and perhaps we should discuss those as well in the overall context of how to reach our goals.

Chair Carter said it was a good suggestion, noting that it seems that we often fail to do this because it is rather hard to do so in a public format, even in a work session, although perhaps we just need to work through that barrier and discuss things anyway.

Powell agreed, saying that communication is the biggest key to working as a cohesive group. Personally, he said he doesn't feel linked to everyone. Although he knows what he has read about an issue, he needs the bigger picture--How does this fit into what the City is doing, or with staff? He said we have asked the City Commission to meet with the Planning Commission regarding a planning strategy for a long time, and he thinks we could solve a lot of problems if this could occur. He also said he thinks we can learn from what did or didn't happen, or what should have happened, in decisions over the last year.

Chair Carter agreed that last year was an incredibly tough year with huge issues on the table, and she noted that the Planning Commission really hasn't had any real effort towards education since Maggie Collins was the Planning Manager. She said lack of training is one of the biggest obstacles to being able to do a better job as a group and as individuals. She knows that the City doesn't have a budget for it and we continue to labor along as best we can, but everyone has different needs/educational components to be able to grow and become cohesive as a group in order to do our job well.

Orzen said she thinks there are educational opportunities available without needing to spend money. For instance, there are speakers who will come and talk about things like sustainability issues. In fact, **Lajoie** said he is one of 50 LEED certified architects around, and he would be willing to share sometime.

Chair Carter said as a team if we understand each person's strengths and weaknesses, and we support the weaknesses and give leeway to the strengths, that would probably help a lot.

For example, **Orzen** said admittedly part of her weakness is her communication skills. She said she is getting better, but she still needs to improve.

Mengelberg, on a related topic, said she thinks the role of chairperson should be a duty and an honor to be shared by the group and everyone should have a chance to serve as chair. She said this is no reflection on anyone if there is a change.

Chair Carter said the other side of that picture is that sustainability, longevity, continuity, and consistency all lend to stability.

Orzen said she herself hasn't been interviewed and reappointed yet by the Mayor but was told that would happen after the Comp Plan has been adopted, which now looks like May or perhaps June.

Lajoie moved to reappoint Chair Carter to serve as Chair for another year. **Powell** seconded the motion, and it passed unanimously.

Powell moved to nominate Lajoie as Vice-Chair for the coming year. **Orzen** seconded the motion, and it passed unanimously.

6. ADJOURN

Chair Carter adjourned the business portion of this evening's meeting at 7:25 p.m. and moved directly to the work session format.

7. PLANNING COMMISSION WORK SESSION

Planning Commission Goals and Objectives:

Konkol referred to the list of goals as revised in July, 2003, briefly commenting about them as follows:

1. Adopt the Comprehensive Plan. **Konkol** noted the work that had been done on the Comprehensive Plan, the Downtown Community Plan, the Comprehensive Plan Map, and related work, and said he thinks we have met these goals, although a little more work might yet need to be done as this goes to the City Commission process.

(**Dan Drentlaw** arrived at 7:30 p.m.)

2. Review development fees and adjust to better reflect actual costs. Regarding a review of the development fees, **Konkol** said they went into effect about two months ago.

Lajoie asked how much they went up in Planning. **Konkol** said some went up and some went down. **Drentlaw** estimated about a 30% increase, noting that the biggest was Site Plan and Design Review which had a cap of \$15,000 that has now gone up to \$40,000. **Konkol** added that subdivision review went up \$1,000 on the initial application plus about another \$85 per lot. Some other big ones that seem to require a lot of time were lot line adjustments and pre-apps. In particular, he said a minor pre-app (a minor Site Plan/Design Review or a straight partition) is \$440, and a major pre-app (basically everything else) is \$880. (These numbers compare to the old fees of \$170 and \$470 respectively.)

Mengelberg asked how this compares to other communities, and **Drentlaw** said the new fees are about average and perhaps a little high in a couple of areas. However, he said staff checked with a lot of others for comparisons before determining what was appropriate for Oregon City.

Chair Carter asked if the yield will provide enough revenue to afford another person. **Drentlaw** said that will probably depend on how many apps come in next year. He didn't think we would have any more than we had last year because there is not as much vacant land available. He noted that we had a lot of revenues from Red Soils, the college, and the hospital, but they are slowing down. He said he is trying to get a full-time permit tech to help Building and Planning in the coming budget, but he noted that most of the funding for that position will come out of Building, which got more money this year, in part thanks to Clackamas County. He said we have made an arrangement with Clackamas County that if an Oregon City resident applies for an electrical or plumbing permit, we do the paperwork but the County actually does the

inspection. He added that the percentage of money we receive on the fees has doubled (from 12% to 25%, actually), and that is enough to hire a full-time permit person.

Konkol noted that the one person who is currently working part-time for us is very good. For example, she has taken over the website, which has become a very useful tool and for which we have received many compliments.

Chair Carter said it is important to recognize that we are starting to raise the bar and it is becoming evident that we are doing better in so many ways, and **Powell** said that is why completion of the Comp Plan is so important.

Returning briefly to the topic of Wal-Mart, **Drentlaw** said staff is thinking of having an open house right after the application is deemed complete (during the two-week period that is open for comments).

Mengelberg asked if it might be possible to put a drawing/summary of the new proposal on the web page, and **Konkol** said staff might be able to scan in part of the application with a note that people could speak with staff for more details.

Orzen asked if the application is still with the lawyers about the issue of whether or not it is a "similar application." **Drentlaw** said our attorney and their attorney have been in contact and there seem to be two options: either process this all with one decision, that being (a) are they substantially similar, and (b) an evaluation of the Site Plan criteria. Staff has said they are willing to split those, so first they will make the "substantially similar" decision and, based on that, they can decide what they want to do next. He said they haven't decided yet, so the staff report will probably address both.

3. Address future growth and development issues...including concept plans...recommendations for future UGB expansion, and UGB expansions decisions. **Konkol** said we probably still need to work on these. For instance, we don't have a concept plan for Beavercreek. **Mengelberg** noted that the neighbors are working on one and she asked if they need to bring it to us.

Drentlaw said that is probably what will happen, but it could be done either way (they could do it or we could do it).

Powell said this is an example of what we need to discuss with the City Commission because we have been discussing concept plans in the Comp Plan process but this is all relatively new to them now. He said he thinks this is something they should have all been discussing together for a mutual approach.

He also said he couldn't recall ever having had a discussion with them about UGB expansion decisions and now we have issues regarding Industrial lands. **Chair Carter** said the PC had had that discussion in depth when the last UGB areas were up for discussion so we shouldn't have to worry about it again until we get close to the end of the next five-year period. **Powell** said he didn't realize that had occurred since it was prior to his serving on the PC.

Konkol said he thinks (b) is a really important goal to continue working toward (recommendations for future UGB expansion). **Chair Carter** agreed, saying we need to continue discussions regarding where our natural boundaries are and where it makes sense for Oregon City to stop.

Orzen said she thinks we should also incorporate the outlying areas such as Beavercreek because they have very definite ideas about what they want to see, but she also thinks we should bring in some of the CPO's that border that area that we're looking to expand. **Chair Carter** agreed, saying that having that piece at least somewhat sketched out would help in regard to Metro and Industrial lands because you can't have any

kind of functional discussion about what Industrial lands should come into Oregon City without any concept of what might be our boundaries.

Powell said we should also include discussion about annexation within the boundaries, including what, when, and how much do we want to do, and about the effects we are willing to withstand to issues such as Police and Fire service. He felt that both items should be high on priority list.

Chair Carter noted that the PC's job is a matter of planning for both current and long-term needs. **Powell** said they need to understand our thinking because as they do the budgeting, if we are talking about annexing certain areas in, they need to be aware of that so they can consider the implications overall, including budgeting for the General Fund, revenues in SDC's, etc., in order to make intelligent budget decisions.

Returning to the topic of concept plans, **Drentlaw** gave a brief review of the two plans that are underway. He said the residents in Park Place are very organized and they want to apply for a Metro Enhancement grant to fund a plan. On the other hand, Kent Ziegler has some plans of his own and has, in fact, already started a traffic study. Staff has told him he needs to look at the whole Park Place area, not just his piece, and how it will affect 213/205 and Redland/213. **Drentlaw** said he needs to get everyone together to do a more specific scope of work and merge those two processes into one that would be good for everyone. He noted that he thinks the City would probably be an applicant with the Park Place people in asking for the Metro Enhancement funds and perhaps we can also use some SDC funds.

Powell asked if a planner would work with the neighborhood and perhaps also work in conjunction with a developer to develop a plan for everybody. **Drentlaw** said that is what the money would be used for, adding that the City needs to have an active role in that and go through the process of hiring an active planner. **Powell** thoroughly agreed.

Chair Carter said one of the big frustrations she hears about is that when Stein did the gas station in that area, he didn't provide an appropriate turn lane so people can't get out of the neighborhood, resulting in big traffic problems that Ziegler wouldn't now be responsible for (where Clackamas Drive comes in). **Powell** said he thinks that is County road that we had no control over.

Drentlaw said the other big project is Beavercreek, where some of the property owners have hired Cogan Owens Cogan to work on a concept plan.

Orzen said another issue is that the City is looking at closing the Hilltop Urban Renewal area in a couple of years and she asked if we should be seeking another urban renewal area. **Powell** said Beavercreek is another good opportunity that might fit into Industrial, and he agreed that we should be the leading the charge. He said he thinks, personally, that it is bad timing to move it in two years when the County is moving there, but we should be looking for something. For instance, Canemah has asked for a district so they can get their sewer and water issues resolved.

Chair Carter said someone had asked her why Urban Renewal money couldn't be used to bring the courthouse up to Code and then move the City and the library into that building. **Powell** said it could be done, it is simply a matter of whether this Urban Renewal Board would vote to do it, and **Drentlaw** agreed that it would be a priority question of how they choose to allocate the funds.

Powell complimented Larry Patterson who had recently made a presentation to a neighborhood meeting in which he described the various plans and how they tie together.

Drentlaw said staff met recently with Dave Leland (who has a background in real estate specifically for downtowns) and an architect and showed them around the city, and their first step is to review the various

plans (about 20 in all) and attempt to combine them into a fairly succinct strategic plan for economic development for Oregon City. Once that is done, the next step would be to hire an economic development coordinator to start the implementation process. He said there is considerable feeling that that person should not be in the Planning Department in order to avoid a conflict of interest.

He said the big question they have to deal with is, What is downtown Oregon City and how will it function in the future, since it really isn't functioning as a traditional downtown anymore because the center of the city is now more on top of the hill.

Orzen said, though, that it isn't a city either (the Hilltop), it is "the burbs."

Chair Carter said this very issue had been the center of considerable discussion with Maggie Collins when she was still with the City—trying to determine where the city center is or whether we actually have two city centers, what we could build in to designate a city center (such as a public square) and where the best location would be for such, etc. She said oftentimes the Planning Commission doesn't get to interface with such topics of discussion but, in fact, they should be involved in the long-term planning.

Mengelberg said the square which is currently being planned for the site of the Liberty Building fits very well into this description, and **Drentlaw** said part of the plan will be to make that parking lot look better.

Powell said he had attended the three charettes during which the planning was done and citizen input was put forth. He said the suggestions included such things as a large open square—a place for events and concerts, a stage, a water feature, etc. The site was reconfigured to go from the end of the Courthouse to the end of the County building with separate entrances coming in from the street. He said they will be using some of the old bricks from the Liberty Building as part of maintaining its historic status. The project will include a big open parking lot in the back, which will enhance the parking for the surrounding area as well.

He said the judges were somewhat concerned about bringing prisoners in because there are three murder trials coming up this year. For that reason a Sally Port was installed in the back so that the trucks can back in, after which a gate/door will be electronically locked for security.

He continued, saying that they will use as much brick and the letters from the Liberty Building in the construction, which will also have some kind of water feature near the front to help mitigate the noise.

Mengelberg asked where people could see the designs, and **Powell** said the County has the final designs. He also thought it probable that they would be posted on the County website.

Drentlaw said there are several things happening right now, including Liberty Square, the 99E enhancement, and the 7th Street improvements still. He added that Dee Craig (Parks and Recreation) was also starting a technical team to look at the whole trail system.

4. Improve Development Code. **Konkol** made comments regarding the various sections as follows:
 - (a) Some changes have been proposed for the Single-family Home Review addressing garages.
 - (b) Regarding street connectivity and traffic calming, staff is currently working on a street connectivity map. Currently the TSP level is for neighborhood commercials and larger, so now staff is working on local streets. He said some traffic calming is being implemented through curb extensions.
 - (c) Staff has not yet addressed home occupations although they are allowed but are mainly restricted to non-retail commercial types of businesses.
 - (d) Tree protection has not been discussed yet except that the issue of replacement trees has been updated for subdivisions and site plans. Instead of a one-to-one ratio, it is based on the diameter of the tree.

Mengelberg asked if a Tree Committee has been formed yet, and **Drentlaw** said the City Commission decided to merge those responsibilities into the Natural Resources Committee (NRC) area.

Powell asked whether subdivisions should come before the PC for review or if they should be left with staff. **Chair Carter** said those were taken away a few years ago because it was felt that they were too much burden on the PC and it wasn't necessary for the PC to review those, and **Drentlaw** noted that it meant less staff work.

Powell said he was on the City Commission at the time and it was done because of some issues at the time specifically relating to conflicts of interest. He said they had a high level of confidence in the staff at the time (and still do). He said his only questions now is that everyone seems to have fairly strong opinions about design review and he wants to make sure that staff knows what we're looking for.

Chair Carter said some of the issues have been addressed in the new Comp Plan, but she suggested that perhaps if a subdivision were to be over a certain size, it would trigger a PC review.

Konkol said review of any type of housing requires clear and objective standards, and we can't rely on Comprehensive Plan policies or action items or goals. The requirements must be very specific (i.e., no intersections can be more than 600 feet apart).

Drentlaw said another example is what was put in Code for garages—it is very specific. He said if this is a concern, he would suggest looking further at what can be done in Code because even if the PC were to do a review, they couldn't do anything unless it is spelled out in the Code.

Chair Carter said that perhaps a review of Codes should be added, then, to the list of goals.

Regarding housing, **Konkol** said he thought that perhaps if it were a Type III the PC would have more review authority or discretion, but they don't. He said they would for anything non-residential, though.

Powell said his concern is when he sees housing in a certain structure (for instance, 17 houses all built with one window on a certain side), which is ugly and simply not appropriate for the area. Thus, he thinks the PC should have the right to say something. He says he doesn't know if that is because we haven't said anything in the past, or if it is because we haven't raised the bar high enough, or if it because of the developers we're dealing with.

Drentlaw said it is partly market-driven. In fact, although unfortunate, it seems like buyers here are willing to buy that product whereas they might not be willing to do so in West Linn.

Chair Carter said here they are buying a different quality of life—rural, trees, more relaxed, etc.

Powell agreed with that but said we can do more for not a whole lot more money. He said we want to be the leaders in what our city looks like—not followers or not where somebody goes when he can't afford to go somewhere else.

Drentlaw said this came up in some discussions he had with Dave Leland about economic development, specifically asking about areas like where Wal-Mart wants to move in or like The Cove. He said we have no housing choices for CEO's.

Powell said that is part of why, philosophically speaking, we need to raise the bar and for that reason we need to start planning. He said we have a lot of challenges, but we have the biggest high school, we have

wonderful sports teams, and we have great education. Thus, we already have many things to draw people like CEO's to our community. **Drentlaw** added that things like The Carnegie are also great assets, and **Mengelberg** said we also have great view lots overlooking the river, downtown Portland, and the mountains.

Powell concurred with Chair Carter's suggestion of putting this on the list—to look at the Code and also see what others are doing because part of the issue is that we have no standards and the result is some of the houses that are being built today.

Konkol said in the process we also need to consider options, and **Powell** said even if a person had to satisfy six out of ten design items, it would help.

Orzen said one issue raised by the Park Place citizens was that some of the developers are charging more for view lots, but there is no control or any form of reimbursement if someone then comes in and cuts down all the trees. **Konkol** said it really becomes a civil matter at that point.

Chair Carter said this is probably as important as our boundary issues, and **Orzen** said further consideration should also be given to areas where people are trying to build homes in environmentally sensitive areas (steep slopes, wetlands, etc).

Konkol said our Water Resource Code is pretty good. When it comes to development on a parcel that is completely within a water resource, a person is guaranteed one house per lot and is allowed up to 4,000 square feet of impervious surface (including driveway and roof). Otherwise, it is considered a taking.

Chair Carter said that at some point the community has to be willing to invest in itself to get the product that we want (education, for example). **Lajoie** said the problem is that nobody wants to be first, and **Mengelberg** said it is partly a reflection of our economic times right now.

Chair Carter said this is a big piece, particularly with the possible annexation of the Fire District, and she asked if anyone from this Commission (the PC) is on the Blue Ribbon Committee. **Powell** said he didn't think it had been defined yet, but agreed that somebody should be on that committee.

Powell said he thought another good goal would be to meet at least once a year in a work session with all of the City's advisory groups, particularly to avoid misunderstandings such as what recently occurred with the NRC. He said another one is the Traffic Advisory Committee, which communicates through Ms. Kraushaar, but he said it would be nice to sit down and talk with them regarding long-term plans.

Drentlaw said Patterson had a recent discussion with the City Commission about how to use our existing committee structure without overburdening staff. **Powell** said if the PC is willing to do so, he thinks we are the perfect choice for it and we should suggest it to the City Commission. **Chair Carter** agreed, saying that one of the frustrations is that our knowledge and expertise is not being utilized to benefit the other segments. **Lajoie** said that could work the other way as well, with all learning from each other. In that way, knowledge could be shared as well as goals and planning desires for the future.

Lajoie asked if staff knows of any jurisdictions that handle this well, and **Drentlaw** said we have about 20 committees, which is a lot for a city this size, but we simply don't have the staff to cover each one and keep them all going in the same direction.

Chair Carter suggested that the use of a flow chart could help everyone feel inter-connected as well as perhaps track some of the projects.

Powell said one negative might be that some Commissioners might already feel unconnected, which might only become a bigger problem, but **Drentlaw** said he could see the NRC, for instance, presenting a project to the PC, who in turn would send it to the City Commission.

Chair Carter said this particular PC has really wanted to be involved, informed, and in the communication loop, and not be invisible. In order to get past this struggle, she thinks we need to set out clearly who we are and what we do in our goals and then bring about the necessary changes to accomplish that. In fact, she said, we have a State-ordained function about what we are supposed to be doing, and she thinks it is critically important that we have clarity and work cohesively. She said we can bring in speakers but after that it is up to us to determine how to move forward.

Drentlaw suggested that once that is done, it would be good to have a work session with the City Commission to talk about those things, and **Mengelberg** agreed.

5. Promote and review master/ sub-area plans. **Konkol** said the college, the hospital, and Red Soils all have requirements for master plans through previous land use decisions, and Code has been rewritten for master plans which will be presented to the City Commission.

Powell asked if the PC could see the proposed language before it goes to the City Commission since we have talked about it for so long, and **Drentlaw** said he thought that could be possible. **Konkol** said the proposal is for basing it on the size of a parcel rather than picking parcels. He said a concept plan could be very general after which the impacts (pedestrian connections, circulation, etc.) would be contained in a detailed master plan.

Drentlaw said it could be for part of a site, and **Konkol** said the idea would be to "give us as much as you know" up front so they don't have to go through the process again. The hope is to understand the impacts at the concept level of foreseeable future development and then phase in the improvements along the way, perhaps at certain steps (i.e., after 50,000 square feet, move to the next phase).

Konkol said the concept plan would be for a planning range of 5-20 years and the detailed development plan would be good for two years once approval is received. He said this also says that we can't change the bar on them either. That way, both parties know what will be occurring and agree to it for the given timeframe.

Powell said he likes their proposal because it will help now in planning for the future.

Chair Carter said something like this would have helped considerably in the situation regarding the Younger property where questions were raised about promises that were supposedly made in the past but are now being considered as being broken because there was nothing in writing.

Regarding the lower downtown/Washington Street redevelopment/infill strategies, **Konkol** said he was unaware of any prior specifics. **Powell** said previous discussions were about the potential business or residential redevelopment in the lower area (off 15th and Washington, and beyond) that would be beneficial for the community. It would keep people off the hill in some cases, it would allow us to meet our Metro numbers in residential, retail, and some commercial, and it would be on a thoroughfare, whether it was Washington or 99E. However, he wasn't sure it was tied into the Downtown Plan but he thinks it should be because it could potentially be a really nice area for 3-4 story Residential/Mixed Use.

Mengelberg asked if this is within the purview of the Urban Renewal. **Powell** said he didn't think so. He said he didn't disagree that they should be involved in it, but if we have a plan for that lower area in which we describe the types of things we want to see there, that would at least give them some direction.

Chair Carter agreed, saying we need to establish the land use planning designations, and **Powell** said his concern is for long-term planning. **Mengelberg** said we have already put that language in place in the proposed Comp Plan amendments and now we need to continue to support that.

6. Implement a program to acknowledge/reward good design. **Konkol** said we haven't done anything on that goal, and **Orzen** said she thinks we should move forward on it. **Chair Carter** agreed, but said we would probably need to make some kind of fundraising effort to enable us to have an event for the purpose of honoring chosen recipients (developers, etc.)

Mengelberg said we don't need money. She said we could take pictures and decide together what we think are good examples of Commercial, Office, etc., and make presentations of perhaps a nice plaque at a regularly scheduled PC meeting (which are televised), and then post the winning designs on the website.

Lajoie agreed that it could be kept small or if we chose to make it a more gala event, perhaps we could partner with the Chamber of Commerce. **Orzen** suggested we might apply for a Metro Enhancement grant and **Mengelberg** suggested it could be a part of the State of the City program.

Mengelberg and **Lajoie** agreed to work on some possibilities for implementing this plan.

Mengelberg summarized the discussion thus far as: Items 1 and 2 (adopt the Comp Plan and review development fees) have been done; there is a consensus for pursuing Item 3 (regarding long range plans and policies), especially with consideration for b (recommendations for future urban growth boundary expansion); Item 4, a and b (single-family design review and street connectivity/traffic calming) are happening, with more work to come on c—home occupations.

Chair Carter asked if home occupation is something that the PC should really deal with, and **Drentlaw** said it is already allowable under Code. **Lajoie** recalled that the conversation was about it becoming more prevalent so part of the planning process is to ask how we accommodate it.

Powell said it has been partially addressed in the Mixed Use Corridor, and said he personally isn't that concerned about it but he thought we could perhaps review some other jurisdictions' handling of it and see if we need to do anything more.

Mengelberg said home occupations can be an economic development tool because a lot of businesses start at home and then grow to a point where they must move into larger facilities, so we want to have guidelines that will mitigate for negative impacts but still allow for home occupations to work. She said she would e-mail a copy of the County ordinance, and **Drentlaw** said we might also review Portland's.

Powell suggested we might take that off the goal list, but **Chair Carter** said perhaps we should leave it on until it is done, assuming that we would make some Code adjustments.

Orzen said we need to add Training and Education for the PC.

Drentlaw said #5 (master sub-area plans) is still upcoming, so it will remain on the list.

Mengelberg suggested, based on earlier discussion, that Urban Renewal Districts could be added as 3.d, saying she thinks it is really important, especially with the new zoning in place.

Orzen suggested doing a charrette for the Glen Oak sub area and the Beaver Creek area as part of the new Campus Industrial/Industrial Urban Renewal area, but **Konkol** suggested waiting until we see what Cogan

submits. He then suggested that it might be good to start a study of South End, and **Powell** agreed, saying it is something we should talk about. **Drentlaw** added that there are projections for as many as 2,000 new housing units and 10,000 trips per day in that area.

Powell said we should add a goal for communication with other advisory groups/committees, etc. Perhaps for "all recognized City advisory bodies."

Powell noted that some citizens of the McLoughlin neighborhood, which is in the Urban Renewal District, have made a request of Mr. Patterson to have citizens sit on the Urban Renewal Committee because it is currently only comprised of businesses.

Orzen suggested adding "Promote sustainable green development" but **Drentlaw** said it is already in the Comp Plan.

Powell said he would like to see the goals be almost "bare bones", listing perhaps six things to focus on at every meeting to keep us on track. **Drentlaw** said they could almost be summarized in: (1) Improving our quality of life, (2) sustainability, and (3) preserving our resources.

Chair Carter noted that we are already well into 2004, and **Mengelberg** suggested that perhaps the list of goals should be for 2004-2006.

Powell said it is good to acknowledge what we did right and what we did wrong and use the discussions as tools to making things better in the future, and **Chair Carter** said she thinks one way to do that is to be more free to speak in our work sessions.

7. OTHER BUSINESS

- **Chair Carter** apologized to those fellow commissioners who were upset at the way she handled the situation with the NRC committee. She said, considering her own personal situation that day, perhaps she should not have attended that evening but she felt it was important to come and continue with the work that needed to be done. She did not regret what she said because she felt it was appropriate and correct, but she apologized for any embarrassment she might have caused for any of her peers.

Orzen said that was another communication breakdown because we (the PC) weren't told that they were given such an expansive charge by one of the City Commissioners, so we had no idea of the extent of work they were doing.

Powell said we are all individuals and we should feel free to talk about differing opinions. He said he was not embarrassed; rather, he was more concerned about the outflow because some people felt they were not heard. He said he thinks one of the great things we have done is that we have allowed everyone to speak who wanted to speak, we have listened, and then we have decided on facts, not emotions, and in a very professional manner.

Mengelberg said she would feel uncomfortable if we ever brought someone who was testifying to tears. **Chair Carter** said she thought we had worked through it and both parties had apologized to each other and moved on, and that hopefully it would never happen again, but it is impossible to say that people won't disagree or that they won't sometimes be emotionally involved.

Powell said it is okay to disagree, but we should never be disrespectful (which should be true both ways).

Lajoie said one citizen had said he felt like the PC wasn't listening to citizen testimony about the Wal-Mart app, which is why it is now at the City Commission. Therefore, based on this discussion and agreement, he suggested that some kind of statement be made at the beginning of each PC meeting that we are here to listen to testimony and render a judgment, even though the citizens may or may not agree.

Mengelberg said it is rare that we have a split decision because this committee works well together and almost always agrees on the direction of things, which may or may not be what the citizens would like to see happen on a particular case or issue.

Konkol said the fact is that the decision must be based on the criteria and it is a matter of education sometimes because people don't always want to face that. He said sometimes we might have to say, We have heard your concerns and we understand them, but here is why we don't agree or why we are coming to this conclusion.

Powell said he has personally been working for ten years to get citizen involvement and we are finally getting the neighborhood associations to participate, so he wants to make sure we give them their due. In the case of the situation with the NRC, someone said we didn't want to hear what they had to say so he then had to correct them on that and reaffirm that we do want to hear from people.

Konkol said education still needs to continue and we need to make people understand that we want their input, but it must be applicable. He suggested that perhaps the PC could do training sessions for the public once a year, and **Orzen** suggested that perhaps we could do a session for the neighborhood association and use people who really want to learn about it.

- **Orzen** said the Art Commission would be doing a walking tour of the public art in Lake Oswego because the 7th Street Corridor Plan has four locations for public art, so they are trying to decide what kind of public art to use. It would be on Saturday, March 13th 10:00 at Millennium Park in Lake Oswego after which they would walk 7th Street. She invited any interested members of the PC and others to attend. She noted that this could be functional art (benches, etc.) and rotating art.
- **Konkol** asked how the CIC feels about the notification they've been receiving. **Powell** said he hasn't heard any complaints, and **Orzen** said it is getting better.

Powell said people left the Downtown Association meeting excited about what is happening in the City, which he had attended directly due to a notice he had received.

Chair Carter said she would like to get more notifications in order to stay attuned to activities within the city. **Konkol** noted that the City calendar is on the website, and **Drentlaw** said staff is working toward one site with everything on it.

Chair Carter asked if we are saying we should all be involved in as many things as possible regarding topics we are interested in or that could involve us. **Powell** noted that some can do more than others, and that's okay—no need to feel guilty if someone can't.

It was then suggested that perhaps a quick review of anything new/pertinent could be given before meetings or work sessions, or even via e-mail.

Konkol asked if everyone is comfortable with the staff presentations, and was told they are fine. **Lajoie** said having more information from some of these other areas would simply give more of the big picture.

Mengelberg said it is interesting to know what the City Commission is doing and/or what they do with things that are forwarded by the PC.

She suggested that staff give the criteria for decisions up front, and **Powell** said the more groundwork they can lay, the better it is for everyone's understanding, especially when there are specific issues.

Lajoie said, in thinking about the entire process last year, he thinks it is a good sign that staff's recommendations and the PC's recommendations almost always came to the same conclusions, which is not to say that the PC is simply rubber-stamping staff's recommendations but that everyone is working in the same direction.

Powell said the risk is that decisions could be perceived as being rubber-stamped, but the difference is in how well we address and discuss the issues in our deliberations.

Konkol said more detailed discussion/explanation in deliberations is helpful to staff as well when they are writing findings and facts.

Powell said he thinks we summarize more than we deliberate in our deliberation time, but it would be good to use that time for more interaction when necessary.

- **Orzen** said she gets updates to the *Planning Commissioner's Journal* every month or so, but she asked if everyone receives it. When some were unaware of it, she said she would forward the link to everyone. In particular, she noted that she had just this day printed off an article entitled "Mini-measures of Effectiveness for Planning Commissioners" by Elaine Coogan.
- Referring back to the earlier discussion about training, **Drentlaw** said he knows of some people who do training for Planning Commissions and he suggested that we might try to share costs with another city, both to defray costs and to share information/experience with others.
- **Lajoie**, as the new Vice Chair, asked Chair Carter and the others to consider how they could best use him in the role. **Powell** said one area might be that of communication, and **Mengelberg** suggested that perhaps the Chair could communicate with staff and Lajoie about certain issues/events/topics, and he in turn could communicate things as appropriate with the others.

ADJOURN

With no further business at hand this evening, the meeting was adjourned at 9:43 p.m.

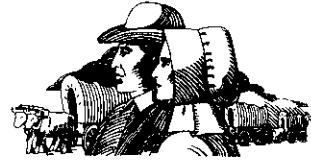
Linda Carter, Planning Commission
Chairperson

Tony Konkol, Associate Planner

CITY OF OREGON CITY PLANNING COMMISSION

320 WARNER-MILNE ROAD
TEL (503) 657.0891

OREGON CITY, OREGON 97045
FAX (503) 722.3880



TO: Planning Commission

FROM: Tony Konkol, Associate Planner

DATE: April 5, 2004

SUBJECT: File # VR 04-01

Staff requests that the Planning Commission continue the hearing for the above referenced file to May 10, 2004. This continuance will not have a negative impact on the city's ability to meet the 120-day decision requirement for the processing of this application. The reason for this request is so that the applicant and the City may further discuss the design options and alternatives for the project site concerning the proposed cul-de-sac and internal street design.

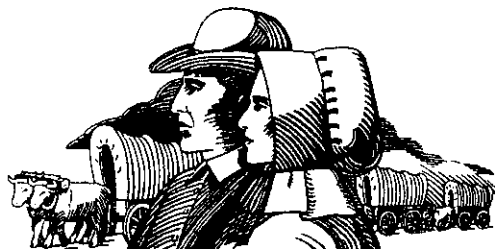
Staff recommends a continuance of the public hearing for Planning File VR 04-01 to the date certain of May 10, 2004.

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL (503) 657-0891

OREGON CITY, OREGON 97045
FAX (503) 722-3880



FILE NO.: ZC 04-01

Complete: February 27, 2004
120-Day: June 26, 2004

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: April 12, 2004
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT: Carol Loss
229 Ogden Drive
Oregon City, Oregon 97045
Dee Craig, City of Oregon City
320 Warner-Milne Road
Oregon City, Oregon 97045

REPRESENTATIVE: John Wyland – Centex Homes
16520 SW Upper Boones Ferry Road, Suite 200
Portland, Oregon 97224

REQUEST: Zone Change from “R10” Single-Family Dwelling District to “R-6” Single-Family Dwelling District.

LOCATION: 19866 Leland Road, identified as Clackamas County Map 3S-2E-7DD, Tax Lot 1900 and 12901 Frontier Parkway, identified as Clackamas County Map 3S-2E-7D, Tax Lot 501.

REVIEWER: Tony Konkol, Associate Planner

RECOMMENDATION: Approval

PROCESS: Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten days of the issuance of the final decision then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final.

I. BACKGROUND:

The applicant is requesting a zone change from R-10 Single-Family Dwelling District to R-6 Single-Family Dwelling District for two parcels of approximately 22.3-acres identified as Clackamas County Tax Assessor Map 3S-2E-7DD tax lot 1900 and 3S-2E-7D tax lot 501 (Exhibit 1). Tax Lot 501 is owned by the City of Oregon City and is being developed as Wesley Lynn Park.

The applicant has submitted concurrent applications on the subject site for the approval of a 35-lot subdivision (File TP 04-01) and a Water Resource Exemption, both of which are Type II Land Use Decisions, and a Type III Planning Commission Variance to the maximum cul-de-sac length and the maximum block length of 600 feet for local and collector streets (File VR 04-01).

The applicant has proposed 35 lots on tax lot 1900 and the potential of one lot on tax lot 501, which is currently part of Wesley Lynn Park. The applicant has been working with the city to purchase this isolated piece of property and include it in the subdivision. The city and the developer are working on a potential reduction or reimbursement of Parks System Development Charges to allow the developer to construct all of Frontier Parkway as part of the subdivision development instead of Parks and Recreation building their portion of the road and then the developer building their portion on a different schedule.

The Comprehensive Plan designation for the two parcels is "LR" Low Density Residential which allows the existing zoning for the property, which is R-10 Single-Family Dwelling District, as well as the R-6 Single-Family Dwelling District designation requested by the applicants. Both the R-10 and R-6 Single-Family Dwelling District allow the development of single-family homes and publicly owned parks as permitted uses.

II. BASIC FACTS:

A. Location and Current Use

The subject site, northeast of Leland Road and south of Frontier Parkway and Joys Drive, is located on two parcels designated LR Low Density Residential on the City's Comprehensive Plan Map. One of the parcels, which is owned by the City, is located at 12901 Frontier Parkway and identified as Clackamas Map 3S-2E-7D, Tax Lot 501. The second parcel, where the 35 lots are proposed, is located at 19866 Leland Road identified as Clackamas Map 2-2E-7DD, Tax Lot 1900 (Exhibit 1). Tax Lot 1900 is developed with a single family home and takes access for Leland Road.

B. Surrounding Land Uses

Northeast of the site is the Silver Fox subdivision, which is zoned R-6 Single-Family. To the northwest of the subject site is a parcel zoned R-10 Single-Family that is owned by the City of Oregon City and a parcel of approximately one acre that is outside the current city limits but within the Urban Growth Boundary (UGB). To the southwest of the subject site is a county subdivision developed with lots of approximately one-half acre in size and a single parcel on Leland Road that is one acre in size. Southeast of Leland Road is the Aero Acres private airstrip. The subdivision, single parcel and airstrip are also located outside the current city limits but within the UGB. To the southeast of the subject site is a county subdivision located on approximately one-half acre lots. The subdivision is located outside the city limits and outside the UGB.

C. Public Comment

Notice of the public hearings for the proposed Zone Change was mailed to property owners within 300 feet of the subject site on March 1st, 2004. The notice was advertised in the Clackamas Review on March 10th, 2004 and the subject site was posted on March 3rd, 2004. The notice indicated that interested parties could testify at the public hearing or submit written comments prior to the hearing.

The applicant has mailed out an invitation to neighbors to attend an informational meeting regarding the Newberry Subdivision on April 5th, 2004 at the Gaffney Lane Elementary School.

Comments were received from the Parks Manager (Exhibit 2a), David Evans and Associates (Exhibit 2b), Oregon City Engineering Department (Exhibit 2c) and the Oregon City Public Works Department (Exhibit 2d). The Engineering Department indicated that the proposed zone change does not conflict with their interests. The other department comments have been incorporated into the staff report.

Comments were received from Mr. and Mrs. Wallwork of 12945 Noblewood Avenue, Oregon City, Oregon 97045 (Exhibit 3a). The Wallwork's submitted comments concerning the location of the homes in relation to the landing strip located south of the subject site at the Aero Acres airstrip. Exhibit 4 is the preliminary plat proposed by the applicant for the development of the Newberry Subdivision. The applicant has identified the Runway Protection Zone required to provide a safe landing approach to the airstrip as required by the Private Use Airport and Safety Overlay Zones of Clackamas County. The purpose of the overlay zone is to provide for the continued operation and vitality of private use airports consistent with state law. It also provides for safety standards to promote air navigational safety at these airports, and to reduce the potential for safety hazards for property and for persons living, working or recreating on lands near such airports.

Comments were received from Ms. Ryner of 12960 Noblewood Avenue, Oregon City, Oregon 97045 (Exhibit 3b). Ms. Ryner has indicated that the proposed lot sizes are inconsistent with the existing neighborhood and that the development will increase traffic along Leland Road near a dangerous corner.

III. DECISION-MAKING CRITERIA:

Chapter 17.68, "Changes and Amendments"

(a) 17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution request by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission.

(Ord. 91-1007 §1(part), 1991; prior code §11-12-1)

Finding: **Initiated.** The property owner's representative, Centex Homes, and the City of Oregon City, as a co-applicant, have submitted a complete application to the planning division, thereby initiating the amendment in accordance with 17.68.010.C. The narrative information and application form are attached as Exhibits 5 and 6. The application was deemed complete on February 27, 2004.

(b) 17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

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

Finding: **Complies.** Consistency with comprehensive plan policies and goals is addressed in Section III.B on page 6 of this staff report.

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 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.

Water

Finding: **Complies.** There are two existing 8-inch ductile iron water mains in the Frontier Parkway and Joys Drive stub streets from the Silver Fox subdivision to the north of the subject site. Future development of this property will require connecting to the 8-inch main and extending the 8-inch water mains throughout the subdivision per city standards. Existing water facilities appear adequate for future development of this property.

Sewer

Finding: **Complies.** There are existing 8-inch sewer mains in the Joys Drive and Frontier Parkway street stubs from the Silver Fox subdivision to the north of the subject site. Existing sanitary sewer facilities appear adequate for future development of this site.

Storm Drainage

Finding: **Complies.** This site is in the Mud Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts to this site are significant. This site drains to Mud Creek. The site is also located within a Water Quality Resource Overlay District. Erosion and water quality controls are critical for the development of this site. Future development of this property will require storm water detention.

Transportation

Finding: **Complies.** The projected transportation impacts resulting from a zone change from R-10 Single-Family to R-6 Single-Family, which is a 2.9 unit per acre increase, has been found to have no significant impact on the traffic generated by the development and that study area intersections will operate at acceptable levels of service upon completion of the project (Exhibit 2b). The full build out of tax lot 1900 adds to the need for improvements identified in the Transportation System Plan; including capacity improvements at Highway 213/Meyers Road and signalization and intersection improvements at the intersection of Meyers Road and Leland Road. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

Schools

Finding: **Complies.** Transmittals were sent to the Oregon City School District concerning this application. No comments were received.

Police and Fire

Finding: **Complies.** Transmittals were sent to the Police and Fire departments concerning this application. No comments were received.

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.

Finding: **Complies.** The projected transportation impacts resulting from a zone change from R-10 Single-Family to R-6 Single-Family, which is a 2.9 unit per acre increase, has been found to have no significant impact on the traffic generated by the development and that study area intersections will operate at acceptable levels of service upon completion of the project (Exhibit 2b).

The Leland Road corridor is undergoing and expected to continue to undergo significant development. The applicant submitted a Traffic Impact Study (Exhibit 8) for the proposed zone change and subdivision on the site, which was reviewed by David Evans and Associates (Exhibit 2b).

The applicant has indicated, and staff concurs, that the development of tax lot 1900 at the R-6 zoning designation would generate approximately 85 additional daily trips, with 5 more trips occurring during both the weekday a.m. and p.m. peak hours. The year 2020 traffic conditions analysis for the proposed R-6 zoning designation with the TSP identified improvements determined that all the study area intersections are anticipated to operate acceptably during both the weekday a.m. and p.m. peak hours, satisfying the Transportation Planning Rule and Oregon City zone change requirements.

The full build out of tax lot 1900 adds to the need for improvements identified in the Transportation System Plan; including capacity improvements at Highway 213/Meyers Road and signalization and intersection improvements at the intersection of Meyers Road and Leland Road. Future development of the site would be required to provide a non-remonstrance agreement with the City for future improvements of which the proposed development of the site would proportionally contribute.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991; prior code §11-12-2)

Finding: **Complies.** The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion. The Comprehensive Plan goals and policies are addressed in Section III.B on page 6 of this staff report.

17.68.025 Zoning changes for land annexed into the city.

Finding: The subject site is within the city limits. This criterion is not applicable.

17.68.030 Public hearing.

A public hearing shall be held pursuant to standards set forth in Chapter 17.50.

Finding: **Complies.** According to Section 17.50.030 of the Code, zone changes and plan amendments are reviewed through a Type IV process. According to Section 17.50.030.D, "Type IV decisions include only quasi-judicial plan amendments and zone changes." Therefore, the requirements of Sections 17.50.120 through .160 apply.

The applicant attended a pre-application conference (PA 03-61) with City staff on November 4, 2003 (Exhibit 7). Transmittals regarding the proposed development plan were mailed on March 1st, 2004 to the affected agencies, Hillendale Neighborhood Association and CIC Chairperson.

The applicant submitted the application on January 29, 2004. The application was deemed complete on February 27, 2004. The planning division scheduled the first evidentiary hearing, before the Oregon City Planning Commission, for April 12, 2004. The final hearing, should the Planning Commission recommend approval, is scheduled for May 5, 2003 before the Oregon City City Commission. Notice of the hearing was issued on March 1, 2004, the property was posted on March 3, 2004 and the hearing was advertised in the Clackamas Review on March 10, 2004 more than 21 days prior to the hearing, in accordance with Section 17.50.090(B).

This staff report has been prepared in accordance with 17.50.120.C. The hearings shall be conducted in accordance with the requirements of Section 17.50.120, and the review and decision in accordance with Sections 17.50.130 through .160.

17.68.040 Approval by the commission

If the planning commission approves such request or application for an amendment, or change, it shall forward its findings and recommendation to the city commission for action thereon by that body. (Ord. 91-1007 §1(part), 1991: prior code §11-12-4)

Finding: **Complies.** If the Planning Commission approves the applicant's request, the City Commission shall review its findings and recommendations at a public hearing. That City Commission public hearing has been scheduled for May 5, 2004.

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, in the nature of, but not limited to those listed in Section 17.56.010:

A. Such conditions and restrictions shall thereafter apply to the zone change;

B. Where such conditions are attached, no zone change shall become effective until the written acceptance of the terms of the zone change ordinance as per Section 17.50- .330. (Ord. 91-1007 §1(part), 1991: prior code §11-12-5)

Finding: Staff has not recommend any Conditions of Approval at this time. Conditions of Approval would be attached to any proposed development of this site should it be found necessary. This section is not applicable.

17.68.060 Filing of an application

Finding: **Complies.** The applicant has submitted the appropriate application forms and fees.

B. Consistency with Comprehensive Plan

The applicable goals and policies of the Comprehensive Plan are addressed in this section.

(B) Citizen Participation

Goal: Provide an active and systematic process for citizen and public agency involvement in the land-use decision-making for Oregon City.

Finding: **Complies.** The City's process includes public notice, public hearings, and notifying surrounding neighbors, the neighborhood association, and the CIC. Public notice was mailed on March 1, 2004, advertised in the Clackamas Review on March 10, 2004 and the subject property was posted on March 3, 2004.

On March 1, 2004 transmittals were sent to the Citizen Involvement Council (CIC) and the Hillendale Neighborhood Association apprising them of the application.

Policy #1

Encourage and promote a city-wide citizen participation program that helps neighborhoods to organize so that they may develop and respond to land-use planning proposals.

Finding: **Complies.** As noted above, the Hillendale Neighborhood Associations and the CIC were notified. This staff report and the file containing project information were available for public review seven days prior to the first evidentiary hearing.

(C) Housing

Goal: Provide for the planning, development and preservation of a variety of housing types at a range of price and rents.

Finding: **Complies.** The applicant has proposed the highest density permitted within the Low Density Residential Comprehensive Plan Designation. The property to the north of the site, identified as the Silver Fox Subdivision is zoned R-6. The Oregon City Comprehensive Plan recommends that the City encourage the preservation of housing units in older neighborhoods that are a source of more affordable housing since the most affordable housing unit is invariably the unit that is already built, and Oregon City's greatest resource for affordable housing is its existing housing stock.

The subdivision property is situated between the future Wesley Lynn Park to the west and the UGB to the east. The proximity to the park presents an opportunity to develop smaller lots near recreational uses and provide additional housing types and prices other than the predominant R-10 and R-8 that currently is found in the south and southwest neighborhoods of the city. As stated above, the property is adjacent to the UGB. There is an existing BPA easement and Runway Protection Zone along the southeast property line of the subject site that precludes the construction of residential dwellings within that easement and protection zone. The easements and protection zone increases the sizes of the lots along the southeast property line to well in excess of 6,000 square feet, providing a transition from smaller lots to larger lots at the UGB.

County subdivisions, both inside and outside the existing UGB, have been approved and developed adjacent to the subject site. It is unclear if the homes in the adjacent county subdivision, which is located outside the UGB, would be required by DEQ to have city sewer provided to the properties when the septic fields fail. While larger lots are usually found at the UGB, this situation is unique in there is the potential for the existing residential lots located outside the UGB to eventually be provided city services, thus becoming a part of the city regardless of the location of the present UGB or city limits and would represent the buffer between urban and rural development.

The proposed R-6 zoning designation, which would allow the development of 6,000 square foot lots, would provide additional housing types and price ranges in the southwest section of the city, would be designed with similar lot and home sizes as the Silver Fox subdivision to the north and could utilize Wesley Lynn park to serve the recreational needs of the residents.

Policy #3

The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions, supported by the elimination of unnecessary government regulations.

Finding: **Complies.** The applicant has indicated a desire to construct stick built single-family detached dwellings on the site at the highest density permitted by the Low Density Residential Comprehensive Plan Designation.

(F) Natural Resources, Natural Hazards

Goal: Preserve and manage our scarce natural resources while building a livable urban environment.

Finding: **Complies.** The subject site is currently zoned R-10 single-family and is developed with one home. The proposal to re-zone the site from R-6 would not significantly alter the amount of coverage of development allowed on the site.

The subject sites do not appear on any of the following maps: Mineral and Aggregate Resources, Fish and Wildlife Habitat, Flood Plain, or Seismic Conditions.

The area is located in an area identified as having Wet Soils – High Water Table. Future development analysis will include a Geotechnical Investigation to identify soil types and appropriate development techniques, which implements the goals and policies of the Comprehensive Plan.

The site is located within the Oregon City Water Quality Overlay District. The applicant has submitted a Water Resource Exemption Request for the site since the identified resource is located in excess of 175 feet from a non-anadromous fish-bearing stream. Future development of the site will be required to comply with Oregon City Municipal Code Section 17.49 concerning Water Resource Areas, which provides for the preservation and management of the city's scarce natural resources

Policy #1

Coordinate local activities with regional, state and federal agencies in controlling water and air pollution.

Finding: **Complies.** Future development applications will need to meet agency requirements that protect water and air quality. No increases in air or water pollution are anticipated due to the change in zoning from R-10 Single-Family to R-6 Single-Family.

Policy #7

Discourage activities that may have a detrimental effect on fish and wildlife.

Finding: **Complies.** The subject site is not located within a fish and wildlife habitat area, as identified in the Comprehensive Plan. The subject site is relatively flat with minimal tree coverage and is approximately 175 feet from a tributary of Mud Creek, which is located on the opposite side of Leland Road from the subject site. The R-6 and R-10 zoning designations both allow the development of single-family housing, and when developed in conjunction with existing Water Resource Overlay District requirements, should not have a detrimental effect on fish and wildlife.

Policy #8

Preserve historic and scenic areas within the City as viewed from points outside the City.

Finding: The site is not within a historic or scenic area and is not situated so as to affect views of such areas from outside the city. This policy is not applicable.

Policy #9

Preserve the environmental quality of major water resources by requiring site plan review, and/or other appropriate procedures on new developments.

Finding: The applicant has submitted a Subdivision and Water Resource Exemption application with the City for this site to run concurrently with the proposed Zone Change. Through the Water Resource and Subdivision review, the policies of this section will be implemented.

Policies adopted through Ordinance 90-1031

Oregon City . . . shall comply with all applicable DEQ air quality standards and regulations. All development within the City of Oregon City shall comply with applicable state and federal air, water, solid waste, hazardous waste and noise environmental rules, regulations and standards. Development ordinance regulations shall be consistent with federal and state environmental regulations.

Finding: **Complies.** The proposed R-6 Single-Family allows the development of homes on 6,000 square foot lots, which usually does not represent a threat to air quality. However, future development of the site shall comply with all applicable DEQ air quality standards and regulations.

(G) Growth and Urbanization

Goal: Preserve and enhance the natural and developed character of Oregon City and its urban growth area.

Finding: **Complies.** The proposal will affect approximately 22 acres of R-10 zoned property, which allows 10,000 square foot lots. Approximately 13 acres are owned by the City of Oregon City and will be developed as Wesley Lynn Park. The subject site is located in the Hillendale Neighborhood, which is predominately zoned R-10 and R-8 Single-Family, except for the Silver Fox development to the north of the subject site that is zoned R-6 and two planned unit developments that were developed on lots of approximately 5,000 square feet. Locating increased densities near public facilities, such as Wesley Lynn Park, maximizes the use of the facility and the limited land resources located within the city's UGB to meet the growth demands of the city and region. Adequate public facilities have been provided to the property and additional housing types and sizes will contribute to the developed character of Oregon City by providing a neighborhood with multiple housing opportunities at multiple price ranges.

(H) Energy Conservation

Goal: Plan urban land development that encourages public and private efforts toward conservation of energy.

Finding: **Complies.** The subject site is located within walking distance to Wesley Lynn Park, providing easily accessed recreational opportunities to the subject site, reducing the need for automobile transportation and thus vehicles miles traveled. There are no public transportation services provided to the subject site; however, Meyers Road, which is approximately 1/3 of a mile to the north from the middle of the subject site, is proposed to be future bus route that will provide access to Clackamas Community College, a Tri-Met bus hub and downtown Oregon City.

(I) Community Facilities

Goal: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.

Finding: **Complies.** Community facilities include sewer, water, storm water drainage, solid waste disposal, electricity, gas, telephone, health services, education, and governmental services. Urban services are available or can be extended and made available to the site. Public water is available within Joys Drive and Frontier Parkway. Existing sanitary sewer lines exist within Joys Drive and Frontier Parkway with adequate depth to serve the site. Storm drainage would be directed to a detention/water quality facility to be constructed on the site and discharged to an approved location, police and fire service will be provided and the school capacity appears to be available to support the existing, and proposed, Low Density Residential land use.

Policy #5

The city will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

Finding: **Complies.** The subject site, which contains one house, has the necessary urban services for low-density residential development stubbed to the site or can be extended to the site and it appears these services are adequate for the subject site

Policy #7

Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

Finding: **Complies.** The existing urban facilities and services can be provided to the site and the proposed change from R-10 to R-6 will not impact the ability to provide the necessary services to the site. The applicant is requesting the maximum density permitted in the Low Density residential land use designation and would allow development that will maximize the existing urban facilities.

(J) Parks and Recreation

Goal: Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.

Finding: **Complies.** The Oregon City Parks Master Plan indicates that there currently is a desire to discourage the development and maintenance of mini-parks, thus no further parks of this type are needed except where high-density residential development occurs or where private developers are willing to develop and maintain them. The City is in the process of developing Wesley Lynn Park adjacent to the proposed subdivision location, which will provide passive and active recreational opportunities.

(L) Transportation

Goal: Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

Finding: **Complies.** Development of the subject site will include sidewalks and streets that are constructed to City standards, improving access and safety.

Policy #6

Sidewalks will be of sufficient width to accommodate pedestrian traffic.

Finding: Sidewalks will be included in future site redevelopment and will be constructed to City standards.

RECOMMENDED CONCLUSION AND DECISION

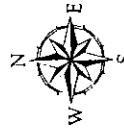
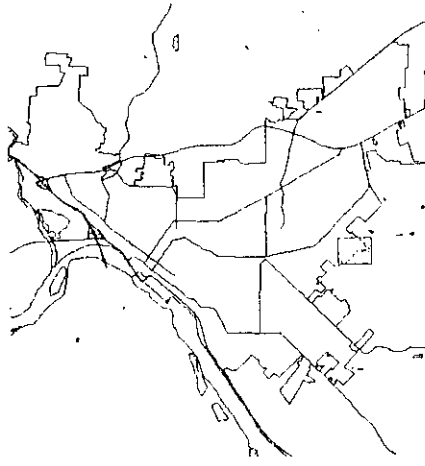
Staff would recommend that the Planning Commission forward the proposed Zone Change, Planning File ZC 04-01, with a recommendation of approval to the City Commission for a public hearing on May 5th, 2004.

EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity map
2.
 - a. Oregon City Parks Department
 - b. David Evans and Associates
 - c. Oregon City Engineering Department (On File)
 - d. Oregon City Public Works Department
3.
 - a. Comments from Wallmark, dated March 8, 2004
 - b. Comments from Ryner, dated March 29, 2004
4. Applicant's proposed Runway Protection Zone
5. Land Use Application (On File)
6. Applicant's Narrative
7. Pre-Application notes (On File)
8. Executive Summary of Traffic Impact Study dated January 2004, full report on file.

ZC 04-01

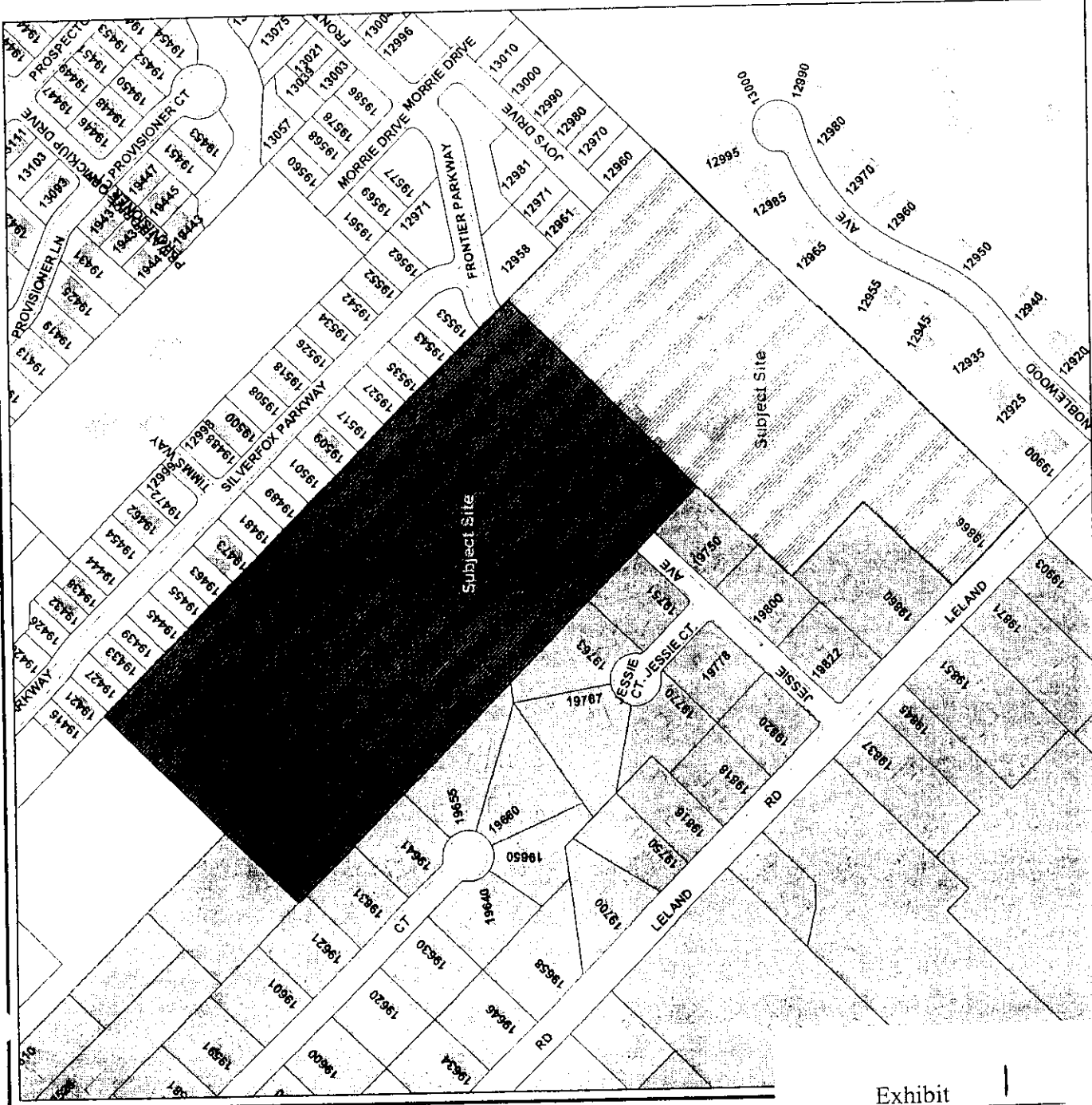


City of Oregon City
P.O. Box 3040
320 Warner Millac Road
Oregon City, OR 97045

The data on this map is the best
information available from the
records of the City of Oregon City.
Errors and omissions may exist.

Map created with OCMap

03/01/2004



CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304

Phone: (503) 657-0891 Fax: (503) 722-3880

TRANSMITTAL

March 1, 2004

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- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR **G,T**
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE

TRAFFIC ENGINEER

- ☒ Mike Baker @ DEA **T**

MAIL-OUT DISTRIBUTION

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- ☒ N.A. LAND USE CHAIR
- ☒ CLACKAMAS COUNTY - Joe Merek **T**
- ☒ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☒ SCHOOL DIST 62
- ☒ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

COMMENTS DUE BY:

HEARING DATE:

HEARING BODY:

Tony Konkol, Associate Planner

March 26th, 2004

Planning Commission (PC): April 12, 2004

City Commission (CC): May 5, 2004

____ Staff Review – Type II; ____ PC – Type III; XXX CC – Type IV

IN REFERENCE TO

FILE # & TYPE:

PLANNER:

APPLICANT:

REQUEST:

LOCATION:

ZC 04-01

Tony Konkol, Associate Planner

Centex Homes & Oregon City Parks and Recreation

The applicant is seeking approval of a zone change from R-10 to R-6 single family. Please see related files TP 04-01 and WR 04-01 (Type II reviews) and VR 04-01 (Type III review) that were transmitted with this information.

19866 Leland Road and 12901 Frontier Parkway, Oregon City, Oregon 97045
Clackamas County Map 3S-2E-07DD Tax Lot 1900 and 3S-2E-7D, Tax Lot 501

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

☒

The proposal does not conflict with our interests.

The proposal conflicts with our interests for the reasons stated below.

The proposal would not conflict our interests if the changes noted below are included.

The following items are missing and are needed for review:

Where Jesse Ave is, is that to be an improved road to Leland
and who pays for it?

Signed
Title

Larry Potter
Park Operations Manager

Exhibit 2a

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATER



DAVID EVANS
AND ASSOCIATES INC.

March 26, 2004

Mr. Tony Konkol
City of Oregon City
PO Box 351
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY – NEWBERRY SUBDIVISION –
CENTEX HOMES – ZC04-01, TP04-01 & WR04-01, VR04-01**

Dear Mr. Konkol:

In response to your request, David Evans and Associates, Inc. (DEA) has reviewed the Traffic Impact Study (TIS) for the Newberry Subdivision. The TIS was prepared under the direction of Marc Butorac, PE of Kittelson & Associates, Inc. The TIS is dated January 2004.

The TIS describes a proposal to construct a 35- or 36-lot subdivision adjacent to Leland Road. The subdivision would involve the extension of Joys Drive and would be adjacent to a section of Frontier Parkway.

Overall

I find the TIS to be adequate for the city to evaluate impacts of the proposed development. I concur with the conclusion that the rezoning will have no significant impact on the traffic generated by the development and that study area intersections will operate at acceptable levels of service upon completion of the project. The development proposal adds to the need for improvements identified in the TSP: capacity improvements at Highway 213/S. Meyers Road and signalization and intersection improvements at the intersection of S. Meyers Road/S.Leland Road.

Comments

1. **Study Area.** The study area is reasonable and addresses the appropriate intersections.
2. **Traffic Counts.** The traffic counts were obtained in December 2003 and appear reasonable.
3. **Trip Generation.** The TIS uses reasonable trip rates taken from ITE *Trip Generation*. The comparison under the existing and proposed zoning is well presented and shows little impact. To account for the planned development of Wesley Lynn Park, an adjacent parcel, reasonable assumptions were made and applied to the background volumes.
4. **Trip Distribution.** The trip distribution seems reasonable.

Exhibit 2b

5. **Traffic Growth.** The TIS uses appropriate growth rates derived from the modeling performed for the Oregon City TSP and the Metro RTP. Development of Wesley Lynn Park has been included.
6. **Analysis.** The traffic analysis appears to have been performed using appropriate assumptions and tools. The key intersections are shown to operate at acceptable levels of service in year 2006. The year 2020 conditions show that this development project adds to the traffic volumes that support needed transportation projects identified in the City's TSP.
7. **Crash Information.** The inclusion of crash information is good. None of the impacted intersections shows a particularly high crash rate.
8. **Pedestrian and Bicycle Facilities.** The report includes a thorough discussion of the facilities provided. Access to the elementary school is good; access to the middle and high schools is relatively poor.
9. **Transportation Planning Rule.** The report provides documentation relating to the criteria set forth in the Transportation Planning Rule for evaluating plan and land use regulation amendments.
10. **Recommendations.** The engineer makes reasonable recommendations with regard to traffic control on the local street system developed as part of this development proposal.
11. **On-Site Circulation.** The site plan provides for connections to the north via Joys Drive and to the west via Jessie Avenue. The site plan shows a pedestrian connection from the south end of the Joys Drive cul-de-sac to Leland Road. The application package includes justification for a variance for block length and cul-de-sac length.

Conclusion and Recommendations

I find the TIS meets City requirements and find that the development proposal does not require off-site mitigation measures to address transportation impacts of the development.

If you have any questions or need any further information concerning this review, please call me at 503-223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.



John Replinger, P.E.
Senior Transportation Engineer

JGRE:pao

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CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 722-3880

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March 1, 2004

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- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO: Tony Konkol, Associate Planner
COMMENTS DUE BY: March 26th, 2004
HEARING DATE: Planning Commission (PC): April 12, 2004
City Commission (CC): May 5, 2004
HEARING BODY: _____ Staff Review – Type II; _____ PC – Type III; XXX CC – Type IV

IN REFERENCE TO

FILF # & TYPE: ZC 04-01
PLA. NER: Tony Konkol, Associate Planner
APPLICANT: Centex Homes & Oregon City Parks and Recreation
REQUEST: The applicant is seeking approval of a zone change from R-10 to R-6 single family. Please see related files TP 04-01 and WR 04-01 (Type II reviews) and VR 04-01 (Type III review) that were transmitted with this information.
LOCATION: 19866 Leland Road and 12901 Frontier Parkway, Oregon City, Oregon 97045
Clackamas County Map 3S-2E-07DD Tax Lot 1900 and 3S-2E-7D, Tax Lot 501

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

_____ The proposal does not
conflict with our interests.

_____ The proposal would not conflict our
interests if the changes noted below
are included.

_____ The proposal conflicts with our interests for
the reasons stated below.

_____ The following items are missing and are
needed for review:

Signed _____
Title _____

[Signature] 3/30/04
Operations Manager

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

Exhibit 2d

MEMORANDUM
City of Oregon City

DATE: March 9, 2004

TO: John Lewis, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

File Number TP 04-01 & WR 04--1

Name/Address: 19866 Leland Road & 12901 Frontier Parkway
36-lot called Newberry Subdivision

Water:

Existing Water Main Size = 12" DI on Leland Road, but not to proposed project

Existing Location = 8" DI to Frontier Parkway & 8" DI to Joys Drive

Upsizing required? Yes ☐ No ☒ Size Required See Water Master Plan inch

Extension required? Yes ☒ No ☐

Looping required? Yes ☒ No ☐ Per Fire Marshal

From: Leland Road

To: thru project to Joys Drive and Frontier Parkway

New line size = 8" DI

Backflow Preventor required? Yes ☐ No ☒

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes ☒ No ☐

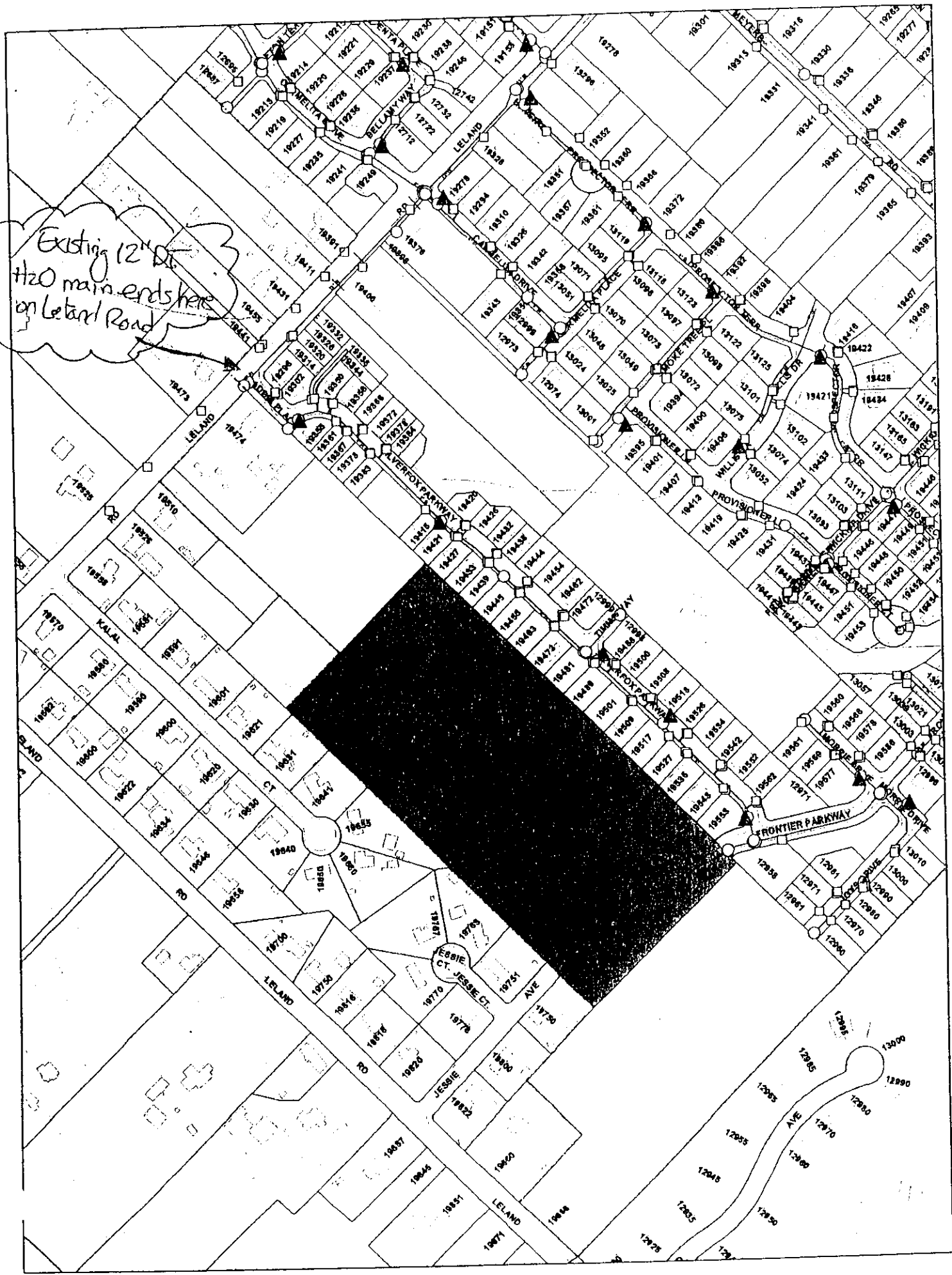
Easements Required? Yes ☒ No ☐ See Engineer's comments

Recommended easement width → ft.

Water Divisions additional comments No ☐ Yes ☒ Initial eli Date 3/9/04

Consult Water Master Plan. If possible please loop new water mains from Leland Road, thru project and connect to Frontier Parkway & Joys Drive for better fire flow, water circulation and quality. See attached map showing the existing 12" water main on Leland Road, which does not front this project. It only runs to Silverfox Parkway at this time. There are plans to extend 8" DI water main from end of Frontier Parkway thru proposed Wesley Lynn (formerly Jessie) Park. This project could connect to this water main.

Existing 12" D.
H2O main ends here
on Leland Road



MEMORANDUM
City of Oregon City

DATE: 3/10/2004
TO: John Lewis, Public Works Operations Manager
SUBJECT: Comment Form for Planning Information Requests

FILE NO. TP04-01, WR04-01, VR04-01, ZC04-01
NAME: Newberry Subdivision

Sanitary Sewer:

Existing Sewer Main Size= 8" PVC

Existing Location= Joys Dr. & Frontier Parkway

Existing Lateral being reused? Yes _____ No X

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No _____ Yes X

Pump Station Required? See Sanitary Sewer Master Plan

Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes ? _____ No _____

Recommended Easement Width _____ feet

Sanitary Sewer additional comments? No X Yes _____ Initial CC

MEMORANDUM
City of Oregon City

DATE: 3/10/2004
TO: John Lewis
SUBJECT: Newberry subdivision

FILE NO. TP04-01, WR04-01, VR04-01, ZC04-01
NAME: Newberry subdivision

Storm Sewer:

Existing Line Size= _____ inch None Existing x

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes _____ No _____

From: _____

To: _____

Detention and treatment required? yes

On site water resources: None known _____ Yes X

Storm Department additional comments?: No _____ Yes X Initial CC

according to our water resource map a portion of this property lies within a water quality resource area, a twelve inch storm pipe exists on Frontier Parkway

City of Oregon City Planning Commission
320 Warner-Milne Road
Oregon City, OR 97045

March 8, 2004

Re: File number TP 04-01 and WR 04-01 and related files: ZC 04-01 and VR 04-01

Dear City of Oregon City Planning Commission,

We have been notified of the development plans of 19866 Leland Road, Oregon City, OR. After reading the requests of a 36-lot subdivision and viewing the sight plan for the 11 acre property, we wish to submit a written concern.

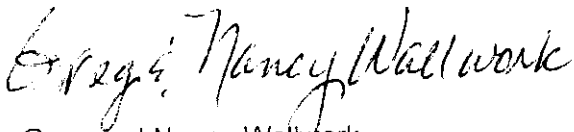
Prior to the rezoning of the acreage, it was noted that a private landing strip is located on the west side of Leland Rd. This property has been in use for a number of years as a landing strip by past and present homeowners. We have a 1991 DeLorme Oregon Atlas clearly marking the landing strip. The strip is still in use today with frequent landings and takeoffs from that strip. We hope it is realized that the approach and take off paths for the small airplanes from this strip are in line with and over the proposed development.

Our concern is that many of the houses proposed to be built will be directly under the airplanes as they take off and return from the landing strip. The topography of the landing strip requires the airplanes to approach at very low altitudes with some planes approaching as low as 40 feet. We feel the development of two story homes could pose a danger to the home owners and pilots and that Oregon City and/or the developer could be held liable should an injury occur. Further, there has been a number of small airplane accidents over the past few years with one situation resulting in an emergency landing in the very field that is to be developed.

Our hope is that our city planners and the developer of the property would keep the safety of the new home owners in mind and would like to suggest larger lots with larger, nicer homes to be built while keeping an open, natural/safety strip and water detention site on the Southeast length of the property. This safety strip would accommodate the users of the landing strip.

Please reconsider the application for smaller lots and redesign the plans submitted for this development to consider the safety of Oregon City residents.

Thank you for your time in this matter,



Greg and Nancy Wallwork
12945 S x Ave.
Oregon City, OR 97045

Greg & Nancy Wallwork
12945 S Noblewood Ave
Oregon City, OR 97045

Exhibit 3a

RECEIVED
CITY OF OREGON CITY

Kristina L. Ryner
12960 S. Noblewood Avenue
Oregon City, Or 97045

March 29, 2004

City of Oregon City
Planning Commission

Dear Commission Members:

Pursuant to File Number ZC 04-01, as an very interested party, I must file a grievance to this proposal. As a resident of Noblewood Avenue, I feel this variance, in particular, as it relates to the property identified as Clackamas Map 3S-2E-7DD, Tax Lot 1900 and 12901 Frontier Parkway, & 3S-2E-7D, Tax Lot 501, should NOT be approved for several reasons.

First, this introduction of 36 houses would reduce the aesthetic value of my home environment. The appearance of homes, with little land space between, does not fit in with our area's more rural appearance. Maintaining the established zoning that this area currently calls for would keep the 10,000 square-foot minimum lot size. This would be a better fit and a benefit to the land value of current home owners in this neighborhood.

Second, the increase in traffic along South Leland Road, at a dangerous corner, would further invite potential hazards. Children who currently reside in our area cannot walk along this road for fear of the traffic.

I strongly encourage you to reject the applicant's request to change the existing zoning code from R-10 to R-6. This is simply an ill-advised request.

Sincerely,



Kristina L. Ryner

503-650-1611

Exhibit 3b

Newberry

Zone Change Application Narrative

Introduction

This application involves a request for a zone change from R-10 to R-6. The proposed change in zoning reflects the proximity of the site to similarly zoned property in the adjacent Silverfox subdivision. The proximity of the site to the adjacent city park property is also a factor that supports higher density residential development on this property. Smaller lots are often placed near such open space resource areas because the reduced individual lot open space is partially offset by the availability of public open space. It is important to note, however, that the average lot size proposed for the Newberry subdivision is actually 8,507 square feet. This lower density reflects the inclusion of much larger lots (9,072 sq. ft. to 9,953 sq. ft.) along the southeast border of the property consistent with the location of this portion of the site on the edge of the Urban Growth Boundary and proximity to homes on larger parcels.

17.68.020 Zone Change Approval Criteria.

The criteria for a zone change are set forth as follows:

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

Comment: Policies 2 and 3 in the Housing Goals and Policies section of the Comprehensive Plan are relevant to the increase in housing density proposed in this application.

2. *The City shall encourage the maintenance of the existing residential housing stock through appropriate zoning designations, considering existing patterns of development in established older neighborhoods.*

Comment: The subject property is located in an area undergoing conversion from a rural residential land use pattern to an urban residential pattern. The proposed R-6 zoning is consistent with the zoning of the recently developed R-6 zoned Silverfox subdivision to the northeast of the subject property. Other nearby residential areas were developed under Clackamas County's jurisdiction under land use regulations permitted in the 1970's. The lots in these subdivisions are larger (20,000 to 40,000 sq. ft.) because they were developed using subsurface sewage disposal. The proposed site plan for the Newberry subdivision has an average lot size of 8,507 square feet and provides for a transition in density from 6,000 sq. ft. lots near the park and Silverfox neighborhood to lots in excess of 9,000 sq. ft. near the Noblewood subdivision.

3. *The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions.*

Comment: The proposed zone change would permit the development of additional homes by the private housing sector, consistent with this policy.

Because the subject property was recently annexed to the City of Oregon City, policies 5 and 6 at page G-7 of the Growth and Urbanization Goal of the Comprehensive Plan may also be relevant to this request:

5. *Urban development proposals on land annexed to the City from Clackamas County shall be consistent with the land use classification and zoning approved in the City's Comprehensive Plan. Lands that have been annexed shall be reviewed and approved by the City as outlined in this section.*
6. *The rezoning of land annexed to the City from Clackamas County shall be processed under the regulations, notification requirements and hearing procedures used for all zone change requests, except in those cases where only a single City zoning designation corresponds to the Comprehensive Plan designation and thus the rezoning does not require the exercise of legal or policy judgment on the part of the decision maker. The proposal shall address the following:*
 - (1) *Consistent and supportive of the Comprehensive Plan Goals and Policies,*
 - (2) *Compatible with the general land use pattern in the area established by the Comprehensive Plan.*

Quasi-judicial hearing requirements shall apply to all annexation and rezoning applications.

Comment: The subject property is designated Low Density Residential [LR] by the Comprehensive Plan. The R-6, R-8, and R-10 zoning districts are permissible zoning districts within this land use designation. R-10 zoning was applied by the City upon annexation. This application for rezoning to R-6 is being heard through a quasi-judicial process, as required by Policy 6. This report addresses consistency with the Comprehensive Plan Goals and Policies and the land use pattern in the surrounding area.

A final relevant section of the Oregon City Comprehensive Plan is the description of the Low Density Residential [LR] land use category as provided at page M-2 of the plan:

- (3) *LOW DENSITY RESIDENTIAL [LR]: Areas in the LR category are largely for single-family homes or more innovative arrangements, such as low density planned development. Net residential density varies from a maximum density of 6,000 square feet for one*

dwelling unit (7.3 units/net acre) to as low a density as desired ("net acres" exclude the land devoted to roadways). This choice of lot sizes will occur as annexation or rezoning and will vary based on site-specific factors, including topography and adjoining development. In no case will more than 10,000 square feet be required if the home is connected to the sewer system and the site-specific factors would not preclude this density.

Comment: The proposed R-6 zoning is consistent with the maximum density of development permitted by the LR designation. However, the subdivision application that accompanies this zone change request includes a variety of lot sizes, from 6,000 square feet to 9,953 square feet, with an average lot size of 8,507 square feet. The site is contiguous to existing R-6 residential development and a city park... both of which support the application of a higher density residential district. The proposed subdivision plan provides for a transition from the existing R-6 development to the northeast to existing lower density residential areas to the southeast and northwest of the subject property. The site is relatively level (less than 5% grade) and has no limiting physical features that would warrant the application of a lower density zoning district.

- 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 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.*

Comment: City water and sanitary sewer services are extended to this site in Joy's Drive at the northeast boundary of the property. Discussions with City staff indicate that these services are adequate to meet the needs of this project.

Storm water services will be developed on this property as demonstrated by the attached preliminary utility plan. This plan includes provision for storm water treatment and detention within a tract located at the southeast corner of the property. Discharge will be to existing ditches along SE Leland Road. These ditches drain to a natural drainageway on the opposite side of Leland Road.

The subject property is directly contiguous to a new park site being developed by the City of Oregon City. This park will adequately meet the needs of the future residents of this subdivision.

Please refer to the attached traffic report for demonstration of adequate levels of transportation services.

School services are provided by the Oregon City School District. Discussions with District staff indicate that there is adequate capacity to meet the needs of this project.

The City of Oregon City provides fire and police services. Service levels are adequate to meet the needs of this project.

- 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.*

Comment: The traffic study included with this application demonstrates that the proposed subdivision and associated development of 35 single-family homes is consistent with the function, capacity and level of service of the transportation system in this area. Please refer to that document.

- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991: prior code §11-12-2)*

Comment: The comprehensive plan does contain specific policies that control the proposed zone change and, therefore, the Statewide Planning Goals are not directly applicable to this application.

Conclusion:

This report demonstrates that the requested rezoning of this site from R-10 to R-6 is consistent with the relevant approval criteria set forth in the City Zoning Ordinance and Comprehensive Plan. Approval of the combined zone change and subdivision applications would provide for development of needed housing and would aid the economy of the city by providing needed construction jobs, while respecting existing development patterns by providing a transition from existing higher to lower density development. For all of these reasons, we respectfully request the City to approve our zone change application.

Transportation Impact Analysis

Newberry Rezone and Residential Development

Oregon City, Oregon

January 2004

Exhibit 8

Transportation Impact Analysis

Newberry Rezone and Residential Development

Oregon City, Oregon

Prepared For:

Centex Homes

16520 SW Upper Boones Ferry Road, Suite 200

Portland, Oregon 97224

(503) 608-3060

Prepared By:

Kittelson & Associates, Inc.

610 SW Alder, Suite 700

Portland, OR 97205

(503) 228-5230

Project Manager: Matt Hughart

Project Principal: Marc Butorac

Project No. 6063.00

January 2004



Expires: 12/31/05

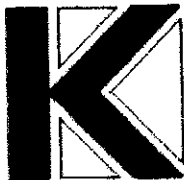


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Executive Summary

This study evaluates the long-term impact associated with a proposed rezone of 8.97 acres of property located in southern Oregon City, Oregon and the near-term impact at the time of build-out of the proposed development plan. The property has recently been annexed into the City of Oregon City at the default R-10 Single Family Dwelling District zoning. Under the proposed zone change, the entire site would be rezoned to R-6 Single Family Dwelling District. Assuming the property is successfully rezoned, Centex Homes is proposing to develop the 8.97-acre parcel of land with 35 single-family homes.

Although the proposed rezone and subsequent land use action does not require a comprehensive plan amendment, this study does address the requirements of Oregon's Transportation Planning Rule (TPR) (OAR 660-012-0060) based on the advice of City of Oregon City staff. In addition to addressing the TPR requirements, the report also addresses the transportation impacts associated with the proposed Newberry development.

At the time this study was being prepared, Centex Homes was working on an agreement to purchase and develop land from the City of Oregon City for a potential 36th residential lot located just to the west of the proposed S. Jessie Avenue/Frontier Parkway intersection. If Centex Homes comes to an agreement with the City, the 36th unit will be developed. This traffic study includes and has analyzed the impact of the additional lot.

Based on the results of the study described in this report, the proposed zone change can occur without significantly affecting the transportation facilities within the site vicinity. In addition, the proposed 36-unit single-family residential development can be developed while maintaining acceptable traffic operations standards at the study intersections.

ZONE CHANGE FINDINGS

- All of the study intersections currently operate at acceptable levels of service and volume to capacity ratios during both the weekday a.m. and p.m. peak hours.
- Regional growth in travel demand over the next twenty years was determined using growth rates from Metro's Regional Transportation Model and discussions with the City of Oregon City.
- Development of 8.97 acres of R-6 uses (proposed zoning) as compared to 8.97 acres of R-10 uses (existing zoning) would generate approximately 85 additional daily trips, with 5 more trips occurring during both the weekday a.m. and p.m. peak hours.
- The Oregon City Transportation System Plan (TSP) identifies the addition of a northbound through lane at the S. Meyers Road/Highway 213 intersection as an improvement that will be needed through the year 2020 to accommodate regional growth. The TSP also identifies signalization of the S. Meyers Road/Leland Road intersection as an improvement that will need to occur to accommodate new development in the area.
- The year 2020 traffic conditions analysis for the existing R-10 zoning and proposed R-6 zoning designations with the TSP identified improvements determined that all the study area



intersections are anticipated to operate acceptably during both the weekday a.m. and p.m. peak hours.

- In 2020, the proposed zone change will not significantly affect the transportation system, as it will not significantly degrade traffic operations below acceptable standards. All study intersections, with the TSP identified improvements, are anticipated to operate acceptably in 2020 with the proposed zoning designation during both the weekday a.m. and p.m. peak hours. As such, the Transportation Planning Rule (OAR 660-12-060) requirements are satisfied as well as the requirements for a zone change.

NEWBERRY RESIDENTIAL DEVELOPMENT FINDINGS

Existing Conditions

- All of the study intersections currently operate at acceptable levels of service and volume to capacity ratios during both the weekday a.m. and p.m. peak hours.

2006 Background Traffic Conditions

- Year 2006 background traffic conditions (without development of the proposed Newberry residential development) revealed that all study intersections are forecast to operate at acceptable levels of service and volume to capacity ratios during both the weekday a.m. and p.m. peak hours.

Proposed Development Activities

- The proposed 36-unit single-family residential development plan being proposed for the Newberry development is equivalent to the reasonable worst case scenario for the proposed zoning designation (35 units) plus one additional unit on a parcel adjacent to the 8.97-acre property being rezoned. The proposed development is estimated to generate approximately 405 new daily weekday trips on the adjacent street system. Of these trips, approximately 35 trips would occur during the weekday a.m. peak hour and 45 trips would occur during the weekday p.m. peak hour.
- Access to the Newberry residential development is proposed via connections to existing local streets. In particular, Joys Drive, which currently ends in a street stub northeast of the site, will be extended to serve as a local street into the proposed development. In addition, S. Jessie Avenue and Frontier Parkway, which both currently end in street stubs, will be extended (via a half-street improvement) and connected to one another serving as the westernmost boundary to the proposed development.
- The extension of S. Jessie Avenue and Frontier Parkway will also serve as the main vehicular point of access to the new Wesley Lynn Park that will be completed northwest of the site. It is assumed that the Oregon City Parks Department will be responsible for constructing the other half street improvements associated with this extension.

Year 2006 Total Traffic Conditions

- Under forecast year 2006 total traffic conditions (with the proposed Newberry residential development), all study intersections are forecast to continue to operate acceptably during the weekday a.m. and p.m. peak hours.

Internal Site Circulation

- Internal roadway operations, sight distance, and traffic control characteristics were analyzed as part of the report. No significant deficiencies were found.

RECOMMENDATIONS

- The proposed extension of S. Jessie Avenue and S. Frontier Parkway will result in "T" intersection when the two roadways intersect with a local access street serving the Newberry residential development. To ensure safe and efficient operations at this "T" intersection, it is recommended that the Frontier Parkway approach be stop controlled, while the other two approaches along S. Jessie Avenue and the local access street remain uncontrolled.
- At the new intersection formed by the extensions of S. Jessie Avenue and S. Joys Drive, it is recommended that the S. Jessie Avenue approach be stop controlled.

Additional details of the study methodology, findings, and recommendations are provided within this report.



City of Oregon City

P.O. Box 3040
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MEMORANDUM

TO: Planning Commission
CC:
FROM: Christina Robertson-Gardiner
DATE: April 2, 2004
SUBJECT: Wal-Mart Application: SP 04-02 & WR 04-04

Dear Commissioners,

The Planning Division invites you to attend a public open house for the Wal-Mart application. The open house will be from 5:00 pm – 6:45 pm on April 12, 2004 in the City Commission Chambers at City Hall (320 Warner Milne, Oregon City, Oregon 97045).

As you know, Type II Decisions do not involve the Planning Commission as part of the review process. Therefore, you are free to discuss the matter and give your recommendations to the Planning Division as part of the formal public comment process. A discussion item has been added to the April 12, 2004 agenda to allow the Planning Commission an opportunity to discuss the application. The public written comment period ends at the close of business on April 16, 2004.



PC Mailing List

Meeting Date: 4.12.04

Sent On: 4.5.04

Number	Recipients	Sent
10	Copies for Front Table - ALL	
1	PC Binder - ALL	
1	Front Counter - ALL	✓
1	Dan Drentlaw - ALL	✓
1	Tony Konkol - ALL	✓
1	Christina Robertson-Gardiner AW	✓
1	Sean Cook AW	✓
1	Larry Patterson ALL	✓
1	Bob Cullison ALL	✓
1	Nancy K AW	✓
1	City Recorder AW	✓
1	Fire Department AW	✓
1	Public Works AW	✓
1	Police Department AW	✓
1	Library All	✓
1	Carnegie Center All	✓
1	Pioneer Center All	✓
5	City Commission AW	5✓

All - 19 + 13 : 32

AW - 12 + 18 : 30

*In addition to the names on the following page

Total:

CICC Chairman/Hillendale Nbrhd Julie Hollister 12204 Clairmont Way Clairmont, OR 97045	<i>ALL</i>	Barclay Hills Nbrhd Assoc. Elizabeth Klein, Land Use 13569 Jason Lee Drive Oregon City, OR 97045	<i>A, W</i>	Canemah Nbrhd Assoc. Howard Post, Chairman 302 Blanchard Street Oregon City, OR 97045	<i>A, W</i>
Caufield Nbrhd Assoc. Cathi VanDamm 15092 S. Persimmon Way Oregon City, OR 97045	<i>A, W</i>	Caufield Nbrhd Assoc. Mike Mermelstein, Land Use 20114 Kimberly Rose Drive Oregon City, OR 97045	<i>A, W</i>	Gaffney Lane Nbrhd Assoc. Joan Schultze 19413 Stillmeadow Drive Oregon City, OR 97045	<i>A, W</i>
Hazel Grove / Westling Farm N/A Kathy Hogan, Chairman 19721 S. Central Point Road Oregon City, Oregon 97045	<i>AW</i>	Hillendale Nbrhd. Assoc. Debbie Watkins, Co-Chairman 13290 Clairmont Way Oregon City, OR 97045	<i>ALL</i>	McLoughlin Nbrhd Assoc. Denyse McGriff, Land Use 815 Washington Street Oregon City, OR 97045	<i>AW</i>
McLoughlin Nbrhd Assoc. Dean Walch, Co-Chairman 516 Madison Street Oregon City, OR 97045	<i>AW</i>	Park Place Nbrhd. Assoc. Ralph and Lois Kiefer 15119 Oyer Drive Oregon City, OR 97045	<i>AW</i>	Park Place Nbrhd. Assoc. Don Slack 16163 Widman Court Oregon City, OR 97045	<i>AW</i>
Rivercrest Nbrhd. Assoc. Diane McKnight, Chairman 161 Barclay Avenue Oregon City, OR 97045	<i>AW</i>	Rivercrest Nbrhd. Assoc. Patti Brown, Land Use P.O. Box 1222 Oregon City, OR 97045	<i>AW</i>	South End Nbrhd. Assoc. Karen Montoya, Chairman 137 Deerbrook Drive Oregon City, OR 97045	<i>AW</i>
South End Nbrhd. Assoc. Kathy Robertson, Land Use 210 Elmer Drive Oregon City, OR 97045	<i>AW</i>				
Garvey Schubert Barer Bill Kabeiseman 121 SW Morrison Street, 11 th Floor Portland, Oregon 97204	<i>ALL</i>	Planning Commission Linda Carter 1145 Molalla Avenue Oregon City, Or 97045	<i>ALL</i>	Planning Commission Lynda Orzen 14943 Quinalt Ct. Oregon City, Or 97045	<i>ALL</i>
Planning Commission Dan Lajoie 143 John Adams Street Oregon City, OR 97045	<i>ALL</i>	Planning Commission Tim Powell 819 6 th Street Oregon City, OR 97045	<i>ALL</i>	Planning Commission Renate Mengelberg 2263 South Gilman Oregon City, Or 97045	<i>ALL</i>
Transcriptions Pat Johnson 10214 SW 36 th Court Portland, Oregon 97219	<i>ALL</i>	DJC Kurt Shirley PO Box 10127 Portland, OR 97296	<i>AW</i>	Oregonian Metro South-News 365 Warner-Milne Road, Ste. 110 Oregon City, Oregon 97045 Attn: Steve Mays	<i>AW</i>
Vedder Real Estate 1220 Cherry Avenue Oregon City, Oregon 97045 Attn: Karen Slemp		Rene Hinneberg AV Tech 2580 Cambridge Street West Linn, OR 97068	<i>AW</i>	Clackamas Community College Community Relations Department 19600 S. Molalla Avenue Oregon City, OR 97045	



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