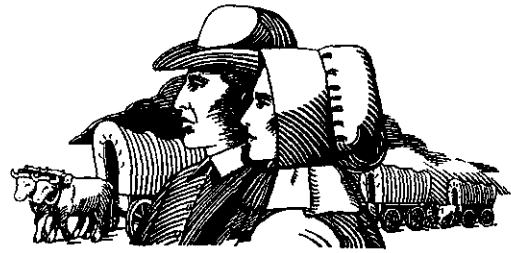


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

City Commission Chambers - City Hall

July 10, 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:** June 26, 2000
- 7:15 p.m. 4. **PUBLIC HEARINGS**
- AN 00-02;** Gary Forrette/ 19441 S. Meyers Road/ Clackamas County Map # 3S-2E-7D, TL 100 & 190; Requesting annexation into Oregon City.
- 7:45 p.m. 5. **AN 00-03;** Land Tech, Inc./ Clackamas County Map # 3S-2E-16, TL 501; Requesting annexation into Oregon City.
- 8:15 p.m. 6. **OLD BUSINESS**
- 8:20 p.m. 7. **WORKSESSION**
- A. Design Review** (*Handout and Slide Show*)
- B. Sign Ordinance Language** (*Handout at meeting*)
- 9:20 p.m. 8. **NEW BUSINESS**
- A. Staff Communications to the Commission**
- B. Comments by Commissioners**
- 9:35 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.

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
June 26, 2000**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Carter  
Commissioner Orzen  
Commissioner Surratt  
Commissioner Vergun

**STAFF PRESENT**

Maggie Collins, Planning Manager  
William Kabeiseman, City Attorney  
Bob Cullison, Engineering Manager  
Barbara Shields, Senior 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: June 12, 2000**

**Commissioner Carter** moved to accept the minutes of the June 12, 2000 Planning Commission meeting, **Commissioner Surratt** seconded.

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

**4. PUBLIC HEARINGS (Quasi-Judicial and Legislative)**

**Chairperson Hewitt** reviewed the public hearing process. He stated the time limitations for the speakers in the public hearing. He stated that the first two public hearings would be quasi-judicial and that the last two public hearings would be legislative.

- A. ZC 00-01(Quasi-judicial);** Home Port, Inc. / 19170 South Pease Road; Clackamas County Map # 3S-2E-07A, Tax Lot 2002; Zone change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District.

**Chairperson Hewitt** asked if there were any conflicts of interest and if anyone had visited the sites. **Commissioner Vergun** stated that he lives on the same street where the applicant's property is located and would need to abstain from judgement due to a conflict of interest and bias. He left the Commission Chambers for the duration of the first hearing. **Commissioner Surratt** stated she had visited the site.

## **OPEN OF PUBLIC HEARING**

**Chairperson Hewitt** opened the public hearing.

## **STAFF REPORT**

**Barbara Shields** reviewed the staff report. **Chairperson Hewitt** asked about the zoning of the adjacent properties. **Barbara Shields** stated that the property to the north is owned by the applicant and is currently zoned at R-8, the proposed zoning change would allow the applicant to consolidate the two properties. Other surrounding properties are zoned at R-10.

## **TESTIMONY IN FAVOR**

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

**Matt Wellner** stated that he is the applicant's representative. He stated that the two properties to the southwest of the lot in question are also owned by Home Port, and that the annexation requests to be heard at this meeting are for those two lots.

**Commissioner Orzen** asked about the historical structure on the lot to the north of the subject property. **Matt Wellner** stated that the structure is a family dwelling on a 10,000 square-foot lot and will not be modified. **Commissioner Carter** asked about the "cut-out" area on the property to the north of the subject property. **Matt Wellner** responded that the owners of that property did not want to be included as part of a sub-division and did not want to be annexed into the City. **Chairperson Hewitt** stated that he was concerned that they had created an island. **Commissioner Surratt** replied that the island had been previously created in that its ownership is not part of the subject property.

## TESTIMONY IN OPPOSITION

None.

## CLOSE OF PUBLIC HEARING

## DELIBERATION AMONG COMMISSIONERS

**Chairperson Hewitt** asked if there were any questions. **Commissioner Carter** asked about the easement and right-of-way issues as mentioned in Exhibit 4A. **Bob Cullison** stated that the legal right-of-way on paper does not match the existing, traveled right-of-way. This discrepancy dates back over many years and has been handled on a case-by-case basis. He stated that the applicant has been made aware of this issue.

**Commissioner Surratt** asked about the number of lots in Phase I and Phase II as documented in the commission packet. **Bob Cullison** replied that the subject property consists of 13 lots. **Barbara Shields** responded that Home Port had prepared a comprehensive development plan, which involves four adjacent properties that they own. Phase I refers to the change in zoning of the subject property that would allow consolidation with the parcel to the north. Phase II refers to the proposed annexation of the two parcels to the southwest of the subject lot. The annexation requests for those parcels will be heard tonight. **Barbara Shields** pointed out the areas in question to the Commissioners using a zoning map of Oregon City.

**Chairperson Hewitt** asked about the issue of inadequate storm water drainage. **Bob Cullison** responded that the applicant would be required to link up with proper drainage approximately one-quarter mile away on Pease Road, which would require third party easements. **Chairperson Hewitt** asked if this was a condition. **Bob Cullison** replied that it is not a condition for zoning changes.

**Commissioner Surratt** stated that she disagrees with the findings of the staff report for Criteria B and C. She stated that the zone change would present a long term, significant impact on the transportation system and other public services.

**Chairperson Hewitt** asked about the intersection modifications and the financial impact of a stoplight upgrade. **Bob Cullison** replied that the applicant's subdivision submittal would be the time at which these issues would be taken up.

**Commissioner Carter** asked if the property could remain zoned at R-10 and still be developed. **Chairperson Hewitt** responded in the affirmative.

**Commissioner Carter** moved to approve the application for zoning change based on the findings of the staff report, **Commissioner Orzen** seconded.

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

**B. PD 99-01 (continued) (Quasi-judicial);** Larry Marple, Triple "L" Development / 14608 Glen Oak Rd.; Clackamas County Map # 3S-2E-16A, Tax Lot 800; Requesting approval of a Planned Unit Development (PUD) consisting of 37 single family homes and 30 multi-family dwellings.

**Chairperson Hewitt** asked if there were any conflicts of interest and if anyone had visited the site. **Commissioners Orzen and Surratt** stated that they had visited the site. **Commissioner Orzen** stated that she lives in the same neighborhood as the proposed PUD. She stated that the applicant gave a presentation to the Caufield Neighborhood Association, but she did not attend that meeting. **Chairperson Hewitt** stated that he wrote a letter of explanation and apology to the Caufield Neighborhood Association due to a misunderstanding that occurred in a previous Planning Commission meeting. He did not believe that there was a bias or conflict of interest as a result of writing the letter.

## **OPEN OF PUBLIC HEARING**

**Chairperson Hewitt** opened the public hearing.

## **STAFF REPORT**

**Barbara Shields** reviewed the staff report. She stated that the revised application differs from the original plan in that the multi-family dwellings have been eliminated and the number of units has been reduced from 67 to 57. Detached "carriage house" accessory units have been added to 17 of the 38 single-family lots. The circular network and open space plans have not been changed from the original proposal. She reviewed the conditions of approval and handed out revised language for condition 17, labeled Exhibit A.

Condition 17 with revised language underscored:

The applicant shall provide proportionate share of intersection improvements to obtain a level of service (LOS) of "D" for peak PM traffic conditions at the Glen Oak Road and Highway 213 intersection.

**Commissioner Surratt** asked for more information about the condition on open space. **Barbara Shields** replied that the current open space plan is not detailed enough and the condition requires a revised open space plan detailing the triangular area in the upper-left hand corner of the property.

**Commissioner Carter** asked about the conditions requiring private ownership and maintenance of wetland and open space (Exhibit 7, page 3, conditions 6 and 7). **Bob Cullison** stated that the areas mentioned in the condition are common areas used as private access alleys. Private ownership and maintenance agreements are common in this type of situation. **Chairperson Hewitt** asked to have the words "private alley" added in parentheses after Tracts E and F. **Chairperson Hewitt** asked about the City's requirement for maintenance agreements. **Bob Cullison** stated that the City only requires a deed but that the Planning Commission could add the requirement of a maintenance agreement if desired. **Chairperson Hewitt** stated that he would like condition 7 to state that the plat should indicate a maintenance agreement on Tracts E and F.

**Commissioner Vergun** stated that the "proportionate share" phrase in the revised language of condition 17 was too vague. **Bob Cullison** stated that the condition was left broad to allow for a thorough study of the intersection to determine the improvements needed. A funding priority list would further narrow the improvement options, and a decision would be made at that time. **Commissioner Vergun** asked about the ODOT approval rule. **Bob Cullison** responded that any modification to ODOT intersections requires approval from ODOT.

## TESTIMONY IN FAVOR

Mike Miller, 1013 SE 15<sup>th</sup> Avenue, Portland OR

**Mike Miller** stated he represented the applicant. He handed out a plan brochure (Exhibit B) and stated that he had prepared the revised plan, worked with PGE on easements, and met with the Caufield Neighborhood Association. He presented a site plan chart (Exhibit C) and explained that the circular plan and open space remained unchanged from the original plan. He stated that there were two styles of houses planned, Type A includes an attached garage (Exhibit D) and Type B has a detached "carriage house" garage unit with

alley access (Exhibit E, 2 sided). The carriage house would have an upper floor that would be considered "flex space" to be used as storage, office space, rental housing, or a home gym to be determined by the owner. Both types of units have porches, shingles, and grid windows similar to the style of Craftsman homes popular in Oregon City in the 1920's.

**Mike Miller** presented an open space plan (Exhibit F) illustrating turf differences, pathways, benches, and picnic tables. He stated that State Division of State Lands had already approved mitigation areas and that he will resubmit the open space plan in compliance with condition of approval. He stated that the Caufield Neighborhood Association seemed favorable to the plan and he believes that the units will sell well. He stated that he is working closely with PGE on easements and submitted informational pamphlets into the official record (Exhibit G). **Mr. Miller** presented plans for the entry monument (Exhibit F, 2 sided) and stated that the style of the monument mimics the materials and architecture of the proposed dwelling units.

**Mike Miller** requested that a change be made to the frontage condition (Exhibit 7, condition 9, page 3) to indicate units 30 to 35 instead of 30 to 37 in order to allow street access for two Type A units.

**Commissioner Carter** asked about the access to the second level of the carriage houses. **Mike Miller** responded that access would be from an exterior staircase with a landing. **Chairperson Hewitt** stated he would like to add "for carriage house unit only" to the rear yard condition 3I (Exhibit 7, page 1). **Mike Miller** stated that that would be acceptable.

**Chairperson Hewitt** stated that the "flex space" use of the carriage house units is in conflict with condition 4 (Exhibit 7, page 1) that requires residential use only. **Mike Miller** stated that he wanted to leave the decision of usage to the owners. **Chairperson Hewitt** stated that there is a PUD requirement for mixed use and that he will consult with staff on the requirements.

Barbara McCain, 14404 Talawa Drive, Oregon City OR 97045

**Barbara McCain** stated she is Co-Chairperson of the Caufield Neighborhood Association and that the applicant had given the Association a presentation on the revised plan. She stated that the applicant told them the carriage units would have internal stairways. **Ms. McCain** stated that she spoke with Nancy Kraushaar over the traffic issue and is concerned that the new high school will bring many inexperienced drivers through a neighborhood with no traffic light. She stated that she was concerned that there is a project priority list that could shift funds away from those projects that are important to her. She stated that she is also concerned that only two of the five Commissioners drove by the property. She stated that she is also concerned that the Commission packet is missing pages, has typos, and includes inaccurate information.

Robert Poariea, 14409 South Cambria Terrace, Oregon City OR 97045

**Robert Poariea** stated that he attended the meeting with the developer and likes the plan. He stated he was concerned with the safety of internal stairways in case of fire. He stated that the open area is a good solution to the PGE easement, as he is concerned with electro-magnetic illness occurring when people live too close to the power lines.

Steve Hartung, 14445 Talawa Drive, Oregon City OR 97045

**Steve Hartung** stated that he was originally against the PUD plan, but attended the presentation given by the applicant and is now favorable towards the plan. He thanked the applicant for addressing concerns and thanked the Commissioner Hewitt for sending the letter of apology.

#### **TESTIMONY IN OPPOSITION**

None.

#### **RESPONSE FROM APPLICANT**

**Mike Miller** stated that an outside stairway would allow a landing with a porch and would provide an additional amenity to the owners.

#### **CLOSE OF PUBLIC HEARING**

#### **DELIBERATION AMONG COMMISSIONERS**

**Commissioner Orzen** stated that she recently has seen the carriage house units at Orenco Station and that they were very nicely done.

**Chairperson Hewitt** asked about the residential use requirement of the carriage house units. **Barbara Shields** stated that the requirement is for 57 units to be residential. **Chairperson Hewitt** stated that density requirements would require carriage units to be built as dwellings, although actual use would be up to the individual owner. **Chairperson Hewitt** stated he would like to add "for carriage house unit only" to the rear yard condition 3I (Exhibit 7, page 1).

**Commissioner Vergun** asked if a requirement for a homeowners association could be added to a condition. **Maggie Collins** stated that homeowners associations are usually set up by private parties, but that the Commission could require an association sign-off before a plat is entered into record. **Bob Cullison** stated that the City is not concerned with how open areas are maintained, just that the open areas are well maintained.



**Chairperson Hewitt** stated that upon more review, the conditions of approval cover open space maintenance.

**Chairperson Hewitt** asked if all Commissioners agree that frontage requirements should refer to 30 to 35 instead of 30 to 37 to allow for access to two lots. All Commissioners agreed.

**Commissioner Carter** stated that a covered external stairway is appealing. **Bob Cullison** stated that building code will dictate if it is possible.

**Maggie Collins** asked if the Commissioners agreed to the language changes in condition 17. All Commissioners agreed.

**Commissioner Vergun** stated that he was pleased the applicant met with the Caufield Neighborhood Association. He stated he looks forward to the Association's continued presence at Commission meetings.

**Commissioner Carter** moved to approve the PUD application with changes to conditions as previously noted, **Commissioner Surratt** seconded.

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

**Maggie Collins** stated that the final conditions will be mailed to the applicant and will include instructions for the appeal process.

## **RECESS**

C. **AN 99-09 (Legislative)**; Home Port Development/ 19236 South Pease Road; Clackamas County Map # 3S-2E-07, Tax Lot 2100; Requesting Annexation of 1.94 acres from Clackamas County into the City of Oregon City.

D. **AN 99-10 (Legislative)**; Home Port Development/ 19236 South Pease Road; Clackamas County Map # 3S-2E-07, Tax Lot 2200; Requesting Annexation of 3.98 acres from Clackamas County into the City of Oregon City.

**Chairperson Hewitt** stated that the last two applications would be heard together as the lots are adjacent, and are both applications for annexation into the City.

## **OPEN OF PUBLIC HEARING**

**Chairperson Hewitt** opened the public hearing.

## **STAFF REPORT**

**Maggie Collins** reviewed the staff reports. The applicant is requesting annexation from Clackamas County to Oregon City for two adjacent properties that abut Pease Road. She stated that the Planning Commission would make a recommendation to the City Commission based on the seven specific criteria. She stated that Deneice Won had prepared the staff report and found no overriding reasons not to recommend approval.

**Commissioner Carter** asked where the Urban Growth Boundary was in relation to the subject properties. **Deneice Won** stated she was not prepared to answer that question but stated that the boundary line is to the south of the properties and not near the boundary edge. **Maggie Collins** pointed out the areas in question on a City map.

## **TESTIMONY IN FAVOR**

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

**Matt Wellner** stated that the plan meets all of the criteria although storm water is still an unresolved issue. He stated that he will discuss easements with the neighbors towards Leland Road. The neighbors would most likely be favorable as the easement and linkage will help alleviate standing water on their properties. He stated that there are tentative plans for development on both lots. He will work closely with staff in plan development.

David Wheeler, 19491 South Leland Road, Oregon City OR 97045

**David Wheeler** stated that he is an adjacent property owner and that there are differences between the survey lines and fence lines, and the proposed monument goes over his property. He stated that there has been no easement agreement and that water retention and release/flow are concerns.

**Chairperson Hewitt** stated that this is an annexation hearing and urges the speaker to be involved in future development proposals, if annexation is successful. Property disputes are handled after annexation. He stated that the concerns are important but they can't be handled during an annexation hearing.

## **RESPONSE FROM APPLICANT**

**Matt Wellner** stated he would address Mr. Wheeler's concerns at the time of development.

## **CLOSE OF PUBLIC HEARINGS**

## **DELIBERATION AMONG COMMISSIONERS**

**Chairperson Hewitt** stated he would entertain a motion for both properties.

**Commissioner Orzen** moved to recommend approval for annexation of the two subject properties based on findings of the staff report. **Commissioner Carter** seconded.

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

## **5. OLD BUSINESS**

### **A. Work Session:**

Commissioners did not meet for a worksession due to time constraints.

## **6. NEW BUSINESS**

### **A. Staff Communications to the Commission**

**Maggie Collins** stated that there will be a Volunteer Appreciation Day picnic at Rivercrest Park on July 18th from 5:30 to 8:30 pm. She stated that the City Commission did not uphold the Planning Commission's variance denial that was appealed by Jim McKnight.

### **B. Comments by Commissioners**

None.

## **7. ADJOURN**

All Commissioners agreed to adjourn.

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**Gary Hewitt, Planning Commission  
Chairperson**

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**Maggie Collins, Planning Manager**

**PROPOSAL NO. AN-00-02 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Gary Forrette

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Proposal No. AN-00-02 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 prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Metro Appeals Commission within 10 days of the date of the City Commission's decision.

The territory to be annexed is located generally on the southwest side of the City on the southwest edge of Meyers Road and the north edge of Wickiup Drive. The site address is 19441 S. Meyers Road. The territory contains 0.53 acres, one single-family residence, an estimated population of three, and has an assessed value of \$140,000.

**REASON FOR ANNEXATION**

The applicant wants to annex to obtain urban services to enable him to partition the parcel and build one additional residence.

**LAND USE PLANNING**

***SITE CHARACTERISTICS***

The property is fairly level, sloping slightly to the east. Surrounding land uses are residential.

## ***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 any criteria directly 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-10 Acre Minimum Lot Size

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*, which is defined as:

*"Future urbanizable areas are lands within the Urban Growth Boundaries but outside Immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.*

Policy 5.0 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. The proposal should be modified to include the adjacent right-of-way of Meyers Road to comply with the agreement.

#### Urban Growth Management Agreement

The territory to be annexed falls within the urban growth management boundary identified for Oregon City on the City / County Urban Growth Management Agreement, 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 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. The adjacent right-of-way of Meyers Road is not included with the proposed annexation. The staff will recommend to the City Commission to modify the proposals to include that right-of-way.

Jurisdiction of County Roads does not occur automatically when they are annexed. After annexation the City may request that annexed roads be transferred. If a road is not built to City street standards the agreement requires the County to pay the City for the cost of a two-inch overlay. It is the staff's understanding that the County has not been transferring annexed roads to the City because it lacks the funds to pay for the overlay costs required by the agreement.

## **CITY PLANNING**

Although this territory is not covered by the Oregon City acknowledged Comprehensive Plan, the City prepared a plan for its surrounding area and its plan designations have been adopted by the County in this area. The City's Comprehensive Plan designates this territory as Low Density Residential. 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 annexing 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 that show that the City will administratively assign City R-10 zoning to Low Density Residentially designated lands 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 City's plan shows that the area is subject to wet soils due to a high water table.

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 affect 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 result 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. Any impacts on the community that result from approval of development permits are a direct consequence of the permit

approval, not of the annexation. Before any urban development can occur the territory must also be annexed to the sewer district.

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. No urban service agreements have yet been adopted in Clackamas County.

**Sanitary Sewers.** The City of Oregon City provides sanitary sewer collector service. The City has an 8-inch gravity sewer main in Meyers Road. The property owner will be required to extend this sewer line across his frontage to the northwest property line and will serve the existing dwelling. The back parcel the owner proposes to create can be served from a sewer line in Wickiup Drive. According to the City Engineer, this system has adequate capacity to serve the site.

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

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

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 existing residence obtains water service from the Clackamas River Water District from a water line in Meyers Road. The City has an 8-inch line in Meyers Road, which is to be upsized to a 12-inch water line along the parcel's frontage. The existing home will be required to switch to service from the city water line. The City's water line has adequate capacity to serve the proposed development.

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).

Storm Sewerage. When development is proposed for the subject site, the owner will be required to design and construct a storm water collection and a detention system to compensate for the increase in impervious area of the property. The City has a 12-inch storm sewer line in Meyers Road that the property owner will extend to the west property line. The rear lot that the owner proposes to create can be served by a City storm drain in Wickiup Drive.

Fire Protection. This territory is currently within Clackamas County R.F.P. D. # 1. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District 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 1.3 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 City has three neighborhood parks within 1 mile of the proposed annexation site.

Transportation. The City will require dedication of an additional 10 feet of frontage along right-of-way of Meyers Road, a half street improvement along the frontage with curbs and gutters, sidewalk, street trees, street lights and storm line.

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-00-02. 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-00-02

3S2E07

Annexation to the City of Oregon City

Clackamas Co.



REGIONAL LAND INFORMATION SYSTEM



800 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 797-1742  
FAX 503 797-1809  
Email dro@metro-region.org

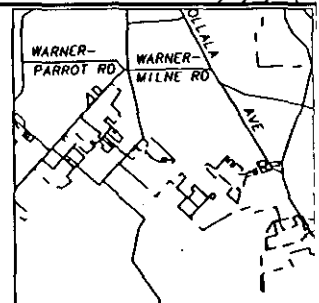
**METRO**

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- County lines
- City
- Annexation boundary

Proposal No. AN-00-02  
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 0.53 acres, one single-family residence, an estimated population of three, and has an assessed value of \$140,000.
2. The applicant wants to annex to obtain urban services to enable him to partition the parcel and build one additional residence.
3. The property is fairly level, sloping slightly to the east. Surrounding land uses are residential.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). 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 any criteria directly applicable to boundary changes,
5. 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-10 Acre Minimum Lot Size.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*. Policy 5.0 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. The proposal should be modified to include the adjacent right-of-way of Meyers Road to comply with the agreement.

6. The territory to be annexed falls within the urban growth management boundary identified for Oregon City on the City / County Urban Growth Management Agreement 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 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. The adjacent right-of-way of Meyers Road is not included with the proposed annexation. The staff will recommend to the City Commission to modify the proposals to include that right-of-way.

Jurisdiction of County Roads does not occur automatically when they are annexed. After annexation the City may request that annexed roads be transferred. If a road is not built to City street standards the agreement requires the County to pay the City for the cost of a two-inch overlay. It is the staff's understanding that the County has not been transferring annexed roads to the City because it lacks the funds to pay for the overlay costs required by the agreement.

7. Although this territory is not covered by the Oregon City acknowledged Comprehensive Plan, the City prepared a plan for its surrounding area and its plan designations have been adopted by the County in this area. The City's Comprehensive Plan designates this territory as Low Density Residential. 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 annexing 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.

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 that show that the City will administratively assign City R-10 zoning to Low Density Residentially designated lands 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. Each factor of the Metro Code criteria are addressed in these Findings and 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 City's plan shows that the area is subject to wet soils due to a high water table.

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 affect 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 result 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. Any impacts on the community that result from approval of development permits are a direct consequence of the permit approval, not of the annexation. Before any urban development can occur the territory must also be annexed to the sewer district.

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*"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."*

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10. The existing residence obtains water service from the Clackamas River Water District from a water line in Meyers Road. The City has an 8-inch line in Meyers Road, which is to be upsized to a 12-inch water line along the parcel's frontage. The existing home will be required to switch to service from the city water line. The City's water line has adequate capacity to serve the proposed development.

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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).

11. When development is proposed for the subject site, the owner will be required to design and construct a storm water collection and a detention system to compensate

for the increase in impervious area of the property. The City has a 12-inch storm sewer line in Meyers Road that the property owner will extend to the west property line. The rear lot that the owner proposes to create can be served by a City storm drain in Wickiup Drive.

12. This territory is currently within Clackamas County R.F.P. D. # 1. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation.
13. 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 1.3 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.

14. The City has three neighborhood parks within 1 mile of the proposed annexation site.
15. The City will require dedication of an additional 10 feet of frontage along right-of-way of Meyers Road, a half street improvement along the frontage with curbs and gutters, sidewalk, street trees, street lights and storm line.
16. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

### **CONCLUSIONS AND REASONS FOR DECISION**

Based on the Findings, the City Commission determined:

1. The Metro Code, 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 9 through 16 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.

2. 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.

3. 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 9 through 16 and that therefore the proposed change promotes the timely, orderly and economic provision of services.
4. 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.
5. The City may specify in its annexation Ordinance that the territory will be simultaneously withdrawn from Clackamas RFPD #1. First response to this area is provided by the City under the terms of an agreement between the City and the District. 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.

6. 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

**PROPOSAL NO. AN-00-03 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Ronald and Wanda Rutherford

Applicant: Brett Eells, represented by Land Tech, Inc.

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Proposal No. AN-00-03 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 prior to or at 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 southeast part of the City, east of Molalla Avenue and south of Glen Oak Road. The territory contains 2.39 acres, is vacant and has an assessed value of \$88,420.

**REASON FOR ANNEXATION**

The applicant wants to annex to obtain urban services to enable him develop the site as a residential subdivision at the City's R-6MH density.

**LAND USE PLANNING**

***SITE CHARACTERISTICS***

The parcels to the north and south are zoned R-6MH. The north portion of the site slopes toward Glen Oak Road, the south part slopes to the southwest. The slopes range from 0 to 10 percent. The two lots to the north were partitioned and are in single family residential use. To the south is a planned manufactured home community. To the immediate east and

west are unincorporated areas with rural residential uses, which are in turn surrounded by City urban uses.

## ***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