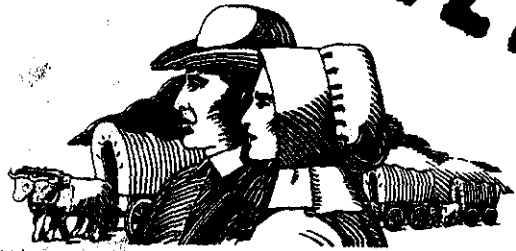


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

City Commission Chambers - City Hall  
June 26, 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 12, 2000
- 7:15 p.m. 4. **PUBLIC HEARINGS**
- 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.
- 8:00 p.m. 5. **PD 99-01 (continued) (Quasi-judicial);** Larry Marple, Triple "D" 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.
- 8:45 p.m. 6. **AN 99-09 (Legislative);** Home Port Development/ 19236 S. Pease Road; Clackamas County Map # 3S-2E-7, Tax Lot 2100; Requesting Annexation of 1.94 acres from Clackamas County into the City of Oregon City.
- 9:05 p.m. 7. **AN 99-10 (Legislative);** Home Port Development/ 19230 S. Pease Road; Clackamas County Map # 3S-2E-7, Tax Lot 2200; Requesting Annexation of 3.98 acres from Clackamas County into the City of Oregon City.
- 9:25 p.m. 8. **OLD BUSINESS**
- A. Work Session**
- 9:30 p.m. 9. **NEW BUSINESS**
- A. Staff Communications to the Commission**
- B. Comments by Commissioners**
- 9:35 p.m. 10. **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 12, 2000**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Carter  
Commissioner Orzen  
Commissioner Surratt

**STAFF PRESENT**

Maggie Collins, Planning Manager  
Marnie Allen, City Attorney  
Dean Norlin, Senior Engineer  
Paul Espe, Associate Planner  
Barbara Shields, Senior Planner

**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: May 22, 2000**

**Commissioner Carter** moved to accept the minutes of the May 22, 2000 Planning Commission meeting, **Commissioner Orzen** seconded.

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

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

**Chairperson Hewitt** reviewed the public hearing process. He stated the time limitations for the speakers in the public hearing. He asked if there were any conflicts of interest and if anyone had visited the sites. All commissioners replied in the negative.

- A. **PD 99-02**; Paul Reeder and Dale Hult / Clackamas County Map #3-2E-7A, Tax Lot 2800; Approval of a 28-residential dwelling Planned Unit Development including 16 single-family detached homes, 6 single-family attached homes, and 3 duplexes.

## **OPEN OF PUBLIC HEARING**

**Chairperson Hewitt** opened the public hearing.

## **STAFF REPORT**

**Barbara Shields** reviewed the staff report. **Chairperson Hewitt** asked her to review the applicant's open space plan. **Barbara Shields** stated that the proposed plan provides a half-acre of open space consisting of wetland areas and drainage. The open space plan includes benches, picnic tables, and 1000 feet of gravel paths. She stated that staff recommends that the paths be extended to connect with the proposed new city park located across the street from the location of the proposed PUD.

## **TESTIMONY IN FAVOR**

Dale Hult, PO Box 955, Sandy OR 97055  
Ray Moore, PO Box 955, Sandy OR 97055  
Todd Mobley, 800 NW 6<sup>th</sup> Ave., Ste. 206, Portland, OR 97209

**Dale Hult** stated that he was the owner of the property and applicant. He stated that he had worked with a civil engineer, wetland scientist, and the Division of State Lands (DSL) to plan the open space. He stated that they developed this PUD proposal following code closely and worked with City staff to create an acceptable plan.

**Commissioner Carter** asked how the water concerns would be addressed during construction, and asked when construction would begin. **Dale Hult** stated that approved construction would begin in the summer. **Ray Moore**, applicant's engineer, stated that there were specific rules as to when construction is allowed in wetland areas.

**Commissioner Carter** asked if the rules were well enforced. **Ray Moore** replied in the affirmative. **Commissioner Carter** asked about concerns of over-fertilization and the phosphorus contaminated run-off in open areas. **Ray Moore** stated that the issue is important and can be monitored by the homeowner's organization. **Chairman Hewitt** stated that CC&R's are not an issue that the Planning Commission handles.

**Commissioner Carter** stated that it is important that the new residents are aware of possible poor water quality and how their individual actions can damage the wetlands. **Chairman Hewitt** stated that he agreed but that it may not be a CC&R item. **Ray Moore** stated that a maintenance plan can address the fertilizer/phosphorus issue. **Jay Lorenz**, Wetland Scientist, stated that a micro-swale buffer would minimize the effects of heavy metals and fertilizer runoff on the wetlands. He said that five minutes of ground contact can remove 90% of contaminants.

**Commissioner Carter** asked why they had the roadway cross the wetlands and asked how a culvert would work. **Dale Hult** stated that there was no benefit gained by using a bridge and that it would affect vegetation underneath. **Jay Lorenz** replied that the main

concern is groundwater and surface water flow, and an open bottomed system would maintain wildlife. Continuity of water flow is adequately addressed in the plan and the ratio of wetland created to wetland destroyed is 1.5 to 1. **Commissioner Orzen** asked how wetland is created. **Jay Lorenz** stated that wetland is created by excavating land to the level of the adjacent stream corridor. Native wetland vegetation is planted resulting in proper wetland hydrology.

**Chairperson Hewitt** asked about the wetland mitigation areas as newly-created areas. **Dale Hult** responded that they were the shaded areas on Exhibit 5. **Chairperson Hewitt** asked about the potential of flooding and about proper drainage. **Jay Lorenz** replied that the existing drainage swale is inadequate and overgrown, the mitigation plan moves the swale design to a different location. Swale grades will match that of the existing drainage ways, a method which eliminates flooding. **Chairperson Hewitt** asked about extending the path through the wetlands to Leland Road to create a circular path system. **Jay Lorenz** responded that that area of wetland would need to remain undisturbed for the plan to stay within the required ratio of mitigation areas to created wetland areas. **Chairperson Hewitt** pointed out a different path extension to Leland and asked if that linkage could be done. **Jay Lorenz** stated that the path would disturb the repair planting in the mitigation areas.

#### TESTIMONY IN OPPOSITION

None.

#### CLOSE OF PUBLIC HEARING

#### DELIBERATION AMONG COMMISSIONERS

**Chairperson Hewitt** asked about the specific setback requirements for drainage and if they can be changed. **Dean Norlin** replied that there are no buffer requirements at this time, but the City requests a 15-foot meandering buffer with enhanced landscaping. This type of item would be looked at in the review of engineering design plans.

**Commissioner Carter** stated that the plan is a nicely developed PUD, and it is exactly what the Planning Commission is looking for. **Commissioner Orzen** stated that the plan was well thought out. **Chairperson Hewitt** and **Commissioner Surratt** agreed.

**Commissioner Carter** moved to approve application based on the analysis and findings of the staff report, **Commissioner Surratt** seconded.

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

- B. **CU 00-03**; Oregon City Christian Church; Clackamas County Map #3-1E-1DD,  
Tax Lot 100; Construction of a church facility and parking lot.

## **OPENING OF HEARING**

**Chairperson Hewitt** opened the public hearing.

## **STAFF REPORT**

**Paul Espe** reviewed the staff report. Staff recommended a redesign of the main entrance and for closure of the north corner access. He stated that the redesign issues could be handled in a staff design review process and the redesign would not need to come back to the Planning Commission.

**Commissioner Carter** asked if approval for conditional use is for Phase One only. **Maggie Collins** stated that Condition 1, Exhibit H states that applicant will need to apply for a new conditional use permit for Phase Two.

**Commissioner Carter** asked if the church would be limited use to daycare activity and Sunday services as stated in proposal. **Chairperson Hewitt** asked if the church would be able to modify conditions for additional activity in the future. **Paul Espe** responded in the affirmative. He stated that small minor modifications are handled as standard administrative actions by staff. Larger "minor" modifications are brought in front of the Planning Commission. **Commissioner Carter** asked if the conditions could be more open-ended. **Chairperson Hewitt** responded that the City needs to set guidelines to control traffic volume. Future modifications allow for additional review and traffic studies. **Commissioner Carter** stated that exterior lighting can be very distracting to motorists. **Paul Espe** stated that exterior lighting impact is an issue covered in site plan and design review.

## **TESTIMONY IN FAVOR**

Daryl Sieker, 2030 NE Dillow, West Linn, OR 97068

**Daryl Sieker** stated that he is the architect for the applicant. He stated that the plan cannot meet Condition 2, which is a requirement for a 20-foot maximum setback. He stated that a greater setback was appropriate for a church and that motorists make up 98% of the attendees. If the required setback were met it would be visually unappealing, limit access for fire trucks, harm landscaping plans, and disrupt a comfortable movement of traffic around the facility. He stated that Condition 3 required one South End Road exit, he believes that the condition is met. The main entrance is one driveway with an island in the center. The corner access is exit-only, right-turn only. He asked about the requirement of left turn lanes from South End Road mentioned in the staff report. **Paul**

**Espe** responded that the left turn lanes are considered future improvements and part of Phase Two; they are not current conditions.

Ronald Greene, 1172 S. South End road, Oregon City, OR 97045

**Mr. Greene** stated that he lives across the street from the proposed site. He stated that a church in the neighborhood would allow for a more controlled traffic impact as opposed to traffic impact of a housing development. He stated that he is concerned that car headlamps will shine into his house and that he doesn't want to lose his view of Mt. Hood.

Larry Bennett, 19731 S. Central Point Road, Oregon City, OR 97045

**Mr. Bennett** stated that he is a member of the church and knows that there will be more functions happening at the church than just daycare and Sunday services. He is concerned that the church will not get approval for additional activities in the future and does not want the church functions to be limited. He stated that the impact on the Mr. Greene's view would be similar to a 2-story residence if approved as presented in the applicant's proposal. **Paul Espe** asked him to address the car headlight issue. **Larry Bennet** stated that he is not prepared to answer that but does know that the corner exit would alleviate some of the people exiting through the main access. **Maggie Collins** stated that the engineers could review the headlight glare impact, and landscaping can reduce the glare. **Paul Espe** stated that the main entrance could be sited so that lights shine between houses and not directly towards one house. **Marnie Allen** stated that the Planning Commission could add language in the conditions of approval that would direct action in the site plan and design review process.

Todd Mobley, 800 NW 6<sup>th</sup> Ave., Portland, OR 97209

**Todd Mobley** stated that he is an engineer with Lancaster Engineering, contracted by the client to do the traffic study. He stated that he wanted to clarify the trip generation information. He assigned extra trips for evenings and mornings in addition to those assigned for daycare and Sunday services. The extra trips were to account for the impact of additional, minimal use of the church such as for small meetings.

#### **TESTIMONY IN OPPOSITION**

None.

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

## **DELIBERATION AMONG COMMISSIONERS**

**Chairperson Hewitt** stated that the issues that need consensus are as follows: setback requirements, controlled access to the north, headlight glare, and obstructed views. He asked if there were any other issues.

**Commissioner Carter** stated that she is concerned that church will immediately apply for additional use permits. **Chairperson Hewitt** asked if minor modifications are a cost to the church. **Paul Espe** stated that the charge for modification review by the staff is about \$200. The proposed modifications can include several activities as long as the total attendees would not exceed 60 people per evening. Attendance above 60 people per night would require a larger modification review. **Chairperson Hewitt** asked if two weekly activities for 100 children would be considered excessive. **Paul Espe** stated that such a use did not seem excessive, as children would not be driving and the traffic impact would be minimal. He stated that the Planning Commission could modify the condition of approval. **Chairman Hewitt** asked Mr. Espe to modify the language of the condition to reflect that level of activity.

**Chairperson Hewitt** stated that the proposed plan setback is 105 feet, the transit requirement setback is a maximum of 20 feet and conditional use setback is a minimum of 30 feet. **Commissioner Carter** stated that the current setback with a circular drive was favorable. **Maggie Collins** stated that a setback of 105 feet would not be acceptable for pedestrian connectivity. She stated that in order to follow the Code, there must be a special condition present to make an exception. Topographical features would qualify as a special condition. **Chairperson Hewitt** reviewed code language and asked if the Planning Commission could approve a 105-foot setback with justifications. **Maggie Collins** stated that the justifications would have to be special conditions as previously stated. The applicant's plan would need to be redesigned and remanded to the site plan and design review process for a final decision on the setback issue. **Chairperson Hewitt** stated that the Planning Commission should approve a 30-foot setback with the potential for an increased setback to be decided through the site plan and design review process. All Commissioners agreed.

**Chairperson Hewitt** asked about the staff recommendation to eliminate the northern corner access to the property. He asked if the access would be acceptable if the access were a controlled one-way exit, right-turn only. **Paul Espe** stated that the staff engineer and Clackamas County transportation staff thoroughly reviewed all options and concluded that the access should be eliminated due to the resulting interference with queuing on South End Road. **Chairperson Hewitt** stated that the queuing issue is important and asked if all Commissioners agreed to eliminate the corner access as stated in Condition 3. All Commissioners agreed.

**Chairperson Hewitt** stated that the headlight glare is an important issue as two neighbors attended the meeting to share their concerns about it. He stated that the condition language should prohibit lighting from shining into adjacent residential dwellings. All commissioners agreed.

**Paul Espe** stated that he modified Condition 1 to read: "The approved Conditional Use Permit is limited to church services, daycare, and other activities during the week that do not create impacts beyond those described in the submitted traffic study (Exhibit D) for Phase One."

**Maggie Collins** recommended the following sentences be added to Condition 2: "No lighting from the parking lot shall shine into adjacent residential dwellings." "During Site Design Review, the impacts of headlight glare on residents across South End road shall be considered." "The applicant is allowed a 30-foot minimum setback per OCMC 17.56.040C, which may be expanded with proper evidence supporting such expansion."

**Commissioner Surratt** moved to approve the application based on the analysis and findings of the staff report. Conditions of approval are modified as follows: Condition 1 is approved as revised and as read by Paul Espe. Condition 2 is approved as revised and as read by Maggie Collins. Condition 3 is approved as is in the staff report.

**Commissioner Carter** seconded.

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

## **5. OLD BUSINESS**

None.

## **6. NEW BUSINESS**

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

**Maggie Collins** stated that there would be a Planning Commission work session on June 14 in the Commission Chambers at 7:00 PM.

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

**Commissioner Carter** stated that the lighting of the new golf course is very bright and distracting to motorists. **Chairperson Hewitt** asked if there were other complaints about the course to the City. **Maggie Collins** stated that the City has received a number of complaints about the course lighting and will note in the records that the Planning Commission has made a complaint as well.

All Commissioners agreed to adjourn.



CITY OF OREGON CITY PLANNING COMMISSION

Minutes of June 12, 2000

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**Gary Hewitt, Planning Commission  
Chairperson**

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**Maggie Collins, Planning Manager**

# CITY OF OREGON CITY

## COMMUNITY DEVELOPMENT DEPT.

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### Staff Report

**June 26, 2000**

120-day: September 1, 2000

**FILE NO:** PD 99-01  
Glen Oaks Meadows  
Planned Unit Development

**FILE TYPE:** Quasi-Judicial, Type III

**HEARING DATE:** Monday, June 26, 2000  
7:00 p.m., City Commission Chamber  
320 Warner Milne Road  
Oregon City, Oregon 97045

**APPLICANT/  
PROPERTY OWNER:** Larry Marple  
Triple "L" Development  
8115 SE 82<sup>nd</sup> Avenue  
Portland, OR 92226

**REQUEST:** Approval of a revised Preliminary Plan for a Planned Unit Development consisting of 38 single-family homes and 19 accessory dwelling units ("carriage units").

**LOCATION:** 14608 Glen Oak Road; Clackamas County Tax Map 3S-2E-16A, Tax Lot 800

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

**RECOMMENDATION:** Staff recommends approval of the revised Preliminary Plan for Glen Oaks Meadows PD 99-01

## **SUMMARY OF ISSUES**

### **1. Background**

At the April 10, 2000, meeting, the Planning Commission reviewed a Preliminary Plan for a Planned Unit Development, Glen Oak Meadows PD 99-01, consisting of 37 single-family homes and 30 multiple-family units. At this meeting the applicant presented a revised Preliminary Plan for a Plan Unit Development and asked the Planning Commission to continue the application to May 22, 2000, in order to allow the applicant additional time to refine the revisions to the PUD Plan.

On April 24, 2000, the applicant requested an additional continuance to June 26, 2000, to prepare the revised application.

On May 31, 2000, the applicant filed a revised Preliminary Plan (Exhibit 2) and Narrative (Exhibit 3) for Glen Oak Meadows PD 99-01. The Planning Division sent the revised Preliminary Plan and the narrative to appropriate public agencies and service providers for their evaluation and comments.

### **2. Scope of the Request**

The applicant is requesting approval of a Preliminary Plan for a Planned Unit Development on a 9.68-acre site. The development site is located south of Glen Oak Road, east of Highway 213 (Exhibit 1). The subject property is affected by Caufield Creek and its associated wetlands along the northern portion of the site and a 125-foot wide PGE access crossing the northwesterly corner of the subject property.

The original plan proposed by the applicant at the April 10, 2000, Planning Commission meeting consisted of two residential portions: (1) a single-family residential portion, which included 37 homes; and (2) a multiple-family portion, which included 30 multiple-family units. The applicant also proposed approximately 2.6 acres of open space as part of the proposed PUD development. The proposed open space included active and passive recreational areas. In order to accommodate the proposed 67 dwelling units, the applicant requested several adjustments to the R-6/MH district dimensional standards and a density bonus that would exceed the gross density of the subject property by 6%.

In general, the revised site plan (Exhibits 2r and 5r) proposes some changes in the level of intensity of the proposed PUD. The revised site plan submitted by the applicant reduces the total number of dwelling units from 67 to 57 units. The plan also eliminates the multiple-family component of this PUD project. It proposes 38 single-family dwellings with an additional "carriage units" over the garages on 19 of those 38 lots. The applicant is not proposing any major changes in amount of open space, internal circulation and access. The "neo-traditional" design features proposed

in the original site plan are also incorporated in the revised site plan. A comparative summary of the main design elements is presented in Exhibit 4.

## **2. Review Process**

Planned Unit Developments are allowed in the R-6/MH Single-Family Manufactured Home Dwelling District but they must comply with Chapter 17.64 Planned Unit Development requirements.

The Planned Unit Development review process includes two steps:

1. *Preliminary PUD Plan Review (Section 17.64.130)*  
The Preliminary PUD Plan is reviewed by the Planning Commission as a Type III application. An approval is valid for a period of twelve months of the date of decision. The applicant may apply to the Planning Manager for up to two extensions of up to six months each.
2. *Final PUD Plan (Section 17.64.150)*  
The applicant must apply for Final PUD Plan approval within twelve months following approval of the Preliminary PUD Plan. Review of the Final PUD Plan is processed as a Type I decision by the Planning Manager. The Planning Manager may approve a Final PUD Plan as long as the Final PUD Plan does not propose any significant deviation from the approved Preliminary PUD Plan.

PUDs shall also comply with the site plan and design review requirements in Chapter 17.62. Single-family detached homes are exempt from this requirement.

## **3. Summary of Analysis and Findings**

Based on the revised narrative (Exhibit 3r) and the preliminary plan (Exhibit 5r), staff modified the original findings presented at the April 10, 2000 Planning Commission meeting.

The analysis and findings contained in this revised staff report indicate that there is sufficient evidence to show that the proposed revised Glen Oaks Meadows Planned Unit Development has satisfied the Oregon City Municipal Code criteria.

No limitation on capacity of public facilities has been identified that cannot be overcome through construction of improvements as required by the City.

The approval of the proposed Preliminary PUD Plan is subject to conditions related to site design features and provision of public infrastructure.

**CRITERIA:**

**Comprehensive Plan**

Section "C" Housing

Section "F" Natural Resources

Section "I" Community Facilities

Section "L" Transportation

**Municipal Code**

Chapter 17.64 Planned Development

Chapter 17.13 R-6/MH Single-Family Manufactured Home Dwelling District

**BASIC FACTS:**

1. Location and present use of the property.  
The subject property is approximately 9.68 acres in area. The site is located south of Glen Oak Road, east of Highway 213 (Exhibit 1). The foundation of a former single-family home remains on the parcel in the southern portion of the site.
2. Zoning and the surrounding land use pattern.  
The subject property is zoned "R-6/MH" Single-Family Manufactured Home Dwelling District. Under Section 17.13, residential development in this district must comply with the following standards:

Lot Area	6,800 square feet
Lot Width	80 feet
Lot Depth	85 feet
Front Yard	15 feet
Corner Side Yard	15 feet
Rear Yard	10 feet
Side Yard	5 feet on one side/7 feet on other side

Given the minimum lot size requirement, the 9.68-acre subject property may accommodate approximately 63 units at 6.4 units per gross acre under the current R-6/MH Single-Family Manufactured Home Dwelling District standards.

The properties to the north are under Clackamas County jurisdiction and are zoned FU-10, Future Urbanizable. The site is directly adjacent to Pioneer Place, an 81-unit subdivision zoned R-6 Single-Family Residential Dwelling District. The property to the south of the subject property is zoned RD4-MDP, Two-Family Dwelling Manufactured Dwelling District.

### 3. Site Natural Features and Constraints

The site slopes down hill from the southern boundary to the pond at the northern boundary. The vegetation on these parcels consists of scattered trees and shrubs with most of the trees located along the western, southern, and eastern property lines.

Caufield Creek and its associated wetlands run along the northern portion of the site. Caufield Creek is identified as a significant resource within Oregon City and is listed in the Inventory of Water Resources in Ordinance 93-1007. Caufield Creek is known to support populations of Cutthroat Trout and Brook Trout. The upper end of the stream, along the northern boundary of the subject property, is ditched. Lower portions of the stream do have a more natural character.

The property is also affected by a 125 feet wide PGE access crossing the northwesterly corner of the subject property.

### 4. Access and Circulation

#### *Internal Circulation*

Access to the site will be provided from Glen Oak via newly created street, Glen Oaks Meadows, that will extend to the southern boundary of the site and will stub into the manufactured housing park. Brittany Terrace will be extended from the eastern property line to the western property line of the subject property crossing Glen Oaks Meadows Road.

#### *Impact on City's transportation system*

A revised Transportation Impact Analysis (TIA) was submitted by the applicant as part of the PUD application (Exhibit 3r). The TIA was evaluated by the City's Engineering Division (Exhibit 6ar). Based on this evaluation, the City determined that the proposed revised development would negatively impact two major intersections in the vicinity of the proposed Oak Meadows PUD:

- 1) Intersection of Beavercreek Road and Glen Oak Road;
- 2) Intersection of Highway 213 and Glen Oak Road.

Both intersections are currently operating at a very poor level of service (LOS) with very long delays for traffic during both the morning and evening peak hours. Adding traffic from the proposed development will cause further degradation of traffic at the Beavercreek Road /Glen Oak Road and Highway 213/Glen Oak intersections.

The Engineering Division of the Community Development Department analyzed the street improvements to serve the requested development. A detailed description of all required street improvements is provided with this report in Exhibit 6ar. Based on this analysis, the applicant would have to provide improvements at the intersection of Glen Oak and Highway 213 to mitigate traffic impacts associated with the proposed PUD development.

Additional information on Glen Oak Road improvements is contained in Exhibit 8.

5. Site Design Concept

*Density considerations*

The applicant is proposing a 57-unit Planned Unit Development. Planned Unit Developments are permitted in the R-6/MH Single-Family Manufactured Dwelling District but they must meet comply with the requirements of Chapter 17.64. Under Section 17.64.030, a development proposal may be processed as a PUD as long as the development proposes at least eighty percent of the gross density allowed by the underlying zone. Section 17.64.050 allows the Planning Commission to grant a residential density bonus in addition to the density allowed by the underlying zone if the PUD incorporates certain design features and amenities such as housing design, historical preservation, preservation of natural resources and trees, open space, and mixed use development. The Code also states that the total amount of density bonuses shall not exceed by more that thirty percent the gross density allowed by the underlying zone.

The subject property could accommodate 63 units at 6.4 units per gross acre under the R-6/MH Single-Family Manufactured Home Dwelling District density requirements. The applicant is requesting 57 units as part of the Glen Oak Meadows PUD, which constitutes 90% of gross density for this site.

*Housing types*

The Preliminary Glen Oaks Meadows Planned Unit Development Plan is proposing 38 single-family homes with additional "carriage unit" over the garage on 19 of those 38 single-family lots (Exhibits 3r, 5r, and 9).

The proposed single-family lots range in size from approximately 4,333 square feet to approximately 6,270 square feet, with an average size of about 5,550 square feet (Exhibits 3r and 5r).

The submitted Preliminary PUD Plan shows that the proposed Glen Oaks Meadows development would include some of "neo-traditional" features, such as front porches on the proposed single family homes and duplex units and single-car garages setback behind the homes (Exhibit 9).

*Open space*

The applicant is proposing approximately 2.6 acres of open space. The proposed open space area consists of passive open space areas and active open space areas. The passive open space area includes wetlands (Tracts "A" and "B") located in the northern portion of the property (Exhibit 5r).

The proposed active open space is contained in Tracts "C" and "D". The applicant indicates in the narrative (Exhibit 3r) that the proposed active open space may be used as a softball field and it may ultimately contain picnic tables oriented around an informal ball field.

The site plan submitted by the applicant (5r) shows a barkdust pathway along the westerly boundaries of the subject property and one park bench located in the southerly portion of Tract "C".

6. Comments from affected agencies

*Affected Agencies*

Transmittals on the proposed revised PUD application were sent to affect agencies. In response to the transmittal, the City's Engineering Division and the Public Works Division (6cr) submitted a revised set of findings and recommended conditions of approval. The received comments were incorporated into the Facts and Findings element of the staff report.

**ANALYSIS AND FINDINGS:**

The analysis and findings presented below in this report reflect the revised Preliminary Plan for Glen Oak Meadows.

The requested Planned Unit Development is analyzed within the context of:

- A. PUD approval criteria (Sections 17.64.010 and 17.64.120); and
- B. PUD development standards (Sections 17.64.030, 17.64.040, 17.64.050)

**A. PUD Approval Criteria:**

**Section 17.64.120.** This section identifies five preliminary PUD plan approval criteria that have to be met in order to approve an application for a Preliminary PUD Plan.

**CRITERION 1:**      *17.64.120.A. The proposed preliminary PUD plan is consistent with the purpose of this chapter set forth in Section 17.64.010 and any applicable goals and policies of the Oregon City Comprehensive Plan.*

Consistency with the Planned Unit Development purpose:

**17.64.010.A.** The purpose of this section is "to promote an arrangement of land uses, lot sizes, lotting patterns, housing and development types, buildings, circulation systems, open space and utilities that facilitate the efficient and economic use of land, and in some instances, a more compact, pedestrian-oriented, mixed-use urban design. Specifically, this can be accomplished through the PUD process with cluster developments, zero lot line and townhouse type



developments, and mixed use developments that integrate compatible neighborhood commercial and office uses with residential uses in a single development or within a single building”.

**Analysis:** The submitted Preliminary PUD Plan proposes 38 single-family homes with and additional “carriage units” over garages on 19 of those lots (Exhibits 3r, 5r, and 9). The single-family houses incorporate some of “neo-traditional” design features: front porches on single and duplex units and single-car garages setback behind the home. Eight single-family homes would have garage access from an alley (Exhibit 5r).

The applicant is proposing 57 units on the subject property. The proposed gross density constitutes approximately 90% of the maximum allowable density for this site. The submitted site plan shows that proposed density is a result of an efficient and economic use of the site’s natural features and a mix of housing types through providing variety in size of units.

**Conclusion:** Based on the site plan and narrative submitted by the applicant and the above analysis, the proposed preliminary PUD plan satisfies Section 17.64.010(A) of the Oregon City Municipal Code.

**Section 64.010.B.** The purpose of this section is “To preserve existing natural features and amenities and/or provide useful common open space available to the residents and users of the proposed PUD. Specifically, it can be accomplished through the PUD process by preserving existing natural features and amenities, creating new neighborhood amenities such as pocket or regional parks and open spaces that serve neighborhoods or on-site open spaces that meet the needs of the development’s future residents. In exchange, the City will extend residential density transfers and bonuses to increase the density on developable portions of the property”.

**Analysis:** The proposed preliminary PUD plan includes approximately 2.6 acres of open space, which constitutes approximately 27% of the total area of the subject property. The proposed open space would provide both passive and active recreational opportunities for the residents of the proposed PUD and the surrounding areas. The proposed passive and active open spaces are designed to be contiguous to connect open space areas with residential clusters.

The proposed design of open space within the Glen Oak Meadows PUD consists of two major components:

- Passive recreation area that consists of delineated wetland in the northern portion of the property (Tracts “A” and “B”). The objective of the proposed wetland mitigation plan is to recreate and extend Caufield Creek to keep with the character of the Caufield Creek corridor through the Pioneer Place subdivision adjacent to the east of the subject property.

The proposed mitigation plan would increase the wetland area up to approximately 0.9 acres.

- Active open space that contains a ball field. A barkdust pathway runs along the westerly boundary of the subject property. One park bench is proposed as part of the proposed active open space.

**Conclusion:** The proposed open space protects natural features of the property but it does not appear to provide sufficient amenities for active recreation activities. While the applicant is proposing an "informal" ballfield, no additional complementary improvements such as park benches and picnic tables or playground equipment are included in the proposal. The proposed barkdust trail consists of one path segment does not seem to enhance the pedestrian circulation system and is not integrated with the internal and/or external pedestrian circulation. In order to comply with Section 17.64.010(B), the applicant needs to file a Site Plan and Design Review application for the proposed open space. The Site Plan and Design Review application will be processed as a Type II administrative decision by the Planning Division and must address the conclusions by providing specificity about active recreation areas. The Site Plan and Design Review approval must be granted prior to the Final PUD 99-02 Plan.

**Section 64.010.C.** This section requires "To protect and enhance public safety on sites with natural or other hazards and development constrains through the clustering of development on those portions that are suitable for development. This can be accomplished through the PUD process by preserving existing natural features and hazard areas and obtaining density transfers and bonuses to increase the density on developable portions of the property. The exact amount of density transfers and bonuses allowed is ultimately a discretionary decision by the City, and the applicant bears the ultimate burden of justifying the total density requested based on the mix of amenities and design features reflected in the PUD plan."

**Analysis:** As previously discussed in this report, the property contains approximately 0.9 acres of wetland in the northerly portion. Also, a 125-foot wide PGE easement crosses the northwesterly portion of the subject property

The submitted preliminary PUD plan does not show any residential structures within the PGE easement. However, an "informal softball field" is located within the PGE easement. The applicant did not indicate in the submitted application materials whether the proposed recreational activities would be allowed within the existing PGE easement. The applicant must obtain a PGE permit for placement of playground equipment within the PGE easement prior to final PUD approval.

The applicant has not requested density bonuses as part of the revised PUD Plan. Adjustments to dimensional requirements are discussed in response to Section 17.64.010(C).

**Conclusion:** In general, the Preliminary PUD Plan submitted by the applicant is a result of preserving natural features of the subject property and transferring densities to the developable portions of the site. However, in order to meet the requirements of Section 17.64.010(B), the applicant must obtain PGE approval to allow active recreational uses within the PGE easement area prior to final PUD plan approval.

**Section 17.64.010.D.** This section of the Code anticipates that certain dimensional requirements of underlying zones and general development standards, including those governing street right-of-way and pavement widths, may be adjusted to better achieve the above purposes.

**Analysis:** The applicant is requesting dimensional adjustments to the R-6/MH District and parking standards for multifamily residential units.

*Adjustments to the R-6/MH District dimensions*

The applicant is requesting the following adjustments to the R-6/MH District standards:

TABLE 2

Standard	R-6/MH Requirements	Proposed Adjustments
Min. Lot Area	6,800 square feet	4,300 square feet
Average Width	80 feet	70 feet
Average Depth	85 feet	No adjustment proposed
Max. Building Height	20 feet	35 feet
Front yard	15 feet	Front porch 10 feet; 15 feet for home, 18 feet for garage
Interior yard	7/5 feet	5 feet for home on both sides; 0 feet for garage
Corner yard	15 feet	10 feet
Rear yard	10 feet	5 feet

The applicant indicates in the narrative that the requested adjustments would allow for a more efficient use of land and transfer of densities from undevelopable areas of the property to developable areas of the property. In short, the proposed adjustments are tools the applicant may use to place 57 residential units on the subject property as long as the proposed development better achieves the purposes of the PUD development. As previously discussed in this report, the proposed preliminary PUD development would incorporate "neo-traditional" neighborhood features, efficient use of the site, preservation of natural features and mix of housing types through providing variety in size of units.

Consistency of the proposed development with Comprehensive Plan:

**Housing Goal:** Provide for the planning development and preservation of a variety of housing types at a range of prices and rents.

The proposed PUD development would provide 57 residential units, including 38 detached single family homes and 19 "carriage units", which would satisfy the Housing Goal.

**Community Facilities Goal:** Serve the health safety education and welfare and recreational needs of all Oregon City Residents through the planning and provision of adequate community facilities.

No limitation on capacity has been identified by the public service agencies that cannot be overcome through construction of improvements as required by the City.

**Policy No. 5:** The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

The proposed PUD will utilize the vacant buildable land that can be served by the City's facilities.

**Natural Resources Goal:** Preserve and manage our scarce natural resources while building a livable urban development.

The proposed PUD preserves and integrates the site's existing natural resources into the residential development. The proposed open space would incorporate passive recreational uses and active recreational uses while preserving the existing wetland areas.

**Conclusion:** Based on the above analysis, the proposed Preliminary PUD Plan satisfies Section 17.120(A).

**CRITERION 2** *Section 17.64.120.B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone (e.g., Chapters 17.44 and 17.49) and applicable provisions of Title 16 of this code, unless an adjustment from any these requirements is specifically allowed pursuant to this chapter.*

**Analysis:** The applicant requested adjustments to the requirements of the underlying R-6 /MH Single-Family Manufactured Home Dwelling District. These adjustments were discussed in response to Section 17.64.010(4), above.

As discussed previously in this report, the property contains an approximately 0.9-acre that includes Caufield Creek and associated drainage area.

The applicant provided a Water Resource Report that is incorporated into the narrative. The applicant's response to the standards of the Water Resource Overlay District in the narrative (Exhibit 3r).

Caufield Creek and its associated wetlands run along the northern portion of the site. Caufield Creek is identified as a significant resource within Oregon City and is listed in the Inventory of Water Resources in Ordinance 93-1007.

Caufield Creek is known to support populations of Cutthroat Trout and Brook Trout. The upper end of the stream, along the northern boundary of the subject property, is ditched. Lower portions of the stream do have a more natural character.

As previously discussed in this report, the applicant is proposing a wetland mitigation plan that would convert the existing ditch to an open stream with more natural features in keeping with the character of a stream through the Pioneer Place subdivision.

Because the property contains an important water recourse area, any development on the subject property must meet requirements of Chapter 17.49 Water Resource Overlay Area. Since the applicant filed this application before October 6, 1999, the proposed development is not subject to the recent amendments of Chapter 17.49 adopted by the City on October 6, 1999.

Prior to City's adoption of Title 3 of the Metro Functional Plan, under Chapter 17.49 regulations, all development within the water resource wetland area had to maintain a wetland transition area extending fifty feet from wetland boundaries. Under pre-Title 3 adoption, the Code allowed the applicant to request a reduction of the transition area from fifty feet to twenty-five feet.

The submitted Preliminary Plan for the Glen Oak Meadows PD 99-01 indicates that lot 1 is within the 50-foot wetland transition area. The applicant has not requested a reduction of the Caufield Creek transition area, therefore, the site plan needs to be revised to meet the wetland buffer requirements.

**Conclusion:** The applicant is requesting modifications to the dimensional requirements of the R-6/MH Single-Family Manufactured Home Dwelling District. No reduction to the Caufield Creek wetland buffer area was requested. Therefore, the proposed PUD development must maintain a 50-foot setback from the wetland boundary.

In order to cross the northerly wetland mitigation area, the applicant must apply for and obtain an appropriate DSL/U.S. Army Corps of Engineers permit prior to Final PUD Plan approval

**CRITERION 3**      *Section 17.64.120(C). Any phasing schedule proposed by the applicant must be reasonable and not exceed five years between approval of the final PUD plan and the filing of the final plat for the last phase. Dedication or preservation of open space or natural resources, in a form approved by the city, must be recorded prior to the construction of the first phase of any multi-phase PUD.*

**Analysis:**      No phasing is proposed as part of this application. The open space area consisting of the wetland mitigation area is part of the site design.

**Conclusion:**      If the Planning Commission approves the PUD request, the applicant will have to comply with this criterion prior to the PUD final plan approval.

**CRITERION 4**      *Section 17.64.120.D. The applicant has demonstrated that all public services and facilities have adequate capacity to serve the proposed development or adequate capacity is assured to be available concurrent with development.*

**Analysis:**      The proposal was evaluated by the Engineering Division (Exhibit 6ar) and the City's Traffic Engineer (Exhibit 6b). The Engineering Division evaluated the water, sewer, and drainage facilities.

The City's Traffic Engineer and the Engineering Division evaluated the Traffic Impact Study submitted by the applicant and assessed the impact of the proposed PUD on surrounding transportation system. Based on the revised Traffic Impact Analysis, the City's Engineering Division noted that the proposed PUD would have a significant impact on the existing transportation system and would that would contribute the already existing deficiencies of the system. Glen Oak is only 18 feet wide, which is inadequate for the amount of development now underway. The traffic generated by the proposed PUD will negatively affect two major intersections in the vicinity of the subject property: the intersection of Highway 213 and Glen Oak Road and the intersection of Beaver Creek and Glen Oak Road. Additional information on Glen Oak traffic improvements is contained in Exhibit 8.

**Conclusion:**      No limitation on capacity has been identified that cannot be overcome through construction of improvements as required by the City.

**CRITERION 5**      *17.64.120.E. All adjustments from any applicable dimensional requirement requested by the applicant or recommended by the city are justified, or are*

*necessary to advance or better achieve the policies of this chapter than would compliance with the dimensional requirements of the underlying zoning.*

The dimensional adjustment to the R-6/MH Single-Family Manufactured Home Dwelling District standards were previously analyzed and addressed in response to Section 17.64.010.

**Planned Unit Development standards:**

The following sections of Chapter 17.64 pertain to PUD standards:

**Section 17.64.030.** This section states that "A development proposal may be processed as a PUD at the applicant's option so long as at least fifty percent of the gross area bears a residential plan designation, at least fifty percent of the net developable area is proposed for residential uses, and the development proposes at least eighty percent of the gross density allowed by the underlying zone. If the property bears a PUD designation, the property may be developed in accordance with this chapter. ..."

**Analysis:** The maximum gross density for the site is 63 residential dwelling units under R-6/MH District standards. The applicant is proposing 57 units, which includes 38 single-family homes and 19 "carriage units".

**Conclusion:** The applicant is proposing a PUD development at 90% of the site's gross density. Therefore, the proposal satisfies Section 17.64.030.

**Section 17.64.040.A.** This section allows outright detached single family dwellings and multiple-family dwelling units, private or public playgrounds, common public and private open space, and hiking trails as part of a PUD.

**Analysis:** The applicant proposes a mix of single-family detached houses, "carriage units", and open space.

**Conclusion:** The proposed PUD encompasses uses that are allowed outright in a PUD development.

**Section 17.64.040.B.** This section allows neighborhood commercial uses as part of the proposed PUD.

The applicant is not requesting commercial uses as part of the proposed PUD.

**Section 17.64.040.C.** This section allows the applicant to ask for adjustments to all dimensional standards that would otherwise apply to a property in the context of a PUD without a separate variance application. However, unless an adjustment is

specifically requested and explained in the PUD application or recommended by the City, the dimensional standards of the underlying zone would be assumed to apply.

The applicant is requesting adjustments to dimensional standards of single family lots. The requested adjustments were previously analyzed in this report in response to Section 17.64.010.D.

**Section 17.64.040.D.** This section requires the applicant to endeavor to provide at least twenty-five percent of on-site open space. This section also states that the applicant must submit for City review and approval all proposed deed restriction or other legal instruments used to reserve open space and maintenance agreements to ensure the continued maintenance of open space and any related landscaping facilities.

The open space provision was discussed previously in this report in response to Section 17.64.010(B). The applicant is proposing approximately 2.6 acres of open space. The proposed open space areas are identified on the PUD preliminary plan as Tracts "A" through "D". The applicant has also provided a copy of protective covenants, conditions, and restrictions for the proposed PUD. The City will review the submitted documentation to ensure the continued maintenance of open space prior the final plan approval of the proposed PUD.

**Section 17.64.040.E.** This section requires the applicant demonstrate that adequate water, sewer, storm water, and traffic and transportation infrastructure capacity to serve the proposed PUD.

**Analysis:** The City Engineering Division provided a capacity analysis of public facilities to adequately serve the proposed development (Exhibit 6ar).

As summary of this analysis is provided below.

*Water.* There is an existing 8-inch water main located in Glen Oak Road across the frontage of the property. This line connects to a new 16-inch waterline at the eastern edge of the property. The 16-inch water main was installed as part of the Pioneer Place subdivision, which is the adjacent property on eastern side of the proposed project site. There is an existing 8-inch water main stubbed to the eastern end of the proposed Brittany Terrace. The City Water Master Plan calls for Glen Oak Road to have a 16-inch waterline.



The City's Engineering Division evaluated the information submitted by the applicant and indicated additional water facility improvement would be necessary to serve the proposed development (Exhibit 6ar).

*Sanitary sewer.* There is an existing 8-inch sanitary sewer located in Glen Oak Road. The adjacent property to the south, TL 900, is the proposed Johnson Mobile Home Park. They have been conditioned to provide a sanitary stub-out which lines up with the applicant's street stub at the south end of the proposed Glen Oak Meadows Road. A Sanitary Advance Finance District (AFD) exists for this property.

The City's Engineering Division evaluated the information submitted by the applicant and indicated additional sewer facility modifications would be necessary to serve the proposed development (Exhibit 6ar).

*Storm water.* This site is located in the Caufield Drainage Basin as designated in the City's Drainage Master Plan and the Caufield Basin Master Plan. Significant capacity upgrades and accounting for pavement widening and wetland enhancement were called for in the City's Caufield Basin Master Plan. The applicant's preliminary storm drainage system proposes discharging all of their storm drainage into an enhanced Caufield Creek drainage way. Erosion and water quality controls are critical for the development of this site.

Applicant has provided a preliminary drainage narrative summary for review. The proposal is to detain the site's runoff in a private dry-pond in the multi-family area and then discharge the detention waters into Caufield Creek. Caufield Creek will be reconstructed in the open space adjacent to the south side of the Glen Oak Road right-of-way.

The Engineering Division noted that the applicant incorrectly reference an existing pond on-site for detention. There are neither existing nor proposed on-site wet ponds in the Caufield Creek area in-site.

The City's Engineering Division evaluated the information submitted by the applicant and indicated additional water facility improvement would be necessary to serve the proposed development (Exhibit 6ar).

*Traffic system.* A revised Transportation Impact Analysis (TIA) was submitted by the applicant as part of the PUD application (Exhibit 3r). The revised TIA was evaluated by the Engineering Division (6ar). The City Engineering Divisions indicated that the proposed improvement would negatively impact two major intersections in the vicinity of the proposed Oak Meadows PUD:

- Intersection of Beavercreek Road and Glen Oak Road;
- Intersection of Highway 213 and Glen Oak Road.

Both intersections are currently operating at a very poor level of service (LOS) with very long delays for traffic during both the morning and evening peak hours. Adding traffic from the proposed development will cause further degradation of traffic at the Beavercreek Road /Glen Oak Road and Highway 213/Glen Oak intersections.

The Engineering Division of the Community Development Department analyzed the street improvements to serve the requested development. A detailed description of all required street improvements is provided with this report in Exhibit 6a. Based on the analysis, the applicant would have to provide improvements at the intersection of Glen Oak and Highway 213 to mitigate traffic impacts associated with the proposed PUD development.

**Section 17.64.040.H.** This section allows the City to require special requirements for provision of public infrastructure necessary to meet standards in the City's master plans.

The City's Engineering Division evaluated the project with regard to provision of public infrastructure to meet standards in the City's master plans.

**Section 17.64.040.G.** This section requires the applicant to preserve the natural features of the property by integrating the site plan design with the constraints of the subject property.

The relationship between the site's natural features and the proposed site design layout was analyzed previously in this report in response to Sections 17.64.010(A), 17.64.010(B), 17.64.010(C) and 17.64.010(D).

**Section 17. 64. 050.** This section allows the City to grant a residential density bonus in addition to the density allowed by the underlying zone if the proposed PUD incorporates some of all of the following design features and amenities:

- A. Housing design
- B. Historic preservation
- C. Preservation of wetlands and other natural features
- D. Tree preservation
- E. Open space and community facilities.
- F. Mixed use development.

**Analysis:** The applicant has not requested a density bonus as part of the revised PUD plan.

## **CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings contained in this staff report, there is sufficient evidence to prove that the proposed Glen Oaks Meadows Planned Unit Development has satisfied the Oregon City Municipal Code criteria.

Therefore, staff recommends that the Planning Commission approve the requested Glen Oaks Meadows Preliminary Plan Planned Unit Development PUD 99-01, for the property located at 14608, Clackamas County Tax Map 3S-2E-16A, Tax Lot 800, subject to conditions contained in Exhibit 6.

### **Exhibits**

1. Vicinity Map
- 2r. Revised Site Plan
- 3r. Revised Applicant's Narrative\*
- 4 Comparative Summary of Glen Oak Meadows PUD (original and revised site plans)
- 5r. Revised Set of Site Master Plans\*
  - a. General Site Design Layout
  - b. Natural Features Plan
  - c. Erosion Control, Grading and Drainage Plan
  - d. Utility Plan
  - e. Circulation Plan
  - f. Landscape Master Plan
6. Agency and Affected Property Owner Comments
  - ar. Engineering Division
  - b. Traffic Engineer
  - cr. Public Works Division
  - d. Tualatin Fire & Rescue
  - e. Public Projects Manager
  - f. Parks & Recreation Division
7. Conditions of Approval
8. Engineering Manager Memorandum
9. Typical Elevations for Residential Dwelling in Glen Oak Meadows PUD
10. Oregon City Engineering Policy 00-01\*\*

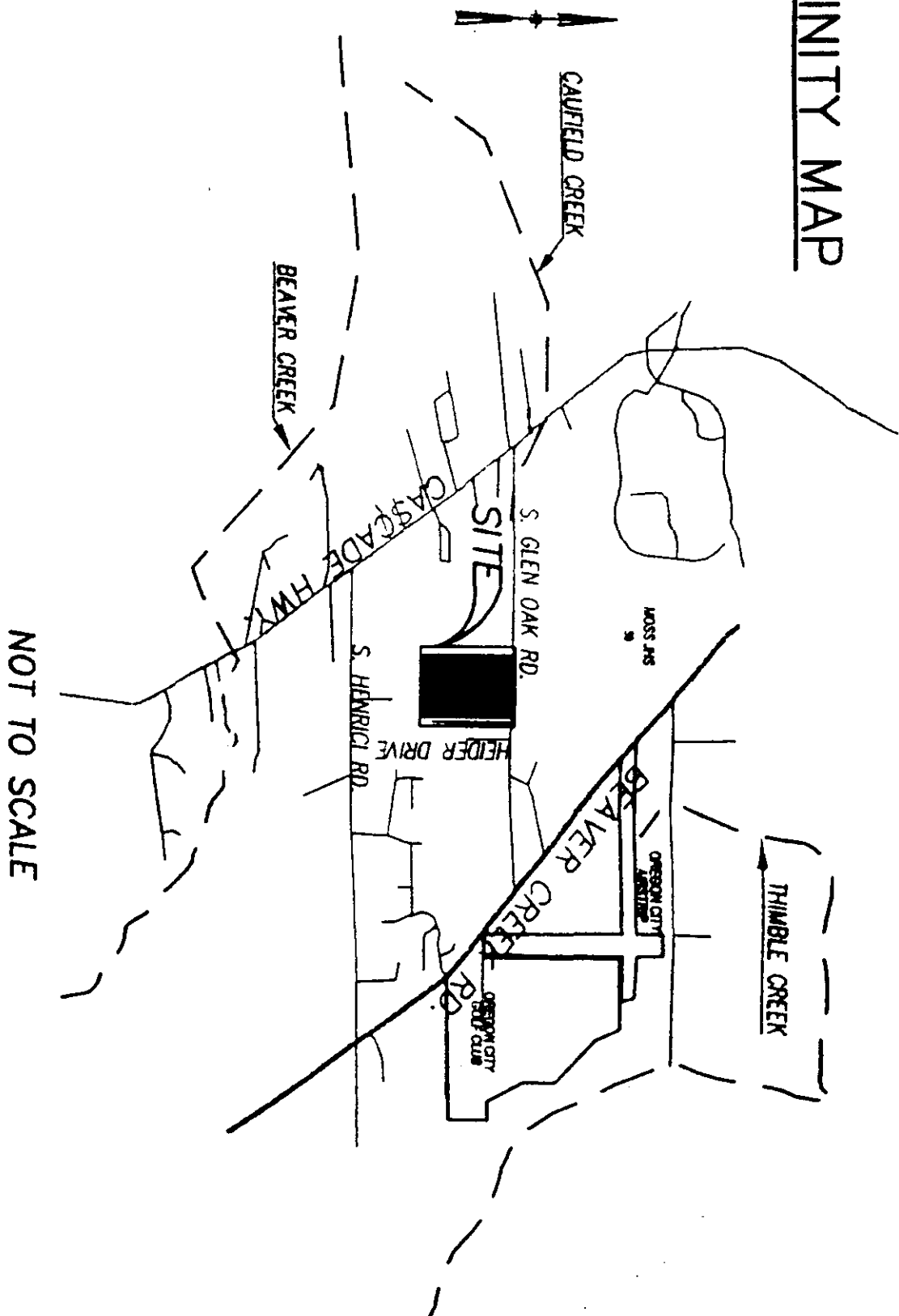
\*Available for review at City Hall, Planning Division

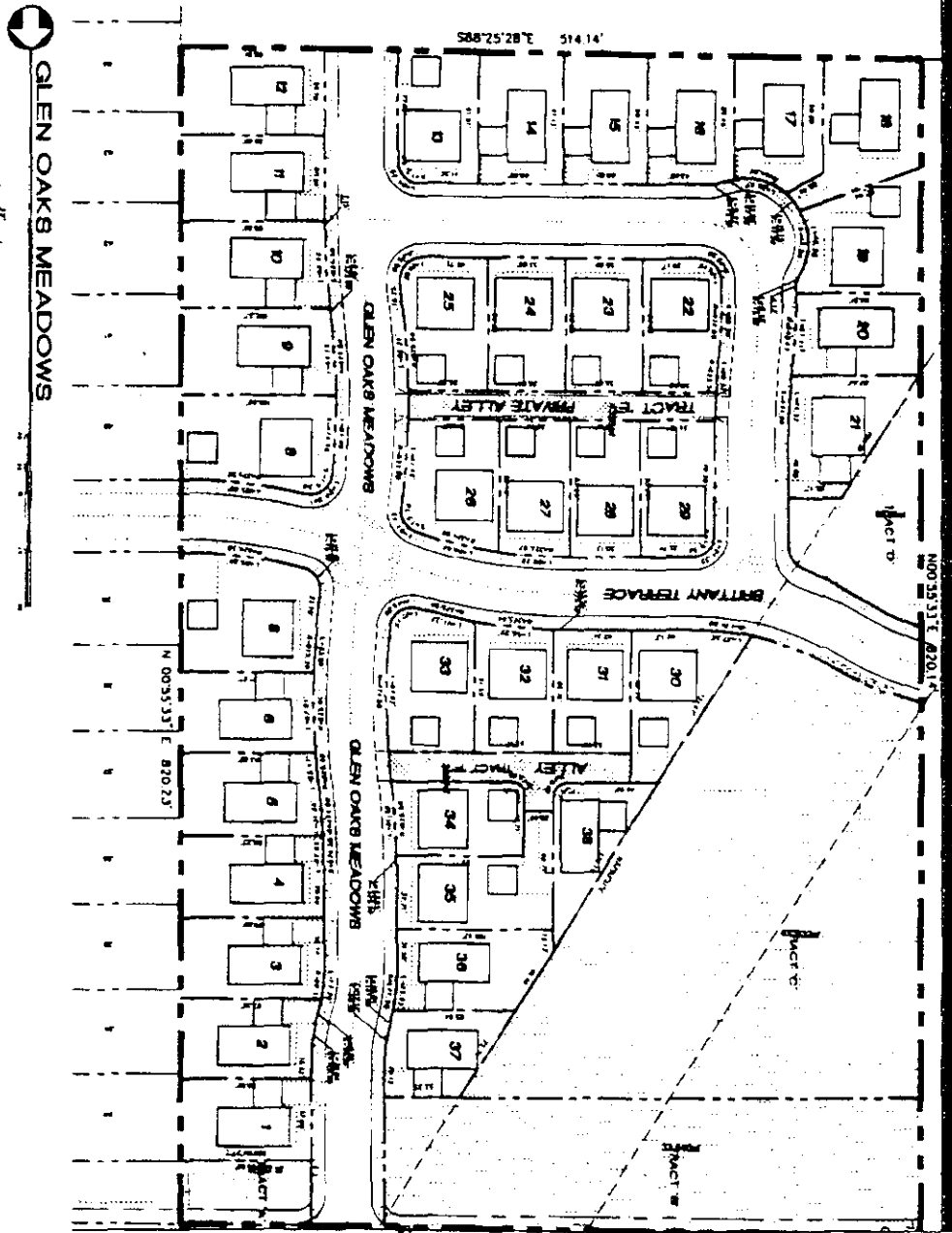
\*\* This policy outlines key requirements and helpful hints for those unfamiliar with providing public requirements as required with the Oregon City Municipal Code and Oregon City Public Works Standards

Glen Oaks Meadows Preliminary PUD Plan  
PUD 99-01

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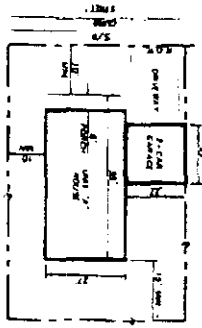
# VICINITY MAP



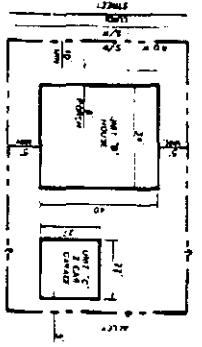


GLEN OAKS MEADOWS

Typical Lot Detail -  
Front Loaded



Typical Lot Detail -  
Rear Loaded



Legend

[Symbol]	Lot Line
[Symbol]	Street Right of Way
[Symbol]	Private Right of Way
[Symbol]	Utility Right of Way
[Symbol]	Water Right of Way
[Symbol]	Drainage Right of Way
[Symbol]	Other Right of Way

**COMPARATIVE SUMMARY OF GLEN OAK MEADOWS PUD  
DESIGN ELEMENTS**

<b>Design Element</b>	<b>Original PUD Preliminary Plan</b>	<b>Revised PUD Preliminary Plan</b>
Number of Dwelling Units	67 units	57 units
Type of Dwelling Units	<ul style="list-style-type: none"> <li>• 30 single-family homes</li> <li>• 4 four-plexes</li> <li>• 1 six-plex</li> </ul>	<ul style="list-style-type: none"> <li>• 38 single-family homes</li> <li>• 19 "carriage" units over garages on 19 of single family homes</li> </ul>
Residential Dwelling Design Features	<ul style="list-style-type: none"> <li>• "neo-traditional elements": front porches, garage setback behind the homes</li> </ul>	<ul style="list-style-type: none"> <li>• "neo-traditional elements": front porches, garage setback behind the homes</li> </ul>
Adjustments to Zoning Standards	<ul style="list-style-type: none"> <li>• setbacks and dimensional standards of the R-6/MH district</li> <li>• reduction of parking spaces for the multiple-family complex</li> </ul>	<ul style="list-style-type: none"> <li>• Setbacks and dimensional standards of the R-6/MH district</li> </ul>
Amount of Open Space	2.6 acres (27% of total area)	2.6 acres (27% of total area)
Open Space Improvements	<ul style="list-style-type: none"> <li>• Passive open space with wetland mitigation areas;</li> <li>• Mini-park (green circle) with a playground area and picnic tables;</li> <li>• Pedestrian walkways within open space linkages</li> </ul>	<ul style="list-style-type: none"> <li>• Passive open space with wetland mitigation area;</li> <li>• Soft ball field</li> <li>• Picking tables</li> </ul>
Traffic Circulation Pattern	<ul style="list-style-type: none"> <li>• Access from Glen Oak Road to provide south/north circulation'</li> <li>• Extension of Brittany Terrace to provide west/east circulation;</li> </ul>	<ul style="list-style-type: none"> <li>• Access from Glen Oak Road to provide south/north circulation'</li> <li>• Extension of Brittany Terrace to provide west/east circulation;</li> </ul>
Streetscape	<p>"neo-traditional" features:</p> <ul style="list-style-type: none"> <li>• front porches;</li> <li>• garages behind homes;</li> <li>• alleys</li> </ul>	<ul style="list-style-type: none"> <li>• front porches;</li> <li>• garages behind homes;</li> <li>• alleys</li> </ul>
Traffic trips generation	600 trips weekday trips	428 trips weekday trips

## **ANALYSIS AND FINDINGS**

The applicant has proposed a Planned Unit Development consisting of 38 SFR and 19 "carriage units" for the above referenced property. The property is located on the south side of Glen Oak Road between Highway 213 and Pioneer Place subdivision in Oregon City.

Staff recommends approval of the proposed Planned Unit Development as long as the following recommendations and conditions of approval are followed:

### **PROVISION OF PUBLIC SERVICES:**

#### **WATER.**

There is an existing 8-inch water main located in Glen Oak Road across the frontage of the property. This line connects to a new 16-inch waterline at the eastern edge of the property. The 16-inch water main was installed as part of the Pioneer Place subdivision, which is the adjacent property on eastern side of the proposed project site. There is an existing 8-inch water main stubbed to the eastern end of the proposed Brittany Terrace. The City Water Master Plan calls for Glen Oak Road to have a 16-inch waterline.

Applicant has proposed a water system that appears to meet City code with a few modifications.

#### **Conditions:**

1. Applicant shall install an oversized 16-inch waterline in Glen Oak Road per the City's Water Master Plan. Applicant may request Water System Development Charge credit per Title 13.20 subject to approval and funds availability.

#### **SANITARY SEWER.**

There is an existing 8-inch sanitary sewer located in Glen Oak Road. The adjacent property to the south, TL 900, is the proposed Johnson Mobile Home Park. They have been conditioned to provide a sanitary stub-out which lines up with the applicant's street stub at the south end of the proposed Glen Oak Meadows Road. A Sanitary Advance Finance District (AFD) exists for this property.

Applicant has proposed a sanitary sewer system that appears to meet City code with a few modifications.



**Conditions:**

2. Applicant shall provide proof of final payment of the Sanitary AFD before final plat recordation.

**STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES.**

This site is located in the Caufield Drainage Basin as designated in the City's Drainage Master Plan and the Caufield Basin Master Plan. Significant capacity upgrades and accounting for pavement widening and wetland enhancement were called for in the City's Caufield Basin Master Plan. The applicant's preliminary storm drainage system proposes discharging all of their storm drainage into an enhanced Caufield Creek drainageway. Erosion and water quality controls are critical for the development of this site.

Applicant has provided a preliminary drainage narrative summary for review. The proposal is to detain the site's runoff in a private dry-pond and then discharge the detention pond into a wet pond in Caufield Creek. Caufield Creek will be reconstructed in the open space adjacent to the south side of the Glen Oak Road right-of-way.

The applicant has referenced an existing pond on-site for detention, and discharging to a wet pond in the Caufield Creek. There is not an existing pond on-site. There are no existing or proposed wet ponds in the Caufield Creek on-site or in the application packet.

Applicant has proposed a storm drainage system that appears to meet City code with a few modifications

**Conditions:**

3. Applicant must process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, Department of Fish and Wildlife, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit or to revoke a permit that has been issued for this project.

## **DEDICATIONS AND EASEMENTS.**

Glen Oak Road is classified a Collector by the City of Oregon City, which requires a minimum right-of-way width of 60-70 feet. Currently Glen Oak Road has a 40-foot right-of-way in front of this property. Applicant has proposed a 10-foot right-of-way dedication along the project's site frontages with Glen Oak Road. Applicant has proposed a 50-foot right-of-way dedication for all interior local streets.

Applicant has proposed two 20 foot wide private alleys. Lot 38 is proposed to have frontage on a private alley.

### **Conditions:**

4. Applicant shall dedicate 10 feet of right-of-way on the applicant's side of Glen Oak Road. Applicant shall dedicate a minimum of 50 feet of right-of-way for all proposed interior local streets. Eyebrows shall have minimum 54-foot radii right-of-way dedications.
5. Public utility easements shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages, rear lot lines, and the project boundary, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat. The side lot line requirements can be waived once utility locations have been identified and the need for side lot line easements is determined by the City Engineer to be unnecessary except where identified by said utilities.
6. Tracts A, B, C, and D shall be privately owned wetland/open space. Wetland/open space shall be privately maintained except for the storm drainage facilities.
7. Tract E shall be owned and maintained equally by the owners of lots 22, 23, 24, 25, 26, 27, 28, and 29. Tract F shall be owned and maintained equally by the owners of lots 30, 31, 32, 33, 34, 35, and 38.
8. Easements shall be provided to the City for maintenance of storm drainage facilities.
9. Applicant shall show non-vehicular access strips along the entire site's frontage with Glen Oak Road, the entire frontages of lots 22-29 except for the private alley, the entire frontages of lots 30-37 except for the private alley, the frontages of all tracts except as needed for maintenance access, and along the street frontages of all corner lots except for the 40 feet on each street furthest from the intersection unless approved by the Engineering Manager.
10. Applicant shall show a reserve strip dedicated to the City at the end of all stub streets. These reserve strips shall be noted on the plat to be automatically dedicated as public right-of-way upon the approval of right-of-way dedication and/or City land use action approval of adjacent properties.

## **STREETS.**

Glen Oak Road is classified a Collector by the City of Oregon City, which requires a minimum pavement width of 34 to 50 feet. Applicant has proposed half-street improvements for a 36-foot street along the project's site frontages with Glen Oak Road. Local interior streets require a pavement width of 32 to 34 feet. Applicant has proposed a 32-foot pavement section for interior local streets, and 20-foot paved private alleys. Applicant has proposed some street names at this time.

The City discourages the use of private streets except where construction is impracticable. This is not the case for the proposed private alleys in this development.

Applicant has proposed an adequate street system that appears to meet City code with a few modifications.

## **GRADING AND EROSION CONTROL.**

Preliminary grading and erosion control plans were submitted. Applicant has proposed to provide storm detention in a pond in the wetland/open space area. Grading plan shows extensive grading of the entire site. Applicant has proposed to fill lots along the eastern edge of the site as much as 4 feet.

The proposed grading plan exceeds the City's allowable grade differential at the project boundaries in some locations.

## **TRAFFIC AND TRANSPORTATION.**

Lancaster Engineering prepared a Traffic Impact Study update for this project dated May 23, 2000 which updated the study dated May 1999. No traffic design issues, outside the normal roadway engineering requirements were identified. The Traffic Impact Study has been reviewed by the City and David Evans and Associates and it has been determined that the development will have a significant impact on the transportation system.

The combined impact of this development and other developments in the area have caused the need for some near-term improvements which include:

- 1) widening of Glen Oak Road
- 2) widening of Hwy 213

3) a traffic signal at the intersection of Hwy 213 and Beaver Creek Road

The METRO Urban Growth Management Functional Plan, Title 6, requires intersections to maintain two-hour peak AM and two-hour peak PM levels of service (LOS) "D". The City has adopted this plan. The City's Capital Improvement Plan, Chapter 7, calls for this same LOS of "D". The applicant's traffic study indicates a background (existing plus planned development) LOS "F" for both peak AM and peak PM. The applicant's additional traffic further exasperates these conditions. Highway 213 is an ODOT facility and as such, ODOT requires approval of any improvements to their facility.

The City's CIP already recognizes the intersection of Glen Oak Road and Highway 213 as having a failing LOS of "E" or "F". The CIP contains two line items for Glen Oak Road improvements: one for designing and obtaining right-of-way for the project (1999 timeframe). Time constraints have precluded the City pursuing this effort to date. The second project is the construction for improving Glen Oak Road (2000-2002 timeframe). The Fairway Downs subdivision improved the Glen Oak Road and Beaver Creek Road intersection and it does not require additional improvement at this time. Various subdivisions along Glen Oak Road provided half-street improvements across their frontage to further improve the road.

**Conditions:**

11. The applicant shall provide intersection improvements to obtain a level of service (LOS) of "D" for peak AM and peak PM traffic conditions at the Glen Oak Road and Highway 213 intersection.
12. The applicant shall coordinate with and obtain ODOT approval of their improvement plans for the Glen Oak Road and Highway 213 intersection.

**ENGINEERING REQUIREMENTS.**

**Conditions:**

13. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
14. The Applicant is responsible for this project's compliance to Engineering Policy 00-01 (attached). The policies pertain to any land use decision requiring the applicant to provide any public improvements.

**CITY OF OREGON CITY**  
**ENGINEERING POLICY 00-01**  
**Guidelines for Development**

**EFFECTIVE: April 10, 2000**

**PREPARED BY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**320 Warner-Milne Road**

**Post Office Box 3040**

**Oregon City, Oregon 97045-0304**

**Telephone: (503) 657-0891**

**Engineering Division**

**Applicability.** This policy applies to applicants for land use decisions and site plan reviews with regard to providing public improvements, submittal of documentation, and . The following sections outline some of the important requirements and helpful hints for those unfamiliar with providing public improvements as required by the Oregon City Municipal Code and Oregon City Public Works Standards. This is not an all-inclusive list of City requirements and does not relieve the applicant from meeting all applicable City Code and Public Works Standards.

**Availability of Codes and Standards.** Copies of these City Codes and Standards are available at City Hall for a nominal price. Some engineering firms in the local metropolitan area already own these Codes and Standards to enable them to properly plan, design, and construct City projects.

### **General**

- Applicants shall design and construct all required public works improvements to City Standards. These Standards include the latest version in effect at the time of application of the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation Master (System) Plan, Sanitary Sewer Master Plan, and the Drainage Master Plan. It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, Stormwater and Grading, and Erosion Control. This list also includes the Street Work Drawings, Appendix Chapter 33 of the Uniform Building Code (by reference), and the Site Traffic Impact Study Procedures. It may also include the City of Oregon City Review Checklist of Subdivision and Partition Plats when the development is a Subdivision, Partition, or Planned Unit Development.

### **Water (Water Distribution System Design Standards)**

- The applicant shall provide water facilities for their development. This includes water mains, valves, fire hydrants, blow-offs, service laterals, and meters.
- All required public water system improvements shall be designed and constructed to City standards.
- The Fire Marshall shall determine the number of fire hydrants and their locations. Fire hydrants shall be fitted with a Storz metal face adapter style S-37MFL and cap style SC50MF to steamer port. This adapter is for a 5-inch hose. All hydrants to be completed, installed, and operational before beginning structural framing. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
- Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines. Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch diameter. These assemblies are also required where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. City Water Department personnel, certified as cross connection inspectors, shall determine the type of device to be installed in any specific instance. All backflow prevention devices shall be located on the applicant's property and are the property

owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.

- The applicant shall verify that there are no wells on site, or if any wells are on the site prior to connecting to the public water system, the applicant shall:
  - Abandon the well per Oregon State requirements and provide copies of the final approval of well abandonment to the City; or
  - Disconnect the well from the home and only use the well for irrigation. In this case, the applicant shall install a back flow preventor on the public service line. The applicant shall also coordinate with the City water department to provide a cross connection inspection before connecting to the public water system.

#### **Sanitary Sewer (Sanitary Sewer Design Standards)**

- The applicant shall provide sanitary sewer facilities to their development. This includes gravity mains, manholes, stub outs, and service laterals.
- All required public sanitary sewer system improvements shall be designed and constructed to City standards.
- Applicant must process and obtain sanitary sewer system design approval from DEQ.
- Any existing septic system on site shall be abandoned and certification documentation provided from Clackamas County before recording the plat or obtaining a certificate of occupancy.

#### **Stormwater (Stormwater and Grading Design Standards)**

- The applicant shall provide stormwater and detention facilities for their development. This includes the stormwater mains, inlets, manholes, service laterals for roof and foundation drains, detention system if necessary, control structure if necessary, inflow and outflow devices if necessary, and energy dissipaters if necessary.
- The applicant shall design and construct required public stormwater system improvements to City standards. Each project is to coordinate with the City Drainage Master Plan, the Public Works Stormwater and Grading Standards, and the appropriate individual Basin Master Plan (if adopted) and incorporate recommendations from them as directed.
- The applicant shall design the stormwater system to detain any increased runoff created through the development of the site, as well as convey any existing off-site surface water entering the site from other properties.
- The applicant shall submit hydrology/detention calculations to the City Engineering Division for review and approval before approval of construction plans. The applicant shall provide documentation to verify the hydrology and detention calculations. The applicant shall show the 100-year overflow path and shall not design the flow to cross any developed properties.

#### **Dedications and Easements**

- The applicant shall obtain and record all off-site easements required for the project before City approval of construction plans.

## Streets

- The applicant shall provide street facilities to their site including within the site and on the perimeter of the site where it borders on existing public streets. This includes half- and full-street width pavement as directed, curbs, gutters, planter strips or tree wells as directed, street trees, sidewalks, and bicycle lanes (when required by the type of street classification). This also includes city utilities (water, sanitary and storm drainage facilities), traffic control devices, centerline monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans. Half-street improvements include an additional 10-foot wide pavement past the centerline subject to City review of existing conditions.
- After installation of the first lift of asphalt, applicant shall provide asphalt berms or another adequate solution, as approved by the City Engineering Division, at storm catch basins or curb inlets on all streets. This ensures positive drainage until the applicant installs the second lift of asphalt.
- All street names shall be reviewed and approved by the City (GIS Division 657-0891, ext. 168) prior to approval of the final plat to ensure no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
- All street improvements shall be completed and temporary street name signs shall be installed before issuance of building permits.
- The applicant is responsible for all sidewalks in their development. The applicant may transfer the responsibility for the sidewalks adjacent to the right-of-way as part of the requirement for an individual building permit on local streets. However, failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete sidewalks on each residential lot within one year of City acceptance of public improvements for the project (e.g.; subdivision, partition, or Planned Unit Development) unless a building permit has been issued for the lot.
- Applicant shall install sidewalks along any tracts within their development, any pedestrian/bicycle accessways within their development, along existing homes within the development's property boundaries, and all handicap access ramps required in their development at the time of street construction.
- Street lights shall typically be owned by the City of Oregon City under PGE plan "B" and installed at the expense of the applicant. The applicant shall submit a street light plan, subject to City and PGE approval, prepared by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor. Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a 25-foot mounting height unless otherwise specified. The applicant shall dedicate any necessary electrical easements on the final plat. All streetlights and poles shall be constructed of material approved by PGE for maintenance by PGE.



## **Grading And Erosion Control**

- The applicant's engineer shall submit rough grading plan with construction plans. The engineer shall certify completed rough grading elevations to +/- 0.1 feet. For single family residential developments, a final residential lot-grading plan shall be based on these certified grading elevations and approved by the City Engineer before issuance of a building permit. If significant grading is required for the residential lots due to its location or the nature of the site, rough grading shall be required of the developer before the acceptance of the public improvements. (See Geotechnical section for cut and fill certification issues on building lots or parcels) There shall not be more than a maximum grade differential of two (2) feet at all site boundaries. Final grading shall in no way create any water traps, or create other ponding situations. Submit one copy (pertinent sheet) of any residential lot grading for each lot (e.g., 37 lots equals 37 copies).
- Applicants shall obtain a DEQ 1200c permit when their site clearing effort is over five (5) acres, as modified by DEQ. Applicant shall provide a copy of this permit to the City before any clearing efforts are started.
- An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Applicant shall obtain an Erosion Control permit before any work on site.
  - Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see next bullet) or is adequately clarified before it enters on-site wetlands, drainage courses, and before it leaves the site. Discharge from man-made, natural, temporary, or permanent ponds shall meet the same standard.
  - Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities.
  - Effective erosion control shall be maintained after subdivision site work is complete and throughout building permit issuance.
  - Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site.
  - Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan.
  - Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

## **Geotechnical**

- Any structural fill to accommodate public improvements shall be overseen and directed by a geotechnical engineer. The geotechnical engineer shall provide test reports and certification that all structural fill has been placed as specified and provide a final summary report to the City certifying all structural fill on the site before City approval and acceptance of public improvements.
- Any cut or fill in building lots or parcels beyond the rough grading shall be subject to the Building Division's requirements for certification under the building permit.

**Engineering Requirements**

- Design engineer shall schedule a pre-design meeting with the City of Oregon City Engineering Division before submitting engineering plans for review.
- Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
- Applicant shall pay City invoice for the manufacture and installation of permanent signs for street names and any traffic control signs/signals/stripping.
- Bench Marks. At least one benchmark based on the City's datum shall be located within the subdivision.
- Other Public Utilities. The applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the applicant to pay these utility companies to use trenchless methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
- Technical Plan Check and Inspection Fees. The current Technical Plan Check and Inspection Fee shall be paid before approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans for final approval; the other half is due upon approval of the final plans.
- It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
- Applicant shall submit two (2) sets of final engineering plans for initial review by the City Engineering Division to include the drainage report (wet signed by the responsible engineer), and the cost estimate with half of the Technical Plan Check fee. The engineering plans shall be blackline copies, 24" x 36". Blueline copies are not acceptable.
- For projects such as subdivisions, partitions, and Planned Unit Developments, the applicant shall submit a completed copy of the City's latest final subdivision and partition plat checklist, and a paper copy of the preliminary plat.
- Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary.
- The applicant shall submit, for the final City approval, six (6) copies of the plans with one full set wet signed over the engineer's Professional Engineer Oregon stamp.
- Minimum Improvement Requirements. Applicant shall provide a surety on land division developments for uncompleted work before a plat is recorded as required by a Land Division Compliance Agreement (available in hard copy or electronic version from City Engineer office). This occurs if the applicant wishes to record the final plat before completion of all required improvements. Surety shall be an escrow account or in a form that is acceptable to the City Attorney.
- Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Land Division Compliance

**Agreement.** This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete public improvements.

- The applicant shall submit a paper copy of the record (as-built) drawings, of field measured facilities, to the City Engineer for review before building permits are issued beyond the legal limit. Upon approval of the paper copy by the City Engineer, applicant shall submit a bond copy set and two 4-mil mylar record drawings sets.
- The applicant shall submit one full set of the record (as-built) drawings, of field measured facilities, on AutoCAD files on CD-ROM or 3.5-inch diskette, in a format acceptable to the City Engineer, and include all field changes.
- One AutoCAD file of the preliminary plat, if applicable, shall be furnished by the applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the applicant's cost.
- The applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a CD-ROM or 3.5-inch diskette to the City in a format that is acceptable to the City's Geographic Information System Division.
- The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The applicant shall be responsible for all costs associated with meeting this condition. The applicant shall ensure their engineer submits the record drawings before the City will release final surety funds or residential building permits beyond the legal limit.
- Final Plat Requirements, if applicable. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
  - The applicant, and their surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the division of this parcel.
  - Show the City Planning File Number on the final plat, preferably just below the title block.
  - A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
  - Use recorded City control surveys for street centerline control, if applicable.
  - Tie to City GPS Geodetic Control Network, County Survey reference PS 24286, and use as basis of bearings. Include ties to at least two monuments, show measured versus record, and the scale factor. Monuments may be either GPS stations or other monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monument ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary control survey filed for the land division.
  - Show state plane coordinates on the Point of Beginning.
- The civil construction drawings, once approved by the City Engineering Division, shall have an approval period of one year in which to commence with construction. The plans and drawings shall be valid, once the City Engineer holds the preconstruction conference and construction activity proceeds, for as long as the construction takes. If the construction drawings expire before construction commences, the applicant shall ensure

the civil construction documents and plans conform to the latest Standards, Specifications, and City Codes that are in place at the time of the update. The applicant shall bear the cost associated with bringing them into conformance, including additional technical plan check and review costs.

- The applicant shall include a statement in proposed Conditions, Covenants, and Restrictions (CC & R's), plat restrictions, or some other means acceptable to the City Attorney for:
  - Maintaining surface runoff patterns established for each lot,
  - Maintaining any proposed private storm lines or detention, and
  - Conformance by individual lot owner to the City's erosion control standards when establishing or renovating landscaping.
  - The applicant shall submit the proposed method and statement to the Planning staff for review and approval, before final plat approval.
- Construction vehicles and other vehicles associated with the development shall only use the entrance as approved by the City Engineering Division to enter their site and these vehicles shall park or wait on the construction site. The applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
- Site construction activity is to only occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
- The applicant shall ensure that all applicable outside agencies are contacted and any appropriate approvals obtained for the construction of the project. The applicant shall supply copies of approvals to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction or building permit or to revoke an issued permit for this project.
- The applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, and dedications.
- Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.

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**DAVID EVANS AND ASSOCIATES, INC.**

March 21, 2000

2828 SW Corbett Avenue

Portland, Oregon 97222

Tel: (503) 223-0663

Fax: (503) 223-2701

Ms. Barbara Shields  
City of Oregon City  
320 Warner-Milne Road  
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRAFFIC IMPACT STUDY  
GLEN OAKS MEADOWS PLANNED UNIT DEVELOPMENT - PD 99-01**

Dear Ms. Shields:

In response to your request, David Evans and Associates, Inc. has reviewed the Traffic Impact Analysis prepared by Tom R. Lancaster, PE (Lancaster Engineering) for Glen Oaks Meadows Planned Unit Development (PUD) located on Glen Oak Road between Highway 213 and Beaver Creek Road. This PUD would consist of a combination of single-family homes, duplexes, and apartments totaling 71 units.

The applicant has adequately addressed traffic conditions for the proposed development. The applicant analyzed the existing conditions and accounted for in-process traffic from approved developments and the site-generated traffic. I find the report uses reasonable assumptions for distribution of traffic and for trip generation.

As identified in the report, there are several aspects of the transportation system that are in need of improvement to serve the developments in the area. The important issues are:

- Glen Oak Road is only 18 feet wide. This is inadequate for the amount of development now underway. The report indicates that widening to 24 feet and vertical alignment improvements are planned.
- The intersection of Highway 213 and Glen Oak Road is currently operating at a very poor level of service (LOS) with very long delays for traffic entering the highway during both the AM and PM peak hours. Adding traffic from other developments and site traffic from this development will cause the LOS during the AM and PM peak hours to decline to LOS F.
- The intersection of Beaver Creek Road and Glen Oak Road is currently operating at LOS C. However, with the addition of traffic from other developments, delays for traffic entering from Glen Oak Road will decline to LOS D. With the addition of traffic from this development the peak hour LOS will decline to LOS E.
- According to the report, installation of a signal is planned at the intersection of Highway 213 and Glen Oak Road. If a signal is installed, the intersection will operate at an acceptable LOS with background traffic and site traffic.
- According to the report, the intersection of Beaver Creek Road and Glen Oak Road will operate at LOS C during the peak hour if a center turn lane is constructed and if motorists turning left from Glen Oak Road make two-stage turns. This would require that they first turn into the center turn lane as one maneuver and merge into the northbound through lane as a second maneuver.
- Prior to 2019, both Highway 213 and Beaver Creek Road will have traffic volumes that are high enough to require five-lane cross-sections.

The proposed planned unit development is one of the developments contributing to the issues identified above. As indicated above, this PUD is forecast to cause a measurable degradation in the LOS at the two key intersections.



DAVID EVANS AND ASSOCIATES, INC.

Ms. Barbara Shields

March 21, 2000

Page 2 of 2

At Highway 213, the peak hour LOS for Glen Oak Road is predicted to fall to F. At Beavercreek Road, the peak hour LOS for Glen Oak Road is predicted to fall to LOS E. The mitigation for these two intersections are the installation of a traffic signal and the widening of Beavercreek Road, respectively. Note that achieving an acceptable LOS at the intersection of Glen Oak Road and Beavercreek road is dependant upon widening the road and upon motorists making a two-stage left turn. That may not be a comfortable maneuver or a safe maneuver for some motorists, especially with at 50-mph speed limit on Beavercreek Road. A traffic signal at this intersection should be viewed as a likely project in the future.

The traffic caused by the continued development along Glen Oak Road has reached the point where mitigation is now required to achieve a minimally acceptable level of service. The installation of a signal at the intersection of Highway 213 and Glen Oak Road is needed short-term.

In conclusion, I find that the applicant's traffic impact analysis meets the City's requirements. The proposed development will have a significant impact on the existing transportation system and mitigation will be needed.

I believe some near-term improvements are necessary including the widening of Glen Oak Road, the installation of a traffic signal at Highway 213 and Glen Oak Road, and the widening of Beavercreek Road. With these improvements in place, the street system has the capacity to accommodate the traffic from the PUD as well as the other developments in progress in the area. The need for short-term improvements is related to combined impact of all the developments in the area. The long-term improvements to both Highway 213 and Beavercreek Road (i.e., widening both to five lanes) will be a function of increases in background traffic rather than traffic from this PUD.

If you have any questions or need any further information concerning this review, please call me at 223-6663.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

A handwritten signature in cursive script that reads 'John Replinger'.

John Replinger, PE  
Senior Transportation Engineer

JGRE:jr

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CITY OF OREGON CITY  
Memorandum

TO: Joe McKinney, Public Works Operations Manager

FROM: Henry Mackenroth, Public Works Engineer

DATE: June 1, 2000

SUBJECT: File Number: Revised proposal PD 99-01; ZC 99-05; PA 98-126  
Name: 14608 Glen Oak Road Marple

1. General Comments:

An AFD exists on this property for construction of the Glen Oak Sewer line.

**Plan, as submitted, appears to be incomplete. Glen Oak roadside creek treatment shown in plans does not match what is submitted as section I in book. Off site improvements to Glen Oak Road and associated utilities are not shown.**

2. Water:

Water Depart. Additional Comments No:      Yes: X Initial: el  
16 inch line to be extended across the front of the property.

I agree with P.W. Engineer. Water utility plans are incomplete and off site improvements to and including Glen Oak Road are not shown.

Clackamas Water lines in area No      Yes X  
Existing Line Size = 6 inch  
Existing Location = Glen Oak Road  
Upsizing required? No      Yes X Size Required 16 inch  
Extension required? No X Yes       
Looping Required? No      Yes X Per Fire Marshall       
New line size = 8 inch within development  
Backflow Preventor required? No X Yes     

3. Sanitary Sewer:

San. Depart. Additional Comments No: X Yes:      Initial: cc

Existing Lateral being reused? No X Yes       
Existing Line Size = 8 inch  
Existing Location = Glen Oak Road  
Upsizing required? No X Yes      Size Required      inch

EXHIBIT 6cr

Extension required? No X Yes     

Pump Station required? No X Yes     

Industrial Pre-treatment required? No X Yes     

Yes              Contact Tri  
City Service District

4. Storm Sewer:

Storm Depart. Additional Comments No:      Yes: ✓ Initial: CC

**Road side ditch is a recognized perennial stream. State  
approvals required. Title III legislation likely to apply.**

**The proposed culvert across the entrance road is not fish  
friendly. Replace with a box culvert type construction as in  
Pioneer Place.**

South Caulfield Basin storm drainage basin plan exists for this  
area.

*24" CMP. CULVERT SHOWN ON MASTER PLAN TO RUN LENGTH  
OF SUB-DIVISION ALONG GLEN OAKS RD IS NOT ACCEPTABLE*

*NO BLIND CONNECTIONS - SEE SKETCH BY GLEN OAKS MEADOWS & BRITANNY TAYLOR*

Existing Line Size =      Inch None existing X

Extension required? No X Yes     

Detention Required? No      Yes X (as in Pioneer Place)

On site water resources: None Known      Yes X (Road side  
ditch)

5. Dedications & Easements:

Additional right of way required? No      Yes X

Existing Right of Way = approximately 40 feet

Total Right of Way width required? 60 feet

Recommended dedication: 10 feet

Clackamas County to recommend No X Yes     

6. Streets:

Street Depart. Additional Comments No: ✓ Yes:      Initial: RL

½ street improvement for Glen Oak Road. (Shown, I think)

Classification:

Major Arterial      Minor Arterial     

Collector X Local     

Jurisdiction:

City X County      State     

Existing Width = 16 feet

Required Width = 36 feet



Number of Traffic Lanes = 2

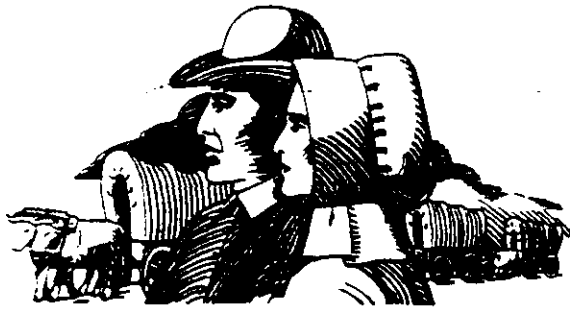
Center Turn Lane required? No X Yes     

Bicycle Lanes required? No      Yes X

Transit Street? No X Yes      Line No =

7. Traffic Problems? None Known      Yes Left turns onto and off of  
Beavercreek and Hwy 213
8. Geotech problems? None Known      Yes Potential high ground water

1. ☐ **FIRE APPARATUS ACCESS ROAD DISTANCE FROM BUILDING AND TURNAROUNDS:** Access roads shall be with: 150 feet of all portions of the exterior wall of the first story of the building as measured by an approved route around the exterior of the building. An approved turnaround is required if the remaining distance to an approved intersecting roadway, as measured along the fire apparatus access road, is greater than 150 feet. (UFC Sec. 902.2.1)
2. ☐ **DEAD END ROADS:** Dead end fire apparatus access roads in excess of 150 feet in length shall be provided with an approved turnaround. Diagrams of approved turnarounds are available from the fire district. (UFC Sec. 902.2.2.4)
3. ☐ **ACCESS ROADS ADJACENT TO BUILDINGS:** Access roadways shall not be closer than 20 feet to a structure unless topographical restrictions dictate the location. (UFC Sec. 902.2.1)
4. ☒ **FIRE APPARATUS ACCESS ROAD EXCEPTION FOR AUTOMATIC SPRINKLER PROTECTION:** When buildings are completely protected with an approved automatic fire sprinkler system, the requirements for fire apparatus access may be modified as approved by the Chief. (UFC Sec. 902.2.1)
5. ☒ **ADDITIONAL ACCESS ROADS:** Where there are 25 or more dwellings units, vehicle congestion, adverse terrain conditions or other factors as determined by the Chief of the fire department not less than two approved means of access shall be provided to the city-county roadway or access easement. Exceptions may be allowed for approved automatic sprinkler system. (UFC Sec. 902.2.1) *Not Approved*
6. ☒ **FIRE APPARATUS ACCESS ROAD WIDTH AND VERTICAL CLEARANCE:** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (15 feet for one or two dwelling units and out buildings), and an unobstructed vertical clearance of not less than 13 feet 6 inches. (UFC Sec. 902.2.2) *Not Approved*
7. ☒ **SURFACE AND LOAD CAPACITIES:** Fire apparatus access roads shall be of an all-weather surface that is easily distinguishable from the surrounding area and is capable of supporting not less than 12,500 pounds point load (wheel load) and 50,000 pounds live load (gross vehicle weight). You may need to provide documentation from a registered engineer that the design will be capable of supporting such loading. Documentation from a registered engineer that the finished construction is in accordance with the approved plans or the requirements of the Fire Code may be requested. (UFC Sec. 902.2.2) *Not Approved*
8. ☐ **BRIDGES:** Private bridges shall be designed and constructed in accordance with the state of Oregon Department of Transportation and American Association of State Highway and Transportation Officials Standards. Design load shall conform with H-S 25 or greater. The design and specifications for bridges shall be prepared by a State of Oregon registered professional engineer. A building permit shall be obtained for the construction of the bridge if required by the building official of the jurisdiction where the bridge is to be built. The design engineer shall prepare a special inspection and structural observation program for approval by the building official. The design engineer shall give in writing final approval of the bridge to the fire department after construction is completed. Maintenance of the bridge shall be the responsibility of the party(ies) that use(s) the bridge for access to their property(ies). The fire district may at any time, for due cause, ask that a registered engineer inspect the bridge for structural stability and soundness at the expense of the property owner(s) the bridge serves. (UFC Sec. 902.2.2.5)
9. ☒ **TURNING RADIUS:** The inside turning radius and outside turning radius shall be not less than 25 feet and 45 feet respectively, measured from the same center point. (UFC Sec. 902.2.2.3) *Not Approved*
10. ☒ **NO PARKING SIGNS:** Where fire apparatus roadways are not sufficient width to accommodate parked vehicles and 20 feet of unobstructed driving surface, "NO PARKING" signs shall be installed on one or both sides of the roadways and in turnarounds as needed. (UFC Sec. 902.2.4) Signs shall read "NO PARKING - FIRE LANE - TOW AWAY ZONE, ORS 98.810 - 98.812" and shall be installed with a clear space above ground level of 7 feet. Sign shall be 12 inches wide by 18 inches high and shall have black or red letters and border on a white background. (UFC Sec. 901.4.5.1) (2) & (3))
11. ☒ **PAINTED CURBS:** Where required, fire apparatus access roadway curbs shall be painted yellow and marked "NO PARKING FIRE LANE" at each 25 feet. Lettering shall have a stroke of not less than one inch wide by six inches high. Lettering shall be white on red or black on yellow background. (UFC SEC. 901.4.5.2) *Not Approved*
12. ☐ **GRADE:** Private fire apparatus access roadway grades shall not exceed an average grade of 10 percent with a maximum grade of 15 percent for lengths of no more than 200 feet. Intersections and turnarounds shall be level (maximum 5%) with the exception of crowning for water run-off. Public streets shall have a maximum grade of 15%. (UFC Sec. 902.2.2.6)
13. ☒ **COMMERCIAL BUILDINGS - REQUIRED FIRE FLOW:** The required fire flow for the building shall not exceed 3,000 gallons per minute (GPM) or the available GPM in the water delivery system at 20 psi, whichever is less. A worksheet for calculating the required fire flow is available from the Fire Marshal's Office. (UFC Sec. 903.3) *Not Approved*
14. ☒ **COMMERCIAL BUILDINGS - FIRE HYDRANTS:** No portion of the exterior of a commercial building shall be located more than 250 feet from a hydrant when measured in an approved manner around the outside of the building and along an approved fire apparatus access roadway. Any hydrants that are left over from the minimum number of hydrant calculations may be full filled by hydrants that are up to 500 feet from any point of the building. The Fire Prevention Ordinance has further requirements that need to be used for acceptance and placement of fire hydrants. (UFC Sec. 903.4.2.1) *Not Approved*



**OREGON CITY PARKS & RECREATION  
PARKS & MEMORIALS**

**Parks Department Concerns**

**Prepared by:**

**Allen Toman – Operations Supervisor**

**Richard Reed – Operations Crew Leader**

**Glen Oak Meadows**

**PD 99-01**

The proposed open space area does not conform to goals expressed in adopted Parks Master Plan of 1998-Recommended Park Guidelines – concerning mini parks. In the Parks Master Plan in Section VII – Land and Facility Recommendations, Page 7, it states under

**General Land Use Guidelines:**

- a. Because of their size, limited recreational value and cost of operation, public parks of this type should be discouraged.
- b. The development of this type of park should be encouraged as part of large private multi-family developments
- c. Mini-parks may be developed within single family subdivisions as long as they are owned and maintained by homeowners associations.

It is the Parks Maintenance Division's recommendation to follow the guidelines of the adopted Parks Master Plan for Oregon City

**EXHIBIT 6f**



## CITY OF OREGON CITY

321 W. ASH MEADOW ROAD OREGON CITY, ORE. 97146  
TEL. 657-0891 FAX 657-7892

### MEMORANDUM

To: Barbara Shields, Senior Planner  
Bob Cullison, EIT, Engineering Manager  
From: Nancy J.T. Kraushaar, P.E., Public Projects Manager  
Date: March 30, 2000  
Subject: Comments  
SP 99-01 – Glen Oaks Meadows

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#### GEOTECHNICAL

Additional geotechnical investigation shall be completed to comprehensively define: a) pavement section and pavement section construction technique, and b) where perimeter footing drains and specialized trench drains are needed. The August 11, 1999 WCG Geotechnical Investigation report refers to special pavement needs and drainage needs, but does not provide specificity as to where these needs shall be implemented. The additional investigation shall include test pits that penetrate a minimum of 3 feet below the deepest cuts for grading and foundation excavations to adequately define foundation soil and groundwater characteristics.

#### WATER RESOURCES AND STORMWATER

Stormwater detention facilities shall be designed in accordance with the Caulfield Basin Master Plan (adopted November 1997) and the Oregon City Grading and Stormwater Design Standards.

The applicant has requested a reduction of the 50-foot transition area required in the January 1994 Water Resources Overlay District. The Planning Commission based on three criteria which address slope, soil erodibility, and wildlife habitat *may grant* the reduction. The applicant's request makes findings supporting the request, including the finding that the transition area would not cause a reduction in wildlife habitat. The Public Projects Division recommends that the reduction *not be granted*. Current scientific literature indicates that a 200-foot corridor is appropriate for wildlife protection in the northwest. This is based on native species tree height. The forested riparian corridor proposed in the June 28, 1999 Environmental Technology Consultants report has merit, but the habitat is unlikely to develop with a 25-foot width. The required transition area shall be 50 feet, in accordance with the 1994 City Code.

**EXHIBIT 7**  
**GLEN OAKS MEADOWS PLANNED UNIT DEVELOPMENT**  
**CONDITIONS OF APPROVAL**

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**SITE PLAN DESIGN LAYOUT**

***DENSITY***

1. No more than 38 single-residential detached dwelling units shall be developed on the subject property.
2. Accessory dwelling units ("carriage units") shall be placed on lots 7, 8, 19, 21-35 and 30.

***DESIGN STANDARDS***

3. All residential lots shall comply with the following standards:
  - a. All single-family homes shall have front porches;
  - b. Lot area shall be no less than 4,300 square feet;
  - c. Average width shall be no less than 70 feet;
  - d. Building height shall be no more than 35 feet;
  - e. Front yard shall be 10 feet front porches; 15 feet for single-f. family homes and 18 feet for garages;
  - f. Interior yard shall be no less than 5 feet for a single-family home
  - g. and on both sides of a lot. No interior yard shall be required for garages.
  - h. Corner yard shall be no less than 10 feet.
  - i. Rear yard shall be no less than 5 feet.

***ACCESSORY ("CARRIAGE") UNITS***

4. The proposed 19 carriage units shall be used only for residential use.

***OPEN SPACE IMPROVEMENT***

5. The applicant shall file a Site Plan and Design Review application, subject to OCMC 17.62 requirements for the proposed open space improvements. The Site Plan and Design Review approval must be granted prior to Final PUD Plan.
6. The applicant shall obtain PGE approval to allow active recreational uses within the PGE easement prior to final PUD approval.

**EXHIBIT 7**  
**GLEN OAKS MEADOWS PLANNED UNIT DEVELOPMENT**  
**CONDITIONS OF APPROVAL**

---

**PROVISION OF PUBLIC FACILITIES**

***WATER***

7. The applicant shall install an oversized 16-inch waterline in Glen Oak Road per the City's Water Master Plan.

***SANITARY SEWER***

8. The applicant shall provide proof of final payment of the Sanitary AFD before final plat recordation.

***STORM SEWER/DETENTION AND OTHER DRAINAGE FACILITIES***

9. The applicant must process and obtain approval for wetland and stream mitigation from the Corps of Engineers, Division of State Lands, Department of Fish and Wildlife, and any other applicable agencies prior to approval of construction plans. Copies of approvals shall be supplied to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building permit or to revoke a permit that has been issued for this project.

***DEDICATIONS AND EASEMENTS***

10. The applicant shall dedicate 10 feet of right-of-way on the applicant's side of Glen Oak Road. The applicant shall dedicate a minimum of 50 feet of right-of-way for all proposed interior local streets. Eyebrows shall have minimum 54-foot radii right-of-way dedications.
11. Public utility easements shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages, rear lot lines, and the project boundary, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat. The side lot line requirements can be waived once utility locations have been identified and the need for side lot line easements is determined by the City Engineer to be unnecessary except where identified by said utilities.
12. Tracts A, B, C, and D shall be privately owned wetland/open space. Wetland/open space shall be privately maintained except for the storm drainage facilities.
13. Tract E shall be owned and maintained equally by the owners of lots 22, 23, 24, 25, 26, 27, 28, and 29. Tract F shall be owned and maintained equally by the owners of lots 30, 31, 32, 33, 34, 35, and 38.
14. Easements shall be provided to the City for maintenance of storm drainage facilities.

**EXHIBIT 7**  
**GLEN OAKS MEADOWS PLANNED UNIT DEVELOPMENT**  
**CONDITIONS OF APPROVAL**

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15. The applicant shall show non-vehicular access strips along the entire site's frontage with Glen Oak Road, the entire frontages of lots 22-29 except for the private alley, the entire frontages of lots 30-37 except for the private alley, the frontages of all tracts except as needed for maintenance access, and along the street frontages of all corner lots except for the 40 feet on each street furthest from the intersection unless approved by the Engineering Manager.
16. The applicant shall show a reserve strip dedicated to the City at the end of all stub streets. These reserve strips shall be noted on the plat to be automatically dedicated as public right-of-way upon the approval of right-of-way dedication and/or City land use action approval of adjacent properties.

***TRAFFIC AND TRANSPORTATION***

17. The applicant shall provide intersection improvements to obtain a level of service (LOS) of "D" for peak AM and peak PM traffic conditions at the Glen Oak Road and Highway 213 intersection.
18. The applicant shall coordinate with and obtain ODOT approval of their improvement plans for the Glen Oak Road and Highway 213 intersection.

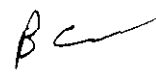
***ENGINEERING REQUIREMENTS***

19. The applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.

**CITY OF OREGON CITY**  
— MEMORANDUM —

DATE: April 19, 2000

TO: MAGGIE COLLINS, PLANNING MANAGER

FROM: BOB CULLISON, ENGINEERING MANAGER 

SUBJECT: Glen Oak Road Information for PD 99-01, Glen Oak Meadows

**BACKGROUND:** The City of Oregon City 1998-2003 Capital Facilities Improvement Plan (CIP) used the Draft Transportation System Plan (TSP) as the rationale for the need to design a street and stormwater project and acquire right-of-way (ROW) for a Glen Oak Road improvement to begin in 1999 (\$200,000). The CIP also calls for construction of the improvement project in the 2000-2002 timeframe (\$2,000,000). The CIP points out that the Highway 213/Glen Oak Road intersection is operating at Level of Service (LOS) "E" or "F" (as a two-way stop-controlled intersection).

The westerly end of Glen Oak Road suffers the most from a lack of development and improvement. Safety concerns from an 18-foot wide paved section are valid. The City did install a sanitary sewer line in Glen Oak Road in the 1993-94 timeframe and as a result, did acquire some ROW in the westerly end of Glen Oak Road to accommodate some future street improvements.

ODOT will require their approval of any intersection improvements. ODOT's access management actions have already resulted in the future 59-unit mobile home park using Glen Oak Road as access to Highway 213.

**EXISTING CONDITIONS:** Several new subdivisions have made improvements along Glen Oak Road over the past three years. Fairway Downs, Osprey Glenn, and Pioneer Place provided 1,690 feet (33%) of half-street improvements on the south side of Glen Oak Road. This PD would provide an additional 520 feet of half-street improvements. This would increase the total improvements to 43% of the length.

**MINIMUM IMPROVEMENTS:** Based on public input and engineering judgement of safety requirements, the minimum improvements should be improving the Highway 213/Glen Oak Road intersection to LOS "D" and 30 feet of pavement and curb and sidewalks on one side of Glen Oak Road. As stated above, development has already provided 1/3 of the desired 30-foot wide pavement with curb and sidewalks on the south side.

**METHODS OF IMPROVEMENT:** There are several methods of improvement consisting of a CIP project, a Local Improvement District (LID), and a Reimbursement District (RD). As stated earlier, the City does have a CIP project scheduled but the funding does not look promising. Under both the LID and RD methods, properties in the City fronting on Glen Oak Road or benefiting from frontage improvements would pay for the project over a 20-year period.



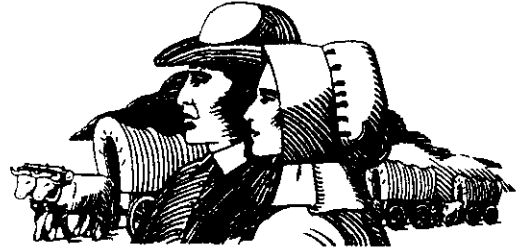


# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### MEMORANDUM

Date: June 26, 2000

**FILE NO.:** AN 99-09

**HEARING TYPE:** Legislative

**APPLICANT:** Home Port Development

**PROPERTY OWNERS:** Peter and Nellie Ilyin

**REQUEST:** Annexation of 1.94 acres from Clackamas County into the City of Oregon City

**LOCATION:** Property located on the southwest edge of Pease Road between Riverhead Parkway and Cominger Drive; site address of 19236 S. Pease Road; identified by the Clackamas County Tax Assessor Map as 3S-2E-7 Tax Lot 2100.

**RECOMMENDATION:** Approval

**REVIEWERS:** Deneice Won, Metro  
Maggie Collins, Oregon City

**ATTACHMENT:** Exhibit A, Annexation Report—Proposal No. An-99-09

### BACKGROUND:

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

## **TITLE 14 ANNEXATION CRITERIA**

The seven criteria are as follows:

### ***14.04.060 Annexation factors.***

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

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

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.

## **STAFF COMMENTS**

The City's seven criteria are reviewed item by item on pages 6-12 of Exhibit A. The staff conclusion is that the criteria are met, and that a positive recommendation can be made to the City Commission concerning putting this request on the ballot.

- The Planning Commission may want to discuss whether creation of a county island (page 14 of Exhibit A) by this proposal meets the intent of the Statewide Planning Goal 11: Public Facilities and Services, as well as Section I Community Facilities of the City Comprehensive Plan and Chapter 4 Urbanization in the Clackamas County Comprehensive Plan. Does this proposal constitute a timely, orderly and efficient arrangement of properties that can be supported by urban services?

**PROPOSAL NO. AN-99-09 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Peter and Nellie Ilyin

Applicant: Home Port Development

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**PROPOSAL NO. AN-99-010 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Elli Schulz

Applicant: Home Port Development

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Proposals No. AN-99-09 and AN-99-10 were initiated by consent petitions of the property owners and registered voters. The petitions meet 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 annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexations 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 Pease Road between Riverhead Parkway and Cominger Drive. The territory in Proposal No. AN-99-09 contains 1.94 acres, one single family residence, an estimated population of two, and has an assessed value of \$174,570. The territory in Proposal No. AN-99-10 contains 3.98 acres, one single family residence, an estimated population of one, and has an assessed value of \$264,710.

**REASON FOR ANNEXATION**

The applicant wants to annex to obtain urban services to enable development of the parcels as Phase 2 of Caufield Landing. Phase 1 of the proposed subdivision is within the current

City limits of Oregon City. The applicant's concept plan shows his intent to develop at R-8 density. A reduced copy of the concept plan is attached as Exhibit A.

## **LAND USE PLANNING**

### ***SITE CHARACTERISTICS***

The property is mostly composed of open grass with very few trees. The slope on the site varies between 0 to 5% - the most elevation change is 6 feet.

### ***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 Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed 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-10 Acre Minimum Lot Size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*, which are 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. Proposal AN-99-09 should be modified to include the adjacent right-of-way of Pease Road to comply with the agreement.

#### 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 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 Pease Road is not included with the proposed annexations. 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. 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 the chart below and some guidelines laid out in Section 17.06.050.

#### CITY LAND USE CLASSIFICATION

<u>Residential</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R6
Low-density residential/MD	R-6/MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RA-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Low-density residential/MD	R-6MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RD-2

Oregon City has three zones that may be applied to the County's Low Density Residential land use classification. The R-10 zone is ministerially applied upon annexation. The R-10 zone requires a minimum lot size of 10,000 square feet and the minimum density is 4.4 units per acre. Surrounding city zoning is R-10. The applicant will need to obtain approval of a zone change to city zoning of R-8 to develop the property as proposed in the concept plan.

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."*

In his narrative portion of the annexation application the applicant provided the following statement concerning potential physical, aesthetic and related social effects of the proposed or potential development:

"The somewhat rural setting of this sub community brings about obvious concerns about the impact of residential development. The applicant contends that although the surrounding community is laid out as a rural community it is zoned for and

planned for residential development. R-6, R-8 and R-10 development is inevitable in the vicinity of the subject site. The undeveloped state of this sub community requires that proposed developments provide for future development of adjacent parcels.

"Yes, there will be an impact upon parcels within this community with the influx of residential development, a positive impact upon property values and service availability. The cost to develop in this part of the City of Oregon City is exorbitant due to the challenge of providing utility and traffic services. Annexation and development of the subject site as shown in the enclosed development concept for Caulfield Landing will provide access and utilities for future development of adjacent parcels.

The applicant in his narrative portion of the annexation application provided the following response to factor 7:

"The proposed annexation will allow for development of the subject site, such that it will promote development of adjacent parcels. Extension of public streets and public utilities will make currently undevelopable parcels developable, thereby increasing property values. This part of Clackamas County is fairly undeveloped. Therefore, the proposed annexation and the intended development will impact neighboring parcels with increased density. However, development of the subject parcel will occur as allowed by the governing zone, which will be consistent upon annexation of all parcels in the vicinity."

The Applicant's response does not distinguish the affects resulting from development from the affects resulting from annexation. Annexation alone 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 subdivision. 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 Pease Road at the south boundary of Tax Lot 2200. This main flows to pump station B located between Pease and Leland Roads south of the territory to be annexed near the urban growth boundary. Pump station B and its 10-inch force main lifts the sewage to a 15-inch gravity main in Pease Road north of the proposed annexation. 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 Pease Road. The City has a 12-inch water line in Pease Road. The

existing home will be required to switch to service from the city water. The 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 (MGD). 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 applicant's concept site plan provides a detention facility at the southwest corner of Tax Lot 2200. That internal storm water system can be connected to an existing 12-inch storm sewer line in Pease Road.

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 two neighborhood parks within 1 mile of the proposed annexation site.

Transportation. The subject site has frontage only on Pease Road. Phase I of Caufield Landing, with the current City limits, is proposed to have an access point approximately 360 feet north of Tax Lot 2100. The applicant's concept site plan proposes another access point at the south boundary of Tax Lot 2200. The applicant's design concept for the subdivision provides street stub to the south for extension to future development of adjacent parcels.

The right-of-way of Pease Road is currently 40 feet. It is required to have a 50-foot right-of-way. The applicant proposes to dedicate an additional 5-feet of right-of-way along the Pease Road frontage and construct a half-street improvement pursuant to City standards.

The traveled roadway of Pease Road is not consistent with the legal description of its right-of-way. The applicant may have to dedicate more than 5 feet to match the traveled way.

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

## **ISLAND**

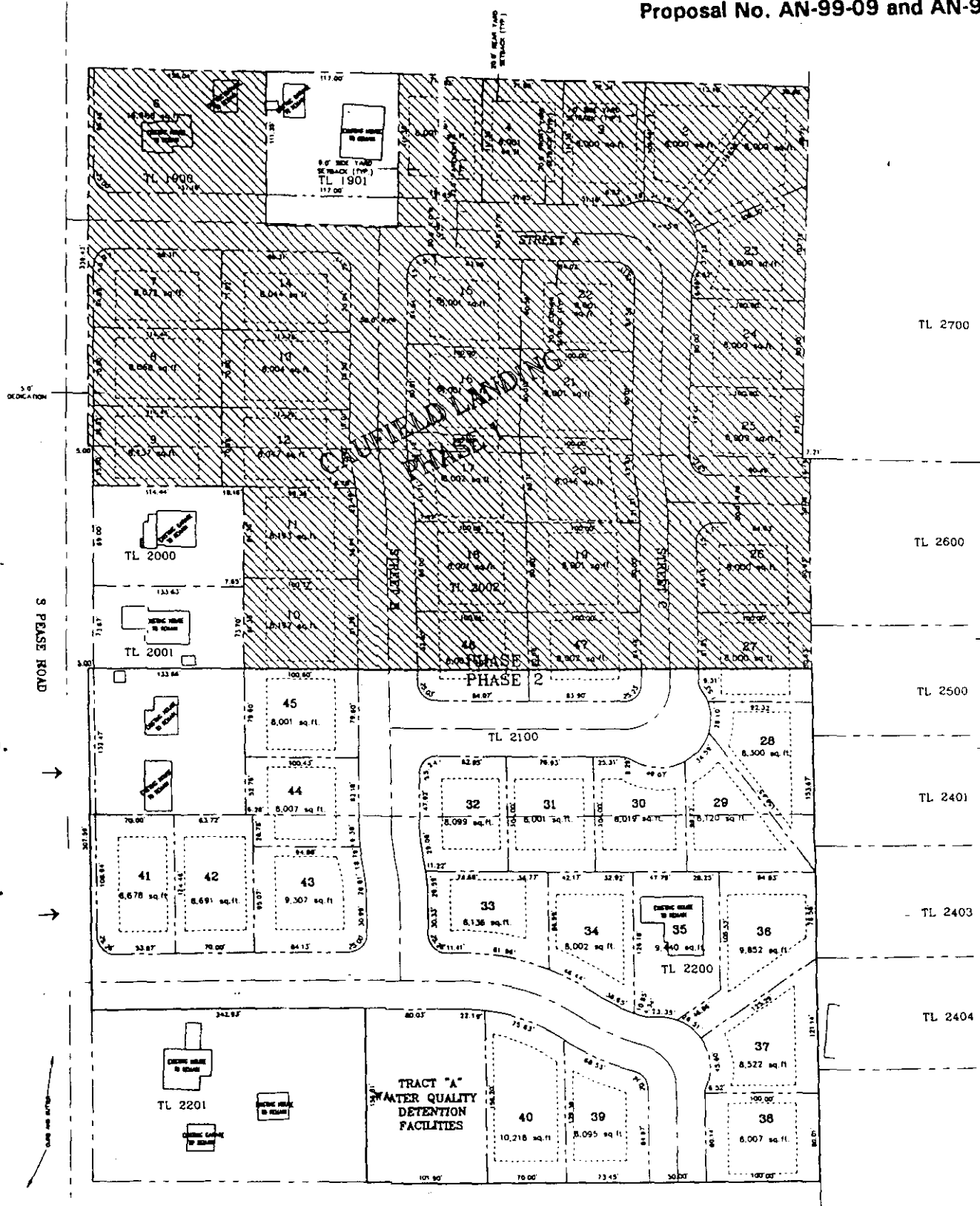
The annexation of both proposals will result in the creation of an unincorporated "island" surrounded by the City to the northwest. The owners of property within the potential "island" have been sent a notice of both the Planning Commission and the City Commission hearings.

## **RECOMMENDATION**

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit B for each annexation, the staff recommends that the Planning Commission recommend **approval** of Proposals No. AN-99-09 and AN-99-10. 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-99-09

Proposal No.  
 AN-99-10

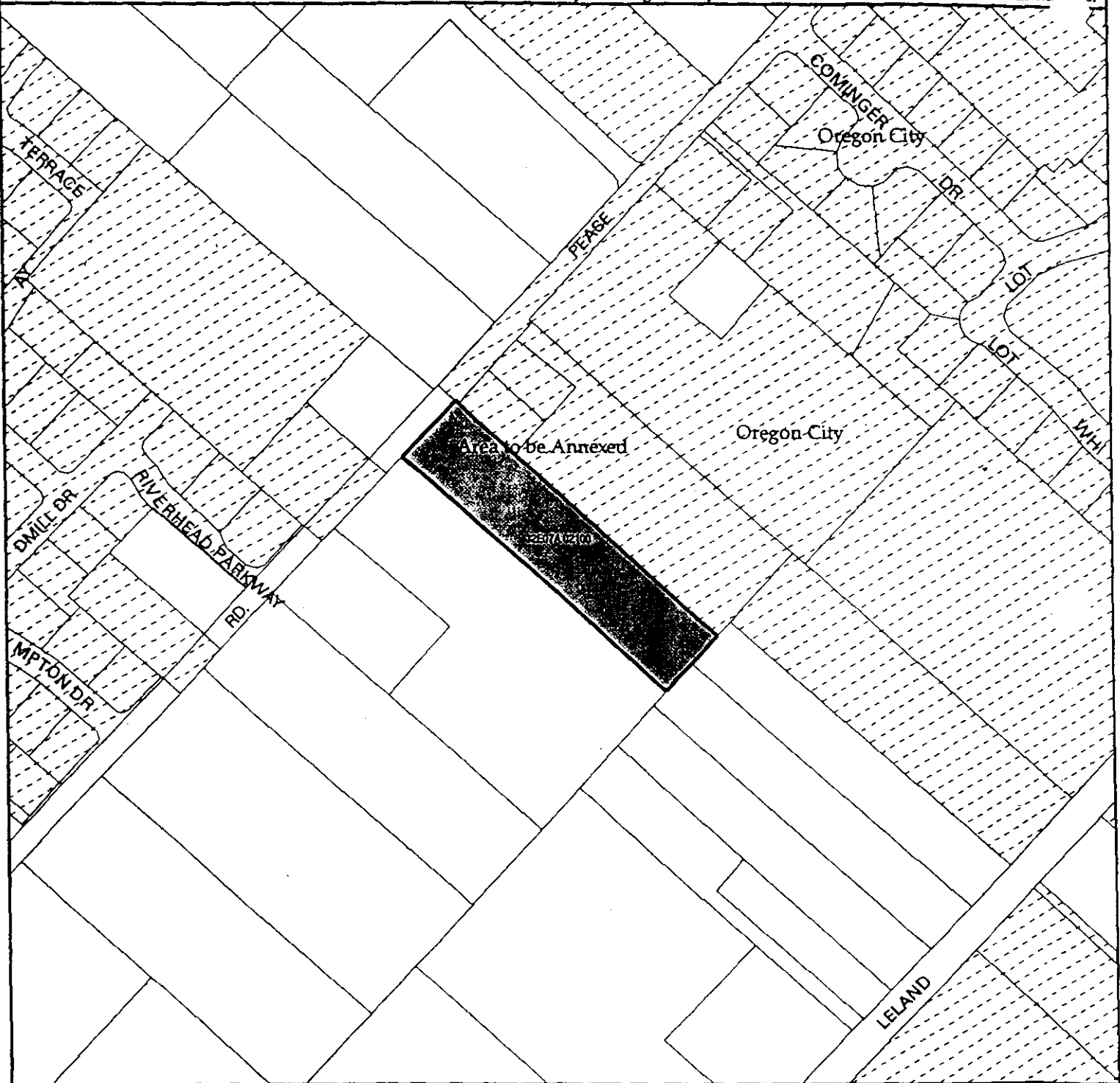


# Proposal No. AN-99-09

3S2E07

Annexation to the City of Oregon City

Clackamas Co.



R L S  
REGIONAL LAND INFORMATION SYSTEM



800 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 787-1742  
FAX 503 787-1908  
Email dro@metro-region.org

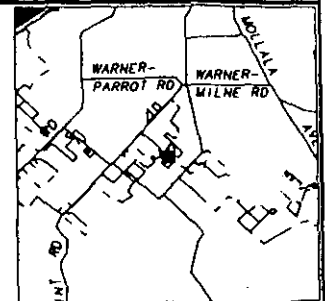
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- County lines
- City
- Annexation boundary

PROPOSAL NO. CL1400  
CITY OF OREGON CITY  
Figure 1

Scale: 1" = 250'  
0 200 400

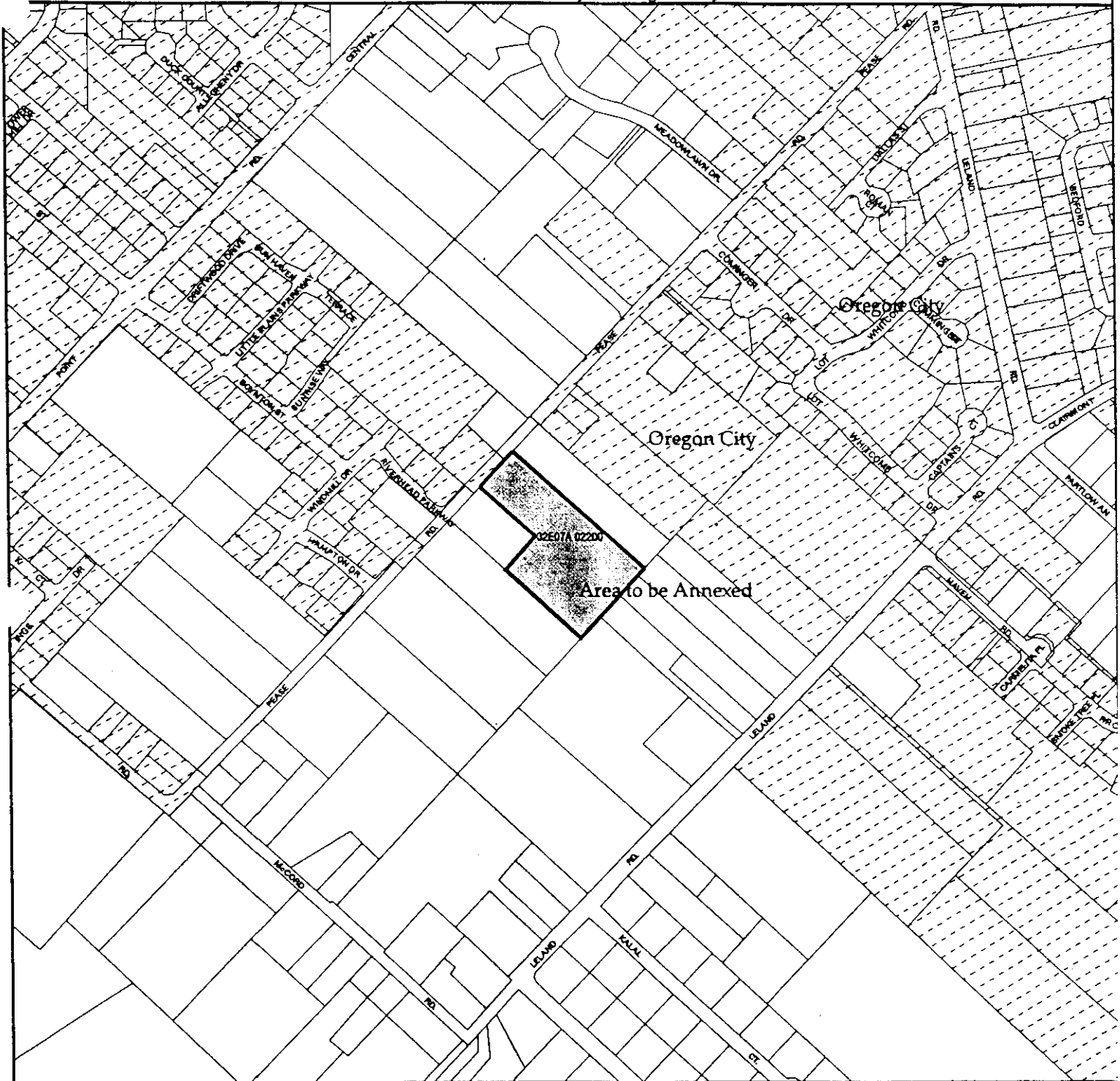


# Proposal No. AN-99-10

3S2E07

Annexation to the City of Oregon City

Clackamas Co.



REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.  
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Email dro@metro-region.org

**METRO**

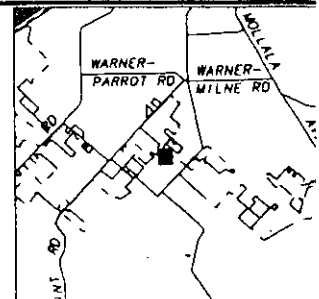
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- County lines
- City
- Annexation boundary

PROPOSAL NO. CL1500  
CITY OF OREGON CITY  
Figure 1

Scale: 1" = 500'

0 500 1000



## FINDINGS

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

1. The territory to be annexed contains 1.94 acres, one single family residence, an estimated population of two, and has an assessed value of \$174,570.
2. The applicant wants to annex to obtain urban services to enable development of the parcels as part of Phase 2 of Caulfield Landing. Phase 1 of the proposed subdivision is within the current City limits of Oregon City. The applicant's concept plan shows his intent to develop at R-8 density.
3. The property is mostly composed of open grass with very few trees. The slope on the site varies between 0 to 5% - the most elevation change is 6 feet.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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 Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria 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. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*.

*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 considered in findings numbered 4 and 9 through 16. According to Metro's database, 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 Finding number 6. The proposal should be modified to include the adjacent right-of-way of Pease Road to comply with the agreement.

6. 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 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 Pease Road is not

included with the proposed annexation. The staff will recommend to the City Commission to modify the proposal 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. 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.

Chapter G of the Oregon City Comprehensive 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, the 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 the chart below and some guidelines laid out in Section 17.06.050.

#### CITY LAND USE CLASSIFICATION

<u>Residential</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R6
Low-density residential/MD	R-6/MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RA-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

“Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:”

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Low-density residential/MD	R-6MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RD-2

Oregon City has three zones that may be applied to the County's Low Density Residential land use classification. The R-10 zone is administratively applied upon annexation. The R-10 zone requires a minimum lot size of 10,000 square feet and the minimum density is 4.4 units per acre. Surrounding city zoning is R-10. The applicant will need to obtain approval of a zone change to city zoning of R-8 to develop the property as proposed in the concept plan.

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

1. *Adequacy of access to the site;*

The site access is discussed below in finding number 15.

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 9 through 16 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. The Metro Code criteria are addressed in the Conclusions and Reasons for decision.

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 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."*

The 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 subdivision. 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.

8. 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.
9. The City of Oregon City provides sanitary sewer collector service. The City has an 8-inch gravity sewer main in Pease Road at the south boundary of Tax Lot 2200. This main flows to pump station B located between Pease and Leland Roads south of the territory to be annexed near the urban growth boundary. Pump station B and its 10-inch force main lifts the sewage to a 15-inch gravity main in Pease Road north of the proposed annexation. 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.

10. The existing residence obtains water service from the Clackamas River Water District from a water line in Pease Road. The City has a 12-inch water line in Pease Road. The existing home will be required to switch to service from the city water. The 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).

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 applicant's concept site plan provides a detention facility at the southwest corner of Tax Lot 2200. That internal storm water system can be connected to an existing 12-inch storm sewer line in Pease Road.
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 two neighborhood parks within 1 mile of the proposed annexation site.
15. The subject site has frontage only on Pease Road. Phase I of Caufield Landing, with the current City limits, is proposed to have an access point approximately 360 feet north of Tax Lot 2100. The applicant's concept site plan proposes another access point at the south boundary of Tax Lot 2200. The applicant's design concept for the subdivision provides street stub to the south for extension to future development of adjacent parcels.

The right-of-way of Pease Road is currently 40 feet. It is required to have a 50-foot right-of-way. The applicant proposes to dedicate an additional 5-feet of right-of-way along the Pease Road frontage and construct a half-street improvement pursuant to City standards.

The traveled roadway of Pease Road is not consistent with the legal description of its right-of-way. The applicant may have to dedicate more than 5 feet to match the traveled way.

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. Provisions within the urban growth management agreement are satisfied by modifying the annexation to include the adjacent right-of-way of Pease Road.



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.

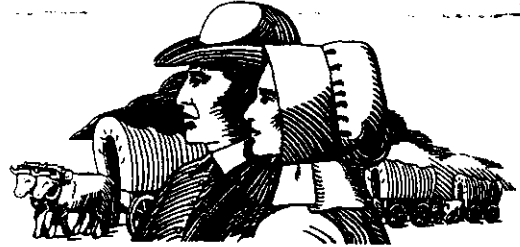
3. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly and economic provision of public facilities and services." The Commission concludes that the City's services are adequate to serve this area, 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 be simultaneously withdrawn from the Enhanced Law Enforcement District.

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### MEMORANDUM

Date: June 26, 2000

**FILE NO.:** AN 99-10

**HEARING TYPE:** Legislative

**APPLICANT:** Home Port Development

**PROPERTY OWNERS:** Elli Schulz

**REQUEST:** Annexation of 3.98 acres from Clackamas County into the City of Oregon City

**LOCATION:** Property located on the southwest edge of Pease Road between Riverhead Parkway and Cominger Drive; site address of 19230 S. Pease Road; identified by the Clackamas County Tax Assessor Map as 3S-2E-7; Tax Lot 2200.

**RECOMMENDATION:** Approval

**REVIEWERS:** Deneice Won, Metro  
Maggie Collins, Oregon City

**ATTACHMENT:** Exhibit A, Annexation Report—Proposal No. AN-99-10

#### BACKGROUND:

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

## **TITLE 14 ANNEXATION CRITERIA**

The seven criteria are as follows:

### ***14.04.060 Annexation factors.***

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

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

Subsequently, the request is reviewed at a hearing before the City Commission, and where the Commission takes into account the recommendation of the Planning Commission. If the City Commission approves the request, it will be scheduled for the next available municipal election. If the voters approve the annexation request, the final step is for the City Commission to proclaim the results of the election and set the boundaries of the area to be annexed by a legal description into an ordinance.

### **STAFF COMMENTS:**

The City's seven criteria are reviewed item by item on pages 6-12 of Exhibit A. the staff conclusion is that the criteria are met, and that a positive recommendation can be made to the City Commission concerning putting this request on the ballot.

- The Planning Commission may want to discuss whether creation of county islands (page 14 of Exhibit A) by this proposal meets the intent of the Statewide Planning Goal 11: Public Facilities and Services, as well as Section I Community Facilities of the City Comprehensive Plan and Chapter 4 Urbanization in the Clackamas County Comprehensive Plan. Does this proposal constitute a timely, orderly and efficient arrangement of properties that can be supported by urban services?

**PROPOSAL NO. AN-99-09 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Peter and Nellie Ilyin

Applicant: Home Port Development

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**PROPOSAL NO. AN-99-010 - CITY OF OREGON CITY - Annexation**

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Property Owners / Voters: Elli Schulz

Applicant: Home Port Development

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Proposals No. AN-99-09 and AN-99-10 were initiated by consent petitions of the property owners and registered voters. The petitions meet 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 annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexations 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 Pease Road between Riverhead Parkway and Cominger Drive. The territory in Proposal No. AN-99-09 contains 1.94 acres, one single family residence, an estimated population of two, and has an assessed value of \$174,570. The territory in Proposal No. AN-99-10 contains 3.98 acres, one single family residence, an estimated population of one, and has an assessed value of \$264,710.

**REASON FOR ANNEXATION**

The applicant wants to annex to obtain urban services to enable development of the parcels as Phase 2 of Caufield Landing. Phase 1 of the proposed subdivision is within the current

City limits of Oregon City. The applicant's concept plan shows his intent to develop at R-8 density. A reduced copy of the concept plan is attached as Exhibit A.

## **LAND USE PLANNING**

### ***SITE CHARACTERISTICS***

The property is mostly composed of open grass with very few trees. The slope on the site varies between 0 to 5% - the most elevation change is 6 feet.

### ***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 Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed 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-10 Acre Minimum Lot Size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*, which are 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. Proposal AN-99-09 should be modified to include the adjacent right-of-way of Pease Road to comply with the agreement.

#### 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 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 Pease Road is not included with the proposed annexations. 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. 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 the chart below and some guidelines laid out in Section 17.06.050.

#### CITY LAND USE CLASSIFICATION

<u>Residential</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R6
Low-density residential/MD	R-6/MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RA-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Low-density residential/MD	R-6MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RD-2

Oregon City has three zones that may be applied to the County's Low Density Residential land use classification. The R-10 zone is ministerially applied upon annexation. The R-10 zone requires a minimum lot size of 10,000 square feet and the minimum density is 4.4 units per acre. Surrounding city zoning is R-10. The applicant will need to obtain approval of a zone change to city zoning of R-8 to develop the property as proposed in the concept plan.

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."*

In his narrative portion of the annexation application the applicant provided the following statement concerning potential physical, aesthetic and related social effects of the proposed or potential development:

"The somewhat rural setting of this sub community brings about obvious concerns about the impact of residential development. The applicant contends that although the surrounding community is laid out as a rural community it is zoned for and

planned for residential development. R-6, R-8 and R-10 development is inevitable in the vicinity of the subject site. The undeveloped state of this sub community requires that proposed developments provide for future development of adjacent parcels.

"Yes, there will be an impact upon parcels within this community with the influx of residential development, a positive impact upon property values and service availability. The cost to develop in this part of the City of Oregon City is exorbitant due to the challenge of providing utility and traffic services. Annexation and development of the subject site as shown in the enclosed development concept for Caufield Landing will provide access and utilities for future development of adjacent parcels.

The applicant in his narrative portion of the annexation application provided the following response to factor 7:

"The proposed annexation will allow for development of the subject site, such that it will promote development of adjacent parcels. Extension of public streets and public utilities will make currently undevelopable parcels developable, thereby increasing property values. This part of Clackamas County is fairly undeveloped. Therefore, the proposed annexation and the intended development will impact neighboring parcels with increased density. However, development of the subject parcel will occur as allowed by the governing zone, which will be consistent upon annexation of all parcels in the vicinity."

The Applicant's response does not distinguish the affects resulting from development from the affects resulting from annexation. Annexation alone 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 subdivision. 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 Pease Road at the south boundary of Tax Lot 2200. This main flows to pump station B located between Pease and Leland Roads south of the territory to be annexed near the urban growth boundary. Pump station B and its 10-inch force main lifts the sewage to a 15-inch gravity main in Pease Road north of the proposed annexation. 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 Pease Road. The City has a 12-inch water line in Pease Road. The

existing home will be required to switch to service from the city water. The 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.

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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).

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 applicant's concept site plan provides a detention facility at the southwest corner of Tax Lot 2200. That internal storm water system can be connected to an existing 12-inch storm sewer line in Pease Road.

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 two neighborhood parks within 1 mile of the proposed annexation site.

Transportation. The subject site has frontage only on Pease Road. Phase I of Caufield Landing, with the current City limits, is proposed to have an access point approximately 360 feet north of Tax Lot 2100. The applicant's concept site plan proposes another access point at the south boundary of Tax Lot 2200. The applicant's design concept for the subdivision provides street stub to the south for extension to future development of adjacent parcels.

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The traveled roadway of Pease Road is not consistent with the legal description of its right-of-way. The applicant may have to dedicate more than 5 feet to match the traveled way.

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

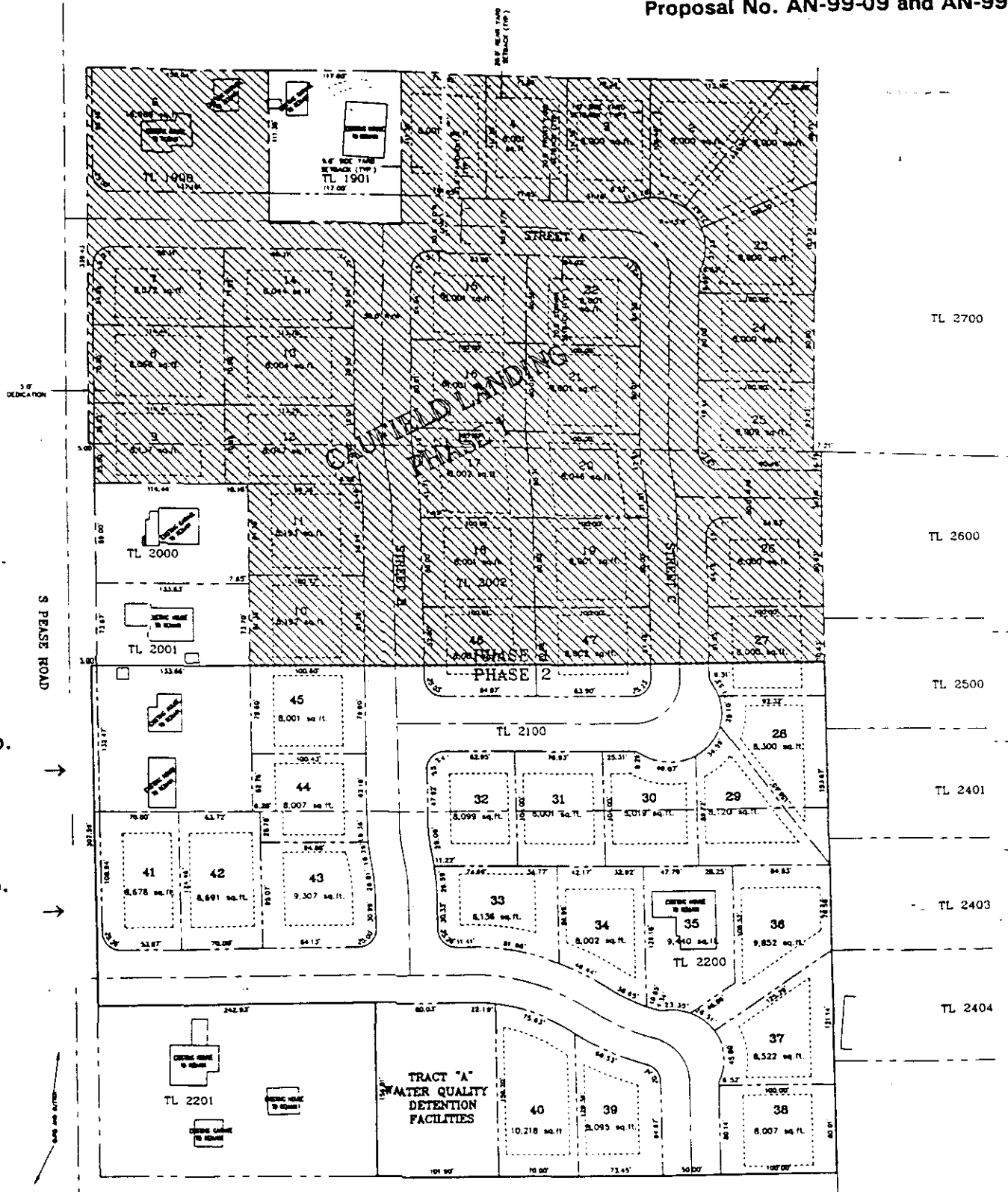
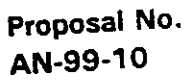
## **ISLAND**

The annexation of both proposals will result in the creation of an unincorporated "island" surrounded by the City to the northwest. The owners of property within the potential "island" have been sent a notice of both the Planning Commission and the City Commission hearings.

## **RECOMMENDATION**

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit B for each annexation, the staff recommends that the Planning Commission recommend **approval** of Proposals No. AN-99-09 and AN-99-10. 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.

**Exhibit A**  
**Proposal No. AN-99-09 and AN-99-1**



## FINDINGS

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

1. The territory to be annexed contains 3.98 acres, one single family residence, an estimated population of one, and has an assessed value of \$264,710.
2. The applicant wants to annex to obtain urban services to enable development of the parcels as part of Phase 2 of Caufield Landing. Phase 1 of the proposed subdivision is within the current City limits of Oregon City. The applicant's concept plan shows his intent to develop at R-8 density.
3. The property is mostly composed of open grass with very few trees. The slope on the site varies between 0 to 5% - the most elevation change is 6 feet.
4. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

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 Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria 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. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*.

*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 considered in findings numbered 4 and 9 through 16. According to Metro's database, 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 Finding number 6. The proposal should be modified to include the adjacent right-of-way of Pease Road to comply with the agreement.

6. 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 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 Pease Road is not

included with the proposed annexation. The staff will recommend to the City Commission to modify the proposal 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. 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.

Chapter G of the Oregon City Comprehensive 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, the 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 the chart below and some guidelines laid out in Section 17.06.050.

#### CITY LAND USE CLASSIFICATION

<u>Residential</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R6
Low-density residential/MD	R-6/MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RA-2

That section goes on to say:

"In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control."

Section 17.68.025, Zoning changes for land annexed into the city, says:

"Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:"

<u>Plan Designation</u>	<u>Zone</u>
Low-density residential	R-10
Low-density residential/MD	R-6MH
Medium-density residential	RD-4
Medium-density residential/MDP	RD-4
High-density residential	RD-2

Oregon City has three zones that may be applied to the County's Low Density Residential land use classification. The R-10 zone is administratively applied upon annexation. The R-10 zone requires a minimum lot size of 10,000 square feet and the minimum density is 4.4 units per acre. Surrounding city zoning is R-10. The applicant will need to obtain approval of a zone change to city zoning of R-8 to develop the property as proposed in the concept plan.

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

*1. Adequacy of access to the site;*

The site access is discussed below in finding number 15.

*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 9 through 16 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. The Metro Code criteria are addressed in the Conclusions and Reasons for decision.

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 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."*

The 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.

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three patrol districts with a four-minute emergency response and a twenty-minute non-emergency response time.

14. The City has two neighborhood parks within 1 mile of the proposed annexation site.
15. The subject site has frontage only on Pease Road. Phase I of Caufield Landing, with the current City limits, is proposed to have an access point approximately 360 feet north of Tax Lot 2100. The applicant's concept site plan proposes another access point at the south boundary of Tax Lot 2200. The applicant's design concept for the subdivision provides street stub to the south for extension to future development of adjacent parcels.

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The traveled roadway of Pease Road is not consistent with the legal description of its right-of-way. The applicant may have to dedicate more than 5 feet to match the traveled way.

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. Provisions within the urban growth management agreement are satisfied by modifying the annexation to include the adjacent right-of-way of Pease Road.

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 be simultaneously withdrawn from the Enhanced Law Enforcement District.