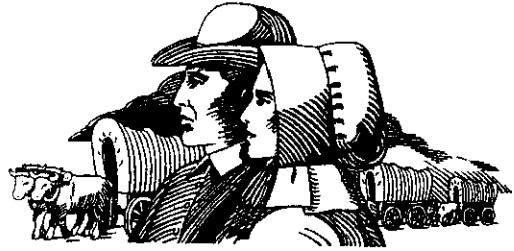


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



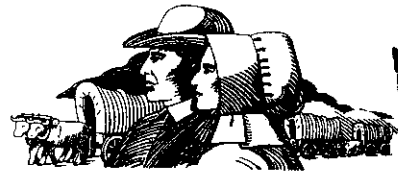
AGENDA

**City Commission Chambers - City Hall
February 12, 2001 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:** *(To be mailed separately)*
- 7:15 p.m. 4. **PUBLIC HEARINGS:**
- ZC 00-02;** Sunnyside Construction & Development, Inc./ 14958 S. Holcomb Blvd;
Map # 2-2E-28A, Tax Lot 2000 & 2100; 14958 S. Holcomb Blvd; Map # 2-2E-28A,
Tax Lot 2000 & 2100
- 7:45 p.m. **L 00-05;** City of Oregon City/ Adoption of the Molalla Boulevard and Bikeway
Improvements Plan as an Ancillary Document to the Oregon City Comprehensive
Plan.
- 8:15 p.m. **L 00-06 (Continued);** City of Oregon City/ Adoption of the Transportation System
Plan as an Ancillary Document to the Oregon City Comprehensive Plan.
- 8:45 p.m. 5. **OLD BUSINESS: None**
- 8:50 p.m. 6. **NEW BUSINESS**
- A. Staff Communications to the Commission**
- B. Comments by Commissioners**
- 9:00 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.



MEMO

TO: PLANNING COMMISSION
FROM: BARBARA SHIELDS, AICP, SENIOR PLANNER
RE: ZONE CHANGE ZC 00-02
REQUEST FOR A CONTINUANCE
DATE: FEBRUARY 2, 2001

Summary of Background Issues:

- The above-referenced application involves a zone change (Zone Change ZC 00-02) from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District for an approximately 13.96-acre property located at 14958 S. Holcomb Boulevard (Attachment 1).
- This application was deemed complete on September 8, 2000, with the 120-day processing deadline for January 6, 2001 and first advertised and scheduled for the Planning Commission meeting on November 13, 2000.
- At the November 13, 2000, hearing, the applicant asked for a hearing continuance to provide additional information for Planning Commission review in response to the issues contained in the staff report of November 13, 2000 (Attachment 2).
- The Planning Commission granted the applicant the hearing continuance from November 13, 2000, to February 12, 2001, upon the applicant's agreement to waive the 120-day deadline for a period equal to the amount of days between the November 13, 2000, hearing and the February 12, 2001, Planning Commission hearing, for a total of ninety-one (91) days.
- The Planning Commission instructed the applicant to provide the additional materials to the Planning Division by January 19, 2001, in order to enable the staff to analyze the new information prior to the Planning Commission meeting on February 12, 2001 (Attachment 3).
- On December 1, 2000, the applicant filed a subdivision application (TP00-05) to divide the subject property into 44 lots. The application was deemed complete by the Planning Division on January 18, 2001, with the processing 120-day deadline for May 1, 2001.

- On January 12, 2001, the applicant submitted to the Planning Division another request for a continuance for the zone change application (ZC00-02) from February 12 to May 14, 2001, hearing (Attachment 4). This letter contained no specific explanation why the continuance is needed.
- Under the Code, the City is not obliged to continue a public hearing once the application is deemed complete and is subject to the 120-day review process.

Recommendation:

Based on the above sequence of actions, and upon the fact that the applicant has submitted an R-10 subdivision application that has already gained completeness approved, staff recommends that the Planning Commission

- 1) Deny the requested continuance of the public hearing for the Zone Change (ZC00-02) application from February 12, 2001, to May 14, 2001; and
- 2) Open a public hearing, take testimony, and either approve or deny the Zone Change (ZC00-02) application case at the February 12, 2001, meeting.

Attachments:

1. Staff Report of November 13, 2000
2. Applicant's Letter of November 13, 2000
3. Planning Commission Meeting Minutes of November 13, 2000
4. Applicant's Letter of January 12, 2001

MARY EBEL JOHNSON, P.C.
ATTORNEY AT LAW
500 ABERNETHY ROAD, SUITE 4
OREGON CITY, OREGON 97045
TELEPHONE (503) 656-4144
FACSIMILE (503) 656-1183
E-MAIL: johnsonm@teleport.com

20-0072 # 37
DATE: Nov 13 2000
CITY OF OREGON CITY
PLANNING COMMISSION

FAXED
11-13-00

Mary W. Johnson*

*Admitted in Oregon & Washington

11-13-00
September 6, 2000

Legal Assistants
Lori L. Hattig
Joy T. Driveness

VIA FAX 503-657-7892

Barbara Shields, AICP
Senior Planner
CITY OF OREGON CITY
COMMUNITY DEVELOPMENT DEPARTMENT
POB 351
Oregon City, OR 97045-0021

AMENDED

Re: Application No. ZC00-02
Applicant: Sunnyside Construction & Development, Inc.
Development: Trail View Estates
Property: 14958 S Holcomb Blvd.; T2S R2E Sec. 28A, T/L 2000
Gross Acreage: 13.96 Acres; Net Buildable Acreage: 10.5 Acres

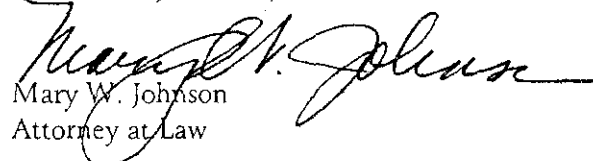
Dear Ms. Shields:

I represent the applicant in the above-referenced application for a zone change. This matter is set for quasi-judicial land use hearing before the Oregon City Planning Commission this evening, November 13, 2000.

ORS 197.763(3)(i) requires that a copy of the Staff Report be made available for inspection not less than seven days prior to hearing. The Staff Report in this matter was not made available until last Wednesday, November 8, 2000, only five days prior to hearing. Consequently, the applicant has had inadequate opportunity to prepare to respond to the Staff Report. Accordingly, the applicant requests a 60-day continuance of the hearing of this matter. In view of the upcoming holidays, we request that the hearing be reset for the regularly scheduled Planning Commission meeting on January 8, 2001. The applicant agrees to extend the 120-day rule by 56 days, the length of the continuance.

Very truly yours,

MARY EBEL JOHNSON, P.C.


Mary W. Johnson
Attorney at Law

cc: William K. Kabeiseman, CITY ATTORNEY (Via Fax 503-248-9085)✓
Bruce Ament, SUNNYSIDE CONSTRUCTION & DEVELOPMENT, INC. (Via Fax 503-786-7970)✓
Tom Sisul, SISUL ENGINEERING (Via Fax 503-657-5779)✓
Julie Puderbaugh, PARK PLACE NEIGHBORHOOD ASSOCIATION (Via Fi

(SUNNYSIDE:Letter-OC.11-13-00.wpd)

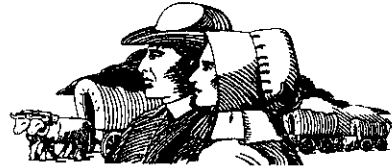
ATTACHMENT 2

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



STAFF REPORT Date November 13, 2000

Complete: 9/8/00
120-Day: 1/6/01

FILE NO.: ZC 00-02

APPLICATION TYPE: Quasi-Judicial/Type IV

HEARING DATE: November 13, 2000
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT Mary Johnson
500 Abernethy Road, Suite 4
Oregon City, OR 97045

OWNER: Sunnyside Construction & Development
10121 SE Sunnyside Road, Suite 115
Clackamas, OR 97015

REQUEST: Zone Change from "R-10" Single-Family Dwelling District to
"R-8" Single-Family Dwelling District.

LOCATION: 14958 S. Holcomb Blvd
Clackamas County Map 2S-2E-28A, Tax Lots 2000 & 2100
(proposed Parcel 3, Partition MP00-05 (portion of Tax 2000
and 2100) (Exhibits 1 and 2)

REVIEWER: Barbara Shields, Senior Planner
Jay Toll, Senior Engineer

RECOMMENDATION: Denial of ZC 00-02

CRITERIA:

Comprehensive Plan:

Section "C" Housing

Section "G" Growth and Urbanization

Section "I" Community Facilities

Section "L" Transportation

Municipal Code:

Chapter 17.08 "R-10" Single-Family Dwelling District

Chapter 17.10 "R-8" Single-Family Dwelling District

Chapter 17.50 Administration and Procedures

Chapter 17.68 Zoning Changes and Amendments

BACKGROUND:

In 1999, the applicant applied for a 65-lot Planned Unit Development on the subject property (PD98-07). In July 2000 the City Commission denied the application in this case, following an appeal from the decision by the Planning Commission.

This time the applicant is requesting a zone change from R-10 Single-Family Residential to R-8 Single-Family Residential for an approximately 13.96-acre parcel located at 14958 S. Holcomb Blvd., Clackamas County 2S-2E-28A, proposed Parcel 3, Partition MP00-05, portion of Tax Lots 2000 & 2100 (Exhibits 1 and 2).

Under R-10 Single-Family Residential District standards, approximately 61 residential lots can be developed on the subject property (4.4 units per gross acre). The proposed zone change to R-8 Single-Family Residential District would allow the applicant to develop 77 residential lots on the subject property (5.5 units per gross acre). If approved by the Planning Commission, the proposed zone change from R-10 to R-8 would result in the ability to develop additional 16 lots on the subject 13.96-acre property.

A zone change request is reviewed by the Planning Commission and the City Commission as a Type IV quasi-judicial application.

Summary of Analysis: Based on the analysis and findings contained in this staff report, there is insufficient evidence to show that the proposed Zone Change ZC 00-02 satisfies the Oregon City Municipal Code criteria.

Specifically, the application fails to meet the burden of proof to satisfy the Housing Goal and the Growth and Urbanization Goal of the City's Comprehensive Plan.

BASIC FACTS:

1. The subject property is approximately 13.96 acres in area and is currently zoned R-10 Single-Family Dwelling District. It is located south of Holcomb Blvd (Exhibits 1 and 2). There are some deciduous trees on the southern part of the property and a few fruit trees located in the easterly portion of the site. The high point on the property is in the

northeast corner (elevation approximately 460 feet) and gradually slopes down to a low point along the southern boundary line (elevation approximately 400 feet). Grades are generally 5% to 10%.

2. The property is designated "Low Density Residential" on the Oregon City Comprehensive Plan Map. The "Low Density Residential" Comprehensive Plan designation may be implemented by R-10 Single-Family Dwelling District, R-8 Single-Family Dwelling District, or R-6 Single-Family Residential District.
3. Surrounding land uses

The following is a summary of the prevailing land use pattern within ½ mile radius of the subject property (Exhibit 1):

East

The area east of the subject property, south of the Holcomb Boulevard frontage is outside the City Limits and the Urban Growth Boundary. This area is zoned UT-10 (Urban Transition, Minimum Size 10 acres) in Clackamas County. It consists of rural residential parcels, ranging in size from 1 to 2 acres.

South/Southeast

The area south and southeast of the subject property is outside the City Limits and the Urban Growth Boundary. This area is zoned FF-10 (Rural Residential Farm Forest, 10 Acre Minimum) and RRFF-5 (Rural Residential Farm Forest, 5 Acre Minimum), Clackamas County. It consists of large tract rural parcels, averaging 10 acres in size.

North/Northwest

The area immediately north of the subject property, north of Holcomb Boulevard, is inside the City Limits and is zoned R-10, Single Family Residential. It is developed with a subdivision, Barlow Crest.

The area to the northwest of the subject property, north of Holcomb Boulevard, is inside the City Limits. This area is zoned R-10 Single Family Residential and is mostly occupied with single family parcels, ranging in size from 0.8 to 1.2 acres.

West/Southwest

The 10-acre parcel immediately to the west of the subject property is zoned R-6/MH, Single-family Residential, minimum lot size 6,800 square feet. The City granted a tentative approval for a 36-lot subdivision on this property. The proposed lot sizes in this subdivision range from 6,800 to 11,800 square feet.

With the exception of the R-6/MH parcel, described above, the surrounding area to the west of the subject property, south of Holcomb Boulevard, is zoned R-10, and consists of parcels ranging in size from 0.80 to 1.2 acres.

In summary, the land use development within ½ mile radius of the subject property appears to reflect the following pattern:

- The majority of the area west, northwest and southwest in within the City limits and is zoned R-10, Single-Family Residential Dwelling. With the exception of the Barlow Crest Subdivision to the north, the surrounding residential areas are occupied by single family homes, on parcels ranging in size from 0.80 to 1.2 acres.
 - The development potential (residential density) of the parcels located south of Holcomb Boulevard and west of the subject property is limited by the presence of the Water Resource Quality Overlay District associated with Abernethy/Tour Creeks and their drainage areas.
 - The area to the northeast, east, and southeast of the subject property is located outside the Urban Growth Boundary, within Clackamas County. With the exception of rural residential parcels fronting Holcomb Boulevard, this area is occupied mostly by large rural forest parcels.
4. Under R-10 Single-Family Residential District standards, approximately 61 residential lots can be developed on the subject property (4.4 units per gross acre). The proposed zone change to R-8 Single-Family Residential District would allow the applicant to develop 77 residential lots on the subject property (5.5 units per gross acre). If approved by the Planning Commission, the proposed zone change from R-10 to R-8 would result in the ability to develop an additional 16 lots on the subject 13.96-acre property.
5. Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet, and the Park Place Neighborhood Association.

The City's Engineering Division (Exhibit 4a), and the Traffic Engineer (Exhibit 4b), reviewed the proposal and provided their comments. The received comments are incorporated into the analysis and findings section below.

One letter from an affected property owner was submitted to the City and is attached to this report (Exhibit 5). The property owner objects to the proposed zone change and points out that the proposed rezoning to R-8 would create parcel sizes that are not compatible with the size of the surrounding properties and the existing capacity of public services is not adequate to serve additional development on the subject property.

ANALYSIS AND FINDINGS:

Oregon City Municipal Code Chapter 17.68.

Criteria for a zone change are set forth in Section 17.68.020 and are as follows:

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

The following goals and policies of the City of Oregon City Comprehensive Plan are applicable to the requested change:

Citizen Participation Goal The public hearing was advertised and notice was provided as prescribed by law to be heard by the Planning Commission on November 13, 2000. The public hearing will provide an opportunity for comment and testimony from interested parties.

Conclusion: The proposal is in conformance with the Citizen Involvement Goal of the Comprehensive Plan.

Growth and Urbanization Goal Policy 6 requires that an applicant demonstrate that a zone change is consistent with the Comprehensive Plan Goals and Policies and compatible with the general land use pattern for the urban growth area boundary.

As previously discussed in this report, the majority of the area to the west, northwest and southwest in within the City limits and is zoned R-10, Single-Family Residential Dwelling. With the exception of the Barlow Crest Subdivision to the north, the surrounding residential areas are occupied by single family homes, on parcels ranging in size from 0.80 to 1.2 acres.

The development potential (residential density) of the parcels located south of Holcomb Boulevard and west of the subject property is limited by the presence of the Water Resource Quality Overlay District associated with Abernethy/Tour Creeks and their drainage. Consequently, its is very unlikely that this area would develop to the densities higher than the existing R-10 zoning.

The area to the northeast, east, and southeast of the subject property is located outside the Urban Growth Boundary, within Clackamas County. With the exception of rural residential parcels fronting Holcomb Boulevard, this area is occupied mostly by large rural forest parcels.

The applicant is requesting a zone change from R-10, 10,000 sq. ft. minimum to R-8, 8,000 sq. ft. minimum. The existing R-10, zoning is the lowest density allowed under the current zone and therefore the most compatible with the abutting County FU-10 zoning. By requesting a rezoning to R-8, the land use pattern would be incompatible, or not as compatible, as the existing R-10 zoning.

A lower density zoning is appropriate when property abuts the Urban Growth Boundary because it provides for a transition from rural and farm uses to urban uses.

Conclusion: The proposal is not in conformance with the Growth and Urbanization Goal of the Comprehensive Plan, because it provides

a less harmonious transition between the low density urban residential uses in the City and rural uses in the County

Housing Goal

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

The City encourages planning, development and preservation of a variety of housing types at a range of prices and rents.

The City's Comprehensive Plan has indicated a need for more housing units to accommodate higher income households. Specifically, Table VI of Chapter C indicates a need for 795 housing units for higher income households. If the subject property were to remain R-10, it would complement and be compatible the subdivision to the north (Barlow Crest), as well as the abutting large parcel county properties. In addition, it would provide the opportunity to meet a deficiency in the lower density development as identified in the Comprehensive Plan.

It should be noted that the applicant's supplemental narrative (Exhibit 3b), page 2, footnote #3 indicates that between January 1996 and January 1999 the City approved 18 residential zones changes, 16 were rezoned to R-8, and 2 were rezoned to R-10. These figures indicate that there have been more opportunities for development of "middle income" homes due to the R-8 rezoning, as opposed to retaining or rezoning to the R-10 zone.

The information submitted by the applicant does not provide sufficient evidence to prove that the proposed rezone would help the City to meet the Comprehensive Plan goal of providing a range of housing types to meet the needs of the City.

Conclusion:

The proposal is not in conformance with the Housing Goal of the Comprehensive Plan.

Community Facilities Goal

This goal requires the City to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve development in the City.

The City Engineering Division (Exhibit 4a) and the City Traffic Engineer (Exhibit 4b) reviewed the proposal with regards to the availability of public services and facilities and utilities.

The City Engineering Division noted that all utilities are available to the site and adequate either for R-8 or R-10 level of residential densities. There is an existing 6-inch Clackamas River Water line in Holcomb Boulevard that may serve the property. The property may be served by an existing 8-inch sanitary sewer main available in Holcomb Blvd. The site drains directly into Abernethy Creek

and erosion and water quality controls are critical for the development of this site.

The City Traffic Engineer (Exhibit 4b) reviewed the Traffic Impact Study submitted by the applicant. The City Engineer concurred with the applicant's conclusions that the proposed development will not have a significant short-term impact on the Winston Drive/Holcomb Blvd. intersection in the vicinity of the site (Barlow Crest Subdivision).

Holcomb Blvd. is classified as a Minor Arterial in the Oregon City Transportation Master Plan, which requires a pavement width of 60 to 80 feet. Currently Holcomb Blvd. has two traffic lanes within a 60-foot right-of-way, with no provisions for pedestrians or cyclists. A 10-foot dedication and street improvements along the site frontage would be required with any development proposal on the subject property.

Conclusion: This site can be served by urban services or services can be made available to the site. Therefore, the proposed zone change complies with the Public Facilities Goal of the Comprehensive Plan. Upon application for development, the City will require the applicant to meet appropriate standards and provide necessary improvements and facilities to accommodate site development.

Transportation Goal This goal requires that the City insure a transportation system that supports the City's land uses and provide appropriate facilities to accommodate transportation movements.

The applicant submitted a Traffic Impact Analysis (TIA) that was evaluated by the City's Traffic Engineer (Exhibit 4b) and discussed above. The City's Traffic Engineer determined that the proposed development would not have a significant impact of the transportation system in the vicinity of the site.

In conclusion, the Traffic Engineer found that the applicant's traffic impact analysis meets the City's requirements and there will not likely be a short-term impact on the transportation system.

Conclusion: No specific traffic facility improvements are required by approval of the zone change request. Upon future development of the subject property, the City would require a 10-foot street dedication and half-street improvements on Holcomb Blvd. along the subject property frontage.

Conclusion for Criterion A:

Based on the above analysis, the proposal, as presented by the applicant, has not satisfied Criterion A.

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

Conclusion for Criterion B:

Upon application for any future development, the City will require the applicant to meet appropriate standards and provide necessary improvements and facilities to accommodate site development, including the notations of the Engineering Division. As discussed earlier in this report, this site can be served by urban services or services can be made available to the site. Therefore, the proposed zone change complies with Criterion B.

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

Under R-10 Single-Family Residential District standards, approximately 61 residential lots can be developed on the subject property (4.4 units per gross acre).

Conclusion for Criterion C:

As previously discussed in this report, services are available and can be provided at sufficient capacity and level of service of the transportation system serving the surrounding transportation network.

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

The following Statewide Planning Goals are applicable to this request: Goal 1 Citizen Involvement; Goal 2 Land Use Planning; Goal 10 Housing; Goal 11 Public Facilities and Services; and Goal 12 Transportation.

Conclusion for Criterion D:

The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The acknowledged City's Comprehensive Plan includes specific goals and policies that are applicable to the requested zone change. Therefore, it is not necessary to address the Statewide Planning Goals in response to this criterion. The applicable Comprehensive Plan Goals and policies were addressed in response to Criterion A.

CONCLUSION AND RECOMMENDATION:

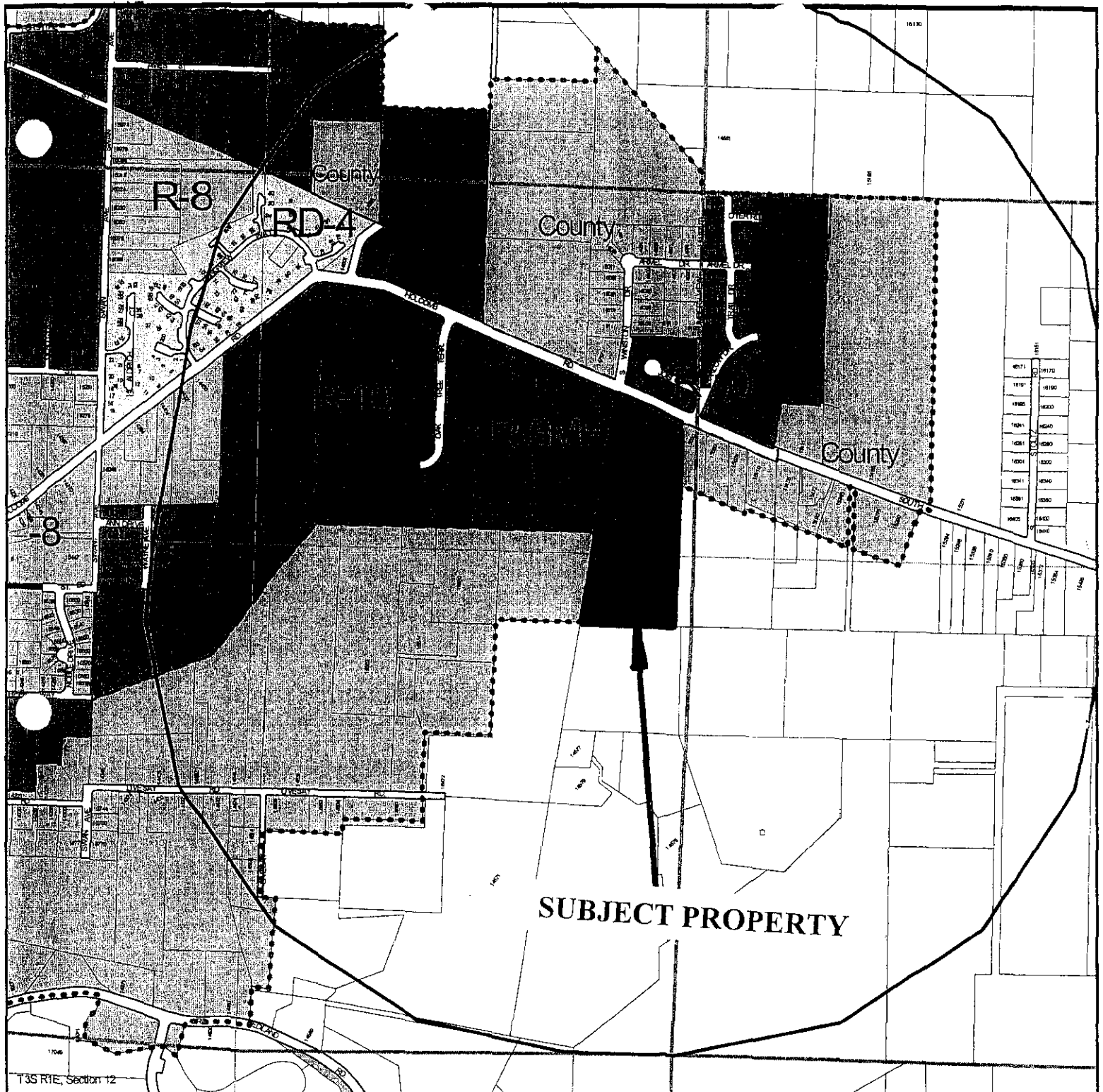
Based on the analysis and findings presented in the report, the proposed Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District does not satisfy the requirements as described in the Oregon City Comprehensive Plan and the Oregon City Municipal Code for the following reasons:

1. The proposal does not comply with the Comprehensive Plan Urbanization Policy No. 6. The proposed zone change is not compatible with the established uses at the edge of the Urban Growth Boundary, therefore, it does not provide a harmonious transition between the low density urban residential uses in the City and rural uses in the County.
 - The area to the northeast, east, and southeast of the subject property is located outside the Urban Growth Boundary, within Clackamas County. With the exception of rural residential parcels fronting Holcomb Boulevard, the surrounding area within a ½ mile radius from the subject property is occupied mostly by large rural forest parcels.
 - The majority of the area west, northwest and southwest of the subject property is within the City limits and is zoned R-10, Single-Family Residential Dwelling. With the exception of the Barlow Crest Subdivision to the north, the surrounding residential area within a ½ mile radius from the subject property is occupied by single family homes, on parcels ranging in size from 0.80 to 1.2 acres.
 - The applicant is requesting a zone change from R-10, 10,000 sq. ft. minimum to R-8, 8,000 sq. ft. minimum. The existing R-10 zoning is the lowest density allowed under the current zone and therefore the most compatible with the abutting County FU-10 zoning. By requesting a rezoning to R-8, the land use pattern would be incompatible, or not as compatible, as the existing R-10 zoning.
 - A lower density zoning is appropriate when property abuts the Urban Growth Boundary because it provides for a transition from rural and farm uses to urban uses.
2. The proposal does not comply with the Comprehensive Plan Housing Goal, which requires that the City provide for the planning, development, and preservation of a variety of housing types at a range of rents.
 - The proposed rezoning to R-8 does not help the City to meet the Comprehensive Plan goal of providing a range of housing types to meet the needs of the City. Both types of zoning provide for similar type of single-family residential uses, at different density levels.

Based on the above conclusion, staff recommends the Planning Commission deny the requested Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District for the property identified as Clackamas County Map 2S-2E-28A, portion of Tax Lots 2000 and 2001 (Parcel 3 of MP00-05).

EXHIBITS:

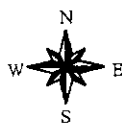
1. Vicinity Map
2. Site Map
- 3a. Applicant's Narrative
- 3b. Applicant's Supplemental Narrative
- 3c. Applicant's Traffic Impact Report Update
- 4a. City Engineering Division Comments
- 4b. Traffic Engineer Comments
5. Letter from Affected Property Owner



- City Limits
- Urban Growth Boundary
- Quarter sections
- Parcels
- Clackamas County

City Zoning Designations

- R-10 (Single Family)
- R-8 (Single Family)



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

Geographic Information Systems
320 Warner Mine Road
Oregon City, OR 97045

(503) 657-0891 Fax (503) 657-7892
ocgis@ci.oregon-city.or.us

0.1 0 0.1 0.2 0.3 0.4 0.5 Miles

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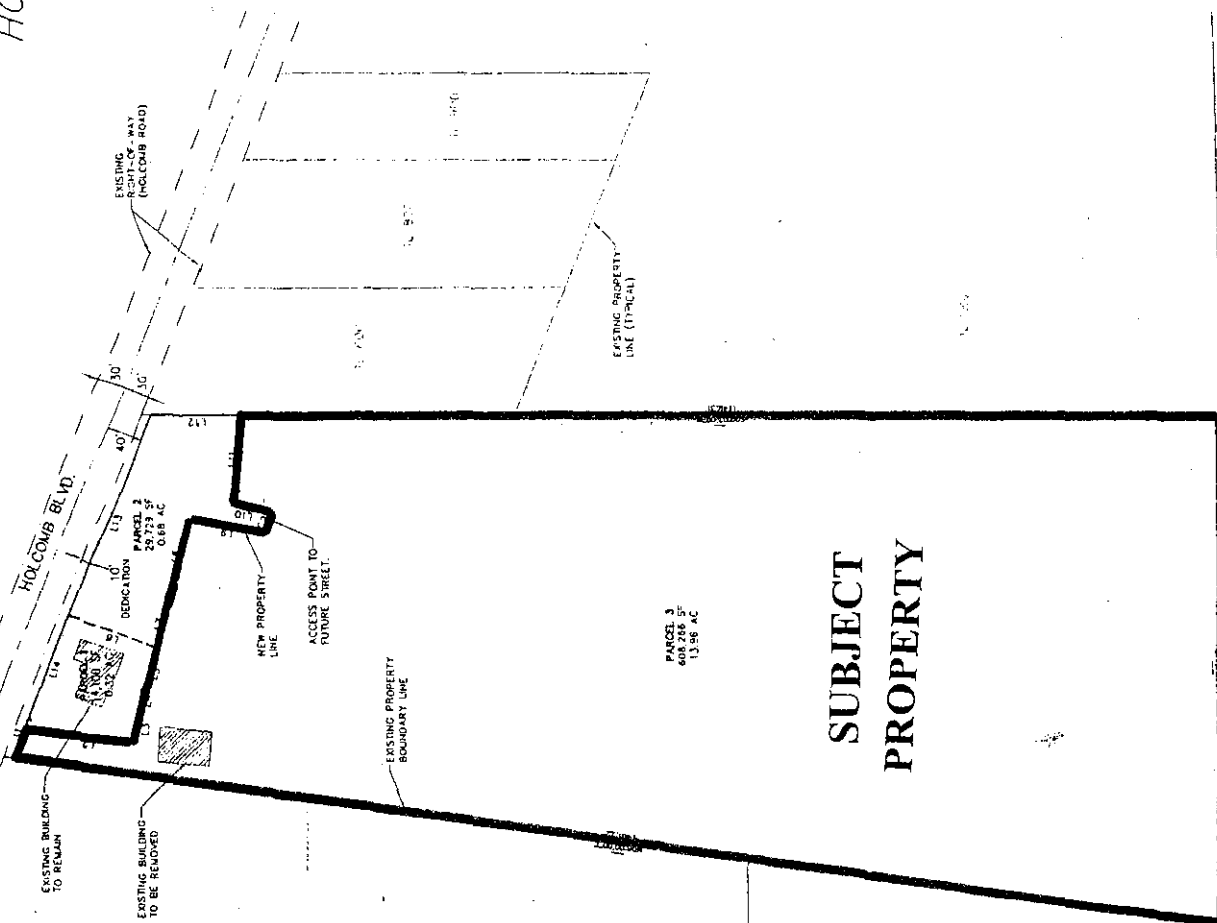
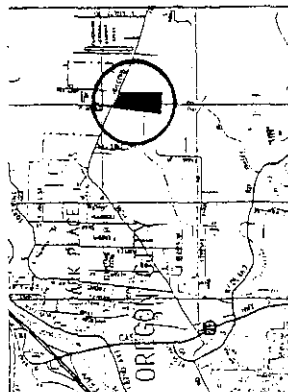
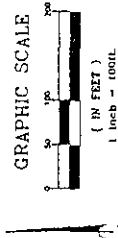
EXHIBIT 1

REVISIONS	BY

HOLCOMB ROAD PARTITION
SUNNYSIDE CONSTRUCTION & DEVEL.

376 PORTLAND AVENUE
GLADSTONE, OREGON 97027
(503) 867-0188

DATE JAN 2000
SCALE 1"=100'



NOTES:

APPLICANT:
SUNNYSIDE CONSTRUCTION & DEVELOPMENT
10121 SUNNYSIDE ROAD, SUITE 115
CLACKAMAS, OR 97015

OWNER: JULY & SUSAN STRINGHAM
1495B S. HOLCOMB ROAD
OREGON CITY OR 97045

PROPERTY DESCRIPTION
2-2E-2B(A) TL 2000 & 2100

ZONE

CURVE	LENGTH	RADIUS
C1	28.97	16.00

LINE TABLE		
LINE	LENGTH	BEARING
U1	57.45	S88°15'00"E
L2	108.89	N09°00'00"E
L3	35.15	N42°00'00"W
L4	23.35	N48°00'00"E
L5	23.35	N48°00'00"E
L6	107.45	N01°45'00"E
L7		
L8		
L9		
L10		
L11		
L12		
L13		

SUBJECT
PROPERTY

EXHIBIT 2

MARY EBEL JOHNSON, P.C.

ATTORNEY AT LAW
500 ABERNETHY ROAD, SUITE 4
OREGON CITY, OREGON 97045

TELEPHONE (503) 656-4144
FACSIMILE (503) 656-1183
E-MAIL: johnsonm@teleport.com

Mary W. Johnson*

*Admitted in Oregon & Washington

Legal Assistants

Lori L. Hattig

Lisa McGarvin

September 6, 2000

VIA FAX 657-7892

Barbara Shields, AICP
Senior Planner
CITY OF OREGON CITY
COMMUNITY DEVELOPMENT DEPARTMENT
320 Warner Milne Road
POB 351
Oregon City, OR 97045-0021

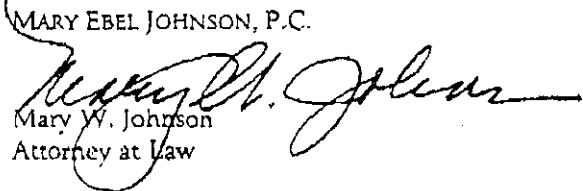
Re: Application No. ZC00-02-8
Applicant: Sunnyside Construction & Development, Inc.
Development: Trail View Estates
Property: 14958 S Holcomb Blvd.; T2S R2E Sec. 28A, 1/4L 2000
Gross Acreage: 13.96 Acres; Net Buildable Acreage: 10.5 Acres

Dear Ms. Shields:

I represent the applicant in the above-referenced application for a zone change. Thank you for your letter of July 27, 2000 which indicated that the City will no longer process a zone change application requesting consideration of alternate outcomes. Accordingly, we request that the City process our application to change the existing R-10 zoning for the property to R-8. Since our application has been pending since May 31, 2000 and the Park Place Neighborhood Association has indicated its support, we request that the hearing on this application be set later this month or early next month.

Very truly yours,

MARY EBEL JOHNSON, P.C.



Mary W. Johnson
Attorney at Law

MWJ:irm

cc: Bruce Ament, SUNNYSIDE CONSTRUCTION & DEVELOPMENT, INC. (Via Fax 786-7970)
Tom Sisul, SISUL ENGINEERING (Via Fax 657-5779)
Julie Puderbaugh, PARK PLACE NEIGHBORHOOD ASSOCIATION (Via First Class Mail)

(SUNNYSIDE:Letter-OC-8 29 00.wpd)

EXHIBIT **3a**

Application for Zone Change

Applicant	Sunnyside Construction & Development 10121 S.E. Sunnyside Road, Suite 115 Clackamas, OR 97015 (503) 786-7979
Representative	Sisul Engineering, Inc. 375 Portland Avenue Gladstone, OR 97027 (503) 657-0188 Contact: Tom Sisul
Location	South side of Holcomb Boulevard, at Winston Drive
Legal Description	Proposed Parcel 3, Minor Partition MP 00-05 (a portion of Tax Lots 2000 & 2100, T2S, R2E, Sec. 28A)
Zoning	R-10
Site Size	13.96 Acres
Proposal	Zone change to R- 6 or R-8.

Site Description

The site is located south of Holcomb Boulevard, at Winston Drive, in the southeastern part of Oregon City.

A residence, metal shed, and stone pump house presently occupy the site. The site is open and grass covered; there are some deciduous trees in the southern third of the property and a few fruit trees located east of the pump house. The highest elevation on the site is at the northeast corner (approximate elevation 460 feet), dropping gradually to a low point along the south property boundary (approximate elevation, 400 feet). Grades are generally 5% to 10%.

The Urban Growth Boundary follows the southeast and south property lines of the site. To the north is a new subdivision; to the west, an application has been filed for Tax Lot 1901; and to the east are single family residences on large lots fronting Holcomb Boulevard.

Proposal & Background

The applicant proposes a zone change to either R-6 or R-8. The applicant believes that either designation is justified, based on the applicable criteria in the City's Development Code. The R-6 zone would allow a maximum of 102 dwellings, while the R-8 zone would allow 77 dwellings. The R-10 zone allows a maximum of 61 dwellings. Applicable provisions of the Development Code and Comprehensive Plan will be discussed in the following narrative, with the merits of each zoning district discussed specifically in each section.

A Traffic Impact Study was prepared by Lancaster Engineering, Inc., for a 65 lot subdivision/PUD application submitted in 1998.

A geotechnical investigation has been prepared by Carlson Testing, Inc. and was previously submitted as part of the application for PUD (1998).

An application for subdivision and Planned Unit Development was filed in 1998 and subsequently denied by the Planning Commission in May, 1999. Conditions in the vicinity of the site have changed since then: the property to the west has been approved for an R-6/MH subdivision. A new reservoir serving the Holcomb area has sufficient capacity to serve the site and surrounding developments. An application for partition is pending to divide a one acre parcel from the site, including the house. Therefore, because conditions relating to the area and the site have changed, the applicant believes that it is now appropriate to consider how the subject site might best be utilized to support the goals and policies of the Oregon City.

Applicable Criteria and Standards

Applicable criteria and standards of the Oregon City Development Code include Title 17 Chapter 68 Zoning Changes and Amendments.

Chapter 17.68 Zoning Changes and Amendments

17.68.010 Initiation of the amendment - This section authorizes the planning commission to consider a request for zone change.

17.68.020 Criteria - This section sets for the criteria for a zone change:

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

Response: The site is in an area designated for single family residential development by Oregon City's Comprehensive Plan.

The Comprehensive Plan requires that an adequate supply of land be available for projected housing needs and that the private sector be encouraged to maintain an adequate housing supply. Urbanization policies call for extension of services along with the development of land and the best use of land within the Urban Growth Boundary.

This request for zone change supports the housing, urbanization, and public facilities goals as listed in the Comprehensive Plan, by making available for residential development a property which has public services available and which is immediately adjacent to existing, urban type development. Urban services are available and capable of supporting uses allowed in the either the R-6 or R-8 zones.

The following specific comprehensive plan policies are applicable:

Housing Element - This City's intention is to provide for a variety of housing types at a range of prices and rents, by encouraging the private sector to maintain an adequate supply of single and multiple family housing.

Comment: The area is designated for low density residential use. The R-6 zone permits 7.3 dwellings per gross acres, or 102 dwellings, while the R-8 zone permits 5.5 dwellings per gross acre, or 77 dwellings allowable on the 13.96 acre site. Both the R-6 and R-8 zones allow single family dwellings, with a 6,000 or 8,000 square foot lot minimum, respectively.

The R-6 zone allows smaller lots than the R-8 zone, and therefore could be expected to provide more affordable housing.

The R-8 zone, with 8,000 square foot lots, would be similar to the R-6/MH zone to the west (density of 6.4 units per gross acre and 6,800 square foot minimum size lots) and to R-10 developments to the north (4.4 units per gross acre), across Holcomb Boulevard.

Either designation would be consistent with the Comprehensive Plan designation of low density residential and with the Housing Element, which calls for a variety of housing types to be allowed in the City.

Growth & Urbanization Element - The City's intention is to manage scarce natural resources while building a livable urban environment and to provide for an orderly and efficient transition from rural to urban land use.

Comment: Land is a scarce resource and must be wisely allocated between uses. One way to wisely use land is to maintain densities at or near the plan designation. The R-6 zone allows 7.3 dwellings per gross acre while the R-8 zone allows 5.5 dwellings per gross acre. The greater number of lots translates to most efficient use of the land, assuming that services and compatibility issues are satisfied.

The R-6 zone would allow lots similar in size and arrangement to the R-6/MH development to the west. Although R-6 lots are somewhat smaller than others in the vicinity, the site is separated from adjacent developments by streets and rear yards. The differences between developments, if noticed, should support a pleasantly diverse and livable environment for residents of the future subdivision and for residents on surrounding properties.

The R-8 zone would allow lots larger than the neighboring subdivision, but smaller than development to the north. This designation would also provide an element of diversity between developments, which supports the Housing Goal.

Public services are available, or can be made available, to the site for either the R-6 or R-8 density. Therefore, the timing is appropriate for the land to be considered for development now.

Community Facilities Element - The City's goal is to encourage development on vacant buildable land within the city where urban facilities and services are available or can be provided and to encourage densities at maximum levels permitted.

Comment: Urban services are available or can be made available to the site. Police and fire services can be provided; school capacity can be made available.

A new water reservoir has been constructed to serve the Holcomb area and has capacity to provide for anticipated development.

Sanitary sewer is available to the site. Only the upper third of the site can be developed with gravity sewer, but the adjacent subdivision was approved with a pump system. A similar requirement is anticipated for any development of the subject site.

Proposed density is 7.3 dwellings per gross acre for the R-6 zone and 5.5 per gross acre for the R-8 zone. There is no physical constraint that limits development of the site at close to the maximum density which would allow for the optimum utilization of the public facilities that will be installed for any future subdivision and to support public investments in utility facilities.

Therefore, this discussion of plan policies demonstrates that the proposal complies with Oregon City's Comprehensive Plan.

B. That public facilities and services... are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Response: The applicant has discussed provision of water, sewer, and storm drainage with the City and, based on those discussions and analysis of the project engineer, it appears that these public facilities will be made available to the site and will be capable of supporting a single family subdivision at either R-6 or R-8 density.

A new water reservoir has been constructed to serve the Holcomb area and has capacity to provide for anticipated development.

Sanitary sewer is available to the site. Only the upper third of the site can be developed with gravity sewer, but the adjacent subdivision was approved with a pump system. A similar requirement is anticipated for any development of the subject site.

A Traffic Analysis Report was prepared by Lancaster Engineering for the PUD/subdivision proposal submitted in 1998. It found no problems with any intersections or traffic movement on streets around the development through 2017.

Therefore, this criterion is satisfied because public facilities and services are available, or can be made available, to serve the site for either the R-6 or R-8 zoning designation. In addition, development to the highest reasonable density

makes most efficient use of the public investment in providing services for the area.

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

Response: Holcomb Boulevard, the fronting street, is designated a collector roadway by Clackamas County. The posted speed limit is 40 miles per hour. The street presently lacks sidewalks and bicycle lanes for this site frontage.

A Traffic Analysis Report was prepared for the previous application. Development of the site with either R-6 or R-8 density would not cause a significant impact to Holcomb Boulevard or other critical intersections within the study area through 2017.

Therefore, this criterion is satisfied because the change to R-6 or R-8 zoning has almost no impact on the overall transportation system.

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

Response: No statewide goals apply to this proposed zoning change.

17.68.025 Zoning changes for land annexed into the city - An annexation is not involved with this application; this section does not apply.

Conclusion

This request has been shown to be consistent with the criteria for zoning changes specified in Chapter 17.68, for a change to either the R-6 or R-8 zone. Between the two designations, the applicant believes that the R-8 zone would be most suitable because it would provide a transition between the R-6/MH development to the west, R-10 development to the north and east, and rural areas beyond the Urban Growth Boundary to the south and southeast.

Therefore, the applicant respectfully requests that the City approve either the R-6 or R-8 designation for the site.

MARY EBEL JOHNSON, P.C.

ATTORNEY AT LAW

500 ABERNETHY ROAD, SUITE 4
OREGON CITY, OREGON 97045

TELEPHONE (503) 656-4144

FACSIMILE (503) 656-1183

E-MAIL: johnsonm@teleport.com

Mary W. Johnson*

*Admitted in Oregon & Washington

Legal Assistants

Lori L. Hattig

Lisa McGarvin

June 22, 2000

VIA FAX 657-7892

Tom Bouillon
Planner
CITY OF OREGON CITY
COMMUNITY DEVELOPMENT DEPARTMENT
320 Warner Milne Road
POB 351
Oregon City, OR 97045-0021

Re: Application No. ZC00-02 - Zone Change from R-10 to R-6 or R-8
Applicant: Sunnyside Construction & Development, Inc.
Development: Trail View Estates
Property: 14958 S Holcomb Blvd.; T2S R2E Sec. 28A, T/L 2000
Gross Acreage: 13.96 Acres
Net Buildable Acreage: 10.5 Acres

Dear Tom:

I represent the applicant in the above-referenced application for a zone change. I understand that you have been assigned this application for review and preparation of the staff report. Please send me a copy of all notices issued by the City in this proceeding.

Please also provide notice of the initial evidentiary hearing in this proceeding to the Portland Metro Regional Representative of the Department of Land Conservation and Development.

The following analysis is respectfully submitted to supplement the applicant's narrative on the housing density issue, particularly in connection with the satisfaction of the Statewide Planning Goals and Comprehensive Plan Policies.

This proposed zone change complies with Statewide Planning Goal 2 and the Growth and Urbanization Policy 1 of the City's Comprehensive Plan¹ because it provides for residential lands to accommodate the population increase in the City, which has been approximately 10% over the last four years.

¹The Growth and Urbanization Policy 1 of the City's Comprehensive Plan provides: "Provide land use opportunities within the City and the Urban Growth Boundary to accommodate the projected population increase to the year 2000."

Tom Bouillon

Re: Application No. ZC00-02

June 22, 2000

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This strong growth rate in the City coupled with the limited supply of residential land within the Urban Growth Boundary, necessitates the rezoning of low density residential property to provide additional housing opportunities and thereby meet the State Planning Goal 10. Increased density must be encouraged to help absorb the projected steady increase in population as established by the Comprehensive Plan.

The subject property is designated by the Comprehensive Plan as low density residential, which allows the property to be zoned R-6, R-8, or R-10. The density of housing units per net buildable acre² for the three permissible densities per OAR 660-007-0005 are:

<i>Low Density Residential Zone</i>	<i>No. of Standard Subdivision Lots</i>	<i>No. of Housing Units Per Net Buildable Acre</i>
R-6	69 lots	6.6 NUA (Net Units per Acre)
R-8	56 lots	5.3 NUA
R-10	45 lots	4.3 NUA

Enclosed please find a letter from Engineer Thomas Sisul showing the calculations of these densities along with a tentative R-6 and an R-8 design.

Rezoning to increase density while maintaining a low-density residential designation would allow for efficient use of the available residential land in the City. It would also encourage compact and sequential urban growth, which, in turn, would delay the need for future expansion of the UGB. The applicant would prefer a change to R-6 over a change to R-8. The higher density zone would better serve the public interest by improving the City's historically poor implementation of the statewide minimum residential density allocation for new construction³ known as the Metro Housing Rule. OAR 660-007-0035(2).⁴ This proposal would assist the City in reaching the required overall density of 8.0 NUA.⁵

Failure by the City to meet the density requirements of the Metro Housing Rule could result in LCDC

²OAR 660-007-0005(1) defines a "Net Buildable Acre" as "43,450 square feet of residentially buildable land, after excluding present and future rights-of-way, restricted hazard areas, public open spaces, and restricted resource protection areas."

³*I.e.*, During the three-year period 1/1/96 through 1/1/99, the City approved 18 residential zone changes, 16 of which were changed to R-8, 2 of which were changed to R-10. Only one zone changes was approved to R-6. Unless the City reverses this pattern and allows for more compact single-family subdivisions, it soon will be unable to comply with the Metro Housing Rule, which, in turn, would result in State control of local residential planning until the required density is achieved. Given the current zoning pattern throughout the City, such transposition would result in awkward rings of more and less dense housing, with the lots adjoining the future expanded UGB being the smallest of all. This would build in inefficiency in the delivery of public services by ultimately requiring the majority of public services to be delivered to the farthest outreaches of the City.

⁴OAR 660-007-0035(2) provides in relevant part: "[T]he city of . . . Oregon City . . . must provide for an overall density of eight or more dwelling units per net buildable acre."

⁵In a similar recent application for a zone change by Fox Homes & Development, Inc., File No. ZC 98-06, the City Commission recognized for the first time its mandate to increase housing density in the City, and approved the requested change to R-6 in a mixed housing neighborhood adjoining the UGB. This precedent should be applied to approve this application with a similar change to the R-6 zone.

Tom Bouillon

Re: Application No. ZC00-02

June 22, 2000

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issuing an enforcement order and/or denying acknowledgment of the City's Comprehensive Plan on periodic review. ORS 197.320. Since the City recently was or is still in periodic review, the City has prepared very recent findings regarding the cumulative effects of all previous plan and zone changes affecting residential use of land within the City. The applicant hereby requests that the City provide the undersigned with a copy of these findings, and that you discuss them in the staff report and explain how your recommendation on this application assists in achieving the regional residential density requirements for new construction.

Abutting urban lands have been or are approved to be developed with compatible lot sizes. Barlow Crest to the north is a high-income R-10 subdivision, and Wasco Acres to the west is a low- or fixed-income R-6MH manufactured home subdivision. The development of the subject property into a standard R-6 (or R-8) subdivision would complete a pleasing mix of single-family housing types within a single low-density urban neighborhood. The proposed smaller single-family conventional homes would not compete in the housing market with the larger homes in Barlow Crest or the manufactured homes in Wasco Acres. The resulting diverse range of housing types would preserve housing values in the neighborhood as well as satisfy the Housing Policy 3 of the Comprehensive Plan⁶ by maintaining an adequate supply of a variety of housing in the City. This proposal specifically would provide "needed housing" for middle income persons, which is required to be permitted by ORS 197.307.

The subject parcel is suited for the proposed zone change because the Comprehensive Plan designates it for low-density residential use, the low-density residential zones include R-6 and R-8, increased density will provide a compatible mix of housing types the urban neighborhood, and it is predisposed for the extension of all urban services. The proposed change will not adversely affect the public health, safety and welfare of the community. The use will remain low-density residential and compatible with adjacent residential uses. No detrimental effects such as noise or odors are anticipated. The actual development of any specific standard subdivision will be designed with the recommendations of soils and traffic reports and in compliance with local standards to ensure public safety and welfare. There are no natural features that would warrant retention of the R-10 zone. An adequate water system is now capable of serving the site, and the developer is expecting to contribute to the development of an appropriate sanitary sewer facility and drainage plan to accommodate the density proposed for this zone change.

Very truly yours,

MARY EBEL JOHNSON, P.C.


Mary W. Johnson
Attorney at Law

MWJ:llh

Enclosures

cc: Sunnyside Construction & Development, Inc. (Via Fax 786-7970)
Sisul Engineering (Via Fax 657-5779)

(SUNNYSIDE:Letter-OC,06-06-00.wpd)

⁶Housing Policy 3 of the City's Comprehensive Plan Provides: "The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solution, supported by the elimination of unnecessary government regulation.

August 10, 2000

Tom Sisul
Sisul Engineering
375 Portland Avenue
Gladstone, OR 97027

RE: Trail View Estates

Dear Tom:

We have completed our traffic analysis for the update to the Trail View Estates subdivision in Oregon City. As you know, the previous proposal was for a PUD of 65 lots, which was addressed in the original traffic impact study *Trail View Estates*, dated November 1998 by Lancaster Engineering. This letter serves as an addendum to that report to address the current development plan. The current proposal is for a change in zoning from R-10 to either R-8 or R-6. Although up to 102 units could be constructed on the site as a Planned Unit Development (PUD) under the proposed zoning, the site is planned to be developed with between 58 and 71 units, depending on the zoning established. The original report examined the impacts of a 65-unit subdivision, which is approximately the average between the 58 and 71 units that are likely to be developed. However, this letter examines the impact of 102 single-family homes on the site, since this is the maximum allowed under the proposed zoning.

Trip Generation and Distribution

As in the original traffic impact study, the trip generation for the proposed development was calculated using trip rates from the manual *TRIP GENERATION*, published by the Institute of Transportation Engineers (ITE). The trip rates used are from land-use code 210, *Single-Family Detached Housing*. Trip generation calculations were done for the maximum density of 102 units, as well as the possible development of a maximum of 71 units.

Since the 102 unit scenario has the highest trip generation, this was used to determine the impacts of the proposed zone change. The site trips were assigned to the study area intersections using the same distribution pattern assumed in the original report. Diagrams showing the assignment of the site trips and the total of background

Tom Sisul
August 10, 2000
Page 2 of 5

traffic volumes plus the project traffic are included in the appendix to this report. A summary of the trip generation calculations is shown below. Detailed trip generation calculations are also shown in the appendix.

TRIP GENERATION SUMMARY			
Trail View Estates Update			
	Entering Trips	Exiting Trips	Total Trips
<i>Previous Proposal</i>			
AM Peak Hour	12	37	49
PM Peak Hour	42	24	66
Weekday	311	311	622
<i>Current Proposal (max of 71 units)</i>			
AM Peak Hour	13	40	53
PM Peak Hour	46	26	72
Weekday	340	340	680
<i>Maximum Density, Proposed Zoning</i>			
AM Peak Hour	19	58	77
PM Peak Hour	66	37	103
Weekday	488	488	976

Capacity Analysis

The capacity analysis from the original report was updated using the current HCS-3 software, which implements the methodologies of the latest *Highway Capacity Manual (HCM)*. Background traffic volumes reported in the original study were re-

Tom Sisul
August 10, 2000
Page 3 of 5

examined and the site trips from 102 homes were added in for the morning and evening peak hours.

As shown in the following table, all three study area intersections will operate at acceptable levels of service during both the morning and evening peak hours. The addition of site traffic will not have a significant impact on the operation of any of the study area intersections. The levels of service and average delay per vehicle are shown in the following table. Detailed capacity analysis calculations for all intersections are shown in the appendix to this report.

LEVEL OF SERVICE SUMMARY

Trail View Estates Update

	AM Peak Hour		PM Peak Hour	
	<u>LOS</u>	<u>Delay</u>	<u>LOS</u>	<u>Delay</u>
<i>Highway 213 at Redland Road</i>				
Background Traffic	C	33	C	24
Background + Site Trips*	C/D	35	C	27
<i>Redland Road at Abernethy Road</i>				
Background Traffic	C	29	D	36
Background + Site Trips*	C	29	D	37
<i>Holcomb Blvd @ Winston Drive</i>				
Background Traffic	A/B	10	A	9
Background + Site Trips*	A/B	10	A	9

* Assuming buildout at maximum allowable density

LOS = Level of Service

Delay = Average delay per vehicle in seconds

Tom Sisul
August 10, 2000
Page 4 of 5

Potential Improvements

The local neighborhood association has expressed concerns regarding possible congestion at the intersection of the site access/Winston Drive and Holcomb Boulevard. The neighborhood association requested that the possibility of a traffic signal and/or a left-turn lane on Holcomb Boulevard be examined.

A traffic signal warrant comparison was made to determine if a traffic signal will be warranted at the intersection of the site access/Winston Drive and Holcomb Boulevard. The *Minimum Vehicular Volume Warrant*, the *Interruption of Continuous Traffic Warrant*, and the *Peak Hour Warrant* from the *MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES*, published by the Federal Highway Administration, were examined. One hundred percent of the standard warrants were used since the posted speed on Holcomb Boulevard is not in excess of 40 mph.

When evaluating the *Minimum Vehicular Volume Warrant* and the *Interruption of Continuous Traffic Warrant*, it is assumed that the evening peak hour is ten percent of the average daily traffic (ADT) and that the 8th highest hour is 5.3 percent of the ADT.

With the worst-case development of 102 units in place, none of the three signal warrants examined will be satisfied. A traffic signal will not be warranted and is not recommended. Due to liability issues, public jurisdictions typically will not allow the installation of an unwarranted traffic signal.

A left-turn lane warrant analysis was made to determine whether east and west-bound left-turn lanes will be warranted on Holcomb Boulevard at Winston Drive. The warrants used were those developed in the *HIGHWAY RESEARCH RECORD NO. 211*, published by the Transportation Research Board. The warrants for two-lane highways consider through volumes, left-turning volumes, and speeds.

Left-turn lane warrants were not satisfied in either direction for either the morning or evening peak hour for the background traffic plus site trips from 102 single family homes. Apparently some of the neighborhood association members requested that left-turn lanes be examined so that traffic turning left from the site could execute a two-stage left-turn. That is, they could first turn into the left-turn lane, then wait for a

Tom Sisul
August 10, 2000
Page 5 of 5

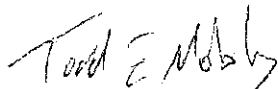
suitable gap in the far side traffic stream. While this type of movement is common in urban areas where a continuous two-way left-turn lane is used, it is not recommended that a turn lane be constructed for the sole purpose of allowing two-stage left-turns, particularly given the site's rural location.

Summary

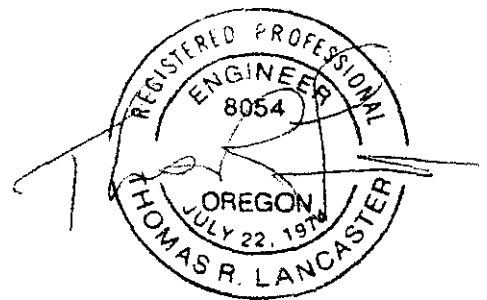
If the proposed development consists of between 58 and 71 lots, the impacts of such a development would clearly be less than that of the 102 lots addressed in this report. Even if the site were developed under this maximum density, the three study area intersections would continue to operate at acceptable levels of service during both peak hours. No off-site mitigations are recommended to accommodate the proposed change in zoning.

If you have any questions or if we can be of any further assistance on this project, please do not hesitate to call.

Yours truly,



Todd E. Mobley, EIT
Senior Transportation Analyst



D-00

Jay

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304
Phone: (503) 657-0891 Fax: (503) 657-7892

TRANSMITTAL

IN-HOUSE DISTRIBUTION

- ☐ BUILDING OFFICIAL
- ☐ ENGINEERING MANAGER
- ☐ FIRE CHIEF
- ☐ PUBLIC WORKS- OPERATIONS
- ☐ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☐ PARKS MANAGER

TRAFFIC ENGINEER

- ☐ JOHN REPLINGER @ DEA

MAIL-OUT DISTRIBUTION

- ☐ CICC
- ☐ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☐ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - Joe Merek
- ☐ CLACKAMAS COUNTY - Bill Spears
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO - Brenda Bernards
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD

RETURN COMMENTS TO:

COMMENTS DUE BY: **October 24, 2000**

PLANNING PERMIT TECHNICIAN
Planning Department

HEARING DATE: November 13, 2000
HEARING BODY: Staff Review: _____ PC: X CC: _____

1. REFERENCE TO FILE # & TYPE: **ZC 00-02; Zone Change**
PLANNER: Paul Espe
APPLICANT: Sunnyside Construction & Development, Inc.
REQUEST: Requesting a zone change from R-10 to R-8.
LOCATION: 14958 S. Holcomb Blvd; Map # 2-2E-28A, Tax Lot 2000

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

_____ The proposal does not conflict with our interests. _____ The proposal conflicts with our interests for the reasons stated below.

X _____ The proposal would not conflict our interests if the changes noted below are included. _____ The following items are missing and are needed for completeness and review:

All utilities are available to site. Utilities are adequate for R-10 or R-8 zoning

Signed _____
Title _____

Paul Espe
Senior Engineer

11/1/00

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

EXHIBIT 4a



DAVID EVANS AND ASSOCIATES, INC.

October 24, 2000

2828 SW Corbett Avenue

Portland, Oregon 97201

Tel: 503.223.6663

Fax: 503.223.2701

Mr. Paul Espe
City of Oregon City
PO Box 351
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY
 TRAIL VIEW ESTATES – ZC 00-02
 SUNNYSIDE CONSTRUCTION & DEVELOPMENT**

Dear Mr. Espe:

In response to your request, David Evans and Associates, Inc. has reviewed the Traffic Impact Analysis (TIA) prepared by Tom R. Lancaster, PE (Lancaster Engineering) for Trail View Estates located adjacent to Holcomb Boulevard near the intersection with Winston Drive. The zone change proposed by the applicant would allow a maximum of 102 single family units to be constructed on the site. The previous TIA (dated November 1998) has been supplemented by additional analysis accounting for the maximum allowable development under the proposed zoning.

The applicant has adequately addressed traffic conditions for the proposed development. The applicant analyzed the existing conditions and accounted for in-process traffic from approved developments and the site-generated traffic. I find the report uses reasonable assumptions for distribution of traffic and for trip generation. I agree with the applicant's conclusions that the proposed development will not have a significant short-term impact on the intersections specified in the report.

The applicant did not address the impact on any other modes of transportation. Holcomb Boulevard is classified as a minor arterial but is currently only two lanes wide with no provisions for pedestrians, cyclists, or public transit. According to Tri-Met's 1999 *Your Guide & Map*, "Route 34 operates on Holcomb Boulevard five times daily past the project site.

Lancaster's letter, dated August 10, 2000, updates the analysis of the traffic signal warrants and turn lane warrants based on a maximum 102 unit development. Like the original report, Lancaster's letter indicates that the installation of a left turn storage lane on Holcomb Boulevard is not needed and a traffic signal will not be warranted under existing; background; background + site trips; or year 2017 conditions. Nevertheless, Holcomb Boulevard adjacent to the project development site should be configured such that it will accommodate all features indicated by the road's planned functional classification and the City's roadway design standards. This includes provisions for bike lanes and sidewalks.

No site plan was provided with this zone change application. As a result, a subsequent review of materials to be submitted by the applicant will need to address issues relating to specific development of these parcels. Among other things, the applicant will need to address Holcomb Road's right-of-way and improvement standards. In previous reviews, we also raised the issue of connectivity with future subdivisions on adjacent properties. The



DAVID EVANS AND ASSOCIATES, INC.

Mr. Paul Espe
October 24, 2000
Page 2 of 2

applicant should address provisions for pedestrian or roadway connections to existing subdivisions or vacant parcels.

Like the original report, Lancaster's supplemental letter addresses the level of service at three key intersections. The short-term impact is not significantly changed by the increase in the dwelling units. The long-term impact of the zone change is not specifically addressed. That was, however, addressed adequately in the original report. The report raised the issue of long-term deterioration in the level of service at two intersections.

The report indicates that by year 2017, the level of service at the intersection of Holcomb Boulevard/Abernathy Road and Redland Road will fall to an unacceptable LOS F. Likewise, the level of service at the intersection of Redland Road and Highway 213 is predicted to fall to an unacceptable LOS F.

The proposed Trail View Estates development is predicted to contribute relatively little traffic to these two intersections. It is not too early to begin developing plans for alternatives that will alleviate the predicted congestion problems at these locations and others in the northeast portion of the City. It may still be desirable for the city to require Trail View Estates to participate in the cost of improvements to these intersections in proportion to the amount of traffic generated by all developments that would benefit.

In conclusion, I find that the applicant's traffic impact analysis meets the City's requirements. The proposed development will not have a significant short-term impact on the existing transportation system. Trail View Estates will contribute traffic that will eventually cause the need for improvements at the intersection of Holcomb Boulevard/Abernathy Road and Redland Road and the intersection of Redland Road and Highway 213.

If you have any questions or need any further information concerning this review, please call me at 503-499-0255.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

A handwritten signature in dark ink, appearing to read 'John Replinger', is written over a horizontal line.

John Replinger, PE
Senior Transportation Engineer

JGRE:
o:\project\lorct0009\correspo\ZC00-02.doc

October 14, 2000

To: Oregon City Planning Commission

Subject: File # ZC00-02

Location: 14958 S. Holcomb Blvd; Map #2-2E-28A, Tax Lot 2000 & 2100

Contact Person: Paul Espe, Associate Planner: (503) 657-0891

Neighborhood: Park Place Neighborhood Association

Dear Oregon City Planning Commission,

I am asking you to please deny this application for a zoning change on this property. I live one lot away on tax Lot #00800, 2-2E 27B and I am extremely against this zone change. My two main concerns are Holcomb School and the traffic on Holcomb Blvd. I volunteer at the school and I would like to let you know that the class sizes have grown to 27 to 30 students. The school does not have the room for more growth. A development of this size would really overload Holcomb School. My children have been taken off of their bus because it was too full to give them a ride home. Please consider the school when making your decision for this zone change.

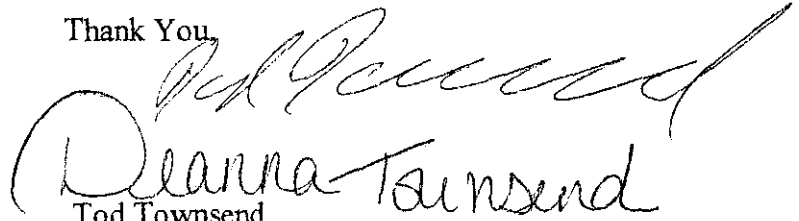
My other concern is the traffic on Holcomb Blvd. I don't feel the road can handle much more traffic. It is quite difficult to leave our driveway already with people trying to leave Barlow Crest turning right and we're turning left onto Holcomb Blvd. When you reach the intersection of Holcomb and Redland Road, it is a good three light wait to get onto Highway 213. These roads are not set up to handle more growth.

Another thing that concerns me is the Urban Growth Boundary borders two sides of this property, 11 acres on one side are registered under Timber planting. I don't think a development of this size would be very appealing right on the edge of the Urban Growth boundary. I really think that 2 to 5 acre parcels up against the UGB would be the best idea. Also, Abernathy Creek needs to be considered because of the run off of all these houses. The property slopes right down to the creek, and the creek runs into the Willamette River.

I am also worried about the water and sewer for that many homes. We don't have very much water pressure since the new line was run up the street. What would happen if a development was put in?

Please deny this application, I feel it would be in the best interest of the community.

Thank You,


Deanna Townsend

Tod Townsend

Deanna Townsend

15050 S. Holcomb Blvd.

Oregon City, Or 97045

9

EXHIBIT

5

00 OCT 1. AM 10:27
RECEIVED
CITY OF OREGON CITY

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
November 13, 2000**

COMMISSIONERS PRESENT

Chairperson Hewitt
Commissioner Carter
Commissioner Orzen
Commissioner Surratt
Commissioner Vergun

STAFF PRESENT

Barbara Shields, Senior Planner
William Kabeiseman, City Attorney
Carrie Foley, Recording Secretary

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

William Kabeiseman stated that Oregon Measure 7 had been approved by voters. The measure requires municipal government to compensate property owners when local government passes or enforces regulations that affect property values. He stated that the legal implications of this measure are not clear at this time but would probably increase liability in adopting new regulations on property use. He stated that he would have more information about the measure at the next Planning Commission meeting.

3. APPROVAL OF MINUTES: October 23, 2000

Commissioner Orzen moved to accept the minutes of the October 23, 2000 Planning Commission meeting with no changes, **Commissioner Carter** seconded.

Ayes: Carter, Orzen, Surratt, Vergun, Hewitt; Nays: None.

4. PUBLIC HEARINGS

Chairperson Hewitt reviewed the public hearing process and stated the time limitations for the speakers in the public hearing. **Chairperson Hewitt** asked if any Commissioner had visited the sites or had a conflict of interest. **Commissioner Carter** stated that the first applicant, Ms. Johnson, was a customer of her business but she has had no conversation with her about the application. She stated that there would be no impedance to fair judgement on her part and that she has visited the site. **Chairperson Hewitt** stated that he had previously served with Ms. Johnson on the Planning Commission but has had no conversation with her about the application.

OPEN OF PUBLIC HEARING (Legislative and Quasi-Judicial)

ZC 00-02; Sunnyside Construction & Development, Inc./ 14958 S. Holcomb Blvd./ Clackamas County Map #2-2E-28A, Tax Lot 2000; Zone Change from current R-10 to R-8.

STAFF REPORT

Barbara Shields reviewed a letter from the applicant requesting a continuance. **Chairperson Hewitt** asked if there were any objections from the staff. **Barbara Shields** responded in the negative and said the continuance would be for 57 day, to the first public meeting in January 2001.

TESTIMONY IN FAVOR

Mary Ebel Johnson, 500 Abernethy Road, Oregon City, OR 97045

Mary Ebel Johnson stated that she would like to explain her request for continuance. She stated that the staff report was available only 5 days in advance of the public hearing, the statute requires that the staff report be available 7 days in advance. She stated that she would like to avoid the hassle of scheduling around the holiday season and requested a continuance to January. **Chairperson Hewitt** asked if January 22, 2001 would be acceptable. **Mary Johnson** responded in the affirmative.

William Kabeiseman asked the applicant if she would be willing to extend the 120-day deadline. **Mary Johnson** stated that she agreed to do so, but only to as many days as it would take to continue the public hearing to after the holidays. **Chairperson Hewitt** asked the applicant to review the newly adopted Planning Commission policy statement on zone change requirements. He stated that the information requested in the policy statement would be helpful when the application comes to public hearing.

Mary Johnson asked how the policy applies to an application that was originally filed in May 1999. **Chairperson Hewitt** responded that the policy statement was a long-standing Planning Commission consensus on what information is needed to fairly decide if zone changes are appropriate. The policy statement gives the planning staff direction to prepare the zone change applicants in presenting applications. **William Kabeiseman** stated that there is no code change and no comprehensive plan change in relation to this policy statement. It is a request that applicants address certain issues when making an application presentation.

Mary Johnson stated that the policy statement was a substantive change in requirements and goes against the "no moving the goal-post rule." She stated that it is a legislative change done without following the legislative process. **William Kabeiseman** stated that policy complies with the "no moving the goal-post rule," as it has not changed the criteria, only the way an applicant is asked to approach the criteria. **Mary Johnson** stated that she was met with staff hostility and stated that Maggie Collins had told her that she would personally see to it that the application in question was denied. **Chairperson Hewitt** responded that belittling staff was unacceptable and Ms. Johnson has gotten off to a very bad start with the Planning Commission. He stated that Ms. Johnson should avoid making additional derogatory statements.

Mary Johnson stated that she has followed staff rules and worked with the planner assigned to her application. She stated that there is a communication problem and that the staff is not passing along this information. She stated that "it smacks of illegal legislative action." **Chairperson Hewitt** responded that the policy statement does just what Ms. Johnson is suggesting, it provides clear and concise direction to the planning staff to better prepare the applicants for the zone change application presentation. This policy was formally adopted at the last Planning Commission meeting. **Mary Johnson** stated that the information should have been presented at the pre-application meeting. **Chairperson Hewitt** responded that it would be included in the pre-application meetings from now on. He stated that the Planning Commission has adequately represented the policy statement and that she could continue this discussion by contacting the City Attorney's office through Maggie Collins. He stated that the hearing is continued to January 22, 2001. He stated that the applicant has requested a meeting with the Planning staff and an updated staff report will be sent to reflect any modifications in the application.

Barbara Shields stated that she would need additional information from the applicant 3 weeks ahead of the public meeting, making the deadline for additional information on January 2, 2001. **Chairperson Hewitt** asked if the applicant would like to push back the meeting to February. **Mary Johnson** agreed to the public hearing scheduled for February 12, 2001 with additional information due to the planning staff on January 19, 2001. She agreed to extend the 120-day process deadline by the amount of days between this date and February 12, 2001.

Deanna Townsend, 15050 S. Holcomb Blvd., Oregon City, OR 97045

Deanna Townsend asked if the people who would like to testify for the public hearing need to resubmit their information to be informed about the new public meeting.

Chairperson Hewitt responded that the information would be kept on file and there would be no need to resubmit information.

Doug Tischler, 16135 Trail Drive, Oregon City, OR 97045

Doug Tischler asked if the information at the meeting between the applicant and staff would be provided to the public. **Chairperson Hewitt** replied that new information would be included in the staff report that will be issued 7 days prior to the public hearing on February 12, 2000. He stated that the applicant was willing to meet in the lobby with interested parties while tonight's public meeting continued. He thanked everyone for attending.

OPEN OF PUBLIC HEARING

AN 00-05; Kelly Bruun/ Clackamas County Map #3-2E-8A, Tax Lot 3200, 3300 & 3400; Annexation of 1.86 acres from Clackamas County into the City of Oregon City.

STAFF REPORT

Ken Martin reviewed the staff report and stated that the recommendation for inclusion of the Mollala right-of-way was the only modification to the report. He stated that staff recommended approval of the application.

TESTIMONY IN FAVOR

Ronald Saunders stated that he is the property owner and that the subject parcel is 1.8 acres of industrial property that has the potential for better use. He stated that he was approached to use the property for an auto body shop but felt that it was an inappropriate use for a property located near the community college. He stated that he was approached to use the location for a sports medicine clinic and felt that it was a good use for the property and would contribute to Oregon City.

TESTIMONY IN OPPOSITION

None.

CLOSE OF PUBLIC HEARING

DELIBERATION BY COMMISSIONERS

Commissioner Vergun stated that he sees no reason why the application should not be recommended for approval so it can go to the voters. All Commissioners agreed.

Commissioner Carter moved to approve recommendation of the applicant's annexation request that includes a portion of the Mollala right-of-way and specifies removal from Clackamas County Police and Fire districts. **Commissioner Orzen** seconded.

Ayes: Carter, Orzen, Surratt, Vergun, Hewitt; Nays: None.

OPEN OF PUBLIC HEARING

L 00-03 (Continuation); city of Oregon City – Amendment to the Oregon city Municipal Code Chapter 17.62 Site Plan and Design Review.

STAFF REPORT

Barbara Shields stated that Nancy Krushauer and Sharon Zimmerman were not able to attend the Planning Commission meeting. **Chairperson Hewitt** asked if she had any additional information on the Mollala right-of-way setback issue. **Barbara Shields** responded in the negative. She reviewed the modifications made to the amendments in the last meeting and included in the commission packet.

Commissioner Orzen asked about external building materials in relation to exterior colors as mentioned on page 5. **William Kabeiseman** stated that certain external building materials could be prohibited, wording should state "the following external building materials are prohibited: list of materials." **Commissioner Carter** asked about the type of prohibited concrete blocks. **Chairperson Hewitt** responded that only smooth-faced concrete block construction covered by mortar would be prohibited, as it does not enhance the look and feel of Oregon City.

Chairperson Hewitt asked if there was consensus to approve changes to the amendments. All Commissioners responded in the affirmative. **William Kabeiseman** stated that Oregon Measure 7 might have an affect on the new design ordinances. He stated that the Planning Commission might want to recommend that the City Commission review the issue.

Commissioner Vergun moved to approve the amendments to the Site Plan and Design Review ordinance with revisions as mentioned, and included a recommendation to the City Commission to review the impact of Measure 7 on the new amendments.

Commissioner Surratt seconded.

Ayes: Carter, Orzen, Surratt, Vergun, Hewitt; Nays: None.

CLOSE OF PUBLIC HEARING

5. OLD BUSINESS

A. Miscellaneous

Commissioner Carter stated that she is still interested in having the Parks Department give a presentation on the new park development near the urban growth boundary. She stated that a work session dealing with new park development and the setback issue would be beneficial. **Chairperson Hewitt** stated a work session cover those topics and attended by Nancy Krushauer should be scheduled for the January 10, 2001 work session. He stated that a current UGB map and the accepted Comp Plan map with zone designations would be needed for that work session. An updated Comp Plan map would also be needed in the near future. **Barbara Shields** responded that she would be able to have the current UGB and Comp Plan maps for the January 10th work session.

6. NEW BUSINESS

A. Staff Communication to the Commission

None.


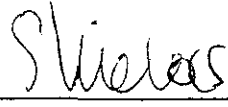
B. Comments by the Commissioners

Commissioner Vergun asked for the status of the annexations that were on the ballot. **Barbara Shields** responded that the voters approved all of the annexations that were on the ballot. **Chairperson Hewitt** stated that it is interesting that the anti-growth sentiment seems to be missing in Oregon City.

7. ADJOURN

All Commissioners agreed to adjourn.

**Gary Hewitt, Planning Commission
Chairperson**

Barbara Shields, Senior Planner

SISUL ENGINEERING

A Division of Sisul Enterprises, Inc.

375 PORTLAND AVENUE, GLADSTONE, OREGON 97

(503) 657-0188

FAX (503) 657-5779

January 12, 2001

City of Oregon City
PO Box 3040
Oregon City, OR 97045-0304

ATTN: Barbara Shields

RE: Zone change request for Sunnyside Construction & Development; J.O. 93-60A
City file #ZC00-02

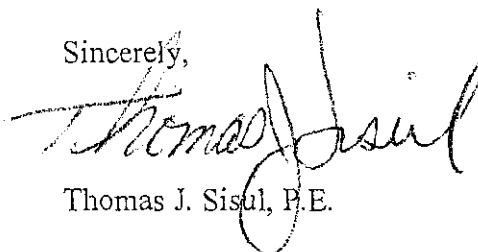
Dear Ms. Shields:

I have been requested by Bruce Ament, President of Sunnyside Construction & Development to request an approximate 90-day continuance for the hearing on the zone change request for this application. Currently a hearing has been scheduled for February 12, 2001, in front of the Oregon City Planning Commission in regards to this application request. We would now like it tentatively scheduled for the May 14th Planning Commission date or the nearest regularly scheduled Planning Commission date available to that date.

Sunnyside Construction & Development is willing to grant the additional amount of days to the 120 day deadline between the scheduled February 12th hearing and the new scheduled date.

Should you have any questions, please give me a call.

Sincerely,



Thomas J. Sisul, P.E.

TJS/lae

pc: Bruce Ament, Sunnyside Construction & Development
Mary Johnson, Attorney at Law

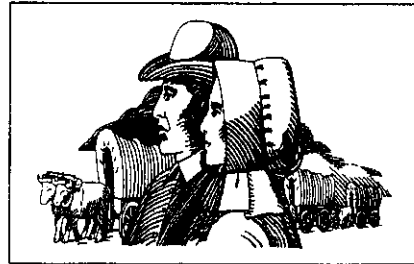
ATTACHMENT 4

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL 503-657-0891

OREGON CITY, OREGON 97045
FAX 503- 657-7892



Staff Report

February 1, 2001

FILE NO: L00-05 Molalla Avenue Boulevard and Bikeway Improvements Plan

FILE TYPE: Legislative

HEARING DATE: February 12, 2001

LOCATION: City Hall
320 Warner Milne Road
Oregon City, OR 97045
7:00 p.m.

APPLICANT: City of Oregon City
PO Box 3040
Oregon City, OR 97045

REQUEST: Adoption of Chapters 3,4 and 5 of the Molalla Avenue Boulevard and Bikeway Improvements Plan (MAIP) as an Ancillary Document to the Oregon City Comprehensive Plan.

LOCATION: Molalla Avenue between Division Street and State Highway 213 (Exhibit 1).

REVIEWER: Colin Cooper, AICP
Senior Planner

APPLICABLE CRITERIA:

- I. Section 17.50.060 of the Oregon City Municipal Code (Application requirements);
- II. Section 17.50.170 of the Oregon City Municipal Code (Legislative hearing process);
- III. Oregon City Comprehensive Plan
Citizen Involvement Goal
Transportation Goal
- IV Oregon Transportation Planning Rule (OAR 660-12)
- V Metro's Urban Growth Functional Plan, Title 6-Regional Transportation Plan (RTP)

BACKGROUND

Summary of Major Objectives:

The City of Oregon City initiated the Molalla Avenue Boulevard and Bikeway Improvements Plan in August of 2000. This report will commonly refer to the report as the MAIP. The purpose of the study is to respond to the growing volumes of traffic on Molalla Avenue combined with a corresponding need to improve safety for all modes of travel. The Study has several objectives:

1. Implement Metro Regional Street Design Standards;
2. Maximize and/or improve roadway vehicular capacity, traffic operations, and safety;
3. Enhance and encourage options for multi-modal travel along the corridor;
4. Develop a pedestrian system improvement plan for the corridor;
5. Enhance the capacity, safety, and aesthetics of the bicycle facilities;
6. Develop and implement streetscape improvements plan;
7. Develop strategic access efficiency;
8. Develop a strategic plan to upgrade the existing pavement structure;
9. Develop an improvement plan for storm drainage system;
10. Develop a strategic plan for upgrading existing underground utilities and relocating overhead utilities underground; and
11. Plan traffic signal improvements.

To achieve these objectives Chapters 3, 4, and 5 of the MAIP are proposed to be adopted as an Ancillary Document to the Oregon City Comprehensive Plan.

Compliance with the State and Metro Regulatory Requirements:

The MAIP is in compliance with the Transportation Planning Rule (TPR) because it is proposing a multi-modal transportation system that accommodates the expected 20-year

growth in population and employment that will result from implementation of the City's land use plan.

The Transportation Planning Rule requires that newly adopted Transportation Plans support the following:

- A road plan for a network of arterial and collector streets;
- A public transit plan;
- A bicycle and pedestrian plan;
- Consistency with Metro's RTP and the City's adopted TSP.

In addition to addressing the policies and requirements of the Transportation Planning Rule, the Molalla Avenue Boulevard and Bikeway Improvements Plan needs to comply with Metro's Regional Transportation Plan (RTP) that implements Title 6 of Metro's Urban Growth Functional Plan.

Overview of the Molalla Avenue Boulevard and Bikeway Improvements Plan (Exhibit 2)

The entire document consists of six chapters. Chapters 3, 4, and 5, are proposed to be adopted as an Ancillary Document to the Oregon City Comprehensive Plan.

Chapter One

This chapter provides a concise background and purpose for the MAIP. The Chapter describes that based on recent growth there is an increasing need to improve the efficiency and safety for Molalla Avenue.

Chapter Two

Chapter Two defines the existing conditions of the corridor. Existing conditions that are defined include the surrounding land uses; transportation facilities; traffic system conditions; access; streetscape evaluation; existing pavement condition; and drainage characteristics.

Chapter Three

This chapter provides an outline of the projected future conditions of the Molalla Avenue corridor within the 20-year planning horizon assuming a "No Build" transportation system condition.

Chapter Four

This chapter presents the conceptual corridor design alternatives. Alternatives were developed and evaluated in order to address the transportation needs identified in Chapters 2 and 3 of the MAIP.

Chapter Five

Chapter Five provides a summary of the specific system-wide improvements that evolved from examining design alternatives and that are recommended to address the community's existing and future needs.

Chapter Six

This chapter presents the Implementation Plan for the MAIP. The full phased build-out project is estimated to cost over 8 million dollars (in year 2001 dollars). This chapter provides a detailed cost estimate and possible timing of project components.

BASIC FACTS

1. Chapters 3, 4, and 5 of the Oregon City Molalla Avenue Boulevard and Bikeway Improvements Plan (Exhibit 2) are proposed to be adopted as an Ancillary Document of the Oregon City Comprehensive Plan Transportation Element.
2. A summary of the Oregon City Molalla Avenue Boulevard and Bikeway Improvements Plan Content is contained in Exhibit 2.
3. Legislative Public Notice was published in the Oregonian on January 24, 2001. Public Notice was mailed and Transmittals regarding the MAIP were sent to various City Departments, affected agencies, the Community Involvement Committee Chair, all neighborhood associations in Oregon City, Metro, ODOT, DLCD, Tri-Met, and Clackamas County. No comments in opposition to the plan have been received.

APPLICABLE CRITERIA

This proposed adoption of the MAIP is reviewed below for compliance with the pertinent Comprehensive Plan Goals and Policies and Municipal Code sections.

Chapter 17.50 Administration and Procedure

17.50.060 Application requirements

Staff's finding: A permit application was filed on a form provided by the City, along with documentation sufficient to demonstrate compliance with all applicable criteria. Therefore, this proposed text amendment complies with OCMC Chapter 17.50.060.

17.50.170 Legislative hearing process

Staff's finding: This proposed text amendment is scheduled and has been noticed as a public hearing item before the Planning Commission on February 12, 2001. The Department of Land Conservation and Development (DLCD) was notified as required by ORS 197.610-197.625. The Planning Manager's report will be made available at least seven days prior to the hearing. All remaining requirements of the legislative hearing process will be followed. Therefore, this proposed text amendment complies or can comply with OCMC Chapter 17.50.170.

Comprehensive Plan Citizen Involvement Goal. The public hearing for the proposed text amendment was advertised and notice was provided as prescribed by law to be heard by the Planning Commission on February 12, 2001, and by the City Commission on March 7, 2001. The public hearings will provide an opportunity for comment and testimony from interested parties.

Several public outreach and public involvement efforts were initiated to ensure that all residents of Oregon City were informed of the MAIP study process and were given an opportunity to provide their input and feedback throughout the plan's formulation. This public outreach process consisted of two public open houses (September 11, 2000 and December 13, 2000), two presentations to the City Transportation Advisory Committee, and a meeting with the Mt. Pleasant Neighborhood Association. In addition, City staff has held to public work sessions with the Planning Commission. Through these efforts, the local transportation planning process evolved such that a general consensus was achieved and maintained among all parties in attendance.

Staff's finding: The proposed text amendment complies with the Citizen Involvement Goal of the Comprehensive Plan.

Statewide Goal 12/Transportation Planning Rule

In April 1991, the Land Conservation and Development Commission (LCDC), with the concurrence of the Oregon Department of Transportation, adopted the Transportation Planning Rule (TPR), OAR (Oregon Administrative Rule) 660 Division 12. The TPR requires all local jurisdictions with a population greater than 2,500 to prepare and adopt a Transportation System Plan. The MAIP is a corridor specific plan that refines the design and implementation strategy for the anticipated adoption of the Transportation System Plan, which has been found to be consistent with the State Transportation Planning Rule.

Staff's finding: Therefore, staff finds that the Molalla Avenue Boulevard and Bikeway Improvements Plan is in compliance with the provisions of the Statewide Transportation Planning Rule.

In addition to addressing the policies and requirements of the Transportation Planning Rule, the MAIP needs to comply with Metro's Regional Transportation Plan (RTP) which implements Title 6 of the Urban Growth Functional Plan.

Regional Transportation Plan (Implementation of Title 6 of the Metro's Urban Growth Management Functional Plan)

The Regional Transportation Plan (RTP) requires that each local jurisdiction adopt a Transportation System Plan that implements the 2040 Growth Concept. The 2040 Growth Concept requires that the Regional Transportation Plan be tailored to best complement the specific transportation needs of each element of the Regional Growth

Concept. The RTP also requires that any sub-area or local plan amendments be in compliance.

In general, the MAIP needs to comply with the following major elements of the RTP:

1. Transportation demand strategies that further refine or implement a regional strategy.

The MAIP design standards have been based on the RTP's multi-modal boulevard standards.

2. Transportation system management strategies.

The MAIP includes a comprehensive access management strategy.

3. Sub-area or local transit, bicycle and pedestrian system improvements to improve mode split.

The MAIP includes specific transit, bicycle, and pedestrian system design improvements directly intended to increase mode split.

4. Action will support the overall mode-split target for local TSP.

The MAIP has been developed in conjunction with the City of Oregon City Transportation System Plan. As described above the MAIP is a detailed corridor specific refinement of the functional classification given to Molalla Avenue by the City of Oregon City Transportation Master Plan and TSP.

5. Improvements to parallel arterials, collectors, or local streets.

The Molalla Avenue Corridor Plan, Chapter 5, of the MAIP includes specific improvements to intersections with collectors and local streets that intersect Molalla Avenue.

6. Traffic Calming techniques are employed to maintain the functional classification.

- 7.

The MAIP includes design standards that will reduce the overall curb to curb improvements and provide medians and other traffic calming techniques.

Staff's finding: Therefore, staff finds that on the based on the above analysis, the Molalla Avenue Boulevard and Bikeway Improvements Plan complies with the Metro's Regional Transportation Plan, and further complies with Metro's Urban Growth Management Functional Plan.

CONCLUSION

The Molalla Avenue Boulevard and Bikeway Improvements Plan will redefine Molalla Avenue's historic function as a State highway. Based on the analysis contained in this staff report the proposed MAIP complies with the required State, Regional, and Local regulations.

STAFF RECOMMENDATION

Staff recommends the approval of the Chapters 3, 4, and 5 of the Molalla Boulevard and Bikeway Improvements Plan as an Ancillary Document to the Oregon City Comprehensive Plan included as Exhibit 2, to the City Commission for its consideration at its March 7, 2001 hearing.

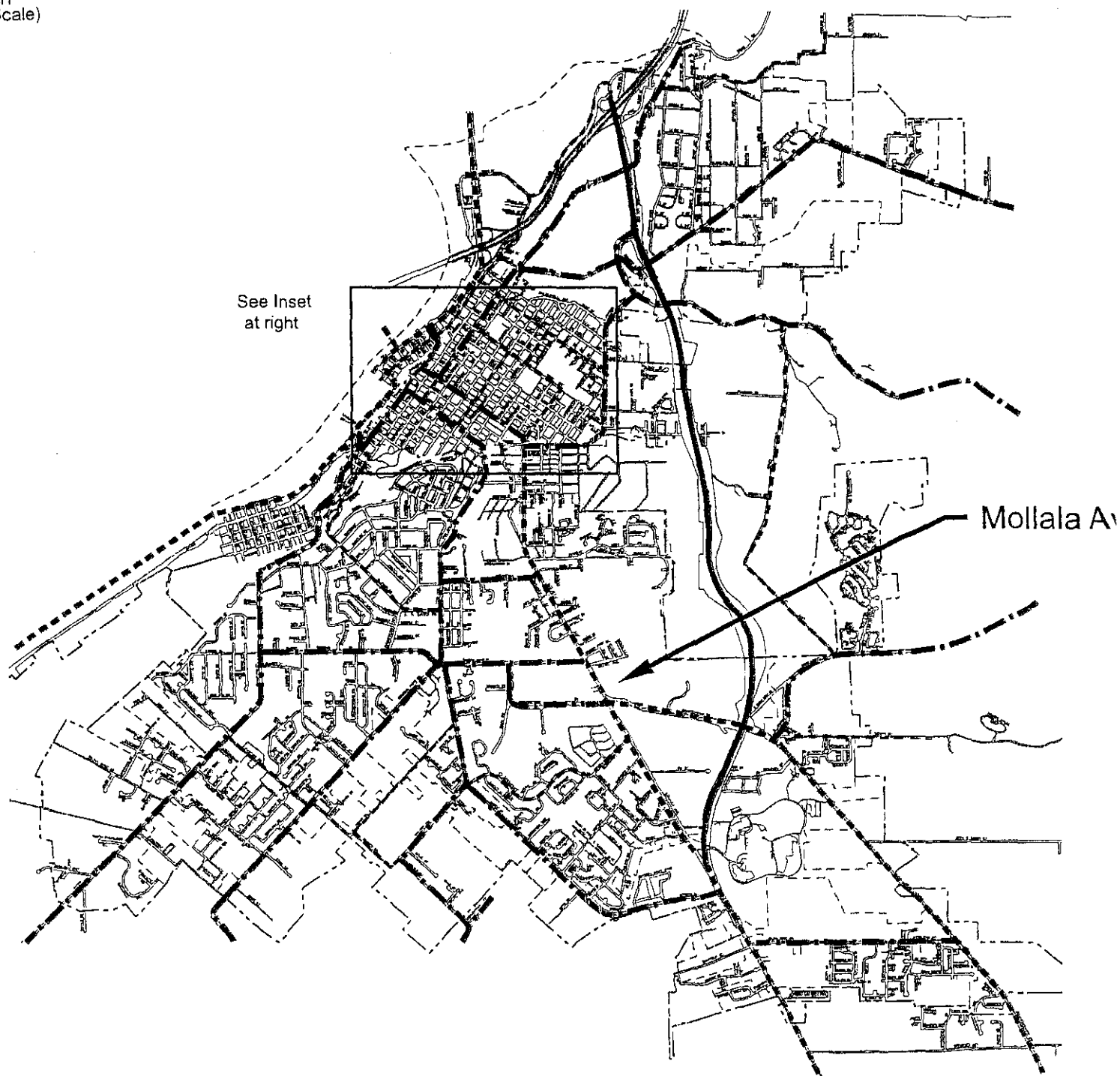
EXHIBITS

1. Vicinity Map
2. Molalla Avenue Boulevard and Bikeway Improvements Plan*

*Available for review at City Hall, Planning Division



North
(Not to Scale)



WALLIS
ENGINEERING

in association with



Kittelson
& Associates



Molalla Avenue Boulevard and
Bikeway Improvements Plan
Oregon City, Oregon

Exhibit 1

CITY OF OREGON CITY

Incorporated 1844

PUBLIC WORKS



OPERATIONS DIVISION
122 S. Center Street
Oregon City, OR 97045
(503) 657-8241
Fax (503) 650-9590

PUBLIC PROJECTS DIVISION
City Engineer/Public Works Director
P.O. Box 3040
320 Warner Milne Road
Oregon City, OR 97045
(503) 657-0891
Fax (503) 657-7892

MEMORANDUM

To: Planning Commission
From: Nancy J.T. Kraushaar, P.E., City Engineer
Date: February 5, 2001
Subject: Revisions to the Oregon City Transportation System Plan, DRAFT, November 23, 2000 - L 00-06
For the February 12, 2001 Public Hearing Record

Introduction

Staff has prepared minor revisions to the Transportation System Plan (TSP) in response to the January 22, 2001 Planning Commission public hearing and comments received from Metro and the Oregon Transportation and Growth Management Program, a joint program of the Department of Transportation (ODOT) and the Department of Land Conservation and Development (DLCD).

Responses to DLCD and Metro Comments

Many of the revisions were made to clarify compliance or consistency with the Oregon Transportation Planning Rule (TPR) or the Metro 2000 Regional Transportation Plan (RTP). The following items address the DLCD (see attached) or Metro comments:

1. In response to DLCD regarding Adoption (TPR 660-12-0015(4) and Complying with the Goals (TPR 660-012-0025(1) and TPR 660-012-0025(2):
 - a) To clarify that the consultant is not speaking in the document, but the City is stating its plan policy, replacement language has been inserted. Consultant's recommendation language in Section 5 of the TSP ("the City *should*...") has been replaced with City's position language ("the City *will or must*...").

Example 1: "Alignment and operational characteristics should be - "*should be*" has been changed to "*will be*" - considered and thoroughly reviewed when considering a new road or an upgrade of an existing street within the system."

Example 2: "Planned facilities should - "*should*" has been changed to *must*" - provide sufficient access to adjacent land uses and ensure neighborhood livability."

 - b) The land use decision associated with the TSP is the comprehensive plan amendment that will result from the ordinance and final order that the City Commission will

adopt at the completion of their public hearings in March 2001. That land use decision will amend the comprehensive plan to include Section 5 of the TSP. This section represents the preferred alternative for Oregon City's transportation system. In addition to the comprehensive plan amendment, the City Commission will formally adopt the other sections of the TSP (Sections 1-4, 6, and 7) by resolution. These sections include the background information and alternatives analysis, Capital Improvement Plan, and funding plan. These sections provide the basis for which the preferred alternative was determined and set the stage for timing and funding for actual improvements.

The only code language changes that are needed at this time relate to minimum parking standards. These will be presented to the City Commission during the formal TSP adoption process in March.

- c) The City's preferred alternatives for future roadways, transportation improvements, and land uses to accomplish the City's TSP and the State's TPR Goals are discussed, mapped, and listed in Section 5 of the TSP. In addition, the goals and objectives for Oregon City's transportation system are presented in Section 5.
- d) The City considered goal compliance when developing the planned transportation improvements, particularly wetlands and other Goal 5 concerns. The City's existing municipal code addresses stream and wetland protection and in the context of transportation improvements (OCMC 17.49.050 – Water quality resource area standards).

The *Conceptual New Streets Plan Map* that is currently being developed for the City will limit new roadway crossings of protected water features to Metro's proposed Goal 5 standard.

The City adopted new landscape standards for parking lots in conjunction with the TSP in August 2000 (OCMC 17.52.090). These standards provide for greater water resource protection with more shade trees and higher landscape ratio. The City's development code also addresses street tree requirements. The City adopted Stormwater Design Standards and accompanying Stormwater Management code (OCMC 13.12) in May 2000 that require water quality treatment and detention facilities for stormwater conveyance facilities and development activity.

2. In response to DLCD regarding Roadway Improvements on Rural Lands (TPR 660-12-0065 and 0070):

The TSP includes four roadway sections that are located outside of the Urban Growth Boundary (UGB). One of the roadway sections is Highway 213 which is already constructed and is a state highway. The City does not have jurisdiction over future improvements to this state facility. The other three future roadway sections outside the UGB are intended to: a) provide better connectivity; b) provide access to property through multiple locations, or c) provide alternative routes to reduce access and travel needs on Highway 213.

Language has been added to Section 5 to ensure that these three future roadway connections comply with the TPR. Specifically, in Section 5, New Roadway Connections, the following bullet item was added under "The purpose of these potential

future connections is to:": "reduce local access to or local traffic on a state highway." In addition, the following language was added to the same section: "Where the proposed future connections are located outside the Urban Growth Boundary, improvements will comply with state requirements set forth in OAR 660-012-0065 and 0070 (requirements pertaining to transportation improvements on rural land)."

3. In response to DLCD regarding Consistency with the Metro RTP (TPR 660-012-0015(5); Future Streets/Local Street and Connections (TPR 660-12-045(3); and to Metro regarding RTP Design Standards for Street Connectivity:

- a) The model that the City has used to plan its transportation facilities is based on the Metro model and has incorporated the 10 percent vehicle-miles-traveled (VMT) and the modal targets for 2040 land use types in Oregon City. No additional projects have been recommended that would add single occupancy vehicle (SOV) capacity to the regional system that are not included in the 2000 RTP. The Section 5 text has been revised to clarify that the City's transportation model and goals reflect a 10 percent VMT reduction per capita over a twenty-year period and the modal targets for 2040 land use types that are cited in RTP.
- b) The Oregon City TSP recognizes the regional transportation facilities located in Oregon City and is consistent with the RTP regional requirements for these facilities.
- c) Outstanding Issues: During the spring and summer of 2001, the City will be completing and adopting the *Oregon City Street Design Standards* manual and the *Conceptual New Streets Plan Map* with accompanying code language. These documents are needed for compliance and consistency with the Metro RTP and must be completed by August 2001.

4. In response to DLCD regarding Implementation (TPR 660-12-045(1):

The Final Order and Ordinance amending the Comprehensive plan by adopting Section 5 as the transportation element will be formally presented to the City Commission for their consideration and action after a public hearing at their regular meeting on March 7, 2001.

5. In response to DLCD regarding and Other Plans and Additional Information:

The adoption status or schedule has been stated in Section 5 for the:

- *Downtown Community Plan* (Phase 1 adopted January 2000).
- *7th Street Corridor Plan* (accepted 1996)
- *Molalla Avenue Boulevard and Bikeway Improvements Plan* (to be adopted spring 2001)
- *Oregon City Street Design Standards* manual which will include: a) performance or level of service standards for the local system and the regional system (to comply with Metro's Title 6 and 2000 RTP regional performance standards); and b) minimum standards for street widths, cul-de-sac length, block size, and sidewalk and bikeway widths (to be adopted spring/summer 2001).
- *Conceptual New Streets Plan Map* (to be adopted spring/summer 2001).

Responses to Public Comments from January 22, 2001 Public Hearing

At the Planning Commission's first public hearing, public testimony was presented by an Oregon City resident, the Oregon City School District, and Clackamas Community College. Staff has made revisions to the TSP in response to their testimony. The following items address the January 22, 2001 public hearing testimony:

1. In response to testimony by Denyse McGriff, Oregon City resident and McLoughlin Neighborhood Association member:
 - a) Language was inserted stating that street improvements will be designed considering the adjacent land uses and the context of the surrounding environment. Specifically, the following language was added to Section 5, Street Design Standards, Other Considerations: "In addition, adjacent land uses, natural resources, topography, and the surrounding environment will be considered in the design of new roadways and roadway improvements."
 - b) Language was inserted stating that public involvement, particularly outreach to the adjoining property owners and neighborhood, will be included during the design of street improvements. Specifically, the following language was added to Section 5: "The City will seek public involvement when designing street improvements and new streets. Input from affected property owners and neighborhoods will be gathered using public open houses, meeting with neighborhood associations, through local news articles, or other public outreach methods."
2. In response to testimony by Oregon City School District and Clackamas Community College representatives:

As an initial step, the City provided conceptual design assistance developed five preliminary alternatives for the proposed roadway connection between Meyers Road and Beavercreek Road. City staff then met with the Oregon City School District and Clackamas Community College representatives on February 1, 2001 to discuss the alternatives and clarify the needs of the all parties. An understanding was reached between the parties regarding the need for the connection and the preferred alignment for the roadway connection. The attached drawing depicts the results of the collaboration. In addition, the functional classification of this connection has been revised from minor arterial to collector.

Attachments – January 25, 2001 letter from DLCD, Meyers Road Extension Drawing

- c: Larry Ksionzyk, DLCD Transportation Growth Management
Tim Collins, Metro
Thomas Picco, ODOT
Darcie Rudzinski, DLCD Regional Representative



Oregon

1/25/01 John A. Kitzhaber, M.D., Governor

Transportation & Growth Management Program

635 Capitol St. NE, Suite 150

Salem, OR 97301-2540

(503) 373-0050

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Nancy Kraushaar, Oregon City Planning Department
City of Oregon City
P.O. 3060
City of Oregon City, Or. 97045

A Joint Program
of the
Department of
Transportation
and the
Department of
Land Conservation
and
Development

Re: Oregon City Transportation System Plan, DLCD File No:007-00; Local File No:
LOO-06/TSP

Dear Nancy,

Thank you for the opportunity to review and comment on the City of Oregon City's Transportation System Plan (TSP). We have several concerns regarding the proposed plan's compliance with the Transportation Planning Rule (TPR).

The following Comments are of an advisory nature and are offered to strengthen the TSP's usefulness as a planning document. Compliance Recommendations identify major deficiencies and recommend appropriate actions to meet outstanding TPR requirements.

Adoption

Compliance Recommendations: TPR 660-12-015(4)

Cities and Counties shall; adopt regional and local TSP required by this division as part of their comprehensive plans.

Further work is needed to integrate the draft TSP into the city's existing plan and ordinance. It is not clear whether the City or the consultant is speaking in this document. The City needs to be clear about what it is adopting as a plan decision. Many of the recommendations are incomplete or require further work to identify specific plan policy and ordinance language changes. We understand that the Council and Planning Commission will be reviewing the draft plan to identify possible changes. That is an excellent opportunity to clarify this issue and for the city to be clear about the land use decisions that are being made.

Roadway Improvements on Rural Lands

Compliance Recommendation: TPR 660-12-0065 and 0070

The draft TSP includes parts of four streets outside the UGB, each of which must comply with either Section 0065 or requires a goal exception. The TSP has not addressed these requirements. The city needs to identify and address the relevant rule requirements since the analysis required for a goal exception is extensive. This may lead to a decision to delete the improvements, modify the improvements or make some other improvements. Also, since these improvements are outside of the UGB they need to be coordinated with Clackamas County

Complying with the Goals

Compliance Recommendations: TPR 660-012-0025(1)

Adoption of a TSP shall constitute the land use decision regarding the need for transportation facilities, services and major improvements and their function, mode, and general location.

The purpose of a TSP is to make a land use decision about the location of planned roadways. This TSP is written as a recommendation about where new roadways ought to go but it is not clearly translated into a land use decision. The specific solutions sketched out in the front of the plan are labeled as not being part of the plan and the proposals in Chapter 5 are not specific. The TSP needs to be clear about the location of planned improvements.

Compliance Recommendations: TPR 660-012-0025(2)

Findings of compliance with applicable statewide planning goals and acknowledged comprehensive plan policies and land use regulations shall be developed in conjunction with the adoption of the TSP.

It is unclear from the TSP whether the city has identified or considered any goal compliance issues that would affect planned transportation improvements - particularly wetlands or other Goal 5 resources. If there are goal issues, the city needs to include a section that addresses these concerns.

Consistency with the Metro Regional Transportation Plan (RTP)

Compliance Recommendations: TPR 660-012-0015(5)

The preparation of TSP's shall be coordinated with affected state and federal agencies, local governments, special districts, and private providers of transportation services.

The Metro RTP includes a number of specific requirements that are related to implementation of the TPR. These include detailed requirements for planning for local streets, planning for major improvements and meeting modal targets for the 2040 land use types. It is not clear that the Oregon City TSP addresses these issues. The TSP must clearly show what parts of the Metro RTP it is in compliance with and what remains outstanding to be addressed later.

Consistency with the Metro RTP: Level of Service (LOS)

Compliance Recommendations:

Appendix B says LOS D "is generally considered to represent the minimum acceptable design stand." It is unclear, whether this is a city policy or a comment? The plan needs to be amended to explain what the city's standards are and show that they are consistent with Metro's. The RTP includes very specific standards for performance on regional facilities that need to be reflected in the city's plan. (see: Metro's Title 6 regional performance standards).

Implementation

Compliance Recommendations: TPR 660-12-045 (1)

The TSP is required to include implementing ordinances. The draft TSP does not include the specific language or the ordinances. If it is the city's intention to include them at a later date either the plan or findings adopting the plan should clearly indicate that this issue is outstanding and estimate when they will be adopted.

Future Streets / Local Street and Connections

Compliance Recommendations: TPR 660-012-045(3)

Requires land use and subdivision regulations be amended to provide convenient connections for pedestrian, bicycle and vehicular circulation. These regulations insure that new developments provide on-site streets and accessways and avoid cul-de-sacs or dead-end streets. Local governments have a legal authority to establish street connectivity standards that respect local conditions. To insure that future development compliments existing conditions, standards should establish minimum: street width, cul-de-sac length, block size sidewalk and bikeway widths.

City findings need to identify outstanding compliance issues and outline the timeframe for preparing and adopting the necessary ordinance amendments.

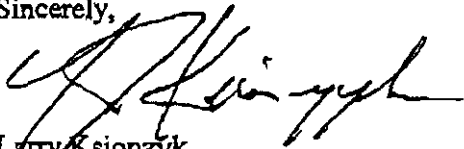
Other Plans and Additional Information

Comments:

The TSP refers to "The City of Oregon City Street Design Standards," the "Downtown Community Plan" and the "7th Street Corridor Plan." It is unclear whether these plans are adopted or how they are incorporated into this plan. Please include the relevant parts of these plans in the TSP and clearly show their design elements and sections.

Please enter this letter onto the record of proceedings. We request that if additional information is provided, the record be held open at least 7 days but preferably 15 days pursuant to ORS 197.763 (4) (b), to allow us time to review and respond to any new information. Finally, please provide us with a copy of your final decision in this matter. If you have any questions contact me at 503-373-0050, extension 278.

Sincerely,










Larry Ksionzyk

Transportation and Land Use Planner

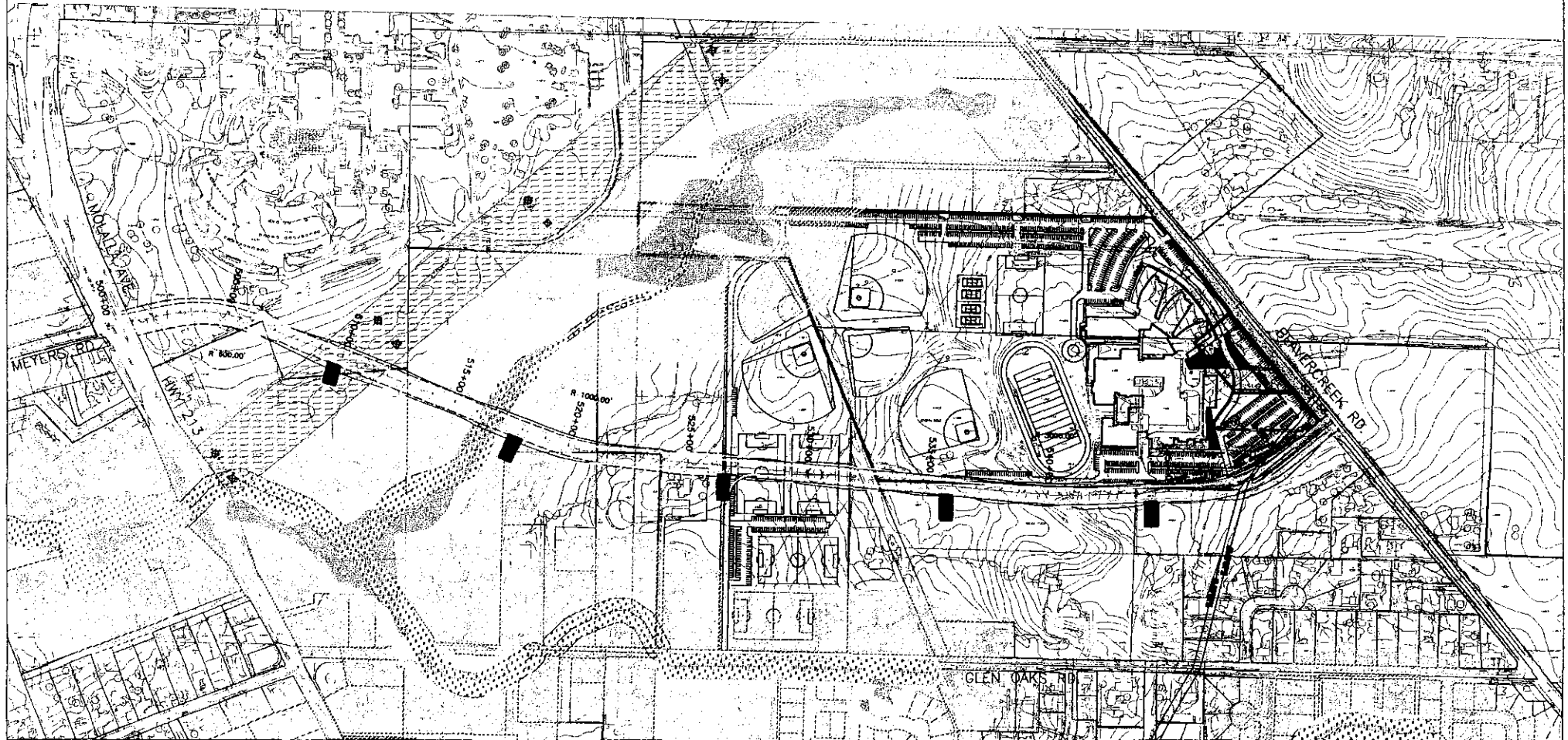
cc: Bob Cortright
Thomas Picco
Darcie Rudzinski
Tim Collins

DLCD Transportation Growth Management
ODOT Region 1
DLCD Regional Representative
Metro

Meyers Rd. Extension
City of Oregon City
Minor Arterial
Preferred Conceptual Design Alternative

-  Wetlands
-  WQ Resource Area Overlay District
-  WQ Vegetation Corridor
-  Riparian Area
-  Streams
-  Possible Access
-  Power Lines

Prepared by:
DAVID EVANS & ASSOCIATES, INC.
Designer:
MIKE HICKEY, P.E.



DRAFT

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
January 22, 2001**

COMMISSIONERS PRESENT

Chairperson Carter
Commissioner Orzen
Commissioner Surratt
Commissioner Vergun

STAFF PRESENT

Maggie Collins, Planning Manager
Barbara Shields, Senior Planner
Colin Cooper, Senior Planner
Bob Cullison Engineering Manager
Nancy Kraushaar, Senior Engineer
Edward Sullivan, City Attorney
Ken Martin, Staff Planner
Carrie Foley, Recording Secretary

1. CALL TO ORDER

Chairperson Carter called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: January 8, 2001

Commissioner Surratt moved to accept the minutes of the January 8, 2001 Planning Commission meeting with no changes, **Commissioner Orzen** seconded.

Ayes: Orzen, Surratt, Vergun, Carter; Nays: None

4. PUBLIC HEARINGS

Chairperson Carter stated that there would be a change in the order of public hearings, VR 00-09 would be the first application to be heard, followed by application AN 00-07 and L 00-06. **Chairperson Carter** reviewed the public hearing procedures and speaker time limitations and asked if any Commissioners had done a site visitation or had a conflict of interest. **Commissioner Surratt** and **Commissioner Vergun** stated they had visited the site (VR 00-09). All Commissioners stated that they had no conflict of interest.

OPEN OF PUBLIC HEARING

- A. **VR 00-09**; Richard Raivio/ Variance to allow a reduction in lot size from 5,000 square feet to 4,670 square feet for two lots in an R-6 Single Family Dwelling District, 410 Logus Street. Clackamas County Map # 2-2E-32CB, Tax Lot 9800 (Lots 6 & 7)

STAFF REPORT

Colin Cooper reviewed staff report and stated that Staff recommends approval of application as it meets all criteria. He stated that a letter from neighboring residents about on-street parking issues was included in the commission packet as Exhibit 5.

Commissioner Surratt asked about the neighborhood type and parking space requirements. **Colin Cooper** responded that the neighborhood is all single-family houses; each dwelling must provide two off-street parking spaces. He stated that off-street parking is available for the subject lots in a rear alley adjacent to the site and that off-street parking would be covered by the building plan review.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

Frank Stooks, 417 Logus Street, Oregon City, OR 97045

Frank Stooks stated that he is opposed to the application based on parking issues. He stated that he lives on the south side of the street and that two parking spaces are not sufficient for the neighborhood. He stated that the adjacent alley is overgrown and not able to be used for parking. He stated that there is a lot of tension in the neighborhood over the parking situation; the street is only 22 feet wide with a single side of the street for parking. He stated that the adjacent development proposal does not reflect current standards and that he has submitted a letter from the residents of the north side of the street who oppose the approval of the application.

Commissioner Vergun asked if there were "safe access" issues as mentioned in Criteria B. **Frank Stooks** responded in the affirmative and stated that he has had to reverse his car down the street to make room for a fire truck. **Commissioner Vergun** asked if there had been any accidents. **Frank Stooks** replied that he was not aware of any accidents. He stated that everyone drives slowly because the street is so narrow.

CLOSE OF PUBLIC HEARING

DELIBERATION BY COMMISSIONERS

Commissioner Vergun asked if the Planning Commission is able to ensure that parking issues are adequately addressed. **Maggie Collins** responded that the Planning Commission could add it as a condition for building permit review. **Commissioner Vergun** stated that he believes the application does not meet Criteria B due to safe access issues. **Commissioner Surratt** agreed. **Maggie Collins** asked if the safety issue prevents variance approval. **Commissioner Vergun** stated that an increase in development impacts safety, but the variance in and of itself does not. **Chairperson Carter** stated that rejection of variance could limit the neighborhoods' options; an example would be that the residents could pool money to buy the smaller lot to add parking. That option would not be available if the variance were rejected. **Commissioner Surratt** stated that the variance could be rejected because the smaller lot size conforms to the existing situation in 1890, which is much smaller than current standards. **Commissioner Orzen** agreed. **Commissioner Surratt** stated that she is not sure that the "safe access" criteria has been met due to poor fire truck access. **Colin Cooper** replied that the Tualatin Valley Fire Rescue has not responded that it is a problem for them. He stated that a new condition #4 could state that the building permit review would require the applicant to provide adequate off-street parking spaces.

Commissioner Vergun moved to approve application with the addition of condition 4 as mentioned. **Commissioner Surratt** seconded.

Ayes: Surratt, Vergun, Carter; Nays: Orzen

Chairperson Carter stated that the neighborhood residents would be notified of any building permit applications made by the applicant. She stated that the interested parties could have the most input regarding their testimony at that time.

OPEN OF PUBLIC HEARING

- B. **AN 00-07**; Land Tech/ 19605 Meyers Road/ Clackamas County Map # 3S-2E-8, Tax Lot 4590 (3-2E-8C, Tax Lot 890); requesting annexation into Oregon City.

Chairperson Carter asked if any Commissioners had done a site visitation or had a conflict of interest. No Commissioners had conflict of interest, Commissioner Surratt stated that she visited the site.

STAFF REPORT

Maggie Collins reviewed the staff report and stated that a portion of Haven Road right-of-way has been included in the annexation application by the request of the City. **Ken Martin** reviewed the Staff memo Exhibit A included in the Commission packet. He stated that the Staff does not have an accurate survey of the property and that the applicant needs to have a partition approved by the County before the annexation ballot deadline. He stated that Staff believes that the deadline will be met and recommends going forward with the Planning Commission public hearing tonight, but postponing the City Commission hearing until the County partition is in place.

Commissioner Vergun stated that the Planning Commission's role is not usually to accommodate deadlines and would prefer to have the Planning Commission hearing after the County partition is done. **Maggie Collins** responded that the Planning Commission needs to assess if the application fits the criteria. She stated that there is no precedent being set by this situation because it is illegal for the application to proceed to the City Commission until the County partition is done. The application remains active at the Planning Commission level until the County partition is finalized.

TESTIMONY IN FAVOR

Matt Wellner, 8835 SW Canyon Lane #402, Portland OR 97225

Matt Wellner stated that he is the representative for the applicant. He stated that they had only found out a week ago that the subject property was recorded by the County as one lot instead of two. **Mr. Wellner** stated that he submitted an application for partition last Friday, and that the County would finalize the partition within two days of the ballot deadline. He stated that adequate facilities exist to support the subject property, and that R-8 subdivisions border the property on three sides. He stated that the Haven Road portion of the application was done by request of the City Engineering department.

Jim Hall, 1006 Clearbrook Dr, Oregon City OR

Jim Hall stated that the voters would be able to vote for or against the Haven Road portion on the ballot separately from the applicant's property. He stated that the problem for the private property of this file stems from an administrative error by the County Assessor. The property was considered two lots at the time of purchase by the applicant and at the time of UGB planning. He stated that he is not sure why the County considers it a single lot and stated that the partition application should not be a requirement for approval by the Planning Commission.

Ken Martin responded that the County Assessor has made two lots for tax purposes only, the property was not formally divided. He stated that the partition needed to be done in order for the City to have full jurisdiction over the property. He stated that the

County's Tax Lot map and Land Use Development map do not agree; it is a known issue that the County is working to resolve.

Randay Pavlinac, 13147 S. Century Drive, Oregon City OR 97045

Randay Pavlinac stated that he lives near the subject property and agreed that the tax lots have been variable. He stated that he needed to request a partition when he sold property in 1995. He stated that he is in favor of the annexation request as long as no property outside of the UGB is used for housing development.

TESTIMONY IN OPPOSITION

None.

CLOSE OF PUBLIC HEARING

DELIBERATION BY COMMISSIONERS

Commissioner Vergun stated that he sees no reason not to recommend to the City Commission that this annexation request be put in front of the voters as long as the partition is completed by the ballot deadline. **Chairperson Carter** agreed.

Commissioner Vergun moved to approve recommendation of the application based on the findings of the Staff Report, with the condition that the County partition be finalized by the ballot deadline. Commissioner Surratt seconded.

Ayes: Orzen, Surratt, Vergun, Carter; Nays: None

OPEN OF PUBLIC HEARING

- C. **L 00-06**; City of Oregon City/ Adoption of the Transportation System Plan as an ancillary document to the Oregon City Comprehensive Plan.

STAFF REPORT

Barbara Shields reviewed the staff report and handed out submitted letters from Barry Rottrock, Superintendent of Oregon City Schools and John Kaiser, from Clackamas Community College. She stated that Nancy Kraushaar would review the revisions to Section 5 of the TSP. **Nancy Kraushaar** reviewed the "green packet" of revisions to the TSP included in the Commission packet.

TESTIMONY IN FAVOR

None.

TESTIMONY IN OPPOSITION

Barry Rotrock, 22489 South Penman Road, Oregon City OR 97045

Barry Rotrock stated that all of the School Board members were in attendance and they cancelled a Board work session in order to make tonight's meeting. He stated that they have safety concerns regarding the planning of a minor arterial to border the south side of the high school campus. He stated that there were also parking capacity issues if they were required to give up a portion of the Beaver Creek Road frontage. He stated that they would like to work with staff to resolve these issues.

Michael Robinson, 900 SW 5th Avenue, Suite 2600, Portland OR 97204

Michael Robinson stated that he is the attorney for the Oregon City School District. He stated that they would like to take a collaborative approach to solving these issues with the staff before the TSP is approved at the City Commission level. He stated that they would like more time to work on solutions before the Planning Commission gives approval to the TSP.

Jessica Iselin, 19378 S. Central Point Road, Oregon City, OR

Jessica Iselin stated that she has a seat on the School District Board of Directors. She stated that the TSP is a significant document and would like to have more time to work planning issues before it is approved.

Peter Angstadt, 19600 S. Molalla Avenue, Oregon City OR 97045

Peter Angstadt stated that he is the Dean of Clackamas County Community College. He stated that he agrees with the School Board, that certain issues need attention before the TSP approval process begins. He stated that there are safety concerns and parking issues stemming from the plans for Meyers Road and Douglas Loop Road connections. He stated that he is not against the TSP, but would like to have time to see these issues resolved before approval.

Denyse McGriff stated that she is on the Land Use Board of the McLoughlin Neighborhood Association, and stated that she commends Staff for the work in developing the TSP. She stated that she has concerns that the TSP does not comply with the Comprehensive Plan. She stated that the classification system of design standards does not adequately take into account neighborhood settings. She stated that she would like to see traffic congestion as a way of controlling traffic speed and to diminish the "freeway mentality" through neighborhoods. She stated that she would like to see the 7th Street Corridor study included in the TSP, and suggests that neighborhood associations be involved in implementing traffic calming strategies.

CLOSE OF PUBLIC HEARING

DELIBERATION BY COMMISSIONERS

Commissioner Surratt asked if the Planning Commission could continue this item. **Ed Sullivan** responded in the affirmative. **Chairperson Carter** asked if the item could be continued in time for the February 21, 2001 City Commission meeting. **Maggie Collins** responded that the Planning Commission could continue for as long as they need to; the City Commission could revise its hearing schedule and re-notice the public.

Commissioner Vergun stated that there are important issues to be resolved around safety and traffic congestion. **Chairperson Carter** agreed and stated that other issues include traffic calming strategies, 7th Street Corridor study incorporation, and the impact on historic neighborhoods. She stated that the TSP is a document used to apply for funding, but it also must be responsive to community needs. She stated that she would like to continue this item to the next meeting on February 12, 2001.

Commissioner Vergun moved to continue the public hearing portion of the TSP approval to February 12, 2001. **Commission Surratt** seconded.

Ayes: Orzen, Surratt, Vergun, Carter; Nays: None

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. Staff Communications to the Commission

Maggie Collins stated that the City Commission has appointed three new members to the Planning Commission: Duff Main, Bob Bailey, and Renate Mengelberg. She stated that she has officially received Commissioner Vergun's resignation. She stated that there would be a special training session February 5th, 2001 that will be attended by the new Commissioners.

B. Comments by Commissioners

All Commissioners stated that they were sorry to see Commissioner Vergun leave, they stated that it was a pleasure to work with him. **Commissioner Surratt** stated that Chairperson Carter did an excellent job in running her first meeting; all Commissioners agreed.

7. ADJOURN

All Commissioners agree to adjourn.

**Linda Carter, Planning Commission
Chairperson**

Maggie Collins, Planning Manager