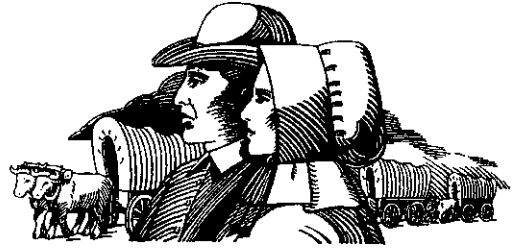


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



AGENDA

City Commission Chambers - City Hall
September 11, 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:** July 12, 2000 Worksession
August 14, 2000 Regular Session
- 7:15 p.m. 4. **PRESENTATIONS:**
- A. **Molalla Avenue Improvement Project** (*Sharon Zimmerman*)
- 7:30 p.m. B. **South Corridor Transportation Alternative Update** (*Doug Zenn*)
- 8:00 p.m. 5. **PUBLIC HEARINGS**
6. **AN 00-04;** Clackamas County Fire District #1; Annexation of 0.40 acres from Clackamas County into the City of Oregon City; Clackamas County Tax Assessor Map 3S-1E-12D, Tax Lot 1401.
- 8:30 p.m. 7. **OLD BUSINESS**
- 9:00 p.m. 8. **NEW BUSINESS**
- A. **Staff Communications to the Commission**
- B. **Comments by Commissioners**
- 9:15 p.m. 9. **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
WORK SESSION MINUTES
July 12, 2000**

COMMISSIONERS PRESENT

Commissioner Carter
Commissioner Orzen
Chairperson Hewitt

STAFF PRESENT

Maggie Collins, Planning Manager
Barbara Shields, Senior Planner
Tom Bouillion, Associate Planner
Carrie Foley, Recording Secretary
Mike Kiser, Tri-Met Planner

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order and stated that the Commissioners present form a quorum.

2. REVIEW OF WORK SESSION NOTES: June 14, 2000

No comments, minutes accepted as presented.

3. WORK SESSION:

A. Design Review Project

Mike Kiser introduced himself and offered his services as a resource for transit oriented development including issues on setbacks. He has a special interest in new urbanism design and pedestrian-friendly streets with complementary adjacent land use. He reviewed the pamphlet "Transit and Pedestrian Oriented Development" and reviewed the key issues of comprehensive planning at the local level, market demand, and transportation connectivity.

Mike Kiser gave a slide presentation illustrating favorable design elements such as accessibility, interactive walls, pedestrian networks, landscaping, street crossings, and pedestrian scaled lighting.

1. Fred Meyer, NE Portland – large setback with no direct pedestrian pathway
2. Fred Meyer, NE Portland – no pedestrian protection
3. 82nd Avenue, Portland – parking backs into sidewalk, whole lot is curb cut.
4. 82nd Avenue, Portland – service oriented but land use is not pedestrian friendly
5. Hillsboro – trees on wrong side of street, no safety buffer from traffic
6. Hillsboro – no clear pedestrian pathway

7. Hillsboro – bad lighting with long, unbroken stretches
 8. Hillsboro – pedestrians cross 8 lanes with no island, safety concerns
 9. Lloyd Safeway – renovation, building on street with windows
 10. Lloyd Safeway – bus stop extends into street, safety with no parking disruption
 11. Quality Food Club – flexibility in design and development, company supportive of pedestrian friendly development
 12. Woodstock, SE Portland – street improvements, sidewalk extends into intersection
 13. Woodstock, SE Portland – retrofitted street, island at mid-block crossing
 14. Woodstock, SE Portland – extended sidewalks and bike lanes
 15. Lloyd Area, Portland – covered pathways with clear connections
 16. Lloyd Area, Portland – mixed use development, retail on ground floor, residential above.
 17. NW Portland – big box store with residential areas integrated with an internal courtyard
 18. Hawthorne – retrofitted Fred Meyer brought to edge of street, recessed windows with awnings, 2 level store, upper story overhangs.
 19. Downtown Portland – functional outdoor spaces
 20. Downtown Portland – functional outdoor spaces
 21. Belmont Dairy – Zupan's on first floor, loft spaces above, larger windows
 22. Belmont Dairy – produce and flowers on sidewalk promote interaction
 23. West Side – suburban, pedestrian paths with street connections through project
 24. West Side – change in materials at intersections for pedestrian crossing
 25. West Side – pedestrian scaled lighting
 26. Orenco Station – good example of what can be done in very suburban areas
 27. Orenco Station – good sense of place
 28. Orenco Station – brownstone type residential units with work spaces below
 29. Orenco Station – street activity, covered sidewalks, attention to detail
 30. Orenco Station – balconies and common areas.
- Oregon City has good potential for citywide connectivity. Little used pathways have potential to connect built environments.
 - TSP report due in September will have suggestions for streetscapes. Mollala is a concern due to narrow sidewalks that will be tough to retrofit.

Barbara Shields gave a slide presentation highlighting examples of pleasant and functional pedestrian areas. She stated that the next mini-work session would include a partial review of the draft of new design review standards.

1. Tualatin Commons – pleasant, good use of color
2. Tualatin Commons – well defined pedestrian pathways
3. Tualatin Commons – soft enclosures and good use of color

4. Tualatin Commons – soft enclosures and good use of color
5. Mixed Use Development – not enough soft enclosure but good definition
6. New Building – large setback but part of building extends to street, good façade but too car oriented.
7. Meyer Rd. – good façade diversity but too industrial looking.
8. Mollala – poor pedestrian crossing, ugly
9. Hagen – interior circular paths
10. Mollala – narrow sidewalk, one connection to storefront
11. Beaver Creek Rd. – good use of windows
12. Beaver Creek Rd. – narrow sidewalks, trees on wrong side of sidewalk
13. New Development – needs to be closer to corner
14. Mollala U-Haul – close to street with overhang but doesn't look right.
15. Mollala – has potential but needs streetscapes
16. 7th Street – nice roofline, has potential
17. Tualatin – residential close to street
18. Oregon City – no awnings but has potential
19. Oregon City, Historical Dist. – good use of color for façade diversification
20. Oregon City, Historical Dist. – pleasant, diagonal parking, awnings, façade diversification
21. Downtown Oregon City – good use of awnings
22. Downtown Oregon City – sidewalk café with awning, roofline diversification not quite right
23. Downtown Oregon City – somewhat pleasant
24. Downtown Oregon City – awnings, trees, and lights are pleasant features
25. 7th Street – roofline and colors don't work well
26. 7th Street – roofline and colors don't work well
27. 7th Street – roofline and colors don't work well
28. Downtown Oregon City Bank - no awnings, could use roof garden or hanging plants
29. Oregon City – person sitting on bench near Courthouse, importance of amenities
30. McLoughlin – church on corner is a good fit for neighborhood
31. McLoughlin – residential, nice porch
32. Tualatin – parking hidden from street by hedge
33. Tualatin – same as above
34. Tualatin – garage not obvious from street, porch wraps around house
35. Tualatin – same as above
36. Tualatin – residential area, connector street with long wall prevents interaction
37. Oregon City – residential area, house setback with garage on street with roof garden

B. Sign Ordinance Draft

Tom Bouillion reviewed proposed sign ordinance language for permanent residential signage and stated that proposed language for permanent commercial signage would be covered in the next mini-work session.

- Signage sizes in commercial and residential zones are not consistent. New code would limit size of permanent home occupation signs to 4 square feet.
- The 3-frontage limit on signs should be changed to the more appropriate 2 frontages. Each sign is limited to 20 square feet.
- Pole signs should be restricted from residential areas.
- Permanent residential signs from new developments should be required to be part of the site plan review.

4. OTHER

None.

5. ADJOURN

All Commissioners agreed to adjourn.

**Gary Hewitt, Planning Commission
Chairperson**

Maggie Collins, Planning Manager

DRAFT

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
August 14, 2000**

COMMISSIONERS PRESENT

Chairperson Hewitt
Commissioner Carter
Commissioner Orzen
Commissioner Surratt
Commissioner Vergun

STAFF PRESENT

Maggie Collins, Planning Manager
Barbara Shields, Senior Planner
Marnie Allen, City Attorney
Carrie Foley, Recording Secretary

1. CALL TO ORDER

Chairperson Hewitt called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

None.

3. APPROVAL OF MINUTES: July 24, 2000

Commissioner Carter moved to accept the minutes of the July 24, 2000 Planning Commission meeting with no changes, **Commissioner Orzen** seconded.

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

4. PUBLIC HEARING

None.

Marnie Allen announced that she would no longer be regularly attending the Planning Commission meetings and stated that the responsibility would now go to Bill Kabiesman. She introduced Rich George and stated that he would attend when Bill Kabiesman could not.

5. WORK SESSION

A. Design Review Project

Barbara Shields introduced Dan Riordan, Senior Planner for the City of Salem, who would give a presentation on design guidelines for multifamily residential development.

Dan Riordan reviewed a handouts covering the City of Salem's design guideline packet for multifamily residential development and design review process. He stated that well-defined guidelines and standards offer assurance to neighbors and set the level of expectation for developers by clearly illustrating the design review process. He gave a slide presentation to show examples of Salem's multifamily design standards.

1. Downtown Salem neighborhood – single family dwelling, one-story building
 2. Downtown Salem neighborhood – single family dwelling, one-story building with pitched roof and lots of windows.
 3. Downtown Salem neighborhood – single family dwelling built in the 1960's, two-story building compatible with residential setting and in balance with street.
 4. Two-story apartment complex – large expanse of asphalt, no landscaping.
 5. Two-story apartment complex – no landscaping.
 6. Two-story apartment complex – no screening of garbage area and parking too close to units.
 7. Two-story apartment complex – better design that includes pitched roofs and more landscaping.
 8. 6-plex – embodies similar design elements of single family dwellings in neighborhood, good modulation and porches.
 9. Three-story apartment complex – illustrates building transition requirement
 10. Three-story apartment complex – illustrates requirements of landscaping, private open space, and common open space.
- City of Salem has heavily interacted with individual Neighborhood Associations and with the Land Use Network (committee of land use representatives from each association) to gain public support for new multifamily construction.
 - Two types of design review allow for flexibility and shorter processing times.
 - Drafting guidelines for design review is important, but the administration of defined guidelines is the most challenging. Overlay zones are more difficult to deal with from an administrative point of view.
 - Salem's guideline packet is nicely designed and very user-friendly.

Five minute recess.

Barbara Shields reviewed a handout covering revisions to the proposed design guidelines for commercial and institutional buildings. She stated that the design standards for multifamily construction would be addressed in the next work session.

- All references to “a zone district” should be changed to “the underlying zone district”
- Design standards that specify a multiple requirement from a menu of options should state “at least” instead of “no less than”
- Certain terms like “arcade” need to be defined in a glossary

B. Sign Ordinance Review Project

Maggie Collins reviewed the sign code language summary handout prepared by Tom Bouillion.

- Monument signs are preferred over freestanding pole signs, an allowance of larger signage is given as an incentive for switching from pole to monument signs. Commissioner Carter stated that a reduction in permit cost for a monument sign would also be a good incentive.
- Incidental signage in parking areas might be misused but no alternative language was agreed upon at this work session
- All commissioners agreed that the new sign ordinance language is ready to go to public hearing.

5. OLD BUSINESS

None.

6. NEW BUSINESS

A. Staff Communications to the Commission

Maggie Collins stated that Tom Bouillion has left Oregon City to work for the Port of Portland. She stated that the staff is working hard to compensate but is very short-handed and staff would like to cancel the Planning Commission work session scheduled for August 16, 2000 and the Planning Commission meeting scheduled for August 28, 2000.

All Commissioners agreed to the canceled sessions and stated that they would try to attend several Neighborhood Association meetings during the next few weeks. **Maggie Collins** stated that staff would supply the Commissioners with a schedule of Neighborhood Association meetings in August.

B. Comments by Commissioners

Commissioner Vergun stated community involvement is very important to the work done by the Planning Commission. **Chairperson Hewitt** stated that the Oregon City internet site is up and running. **Maggie Collins** stated that the zoning codes are online and that the public could download specific codes for each zone. **Chairperson Hewitt** asked if the Neighborhood Associations could be listed on the site. **Maggie Collins** stated that a new GIS person would be hired to handle website upgrades over the next few months and such information could be added through time.

6. ADJOURN

All Commissioners agreed to adjourn.

**Gary Hewitt, Planning Commission
Chairperson**

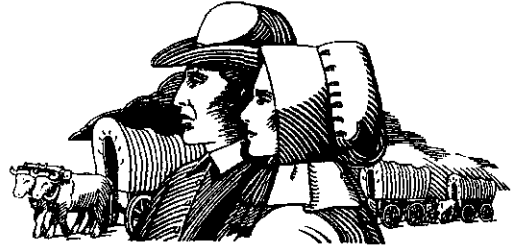
Maggie Collins, Planning Manager

CITY OF OREGON CITY

Planning Commission

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MEMORANDUM

Date: September 5, 2000

FILE NO.: AN 00-04

HEARING TYPE: Legislative

APPLICANT: Dave Herman

PROPERTY OWNER: Clackamas County Fire District #1

REQUEST: Annexation of 0.40 acres from Clackamas County into the City of Oregon City

LOCATION: Property located on the south side of the intersection of White Lane and Central Point Road; identified by the Clackamas County Tax Assessor Map as 3S-1E-12D, Tax Lot 1401.

RECOMMENDATION: Approval

REVIEWERS: Deneice Won, Metro
Tom Bouillion, Oregon City

ATTACHMENT: Annexation Report—Proposal No. An-00-04

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.

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.***

Subsequently, the request is reviewed at a City Commission public hearing, who takes into account the recommendation of the Planning Commission. If the City Commission finds in favor of the applicant, the proposed annexation property will be placed on the next available municipal ballot. If the voters approve the annexation request, the final steps are for the City Commission to proclaim the results of the election and to set the boundaries of the annexed area legal description by ordinance.

The report for this annexation request follows.

PROPOSAL NO. AN-00-04 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: Clackamas County RFPD #1

Applicant: Dave Herman (contract purchaser)

Proposal No. AN-00-04 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 in the southwest part of the City, on the south edge of S Central Point and the west edge of White Lane. The territory contains 0.4 acres, is vacant and has an assessed value of \$48,370.

REASON FOR ANNEXATION

The applicant wants to annex to obtain urban services to enable him develop the site with 1-2 residences. The contract purchaser of this parcel is the developer of the adjacent *Payson Farms* subdivision, a recently approved subdivision containing 40 lots currently under construction. All urban services, i.e., sewer, water and transportation, are being extended to Payson Farms to serve that development and the subject site would add one or at most two new homes. Street improvements required by the City for residential areas are being made to the frontage abutting the subject site (on both White Lane and Central Point Road) by the developer of Payson Farms.

LAND USE PLANNING

SITE CHARACTERISTICS

The parcel is bordered on two sides the *Payson Farms* subdivision. White Lane and Central Point Road border the other two sides. The site is flat and undeveloped. It was formerly a Christmas tree farm.

Across Central Point Road from the subject property are several rural residential lots. Also to the north across White Lane is one similar rural residential lot and farther to the north and east is a large, approximately 5.9 acre parcel in unincorporated Clackamas County. To the south and west is Payson Farms. To the west are rural residential lots.

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, and the Growth Management Functional 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 FU-10, Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban having a 10 Acre Minimum Lot Size.

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

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

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

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Those are addressed below. According to Metro's data base Oregon City has a total of 105 vacant buildable lands designated for Low-Density residential use that are zoned R-6, R-8, or R10. The urban growth management agreement is addressed in the following section

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 Low-Density Residential 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 County approved the creation of the subject lot in 1988 smaller than the minimum parcel size in the FU-10 zone (file no. 279-88-C). That partition was approved pursuant to the County Code section 902.01A(4) which allows creation of a parcel less than ten acres in size for conditional uses. In this case, the smaller lot was created for a fire station, a conditional use in the FU-10 zoning district. According to a letter from the County Planning Director, dated March 7, 2000, although the lot was legally created, the only use allowed is a fire station.

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 Central Point Road and White Lane, 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. This policy implies that lands that cannot be provided urban services should not be annexed. 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. Low density residential is identified as follows:

- (3) *LOW DENSITY RESIDENTIAL [LR]: Areas in the LR category are largely for single-family homes or more innovative arrangements, such as low density planned development. Net residential density planned varies from a maximum density of 6,000 square feet for one dwelling unit (7.3 units/net acre) to as low as the density desired ("net acres" exclude the land devoted to roadways). This choice of lot sizes will occur as annexation or rezoning and will vary based on site-specific factors, including topography and adjoining development. In no case will more than 10,000 square feet be required if the home is connected to the sewer system and the site-specific factors would not preclude this density.*

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 result in the City applying R-10 zoning to lands designated low density residential, 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 that could occur under the existing low density plan designation.

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. The Plan does identify the area as being subject to wet soils – high water table. Subdivisions and requests for major partitions in areas with high groundwater tables are required to file a Development Impact Statement (DIS) which, in part, asks the applicant to locate and take into consideration " . . . the effect upon the watershed in which the project is located, the effect upon the immediate area's storm water drainage pattern of flow; the impact of the proposed development upon down stream area; and the effect upon the groundwater supply." Under the zoning that the City will automatically impose upon annexation (R-10), the site could be developed with no more than 2 homes. Consequently neither a subdivision nor major partition will be needed and the DIS will not be required.

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. To protect downstream streams the applicant will be required to obtain a grading and erosion permit as a condition of development approval.

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.

After the territory is annexed, if approved by City electors, the property owner could apply to the City for land use permits, including a partition. A single-family dwelling is allowed assuming that the dimensional standards are complied with. Any impacts on the community that result from approval of development permits are a direct consequence of the permit approval, not of the annexation. The impacts resulting directly from the annexation would be those occurring because of the construction of one additional residence.

Before any urban development can occur, including one single-family residence, 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 Sanitary Sewer Master Plan shows this site as within drainage basin "A." A gravity sewer in Central Point Road flows northwest to pump station A, which lifts sewage to a force main in South End Road, which is served by the South End Trunk Main. The developer of *Payson Farms* has extended a sewer line up Central point Road with sufficient capacity to serve more than the 40 lots in the subdivision.

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.

The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The Tri-City plant has had measured flows of 50 mgd. At this flow, the collection system was backed up, however the District did not divert any flows to the Willamette River. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001.

Water. The area to be annexed is in the Clackamas River Water District. The District has an 8-inch water line in Central Point Road and a 6-inch water line in White Lane. The developer of *Payson Farms* has extended a 12-inch City water line up Central Point Road. This line can provide service to the subject site.

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. This site is in the Beaver Creek drainage basin. The developer of Payson Farms will construct and dedicate an on-site storm water detention facility, which can also serve the subject site.

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 McLoughlin Elementary School, the Jesse Court Site (undeveloped), Oak Tree Park, and Chapin Park, a developed community park. The site is within ½ mile of the McLoughlin Elementary School. It is within the service area of a proposed neighborhood park, shown on the parks plan on the North side of Central Point Road near Salmonberry Dr. The parcel is just outside the 1 mile radius of Chapin Park and within the service area of a proposed community park, shown on the parks plan on the south side of South End Road in the vicinity of Parrish Road.

Transportation. Both Central Point Road and White Lane are County roads. Central Point Road is designated as a minor arterial. Both roads will likely be transferred to the City after annexation. The *Payson Farms* developer has improved Central Point Road and White Lane in front of the area to be annexed.

The *Payson Farms* developer had Kittelson & Associates, Inc. prepare a transportation assessment for the subdivision application in November, 1998 (Assessment). The number of lots included in the assessment was 54, while 40 were ultimately approved. Consequently, the 1 to 2 homes that are proposed on the subject parcel fall within the impact assessed for the Payson Farms subdivision. The 54 residences assumed in the study would generate approximately 515 weekday trips, of which approximately 40 would occur during the a.m. peak hour and approximately 55 would occur during the p.m. peak hour.

The Assessment showed that the level of service (LOS) of the intersection of Central Point Road and White Lane is "A." All study intersections operated at acceptable levels of service during the weekday a.m. and p.m. hours. The Assessment said that traffic volumes in south Oregon City are growing approximately two to three percent per year, as estimated in the *Oregon City Transportation System Plan Existing Conditions Analysis* (Kittelson & Associates, 1998). Previous traffic impact studies that analyzed the study intersections found that the intersections will not need additional mitigations in the near-term future. The on-going City of Oregon City Transportation System Plan is examining vehicle queuing and storage issues involving the two closely spaced intersections of Central Point Road/Warner-Parrot Road and Leland Road-Linn Avenue/Warner-Milne Road. No improvements at these two intersections had been identified at the time of the Assessment. The Assessment concluded that the study intersections are forecast to continue operating at acceptable levels of service during the weekday a.m. and p.m. peak hours.

According to the Assessment approximately 450 feet of sight distance is required at the White Lane approach to Central Point Road. Vehicles now have a clear line of sight in excess of 450 feet in each direction, so adequate sight distance is currently provided. The Assessment noted that landscaping along the site frontage should be limited to low-lying vegetation to ensure adequate sight distances are maintained.

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

RECOMMENDATION

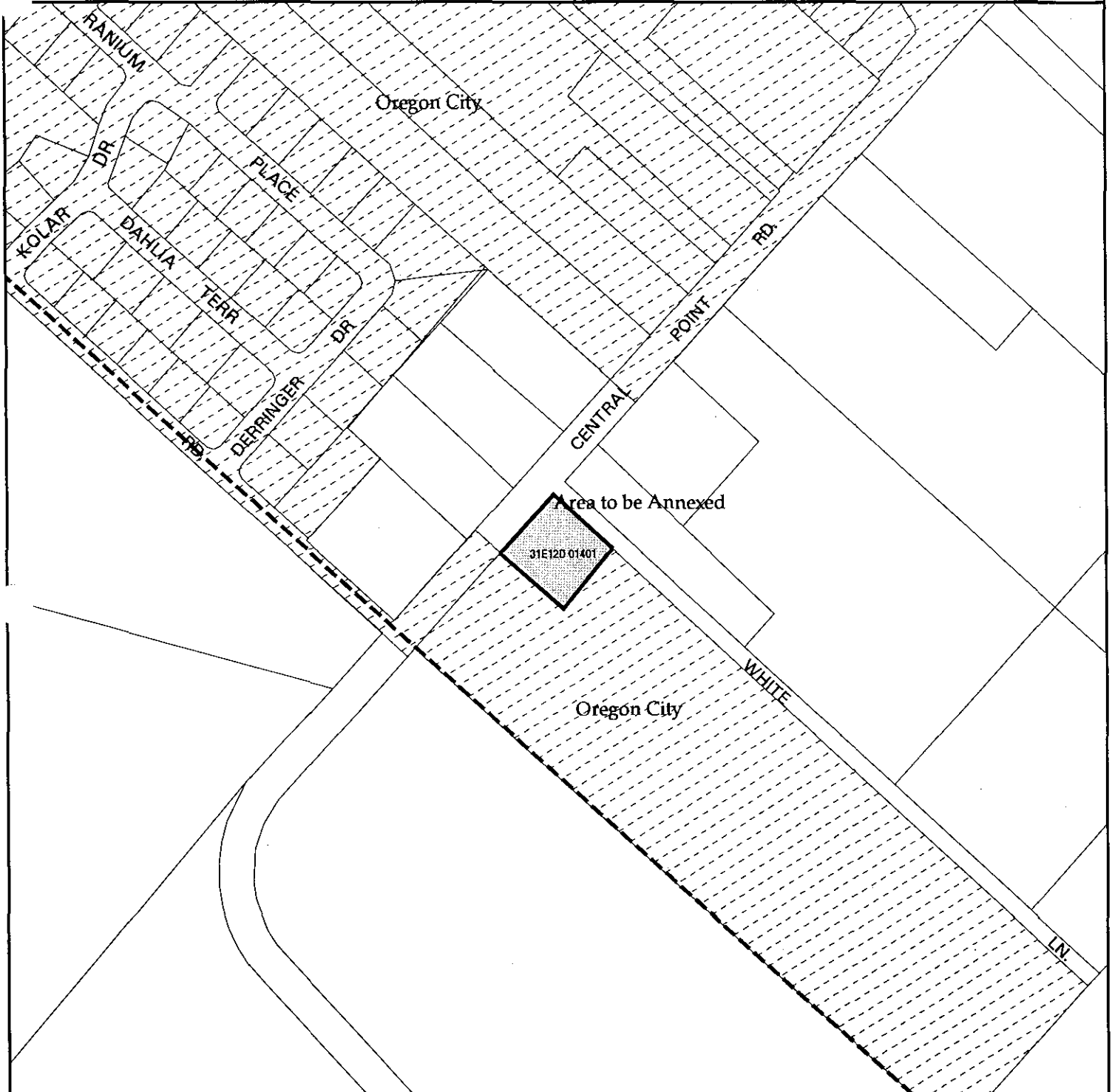
Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit A, the staff recommends that the Planning Commission recommend **approval** of Proposal No. AN-00-04. The staff further recommends that the City Commission withdraw the territory from Clackamas County R.F.P.D. # 1 and the County Service District for Enhanced Law Enforcement as allowed by statute.

Proposal No. AN-00-04

31E12D

Annexation to the City of Oregon City

Clackamas Co.



R L I S
REGIONAL LAND INFORMATION SYSTEM



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

METRO

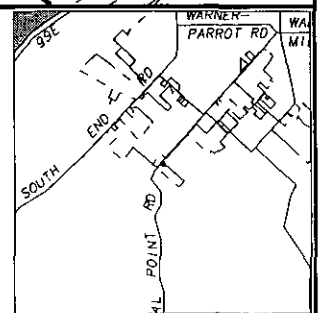
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro cannot accept any responsibility for errors, omissions, or positional accuracy. There are no warranties, expressed or implied, including the warranty of merchantability or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

- County lines
- City
- Annexation boundary

Urban Growth Boundary

Proposal No. AN-00-04
CITY OF OREGON CITY
Figure 1

Scale: 1" = 250'
0 200 400



FINDINGS

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

1. The territory to be annexed contains 0.4 acres, is vacant and has an assessed value of \$48,370.
2. The applicant wants to annex to obtain urban services to enable him develop the site with 1-2 residences. The contract purchaser of this parcel is the developer of the adjacent *Payson Farms* subdivision, a recently approved subdivision containing 40 lots currently under construction. All urban services, i.e., sewer, water and transportation, are being extended to *Payson Farms* to serve that development and the subject site would add one or at most two new homes. Street improvements required by the City for residential areas are being made to the frontage abutting the subject site (on both White Lane and Central Point Road) by the developer of Payson Farms.
3. The parcel is bordered on two sides the *Payson Farms* subdivision. White Lane and Central Point Road border the other two sides. The site is flat and undeveloped. It was formerly a Christmas tree farm.

Across Central Point Road from the subject property are several rural residential lots. Also to the north across White Lane is one similar rural residential lot and farther to the north and east is a large, approximately 5.9 acre parcel in unincorporated Clackamas County. To the south and west is Payson Farms. To the west are rural residential lots.

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.

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, and the Growth Management Functional Plan were examined and found not to contain specific criteria applicable to boundary changes.

6. 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 FU-10, Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1) and Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5). Zoning on the property is FU-10, Future Urban having a 10 Acre Minimum Lot Size.

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

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

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Those are addressed below. According to Metro's data base Oregon City has a total of 105 vacant buildable lands designated for Low-Density residential use that are zoned R-6, R-8, or R10.

7. 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 Low-Density Residential plan designation. Consequently, when property is annexed to Oregon City, it already has a City planning designation.
8. 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 County approved the creation of the subject lot in 1988 smaller than the minimum parcel size in the FU-10 zone (file no. 279-88-C). That partition was approved pursuant to the County Code section 902.01A(4) which allows creation of a parcel less than ten acres in size for conditional uses. In this case, the smaller lot was created for a fire station, a conditional use in the FU-10 zoning district. According to a letter from the County Planning Director, dated March 7, 2000, although the lot was legally created, the only use allowed is a fire station.

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 Central Point Road and White Lane, 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 are applicable.

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. This policy implies that lands that cannot be provided urban services should not be annexed. 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 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 result in the City applying R-10 zoning to lands designated low density residential, 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 Findings numbered 11 through 18.

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

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

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

Findings numbered 11 through 18 demonstrate that public facilities and services are available and are adequate to serve the potential development that could occur under the existing low density plan designation.

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. Each factor required to be considered by the Metro Code is discussed in the Conclusions and Reasons.

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. The Plan does identify the area as being subject to wet soils – high water table. Subdivisions and requests for major partitions in areas with high groundwater tables are required to file a Development Impact Statement (DIS) which, in part, asks the applicant to locate and take into consideration “ . . . the effect upon the watershed in which the project is located, the effect upon the immediate area’s storm water drainage pattern of flow; the impact of the proposed development upon down stream area; and the effect upon the groundwater supply. Under the zoning that the City will automatically impose upon annexation (R-10), the site could be developed with no more than 2 homes. Consequently neither a subdivision nor major partition will be needed and the DIS will not be required.

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12. The area to be annexed is in the Clackamas River Water District. The District has an 8-inch water line in Central Point Road and a 6-inch water line in White Lane. The developer of *Payson Farms* has extended a 12-inch City water line up Central Point Road. This line can provide service for the subject site.

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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. This site is in the Beaver Creek drainage basin. The developer of *Payson Farms* will construct and dedicate an on-site storm water detention facility which can also serve the subject site.
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 the 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 McLoughlin Elementary School, the Jesse Court Site (undeveloped), Oak Tree Park, and Chapin Park, a developed community park. The site is within ½ mile of the McLoughlin Elementary School. It is within the service area of a proposed neighborhood park, shown on the parks plan on the North side of Central Point Road near Salmonberry Dr. The parcel is just outside the 1 mile radius of Chapin Park and within the service area of a proposed community park, shown on the parks plan on the south side of South End Road in the vicinity of Parrish Road.
17. Both Central Point Road and White Lane are County roads. Central Point Road is designated as a minor arterial. Both roads will likely be transferred to the City after

annexation. The *Payson Farms* developer has improved Central Point Road and White Lane in front of the area to be annexed.

The *Payson Farms* developer had Kittelson & Associates, Inc. prepare a transportation assessment for the subdivision application in November, 1998 (Assessment). The number of lots included in the Assessment was 54, while 40 were ultimately approved. Consequently, the 1 to 2 homes that are proposed on the subject parcel fall within the impact assessed for the Payson Farms subdivision. The 54 residences assumed in the study would generate approximately 515 weekday trips, of which approximately 40 would occur during the a.m. peak hour and approximately 55 would occur during the p.m. peak hour.

The Assessment showed that the level of service (LOS) of the intersection of Central Point Road and White Lane is "A." All study intersections operated at acceptable levels of service during the weekday a.m. and p.m. hours. The Assessment said that traffic volumes in south Oregon City are growing approximately two to three percent per year, as estimated in the *Oregon City Transportation System Plan Existing Conditions Analysis* (Kittelson & Associates, 1998). Previous traffic impact studies that analyzed the study intersections found that the intersections will not need additional mitigations in the near-term future. The on-going City of Oregon City Transportation System Plan is examining vehicle queuing and storage issues involving the two closely spaced intersections of Central Point Road/Warner-Parrot Road and Leland Road-Linn Avenue/Warner-Milne Road. No improvements at these two intersections had been identified at the time of the Assessment. The Assessment concluded that the study intersections are forecast to continue operating at acceptable levels of service during the weekday a.m. and p.m. peak hours.

According to the Assessment approximately 450 feet of sight distance is required at the White Lane approach to Central Point Road. Vehicles now have a clear line of sight in excess of 450 feet in each direction, so adequate sight distance is currently provided. The Assessment noted that landscaping along the site frontage should be limited to low-lying vegetation to ensure adequate sight distances are maintained.

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 rights-of-way of S. Central Point Road and White Lane 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 the findings 11 through 18 show, all public facilities are available to serve this site. The recent analysis by Metro concerning expansion of the UGB demonstrates that additional urban land is needed.

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.