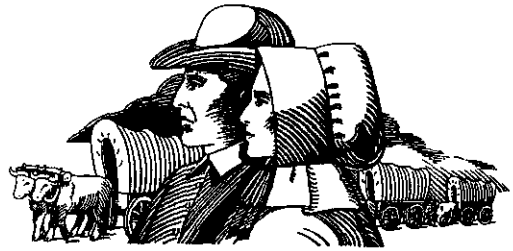


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



AGENDA

City Commission Chambers - City Hall
October 23, 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 9, 2000
- 7:15 p.m. 4. **PRESENTATIONS:**
- A. Metro Intergovernmental Agreement #905725 (*Bryan Cosgrove*)
- 8:00 p.m. 5. **OLD BUSINESS**
- A. Adoption of Findings of Fact, Conclusions of Law and Order, File No. ZC 00-03.
- B. Final Decision SP 99-11R
- 8:15 p.m. 6. **NEW BUSINESS**
- A. **Policy Consideration**
- B. **Staff Communications to the Commission**
- C. **Comments by Commissioners**
- 9:15 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 9, 2000**

COMMISSIONERS PRESENT

Chairperson Hewitt
Commissioner Carter
Commissioner Orzen
Commissioner Surratt
Commissioner Vergun

STAFF PRESENT

Maggie Collins, Planning Manager
William Kabeiseman, City Attorney
Dean Norlin, Senior Engineer
Paul Espe, Associate Planner
Carrie Foley, Recording Secretary

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: September 11, 2000

Commissioner Carter moved to accept the minutes of the September 11, 2000 Planning Commission meeting with no changes, **Commissioner Vergun** seconded.

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

4. PUBLIC HEARINGS (Quasi-Judicial)

Chairperson Hewitt reviewed the public hearing process and stated the time limitations for testimony during the public hearing. He asked if any Commissioner had visited the sites or had a conflict of interest. **Commissioner Orzen** responded that she had attended a neighborhood association meeting where the first applicant presented his proposal. She stated that she left the meeting before the presentation and that she felt there would be no conflict of interest.

OPEN OF PUBLIC HEARING

Chairperson Hewitt opened the public hearing.

- A. CU 00-05;** City of Oregon City / 18955 S. South End Road/ Clackamas County Map #3S-1E-1DC, Tax Lot 400; Requesting a conditional use permit for the construction of a fire station.

STAFF REPORT

Paul Espe reviewed the staff report and stated that staff recommends approval based on the findings and analysis of the staff report and that all criteria have been met. He stated that the subject property is a one-acre parcel that has recently been partitioned but not yet been recorded.

Commissioner Carter asked if a new tax lot would be assigned when platted. **Paul Espe** responded in the affirmative. **Commissioner Carter** asked about the adjacent property, lots 18980 and 18960. **Paul Espe** replied that the lots are remnants of a City-owned park; the City will allow ingress from Lafayette. **Commissioner Vergun** asked about the type of neighborhood around that area of Lafayette. **Paul Espe** responded that the neighborhood is primarily R-10 and R-8 residential and that the street has a 60-foot right-of-way with a median strip extending to the intersection of South End Road.

Commissioner Vergun stated that child safety issues are a concern and that he would like to see the new sidewalk extend from South End Road to the proposed ingress on Lafayette. **Paul Espe** stated that sidewalks are covered in design review but that the Planning Commission could make recommendations if desired. **Chairperson Hewitt** asked if they could make the sidewalk extension a condition of approval. **Paul Espe** responded in the affirmative.

TESTIMONY IN FAVOR

Hans Ettlin, 1220 SW Morrison #600, Portland, OR 97205

Hans Ettlin stated that he is the applicant's representative from PSE Architects. He stated that the adjacent church agreed to sell a portion of property for a new fire station and that the proposed station has been designed to operate in a quiet and respectful manner towards the adjacent residential neighborhood.

Chairperson Hewitt stated that the illustrations of the plan should be entered into the record. The overhead view of the plan is exhibit 6 and the elevation view is exhibit 7.

Gus Kamp, 1220 SW Morrison #600, Portland, OR 97205

Gus Kamp, from PSE Architects, stated that the traffic impact has be carefully considered, the plans include shared access between the church and fire station and pedestrian access with sidewalk extension along South End Road. He stated that the proposed station is small; it is designed for a single engine crew with dorm facilities for three firefighters and a quasi-public meeting room. The proposed station has a residential character with a low roofline and emulates the surrounding neighborhood of ranch-style homes. Future recreation facilities (baseball diamond) located behind the station would be accessible from a sidewalk that extends to the back of the building.

Commissioner Carter stated that the entrance off of the church property is confusing and asks how they plan to make it clearer. **Gus Kamp** responded that a provision has been made for a small, low-rise sign to indicate fire station parking. **Commissioner Vergun** stated that he would like to confirm that no fire trucks would drive through the church parking lot. **Gus Kamp** responded that no truck would drive through the church lot; diminished access was made a priority early in the design phase. **Chairperson Hewitt** asked if there would be the possibility of another rescue vehicle onsite in addition to the one fire engine. **Gus Kamp** stated that he would need to refer that question to the Fire and Rescue representative.

Bernie Otjen, Tualatin Valley Fire & Rescue

Bernie Otjen stated that he is the East Division Chief for Tualatin Valley Fire & Rescue, and that he is in favor of expanded services. He displayed a map of the fire districts (exhibit 8) and stated that a response time study was completed in 1988. He stated that a third station was needed in the area where response times exceeded 10 minutes from the time of placing a 911 call to arrival at the scene. He stated that the station would primarily answer fire calls but an emergency rescue vehicle could be added in the future. The garage is double-bay and can hold another vehicle. **Commissioner Carter** asked if additional staff would be required if there is another vehicle. **Bernie Otjen** stated that additional staff requirements would come from the City, so he couldn't be certain.

TESTIMONY IN OPPOSITION

None.

CLOSE OF PUBLIC HEARING

DELIBERATION AMONG COMMISIONERS

Chairperson Hewitt stated that he verified on the tree map that there are many existing trees surrounding the parking area.

Commissioner Vergun moved to approve the application with the additional condition of approval that would require a sidewalk to extend from the corner of South End Road along Lafayette to the entrance of the fire station, **Commissioner Carter** seconded.

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

Chairperson Hewitt stated that Paul Espe and the applicant did a good job in presenting the plan. **Commissioner Carter** stated that the fire station has a nice design.

OPEN OF PUBLIC HEARING

Chairperson Hewitt opened the public hearing.

B. CU 00-06; Metro/ 2001 Washington Street/ Clackamas County Map 2S-2E-29, Tax Lot 904 & 801; Annual review of Metro South Transfer Station Operations.

STAFF REPORT

Paul Espe reviewed staff report and handed out a revised copy of proposed Condition of Approval #7. He pointed out the facility on a map and stated that staff recommends approval.

Chairperson Hewitt asked where the bypass is located on the map. **Paul Espe** pointed out Highways 213 and 205. **Commissioner Vergun** stated that traffic issues are important and will change over the next few years to include issues with Home Depot. **Paul Espe** responded that that was the reasoning behind the modification of Condition #7; it puts Metro and Home Depot on notice for traffic issue requirements. **Chairperson Hewitt** stated that the Commission is giving the staff direction for the next annual review, they would like to see traffic issues solidified. He asked if **Nancy Krushower** is in charge of the bridge project. **Maggie Collins** responded in the affirmative and said she'd pass along the Planning Commission's concerns.

TESTIMONY IN FAVOR

Paul Garrahan, 600 NE Grand Ave., Portland, OR 97232

Paul Garrahan stated that he is the Assistant Council representing Metro. He entered an aerial photo of the subject property as exhibit 9 and pointed out the west exit and entry points to the facility. He stated that he objects to the new Condition #7 that reroutes all existing vehicles, including large trucks, to the main entrance area. He stated that he also objects to Condition #6 and would like the wording to reflect that of the Metro-Oregon City IGA from 1998.

Chairperson Hewitt asked about the changes in service from 1997 to present. He asked if there were increases in the amount of trucks using the facility, the number of buildings on the property and the overall tonnage handled from 1997 to the present.

Ray Barker, 11340 SW Viewmount Court, Tigard, OR 97223

Ray Barker stated that he represents Metro and is familiar with daily operations of the station. He responded that the amount of tonnage handled by the station has gone down for 4 straight years. **Chairperson Hewitt** stated that the IGA was signed 4 years ago and that the \$50,000 for the 213 Corridor study funding is due per year. According to the IGA, Metro owes the City \$200,000. **Ray Barker** responded that they have paid \$150,000 and their accounting department says they are paid current. He stated that the payments could be based on the progress of the study. **Chairperson Hewitt** stated that it looked like a flat fee. **Paul Garrahan** responded that it could be possible that \$150,000 was all that was used by the study, but he wasn't certain on this point. He stated that he would like to strike Condition #6 or modify it so that it is similar to the 1998 condition.

Condition 6, from 1998 IGA:

"Metro shall continue to actively participate in the Highway 213 Corridor Study and Refinement Plan."

Chairperson Hewitt stated that injury levels are minimal at the station and would like to commend Metro. He asked if it was due to improved training. **Ray Barker** replied that training has reduced injuries and stated that he had previously supplied the Planning Commission with a training schedule. **Chairperson Hewitt** asked about the issue of emergency containment. **Ray Barker** responded that funding for training and equipment comes from the City and they will no longer be billed separately per incident.

Clark Poulton, Oregon City Fire Department

Chairperson Hewitt asked about the agreement between the Fire Department and Metro for emergency response. **Clark Poulton** responded that there was a \$2,000 charge for equipment and a \$10,000 charge for training. He is fairly certain that they are close to a “break even” point.

TESTIMONY IN OPPOSITION

None.

CLOSE OF PUBLIC HEARING

DELIBERATION AMONG COMMISSIONERS

Commissioner Carter stated that there is no problem with the proposed Condition #7. **Commissioner Surratt** stated that she would prefer to modify Condition #6 and not see it deleted. **Commissioner Vergun** stated that the City Commission is currently negotiating with Metro and the proposed Condition #6 might be an overstepping of boundaries. He stated that it is mutually advantageous for the City to work with Metro; he'd like to use the older version of Condition #6 from 1998.

Chairperson Hewitt asked if the Planning Commission could direct staff to bring the issue of study funding contributions to the City Commission. **Maggie Collins** stated that a separate directive could be made after the Commission completes the hearing.

Chairperson Hewitt stated that Condition #4 states that the station shall not limit or impair use of surrounding property. He stated he would like next year's review to take a wider view of the surrounding property to include all businesses and the proposed new train platform in that area.

Commissioner Surratt moved to approve application with the modification of Condition #6 to the 1998 version (as stated above) and the modified Condition #7 as proposed in the letter from the applicant. **Commissioner Vergun** seconded.

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

Commissioner Carter stated that the Planning Commission requests that the City staff review the Metro obligations and give clarification on the whole IGA agreement, which should come back to the Planning Commission at a later date.

RECESS

OPEN OF PUBLIC HEARING

Chairperson Hewitt opened the public hearing.

C. **ZC 00-03/WR 00-10**; Land Tech, Inc./ 19443, 19405, 19385 South Pease Road/
Clackamas County Map #3S-2E-07B, Tax Lot 2400, 2500 and 2600; Requesting a
zone change from R-10 to R-8 Single-Family Dwelling District.

STAFF REPORT

Maggie Collins reviewed the staff report and stated that staff recommends approval for application ZC 00-03. She stated that no action was needed from the Planning Commission on application WR 00-10.

Chairperson Hewitt asked about the traffic impact analysis and how it would affect the criteria for a zoning change. **Maggie Collins** responded that the traffic analysis is critical for Engineering and Design review but not at the zone change level. She stated that the traffic impact study would also be a part of the subdivision review and the Planning Commission could set directives or conditions that could appear in the staff report of the subdivision application review. **Chairperson Hewitt** asked if the pending subdivision application could be sent to the Planning Commission for review. **Maggie Collins** responded in the affirmative.

Commissioner Surratt asked why R-8 might be preferable to R-10. **Maggie Collins** stated that the staff looks for “adverse impacts” in a zone change request, such as negative impacts on available services, or on existing residential development. Steep slopes or wetlands on the property could also indicate adverse impact. **Chairperson Hewitt** stated that the Planning Commission has a long-standing policy that that the properties near the urban growth boundary should be zoned at R-10 to preserve a “rural feel” and create a type of buffer zone. **Commissioner Vergun** stated that he agreed that R-10 is favorable near the urban growth boundary. **Maggie Collins** stated that the staff’s role is to verify that the applicant has met the criteria for a zone change, the Planning Commission needs to make the call on approval. **Commissioner Surratt** asked if R-10 and R-8 zones have the same relative impact if no adverse impact is found for R-8. **Maggie Collins** responded in the affirmative.

TESTIMONY IN FAVOR

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

Matt Wellner stated that he is the applicant and that he sees a conflict between code and policy. He stated that the staff report shows that all criteria have been met and that Metro favors density. He stated that all existing structures on the property would remain standing on individual lots not included in the subdivision. He stated that connectivity and traffic impact issues would be addressed at the time of the subdivision hearing.

Commissioner Carter stated that she is concerned that an ingress and egress is planned for an area of abutting property that is currently a water retention area. She asked about the ownership of the structure on the adjacent property. **Dean Norlin** responded that the house is owned by an out-of-state person who is not interested in participating in a subdivision. **Maggie Collins** stated that the adjacent property could be developed but research would need to be done to see if density exchanges would be needed on that property to allow for development. She stated that the subdivision layout is only a rough approximation to show how the area could be developed; it is an illustration, not a zone change criterion.

Commissioner Surratt stated that Metro has not recently released precise numbers on density goals, so the applicant's argument for zone change is irrelevant in that case. **Chairperson Hewitt** agreed and stated that the applicant should bring proof of density goals when using that argument. **Matt Wellner** stated that he is aware of a recent Metro report and will bring it to the next zone change request hearing.

Chairperson Hewitt asked if there is a potential DSL connectivity issue. **Matt Wellner** responded that DSL code would allow for connectivity and that any area in question could be mitigated.

Commissioner Carter stated that there was not enough information about the adjacent lot to make a decision. **Maggie Collins** responded that issues around the adjacent lot do not pertain to the zone change request. The Planning Commission must evaluate if the change from R-10 to R-8 is worthwhile on the subject property.

TESTIMONY IN OPPOSITION

None.

CLOSE OF PUBLIC HEARINGS

DELIBERATION AMONG COMMISSIONERS

Commissioner Carter stated that there is a need to look at the bigger picture when evaluating zone changes, the surrounding neighbors object to R-8 zoning and there are issues around connectivity, water management and traffic. All Commissioners agreed. **Chairperson Hewitt** stated that the Planning Commission has given direction to staff that more information is needed aside from the conditions and criteria when evaluating a zone change request. More information is especially needed about the adjacent properties. **Commissioner Vergun** asked how they should base their decision - on the criteria of R-10 versus R-8 appropriateness or on the lack of inadequate staff analysis on adjacent properties? **Commissioner Surratt** responded that the application has meet the zone change criteria and stated that the Planning Commission cannot base approval on an adjacent property that is subject to ordinances that could be modified at any time. She stated that they really don't have a choice in the matter unless there is a hole in the criteria. **Chairperson Hewitt** stated that they can reject application based on Code Section 17.68.069 and the fact that the Comprehensive Plan supports the idea that there should be less density near the urban growth boundary. The criteria have not been met, as the surrounding property is County and R-10. **Commissioner Vergun** stated that he agreed with this analysis.

Commissioner Carter moved to deny the applicant's request for a zone change based on the non-compatibility with the City Comprehensive Plan and policy set by the Planning Commission. **Commissioner Orzen** seconded.

Maggie Collins stated that she advises a different wording to show that the applicant filed to carry the burden of proof for the benefits of an R-8 zone.

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

Maggie Collins stated that final findings of fact for this decision would be reviewed by the Planning Commission at the October 9, 2000 meeting.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. NEMO Program Presented by Chris Hathaway and Paul Heirowitz

NEMO is a new national environmental training program to educate land use officials at the local level. The program targets "non-point" runoff from residential and commercial sources such as the issues of excess fertilizer in green spaces and the accumulated

chemicals on parking lot asphalt. Oregon City has been selected as one of the few pilot sites in the Northwest and the NEMO team stated that they are committed to the success of the program.

Commissioner Vergun moved to approve sponsorship of NEMO, **Commissioner Carter** seconded.

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

B. Staff Communications to the Commission

Maggie Collins stated that since the Planning Division continues to be extremely short-staffed, she would like to cancel the work session scheduled for Wednesday, October 11, 2000. The Planning Commission agreed.

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	
LAND USE EXHIBIT	
FILE #	<u>C200-06</u>
DATE	<u>10/9/00</u>
EXHIBIT	<u>9</u>

METRO CONTRACT NO. 905725

INTERGOVERNMENTAL AGREEMENT

This Intergovernmental Agreement ("Agreement") is entered into by and between THE CITY OF OREGON CITY, OREGON ("City"), and METRO, a metropolitan service district organized under the constitution and laws of the State of Oregon and the 1992 Metro Charter. The parties agree as follows:

A. Metro Obligations:

1. Subject to the limitations expressed elsewhere in this Agreement, Metro shall pay the City an amount equal to 50¢ per ton for all solid waste received at the facility known as the Metro South Station (the "Facility"), except for source-separated recyclable materials. This amount shall be referred to as the "Total Amount." Metro shall make payments to the City on a quarterly basis, which payments shall be deposited by the City directly to the City General Fund and be subject to dedicated expenditure for the purpose of rehabilitation and enhancement of the area within the City limits related to the facility.
2. Metro shall deliver to the City monthly reports of activity at the facility, including data on (1) the gross weight of solid waste received in vehicles that are weighed as they enter the Facility; (2) the number of other vehicles assessed fees on an estimated-volume basis; and (3) the tonnage of solid waste transferred from the Facility.
3. Metro agrees to abide by City's land use regulations and that there has been no understanding or consent by the parties to modify or waive those regulations as part of this agreement. Metro shall continue to participate in the annual review of its conditional use permit approval and to seek and obtain City approval of any changes or alterations to its current permit, including abiding by lawfully imposed conditions thereto provided such approval and conditions are consistent with the Metro Regional Solid Waste Plan.
4. Provided such approval and conditions are not inconsistent with the Metro Regional Solid Waste Plan, Metro shall, as part this agreement, assist and financially participate in the following plans and improvements in connection with the Metro South Transfer Station, over and above those obligations which may lawfully be imposed as part of any land use permit approval:
 - a. The Highway 213 Corridor Study, which is currently being undertaken by the Oregon Department of Transportation, Clackamas County, and City and in which City is expected to incur an obligation of \$100,000.

b. The Regional Center Framework Plan for Oregon City, in which City has incurred an obligation of \$50,000.

c. Other projects related to the area surrounding the Metro South Transfer Station to which the parties agree.

Such assistance shall not be less than \$250,000, at not less than \$50,000 per year for the term of this agreement, subject to budget approval of the Metro Council. Such assistance may include, upon agreement of the parties, the cost of goods or in-kind services.

B. City Obligations:

1. City agrees to appoint a Citizens' Advisory Committee to recommend to the City plans, programs, and projects for the rehabilitation and enhancement of the area around the Facility all in accordance with ORS 459.284. The committee shall include as members a member of the "Holcomb-~~Overlook~~^{SAT}-Park Place (HOPP)" community, a member of the Oregon City Planning Commission, a member of the Oregon City Commission, and the Metro Council member representing the district that includes Oregon City. In lieu of appointment of such Citizens' Advisory Committee, the Oregon City Commission may designate itself to perform the functions of such Committee.
2. City agrees that it will create a special fund and ensure that only plans, projects, and programs determined by the Citizens' Advisory Committee or the City Commission to be suitable for the rehabilitation and enhancement of the area within the City limits related to the facility are authorized for funding from such special fund.
3. City will dedicate expenditures from the funds paid by Metro pursuant to this Agreement for the purpose of rehabilitation and enhancement of the area within the City limits related to the facility. City shall report annually to Metro on the expenditures of the special fund and fund balance by September 1 of each year.
4. City agrees that if during the term of this Agreement it adopts a tax or charge that imposes a fee on haulers of commercial solid waste or other users of the Facility, Metro shall have no further obligation to pay the sums provided for in part A.1, above. This paragraph shall not apply to any tax duly adopted by City which is generally applicable to all persons doing business in Oregon City.

C. Term: This Agreement shall commence as set forth below (the "commencement date"), and shall be automatically renewed on each anniversary of the commencement date (the "anniversary date"), provided, however, that the Agreement shall expire of its own terms at the end of the fifth anniversary date. During the term of this Agreement, each party retains the right to terminate the Agreement as of any anniversary date by written notice

delivered to the other party no later than 60 days prior to the anniversary date. The parties may terminate this agreement at any time for nonperformance of any material term thereof.

- D. Notice: Any notice required pursuant to this Agreement shall be delivered as follows:

If to City:

City Manager
City Hall
320 Warner-Milne Road
Oregon City, OR 97045

Copy to:

Edward J. Sullivan
City Attorney
c/o Preston, Gates & Ellis LLP
3200 US Bancorp Tower
111 SW Fifth Avenue
Portland, OR 97204

If to Metro:

Executive Officer
Metro
600 NE Grand Avenue
Portland, OR 97232

Copy to:

Office of General Counsel
Metro
600 NE Grant Avenue
Portland, OR 97232

- E. Integration: This Agreement sets forth the entire obligation of the parties to each other in connection with the Facility herein described.
- F. Notice of Default. In the event a party determines that a default exists, including, but not limited to the failure of the Metro Council to appropriate the funds to meet the obligations set forth in Paragraph A(4) of this agreement, that party shall give thirty days written notice to the other party, which notice shall specify the nature of the default and shall give the other party an opportunity to cure the default before taking any further action.

- G. Effective and Commencement Date: This Agreement shall be dated as of the last signature date below and shall become effective upon execution by the parties after prior approval of the terms of this Agreement by the Metro Council and the Oregon City Commission. The Commencement Date of this Agreement shall be deemed to be January 1, 1996.

OREGON CITY

METRO

By: Daniel W. Fowler

Title: Mayor

Date: May 21, 1997

By: Mike Burto

Title: Exec. Officer

Date: June 4, 1997

APPROVED AS TO FORM:

[Signature]

Edward J. Sullivan
City Attorney for Oregon City

Date: 5-21-97

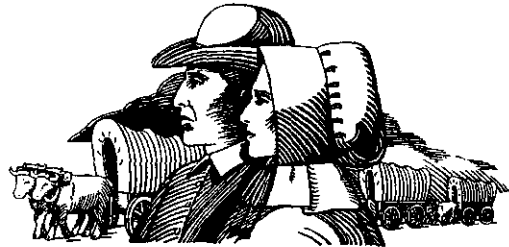
J:\EJS\26752-99.999\MSDKREV2.DOC

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



STAFF REPORT

Date: October 16, 2000

FILE NO.: ZC 00-03

APPLICATION TYPE: Quasi-Judicial / Type IV

HEARING DATE: October 9, 2000
7:00 p.m., City Hall
320 Warner Milne Road
Oregon City, OR 97045

APPLICANT

Land Tech, Inc.	Oregon City Excavation
8835 SW Canyon Lane #402	18772 South Leland Road
Portland, OR 97225	Oregon City, Oregon 97045

OWNER:

Oregon City Excavation	Dwaine and Linda Lausche
18772 South Leland Road	19405 South Pease Road
Oregon City, Oregon 97045	Oregon City, Oregon 97045

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

LOCATION: 19443, 19405, 19385 South Pease Road / Clackamas County
Map #3S-2E-7B, Tax Lots 2400, 2500, and 2600.

REVIEWER: Maggie Collins, Planning Manager

ACTION REQUESTED: At a duly noticed public hearing on October 9, 2000, the Planning Commission voted unanimously to deny the request. Attached is a set of findings of fact, conclusions of law and final order reflecting the Commission's decision. Adoption of these findings does not require a public hearing. The Planning Commission will review and act on the attached material on October 23, 2000.

BEFORE THE OREGON CITY PLANNING COMMISSION
October 23, 2000

In the matter of an application for a)
zone change from R-10 to R-8 for)
19443, 19405 and 19385 South Pease)
Road, Oregon City; File No.: ZC 00-)
03)

**FINDINGS OF FACT, CONCLUSIONS
OF LAW AND FINAL ORDER**

This matter came before the Planning Commission for a final decision at a duly noticed public hearing on October 23, 2000. Following deliberations and based on the argument presented at that hearing and based on the record of testimony and evidence, the Planning Commission, voted to deny the request to rezone the property from R-10 to R-8.

The Planning Commission finds that the applicant has not demonstrated compliance with all of the goals and policies of the Oregon City Comprehensive Plan, as required by OCMC 17.68.020(A). More specifically, the rezoning is denied because: (1) a re-zone would not encourage the planning, development and preservation of a variety of housing types at a range of prices and rents, (2) a re-zone would not preserve and maintain our scarce natural resources while building a livable urban environment; and (3) would not sytrictly be compatible with the general land use pattern in the area established b y the Comprehensive Plan.

I. Introduction and Background

The subject property consists of 7.8 acres of land currently zoned R-10 and located on the south edge of the City. The property was recently annexed into the City and is entirely surrounded by property that is zoned R-10 or FU 10 except the extreme south corner, which borders the Urban Growth Boundary (UGB) and county land. Three dwellings currently exist on the property and a new subdivision was recently constructed on the northwest edge. Otherwise, no other development has occurred adjacent to the property.

The general vicinity of land within the City contains a patchwork of R-10 and R-8 zoned land with the majority of land bordering the County zoned R-10. There is a significant amount of land bordering the subject property to the southwest and the southeast that is within the City's UGB but not within the City limits. Pease Road, frontage which comprises public access to the subject property, also borders on the City's UGB.

II. Analysis of Approval Criteria

The criteria for a re-zoning are found in Section 17.68.020 of the Oregon City Municipal Code ("OCMC"). We find the applicant's request does not comply with the following criteria in that section:

A. 17.68.20 (A) *The proposal shall be consistent with the goals and policies of the comprehensive plan.*

We find that the application is not consistent with the following Comprehensive Plan goals and policies:

Goal C: Housing – “Provide for the planning, development and preservation of a variety of housing types at a range of prices and rents.”

The application requests a change in zone from R-8 to R-10. The smaller lots sizes may prove unattractive to higher-income households and the City’s Comprehensive Plan has indicated a need for more housing units to accommodate higher income households. Table VI of Chapter C of the Plan indicates a need of 795 housing units for higher income households. Although the figures in Table VI of the Comprehensive Plan are eighteen years old, they indicate a deficiency in supply for such housing units. Accordingly, the proposal would not help to meet the City’s goal of providing a range of housing types to meet the needs of the City.

Goal G: Growth and Urbanization – “Preserve and enhance the natural and developed character of Oregon City and its urban growth area.”

Policy 6 requires that an applicant for a zone change under this section must demonstrate that the change is consistent with and supportive of the County’s comprehensive plan goals and policies and compatible with the general land use pattern for the urban growth area boundary.

The applicant has not demonstrated that its proposed use is compatible with the general land use pattern for the urban growth boundary area. As noted above, this property is completely surrounded by lands zoned R-10, either by the City or the county. The property is approximately 200 feet from the urban growth boundary and, as also noted above, the majority of land on the UGB is zoned R-10. A lower-density zoning is appropriate on the border because it provides for a transition from rural and farm uses to urban uses. A lower density will decrease the number of conflicts between residential and farm uses and otherwise help to smooth the transition to the rural and farm uses that surround the City. Thus, zoning at a higher density than R-10, such as R-8, would not be compatible with general land use pattern for this area.

III. Conclusion

As discussed above, the applicant has not demonstrated that all of the zoning criteria for a zone change have been met. Accordingly, the application for a zone change is denied.

In the matter of an application for a zone change from R-10 to R-8 for 19443, 19405 and 19385 South Pease Road, Oregon City; File No.: ZC 00-03

A hearing having been held on the record on October 9, 2000, it is hereby ordered that:

() **Application for a zone change is DENIED.**

This Order is based upon the Findings of Fact and Conclusions of Law above.

DATED: October 23, 2000

GARY HEWITT
Planning Commission Chairperson