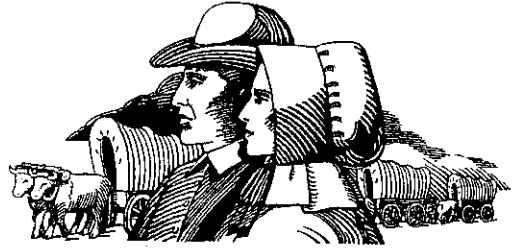


CITY OF OREGON CITY

PLANNING COMMISSION

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AGENDA

City Commission Chambers - City Hall

January 14, 2002 at 7:00 P.M.

PLANNING COMMISSION MEETING

7:00 p.m. 1. **CALL TO ORDER**

7:05 p.m. 2. **PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

7:10 p.m. 3. **APPROVAL OF MINUTES:** December 10, 2001

7:15 p.m. 4. **HEARINGS:**

CU 01-09 (*Quasi-Judicial*); Clackamas Community College; Continuance request for the Conditional Use Permit for the expansion of Clackamas Community College; Clackamas County Map 3S-2E-9C, Tax Lot 800.

7:25 p.m. **AN 01-06 (*Quasi-Judicial*);** Nancy Travers / Mark Travers Architect; Annexation of 4.18 acres into the City limits of Oregon City; Clackamas County Map 3-2E-9A, Tax Lot 00700; 19262 South Beaver Creek Road.

7:55 p.m. 5. **OLD BUSINESS**

Policy Analysis: Glen Oak Area.

8:00 p.m. 6. **NEW BUSINESS**

A. Staff Communications to the Commission

B. Comments by Commissioners

8:10 p.m. 7. **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.

CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
December 10, 2001

COMMISSIONERS PRESENT

Chairperson Carter
Commissioner Bailey
Commissioner Main
Commissioner Mengelberg
Commissioner Orzen

STAFF PRESENT

Maggie Collins, Planning Manager
Tony Konkol, Assistant Planner
Christina Robertson, Assistant Planner
Pat Johnson, Recording Secretary

COMMISSIONERS ABSENT

Commissioner Surratt

1. CALL TO ORDER

Chairperson Carter called the meeting to order at 7:05 p.m.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON THE AGENDA

Cathy Hogan, 19721 S. Central Point Rd., encouraged participation in filling the stockings for children in need at Christmastime. She said stockings can be obtained at the library, City Hall, Oregon Photo, Haggen's, and several other local places of businesses, or people can simply drop off items at any of these locations. **Linda Carter** noted that Miller Paints is donating \$1.00 per gallon of their "Divine" paint, which is greatly appreciated.

Maggie Collins introduced **Pat Johnson** as the new recording secretary.

3. APPROVAL OF MINUTES

None.

4. WORKSESSIONS:

Since there were no regular items on the agenda, it was decided to use this evening as a work session and cancel the scheduled work session on 12/12/01.

A. CELL TOWER ORDINANCE

Tony Konkol was prepared to review a draft version of the Cell Tower Ordinance, based on discussions from the last work session. (A full copy of this ordinance draft is available in the public record.) The intent is to establish co-location, with the goal to get more than one cell provider on any structure. He showed several pictures as examples of various types of antennae units and types of structures, some of which were receivers and some of which were senders. He said that it is not uncommon to mount cell towers to high-wire poles but some are on shorter structures specifically for that purpose and he anticipates that they should be able to mount some on the backs of billboards to reduce visibility. When asked about whip antennas, he said they can be used for cells but many of them are for ham operators.

Commissioner Mengelberg asked how tall these towers generally are, and **Mr. Konkol** said they can be 200-plus feet tall.

Cathy Hogan asked if there would be much problem servicing these units on such tall structures. **Mr. Konkol** said that they are serviced by people who do this for a living and have experience in such matters.

There was a prior question of what constitutes screening, and **Mr. Konkol** said he wrote this ordinance for screening to cover a six-foot fence and the facilities on the ground. When asked if they might require taller screening or if barbed wires are typical, **Mr. Konkol** said yes, for security purposes. **Maggie Collins** cautioned that there could be liability issues if people could not see barbed wire at the top of a fence and were injured by it. It was then suggested that perhaps the structures could be placed within stands of trees when possible to make them less visible.

Commissioner Bailey suggested that a chart might make it easier to read the ordinance, since the requirements may change depending on different scenarios of application. **Ms. Collins** cautioned that extra care would be needed with future changes to the ordinance to make sure the chart and the verbiage in the ordinance match at all times. Therefore, it was suggested that the chart might be done as a handout or cover sheet for convenience rather than part of the ordinance itself.

Chairperson Carter proposed working through from the beginning and making comments to each section in order.

Commissioner Mengelberg asked how this draft differs from the previous one, and **Mr. Konkol** said he modified it to structure the setup of purpose, definitions, applicability, etc., for a more logical sequence and to follow the format of other City documents.

They reviewed the draft as follows:

- Sections:

There were no changes.

- 17.80.010—Purpose: **Chairperson Carter** thanked **Mr. Konkol** for changing the spelling of “co-location” to include a hyphen throughout the document.

Mr. Konkol noted that he would delete the word “location” from item #2, since #3 addresses that specific issue.

There were no other changes to this section.

- 17.80.020—Definitions:

- **Mr. Konkol** reiterated that he changed the word to “Co-location” on #6.
- He added #11—Lattice Tower.
- He added #15—Screening. **Commissioner Mengelberg** noted that **Maggie Collins** had said in earlier discussion that a height of about 30-40 ft. is what the traveling public or people see, and **Chairperson Carter** suggested that the 6-ft. ordinance requirement be defined as a *minimum* height of screening with additional landscaping and height where appropriate. After some discussion of wording, it was decided to take out the height requirement here and refer people to the landscaping section, which would include a more definitive description of the requirements.
- Regarding #4, **Chairperson Carter** asked **Mr. Konkol** to verify the spelling of the words “cabling” and “Auxiliary.”
- In #17—Support Structure, it was suggested that the word “billboard” be inserted before “signs” in the last line to clarify what kind of signs are valid.
- Regarding #21—Wireless Communications, **Commissioner Bailey** asked if this includes ham radios. **Mr. Konkol** said yes, and he could add this to the definition.

- 17.80.030—Applicability and Exemptions:

- In B.5. (Exemptions), **Commissioner Mengelberg** asked how the determination was made for a 15-foot dish or antenna height on the roofs of residential structures. **Mr. Konkol** said he took that figure from examples of other ordinances, and **Commissioner Main** said that even the old dishes were usually

only 6-8 feet in diameter. **Mr. Konkol** said he would check further in the general standards.

Ms. Collins said it appears that there are two specific types of mountings that should perhaps be identified. The first is the roof mount-type antennas used for residential, which are exempt because they are a private means of communication. The second type is VHF and UHF receive-only television antennas, provided they are 15 feet or less above the existing or proposed roof of the associated residential structures.

Commissioner Bailey asked if the last word of #5 ("structures") applied to the surrounding neighborhood structures, or if it refers to the individual residential structures to which these antennas are mounted. When **Mr. Konkol** clarified that the reference is to each individual residence, it was suggested that the word be changed to the singular form of "structure."

Commissioner Bailey then suggested that perhaps a 10-foot or less height might be reasonable. **Chairperson Carter** thought the "15-feet or less" wording is okay, since most antennas are shorter than that anyway. **Mr. Konkol** strengthened that thought by citing the example of someone living in the rural areas needing a higher antenna to get television reception from Portland and asking if that person would have to apply for a special permit just to watch television. After some discussion, it was agreed to leave the 15-foot limitation as is.

- 17.80.040—Permit Application Requirements:

Mr. Konkol said the revisions in this section were to make it easier to get the citizens to agree to compliance and to eliminate some wording in the Site Plan and Design Review that doesn't apply.

Commissioner Mengelberg asked about new tower prioritization as it was mentioned in a previous version. **Mr. Konkol** said staff didn't include that specific wording in this ordinance since it is reflected in Code. There was some discussion of putting together a map to identify where existing structures are and where the industrial and commercial areas are to show opportunities for co-location but, it didn't seem like that should be a part of the actual ordinance.

Commissioner Bailey reiterated his earlier suggestion that a brief note of explanation between the header for 17.80.040 and sections A, B, C, and D might be a good source of direction to people for finding the applicable steps for their situation. For instance, if Section .050 applies, so does .060 and .070. This hierarchy would make it easier for the layman to understand the ordinance clearly.

Commissioner Main asked if D.6.f. should include the specific setback requirements, but **Mr. Konkol** said those are listed in another section.

There were no other changes to this section.

- 17.80.050—Site Review Process and 17.80.060—Co-location of Additional Antenna(s) on Existing Support Towers:

There were no changes to these sections.

- 17.80.070—Co-location of Additional Antenna(s) on Support Structures:

Mr. Konkol noted that the statement in B.1. (Site Plan and Design Review) should include the words “the setback height or width criteria...” after the words “and does not meet”. Therefore, the sentence would read, “Property is zoned M-2, M-1, CI or TC and does not meet the setback height or width criteria of 17.80.070....”

Mr. Konkol said one of the goals in this portion is to have some setbacks instead of having so many poles set at the edges of buildings, and to also address the concern of commercial properties located next to residential. Many of the buildings in Oregon City are fairly short compared to Portland buildings and the goal is to reduce visibility. **Chairperson Carter** said she wasn't sure that locating at the ends of the buildings is a big concern. She noted that, although there should be sturdy support in the middle of buildings, the most support is probably at the outside walls. **Christina Robertson** said that a goal in the Historic Preservation world is to not have something like this visible to a pedestrian across the street. **Commissioner Mengelberg** suggested that we strongly encourage placement at the center of buildings or to the back side whenever possible, and discourage it being at the corners, particularly front corners. **Ms. Collins** suggested that this might need to be decided on a case-by-case basis, and **Chairperson Carter** said that asking for a 20-foot setback on a building could be asking too much since some of our buildings are very small. **Commissioner Bailey** agreed with discouraging placement at the front.

- 17.80.090—Construction or Modification of a Support Tower:

There were no changes to this section.

- 17.80.100—Support Tower Location Requirements:

Mr. Konkol said he is considering moving this section in front of 17.80.050 for a more logical sequence, since it relates directly to 17.80.040.C.4.

Chairperson Carter asked **Mr. Konkol** to confirm the spelling of the word “height” in the wording of “B”, specifically asking if it should be spelled “heighth.” **Mr.**

Konkol agreed to check it and also noted that the word "by" in the last line of the first paragraph should read "be".

Commissioner Mengelberg thanked staff for adding the requirement that "the results are *verified by a State of Oregon certified engineer....*" in the first paragraph.

In references to fees in "C", **Chairperson Carter** suggested that the last word in the sentence ("unreasonable") be changed to read, "significantly higher than market rates."

When asked what would happen if permission for co-location is not given by a neighbor, **Mr. Konkol** said this is written to allow building for co-location in the future. However, immediate co-location is not required.

Ms. Collins clarified that this particular section is about the support tower location requirements, so co-location is already assumed but is not the purpose of this section, nor can it be a requirement. **Commissioner Bailey** added that someone spending a sizeable amount of money to build a new tower is probably going to be more than happy to co-locate with someone else to help re-coup or share some of his costs.

In summary, it was reiterated that this ordinance requires that any new towers must be built for co-location.

Continuing discussion about if someone refuses a neighbor co-location on his structure, it was noted that another requirement is that the nearest tower must be at least 2,000 feet away.

In that scenario (for new towers), **Chairperson Carter** said perhaps the word "unreasonable" in "C" might be acceptable.

It was then decided that they should review each of these points to make sure they fit. It was concluded that A, B, D, and F were all okay. **Ms. Collins** suggested deleting "C" since it is more an economic issue than a technical issue, and there was general consensus for this action.

- 17.80.110—Design Standards:
 - **Commissioner Mengelberg** asked if this would be the appropriate place to add wording denying lattice-style support towers and suggested that the sentence read, "In no case shall lattice-style support towers or a support tower with guyed wires be permitted." **Ms. Robertson** noted that the Planning Commission has already approved communication facilities on Mountain View and may be called to approve on King Road, which are lattice-style. When it was suggested that they be made monopoles, there was some question of whether there are weight restrictions for monopoles. **Mr. Konkol** will investigate. **Commissioner Main**

suggested wording saying that lattice-style structures, which are definitely more stable, will only be allowed when structurally necessary.

- Regarding B.1. about height restrictions if the property is zoned M-2, M-1, or CI, and the adjacent parcels are not zoned residential, **Chairperson Carter** asked if that means the adjacent parcels on all four sides. **Mr. Konkol** said it could be any one side, and the purpose is to take into consideration a lower height next to a residential structure. There is restrictive wording in B.2. that says, "In no event shall a variance be granted to construct a support tower in excess of 120 feet." This encourages the applicant to construct his tower closer to one of the commercial sites in order to gain height (up to 150 feet). In discussion of an example of the college, which is a very large acreage but has one small residence adjoining it, they would be encouraged to construct their tower away from the residence to gain the height. **Commissioner Bailey** said this is getting into a policy issue, which they cannot change tonight. The result was to leave the stated heights as is, and change B.1. to read, "If the property is zoned M-2, M-1, or CI, and *any* adjacent parcels are not" (instead of "*the* adjacent parcels...").
- **Ms. Robertson** said that D.2.—Setbacks could be the place to put additional language to address **Commissioner Mengelberg's** concerns about setbacks, but **Mr. Konkol** noted that setbacks can be reduced through the variance process mentioned before except up against residential property. Therefore, no additional language was added here.
- Under F.—Landscaping, **Commissioner Mengelberg** suggested adding a new point to say that "Effort should be made to take advantage of the height of existing big trees for camouflage purposes."

Chairperson Carter asked for confirmation that the six-foot minimum height requirement is at the time of planting, and was told yes. **Christina Robertson** asked if we might add a requirement for one or two additional trees to add to the visual effects, but this led to discussion that sometimes space is limited and someone could be required to lease additional land just to meet landscaping requirements. Further, there could be issues of driveways filling already-limited space and not allowing for any more landscaping.

It was noted that the issue of screening is different than landscaping. **Mr. Konkol** said this could be very hard to apply across the board when we are already saying that in commercial zones they shouldn't do any landscaping. This could also lead to additional required maintenance as plants and trees grow. Further, these towers are not being constructed in residential areas. After further discussion, it was decided to only mandate screening at the base but strongly encourage further landscaping where appropriate, which is, in fact, all we can legally do.

- Regarding G.—Noise Reduction, a question was asked about what type of noise is associated with these towers and the answer was that some of the transformers have an accompanying humming sound.
 - Regarding K.—Access Drives, **Commissioner Mengelberg** asked whether access drives are actually required or not. **Mr. Konkol** said this is more a request of Tualatin Valley Fire & Rescue (TVF&R) than a requirement in that they ask for provision of getting a fire truck to the structure if necessary. It was noted that this would not only be convenient for them, but would limit the liability to the City to have emergency vehicle access. After further discussion, **Ms. Robertson** suggested that the word “drive” be removed from K.2. so the line would read, “Site shall be serviced by an access adequate to ensure fire protection of the site.”
 - Regarding changes in status (item L.), **Commissioner Main** asked how this would be enforced or if it is a matter of good faith. **Mr. Konkol** said that L. 1. requires an annual written statement verifying continued use, which would include space for such notification.
- 17.80.120—Variance; 17.80.130—Temporary Facilities; and 17.80.140—Removal for Discontinuance of Service:

There were no changes to these sections.

- 17.80.15—Fees:

Mr. Konkol noted that the word “my” in the first line should be “may”, so the line will read, “...the Planning Manager may require...”

Finally, **Commissioner Mengelberg** noted the extensive use of acronyms, which many people may not be familiar with (i.e., WCF and OCMC), and asked staff to replace those with full names within the document.

Chairperson Carter then commended **Mr. Konkol** on a job well done, which was echoed by several others. It was noted that there are currently no other tower requests and that staff hopes to present a completed, revised ordinance for approval in February, 2002.

B. ACCESSORY DWELLING UNIT ORDINANCE

Christina Robertson was prepared to review this ordinance and prefaced her comments by saying that an Oregon City housing policy is pretty meager but this ordinance is a straightforward way to come into compliance with one Metro Title I requirement. She showed a table of the Regional Affordable Housing Survey for 2000, which shows many available tools and who is using those tools. She noted that Oregon City has not availed

itself of any of these tools. She cited Conversional Rental-to-Owner Occupied Units, Density Bonuses for Affordable Housing, Mandatory Inclusionary Zoning, Land Banking, Replacement Housing Ordinance, and several others.

Chairperson Carter suggested that we review this page by page and make comments or changes as appropriate. (A full copy of this draft is available in the public record.) The review included the following:

- SECTIONS, DEFINITIONS, AND PURPOSE AND INTENT:

There were no changes to these sections.

- STANDARDS AND CRITERIA:

- Item #A.9 says, "In no case shall an ADU be more than 40 percent of the Principle Dwelling Unit's total floor area, nor more than 800 square feet, nor less than 300 square feet, nor have more than 2 sleeping areas." When asked how the percentage and square footage of space was determined, **Ms. Robertson** said the number came from three different sources—City of Portland, Corvallis, and the Municipal Research and Service Center of Washington—all of which agreed on these numbers as standards. **Ms. Collins** said that there are quite a few lots in Oregon City which would be very buildable under these parameters.

Commissioner Mengelberg said she supports the general concept but cited an example of a person in her neighborhood who built a residential care facility on her property, of which the footprint of the unit was almost as big as the house itself. The concern is that, although it was within setback requirements, it basically took up the whole lot and was not compatible with the residential character of the neighboring properties. **Ms. Collins** said such instances should not occur in the future if the 40 percent and 300-800 square footage rules are adopted.

Mike Mermelstein, 20114 Kimberly Rose Drive, asked if this is being presented with focus on Glen Oaks Meadows in mind, and was told no.

When **Commissioner Mengelberg** asked if there are any height restrictions, **Ms. Robertson** noted that #A.7 says the ADU "shall not exceed the height of the Principle Dwelling Unit." **Commissioner Bailey** said he wouldn't be opposed to an addition above an existing garage wherein the roofline might be higher than the existing residential portion of the house, as long as the design was compatible and complimentary to the finished look of the parcel.

Cathy Hogan, 19721 S. Central Point Road, asked if an ADU would be an addition or a separate dwelling, and was told that it could be done either way.

Commissioner Mengelberg suggested adding the words "and compatible with surrounding structures" in #A.10, so the sentence would read, "The ADU shall be compatible with the Principle Dwelling Unit and compatible with surrounding structures, specifically in:" **Chairperson Carter** noted that, with this additional wording in #A.10, they could delete #A.7.

Commissioner Main asked how this applies to commercial zoning. When told that there are restrictions about where this applies, he suggested they insert a blanket statement that "this provision shall be allowed in all zones where single-family developments are allowed." This would include General Commercial, mixed-use, and residential zones, and others, but *not* industrial zones.

Regarding parking issues, **Ms. Robertson** said the three ordinances used for study had different approaches and staff chose to use the City of Portland's 28-foot roadway approach as the most purposeful and effective overall, particularly noting that it would be difficult to ask neighborhoods like McLoughlin to include parking on the lots themselves. **Ms. Collins** said they could also check with TVF&R to see if they have standards for road width and, if they agree with 28 feet, staff recommends that measurement.

Ms. Hogan asked if this would mean that parking for all additions or expansions would be on the street. **Ms. Robertson** said that would apply to accessory dwellings being added where a house already exists on the lot (if the street is 28 feet wide or more). However, if the buyer is building both a new main residence and an accessory dwelling, such construction must include parking on the property.

Chairperson Carter was concerned that the term "adequate parking" in A.11.a is a subjective term. However, after hearing the explanation of the applicable criteria, **Commissioner Main** said he thought the wording in A.11 regarding parking is okay as is.

Commissioner Bailey then asked for clarification of A.11.b.(1) and (2) specifically as they might relate to a situation wherein the previous owner laid an overabundance of blacktop, and would he have to add still more blacktop for parking were he to add an ADU. **Ms. Robertson** said, in his case, it sounds as though he has plenty of square footage and already has space available to accommodate parking for an ADU without adding a separate additional parking pad.

Commissioner Mengelberg asked if neighbors can complain if they don't like an ADU. She was told probably not, because residential property is private property on which a landowner can do whatever he wishes as long as he meets City regulations.

Mr. Mermelstein asked if they could ever have a situation of “adding bad to bad.” For instance, if the existing house is in very poor visual condition, could the owner add an ADU that would have the same visual appearance? Staff said that he would still have to meet Building Code requirements for all the usual building permits, but as long as he did so, he could probably finish the exterior as unpainted or something equally unappealing to the public in general. However, it is hoped that whoever spends enough money to add an ADU would take care and pride in the primary residence as well.

There were no further changes to this section.

- APPLICATION PROCEDURE:

There were no changes to this section.

In summary, there was general consensus that, with these minor changes, the Planning Commission does not need to see a revised draft of this ordinance before final submission for approval.

C. GLEN OAK CHARETTE

Maggie Collins gave a review of the draft of the Policy Analysis: Glen Oak Area, and the Glen Oak Area Opportunities Map, both of which she distributed at the meeting. (A full copy of the policy analysis and a copy of the map are available in the public record.) Beginning with the map, she noted that it shows the existing uses of the Berryhill commercial area, Clackamas Community College, Oregon City High School, and the residential area. She noted that the areas where the natural resources are contained are basically in the vacant property but said the stream crosses over Glen Oak Road several times.

In a brief review of the Policy Analysis, the following comments were made: -

- Background:

There were no changes to this section.

- Planning Principles:

Commissioner Bailey said he had attended a workshop in which the topic of the Meyers Road Extension Concept was raised several times as a primary alternative for part of the solution. **Commissioner Mengelberg** suggested that some type of wording be added to #9, stating that more east/west connections are needed, and **Commissioner Bailey** suggested they should specifically say that the Meyers Road connection is essential.

- **Commissioner Mengelberg** suggested that perhaps #1 and #5 should be combined since one says there is a need for additional space for the Community College and the other says we need to build more parking garages on the campus. **Commissioner Orzen** agreed, saying it only makes sense to build more wisely on the land we have.

Commissioner Bailey asked if #6 (about a light rail/transit hub at the college) would also fit with these. **Ms. Collins** said these were originally written separately to capture the different specific thoughts. However, she agreed that they all involve additional transportation options.

Chairperson Carter noted that a lot of space is being wasted in the current layout, noting that a person has to walk a long ways between classrooms. She suggested that, whether they built a three- or four-story classroom building or a two-story parking structure with two stories for classrooms above that, they could certainly use the land more effectively. This could also include better handicap access.

Commissioner Bailey asked what the planning principle really is, and **Ms. Collins** said it is to build more density and create more efficient land use. **Commissioner Bailey** observed that there seems to be more landscaping now, and wondered if these things could somehow be combined.

Chairperson Carter suggested that the word "option" needs to be inserted in #1, so the second line would read, "Parking and transit option requirements should be considered..." This could allow for transit buses to pull into a larger area. It could also encourage the college to think more in terms of being an expanded transit partner.

Ms. Collins then suggested that the first line of #1 could be changed from "A need for additional space..." to "A need for new urbanism design at Clackamas Community College," which would be moving more toward a planning principle, blending #1 and #5.

- Regarding #4, line 3, **Commissioner Mengelberg** suggested that the list of descriptions could be more definitive, and **Ms. Collins** suggested adding "light industrial". The line would then read, "There is a high possibility for a combination Education/Manufacturing/Light Industrial dominance." She said the idea is that the buildings and the structural configuration allow for as many jobs as possible in one area.
- **Commissioner Bailey** asked if the concept is the same as "focal point" because in some respects it seems that the development of those large parcels in that way recognizes that there are neighborhoods off to the south, and it would take

advantage of the community college and perhaps the high school as well. After some discussion, it was decided that #4 (Need for a focal point) should be moved to the top of the list and become #1.

- Regarding #12 ("Gateway" landmarks should be considered), **Ms. Collins** reiterated that this is important as a planning principle.

- Planning Commission Conclusions:

Ms. Collins briefly reviewed the five concluding statements, specifically noting about #5 that the Glen Oak Road is going to need a lot of support in several different ways. She said that Metro is beginning to seriously look at properties in its study for expansion of the Urban Growth Boundary (UGB). While it appears that there is a lot of open acreage in this area, in fact there are many drainageways in the area. However, this may be a good area to annex more land inside the UGB as Campus Industrial and Industrial. She said the City's position is to be positive, efficient, and encouraging of existing industrial lands that are closer before going further out to Damascus.

Commissioner Bailey said that to think of that area as Residential is out of the question, given the transportation problems that exist, but Campus Industrial makes sense. **Ms. Collins** said it would also seem wise to encourage existing businesses to better handle their commercial properties.

Commissioner Mengelberg suggested adding wording to the end of #5 regarding the importance of pursuing the continuance of Meyers Road, the sentence would read, "The City should move a program of the Glen Oak Road improvements to a very high priority, and should proactively pursue funding and construction of the Meyers Road extension."

Ms. Collins said Portland State will soon be making public the latest regional industrial land study and suggested the Commission watch for it because it includes a case study about Glen Oak Road. She said when it was done a year ago, the idea that you could have success with industrial on Glen Oak Road was thinner than it is now. But with the road program and the concept that industrial land is being actively pursued again, that area should be up and coming.

Commissioner Orzen moved to adopt the *Policy Analysis: Glen Oak Area* with the amendments as discussed this evening. **Commissioner Mengelberg** seconded.

Ayes: Bailey, Main, Mengelberg, Orzen, and Carter; Nays: None; Abstain: None.

5. OLD BUSINESS

Chairperson Carter expressed deep appreciation to **Maggie Collins** as she has resigned to take a new position in the City of Wilsonville. She thanked **Ms. Collins** for her excellent work for the Planning Division, the Planning Commission, and the City of Oregon City. **Commissioner Bailey** seconded her comments, and everyone concurred.

6. OTHER BUSINESS

Commissioner Bailey suggested a work session in the near future to discuss transportation issues and to set up a pattern of dialogue with ODOT, Tri-Met, Metro, and perhaps others to show that a Planning Commission that is very interested in improving the transportation network and alternatives and options to this City. He thought this might also include the key people who work or have worked on the Glen Oaks Charette, the Willamette Corridor, Highway 99E, the Downtown Area Plan, and the Waterfront Plan.

Commissioner Bailey also suggested a similar work session with the new President and the Board of the community college. This could include the high school and the neighborhood association. **Chairperson Carter** said the timing is good, especially with the passing of the bond issue which has resulted in so much current dialogue about the various budgets and planning.

Chairperson Carter asked what would be the best way to interact in a planning capacity. **Ms. Collins** noted that the Commission has been doing a very good job over the past year. Now they can use the Glen Oak Charette as a basis for discussions in a public arena (using the work sessions). Then, from those discussions, staff can proceed as appropriate.

It was reiterated that this is a good time to talk with the community college since they are in process of obtaining their Conditional Use Permit (CUP). However, **Ms. Collins** noted that they cannot talk with the college until *after* that renewal is done.

Ms. Collins also reminded the Commission that Phase II of the downtown area will be coming up this year.

7. NEW BUSINESS

A. Election of Officers for 2002

Commissioner Bailey nominated **Linda Carter** to a second term as chairperson of the Planning Commission, based on her good track record and experience. **Commissioner**

Orzen seconded. **Chairperson Carter** accepted the nomination, saying she hoped she could bring a sense of continuity to the position.

Ayes: Bailey, Main, Mengelberg, and Orzen; Nays: None; Abstain: None.

Commissioner Orzen nominated **Commissioner Bailey** as vice-chairman.
Commissioner Main seconded. There was some concern and discussion about how **Commissioner Surratt** might feel, since she was the vice-chair last year and couldn't be in attendance this evening.

Ayes: Bailey, Main, Mengelberg, Orzen, and Carter; Nays: None; Abstain: None.

8. ADJOURN

With no further business, the meeting was adjourned at 10:15 p.m.

**Linda Carter, Planning Commission
Chairperson**

Maggie Collins, Planning Manager

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TO: Planning Commission

FROM: Tony Konkol
Assistant Planner

DATE: January 7, 2002

SUBJECT: File # CU 01-09 (Clackamas Community College Expansion)

Staff requests that the Planning Commission continue the hearing for the above referenced file to June 24, 2002. The reason for this request is that Clackamas Community College is requesting additional time to verify the scope of this project and review their development options (Exhibit 1).

Staff recommends a continuance of the public hearing for the Clackamas Community College Expansion (File CU 01-09) to a date certain of June 24, 2002.



December 19, 2001

City of Oregon City
Planning Division
PO Box 3040
Oregon City, OR 97045
Attn: Tony Konkol

Dear Mr. Konkol,


As I am sure you are aware, Clackamas Community College has filed a Conditional Use Application with your department concerning the anticipated remodeling and construction that we anticipate commencing in 2002 (CU 01-09).

We are currently verifying the scope of this project and reviewing our options. As the final form and content of the project may change significantly from the Application already on file, we would request a six-month extension for further evaluation. It is my understanding that this Application can be restarted at any time within the extension period and we intend to reactivate our Application prior to that deadline.

We hope this request provides enough notice that you and your department have not been unduly inconvenienced. If you have additional questions or if I can be of any assistance please do not hesitate to contact me directly at extension 2222.

Thank you in advance for your consideration in this matter.

Sincerely,



Al Erdman
Dean of College Services

EXHIBIT 1

PROPOSAL NO. AN 01-06 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Nancy Travers

Applicant's Representative: Mark Travers

Proposal No. AN 01-06 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Code the Planning Commission reviews an annexation proposal and makes a recommendation to the City Commission. If the City Commission decides the proposed annexation should be approved, the City Commission is required by the Charter to submit the annexation to the electors of the City. If a necessary party raises concerns on or before the City Commission's public hearing, the necessary party may appeal the annexation to the Metro Appeals Commission within 10 days of the date of the City Commission's decision.

The territory to be annexed is located generally on the southeast edge of the City, on the east side of Beavercreek Road south of Thayer Rd. and north of Loder Road. The territory contains 4.18 acres, 2 single family dwellings, a population of 4 and is evaluated at \$295,134.

REASON FOR ANNEXATION

The applicant desires annexation to pursue rezoning and eventual redevelopment of the property.

POTENTIAL MODIFICATION

The tax lot to the north of this parcel will be surrounded by the City if this proposal is approved. Thus it would make sense to annex this property at this time as well. However, the applicants contacted the owner of this property about a joint proposal and the owner stated he definitely did not want to annex his property to the City.

LAND USE PLANNING

SITE CHARACTERISTICS

The property slopes gently from east to west with approximately a 20 foot drop in elevation over the 700-800 foot length of the property.

REGIONAL PLANNING

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria

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

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by the Metro Council that the territory should be inside the UGB shall be the primary criteria.
7. Consistency with other applicable criteria for the boundary change in question under state and local law.

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

Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

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

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Industrial (I) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban, 10 acre minimum lot size.

Policy 5.0 of the Land Use Chapter provides that land is converted from "*Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer.*" Policy 6.0 contains guidelines that apply to annexations, such as this one, that convert Future Urbanizable to Immediate Urban land:

- a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.*
- b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.*
- c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*
- d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)*

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Those are addressed below.

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the urban growth management boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area. The County adopted the City's Industrial plan designation. Consequently, when property is annexed to Oregon City, it already has a City planning designation.

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

4. City and County Notice and Coordination

* * *

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

* * *

5. City Annexations

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

* * *

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

* * *

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The adjacent road right-of-way (east half of Beaver Creek Rd.) is included in the proposed annexation. The west half of the street is already in the City.

CITY PLANNING

Although the Oregon City acknowledged Comprehensive Plan does not cover this territory, the City prepared a plan for its surrounding area and the County has adopted its plan designations in this area. Certain portions of the City Plan have some applicability and these are covered here.

Chapter G of the Plan is entitled *Growth And Urbanization Goals And Policies*. Several policies in this section are pertinent to proposed annexations.

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 judgement on the part of the decision maker. . . .*

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

These policies are not approval criteria for annexations. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed and that annexations are to be processed according to quasi-judicial procedures.

The *Community Facilities Goals And Services* Chapter of the Comprehensive Plan contains the following pertinent sections.

Goal

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

Policies

1. *The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:*
 - a. *Streets and other roads and paths*
 - b. *Minor sanitary and storm water facilities*
 - c. *Police protection*
 - d. *Fire protection*

- e. *Parks and recreation*
- f. *Distribution of water*
- g. *Planning, zoning and subdivision regulation*

Policy one defines what services are encompassed within the term "urban service." The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The Metro Code also includes mass transit in addition to streets and roads.

* * *

- 3. *Urban public facilities shall be confined to the incorporated limits.*

Policy three prevents the City from extending services outside the City limits. Consequently, lands outside the City are required to annex to use urban public facilities. It is not a policy that is applicable to making an annexation decision.

* * *

- 5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*
- 6. *The extension or improvement of any major urban facility and service to an area will be designed to complement the provision of other urban facilities and services at uniform levels.*

Policy five encourages development on sites within the City where urban facilities and services are either already available or can be provided. Policy six requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. Read together these policies suggest that, when deciding to annex lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services.

Sanitary Sewers

* * *

- 4. *Urban development within the City's incorporated boundaries will be connected to the Tri-City sewer system with the exception of buildings that have existing sub-surface sewer treatment, if service is not available.*

* * *

Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it can serve the potential level of development provided for by the Comprehensive Plan and Zoning designations.

7. *The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.*

The Tri-City County Service District was provided notice of this annexation. It did not respond to the notice. No response is interpreted as no opposition. Before sanitary sewers can be extended to lands annexed to the City those lands will need to annex to the District. The property owner may initiate that annexation after annexation to the City.

Fire Protection

2. *Oregon City will ensure that annexed areas receive uniform levels of fire protection.*

The City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Chapter M, of the City's Comprehensive Plan identifies land use types. Industrial is identified as follows:

- (10) INDUSTRIAL [I]: Industrial areas are designated for uses related to manufacturing, processing and distribution of goods. Intense or heavy industrial uses are conditional uses. Commercial and office uses are permitted, but all residential uses are prohibited except for caretakers' quarters.

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing a chart and some guidelines laid out in Section 17.06.050. Those provisions specify that if only one City zoning designation corresponds to the County Plan designation then that zoning designation shall be automatically applied upon annexation. However if more than one zoning designation is possible under the existing Plan designation then the applicable zoning designation must be determined through Planning Commission and City Commission Hearing process.

In the current case the County plan designation (which was the designation determined by the City and then adopted by the County since only the County has the legal authority to adopt plan designations in the unincorporated area) of Industrial does not equate to a single City zone designation. Therefore the property will come into the City with the existing County zoning designation of FU-10 and will have to be rezoned by the City process subsequent to annexation.

The City's Code contains provisions on annexation processing. Section 6 of the new ordinance requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

The site access is discussed below in the Facilities and Services section.

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

As demonstrated in this section of the staff report, the annexation conforms to the City's Comprehensive Plan.

3. *Adequacy and availability of public facilities and services to service potential development;*

The Facilities and Services discussion of this report demonstrates that public facilities and services are available and are adequate to serve the potential development.

4. *Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;*

The only criterion in ORS 222 is that annexed lands be contiguous to the City. This site is contiguous. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the attached Findings and Reasons demonstrate that these criteria are satisfied.

5. *Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;*

There are no natural hazards identified by the City Comprehensive Plan located on or adjacent to the subject site.

6. *Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;*

There are no specifically designated open spaces, scenic historic or natural resource areas on or adjacent to the subject site.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."*

Annexation will have virtually no effect on the economic, social or physical environment of the community. The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory and could obtain some additional revenue through application of its permanent tax rate to any improvements should the site eventually be redeveloped. The City will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities including fire, police and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increase in service responsibilities to the area that results from the annexation is insignificant.

Section 8 of the Ordinance states that:

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

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. There are no adopted urban service agreements in this part of Clackamas County.

Sanitary Sewers. The City of Oregon City provides sanitary sewer collector service. The City has an 12-inch sanitary sewer line in Beavercreek Road from which service can be extended to serve this site.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District.

Water. The City has a 15-inch water line in Beavercreek Road which can serve the territory to be annexed.

The area to be annexed is in the Clackamas River Water District. Oregon City and the District have agreements for the transition of water systems from the District to the City as the City expands. They have agreed to jointly use certain of the District's mains and they jointly financed some mains crossing through unincorporated areas. They also agreed that the territory within the City's urban services boundary would receive all urban services from the City. In many places the District's water lines were too small to serve urban levels of development. In those places, such as in Central Point Road, the City has extended larger City water mains to serve the planned for urban development. Under the agreement, new connections of City territory are City customers. Where the District has adequate size water lines (which were identified in an agreement) the District's lines will transfer to the City when the City has annexed 75% of the frontage on both sides of specified water lines. Under the Agreement, Oregon City can withdraw territory from the District when the City provides direct water service to an area.

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 54 percent and West Linn 46 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Clairmont Water District portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other).

Oregon City has four reservoirs with a capacity of 16.0 million gallons, which is adequate to serve the city through the Water Master Plan planning period to year 2015 if other systems are not supplied.

Storm Sewerage. On-site stormwater drainage, water quality and detention facilities will be achievable for this property given the 20 foot drop from east to west. Also there is a 12-inch storm drainage pipe 100 feet to the north on the east side of Beavercreek Road.

Fire Protection. This territory is currently within Clackamas County R.F.P. D. # 1. The Oregon City Fire Department provides service within the City under a contract with the Tualatin Valley Fire and Rescue District. A portion of the City's property tax levy goes

toward payment of this service. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from Clackamas County RFPD #1 upon approval of the annexation.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.04 officers per 1000 population. The City is divided into three patrol districts with a four-minute emergency response and a twenty-minute non-emergency response time.

Parks, Open Space and Recreation. Clackamas Community College is located across Beaver Creek Road from the proposed annexation site and the new Oregon City High School (Moss Campus) is located south of the site on the west side of Beaver Creek Road.

Transportation. Access is provided by Beaver Creek Road which is classified as an arterial by Clackamas County and as a major arterial by Oregon City. The ultimate redevelopment of the property may raise an access issue if a street accessing onto Beaver Creek Road is proposed. The City code requires a separation distance between local streets and arterials of 500 feet but this property is only 150 from the entryway of Clackamas Community College onto Beaver Creek Road. Thus redevelopment requiring a new street might necessitate development in coordination with other properties such that the access onto Beaver Creek could meet the standard. If the property develops with a use which only requires a driveway entrance then this potential problem will be avoided.

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

RECOMMENDATION

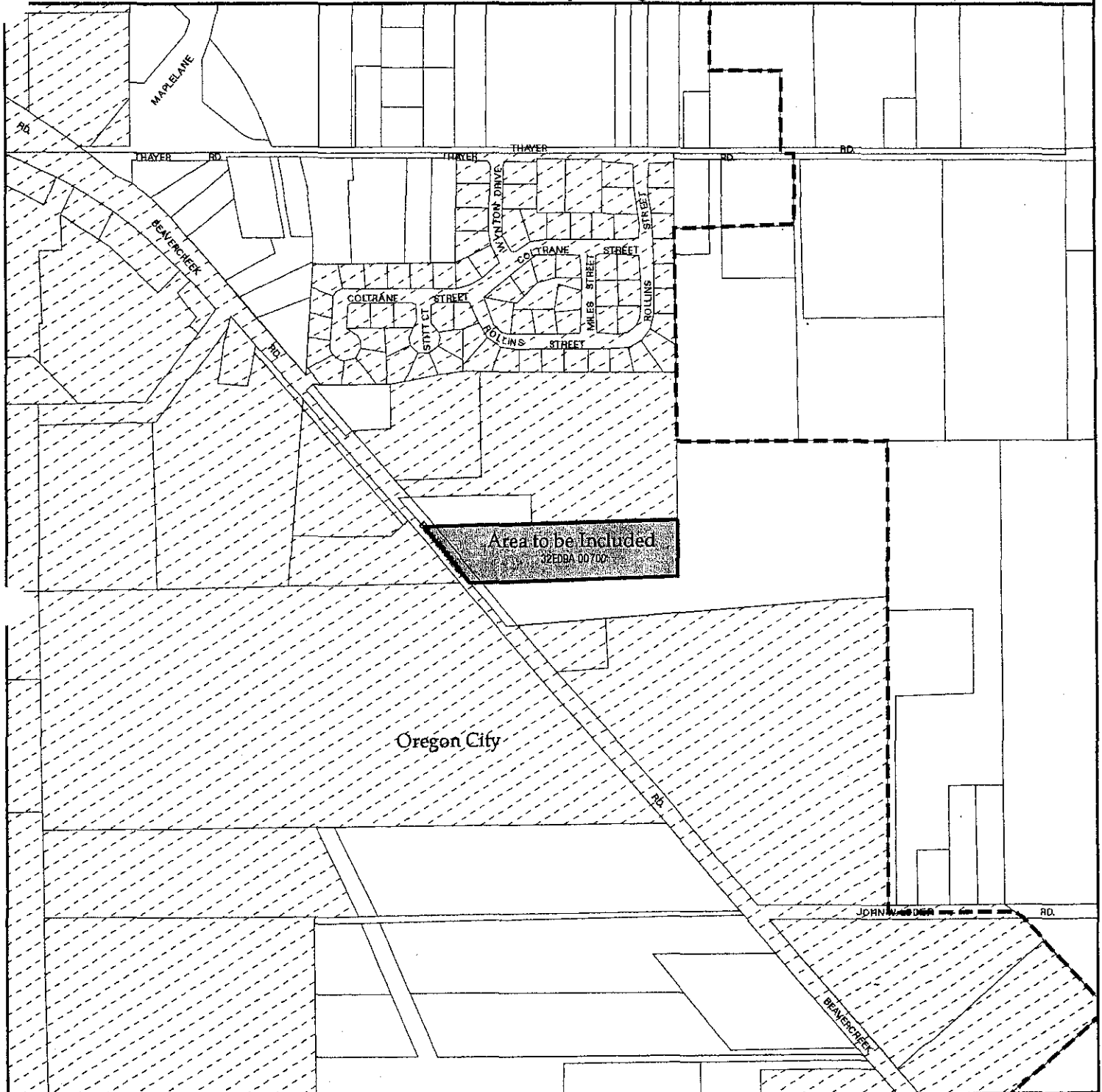
Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends that the Commission recommend to the City Commission that it set Proposal No. AN 01-06 for an election. The staff further recommends that the territory be withdrawn from Clackamas County R.F.P.D. # 1 and the County Service District for Enhanced Law Enforcement as allowed by statute.

Proposal No. AN-01-06

752E09A

Annexation to the City of Oregon City

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



800 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email dro@metro-region.org

METRO

The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or fitness for a particular purpose, accompanying this product. However, notification of any errors will be appreciated.

County lines

City

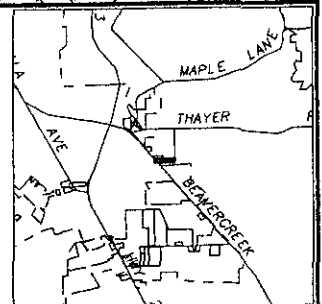
Annexation boundary

Urban Growth Boundary

Proposal No. AN-01-06
CITY OF OREGON CITY
Figure 1

Scale: 1" = 500'

0 500 1000

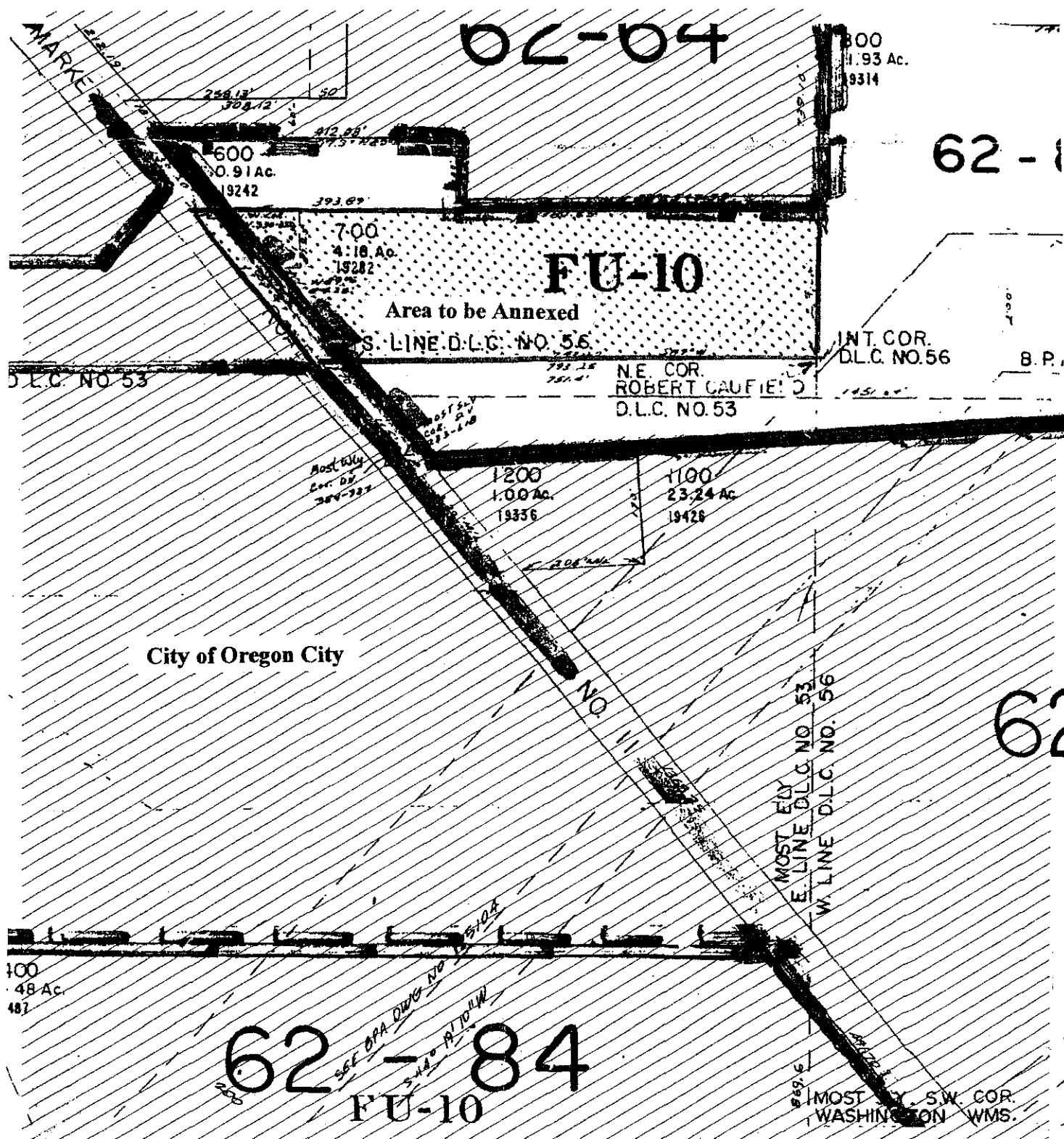


Proposal No. AN-01-06



600 NE Grand Ave.
Portland, OR 97232-2736
Voice 503 797-1742
FAX 503 797-1909
Email drc@metro-region.org

Annexation to the City of Oregon City
Clackamas Co.
Map 3S2E09A



PROPOSAL NO. AN-01-06
CITY OF OREGON CITY
Figure 2

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains 4.18 acres, 2 single family dwellings, a population of 4 and is evaluated at \$295,134.
2. The applicant desires annexation to pursue rezoning and eventual redevelopment of the property.
3. The tax lot to the north of this parcel will be surrounded by the City if this proposal is approved. Thus it would make sense to annex this property at this time as well. However, the applicants contacted the owner of this property about a joint proposal and the owner stated he definitely did not want to annex his property to the City.
4. The property slopes gently from east to west with approximately a 20 foot drop in elevation over the 700-800 foot length of the property.
5. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
6. The Legislature directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:
 1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
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 3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
 4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
 5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

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7. The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the district [Metro]." The Regional Framework Plan, which includes the regional urban growth goals and objectives, the Growth Management Functional Plan and the Regional Transportation Plan were examined and found not to contain specific criteria applicable to boundary changes.
8. The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

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- c. *Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*
- d. *Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)*

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Those are addressed below.

- 9. The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the urban growth management boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area. The County adopted the City's Industrial plan designation. Consequently, when property is annexed to Oregon City, it already has a City planning designation.

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4. *City and County Notice and Coordination*

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

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

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

* * *

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The adjacent road right-of-way (east half of Beaver Creek Rd.) is included in the proposed annexation. The west half of the street is already in the City.

10. Although the Oregon City acknowledged Comprehensive Plan does not cover this territory, the City prepared a plan for its surrounding area and the County has adopted its plan designations in this area. Certain portions of the City Plan have some applicability and these are covered here.

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* * *

3. *Urban public facilities shall be confined to the incorporated limits.*

Policy three prevents the City from extending services outside the City limits. Consequently, lands outside the City are required to annex to use urban public facilities.

* * *

5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*
6. *The extension or improvement of any major urban facility and service to an area will be designed to complement the provision of other urban facilities and services at uniform levels.*

Policy five encourages development on sites within the City where urban facilities and services are either already available or can be provided. Policy six requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. Read together these policies suggest that, when deciding to annex lands, the City should consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services.

Sanitary Sewers

* * *

4. *Urban development within the City's incorporated boundaries will be connected to the Tri-City sewer system with the exception of buildings that have existing sub-surface sewer treatment, if service is not available.*

* * *

Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it can serve the potential level of development provided for by the Comprehensive Plan and Zoning designations.

7. *The Tri-City Service District will be encouraged to extend service into the urban growth area concurrent with annexation approval by Oregon City.*

The Tri-City County Service District was provided notice of this annexation. It did not respond to the notice. No response is interpreted as no opposition. Before sanitary sewers can be extended to lands annexed to the City those lands will need to annex to the District. The property owner may initiate that annexation after annexation to the City.

Fire Protection

2. *Oregon City will ensure that annexed areas receive uniform levels of fire protection.*

The City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City.

The final section of the staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Chapter M, of the City's Comprehensive Plan identifies land use types. Industrial is identified as follows:

(10) INDUSTRIAL [I]: Industrial areas are designated for uses related to manufacturing, processing and distribution of goods. Intense or heavy industrial uses are conditional uses. Commercial and office uses are permitted, but all residential uses are prohibited except for caretakers' quarters.

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing a chart and some guidelines laid out in Section 17.06.050. Those provisions specify that if only one City zoning designation corresponds to the County Plan designation then that zoning designation shall be automatically applied upon annexation. However if more than one zoning designation is possible under the existing Plan designation then the applicable zoning designation must be determined through Planning Commission and City Commission Hearing process.

In the current case the County plan designation (which was the designation determined by the City and then adopted by the County since only the County has the legal authority to adopt plan designations in the unincorporated area) of Industrial does not equate to a single City zone designation. Therefore the property will come into the City with the existing County zoning designation of FU-10 and will have to be rezoned by the City process subsequent to annexation.

The City's Code contains provisions on annexation processing. Section 6 of the new ordinance requires the City Commission "to consider the following factors, as relevant":

1. Adequacy of access to the site;

The site access is discussed below in Finding 17.

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

As demonstrated in this finding, the annexation conforms to the City's Comprehensive Plan.

3. Adequacy and availability of public facilities and services to service potential development;

Findings 12 through 18 demonstrate that public facilities and services are available and are adequate to serve the potential development.

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

The only criterion in ORS 222 is that annexed lands be contiguous to the City. This site is contiguous. The Metro Code criteria are set out in Finding 6.

5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;

There are no natural hazards identified by the City Comprehensive Plan located on or adjacent to the subject site.

6. Any significant adverse effects on specially designated open space, scenic historic or natural resource areas by urbanization of the subject property at the time of annexation;

There are no specifically designated open spaces, scenic historic or natural resource areas on or adjacent to the subject site.

7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of annexation."

Annexation will have virtually no effect on the economic, social or physical environment of the community. The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory and could obtain some additional revenue through application of its permanent tax rate to any improvements should the site eventually be redeveloped. The City will also obtain land use jurisdiction over the territory. Finally, it will have service responsibilities including fire, police and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increase in service responsibilities to the area that results from the annexation is insignificant.

Section 8 of the Ordinance states that:

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

11. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. There are no adopted urban service agreements in this part of Clackamas County.

12. The City of Oregon City provides sanitary sewer collector service. The City has an 12-inch sanitary sewer line in Beaver Creek Road from which service can be extended to serve this site.

The Tri-City County Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District.

13. The City has a 15-inch water line in Beaver Creek Road which can serve the territory to be annexed.

The area to be annexed is in the Clackamas River Water District. Oregon City and the District have agreements for the transition of water systems from the District to the City as the City expands. They have agreed to jointly use certain of the District's mains and they jointly financed some mains crossing through unincorporated areas. They also agreed that the territory within the City's urban services boundary would receive all urban services from the City. In many places the District's water lines were too small to serve urban levels of development. In those places, such as in Central Point Road, the City has extended larger City water mains to serve the planned for urban development. Under the agreement, new connections of City territory are City customers. Where the District has adequate size water lines (which were identified in an agreement) the District's lines will transfer to the City when the

City has annexed 75% of the frontage on both sides of specified water lines. Under the Agreement, Oregon City can withdraw territory from the District when the City provides direct water service to an area.

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 54 percent and West Linn 46 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Claimont Water District portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other).

Oregon City has four reservoirs with a capacity of 16.0 million gallons, which is adequate to serve the City through the Water Master Plan planning period to year 2015 if other systems are not supplied.

14. On-site stormwater drainage, water quality and detention facilities will be achievable for this property given the 20 foot drop from east to west. Also there is a 12-inch storm drainage pipe 100 feet to the north on the east side of Beavercreek Road.
15. This territory is currently within Clackamas County R.F.P. D. # 1. The Oregon City Fire Department provides service within the City under a contract with the Tualatin Valley Fire and Rescue District. A portion of the City's property tax levy goes toward payment of this service. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from Clackamas County RFPD #1 upon approval of the annexation.
16. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area.

The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.04 officers per 1000 population. The City is divided into three patrol districts with a four-minute emergency response and a twenty-minute non-emergency response time.

17. Clackamas Community College is located across Beaver Creek Road from the proposed annexation site and the new Oregon City High School (Moss Campus) is located south of the site on the west side of Beaver Creek Road.
18. Access is provided by Beaver Creek Road which is classified as an arterial by Clackamas County and as a major arterial by Oregon City. The ultimate redevelopment of the property may raise an access issue if a street accessing onto Beaver Creek Road is proposed. The City code requires a separation distance between local streets and arterials of 500 feet but this property is only 150 from the entryway of Clackamas Community College onto Beaver Creek Road. Thus redevelopment requiring a new street might necessitate development in coordination with other properties such that the access onto Beaver Creek could meet the standard. If the property develops with a use which only requires a driveway entrance then this potential problem will be avoided.
19. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Commission determined:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. Because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan or the Regional Transportation Plan (see Finding No. 6) the Commission concludes the annexation is not inconsistent with this criterion.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. As noted in Finding No. 11 there are no such plans or agreements in place. Therefore the Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Commission concludes this annexation is consistent with the very few directly applicable standards and criteria in the Clackamas County Comprehensive Plan.

This annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The Commission considered the four conversion criteria in Policy 6.0. As Findings 12 through 19 show, all public facilities are available to serve this site.

4. The Commission concludes that the annexation is consistent with the City's Plan. The full range of urban services can only be obtained from Oregon City after annexation. (Policy 3, Chapter I). As the Findings on facilities and services demonstrate, the City has urban facilities and services available to serve the property.

The territory is not within the Tri-City Service District, which provides sanitary sewer services to lands within Oregon City. There is no provision for automatic annexation to the Tri-City Service District concurrent with annexation to the City. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. When the property owners determine they want sanitary treatment services they will pursue annexation to the District.

5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in Finding No. 9, the

Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.

6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." The Commission concludes that the City's services are adequate to serve this area, based on Findings 12 through 19 and that therefore the proposed change generally promotes the timely, orderly and economic provision of services.
7. The City may withdraw the territory from the Clackamas River Water District at a future date, consistent with the terms of agreements between the City and the District.
8. The Oregon City Code contains provisions on annexation processing. Section 6 of the new ordinance requires that the City Commission consider six factors if they are relevant. The Code requires that the Commission find the annexation to be "consistent with a positive balance" of the six factors and the Commission so finds as noted in Finding # 10.
9. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas RFPD #1. The City's general property tax levy includes revenue for City fire protection. To prevent the property from being taxed by both the District and the City for fire services, the territory should be simultaneously withdrawn from the Fire District.
10. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from the Clackamas County Service District for Enhanced Law Enforcement. Upon annexation the City's Police Department will be responsible for police services to the annexed territory. The City's general property tax levy includes revenue for City police services. To prevent the property from being taxed by both the District and the City for law enforcement services, the territory should be withdrawn from the County Service District.

CITY OF OREGON CITY PLANNING COMMISSION

Policy Analysis: Glen Oak Area

Background

With the advent of the new Oregon City High School campus within the Glen Oak Area of the City, the Planning Commission believed it was important to review the Area's constraints and opportunities, Comprehensive Plan Map designations and Zoning Districts; and natural resource features.

After doing so the Planning Commission articulated some planning principles and developed some recommendations.

Planning Principles

1. *A need for "new urbanism" design for Clackamas Community College.*
Components include reorganizing campus units so that at least one focal point is achieved through time; incorporating parking and transit options; considering parking garages as efficient uses of space; building up not out; and integrating natural resource features into the campus area. Results would include a sense of place for the campus, optimal efficiency for taxpayer investments; and a community partnership in an urban setting.
2. *Park space, a place for children to play.* There should be a collaborative approach to the land use between the schools and the rest of the community. Despite the play fields at the high school and College, there is still a shortage of ball fields in Oregon City.
3. *Residential links/Connectivity.* For example, play fields at the College are not currently accessible to residents of the area. Connection of existing and future uses is of utmost importance.
4. *Need identity for the Glen Oak area.* With the high school and College presence, it is possible that this area could become the focus of Oregon City. There is a high possibility for a combination Education/Manufacturing/Light Industrial dominance. Industrial uses help increase the tax base much more than residential uses. Mutually beneficial relationships between education and industrial zones could be developed. To be marketable for industrial growth, transportation and larger parcels of land are often essential. However, intensity of employment could be achieved through four story buildings, thereby creating a higher density of tax paying entities.
5. *Light rail/transit hub at Clackamas Community College.*

6. *Conference center at Clackamas Community College.*
7. *Recreational areas.* Trails around the high school and College grounds that augment the natural resource spots and offer a recreational opportunity for the entire community.
8. *Overall transportation network.* Current public transportation accessibility is poor in this area now and must be improved in the future. Moreover, transit options encourage manufacturing entities to locate in Oregon City because their employees can have better workplace mobility. The Meyers Road connector is essential.
9. *Wetlands, water resources and drainage areas can be seen as a plus.*
10. *Power lines restrict construction zones and uses.*
11. *"Gateway" landmarks should be considered.* The Glen Oak area has great promise for turning into a vital and prosperous subarea for Oregon City, if great attention is focused on visual effects, higher density and intensity, employment uses, and multi-modal traffic options.




Planning Commission Conclusions

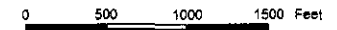
1. Existing property Plan Map-designated "Industrial" should remain so.
2. Existing property zoned "C-I" or "M-1" should remain so.
3. Land annexed into the Glen Oak Area should come in under the "Industrial" Plan Map designation and the "C-I Campus Industrial" Zoning District.
4. Appropriate changes should be considered to the City's "CI" Zoning District to promote maximum efficiency.
5. The City should move a program of Glen Oak Road improvements to a very high priority; and should continue to proactively pursue funding and construction of the Meyers Road Extension.

Adopted December 10, 2001 by the Oregon City Planning Commission

 Taxlots
 Planning Boundary
 Wetlands
 Vegetation Corridor

- ☐ Shopping Center
 - ☐ Community College
 - ☐ High School

-  Streams
 UGB
 City Limits



MAP FOR REFERENCE PURPOSES ONLY.
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.



City of Oregon City
320 Warner Milne Road | Oregon City, Oregon 97045
503.657-0891

Plot date: Dec 19, 2001; g:\gis\projects\charotte\charotte.apr

OREGON CITY PLANNING COMMISSION
TALLY OF VOTES

PLANNING COMMISSION MEETING DATE

1/14/02

COMMISSIONERS ABSENT

Lynda Orzen

STAFF PRESENT:

Tommy Enkel
Bryan Wiegman
Ken Martin
Marnie Allen, City Attorney

ITEM: CU 01-09 Continuance Request
moved by Bailey seconded Surratt to grant continuance.

MEMBERS:	AYE	NAY	ABSTAIN	COMMENTS
Bob Bailey			X	
Linda Carter	X			
Duff Main	X			
Renate Mengelberg	X			
Linda Orzen				
Laura Surratt	X			

MOTION: _____

ITEM: AN 01-06
moved by Bailey seconded by Surratt

MEMBERS:	AYE	NAY	ABSTAIN	COMMENTS
Bob Bailey	X			
Linda Carter	X			
Duff Main	X			
Renate Mengelberg	X			
Linda Orzen				
Laura Surratt	X			

MOTION: _____

Work session Feb 13th on Designing Oregon City Urban Center
Also, Goal setting session update.

PC Mailing List for PC Meeting Date: 1/14/02

DATE: _____

#	Recipients	Sent
10	Copies for Front Table	
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1	Sean	✓
1	Christina	✓
1	Tony	✓
1	Brian Nakamura	✓
1	Brian Cosgrove	✓
1	Front Counter	✓
1	Bob Cullison	✓
1	Jay Toll	
1	Dean Norlan	
1	Nancy K.	✓
1	Fire Department	✓
1	Public Works	✓
1	Applicant	✓
1	Applicant	✓
1	Daily Journal of Commerce-Kurt	✓
1	Sarah H.- Oregonian-	✓
1	Transcription	✓
5	City Commission	✓
	Total	

} See attached.

✓ Sharon Z.
✓ Guy

* Plus 30 names on previous page

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Larry Jacobson, Chairman
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