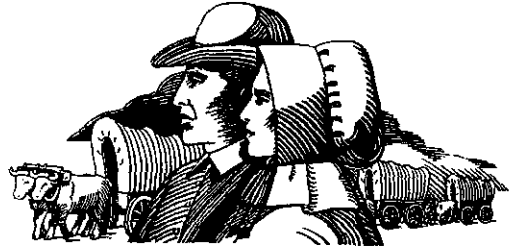


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



AGENDA

City Commission Chambers - City Hall

November 13, 2000 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:** October 23, 2000
- 7:15 p.m. 4. **PUBLIC HEARING**
- 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.
- 7:45 p.m. **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.
- 8:15 p.m. **L 00-03 (Continuation);** City of Oregon City- Amendment to the Oregon City Municipal Code Chapter 17.62 Site Plan and Design Review.
- 8:45 p.m. 5. **OLD BUSINESS**
- 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.

DRAFT

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
October 23, 2000**

COMMISSIONERS PRESENT

Chairperson Hewitt
Commissioner Carter
Commissioner Orzen
Commissioner Surratt

STAFF PRESENT

Maggie Collins, Planning Manager
Bryan Cosgrove, Assistant City Manager

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: October 9, 2000

Commissioner Carter moved to accept the minutes of the October 9, 2000 Planning Commission meeting with no changes, **Commissioner Orzen** seconded.

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

4. PRESENTATION:

A. METRO IGA #3905725

Bryan Cosgrove stated that he would give an overview of the Metro Intergovernmental Agreement (IGA) and answer any questions that the Commissioners might have. He stated that IGA #3905725 is an agreement between the City and Metro wherein Metro pays 50 cents per ton of trash handled at the South Transfer Station in lieu of paying taxes to the City. The IGA outlines how this money is spent and how the facility should operate. The transfer station itself is subject to the conditional use process and annual review by the Planning Commission. He stated that the newly reconstructed Metro Enhancement Committee would direct the money towards various community infrastructure projects with final approval from the City Commission.

Commissioner Carter stated that there were questions about Metro's annual payment of \$50,000 for funding of planning studies. **Chairperson Hewitt** stated the IGA is in its fourth year and according to the station's Operation Manager, Metro has currently paid \$143,000. He stated that Metro's attorney had requested that the Planning Commission conditions of approval not reiterate a condition of an IGA that was in the process of renegotiation. **Bryan Cosgrove** responded that he does know that Metro is paid up to date but he would like to verify the number quoted by Mr. Barker with Metro's Finance Department.

Commissioner Carter stated that she understood that Metro did not care to continue funding studies for the City. **Bryan Cosgrove** responded that the new IGA is currently under negotiation and Metro would be required to make those types of payments if it is part of the new agreement. He stated that study funding for planning projects was a new item in the current IGA, and is not standard for most IGA's.

Chairperson Hewitt stated that he would like the new IGA to reflect transportation issues of the area, including new commercial development, the End of the Oregon Trail plans, and the proposed new train station. He stated that the Washington Street Bridge replacement also increases traffic concerns in that area. **Bryan Cosgrove** responded that the Washington Street Corridor development is a big issue and many design decisions are pending and will require negotiation with ODOT. He stated that he understood that the Planning Commission might not always be aware of which topics are being discussed at the City level. **Chairperson Hewitt** stated he was glad that Mr. Cosgrove came to present this topic. He stated that the Planning Commission had needed more information on how the agreement impacted the City's planning projects. All Commissioners thanked him for attending the meeting.

5. OLD BUSINESS

A. Adoptions of Findings of Fact, Conclusions of Law and Order, File No. ZC 00-03

Maggie Collins reviewed the findings of fact for denial of an application that was included in the Commission packet. She stated that Goal C should read "change in zone from R-10 to R-8." **Chairperson Hewitt** stated that Goals C and G were well written by the City Attorney, **Commissioner Carter** agreed.

Commissioner Carter moved to approve the findings of fact with changes as mentioned, **Commissioner Orzen** seconded.

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

Maggie Collins stated that a notice of decision will be sent out shortly and an appeal period would begin on the date of mailing.

B. Final Decision SP 99-11R

Maggie Collins stated that the Site Plan and Design Review for Home Depot resulted in a revised site plan that mitigated many of the issues itemized in the original conditions of approval. She stated that a revised site plan with conditions was sent out from the Planning Department last week. She reviewed the points of the revised site plan and design details including the building façade, parking lots, pedestrian-friendly areas, and landscaping issues.

Chairperson Hewitt stated that the northeast parking lot seemed to have a lot of asphalt and not much vegetation. **Maggie Collins** stated that one of the new conditions was to redesign that parking lot to include more vegetation and pedestrian walkways.

Chairperson Hewitt asked if the front exterior arcade area would be used for display and storage like other Home Depots. **Maggie Collins** stated that there were no requirements to prohibit that type of arcade use, but stated that she hopes that benches and food vendors would be incorporated to provide a pedestrian-friendly atmosphere.

Commissioner Orzen asked how the building would look from Highway 213 and Washington Street. **Maggie Collins** responded that the colors would continue to the back of the building and that the side facing Highway 213, in part a truck delivery area, would be screened by trees. **Chairperson Hewitt** stated that he would like to see the façade extended around the building. He stated that an attractive and inexpensive false façade could be created by staggering brickwork that looks like columns from a distance.

Maggie Collins stated that she would pass along the suggestion to Home Depot's designers in their next meeting with the City. **Chairperson Hewitt** stated that there is public concern about commercial lighting causing a driving hazard on Washington Street. **Maggie Collins** stated that that property owner is aware that the lighting issue needs to be addressed as soon as possible. She stated that lighting review standards are also being revised to address the problem.

6. NEW BUSINESS

A. Policy Consideration

Maggie Collins reviewed the draft of the Planning Commission's zone policy and stated that it requires applicants to provide more information when requesting a zone change.

Commissioner Surratt stated that she would like to require applicants to provide back up proof for arguments citing Metro's density goals. **Maggie Collins** stated that she would need to think about how to properly word that type of requirement. **Commissioner Carter** stated that she is concerned that since Metro is not interested in expanding the UGB in Oregon City, a transition R-10 buffer zone becomes more important as growth

continues. **Chairperson Hewitt** stated that he will submit a fourth procedure that requires applicants to show how the proposed development would enhance the transition area from suburban to rural County areas.

Commissioner Carter stated that she is concerned that new park spaces are not being planned for the outer areas of the city near the UGB. **Chairperson Hewitt** stated that the Planning Commission could request a presentation from the Parks Department to find out what they have planned. **Maggie Collins** stated that she would follow up. **Commissioner Surratt** stated that she would be able to share the Parks Department SCD Spending Plan, which includes planned property purchases.

Maggie Collins stated that she would prepare a second draft of the policy document for the next Planning Commission meeting.

B. Staff Communications to the Commission

None.

C. Comments by Commissioners

None.

7. ADJOURN

All Commissioners agreed to adjourn.

**Gary Hewitt, Planning Commission
Chairperson**

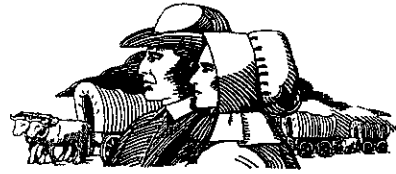
Maggie Collins, Planning Manager

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

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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 "T" 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:

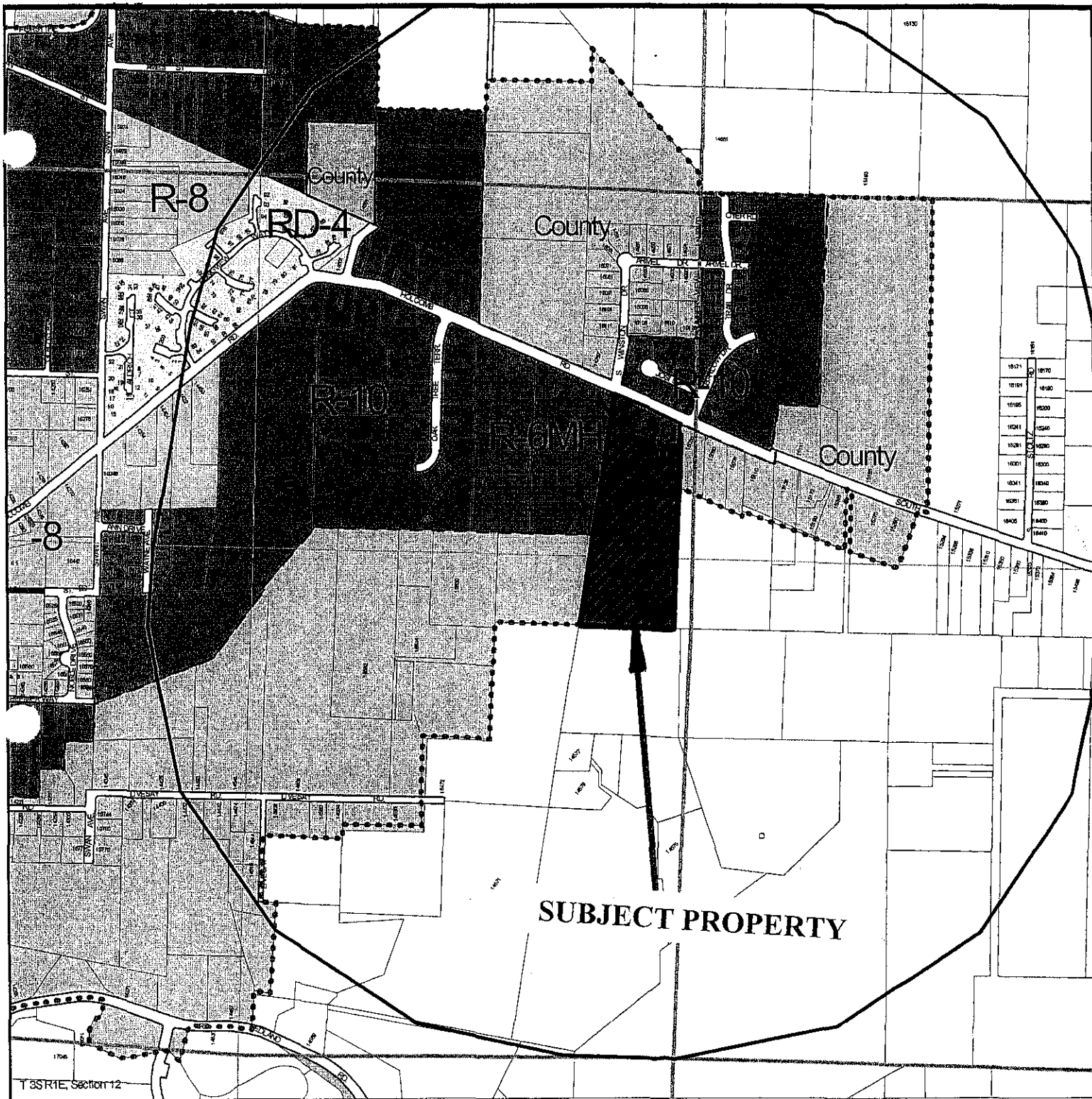
Based on the analysis and findings presented in the report, the proposed Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District does not satisfy the requirements as described in the Oregon City Comprehensive Plan and the Oregon City Municipal Code for the following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

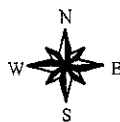
Parcels

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

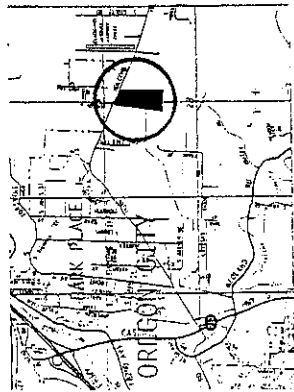
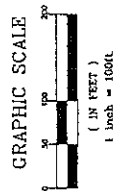
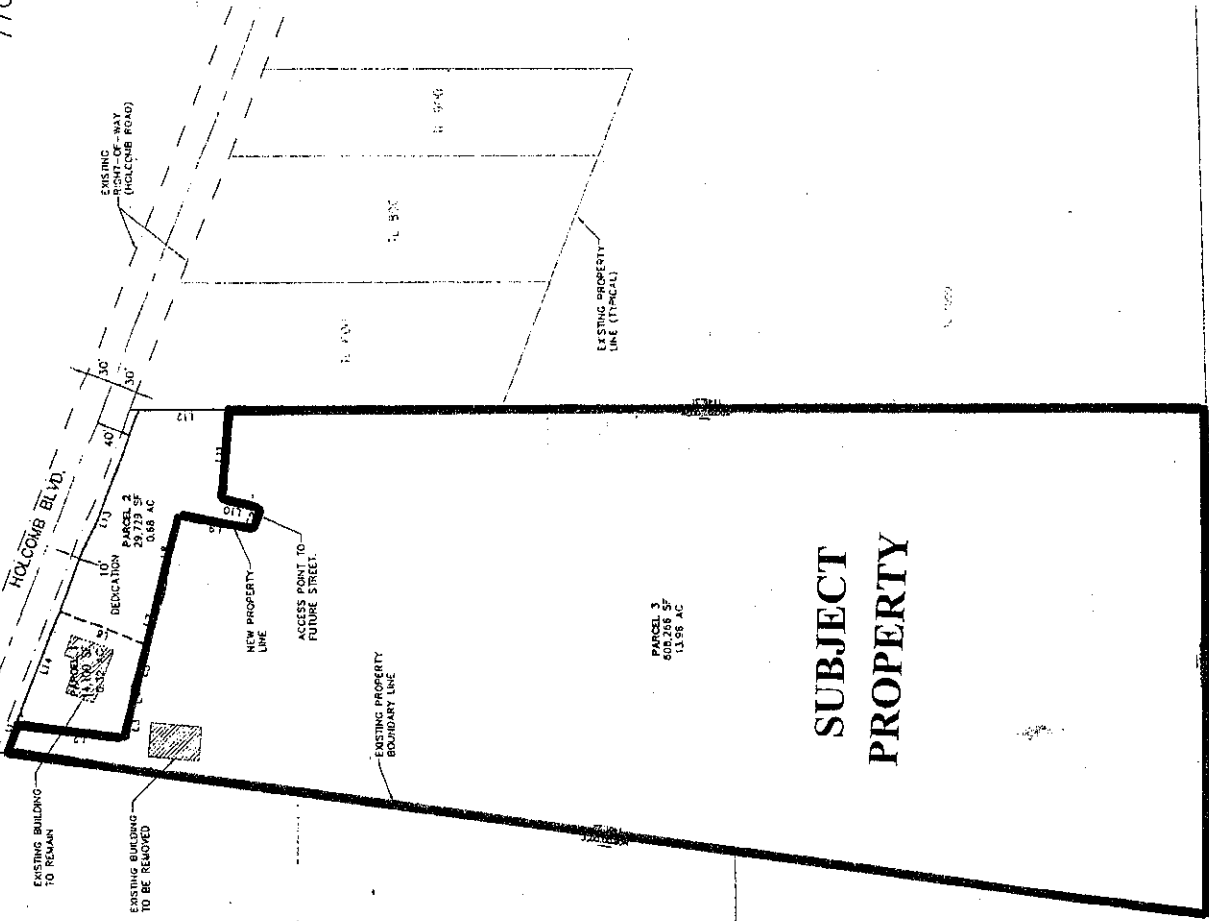
(503) 657-0891 Fax: (503) 657-7892
ocgis@ci.oregon-city.or.us

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09/26/00

EXHIBIT 1

PRELIMINARY PLAT
 OF
 HOLCOMB RD. PARTITION
 Tls 2000 & 2100



NOTES:

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

OWNER: JIMMY & SUSAN STIRNGHAM
 10121 SUNNYSIDE ROAD
 CLACKAMAS, OR 97015

PROPERTY DESCRIPTION:
 2-35-28(A) TL 2000 & 2100

ZONE: R-10

CURVE	LENGTH	RADIUS
C1	28.97	16.00
C2	25.79	60.00

LINE	LENGTH	BEARING
L1	57.45	S88°15'00"E
L2	106.89	N69°30'00"E
L3	35.13	N82°00'00"W
L4	25.28	N69°30'00"W
L5	107.45	N63°30'00"W
L6		
L7		
L8		
L9		
L10		
L11		
L12		
L13		

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, 1/4 2000

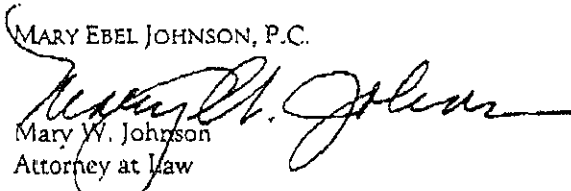
Gross Acreage: 13.96 Acres; Net Buildable Acreage: 10.5 Acres

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:lrm

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. Hartig

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 change 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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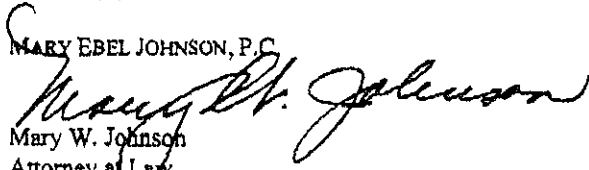
issuing an enforcement order and/or denying acknowledgment of the City's Comprehensive Plan on periodic review. ORS 197.320. Since the City recently was or is still in periodic review, the City has prepared very recent findings regarding the cumulative effects of all previous plan and zone changes affecting 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
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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
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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

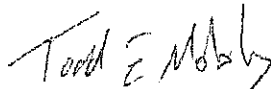
suitable gap in the far side traffic stream. While this type of movement is common in urban areas where a continuous two-way left-turn lane is used, it is not recommended that a turn lane be constructed for the sole purpose of allowing two-stage left-turns, particularly given the site's rural location.

Summary

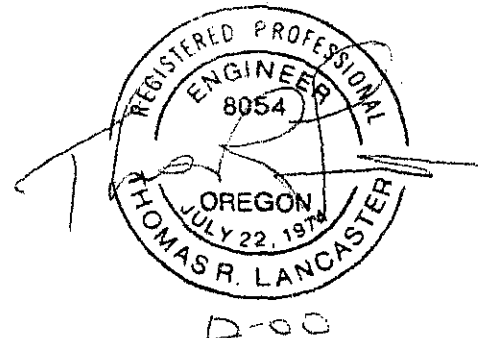
If the proposed development consists of between 58 and 71 lots, the impacts of such a development would clearly be less than that of the 102 lots addressed in this report. Even if the site were developed under this maximum density, the three study area intersections would continue to operate at acceptable 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



Jey

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: ____

IN 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

[Signature] 11/1/00
Senior Engineer

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 black ink, appearing to read 'John Replinger', is written over the typed name.

John Replinger, PE
Senior Transportation Engineer

JGRE:

o:\project\00000009\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.

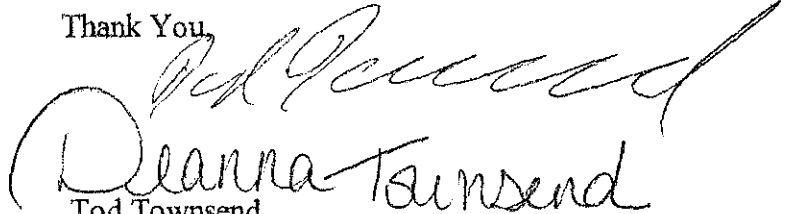
My other concern is the traffic on Holcomb Blvd. I don't feel the road can handle much more traffic. It is quite difficult to leave our driveway already with people trying to leave Barlow Crest turning right and we're turning left onto Holcomb Blvd. When you reach the intersection of Holcomb and Redland 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



EXHIBIT

5

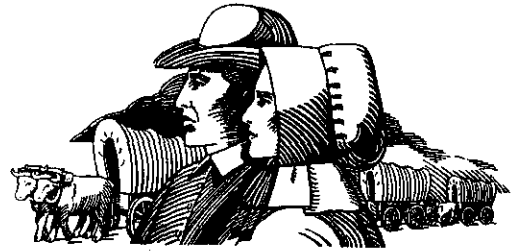
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CITY OF OREGON CITY

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



MEMORANDUM

Date: November 6, 2000

FILE NO.: AN 00-05

HEARING TYPE: Legislative

APPLICANT: Kelly Bruun

PROPERTY OWNER: Ronald R. Saunders

REQUEST: Annexation of 1.86 acres from Clackamas County into the City of Oregon City

LOCATION: Property located on the east edge of Molalla Avenue north of its intersection with Highway 213, identified by the Clackamas County Tax Assessor Map as 3S-2E-8A, Tax Lots 3200, 3300, 3400.

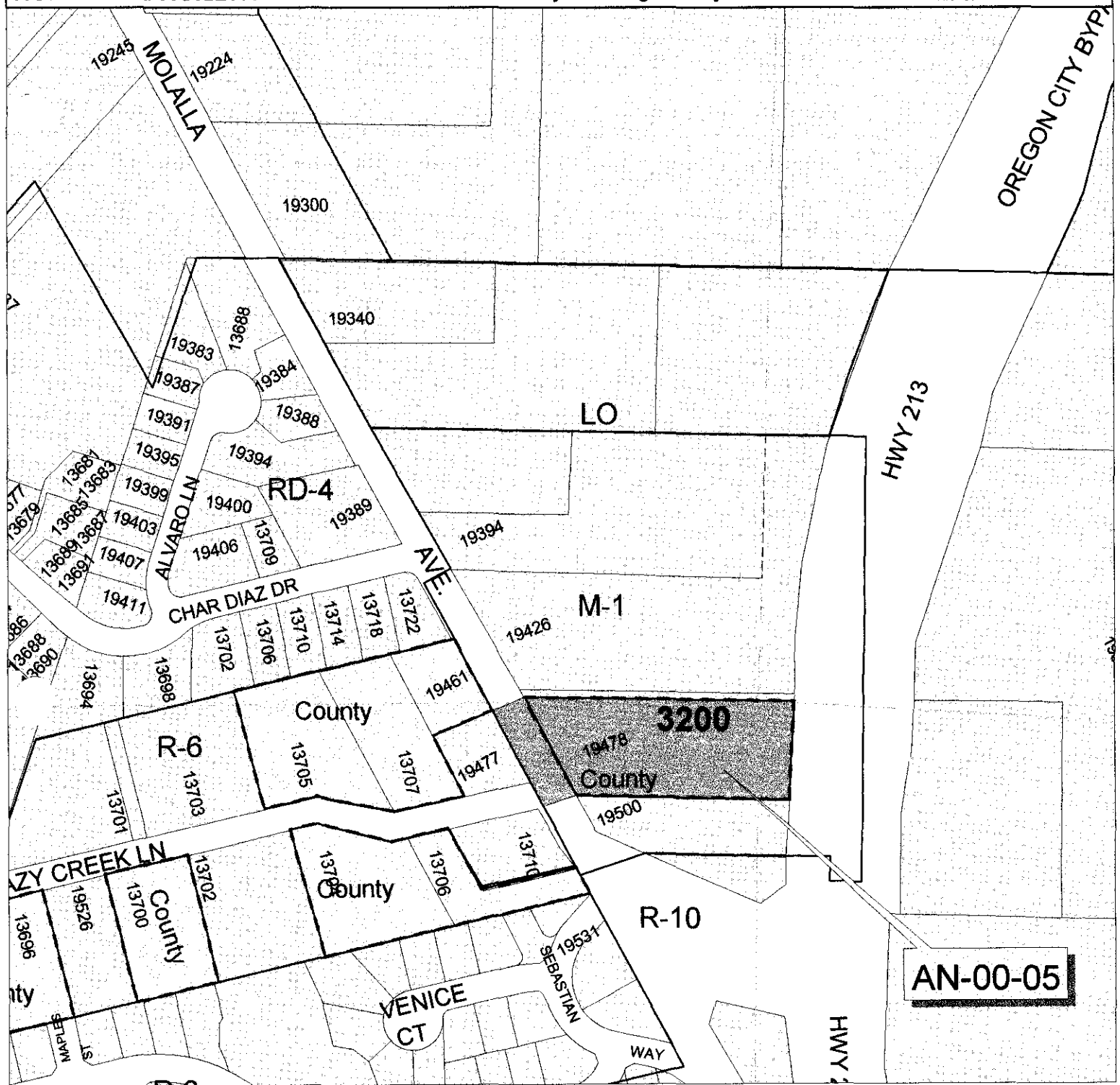
RECOMMENDATION: Approval

REVIEWERS: Ken Martin Metro
Bob Cullison, Oregon City Engineering

ATTACHMENT: Annexation Report—Proposal No. An-00-05

BACKGROUND:

Oregon City annexation requests are first evaluated by the Planning Commission under Ordinance 99-1030 adopted on December 1, 1999 (Section 14.04.060 of the Municipal Code). This requires the Planning Commission to hold a public hearing to recommend whether the request satisfies seven City criteria whereupon a recommendation of approval for ballot placement can occur (see page 1, attached Staff Report).



AN-00-05

AN-00-05

- City Limits
- Urban Growth Boundary
- Zoning Boundaries
- Quarter sections
- Parcels
- Clackamas County
- City of Oregon City
- Annexation AN-00-02



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

200 0 200 400 600 800 1000 Feet

TITLE 14 ANNEXATION CRITERIA

The seven criteria are as follows:

14.04.060 Annexation factors.

When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:

- 1. Adequacy of access to the site;***
- 2. Conformity of the proposal with the city's comprehensive plan;***
- 3. Adequacy and availability of public facilities and services to service potential development;***
- 4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;***
- 5. Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;***
- 6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at time of annexation;***
- 7. Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.***

STAFF COMMENTS

It is recommended that the Planning commission consider modifying the territory to be annexed to include the adjacent Molalla Avenue right-of-way.

PROPOSAL NO. AN-00-05 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Ronald & Glenda Saunders

Applicant: Kelly Bruun (Kurt Bruun)

Proposal No. AN-00-05 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

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

The territory to be annexed is located generally on the southeast side of the City, on the east edge of Molalla Avenue north of its intersection with Highway 213. The territory contains 1.86 acres and is vacant.

REASON FOR ANNEXATION

The applicant wants to annex to obtain urban services and to allow for development of the property in conjunction with other adjacent property already in the City. Development is to consist of the Oregon Orthopedic & Sports Medicine Clinic. The adjacent properties within the City which would be part of the development are Tax Lots 3300 & 3400 (see Figure 2).

LAND USE PLANNING

SITE CHARACTERISTICS

To the north of this parcel is a storage facility. It is bordered on the east by Highway 213 and the Community College. Across Molalla Avenue to the west and south is housing and commercial use.

REGIONAL PLANNING

General Information

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

Metro Boundary Change Criteria

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

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

* * *

7. Consistency with other applicable criteria for the boundary change in question under state and local law.

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

Regional Framework Plan

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

CLACKAMAS COUNTY PLANNING

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

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Industrial (I) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is I-2, Light Industrial.

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

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

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

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the urban

growth management boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area. The County adopted the City's Industrial plan designation. Consequently, when property is annexed to Oregon City, it already has a City planning designation.

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

4. City and County Notice and Coordination

* * *

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

* * *

5. City Annexations

- A. *CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*
- B. *Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*
- C. *Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .*

* * *

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. If the annexation were modified to include the adjacent rights-of-way of Molalla Avenue, the annexation would be consistent with the urban planning area agreement.

CITY PLANNING

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

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

5. *Urban development proposals on land annexed to the City from Clackamas County shall be consistent with the land use classification and zoning approved in the City's Comprehensive Plan. Lands that have been annexed shall be reviewed and approved by the City as outlined in this section.*
6. *The rezoning of land annexed to the City from Clackamas County shall be processed under the regulations, notification requirements and hearing procedures used for all zone change requests, except in those cases where only a single City zoning designation corresponds to the Comprehensive Plan designation and thus the rezoning does not require the exercise of legal or policy judgement on the part of the decision maker. . . .*

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

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

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

Goal

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

Policies

1. *The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:*
 - a. *Streets and other roads and paths*
 - b. *Minor sanitary and storm water facilities*
 - c. *Police protection*
 - d. *Fire protection*
 - e. *Parks and recreation*
 - f. *Distribution of water*
 - g. *Planning, zoning and subdivision regulation*

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

* * *

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

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

* * *

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

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

Sanitary Sewers

* * *

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

* * *

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

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

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

Fire Protection

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

Because the City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City, it may consider whether it will be possible to do so when it decides an annexation proposal.

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

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

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

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing a chart and some guidelines laid out in Section 17.06.050. Those provisions would result in the City applying M-1 (Light Industrial) zoning to lands designated Light Industrial, in an administrative action after annexation.

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

1. *Adequacy of access to the site;*

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

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

As demonstrated in this section of the staff report, the City's Comprehensive Plan is satisfied.

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

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

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

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

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

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

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

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

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

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

Before any urban development can occur the territory must also be annexed to the sewer district because new development is required to connect to sanitary sewers.

Section 8 of the Ordinance states that:

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

FACILITIES AND SERVICES

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

Sanitary Sewers. The City of Oregon City provides sanitary sewer collector service. The City has an 8 inch sanitary sewer line in Molalla Avenue which can serve this site.

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

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

Water. The City has a 14-inch water line in Molalla Avenue which can serve the territory to be annexed.

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

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

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

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

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

Storm Sewerage. The City Engineer states that there are adequate stormwater connections located nearby for future connection.

Fire Protection. This territory is currently within Clackamas County R.F.P. D. # 1. The Oregon City Fire Department provides service within the City under a contract with the Tualatin Valley Fire and Rescue District. A portion of the City's property tax levy goes toward payment of this service. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from Clackamas County RFPD #1 upon approval of the annexation.

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

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

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

Parks, Open Space and Recreation. The closest park sites are the Gaffney Lane and Hillendale Park.

Transportation. Access is provided by Molalla Avenue. The City Engineer recommends annexation of the adjacent right-of-way of Molalla Avenue which is in accord with the City-County Urban Growth Management Agreement.

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

RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends that the Planning Commission recommend **approval** of Proposal

No. AN-00-05. The staff further recommends that the annexation be modified to include the adjacent Molalla Avenue right-of-way and that the City Commission withdraw the territory from Clackamas County R.F.P.D. # 1 and the County Service District for Enhanced Law Enforcement as allowed by statute.

FINDINGS

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

1. The territory to be annexed contains 1.86 acres and is vacant.
2. The applicant wants to annex to obtain urban services and to allow for development of the property in conjunction with other adjacent property already in the City. Development is to consist of the Oregon Orthopedic & Sports Medicine Clinic. The adjacent properties within the City which would be part of the development are Tax Lots 3300 & 3400.
3. To the north of this parcel is a storage facility. The property is bordered on the east by Highway 213 and the Community College. Across Molalla Avenue to the west and south is housing and commercial use.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).
5. The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:
 1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.
 2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
 3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
 4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
 5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

* * *

6. Consistency with other applicable criteria for the boundary change in question under state and local law.

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

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

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Industrial (I) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is I-2, Light Industrial.

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

- a. *Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.*
- b. *Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.*
- c. *Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*

- d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)*

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

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

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

4. City and County Notice and Coordination

** * **

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

** * **

5. City Annexations

- A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*
- B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over*

the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

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

* * *

The required notice was provided to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. If the annexation were modified to include the adjacent rights-of-way of Molalla Avenue, the annexation would be consistent with the urban planning area agreement.

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

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

5. *Urban development proposals on land annexed to the City from Clackamas County shall be consistent with the land use classification and zoning approved in the City's Comprehensive Plan. Lands that have been annexed shall be reviewed and approved by the City as outlined in this section.*
6. *The rezoning of land annexed to the City from Clackamas County shall be processed under the regulations, notification requirements and hearing procedures used for all zone change requests, except in those cases where only a single City zoning designation corresponds to the Comprehensive Plan designation and thus the rezoning does not require the exercise of legal or policy judgement on the part of the decision maker. . . .*

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

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

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

Goal

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

Policies

1. *The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:*
 - a. *Streets and other roads and paths*
 - b. *Minor sanitary and storm water facilities*
 - c. *Police protection*
 - d. *Fire protection*
 - e. *Parks and recreation*
 - f. *Distribution of water*
 - g. *Planning, zoning and subdivision regulation*

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

* * *

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

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

* * *

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

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

Sanitary Sewers

* * *

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

* * *

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

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

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

to annex to the District. The property owner may initiate that annexation after annexation to the City.

Fire Protection

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

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

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

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

The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing a chart and some guidelines laid out in Section 17.06.050. Those provisions would result in the City applying M-1 (Light Industrial) zoning to lands designated Light Industrial, in an administrative action after annexation.

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

1. *Adequacy of access to the site;*

The site access is discussed below in Finding No. 17.

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

As demonstrated above in this Finding, the City's Comprehensive Plan is satisfied.

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

Findings No. 11-18 demonstrate that public facilities and services are available and are adequate to serve the potential development.

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

The only criterion in ORS 222 is that annexed lands be contiguous to the City. This site is contiguous. The Metro Code criteria were set out in Finding No. 5 above. Each of these factors has been considered and these criteria are satisfied.

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

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

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

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

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

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

Before any urban development can occur the territory must also be annexed to the sewer district because new development is required to connect to sanitary sewers.

Section 8 of the Ordinance states that:

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

10. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. There are no adopted urban service agreements in this part of Clackamas County.
11. The City of Oregon City provides sanitary sewer collector service. The City has an 8 inch sanitary sewer line in Molalla Avenue which can serve this site.

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

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

12. The City has a 14-inch water line in Molalla Avenue which can serve the territory to be annexed.

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

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

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

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

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

13. The City Engineer states that there are adequate stormwater connections located nearby for future connection.
14. This territory is currently within Clackamas County R.F.P. D. # 1. The Oregon City Fire Department provides service within the City under a contract with the Tualatin Valley Fire and Rescue District. A portion of the City's property tax levy goes toward payment of this service. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from Clackamas County RFPD #1 upon approval of the annexation.
15. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately .5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the

District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

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

16. The closest park sites are the Gaffney Lane and Hillendale Park.
17. Access is provided by Molalla Avenue. The City Engineer recommends annexation of the adjacent right-of-way of Molalla Avenue which is in accord with the City-County Urban Growth Management Agreement.
18. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

CONCLUSIONS AND REASONS FOR DECISION

Based on the Findings, the City Commission determined:

1. The proposed annexation should be modified to include the adjacent right-of-way of Molalla Avenue as required by the City's Urban Growth Management Agreement with Clackamas County.
2. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Commission concludes this annexation is consistent with the very few directly applicable standards and criteria in the Clackamas County Comprehensive Plan.

This annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The Commission considered the four conversion criteria in Policy 6.0. As Findings 11 through 18 show, all public facilities are available to serve this site.

3. The Commission concludes that the annexation is consistent with the City's Plan. The property must have urban services available before it can develop. The full range of urban services, particularly sanitary sewer service can only be obtained from Oregon City after annexation. (Policy 3, Chapter I). As the Findings on facilities and services demonstrate, the City has urban facilities and services

available to serve the property. Sewer and water facilities are available to the area of the proposed annexation consistent with the City's adopted sewer and water master plans.

The territory is not within the Tri-City Service District, which provides sanitary sewer services to lands within Oregon City. There is no provision for automatic annexation to the Tri-City Service District concurrent with annexation to the City. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The property owners want sanitary treatment services and can be required to annex to the District as a condition of development approval.

4. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." The Commission concludes that the City's services are adequate to serve this area, based on Findings 11 through 18 and that therefore the proposed change promotes the timely, orderly and economic provision of services.
5. The City may withdraw the territory from the Clackamas River Water District at a future date, consistent with the terms of agreements between the City and the District.
6. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas RFPD #1. The City's general property tax levy includes revenue for City fire protection. To prevent the property from being taxed by both the District and the City for fire services, the territory should be simultaneously withdrawn from the Fire District.
7. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from the Clackamas County Service District for Enhanced Law Enforcement. Upon annexation the City's Police Department will be responsible for police services to the annexed territory. The City's general property tax levy includes revenue for City police services. To prevent the property from being taxed by both the District and the City for law enforcement services, the territory should be withdrawn from the County Service District.