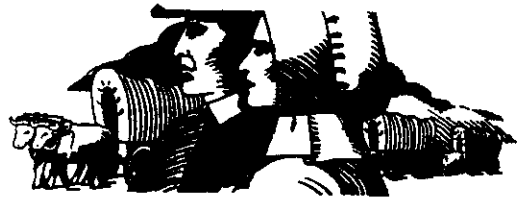


## CITY OF OREGON CITY

### PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## AGENDA

City Commission Chambers - City Hall  
February 14, 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:** January 24, 2000
- PUBLIC HEARINGS**
- 7:15 p.m. 4. **ZC 99-07** (*Continued*) City of Oregon City; Amendments to the Oregon City Municipal Code including: Minor edits; Deletions of inaccurate code references and outdated language; and New language that clarifies existing policies; Citywide
- 7:45 p.m. 5. **ZC 99-09** (*Continued*) City of Oregon City; Legislative Action to amend Chapter 17.64 "Planned Unit Development"; All properties zoned residential within City of Oregon City limits
- 8:15 p.m. 6. **AN 99-11**; Ken Sandblast / Land Solutions; Annexation to City of Oregon City of three parcels (~ 22 Acres): 14487 S. Thayer Rd. (~6.04 Acres), 14562 S. Maple Lane (~ 12.58 Acres), and 3391 S. Beaver Creek Rd. (~ 3.3 Acres) all zoned County "FU-10" Future Urbanizable; Clackamas County Maps 3S-2E 04C Tax Lots 2100 & 1300; 3S-2E 04DC Tax Lots 100 & 200; 3S-2E 04DB Tax Lot 400
- 8:45 p.m. 7. **WRG 00-01**; City of Oregon City; Willamette River Greenway permit to allow a pedestrian observation viewpoint of Willamette Falls; 509 McLoughlin Blvd; Zoned "CBD" Commercial Business District; Clackamas County Map 2S-2E-31 (no tax lot; ODOT Right-of-way)
- 9:15 p.m. 8. **WORKSESSION**
- A. **Landscape Standards for Parking Lots**

(Continued on Reverse)

- 9:45 p.m. 9. **OLD BUSINESS**  
A. **VR 99-08** (*Adoption of findings*) Don and Murva Milbrandt & Tigard Construction, Inc.; Variance for lot depth dimensional standard to allow land partition (MP 99-08); 418 Harris Lane, zoned "R-6 Single Family Dwelling District"; Clackamas County Map 3S-2E-05BD Tax Lot 1001
- 9:55 p.m. 10. **NEW BUSINESS**  
A. **Staff Communications to the Commission**  
B. **Comments by Commissioners**
- 10:00 p.m. 11. **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  
January 24, 2000**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Carter  
Commissioner Olson  
Commissioner Surratt  
Commissioner Vergun

**STAFF PRESENT**

Maggie Collins, Planning Manager  
Marnie Allen, City Attorney  
Paul Espe, Associate Planner  
Tom Bouillion, Associate Planner  
Jay Toll, Senior Engineer  
Sidaro Sin, Associate Planner  
Bob Cullison, Engineering Manager  
Barbara Shields, Senior Planner

**1. CALL TO ORDER**

**Chairperson Hewitt** called the meeting to order. He reviewed the legislative and quasi-judicial hearing procedures.

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

None.

**3. APPROVAL OF MINUTES: January 10, 2000 and January 12, 2000**

**Commissioner Carter** stated that a change should be made on page nine of the January 10th Minutes. The second paragraph should read, "to keep down the costs of doing grounds keeping." **Commissioner Surratt** moved to approve the minutes of January 10, 2000 as corrected. **Commissioner Olson** seconded.

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

**Commissioner Olson** moved to approve the minutes of January 12, 2000 with no corrections. **Commissioner Carter** seconded.

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

**Commissioner Vergun** arrived.

#### 4. VR 99-08

##### STAFF REPORT

Don and Murva Milbrandt & Tigard Construction, Inc.; Variance for lot depth dimensional standard to allow land partition (MP 99-08); 418 Harris Lane, zoned "R-6 Single Family Dwelling District"; Clackamas County Map 3S-2E-05BD Tax Lot 1001

**Paul Espe** introduced the public hearing item. The application is for a variance to allow a reduction in the lot depth of the lot from 100 feet to 77 feet, (approximately 23%), which would permit the approval of a land partition, thus legalizing the lot. The tax lot was created by a Statutory General Warranty Deed in 1977, but was never legally partitioned. The existing shop is proposed to be demolished and an assisted care facility proposed in its place. Staff received one letter in Exhibit F. It was included in the record, whether or not it is germane toward the approval. The Planning Commission can decide whether the letter should be referenced or not.

**Paul Espe** explained the criteria and the extraordinary circumstances of the lot. Staff finds that the literal application of the ordinance would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area. Denial of the variance would deprive the applicant of any residential type of construction. He then reviewed the proposed plat and proposed footprint of the assisted care facility. The lot size and setbacks are adequate. Staff recommends approval of the variance with the conditions of approval found in the written report.

**Commissioner Carter** asked for clarification of the boundaries of the proposed and existing lots. **Paul Espe** clarified the boundaries of the lot and pointed out that tax lot 1002 is under separate ownership.

**Chairperson Hewitt** asked if a property line adjustment would be required as well. **Paul Espe** replied that there originally was a discrepancy between the property line and the fence line. The applicants had originally come to the City to perform a property line adjustment and then were told that they would need to partition the lot because it had never been done and that a variance would be necessary to legalize the lots.

**Chairperson Hewitt** asked if the proposed deck is within the setback. **Paul Espe** stated that the design is schematic to show how the building would generally fit on the lot.

**Commissioner Carter** asked if the existing fence is on the appropriate lot line.

**Chairperson Hewitt** stated that the fence lies on the proposed lot line between the two lots. **Commissioner Carter** asked how the property owners did not recognize that the actual platted lot line was different from the presumed lot line when they originally

purchased the property. **Paul Espe** explained that the two legal lot descriptions of 1001 and 1002 were not accurate, which resulted in a space between the two lots.

### **TESTIMONY IN FAVOR**

None.

### **TESTIMONY IN OPPOSITION**

Speaker: Harlan Levy of Hibbard Caldwell and Schultz, P.O. Box 1960 Oregon City, OR 97045; Representing Dr. William S. Elliott

**Harlan Levy** submitted a letter to be included in the written record. He stated that he would like to have Exhibit F stricken from the record. He stated that the application does not meet the requirements for a variance in the City of Oregon City. It is an illegal lot. There are no extraordinary circumstances. The geometry is similar to any other site in the same area of the City. In addition, there are no natural features that make it different from other properties in the area. From a policy point of view, the City should not be rubber-stamping illegal partitions. Section 17.60.020 C requires that the hardship to not be self-imposed. The deed states that anyone interested in the property should check with the jurisdiction's planning department, and yet the applicant did not. Therefore, it is a self-imposed hardship. In addition 17.60.020 D requires that there are no practical alternatives to the variance. In this instance there are several alternatives such as a zone change or a lot line adjustment. The application therefore does not meet at least three of the required criteria.

**Commissioner Carter** asked which lot contains the property at 1017 Molalla Avenue and what currently exists on the site. **Harlan Levy** replied that the property is on tax lot 1100 and consists of professional offices.

**Chairperson Hewitt** asked why Mr. Levy brought up the option of a lot line adjustment. **Harlan Levy** replied that a lot line adjustment is an alternative and the burden of proof is on the applicant to prove that there are no other alternatives. **Chairperson Hewitt** clarified that tax lots 1001 and 1002 are in fact only one legal lot.

**Commissioner Carter** stated that she does not understand why Dr. Elliott objects to the variance. **Harlan Levy** replied that the issue is whether the application meets the criteria, not what Dr. Elliott's motivation is.

**Harlan Levy** requested that he have a copy of the decision sent to him.

## **REBUTTAL BY THE APPLICANT**

**Speaker:** Murva Milbrandt, P.O. Box 809, Oregon City, OR 97045; Representing herself.

**Murva Milbrandt** stated that in regard to other possible alternatives, they feel that they are taking the correct avenue. They were ignorant when they bought the property. The title report did not indicate that it was not a legally partitioned lot. They were filing for a lot line adjustment when they found out it had never been legally partitioned. If it is not legalized, it is an unusable lot that will not benefit them or the City.

**Commissioner Surratt** asked if the site is unusable for the size of building proposed. **Murva Milbrandt** replied that the building fits fine on the property.

**Chairperson Hewitt** stated that Mr. Levy, on behalf of his client, believes that it was a self-imposed difficulty. Criteria C states that "A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased." Mr. Levy pointed out that the deed stated that if there are any questions about the property, they should ask the local land use authority. Therefore, he believes that it was a self-imposed difficulty.

**Commissioner Surratt** asked if it is standard or common for new buyers to visit the City Planning Division. **Paul Espe** replied that most new buyers inquire at the Planning Division counter about the status of the property.

**Paul Espe** stated that the property would have been conveyed at least one time through a contract of sale from the original property owner to another owner before it reached the Milbrandts through a trustee to sale. The Milbrandts, since the property had a sale history attached to it, may have assumed that since the property was conveyed somehow, it is therefore legal. The choice before the Planning Commission is whether they will technically apply the code and miss a development opportunity. Criteria C, about whether the applicant knew or should have known of the restriction, should be weighed with whether the property will be infilled correctly. In regard to the zone change and Criteria D, if the zone were to change, the Comprehensive Plan would need to be amended as well. Even after the Comprehensive Plan and Zone changes, the R-6 zoning requirements would still need to be met if a residential use is placed there.

**Chairperson Hewitt** asked if another zone allows for an 80 foot depth. **Paul Espe** replied that if they were to amend the zoning and Comprehensive Plan for commercial use, there would be no dimensional requirement. They could essentially change the dimensions of the lot if they wish to change the use of the property.

**Chairperson Hewitt** stated that a piece of property can be recorded at the Clerk's Office, and be sent up to the Assessor's Office without having a legal partition. The applicant

should have known and done the research. In addition, no one reviews whether a recorded document has land use approval, either at the Clerk or Assessor's Offices.

## **CLOSE OF PUBLIC HEARING**

### **DELIBERATION AMONG COMMISSIONERS**

**Marnie Allen** stated that if any of the Commissioners have participated in any ex-parte contacts or have any conflicts or bias on this application that they should disclose them.

**Commissioner Carter** stated that she may have a bias due to the fact that she went through a similar process with her own property and therefore she will abstain from participating in the decision. **Commissioner Olson** stated that she knows Dr. Elliott and Mr. Levy but that it will not bias her in making a decision.

**Chairperson Hewitt** then stated that they should first consider if the letter from Mr. Levy should be stricken from the record. **Commissioner Vergun** stated that he believes a motion to strike does not have application in a land use type of forum. **Marnie Allen** stated that it would not be appropriate to strike the evidence, particularly in this case where it was submitted by the applicant. The Commission can decide what weight to give the letter and how relevant it is or not, but she does not think it would be appropriate to exclude it.

**Commissioner Vergun** stated that he does not give it much weight. **Commissioners Olson and Surratt** agreed.

**Commissioner Surratt** asked if the applicant should be required to know everything there is to know about the property. **Chairperson Hewitt** replied that Criteria C is strictly applied, the applicant should have known, and the variance should be denied. However, there may be other alternatives available.

**Commissioner Surratt** stated that she is concerned about vacant land in the City. **Commissioner Vergun** stated that they have no choice but to follow the variance ordinance. The ordinance states that findings must be met. In regard to Criteria C, due diligence is necessary; however, there are levels of due diligence according to the value of the property and whether a particular use is desired. He does not believe that this situation constitutes a self-imposed type of thing. However, "whether there are practical alternatives" is a different issue. Avenues other than a variance might exist, therefore Criteria D is not satisfied and he would be inclined not to grant the variance.

**Commissioner Olson** stated that she tends to agree with Commissioner Vergun.

**Commissioner Surratt** stated that the lot line adjustment is not an alternative. The other alternative mentioned was a Comprehensive Plan amendment and a Zone Change. How

practical is this alternative? **Chairperson Hewitt** stated that spot zoning is possible, although discouraged by the City. However, the City is not in favor of leaving the property vacant either. It may be an added incentive for the City to look at a spot zone change favorably.

**Commissioner Vergun** moved that the variance application VR 99-08 be denied.  
**Commissioner Surratt** seconded the motion.

Ayes: Olson, Surratt, Vergun, Hewitt; Nays: None.

**Maggie Collins** stated that appeal procedures are available. Anyone in the audience who testified and wishes to proceed for a hearing at a different level, should contact the Planning Division Office for details. **Marnie Allen** recommended that the Commission request that staff or the City Attorney draft findings that are consistent with the denial.

**Commissioner Vergun** moved that staff prepare finding of facts consistent with the Commission's discussion, for presentation to the Planning Commission at the next meeting on February 14<sup>th</sup>.

Ayes: Olson, Surratt, Vergun, Hewitt; Nays: None; Abstention: Carter.

**Chairperson Hewitt** stated that draft findings will be reviewed by the Commission at the February 14<sup>th</sup> meeting, but that it will not be open for public comment.

## 5. TP 98-02

### STAFF REPORT

AAB Enterprises, Inc. & Philip and Sandra Mock; 36 lot subdivision "Wasko Acres" zoned "R-6/MH Single Family Dwelling District" in Unstable Slopes / Soil Overlay District; 14860 S. Holcomb Blvd; Clackamas County Map 2S-2E-28A Tax Lot 1901

**Chairperson Hewitt** asked if any of the Commissioners had any statements of conflict to declare or if any had visited the site. There were no statements of conflict and none of the Commissioners had visited the site.

**Tom Bouillion** introduced the application. The site fronts on Holcomb Boulevard. Normally, the Planning Commission does not review subdivisions, but the application has been active since 1994. It is being reviewed under Chapters 16 and 17 of the 1994 Municipal Code. He then reviewed the background of the application as included in the staff report and the exhibits. The R-6/MH district is a seldom-used zoning category with a minimum lot size of 6,800 square feet and dimensions of 80 x 85 feet. It was zoned R-6/MH in 1992. He also reviewed the surrounding land uses. The Parkplace



Neighborhood Association had submitted a letter the same day expressing traffic safety concern for the site. The letter is entered as Exhibit A for the record. They are interested in a center turn lane on Holcomb Boulevard. Another letter was received expressing concern for sidewalk improvements along Holcomb Boulevard. This letter is entered into the record as Exhibit B. Staff has addressed these concerns with the required half street improvements under condition number 27. The proposed subdivision meets the Oregon City Code. Water will be available in March, sewer is currently available, and stormwater retention will be located on site. Staff thus recommends approval of the subdivision subject to the conditions contained in Exhibit 11.

**Commissioner Vergun** asked how this application would be treated if it were to be submitted today. **Tom Bouillion** stated that it would be processed as a Type 2 application under staff review. The current Code is slightly different from the 1994 code as well. **Commissioner Vergun** then asked that if staff were to review the application under today's Code, would they approve it. **Tom Bouillion** replied that there are some significant differences in the Code. Title 3 is one of the bigger differences that would have required the applicant to do a study.

**Chairperson Hewitt** asked if the Engineering conditions are included in Exhibit 11 or if the actual conditions are those in Exhibit 9a, the Engineering Staff Report. **Tom Bouillion** replied that Exhibit 11 includes the suggested conditions from Engineering as well as additional conditions from the Planning Department and other agencies and departments. **Chairperson Hewitt** stated that most of the conditions seem to be from Engineering. **Tom Bouillion** replied that there were revisions and additions done to the original conditions. **Chairperson Hewitt** stated that he had thought that Exhibit 11 was the original conditions from 1994. **Tom Bouillion** replied that in April of 1999, the Planning Commission had recommended that the applicant submit all new materials to the Planning Commission for review, but to maintain the same file number for the review under the original code to accommodate the needs of the applicant.

#### TESTIMONY IN FAVOR

Speaker: Bob Carpenter, LDC Design Group 8513 NE Hazel Del Avenue #202,  
Vancouver, WA 98665; Representing the applicant

**Bob Carpenter** stated that they agree with the conditions as stated in Exhibit 11. The conditions are very thorough and the applicant has every intent to meet the conditions and to provide a quality product.

**Chairperson Hewitt** asked Mr. Carpenter if he would be opposed to changing condition number one and add "Prior to issuance of a building permit the applicant shall provide...." at the beginning of the sentence. **Bob Carpenter** replied that he would have no objection.

Speaker: John Shonkwiler, 13425 SW 72<sup>nd</sup> Avenue, Tigard OR 97223;  
Representing the applicant

**John Shonkwiler** stated that he is the attorney for the applicant and will defer any comment unless there is a rebuttal.

## TESTIMONY IN OPPOSITION

None.

**Bob Carpenter** clarified that the letter from the Parkplace Neighborhood Association stated that the traffic study was from 1994, however for this application the study was updated in 1999.

## CLOSE PUBLIC HEARING

## DELIBERATION AMONG COMMISSIONERS

**Commissioner Surratt** asked when Holcomb Boulevard is scheduled for street improvement independent of the proposed subdivision. **Tom Bouillion** replied that Holcomb Boulevard is a County road.

**Chairperson Hewitt** asked if the proposed street trees are to be on Holcomb Boulevard. **Tom Bouillion** replied that the street improvement details are located under conditions 27 and 28. A standard street improvement is stated. **Chairperson Hewitt** asked if the utility easement between lots four and five is going to be a sidewalk or paved portion. **Tom Bouillion** replied that it is a pedestrian as well as a utility easement.

**Chairperson Hewitt** asked staff if they would have any problem with adding the statement, "Prior to issuance of a building permit" before condition number one. **Tom Bouillion** replied that staff has no objection.

**Chairperson Hewitt** asked if the stormwater facility is going to be a public facility. **Jay Toll** replied that the condition should not have changed and it will be a public facility. Access will be from Cattle Drive.

**Commissioner Carter** asked if this approval is just for the preliminary plat or for everything. **Tom Bouillion** replied that this review is for the approval of the preliminary plat and then the applicant will submit a technical plan check for Engineering which may result in some minor changes on the final plat. The final plat will be signed off and recorded.

**Chairperson Hewitt** asked if Engineering is completely satisfied that this application meets the best needs of the City in regard to stormwater, drainage, and retention. **Jay Toll** replied that the conditions have been changed several times. This application changed quite a bit from the last application and therefore the conditions had many changes as well. The application fits the best possible result before Title 3 and before the new stormwater requirements came into effect.

**Commissioner Carter** then asked that since the application is being approved today, does the application need to adhere to today's standards. **Maggie Collins** replied that the Planning Commission had mandated that the application be grandfathered under the old Code. **Chairperson Hewitt** stated that the Planning Commission had thought that the applicant should be able to make the necessary changes under the Code from that time without having to update their application with each code change. **Marnie Allen** stated that the law requires the City to apply the criteria that is in place when the complete application was submitted.

**Tom Bouillion** stated that on page 13 of the staff report, the last paragraph should read "exhibit 11" not "exhibit 10," referring to the attached conditions of approval.

**Chairperson Hewitt** requested to staff that in the future it should be noted in the staff report which exhibits are not included in the staff report, but are available for public review.

**Commissioner Surratt** moved to approve TP 98-02 with the proposed conditions in Exhibit 11 with the addition of the language "Prior to the issuance of a building permit" on condition number one. **Commissioner Vergun** seconded.

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

## 6. ZC 99-09

### STAFF REPORT

City of Oregon City; Legislative Action to amend Chapter 17.64 "Planned Unit Development"; All properties zoned residential within City of Oregon City limits

**Sidaro Sin** reviewed the history of the Planned Unit Development Ordinance and gave an overview of the PUD development issues. The four main changes include requiring mixed use residential development, 20% common open space, density bonuses, and preservation of natural resources. Staff has received three written comments. Two of the comments have been included in the staff report and the third was received earlier that same evening, identified as Exhibit A. The letter from the Parkplace Neighborhood Association, Exhibit A, states that the Land Use Committee unanimously supports the changes in the PUD Ordinance. The second letter expressed concerns that there is no

opportunity for neighborhood comment and that there should be more protection for the livability of Oregon City residents. Staff's response is that the PUD Ordinance does require a public hearing and does enhance the livability of Oregon City. The third letter, from the Engineering Manager, brought up two issues. The first question is whether the PUD Ordinance applies only to residential properties, and the second question is whether the proposed language under 17.64.04 H indicates that 20% of the property must strictly be commercial or a mix of uses if the property is over 10 acres.

**Sidaro Sin** stated that in conclusion, staff finds that the proposed amendments are in compliance with the Oregon City Comprehensive Plan and staff recommends that the following steps be taken. First, that the Ordinance incorporate comments from the staff report and any other public comments. Secondly, that staff be directed to prepare a final draft in ordinance form for Planning Commission review and final recommendation action. And lastly, that the Commission continue the public hearing of ZC 99-09 to February 14 for final Planning Commission action.

**Chairperson Hewitt** asked staff what would happen if the PUD ordinance was applied to an industrial zone. **Sidaro Sin** replied that the same criteria would still apply. It may be more difficult, yet it would give the opportunity for an artisan live-work scenario.

**Marnie Allen** stated that it might be awkward to have 70% of industrial or commercially zoned land used for residential uses, as the PUD ordinance would require.

**Chairperson Hewitt** stated that if the underlying zone is commercial or industrial and the Comprehensive Plan has the same designation, the City has already planned for those uses, not for residential. Why then would the City want to allow something that is not permitted under the existing zoning and Comprehensive Plan.

**Commissioner Vergun** stated that it probably would be a rare event, but there would not be any terrible harm in allowing PUDs in all zoning districts of the City.

**Commissioner Carter** stated that the original intention in writing the PUD was for residential uses. The City will most likely be doing some rezoning allowing mixed residential and mixed commercial uses which would be more appropriate. Strictly commercial or industrial areas would be best left alone. The infrastructure has to be suitable to the development. **Commission Vergun** then agreed with Commissioner Carter.

**Chairperson Hewitt** then stated that there is consensus throughout the Commission that the PUD Ordinance is for residential zoned property only. He then moved on to the second issue under 17.64.040 H. He recalled that the Commission was saying that a minimum of 20% has to be mixed use.

**Bob Cullison** stated that the existing language allows, on a project of over 10 acres, for 20% of the net developable area to be commercial uses. **Chairperson Hewitt** stated that the intent is that a minimum of 20% of the land must be developed as uses other than

single family and that it may include commercial uses. It needs to state that there needs to be at least 20% mixed use development.

**Marnie Allen** stated that there needs to be a statement that if it is more than 10 acres, it can include the commercial combination.

**Maggie Collins** stated that there are two ways to have flexibility. First, a development over 10 acres could end up with 50% single family, 20% mixed-use, and 30% commercial. Secondly, the percentages can change with density bonuses.

**Bob Cullison** agreed with Marnie Allen. The second and third sentences under "H" should read, "Twenty percent of the net developable area shall consist of residential uses other than single family dwellings. If the subject property is 10 acres or more, it may contain commercial uses."

**Commissioner Carter** stated that the second to last sentence in the same paragraph "H" should also be changed to read, "a minimum of a 7,000 square feet is required for..."

**Commissioner Carter** asked where in Chapter 17.64 the changes will be placed.

**Maggie Collins** replied that the purpose statement should state "A planned unit development ("PUD") is a form of residential land development that allows..." **Sidaro Sin** also stated that Section 17.64.030, "Applicant's option," states that a PUD is an alternative process for residential development. **Marnie Allen** stated that under 17.64.040, A and B should both be changed to read "Notwithstanding the use provisions of the underlying residential zone."

**Commissioner Carter** stated in reference to the off-site improvements, that she had thought they had concluded that it could be done within a quarter mile or at the nearest park or school. **Chairperson Hewitt** stated that he thought they had determined that if the improvement went to a park or school further than a quarter mile away, it is not benefiting the neighborhood.

**Commissioner Carter** stated that if offering the opportunity to do improvements off-site, it may be difficult to find one within a quarter mile. **Commissioner Surratt** agreed and stated that residents with children will benefit with an improvement on a school.

**Chairperson Hewitt** stated that they are giving the opportunity to the applicant to add a recreational facility if it is within a quarter mile from a park or school. It would benefit that specific development. It might lead to improvements on parks or schools 2 or more miles away from the development. The first order of business is to stay within the development confines and then if there is no other place based on constraints, then they would entertain the idea of off-site improvements, not that they would allow it.

**Commissioner Carter** replied that the goal is to improve the community and livability as a whole.

**Maggie Collins** stated that there are nexus issues if the improvements are too far away from the development. The point of the improvements is to benefit at least the people who are living in the PUD. The reasons have to be good to go off-site, and if permitted past a quarter of a mile, you begin to lose the reasons for improvement in the first place. A quarter mile is a distance generally accepted as pedestrian accessible.

**Chairperson Hewitt** asked if any of the Commissioners disagree that the paramount goal is to have the open space on-site, but when it can not occur on site for a good reason, then it can occur off-site within a quarter of a mile. **Commissioner Surratt** agreed, but stated that she would encourage the possibility to improve the nearest school.

**Commissioner Carter** restated her concern of not being able to find parks or schools within a quarter of a mile from a development. **Maggie Collins** replied that in that scenario, a PUD would not be approved.

**Commissioner Vergun** stated that the open space requirement is definitely an improvement from what they had before.

#### TESTIMONY IN FAVOR

Speaker: Ken Sandblast, P.O. Box 38, Clackamas, OR 97015; Representing himself.

**Ken Sandblast** stated that there are a few items he would like to point out. First, Section 17.64.040 B. 3, should be consistent with H, both with the percentage allowed and using the wording of "neighborhood commercial" instead of "commercial." It is confusing to have the option of off-site improvements if it is going to be discouraged by the Commission. Finally, he asked how the density bonus fits in with the 50%, 30%, 20% mix.

**Commissioner Carter** replied that for each portion, the residential single family and the residential mixed-use gives a 10% density bonus. If incorporating commercial, an additional 5% density bonus is applied. The bonuses can be of any use.

**Ken Sandblast** complemented the staff's effort in revising the PUD Ordinance. It is a much more workable product.

#### TESTIMONY NEITHER PRO NOR CON

Speaker: Kathy Hogan, 19721 S. Central Point Road, Oregon City, OR 97045; Representing herself.

**Kathy Hogan** stated that school improvements would not benefit everyone in a community. The schools are off limits during the day. She moved outside of town to get away from commercial uses. There are compatibility issues in having commercial uses near the edge of town with property that is not yet in the City.

**Chairperson Hewitt** clarified that the old PUD Ordinance allowed for commercial as well as mixed-use, but it just was not mandated. The commercial is still allowed, but now the mixed use is mandated.

### **TESTIMONY IN FAVOR**

Speaker: Frank Crow; 10101 S. Court, Clackamas County; Representing himself.

**Frank Crow** stated that staff has done a great job in addressing flexibility in zoning. Small commercial development close by existing homes is necessary. As Oregon City develops, industrial, commercial and residential should be mixed together. The document is a good start for the future.

### **CLOSE PUBLIC HEARING**

### **DELIBERATION AMONG COMMISSIONERS**

**Chairperson Hewitt** remembered that they were not going to limit a development to 20% commercial as Section 17.64.040 B. 3 appears to state. **Bob Cullison** pointed out that this section refers to conditional uses and that a Conditional Use Permit is not required for up to 20% commercial. Anything above 20% would require a Conditional Use Permit.

**Commissioner Carter** reiterated that a PUD is trying to limit traffic by allowing neighborhood commercial uses near residential uses. The City is trying to be as visionary as possible.

**Commissioner Surratt** moved to direct staff to prepare a final draft in ordinance form for Planning Commission review and final recommendation action; and to continue the public hearing on ZC 99-09 to February 14, 2000, for final Planning Commission recommendation action. **Commissioner Olson** and **Vergun** seconded.

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

## **7. OLD BUSINESS**

### **A. PROPOSED REIMBURSEMENT DISTRICT ORDINANCE - Review & Comment**

## **STAFF REPORT - L 99-15**

**Bob Cullison** reviewed the history of the Reimbursement District Ordinance. He reviewed the changes made since the Joint Worksession with the City Commission on January 12, 2000 as outlined in the staff report.

**Chairperson Hewitt** noted that throughout the Ordinance "or the City" was struck out in order to be consistent.

**Bob Cullison** stated that staff's recommendation is for the Planning Commission to recommend approval to the City Commission. With that approval, the item can be heard at the City Commission meeting on Wednesday February 2.

**Commissioner Surratt** thanked staff for their hard work on the Ordinance.

**Chairperson Hewitt** asked if there was anyone who wished to speak in favor or in opposition to the amendment. There was none.

## **DELIBERATION AMONG COMMISSIONERS**

**Commissioner Surratt** stated that all the comments from the Joint Worksession seem to be incorporated in the document and the City Commission should be pleased with the outcome.

**Commissioner Olson** moved to recommend approval of Exhibit B and to send it to the City Commission for final action. **Commissioner Carter** seconded.

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

## **B. ADOPTION OF MISSION, GOALS, AND OBJECTIVES AND BYLAWS**

**Chairperson Hewitt** stated that the item up for review was sent under separate cover as a memo from Maggie Collins.

**Commissioner Surratt** asked if the Noise Ordinance would be included under the Comprehensive Plan Update in the Work Program or if it will be postponed to a later Worksession. **Maggie Collins** replied that the Noise Ordinance is on the list of items to come before the Commission at a future Worksession.

**Chairperson Hewitt** stated that he had thought that the first item, the Sign Code Review and Update, was to be replaced with Design Review. **Maggie Collins** agreed and apologized for the error. Item number one should read, "Design Review and Update."



**Commissioner Surratt** stated that she has confusion over the difference between a Worksession and a Work Program item. **Chairperson Hewitt** replied that a Work Program item is something the Commission is working towards. A Worksession gives the Commission opportunity to discuss what they would like to do with an item.

**Commissioner Vergun** stated that there should be an opportunity for the public to give the Commission their ideas of what is important. It would be a sort of open house in order to get a sense from the community as to what they would like to accomplish. **Chairperson Hewitt** stated that he is in favor of the concept, however it may not be better than what is already in place. As Chair, he gives comments to staff which eventually come back to the Commission in a Worksession. The problem with a town hall type meeting is that often neighborhood "complainers" attend, but it is difficult to get an idea of the wishes of the overall community.

**Commissioner Vergun** replied that the primary sources of the information that the Commission hears is from the Planning staff and from those who attend the meetings. A public forum does open it up to people who have a variety of issues including complaints and constructive comments, yet they have a right to be heard and it needs to happen. He suggests that at least once a year an open forum meeting be held with a good facilitator. He would love to see more people.

**Commissioners Carter and Olson** agreed and stated how that idea meets the Goals and Objectives of interacting with the public. Commissioner Carter recommended having such a meeting in the fall, process the input, and then use the information for the following year's Work Program.

**Chairperson Hewitt** stated he likes the idea and commends Commissioner Vergun for bringing the idea up. He did want to point out however, that the City Commission always gives the public opportunity at its meetings to bring their concerns. It is just another avenue.

**Commissioner Vergun** also suggested that another way would be to do a town meeting with the City Commission or have special meetings throughout the year with the neighborhood associations. **Chairperson Hewitt** expressed hesitancy in adding more meetings to their schedule. **Commissioner Vergun** suggested sending a representative to the meetings. **Chairperson Hewitt** asked if they can put that item on the list for upcoming Worksessions. **Maggie Collins** stated that that would be fine.

**Commissioner Vergun** stated that he would also like to leave the possibility for a town hall meeting open for discussion and to possibly hold one in the fall.

**Chairperson Hewitt** suggested to review the Mission Statement, the Goals and Objectives, and the Work Program as one item and the Bylaws separately.

**Commissioner Carter** asked why Phase 2 of the Downtown Community Plan is tentatively scheduled for May. **Maggie Collins** replied that the zoning proposals for Phase 2 are complex and require notification of property owner and numerous meetings. Staff could not possibly come to any conclusions until May.

**Commissioner Carter** moved to adopt the Mission Statement, the Goals and Objectives, and the Work Program with item #1 on the Work Program changed to "Design Review." **Commissioner Olson** seconded.

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

**Chairperson Hewitt** then opened the discussion to review the proposed Bylaws. He stated that on page three under Article 6, "Duties of Officers," he would like item A.2 to read "prior to the" instead of "at the conclusion of" the public hearing testimony. He would also like to scratch item A.3 so that he does not need to summarize the hearing results at the conclusion of the public hearing. **Maggie Collins** agreed that it is not necessary to summarize the results. The statement was included for a learning and training purpose.

**Chairperson Hewitt** stated that it is important that they address one another, staff, and the public by their last name. It would be helpful if they could clearly see the name plates of the staff members.

**Commissioner Olson** moved to adopt the Bylaws as corrected. **Commissioner Carter** seconded.

**Commissioner Surratt** asked if the motion should include sending the Bylaws to the City Commission. **Chairperson Hewitt** stated that he would like to have the City Commission adopt the Bylaws or at least give it their blessing. **Maggie Collins** replied that it is not required for the City Commission to adopt the Bylaws and she would not recommend that the City Commission adopt them because it would then complicate the process if any changes were to be made by the Planning Commission.

**Commissioner Carter** stated that the Bylaws state that two chairs are allowed for non-residents and the City Commission should be aware of this. **Chairperson Hewitt** also stated that the Bylaws allow only two people on the Commission who are in the same industry. **Commissioner Olson** then clarified that it will be reviewed by the City Commission but that it is really just for their information.

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

## 9. NEW BUSINESS

**Chairperson Hewitt** asked if there is any comment by the Commissioners as to limiting the meetings to a certain time-frame. What is the point of no return? One idea would be to hold the meetings at 6:00 p.m. or limit the meetings from 7:00 to 10:00 p.m.

**Commissioner Surratt** stated that since cutting down the times for the public hearings, there has not been a problem.

**Maggie Collins** then informed the Commission that both Sidaro Sin and Kyenne Williams are leaving the City. The City is losing two very valuable members and the staff wishes them well.

**Commissioner Surratt** moved to dismiss. **Commissioner Vergun** seconded.

The meeting was adjourned.

---

**Gary Hewitt, Planning Commission  
Chairperson**

---

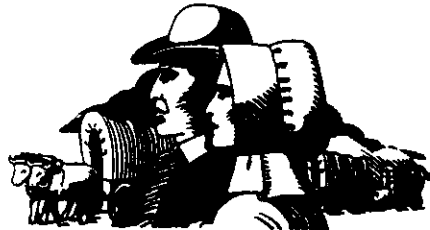
**Maggie Collins, Planning Manager**

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## MEMORANDUM

**TO:** Planning Commission

**FROM:** Barbara Shields, Senior Planner

**RE:** Minor Amendments to Oregon City Municipal Code; ZC 99-07

**DATE:** February 4, 2000

Enclosed please find Ordinance 00-1003 (Exhibit 1) amending OCMC Chapters 2.24, 2.40, 12.24, 13.20, 17.06, 17.13, 17.14, 17.30, 17.36, 17.50, 17.56, 17.60, 17.62, 17.68.

The proposed ordinance includes the following recommendations made by the Planning Commission at the January 24, 2000 meeting:

- 1) Section 2.24.110, first sentence "carry" was replaced by "carry out." This section was further reworded by the City Attorney for clarity.
- 2) Section 9.12.020(F). New section proposed to limit hours of construction activities as one of the elements disturbing the peace. This section was deleted from the Ordinance.
- 3) Section 16.16.010(C). New section proposed to prohibit more than one partitioning within any calendar year. This section was deleted from the Ordinance.
- 4) Section 16.12.145. New section proposed to include additional design standards for access strips at intersections to improve traffic safety. The Planning Commission recommended that staff revise this section for more clarity. Upon additional staff research and review, this section was removed from the Ordinance, because it proposed a very specific engineering standard that should be incorporated into a street design manual rather than the Ordinance language.

Also, the City Attorney recommended the following changes that were incorporated into Ordinance 00-1003:

- 1) Section 17.14.050(C). Additional language to include the Fair Housing Act.

**RECOMMENDATION:** That the Planning Commission recommend approval of Ordinance 00-1003 (Exhibit 1) to the City Commission at the March 1, 2000 hearing.

ORDINANCE NO.00-1003

AN ORDINANCE AMENDING TITLE 2: ADMINISTRATION AND PERSONNEL, CHAPTER 2.24 PLANNING COMMISSION; SECTION 2.24.110 GIFTS AND BEQUESTS; AMENDING TITLE 2: ADMINISTRATION AND PERSONNEL, CHAPTER 2.40 PUBLIC CONTRACTS, SECTION 2.40.220 PERSONAL SERVICES CONTRACT; SUBSECTION 2.40.220(C); AMENDING TITLE 12: STREETS, SIDEWALKS AND PUBLIC PLACES, CHAPTER 12.24 PEDESTRIAN/BICYCLE ACCESSWAYS, SECTION 12.24.030 WHEN REQUIRED, SUBSECTION 12.24.030(B); AMENDING TITLE 13: PUBLIC SERVICES, CHAPTER 13.20 SYSTEM DEVELOPMENT CHARGE FOR CAPITAL IMPROVEMENTS, SECTION 13.20.040 SDC CREDIT, SUBSECTION 13.20.040(C); AMENDING TITLE 17: ZONING, CHAPTER 17.06, SECTION 17.06.050 ZONING OF ANNEXED AREAS; AMENDING TITLE 17: ZONING, CHAPTER 17.13 R-6/MH SINGLE-FAMILY DWELLING DISTRICT, SECTION 17.13.010 DESIGNATED; AMENDING TITLE 17: ZONING, CHAPTER 17.13.010 DESIGNATED; AMENDING TITLE 17: ZONING, CHAPTER 17.14 RC-4 MCLOUGHLIN CONDITIONAL RESIDENTIAL DISTRICT, SECTION 17.14.050 DIMENSIONAL STANDARDS; AMENDING TITLE 17: ZONING, CHAPTER 17.30 TC TOURIST COMMERCIAL DISTRICT, BY DELETING SECTION 17.30.050 DESIGN REVIEW; AMENDING TITLE 17: ZONING, CHAPTER 17.36 M-1 LIGHT INDUSTRIAL DISTRICT, SECTION 17.36.020 PERMITTED USES - WITHIN BUILDINGS; AMENDING TITLE 17: ZONING, CHAPTER 17.50 ADMINISTRATION AND PROCEDURES; SECTION 17.50.030 SUMMARY OF THE CITY'S DECISION MAKING PROCESS; AMENDING TITLE 17: ZONING, CHAPTER 17.56 CONDITIONAL USES, BY DELETING SECTION 17.56.050 EXPIRATION OF CONDITIONAL USE APPROVALS; AMENDING TITLE 17: ZONING, CHAPTER 17.60 VARIANCES; SECTION 17.60.030 VARIANCES - PROCEDURES; SECTION 17.60.030 SUBSECTION 17.60.030(D); AMENDING TITLE 17: ZONING, CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW, SECTION 17.62.050 STANDARDS, SUBSECTION 17.62.050(11); SECTION 17.62.080 SPECIAL DEVELOPMENT STANDARDS ALONG TRANSIT STREETS, SECTION 17.62.080 SPECIAL DEVELOPMENT STANDARDS ALONG TRANSIT STREETS, SUBSECTION 17.62.080(A); AMENDING TITLE 17: ZONING, CHAPTER 17.68 ZONING CHANGE AND AMENDMENTS, SECTION 17.68.025 ZONING CHANGES FOR LAND ANNEXED INTO THE CITY, SUBSECTION 17.68.025(B).

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the current Oregon City Municipal Code contains misspelled words and redundant phrases; and

WHEREAS, the City recognizes a need to eliminate old and outdated code language and inaccurate references;

WHEREAS, the proposed Code amendments clarifies existing City policies.

NOW, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 2: ADMINISTRATION AND PERSONNEL, Chapter 17.24: PLANNING COMMISSION, Section 2.24.110: GIFTS AND BEQUESTS, is hereby amended to read as follows:

2.24.110 Gifts and bequests. The planning commission may receive gifts, bequests or devises of property, including property to be dedicated for the use of the public, to carry out any of the purposes of this chapter. Property so received shall be set over to the city to be used by it in the furtherance of the purposes of this chapter pursuant to the recommendations or actions of the planning commission. Upon the decision of the planning commission or the city commission to receive such gift, bequest, or devise, the chair of the planning commission may take all action necessary on behalf of the planning commission or city commission to accept the property.

Section 2. That the Title 2: ADMINISTRATION AND PERSONNEL, Chapter 2.40. PUBLIC CONTRACTS, Section 2.40.220 PERSONAL SERVICE CONTRACTS, Subsection 2.40.220(C), is hereby amended as follows:

C. The city periodically requires the services of a consulting individual or firm to accomplish all or part of a project. This section sets forth policy to be followed by the city during screening and selection for personal service contracts. This

\\FS2\VOL2\WRDFILES\BARBARA\AMEND\HOUSEKPHSKEK1.DOC

**EXHIBIT**

1

2C 99-07

policy shall be adhered to in all cases except for personal services contracts relating to architectural or engineering services and related professional services, or when the board determines that an emergency exists which requires immediate action. The policy on contracts relating to architectural, engineering or related professional services is set forth in subsection F of this section.

Section 3. That the Title 12: STREETS, SIDEWALKS AND PUBLIC PLACES, Chapter 12.24: PEDESTRIAN/BICYCLE ACCESSWAYS, Section 12.24.030: WHEN REQUIRED, Subsection 12.24.030(B), is hereby amended as follows:

B. Accessways shall be provided in new subdivisions and planned developments as required in Title 16, Chapters 16.08 and 16.12 and in Title 17, Chapter 17.64.

Section 4. That the Title 13: PUBLIC SERVICES, Chapter 13.20: SYSTEM DEVELOPMENT CHARGES, Section 13.20.040: SDC CREDIT, Subsection 13.20.040(C), is hereby amended as follows:

C. Credit Carry-Forward. Where the amount of an SDC credit approved under this section exceeds the amount of an SDC assessed on a development for a particular capital improvement system, the excess credit may be carried forward pursuant to the following rules:

1. An SDC credit carry-forward shall be issued by the Director for a particular dollar value to the developer who earned the SDC credit and may be used by the developer to satisfy SDC requirements for any other development applied for by the developer within the city. SDC credit carry-forwards are not negotiable or transferable to any party other than the one to whom they are issued.

2. The city shall accept an SDC credit carry-forward presented by a developer as full or partial payment for the SDC due on any of the developer's developments.

3. SDC credit carry-forwards are void and of no value if not redeemed with the city for payment of an SDC of the same type of capital improvement system for which the credit was issued within five years of the date of issuance.

Section 5. That the Title 17: ZONING, Chapter 17.06: ZONING DISTRICT CLASSIFICATION, Section 17.06.050: ZONING OF ANNEXED AREAS, is hereby amended as follows:

17.06.050 Zoning of annexed areas. All lands within the urban growth boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation.

The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050  
CITY LAND USE CLASSIFICATION

<u>Residential Plan Classification</u>	<u>City Zone</u>
Low-density residential	R-10
Low-density residential/MD	R-6/MH
Medium-density residential	RD-4
Medium-density residential/MD	RD-4
High-density residential	RA-2
<u>Commercial Plan Classification</u>	<u>City Zone</u>
General commercial	C
Tourist commercial	TC
Limited commercial	LOC, LO, NC, LC

## Industrial Plan Classification

## City Zone

Industrial/Campus  
Industrial/Light  
Industrial/Heavy

M-1, Campus  
M-1  
M-2

- A. A public hearing shall be held by both the planning commission and city commission in accordance with the procedures outlined in Chapter 17.68 (except for the provisions of section 17.68.025) for those instances in which more than one zoning designation carries out a City Plan Classification.
- B. Lands within the urban growth boundary and designated low-density residential on the comprehensive plan map shall, upon annexation, be eligible for manufactured homes (infill of individual lots and subdivisions).

In those cases where only a single city zoning designation corresponds to the comprehensive plan designation and thus the rezoning decision does not require the exercise of legal or policy judgment on the part of the decisionmaker, Section 17.68.025 shall control. The decision in these cases shall be a ministerial decision of the planning manager, made without notice or any opportunity for a hearing.

Section 6. That the Title 17: ZONING, Chapter 17.13: R-6/MH SINGLE-FAMILY DWELLING DISTRICT, Section 17.13.010: DESIGNATED, is hereby amended as follows:

17.13.010. Designated. This R-6 / MH residential district allows for single-family site-built and manufactured homes on lot sizes of six thousand eight hundred square feet minimum.

Section 7. That the Title 17: ZONING, Chapter 17.14: RC-4 MCLOUGHLIN CONDITIONAL RESIDENTIAL DISTRICT, Section 17.14.050: DIMENSIONAL STANDARDS, is hereby amended as follows:

17.14.050. Dimensional standards. Dimensional standards in the RC-4 district are:

- A. Density. Minimum lot area:
1. Single family dwellings, six thousand square feet;
  2. Two-family dwellings, eight thousand square feet.
- B. Reconstruction of Buildings. A building containing an existing residential use in excess of this density standard which is damaged by fire, other calamity, act of God, or the public enemy may be reconstructed to its original condition provided that reconstruction be started within one year following the damage and reconstruction be completed within eighteen months of the time reconstruction is commenced.
- C. Housing Exclusively for Senior Citizens. A minimum of four hundred square feet of usable floor area per unit, excluding common areas, is required. All conversions shall require a building permit to assure compliance with building and fire codes. Each unit shall include a kitchen and bath. Buildings with two units shall not require parking in excess of existing spaces unless required as part of the conditional use process. Buildings with three or more units shall require one parking space per three units or fraction thereof unless additional parking is required as part of the conditional use process. No expansion of an existing structure is allowed. Design review of exterior alterations and new construction is required. In all cases of age-restricted housing, the landowner and developer shall comply with applicable state and federal laws relating to age-restricted housing.
- D. Minimum average width, sixty feet.
- E. Minimum average depth, one hundred feet.
- F. Maximum building height, two and one-half stories, not to exceed thirty-five feet.
- G. Minimum required setbacks:
1. Front yard, fifteen feet minimum depth;
  2. Interior side yard, nine feet minimum for at least one side yard, five feet minimum for the other side yard;
  3. Corner side yard, fifteen feet minimum width;
  4. Rear yard, ten feet minimum depth;
  5. Solar balance point, setback and height standards maybe modified subject to the provisions of Section 17.54.070.

**Section 8.** That the Title 17: ZONING, Chapter 17.30: TC TOURIST COMMERCIAL DISTRICT, Section 17.30.050: DESIGN REVIEW, is hereby deleted.

**Section 9.** That the Title 17: ZONING, Chapter 17.36: M-1 LIGHT INDUSTRIAL, Section 17.36.020: PERMITTED USES – WITHIN BUILDINGS, is hereby amended as follows:

**17.36.020 Permitted Uses – Within Buildings** A. In the M-1 district, the following uses are permitted if enclosed with a building:

Carpenter shop and wood product manufacture, excluding planing mill and lumber mill  
 Commercial or industrial laundry  
 Distributing, wholesaling, and warehousing, excluding explosives and substances which cause an undue hazard to the public health, welfare and safety  
 Electroplating, machine or welding shop  
 Foundry casting lightweight nonferrous materials  
 Frozen food lockers  
 Ice or cold storage plant  
 Photo engraving  
 Veterinary or pet hospital, kennel or hatchery  
 Necessary dwellings for caretakers and watchmen (all other residential uses are prohibited).

B. The following uses may occupy a building or yard space other than required setbacks and such occupied yard space shall be enclosed by a sight-obscuring wall or fence of sturdy construction and uniform color or an evergreen hedge not less than six feet in height located outside the required yard; further provided that such wall or fence shall not be used for advertising purposes:

Contractor's equipment yard  
 Draying, trucking and automobile freighting yard  
 Retail feed or fuel yard  
 Retail lumber yard and building material yard, excluding concrete mixing  
 Small boat yard for the building or repair of boats not exceeding sixty-five feet in length.

**Section 10.** That the Title 17: ZONING, Chapter 17.50: ADMINISTRATION AND PROCEDURES, Section 17.50.30: SUMMARY OF THE CITY'S DECISION MAKING PROCESS, is hereby amended as follows:

**17.50.030. Summary of the City's decision making process.** The following decision- making processes chart shall control the City's review of the indicated permits:

Table 17.50.030  
 PERMIT APPROVAL PROCESS

PERMIT TYPE	I	II	III	IV	ELD
Code interpretation and similar use determination			X		
Conditional use permit (CUP)			X		
Extension		X			
Final plat	X				
Historic review			X		
Lot line adjustment and abandonment	X				
Major modification to a prior approval	X	X	X	X	X
Minor modification to a prior approval		X			
Partition		X			X
Planned unit development preliminary "PUD" plan			X		



Planned unit development final "PUD" plan	X				
Reconsideration		X	X	X	
Revocation				X	
Site plan and design review		X			
Subdivision		X			X
Variance			X		
Minor Variance		X			
Zone change & plan amendment				X	
Zone change upon annexation with no discretion	X			X	
Zone change upon annexation with discretion				X	

Section 11. That the Title 17: ZONING, Chapter 17.56: CONDITIONAL USES, Section 17.56.050 EXPIRATION OF CONDITONAL USE APPROVAL, is hereby deleted.

Section 12. That the Title 17: ZONING, Chapter 17.60: VARIANCES. Section 17.60.30 VARIANCES—PROCEDURES; Subsection 17.60.030(C), is hereby amended as follows:

C Minor variance as defined in subsection E of this section shall be processed as a Type II decision and shall be reviewed pursuant to the requirements in Section 17.50.030(B).

Section 13. That the Title 17: ZONING, Chapter 17.62: SITE PLAN AND DESIGN REVIEW, Section 17.62.050: STANDARDS, Subsection 17.62.050(11), is hereby amended as follows:

11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved outside buildable area. Where the planning manager determines that it is impractical or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings of similar character at least two inches to two and one-half inches in caliper. Specimen trees shall be preserved where practicable. Where these requirements would cause an undue hardship, the review authority may modify the requirements in a manner which, in its judgement, reasonable satisfies the purposes and intent of this paragraph. The review authority may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if deemed necessary by the review authority, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance and management program to provide protection to the resources as recommended by the arborist or horticulturist.

Section 14. That the Title 17: ZONING, Chapter 17.62: SITE PLAN AND DESIGN REVIEW, Section 17.62.080: SPECIAL DEVELOPMENT STANDARDS ALONG TRANSIT STREETS, Subsection 17.62.080(A), is hereby amended as follows:

A. Purpose. This section is intended to provide direct and convenient pedestrian access to retail, office and institutional buildings from public sidewalks and transit facilities and to promote pedestrian and transit travel to commercial and institutional facilities.

Section 15. That the Title 17: ZONING, Chapter 17.68: ZONING CHANGES AND AMENDMENTS, Section 17.68.025: ZONING CHANGES FOR LAND ANNEXED INTO THE CITY, Subsection 17.68.025(B) is hereby amended as follows:

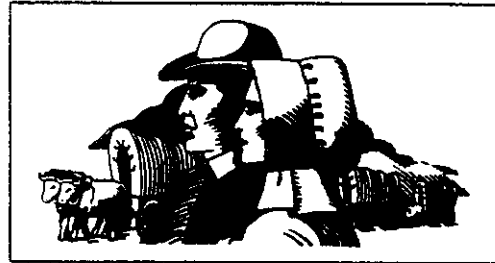
B. Applications for these rezonings shall be reviewed pursuant to the requirements in Section 17.50.030(A) (with respect to nondiscretionary zone changes) and (D) (with respect to discretionary zone changes).

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### MEMORANDUM

**TO:** Planning Commission

**FROM:** Barbara Shields, Senior Planner

**RE:** Legislative action to amend Oregon City Municipal Code (OCMC) Chapter 17.64 Planned Unit Development; ZC 99-09

**DATE:** February 4, 2000

Enclosed please find Ordinance 00-1005 amending OCMC Chapter 17.64 Planned Unit Development (Exhibit 1).

The proposed ordinance includes the following recommendations made by the Planning Commission at the January 24, 2000 meeting:

- 1) The PUD Ordinance applies to residential zoned property only;
- 2) To ensure diversified blend of mixed uses within a PUD development, 20% of the net developable area shall consist of residential uses other than single family dwelling. If the subject property is 10 acres or more, it may contain neighborhood residential uses.

Also, staff reviewed the comments submitted by the Engineering Division at the January 24, 2000 meeting (Exhibit 2). The following items identified in the Engineering Division memorandum were incorporated in the PUD Ordinance: 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 39, 40, 41, 42, and 43.

**RECOMMENDATION:** That the Planning Commission recommend approval of Ordinance 00-1005 (Exhibit 1) to the City Commission at the March 1, 2000 hearing.

ORDINANCE 00-1005

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.64: PLANNED UNIT DEVELOPMENT; SECTION 17.64.010: PURPOSE; SECTION 17.64.020: DEFINITIONS; SECTION 17.64.030: APPLICANT'S OPTION; SECTION 17.64.040: PERMITTED USES AND BASIC PUD REQUIREMENTS; SECTION 17.64.050: DENSITY BONUSES; SECTION 17.64.060: INITIATION OF A PUD – REVIEW PROCESS; SECTION 17.64.070: PREAPPLICATION CONFERENCE; SECTION 17.64.080: PRELIMINARY PUD PLAN APPLICATION; SECTION 17.64.090: PRELIMINARY PUD PLAN – REQUIRED PLANS; SECTION 17.64.100: PRELIMINARY PUD PLAN – NARRATIVE STATEMENT; SECTION 17.64.110: PRELIMINARY PUD PLAN – TABULAR INFORMATION; SECTION 17.64.120: PRELIMINARY PUD PLAN APPROVAL CRITERIA; SECTION 17.64.130: PRELIMINARY PUD PLAN DECISION – DURATION AND EXTENSIONS; FILING AND RECORDING OF FINAL PUD PLAN; SECTION 17.64.170: CONTROL OF THE DEVELOPMENT AFTER COMPLETION – MODIFICATION TO THE FINAL PUD PLAN; SECTION 17.64.180: PERFORMANCE SURETY; SECTION 17.64.190: EXPIRATION OF FINAL PLAN APPROVAL.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the current Oregon City Municipal Code regulations do not fully implement the purposes of the Planned Unit Development Ordinance;

WHEREAS, the City recognizes a need for a mix of residential and neighborhood commercial uses within the residentially designated areas;

WHEREAS, current Oregon City Municipal Code regulations do not adequately support the preservation of natural resources; and

WHEREAS, the City recognizes the need to clarify and simplify residential density bonuses within Planned Unit Developments.

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.010: PURPOSE, is hereby amended to read as follows:

17.64.010 Purpose. A planned unit development ("PUD") is a form of residential land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. A PUD should allow for a more customized design and development through a process that involves a public hearing before the planning commission at the preliminary plan stage. The purposes of this chapter are:

- A. 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 mixed-use developments. The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby each of the parts compliments one another to produce a cohesive whole; and
- B. To preserve existing natural features and amenities and provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be accomplished through the PUD process by preserving existing natural features and amenities, or by creating new neighborhood amenities.

- C. To protect and enhance public safety on sites with natural or other hazards and development constraints through the clustering of development on those portions of a site that are suitable for development.
- D. To provide flexibility for dimensional requirements of underlying zones or overlay districts to better achieve the purposes of a PUD.

**Section 2.** That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.020: DEFINITIONS, is hereby amended to read as follows:

17.64.020 Definitions. The following definitions and conventions shall apply in the application of this chapter:

“Commercial Use” is an activity involving the sale of goods or services carried out for profit.

“Common Wall” development means a development design where buildings or other structures are built on the common property line with no setback. This development type includes single structures, consisting of two or more separate dwelling units, that are physically connected and the property line runs through the structure, between the two dwelling units. This development type also includes residential developments where the side yard or driveway of one house is located against the property line and the house of the adjacent lot is located on the other side of the property line with little or no setback.

“Condominium” means a building, or group of buildings, in which dwelling units, offices, or floor area are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis.

“Decision maker” means the city representative vested with the authority under this title to render a particular decision or make a particular determination. Depending upon the context and stage in the local appeal process, decision-maker may be the planning manager, the planning commission or the city commission.

“Duplex” means a building on a single lot containing two dwelling units, each of which is totally separated from the other by an unpierced wall extending from ground to roof or an unpierced ceiling and floor extending from exterior wall to exterior wall, except for a common stairwell exterior to both dwellings.

“Gross Area” means the total area of the subject property including unbuildable portions such as wetlands, natural features, slopes, streets, rights-of-way and the like.

“Gross density” shall be expressed as the number of residential units per acre of gross area.

“Mixed-use” means the development of a tract of land, building or structure with a variety of complementary and integrated uses, such as but not limited to, residential, office, retail, public, or entertainment, in a compact urban form.

Multi-Family” means a building containing three or more dwelling units, including units that are located one over the other.

“Neighborhood Commercial” means a small scale commercial area with uses designed to serve a convenience need for residents in the surrounding low density neighborhood.

“Net developable area” means the area of the subject property that is developable and is equal to the gross area minus all portions that are undevelopable due to wetlands, natural features, steep slopes, open spaces, or street rights-of-way. Unless the applicant shows otherwise, street rights-of-way will be presumed to occupy twenty percent of the gross area of the subject site.

"Net density" shall be expressed as the number of residential lots per acre of net developable area.

"Office" means a room or group of rooms used for conducting the affairs of a business, profession, service, industry, or government and generally furnished with desks, tables, files, and communication equipment.

"Public Facilities" are facilities for providing electric power, storm water management, water, sewer, and public rights-of-way.

"Row House" means an attached dwelling separated from others in a row by a vertical unpierced wall extending from basement to roof.

"Townhouse" means a one-family dwelling in a row of at least three such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more vertical common fire resistant walls.

Section 3. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.030: APPLICANT'S OPTION, is hereby amended to read as follows:

17.64.030 Applicant's option. A development proposal may be processed as a PUD at the applicant's option, and is offered as an alternative process for residential development, provided that at least eighty percent of the gross density allowed by the underlying zone is met. If the property bears a PUD overlay designation, the property may be developed only in accordance with this chapter. PUD overlay designations will be legislatively applied by the city to residentially zoned land with natural features, physical characteristics, topography, development constraints, or other unique or special circumstances that warrant preservation or otherwise constrain development of the property.

Section 4. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.040: PERMITTED USES AND BASIC PUD REQUIREMENTS, is hereby amended to read as follows:

17.64.040 Permitted uses and basic PUD requirements. This section provides the uses allowed in a PUD as well as the basic elements required of all PUDs.

A. Uses permitted Outright. Notwithstanding the use provisions of the underlying residential zone, the following uses and their accessory uses are allowed outright as part of the PUD:

1. Detached single-family dwellings and duplexes on individual lots;
2. Attached single-family dwellings and multiple family dwellings, such as townhouses, condominiums, common wall units and row houses;
3. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts;
4. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools;
5. Common public and private open space;
6. Hiking and/or riding trails;
7. Accessory structures and uses permitted in the existing underlying zone.

B. Conditional Uses. Notwithstanding the use provisions of the underlying residential zone, all uses allowed outright in the neighborhood commercial zone are allowed, with appropriate conditions, as part of a PUD. A separate conditional use permit is not required for these uses so long as the applicant demonstrates that:

1. The commercial development is accessory to, and compatible with, the PUD and primarily for the convenience and benefit of the residents of the neighborhood;
2. The gross area of the PUD is at least ten acres in size;
3. The neighborhood commercial uses occupy no more than twenty percent of the net developable area, and
4. The neighborhood commercial uses will be planned and constructed so as to support and be compatible with the entire PUD and will not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.

C. Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. In all developments, the perimeter of the development shall meet the underlying zone's setbacks. 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 will apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed by the underlying zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustment(s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes and requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone; and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code.

D. Open Space and Landscaping. The applicant shall provide at least twenty percent (20%) of the total gross area as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one-quarter mile). The open space area may be in private ownership. A portion of the required open space may be used as a buffer between different uses. No less than 25 feet in width shall be used for transitional buffers in addition to the underlying zone setback. The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching, and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running, and walking areas. Land area to be used for the open space area and landscaping that is required in this section shall not include streets, rights-of-way, driveways, parking spaces, or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.

E. Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:

1. Water;

2. Sanitary Sewer;
  3. Stormwater management;
  4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;
  5. Schools; and
  6. Fire and police services.
- F. If the applicant elects to guarantee that any particular public service or facility will have adequate capacity, the required capacity shall exist prior to issuance of building permits. The decision maker may require the applicant to provide special or oversized sewer or water lines, roads, streets or other service facilities if necessary to meet standards in the city's facility master plans or to allow for the orderly and efficient provision of public facilities and services. If oversizing is required, the applicant may request reimbursement from the city for oversizing based on the city's Reimbursement Ordinance and fund availability.
- G. Relationship to the Natural and Physical Environment. Streets, buildings and other site elements shall be designed and located to preserve the maximum number of significant trees (i.e., those trees six inches or greater in diameter, measured four feet from the ground), significant natural resources, jurisdictional wetlands, and natural (i.e. Natural Features). These natural features shall not be disturbed after submittal of a complete land use application for as long as the application is active or until public infrastructure construction is approved and accepted by the City Engineer. An exception to this ban on disturbing natural features is allowed if planned disturbances are included in the City-approved construction plans or if the Corps of Engineers or the Oregon Division of State Lands issues a permit that affects natural features. Development shall be designed, constructed and maintained in accordance with the unstable soils and hillside constraint overlay district and the water quality resources areas overlay district where applicable.
- H. Mixed Use. To ensure development within a PUD contains the correct blend of mixed uses, no more than 80%, but at least 50%, of the total net developable area shall consist of single family residential development. 20% of the net developable area shall consist of residential uses other than single family dwellings. If the subject property is 10 acres or more, it may contain neighborhood commercial uses. If common wall units are proposed, a minimum of 13,000 square feet is required for up to, but not more than four (4) common wall units and, a minimum of a 7,000 square feet is required for up to, but not more than two (2) common wall units. In no cases, shall a detached single family residential lot be smaller than 5,000 square feet.

Section 5. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.050:DENSITY BONUSES, is hereby amended to read as follows:

17.64.050 Density bonuses. The decision-maker may exercise its discretion and grant a residential density bonus resulting in a maximum of up to 115% of the gross density allowed by the underlying zone. In general, consideration of density bonuses may be given for housing design, historical preservation, preservation of natural features, tree preservation, additional open space, and community amenities.

Specifically, allowance for density bonuses shall be considered for the following uses:

	Mixed Use Residential (Owner Occupied)	Multi-Family Use	Commercial Use
Under 10 acres	5%	5%	N/A

Over 10 acres	5%	5%	5%
---------------	----	----	----

Note: Density bonuses are calculated based on the gross density allowed by the underlying zone.

Section 6. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.0610: INITIATION OF A PUD, is hereby amended to read as follows:

17.64.060 Initiation of a PUD -- Review process.

- A. Prior to submitting a PUD application for a PUD permit, the applicant shall schedule and attend a preapplication conference as provided in OCMC 17.50.050.
- B. The City shall provide the opportunity for concurrent processing of the PUD and any other related permits, land use and limited land use approvals required for development of the subject property.
- C. The review process for PUDs is set forth in detail in the sections of this chapter. In general, the process involves three stages:
  - 1. A preapplication conference;
  - 2. A preliminary PUD plan, reviewed through a Type III process, including a public hearing before the planning commission with a right to appeal to the city commission based on the record;
  - 3. A final PUD plan, consisting of a plan that conforms to the preliminary plan, and all conditions and requirements imposed by the planning commission during the preliminary plan approval process. The final PUD plan receives a Type I administrative review without a hearing so long as there are no material deviations from the approved preliminary PUD plan.

Section 7. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.070: PREAPPLICATION CONFERENCE is hereby amended to read as follows:

17.64.070 Preapplication Conference. Before the City accepts an application for preliminary PUD plan approval, the applicant must attend a preapplication conference with the planning manager pursuant to Section 17.50.030, and pay the required fee. The planning manager will ensure that all affected city departments are represented at the preapplication conference. The purpose of the preapplication conference is to allow the applicant to explain in as much detail as possible, the development proposal, and to obtain comments and guidance from city staff sufficient to guide the applicant's preparation of the preliminary PUD plan.

Section 8. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.090: PRELIMINARY PUD PLAN -- REQUIRED PLANS, is hereby amended to read as follows:

17.64.090 Preliminary PUD plan -- Required plans. The preliminary PUD plan shall specifically and clearly show the following features and information on the maps, drawings, application form or attachments unless deemed unnecessary by the planning manager. All maps and site drawings shall be at a minimum scale of one inch to fifty feet.

- A. **Site Plan.** A detailed site development plan showing the location and dimensions of lots, streets, walkways, common areas, building envelopes and setbacks, all existing and proposed utilities and improvements including sanitary sewer, storm sewer and water facilities, and an indication of existing and proposed land uses for the site.



- B. **Traffic/Transportation Plan.** The applicant's traffic/transportation information shall include two elements:
- 1) A detailed site circulation plan showing proposed vehicular, bicycle and pedestrian access points and circulation patterns, parking and loading areas and any other transportation facilities in relation to the features illustrated on the site plan; and
  - 2) A traffic impact study prepared by a qualified professional engineer, that assesses the traffic impacts of the proposed development on the existing transportation system and analyses the adequacy of the proposed internal transportation network to handle the anticipated traffic and the adequacy of the existing system to accommodate the traffic from the proposed development.
- C. **Natural Features Plan.** The applicant shall submit a map illustrating all of the natural features and hazards on the subject property and within two hundred fifty feet of the property's boundary. Features that must be illustrated shall include the following: proposed and existing street rights-of-way and all other transportation facilities, all proposed lots and tracts, all trees with a width six inches or greater in diameter, measured four feet from the ground, all jurisdictional wetlands (according to the Corps of Engineers Wetlands Delineation Manual, January 1987 edition), all known geologic hazards, landslides or faults, areas with a water table within one foot of the surface, the location of any state or federal threatened or endangered species, all historic areas or cultural features acknowledged as such on any federal, state or city inventory, all wildlife habitat or other natural features listed on any of the city's official inventories.
- D. **Topography, Preliminary Grading and Drainage Plan.** The applicant shall submit a plan illustrating the topography and grade of the site before and after development and show contours at maximum five-foot vertical elevation intervals for steep locations, greater than 20%, and maximum two-foot vertical elevation intervals for other location. Illustrated features must include the approximate grades and radius of curves of all proposed streets and cul-de-sacs, the location and calculated volume of all cuts and fills, and all storm water management features. The plan shall identify the location of drainage patterns and courses on the site and within two hundred fifty feet of the property boundaries.
- E. **Erosion Control Plan.** The applicant shall submit an erosion control plan illustrating the measures that will be implemented throughout construction of the PUD to control erosion and sedimentation. This plan must be consistent with all applicable erosion control requirements in Chapter 17.47.
- F. **Vicinity Map.** The applicant shall submit a vicinity map showing the relationship of the subject property to significant features within two hundred fifty feet of the site, such as the existing street network, utilities, topography, and natural features.

**Section 9.** That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.100: PRELIMINART PUD PLAN – NARRATIVE STATEMENT, is hereby amended to read as follows:

**17.64.100 Preliminary PUD plan – Narrative statement.** In addition to the plans required in the previous section, the applicant shall also prepare and submit a narrative statement that addresses the following issues:

- A. **PUD Description.** A detailed description of the proposed development, including a description of any phasing, proposed uses, number and type of residential units, nonresidential uses, allocation and ownership of all lots, tracts, streets, and pubic improvements, the structure of any home owner's association, and each instance where the proposed PUD will vary from some dimensional

or other requirement of the underlying zoning district.

**B. Timely Provision of Public Services and Facilities.** The applicant shall explain in detail how and when each of the following public services or facilities will be adequate to serve the proposed development by the time construction begins:

1. Water;
2. Sanitary sewer;
3. Storm sewer and storm water detention and drainage facilities;
4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;
5. Schools; and
6. Fire and police services.

Where adequate capacity for any of these public facilities and services is not demonstrated to be currently available, the applicant shall describe how adequate capacity in these services and facilities will be financed and constructed before the issuance of building permits. This description may include a provision for oversizing of any of these public facilities and services and a proposal for a mechanism to reimburse, or provide system development charge (SDC) credit to, the applicant for the cost of oversizing.

**C. Approval Criteria and Justification for Adjustments.** The applicant shall explain how the proposed PUD is consistent with the Oregon City Comprehensive Plan, and purposes and requirements of this chapter set forth in Sections 17.64.010 and 17.64.040. For each of the instances where the applicant proposes an adjustment from some applicable dimensional or other requirement of an underlying or overlay zoning district, the applicant shall explain in detail the need for the adjustment and how the adjustment advances or better achieves the purposes and requirements of this chapter, than would compliance with the dimensional or other requirements.

**D. Geologic Hazards.** For property subject to Chapter 17.44, the applicant shall submit a report prepared by a qualified professional engineer, certified in geology or geotechnical engineering, describing how the proposed PUD is feasible and meets the applicable requirements of Chapter 17.44.

**E. Water Quality Resources Areas Overlay District.** For property subject to Chapter 17.49, the applicant shall submit a report prepared by a qualified professional describing the location and quality of any water resource subject to regulation under Chapter 17.49. This report shall also explain in detail how the proposed PUD is feasible and meets the applicable requirements of Chapter 17.49.

**F. Historic, Archeological, Geological and Scenic Resources and Significant Trees.** The applicant shall submit a report, prepared by a qualified professional, regarding any known historic, archeological, geological, or scenic resources on the site as well as any trees with a diameter 6 inches or greater measured four feet from the ground.

**G. Covenants, Conditions and Restrictions (CC&Rs).** The applicant shall submit drafts of the proposed covenants, conditions and restrictions, maintenance agreements, property owners' association agreements, dedications, deeds, easements, or reservations of public open spaces not dedicated to the city, and related documents for the PUD.

Section 10. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.110 PRELIMINARY PUD PLAN – TABULAR INFORMATION, is hereby amended to read as follows:

17.64.110 Preliminary PUD plan – Tabular information. In addition to the plans required in the previous section, the applicant shall also prepare and submit one or several tables that set forth the following information in an understandable format, including explanations where needed:

- A. Gross area and net developable area, acreage distribution by use, percentage of acreage designated for each dwelling type and for nonresidential uses such as streets, off-street parking, parks, open space and playgrounds;
- B. A description of any proposed phasing, including for each phase the timing, acreage, number of residential units, amount of area for nonresidential use, open space, development of utilities and public facilities;
- C. Gross density and net density of the PUD and where different types of residential units are proposed, the density by dwelling type.
- D. Amount of impervious surface in hillsides and unstable slopes subject to regulation by Chapter 17.44.

Section 11. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.120: PRELIMINARY PUD PLAN APPROVAL CRITERIA, is hereby amended to read as follows:

17.64.120 Preliminary PUD plan approval criteria.

The decision-maker shall approve an application for preliminary PUD plan if the following criteria are met:

- A. The proposed preliminary PUD plan is consistent with the purposes and requirements of this chapter set forth in Section 17.64.010 and 17.64.040, and any applicable goals or policies of the Oregon City Comprehensive Plan.
- B. The proposed preliminary PUD plan meets the applicable requirements of the underlying zoning district, any applicable overlay zone, such as Chapters 17.44 or 17.49, and applicable provisions of Title 16 of this code, unless an adjustment from any of these requirements is specifically allowed pursuant to this chapter.
- C. Any phasing schedule proposed by the application must be reasonable and shall 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 features, in a form approved by the city, must be recorded prior to the issuance of building permit(s) for existing tax lots of the first phase of any multi-phase PUD.
- 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.
- 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 achieve the purposes and requirements of this chapter better than would compliance with the dimensional requirements of the underlying zoning.

Section 12. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.130: PRELIMINARY PUD PLAN DECISION – DURATION AND EXTENSIONS, is hereby amended to read as

follows:

17.64.130 Preliminary PUD plan decision – Duration and extensions. The decision-maker may deny, approve or approve with conditions the preliminary PUD plan. The decision-maker may impose any conditions necessary to ensure compliance with the approval criteria. An approval is valid for a period of twelve months from the date of decision. If within twelve months of the date of preliminary PUD plan approval, the applicant has not applied for final PUD plan approval, the preliminary PUD plan approval shall be void. However, the applicant may apply to the planning manager for up to two extensions of up to six months each (total maximum extension on a preliminary PUD plan approval is twelve months beyond the original twelve months). The planning manager shall consider granting requests as provided in Section 17.50.210.

Section 13. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.170: CONTROL OF THE DEVELOPMENT AFTER COMPLETION – MODIFICATIONS TO THE FINAL PUD PLAN, is hereby amended to read as follows:

17.64.170 Control of the development after completion – Modifications to the final PUD plan.

The final PUD plan shall continue to control once the PUD is constructed, in addition to the following:

- A. After occupancy permits or final inspection have been issued or performed, no change shall be made to a PUD that is inconsistent with the approved final PUD plan without first obtaining an amendment to that plan, except that a building or structure that is substantially destroyed may be reconstructed within one year as originally approved without land use review by the city under Title 16 or 17 of this code.
- B. Any changes that constitute a material deviation from an approved final PUD plan shall be reviewed by the planning commission in the same manner as for a material deviation to an approved preliminary PUD plan. Changes that are not material deviations shall be reviewed and decided upon administratively by the planning manager, and the planning manager shall provide notice of the decision in the same manner as described in Section 17.50.090(A) and appeals of this decision shall follow the procedure described in Section 17.50.190.

Section 14. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.180: PERFORMANCE SURETY, is hereby amended to read as follows:

17.64.180 Performance surety. In approving any PUD, the decision-maker may require adequate financial guarantees of compliance with any aspect of the final PUD plan as authorized in Section 17.50.140 of this title.

Section 15. That Title 17: ZONING, Chapter 17.64. PLANNED UNIT DEVELOPMENT, Section 17.64.190: EXPIRATION OF FINAL PUD PLAN APPROVAL, is hereby amended to read as follows:

17.64.190 Expiration of final PUD plan approval. Approval of a final PUD plan is valid for a period of twelve months from the date of decision. If within twelve months of the date of final PUD plan approval, the applicant has not completed substantial implementation on the PUD, the final PUD plan approval shall be void. However, the applicant may apply to the planning manager prior to expiration of the current approval period for up to two extensions of up to six months each (total maximum extension of a final PUD plan approval is twelve months beyond the original twelve months). The planning manager shall consider granting such timely requests.

## ANALYSIS AND FINDINGS

	Section	Page	Comment	Rationale
1	17.64.010	1	Add "residential" after "form of" in 1 <sup>st</sup> line	It needs to be clearer that this PUD can only occur where the underlying zone is residential
2	17.64.020	2	In "Common Wall" – delete ", driveways," in 2 <sup>nd</sup> line	Not applicable to being on the property line
3	17.64.020	2	Add "Applicant" definition to include "their assignee as authorized in writing and filed with the Planning Manager"	This PUD process may take five years and the applicant could sell the project to someone else. Not sure referring to 17.50 would fix this???
4	17.64.020	3	Suggest adding "Residential Uses" to definitions or clarify that commercial is not part of the "residential uses" allowed under 17.64.040(H)	To help define those words as used in 17.64.040 (H)
5	17.64.020	2-3	Put definitions in alphabetical order and remove or integrate "comments" into the definition.	Convention
6	17.64.020	3	Add "including but not limited to" after "facilities" in 1 <sup>st</sup> line	Makes definition stronger and covers more items that could be "public facilities"
7	17.64.020	3	Make "storm water" one word throughout	Convention in 13.12
8	17.64.020	3	Suggest changing "the local jurisdiction" to "Clackamas County" in 6 <sup>th</sup> line of <i>Comment</i> under "Condominium" definition	More accurate
9	17.64.030	4	3 <sup>rd</sup> line delete period after "that". Make "other wise" one word in last line	Typos
10	17.64.040 A. 1	4	Remove "grouped in clusters"	Clusters is an unknown quantity and is not consistent with the concept of a single family dwelling or duplex
11	17.64.040 A. 2	4	Add "common wall units and row houses" at end of sentence	Doesn't include two components of available multiple family dwellings
12	17.64.040 C	5	Delete "on buildable land" in 8 <sup>th</sup> /9 <sup>th</sup> lines	Wrong criteria, see 17.64.0.

**EXHIBIT**2

ZC 99-09

**ZC99-09, Amendment to OCMC 17.64 - Planned Unit Development****ANALYSIS AND FINDINGS/ CONCLUSION AND RECOMMENDATIONS****ROBERT CULLISON, ENGINEERING MANAGER****Page 2****February 3, 2000**

13	17.64.040 D	5	Add "PUD section" to last line between "this" and "shall"	Missing words
14	17.64.040 D	6	Add commas after "submit" in 3 <sup>rd</sup> line and after "approval" in 4 <sup>th</sup> line. Add "provide" before "maintenance" in 5 <sup>th</sup> line.	Sets off phase. Cannot reserve maintenance of open space.
15	17.64.040 E 17.64.100 B	6	Consider adding new para "5. Schools" and new para "6. Fire and police services"	Match Chapter 16
16	17.64.040 E. 3	10	Change whole line to "Stormwater management"	More succinct and matches new adopted Chapter 13.12
17	17.64.040 G	6	Add "for as long as the application is active or until public infrastructure construction is approved and accepted by the City Engineer" at end of "application" in 6 <sup>th</sup> line. Add "An exception to this ban on disturbing natural features is allowed if planned disturbances are included in the City-approved construction plans or if the Corps of Engineers or the Oregon Division of State Lands issues an approved permit that affects the natural features" at the end of the added language above.	Defines how long the ban on disturbing natural features.
18	17.64.040 H	6	Can all 20% be commercial in 5 <sup>th</sup> line	Not clear
19	17.64.040 H	6	Suggest making last sentence a separate para	This is an extremely important sentence and should be separated so it gets the focus it deserves
20	17.64.050	6	Add comma after "general" in 3 <sup>rd</sup> line	Sets off phrase
21	17.64.060 A	8	Appears that only the record owner can initiate a pre-app in C. 1.???	Does not match what City does now for pre-apps
22	17.64.070	8	Change "see to it" in line 4 <sup>th</sup> line to "ensure"	Sounds better
23	17.64.090 B 1)	9	Capitalize first "a"	Typo
24	17.64.090 B	9	Change para leaders to "1." and "2."	Consistency
25	17.64.090 B. 2	9	Delete ", certified in traffic engineering," in 1 <sup>st</sup>	Not necessary and unnecessarily restricts
26	17.64.090 D	9	Delete words after "development" in 2 <sup>nd</sup> line to end of sentence and add "and show contours at maximum five-foot vertical elevation intervals for steep locations"	Matches recent adopted grading standards criteria

**ZC99-09, Amendment to OCMC 17.64 - Planned Unit Development****ANALYSIS AND FINDINGS/ CONCLUSION AND RECOMMENDATIONS**

Page 3

**ROBERT CULLISON, ENGINEERING MANAGER**

February 3, 2000

			(greater than 20%) and maximum two-foot vertical elevation intervals for other locations."	
27	17.64.090 D	9	Change "one hundred feet" to "two hundred fifty feet"	To be consistent with criteria in para C.
28	17.64.090 F	10	Change "100" to "two hundred fifty"	To be consistent with criteria in para C.
29	17.64.100 B	10	Consider adding new para "5. Schools" and new para "6. Fire and police services"	Match Chapter 16
30	17.64.100 B. 3	10	Change whole line to "Stormwater management"	More succinct and matches new adopted Chapter 13.12
31	17.64.100 B	10	Change "occupancy" to "building" in line 3 of last para.	Consistency with 17.64.040 F
32	17.64.110	11	Add new para "D. Amount of impervious surface in hillsides and unstable slopes subject to regulation by Chapter 17.44."	To allow computation of 10% material deviation in 17.64.150 B. 5.
33	17.64.120 C	11	Add "issuance of building permits except for the legally allowed building permit(s) for existing tax lots" after "prior to the" in the next to last line. Delete "construction" in last line.	As written, "construction" could mean public infrastructure which makes the statement wrong. Tying it to building permits makes it consistent with how the City handles subdivisions.
34	17.64.120 E	11	Suggest moving "better" 3 <sup>rd</sup> line to after "chapter" and delete "would" in 4 <sup>th</sup> line.	Seems to read better.
35	17.64.130	12	Suggest stating what criteria is used by the planning manager to "consider" the timely requests. See last line.	Not black and white using consider.
36	17.64.150 B	12	Consider adding a statement that 1-5 material deviations cannot exceed or go under min/max values as dictated in this chapter.	Should not allow a deviation to violate a basic rule.
37	17.64.160	13	Add "forms" after "documents" in line 3 and delete "as to form" in line 3.	Reads better.
38	17.64.170	13	2 <sup>nd</sup> line should go to left margin???	Match rest of document.
39	17.64.170 A	13	Add "or final inspections" after "permits" in line 1. Add "or performed" after "issued" in line 1.	Single family structures do not get a occupancy permit but rather a final inspection

40	17.64.180	14	Change "bond or security" in title to "surety".	Matches what the City requires for subdivisions.
41	17.64.190	14	Consider changing "construction" in line 3 to "implementation".	Consistency with 16.04.080 for subdivisions.
42	17.64.190	14	Add "prior to expiration of the current approval period" after "manager" in line 5.	Verify when applicant must file extension.
43	17.64.190	14	Repeat of comment 35	Consistency.

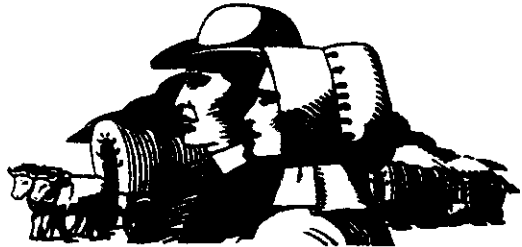


# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### MEMORANDUM

Date: February 14, 2000

**FILE NO.:** AN 99-11

**HEARING TYPE:** Legislative

**APPLICANT:** Ken Sandblast  
Land Solutions  
P.O. Box 38  
Clackamas, OR 97015

**PROPERTY OWNERS:** Charley & Frieda Sanders, John & Kay Jones & Cheri Effinger

**REQUEST:** Annexation of 18.01 acres from Clackamas County into the City of Oregon City

**LOCATION:** 14487 Thayer Lane, 14562 Maple Lane and 3391 Beaver Creek Road. The property is identified by the Clackamas County Tax Assessor Map as 3S-2E-4C, Tax Lots 1300 and 2100 and 3S-2E-4DC, Tax Lots 100, 200 and 400.

**RECOMMENDATION:** Approval

**REVIEWER:** Ken Martin, Metro  
Tom Bouillion, Oregon City

## **BACKGROUND:**

This annexation request is the first to be evaluated by the Planning Commission under Ordinance 99-1030 adopted on December 1, 1999. This new process requires the Planning Commission to hold a public hearing to recommend approval or denial based upon the seven criteria spelled out in Section 6 of Ordinance 99-1030 (attached as Exhibit B).

Subsequently, the request is reviewed at a hearing before the City Commission, who 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.

The attached report (attached as Exhibit A) prepared by Ken Martin contains an assessment of the seven criteria upon which the Planning Commission must rely.

## **STAFF COMMENTS:**

- Findings to support the seven approval criteria mentioned above are found in the attached report (Exhibit A), under Findings and Reasons pages 16 and 17, items 6-10.
- The Planning Commission may want to review the adequacy of sewer to serve the site, based upon information provided in the attached report (Exhibit A), on page 12.
- The Planning Commission may want to consider whether the creation of county islands (discussed in Exhibit A, page 2) 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?
- Note that figure 1 of the attached report (Exhibit A) does not show the possible modification discussed on page 1 of the attached report. This possible modification is the addition of Tax Lot 1500, Map 3S-2E-4C to the annexation proposal. If this property is added, the amended request will total 19.06 acres, as shown on figure 3 of the attached report (Exhibit A).

February 14, 2000 Hearing

**PROPOSAL NO. AN-99-11 - CITY OF OREGON CITY - Annexation**

---

**Petitioners: Property Owners / Voters:** Charley & Frieda Sanders, John & Kay Jones,  
Cheri Effinger; Voters Only – Becky Balfour,  
Barbara Saylor & Jacob Huber

---

Proposal No. AN-99-11 was initiated by a consent petition of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.050 (a) (Metro's minimum requirements for a petition).

The Planning Commission must conduct a public hearing and make a recommendation to the City Commission on how the proposed annexation has complied or not complied with certain factors (detailed below). The recommendation must be supported with findings.

If the City Commission decides the proposed annexation should be approved, the 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 on the south side of the City, on the north edge of Glen Oak Rd. west of Beaver Creek Road. The territory contains 18.01 acres, one single family residence, a population of one and is valued at \$52,970.

**POSSIBLE MODIFICATION**

Upon receiving notice of the hearing on this proposal, the owner of an adjacent parcel has requested that his property also be annexed to the City. The additional parcel is Tax Lot 1500 SW ¼ Section 4, T3S, R2E which is shown on Figure 3. The land use consistency and services availability analysis in this report applies to this potential additional parcel as well as to the territory originally proposed for annexation.

**REASON FOR ANNEXATION**

The property owners desire annexation to obtain city services to facilitate the sale and ultimate development of the property. No specific development plans are being proposed at this time.

## **POTENTIAL ISLANDS**

Approval of this annexation proposal would result in the encirclement of two parcels of land (see Figure 1) located on either side of Maple Lane. The owners of these two parcels were contacted by the applicants when the annexation was being formulated to see if they, too, were interested in annexation. They were not. Staff notified the owners of these parcels (and all others within 300 feet of the proposed annexation) of the Planning Commission and City Commission hearings on the annexation. The owner of one of these parcels (TL 2200 on the east side of Maplane) contacted staff and reiterated opposition to inclusion of his property in the City. The staff has done a detailed examination of the applicable plans and ordinances and finds no plan policies or rules relating to the formation of islands.

## **CRITERIA FOR DECISION-MAKING**

### ***METRO CODE***

There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria which 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. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195 agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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.

### ***CITY CODE***

This proposal is being processed under the City's recently adopted (December 1, 1999) code revisions 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;
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 Oregon Revised Statutes Chapter 222, and Metro Code 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 the 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 annexation."

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."

### **LAND USE PLANNING**

#### ***SITE CHARACTERISTICS***

The area to the west of Maplelane Rd. has a drainageway running east to west through the southern portion of the site. This area contains one single family dwelling with several outbuildings and ornamental landscaping. On the east side of Maplelane Rd. the land slopes

gently from east to west. This is open pasture lands with some Douglas firs and with single family residences and outbuildings on two parcels.

## ***REGIONAL PLANNING***

### **General Information**

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

### **Regional Framework Plan**

The law which dictates that Metro 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]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted one functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07. and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. The Functional Plan was reviewed and found not to contain any directly applicable criteria for 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 City 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 and public facility plans." Thus the applicable plans must be examined for "specific directly applicable standards or criteria." It is the applicant's burden to prove the standards or criteria are satisfied.

The Clackamas County Comprehensive Plan is the applicable plan for this area. The general plan designation for this site is FU-10, Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1). The County's Oregon City Area Land Use Plan (Map IV-5) shows Tax Lots 1300, 1500 & 2100 of the SW ¼ Sec. 4 as MR-Medium Density Residential and the remaining Tax Lots in the proposed annexation as LR-Low Density Residential. 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 City and the County are required to have an *Urban Growth Management Agreement* which is an adopted part of their Comprehensive Plans. Under the City-County Urban Planning Area Agreement the County agreed to adopt the City's Comprehensive Plan designations for this area. The zoning, as noted above, is FU-10. When property is annexed to Oregon City, it therefore already has a City planning designation. 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 Zoning of annexed areas.

#### CITY LAND USE CLASSIFICATION

<u>Residential</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
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 designation as follows:

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

. . .

Under the above-quoted rules the portions of the annexation designated MR should come into the City with an RD-4 zoning designation which allows for up to 10.9 units per acre. The area with the low density designation would be assigned a single family zone (R-10, R-8 or R-6) under the rules in Section 17.06.050 of the City Code.

**NOTE OF POTENTIAL PROBLEM:** There may be some plan designation changes in the vicinity of this annexation which have been made by the City but which the County is not yet aware of. The entire annexation area may have a plan designation of LR-MH, Low-Density Residential/Manufactured Housing. This plan designation apparently only aligns with the R-6/MH zone. This zone allows for single family and manufactured housing on 8,000 square foot minimum lots. Under the terms of the Urban Growth Management Agreement once the City makes the County aware of these changes, the County would change its plan map designations. The question would then be whether these new designations would apply retroactively or not. If the plan designations were considered in effect as County designations at the time the City adopted them, the above information may need to be altered.

#### ***ADDITIONAL CLACKAMAS COUNTY PLANNING INFORMATION***

The Clackamas County Comprehensive Plan consists of the 1992 Comprehensive Plan which includes various maps, the Mt. Hood Community Plan as amended and city-county growth management agreements (also called urban planning area agreements - UPAA's). The Plan is implemented by the County zoning and subdivision ordinances.

The chapters in the Comprehensive Plan consist of: Background; Issues; Summary of Findings and Conclusions; Goals; and Policies. Each chapter has been searched for materials concerning annexations. Sections of these elements which speak directly to the issue of annexation have been reviewed to decide whether the current proposal is consistent with them.

*Citizen Involvement* is the title of Chapter 2 of the Comprehensive Plan. Policy 6.0 states:

- *Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

The combination of statutory and Metro notice requirements on annexations are consistent with this policy. On this annexation three notices were posted near the area to be annexed and one was posted in City Hall. Affected units of government including Clackamas River Water, Clackamas County R.F.P.D. # 1, etc. were notified. Owners of all properties within 300 feet were sent notices. Notice of the hearing was published twice in the *Clackamas Review*.

Chapter 3 of the Clackamas County Comprehensive Plan, *Natural Resources and Energy*, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and



**Conservation.** All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included in the subsections on water (identifying various river conservation areas), aggregate resources and scenic & resource areas. None of these maps show any of these elements on the site to be annexed.

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.*

The County Plan notes on page 46 that "Oregon City and Clackamas County have adopted the City's Comprehensive Plan designations for the Future Urbanizable area to be served by Oregon City." As noted above these designations are Low Density Residential and Medium Density Residential or Low Density Residential/Manufactured Housing.

Among the Urbanization Goals listed in Chapter 4 is the following:

- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*

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 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.)*

Public Facilities and Services are covered in Chapter 7 of the County Plan. The following policies of this chapter are related to annexation decisions.

## **POLICIES**

\* \* \*

### **Sanitary Sewage Disposal**

\* \* \*

**4.0 Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.**

\* \* \*

**6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.**

\* \* \*

**8.0 Prohibit subsurface disposal systems within Urban Growth Boundaries except for:**

\* \* \*

- b. Parcels of ten acres or larger in Future Urbanizable areas inside the Metro Urban Growth Boundary (UGB), . . .**

\* \* \*

### **Water**

\* \* \*

**12.0 Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.**

**13.0 In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional lands.**

**14.0 Encourage development in urban areas where adequate urban water facilities already exist.**

\* \* \*

### **Street Lighting**

- 27.0     *Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary.***

### **Urban Growth Management Agreement**

As required by LCDC, Oregon City and the County have an urban growth management agreement (UGMA) by which they coordinate their planning within an area of mutual interest next to the City. The territory to be annexed falls within this urban growth management boundary (UGMB) and is subject to the agreement. Pertinent sections of the Agreement are included below.

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, in coordination with other service providers in the area.

The Agreement goes on to say:

**3.     Development Proposals in Unincorporated Area**

**• • •**

- B.     *The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB . . .***

**• • •**

**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.

#### **CITY PLANNING**

As noted above, while 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, therefore, may 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 may be pertinent to proposed annexations.

- 2. Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary.*

*\* \* \**

- 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. The proposal shall address the following:*

- (1) Consistent and supportive of the Comprehensive Plan Goals and Policies,*
- (2) Compatible with the general land use pattern in the area established by the comprehensive Plan.*

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

The City Comprehensive Plan labels Chapter I as *Community Facilities*. The following sections of that section may be pertinent.

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

**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.*

\* \* \*

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

#### Water

2. *The city will coordinate with Clackamas County and [Clackamas River] Water District to provide an efficient and orderly water system in the urban growth area.*

#### Storm Water Drainage

1. *The City will coordinate with the Tri-City Service District to ensure adequate storm water drainage facilities within the City limits.*

\* \* \*

3. *The City will coordinate with Clackamas County to ensure that adequate storm water drainage procedures are followed for new development in the urban growth area.*

#### Fire Protection

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

### **FACILITIES AND SERVICES**

ORS 195 Agreements. ORS 195 requires agreements between providers of urban services.

Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in Clackamas County.

Sewers. The City of Oregon City provides sanitary sewer collector service. A 12-inch sewer line is in Beaver Creek Road. However, the City Engineer estimates this line will not be able to serve the entire site. As a result an additional sewer line to serve the site will have to be provided from the Tri-City sewer interceptor. This additional sewer line will be difficult and expensive to provide because it must cross a City storm culvert just off Beaver Creek Road on Maple Lane.

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.

Oregon City charges its customers \$22.60 per month to use the sewerage facilities. The City has a systems development charge of \$3,178 per equivalent dwelling unit. Of this amount Oregon City retains \$1,333, transmits \$2,020 to the Tri-City Service District and \$25 is for inspection fees.

Water. The area to be annexed is in the Clackamas River Water District. Oregon City and the District have agreements for the transition of water systems from the District to the City as the City expands to its urban growth boundary. They have agreed to jointly use certain of the District's mains. Under the agreements, Oregon City can withdraw territory from the District when the City provides direct water service to an area. This occurs after the City annexation in accord with provisions of ORS 222. There are 12 inch water lines in Maple Lane & Maplelane Rd. and a 6 inch line in Thayer Rd.

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).

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is a \$1,436 systems development charge for Oregon City's distribution system, a \$1,220 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$3,206.

Storm Sewerage. When development is proposed for the subject sites the owners will be required to design and construct a storm water collection and detention system that complies with the City's development ordinance and applicable rules set forth by the state Department of Environmental Quality.

Oregon City charges a monthly storm user charge of \$2.00. The charge pays for maintenance and administration of the drainage system. The portion of projects financed by the city capital improvements program that relate to the needs of existing growth is also funded from the user charge. Oregon City also has a \$519 per residential unit system development charge for storm water facilities. This charge finances system improvements that relate to needs generated by new development.

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. The territory is currently served by the Clackamas County Sheriff's Department. 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 is 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.



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

## **APPLICANT RESPONSIBILITIES AND RESPONSES**

**Required Submissions.** The Oregon City Code requires the applicant to submit a site plan for the area showing topography, utilities, etc. Attached (Exhibit A) are full scale and 8 ½ X 11 inch reductions of the required plan.

**Applicant Response To Annexation Factors.** The City Code also asks the applicant to address the six factors which the City Commission is to consider in making its decision on the annexation. The Applicant's response is attached as Exhibit B.

**Applicant Response To Metro Criteria.** Attached as Exhibit C is the Applicant's response to the seven factors which the Metro Code requires the City Commission to consider when reviewing an annexation proposal.

## **RECOMMENDATION**

Based on the study and the Proposed Findings and Reasons for Decision attached in Exhibit D, the staff recommends Proposal No. AN-99-11 be modified to include TL 1500 of 2 2E 4C and *approved*. The staff further recommends that the 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-99-11

3S2E04

Annexation to the City of Oregon City

Clackamas



R L I S  
REGIONAL LAND INFORMATION SYSTEM



600 NE Grand Ave.  
Portland, OR 97232-2738  
Voice 503 797-1742  
FAX 503 797-1909  
Email [dra@metro-region.org](mailto:dra@metro-region.org)

**METRO**

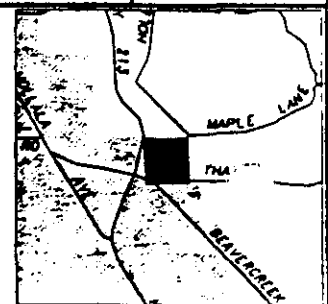
The information on this map was derived from digital databases on Metro's GIS. One may rely on the accuracy of this map. Metro cannot accept any responsibility for errors, omissions, or practical matters. There are no warranties, expressed or implied, including the accuracy of boundaries or other data in particular planning, engineering or other products. However, notification of any errors will be appreciated.

- Incorporated city
- City boundary
- Annexation boundary

PROPOSAL NO. AN-99-11  
OREGON CITY  
Figure 1

Scale: 1" = 500'

0 500 1000

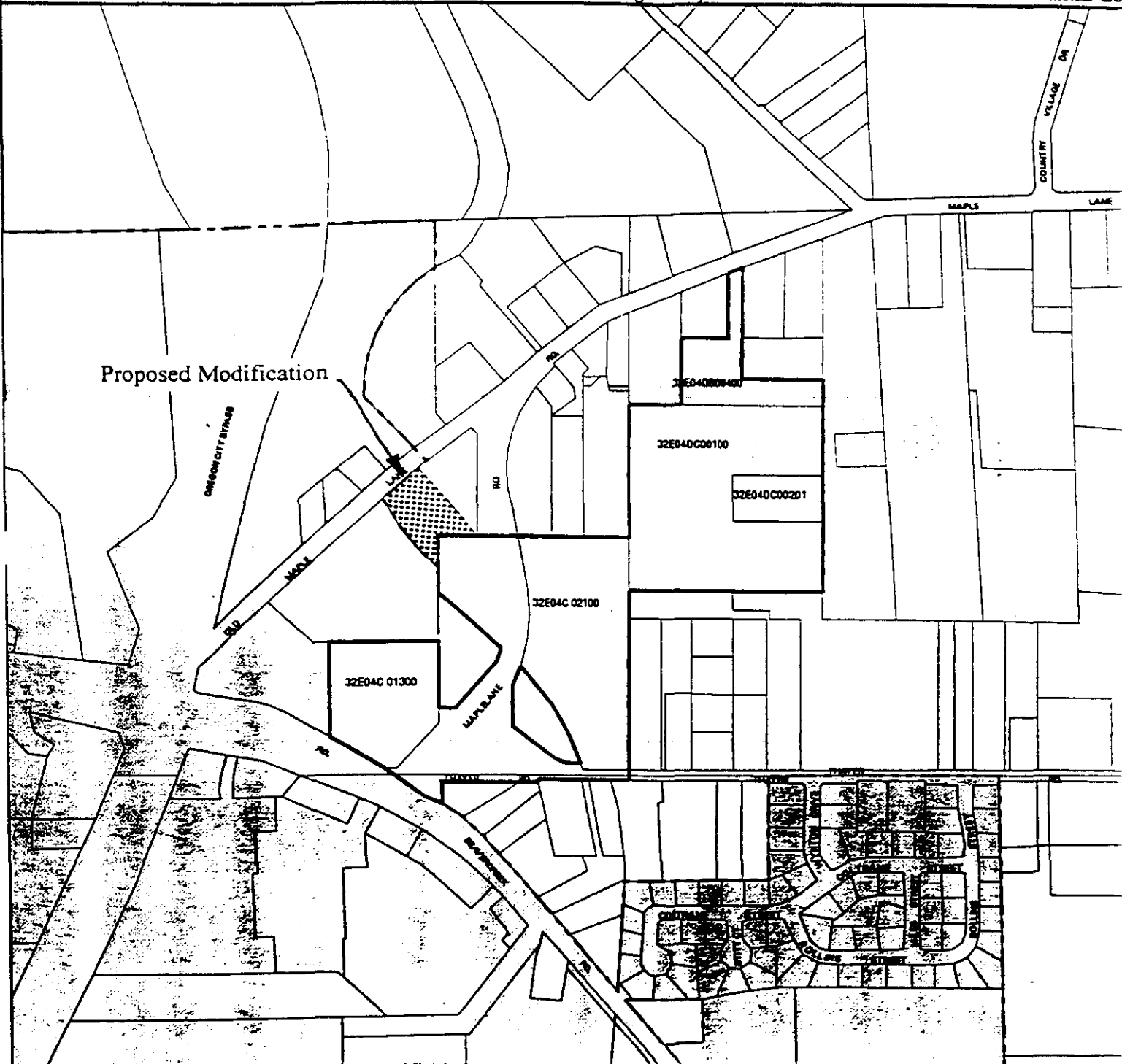


# Proposal No. AN-99-11

3S2E04

Annexation to the Oregon City

Clackamas Co



REGIONAL LAND INFORMATION SYSTEM



800 NE Grand Ave.  
Portland, OR 97232-2736  
Voice 503 787-1742  
FAX 503 787-1808  
Email [dra@metro-region.org](mailto:dra@metro-region.org)

**METRO**

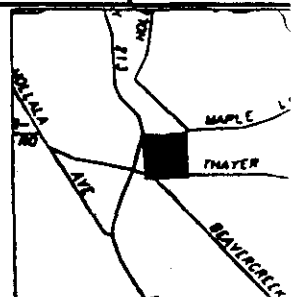
The information on this map was derived from digital databases on Metro's GIS. Care was taken in the creation of this map. Metro does not accept any responsibility for errors, omissions, or potential misuses. There are no warranties, expressed or implied, including the accuracy of representation or fitness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

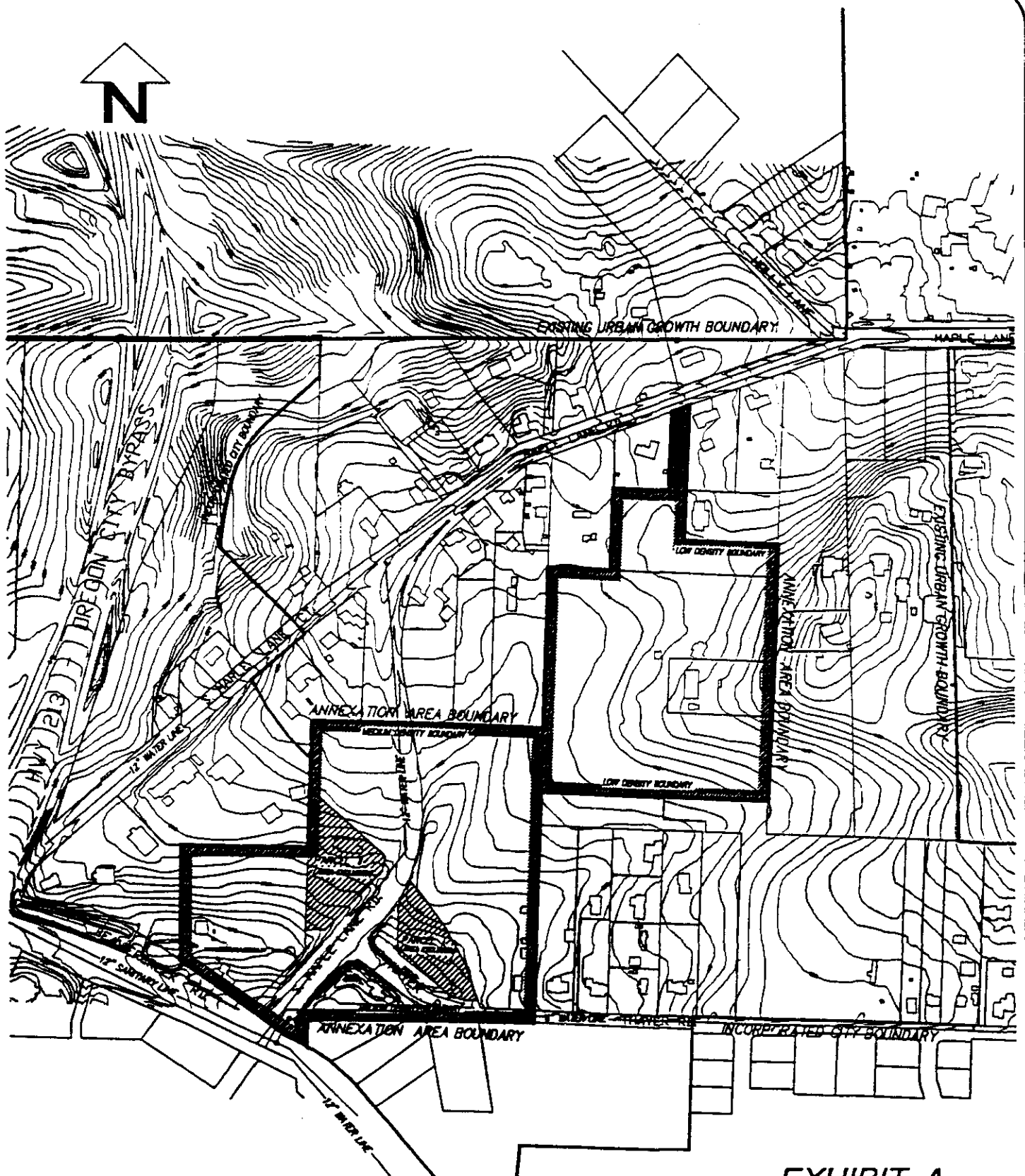
- Incorporated city
- City boundary
- Annexation boundary

**PROPOSAL NO. AN-99-11**  
**OREGON CITY**  
Figure 3

Scale: 1" = 500'

0 500 1000





## EXHIBIT A

### LAND SOLUTIONS, Inc.

PLANNING PERMITS PROJECT MANAGEMENT

P.O. BOX 38  
9140 S.E. ST. HELENS ST.  
CLACKAMAS, OR 97015

TEL: 503-722-8585  
FAX: 503-722-8555  
LANDSOLUTIONS.COM

SCALE: 1" = 400'

DATE: DEC. 1999

PROJECT #43.01

### ANNEXATION SITE PLAN

3S-2E-4DC TL 100 & 201

3S-2E-4DB TL 400

3S-2E-4C TL 1300 & 2100

**CITY OF OREGON CITY  
ANNEXATION APPLICATION NARRATIVE**

*City Boundary Changes and Extension of Services Ordinance**Section 5(E)(7) - Annexation Factors*

- a. *Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities*

**APPLICANT'S RESPONSE**

Currently, there is an existing eight inch sanitary sewer line stub located within the Maple Lane Road right-of-way at its intersection with Beavercreek Road, an existing twelve inch water line within the Maple Lane Road right-of-way through the subject area, and the overall drainage for the subject area flows from east to west to the southwestern portion of the subject area which forms the beginnings of the Newton Creek drainage basin. As per discussions with City of Oregon City staff at the pre-application meeting held to discuss this annexation application, each of these public facilities is available and has adequate capacity to serve future development of the subject area. Included with this application submittal package is a site plan for the subject area depicting the approximate locations of the existing public facilities and transportation network. The Oregon City Parks Master Plan does not identify any parks or trails within the subject area. The Oregon City School District currently serves the subject area and the district is currently operating at approximately eighty five percent of capacity.

- b. *Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*

**APPLICANT'S RESPONSE**

Although no specific development is proposed at this time, future development of the subject area will increase demand upon the listed public facilities. As discussed herein below under subsection (g), the subject area will be designated with both medium density and low density residential zoning districts upon voter annexation approval. Therefore, the increase demand will be generated through the future construction of single family residential development.

- c. *Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*

**APPLICANT'S RESPONSE**

Public infrastructure (e.g. sanitary sewer, water and storm sewer) will need to be extended to serve that portion of the subject area lying east of Maple Lane. As noted herein above, these public facilities are currently available within both the Beavercreek Road and Maple Lane Road rights-of-way to serve the subject area. Upon future development of the subject area, transportation facilities (e.g. streets, sidewalk, pathways) will be constructed as necessary to insure adequate access. Future development will contribute to the governmental operations of the City of Oregon City and school facilities of Oregon City through increases in property tax revenues generated by the subject area.

- d. *Statement outlining method and source of financing required to provide additional facilities, if any;*

**APPLICANT'S RESPONSE**

Up future development of the subject area, the costs of extending the public infrastructure necessary to serve the subject area will be paid for by the developer of the subject area through both payment of system development charges and physical construction. Public facilities that require oversizing or enlargement above that level necessary to serve the subject area such

that the facilities are capable of serving future development on the parcels surrounding the subject area may be subject to reimbursement or system development credits.

- e. *Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*

**APPLICANT'S RESPONSE**

Overall development of the subject area is directed by the City of Oregon City Comprehensive Plan ("Plan"). As provided for in the Plan, the western parcels in the subject area are designated as Medium Density Residential ("MR") and the eastern parcels as Low Density Residential ("LR"). Therefore, upon voter approval of annexation, the western parcels in the subject area designated MR will have a zone change from its currently designated Clackamas County Future Urbanizable 10 Acres ("FU-10") to the City of Oregon City Medium Density ("RD-4") and the eastern parcels in the subject area designated LR will have a zone change from its currently designated Clackamas County FU-10 to a City of Oregon City Low Density Residential zoning district, either R-6, R-8 or R-10. Given that these zoning districts are residential in scale and character, the physical methods by which the site will be enhanced generally include future single family or duplex homes with landscaped yards, streets, pedestrian/bicycle facilities, landscape strips and street trees. Future development of the subject site will enhance the social environment on and surrounding the subject, as well as the community at large, by creating opportunities for home ownership and citizen involvement in Oregon City.

- f. *Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the small subcommunity or neighborhood of which it will be come a part; and proposed actions to mitigate such negative effects, if any;*

**APPLICANT'S RESPONSE**

The potential physical, aesthetic, and related social effects of potential development consists of a wide range of changes within a community. Physical effects include improvements to urban facilities and the overall change of the landscape and number of people in it. Physical improvements to the subject area will result in more members added to the subcommunity and thus higher demand on urban services. With the introduction of new and additional urban services to the subject area, there is an opportunity for existing homes within the small subcommunity to receive service or annex and develop if they choose. Future development will generate more traffic on the streets. In turn, streets will be constructed and improved as part of the future development thereby mitigating the impacts. One intersection in particular should be noted at this time. The Beaver Creek/Highway 213 intersection will see additional use as the subject area and surrounding parcels develop in the future. The City of Oregon City and the Oregon Department of Transportation are currently undertaking planning and design of the intersection improvements necessary to handle current volumes and future growth.

Aesthetically, the subject area and small subcommunity will change over a period of time from a rural character to an urban character. This will mean some of the existing trees will be cut down however they should be preserved where opportunity allows to help mitigate the character change. The removal of trees for improvements will also be mitigated by the planting of street trees and trees used for landscaping individual parcels. Upon annexation, future development of the subject area will be subject to the City of Oregon City's regulations to insure that the development reflects the community's character as expressed through its planning policies and zoning code. Socially, the lives of residents are impacted and new opportunities arise for them to interact with others and their community. Future development will construct improvements which enhance opportunities for pedestrians to circulate throughout the small community and

get to know their existing and new neighbors. Opportunity is provided through future development to provide differing housing types within the community allowing flexibility for residents. Residents may rent, buy an affordable home or have a custom home built to their desired specifications.

- g. *Statement indicating the type and nature of any Comprehensive Plan text or map amendments or zoning text or map amendments that may be required to complete the proposed development.*

**APPLICANT'S RESPONSE**

As per the terms of the Urban Growth Management Agreement currently in effect between the City of Oregon City and Clackamas County, areas annexed into the City of Oregon City shall be subject to ministerial zoning map amendments to change from the applied Clackamas County zoning district to the zoning district corresponding with the City of Oregon City Comprehensive Plan map. In this application, the Oregon City Comprehensive Plan map designates the western parcels in the subject area as Medium Density Residential ("MR") and the eastern parcels as Low Density Residential ("LR"). Therefore, upon voter approval of annexation, the western parcels in the subject area designated MR will have a zone change from its currently designated Clackamas County Future Urbanizable 10 Acres ("FU-10") to the City of Oregon City Medium Density and the eastern parcels in the subject area designated LR will have a zone change from its currently designated Clackamas County FU-10 to a City of Oregon City Low Density Residential zoning district, either R-6, R-8 or R-10. The current Comprehensive Plan designations are depicted on the site plan submitted with this application package.

**II. REASON FOR BOUNDARY CHANGE**

- A. The Metro Code spells out criteria for consideration (Metro Code 3.09.050). Considering these criteria please provide the reasons the proposed boundary change should be made. Please be very specific. Use additional pages if necessary.**

*This section of the Metro Code states that a boundary change proposal shall address the following minimum criteria:*

1. *Consistency with directly applicable provisions in an urban service provider agreement or annexation plan adopted pursuant to ORS 195.065*

*The subject area lies immediately adjacent to the City of Oregon City city limits and within the designated dual interest area of the City of Oregon City and Clackamas County. In satisfaction of this criteria, this annexation application is consistent with the provisions of the agreement between these two jurisdictions directly applicable to this application which provide for the City of Oregon City to process and approve annexation of parcels within the dual interest area.*

2. *Consistency with directly applicable provisions of urban planning or other agreements, other than agreements adopted pursuant to ORS 195.065, between the affected entity and a necessary party;*

*The subject area is currently designated "Future Urbanizable" through the Clackamas County Comprehensive Plan and currently has a zoning designation of "FU-10". The purpose of Clackamas County's FU-10 zone is stated in Section 314.01 of the Clackamas County Zoning and Development Ordinances:*

*"314.01 PURPOSE To preserve for future development at urban densities the Future Urbanizable areas of the County as defined in the Comprehensive Plan."*

*The subject area lies within the City of Oregon City's Urban Growth Boundary and by being designated as FU-10 has been identified as appropriate for future development. Annexation to the City of Oregon City is a prerequisite for urban level development to occur within the subject area for two reasons. First, the subject area is planned to receive public facilities from the City of Oregon City and Oregon City will only serve parcels within its city limits. Second, for a change from Clackamas County's Future Urbanizable zone to an Oregon City zoning district requires annexation. In conclusion, the local comprehensive planning by both the City of Oregon City and Clackamas County has identified and zoned the subject area to accommodate future growth. This annexation application is required to satisfy the applicable comprehensive plan policies and prepare the subject area for future development.*



3. **Consistency with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facility plans;**

*The subject area is adjacent to the City of Oregon City city limits and lies within the Urban Growth Boundary. City of Oregon City Comprehensive Plan's Growth and Urbanization Policies 1 through 6 address urbanization of lands from rural to urban uses. This annexation application satisfies the applicable provisions of these policies by providing land for urban use that will be served by adequate levels of available service and facilities.*

4. **Consistency with specific directly applicable standards or criteria for boundary changes contained in Regional Framework Plan or any functional plan;**

*The Metro Regional Framework Plan contains standards and criteria guiding the management and expansion of the Urban Growth Boundary, but most are not directly applicable to this annexation application. Given that the subject area is currently within the Urban Growth Boundary, the Framework Plan does speak to the issue of annexation of properties to cities as appropriate to insure adequate governmental jurisdiction and public facilities review and approvals. The Metro Urban Growth Management Functional Plan contains population and household growth figures each jurisdiction in the region is to accommodate over the next twenty years, including the City of Oregon City. Approval of this annexation request will contribute land towards future urban level uses at the densities specified in the functional plan.*

5. **Whether the proposed changed will promote or not interfere with the timely, orderly and economic provisions of public facilities and services;**

*In satisfaction of this criteria, approval of this annexation application will incorporate into the City of Oregon City a collection of properties which promotes the timely, orderly and economic provision of public facilities, in particular sanitary sewer service. Future development of the subject area will necessitate construction of a sanitary sewer line extension capable of serving not only the subject area, but other parcels in the area presently using subsurface sewage disposable systems.*

6. **If the proposed boundary change is for annexation of territory to Metro, a determination by the Metro Council that the territory should be included in the Urban Growth Boundary shall be the primary criterion for approval;**

*The subject area is presently within the Urban Growth Boundary. This application requests approval of annexing the subject area into the City of Oregon City.*

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

*As discussed under the previous criteria, this application satisfies all applicable regional, county and city criteria for annexation into the City of Oregon City. The subject area will provide for the timely and orderly conversion of land within the Urban Growth Boundary to urban use while providing the City of Oregon City with*

*both governmental jurisdiction and the increased property tax revenues resulting from approval of this annexation. Metro, Clackamas County and the City of Oregon City have targeted the area in which the subject area lies as appropriate to accommodate future population growth within the region. Therefore, approval of this application implements urban land use planning in effect for the area.*

## **FINDINGS**

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

- 1. The territory to be annexed contains 18.01 acres, one single family residence, a population of one and is valued at \$52,970.**
- 2. Upon receiving notice of the hearing on this proposal, the owner of an adjacent parcel has requested that his property also be annexed to the City. The additional parcel is Tax Lot 1500 SW ¼ Section 4, T3S, R2E. The land use consistency and services availability analysis in this report applies to this potential additional parcel as well as to the territory originally proposed for annexation. TL 1500 contains 1.05 acres, 1 single family dwelling and is valued at \$207,000.**
- 3. The property owners desire annexation to obtain city services to facilitate the sale and ultimate development of the property. No specific development plans are being proposed at this time.**
- 4. Approval of this annexation proposal would result in the encirclement of two parcels of land located on either side of Maple Lane. The owners of these two parcels were contacted by the applicants when the annexation was being formulated to see if they, too, were interested in annexation. They were not. Staff notified the owners of these parcels (and all others within 300 feet of the proposed annexation) of the Planning Commission and City Commission hearings on the annexation. The owner of one of these parcels (TL 2200 on the east side of Maplelane) contacted staff and reiterated opposition to inclusion of his property in the City. The staff has done a detailed examination of the applicable plans and ordinances and finds no plan policies or rules relating to the formation of islands.**
- 5. There are no specific criteria for deciding city boundary changes within the statutes. However, the Legislature has directed Metro to establish criteria which 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. [ORS 195 agreements are agreements between various service providers about who will provide which services where. The agreements are mandated by ORS 195 but none are currently in place. Annexation plans are timelines for annexation which can only be done after all required 195**

agreements are in place and which must have been voted on by the City residents and the residents of the area to be annexed.]

2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.
3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. If the boundary change is to Metro, determination by Metro Council that territory should be inside the UGB shall be the primary criteria.
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.

6. This proposal is being processed under the City's recently adopted (December 1, 1999) code revisions 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;
  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 Oregon Revised Statutes Chapter 222, and Metro Code 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 the 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 annexation."

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."

7. The area to the west of Maplelane Rd. has a drainageway running east to west through the southern portion of the site. This area contains one single family dwelling with several outbuildings and ornamental landscaping. On the east side of Maplelane Rd. the land slopes gently from east to west. This is open pasture lands with some Douglas firs and with single family residences and outbuildings on two parcels.
8. This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

The law which dictates that Metro 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]." In fact, while the first two mentioned items were adopted independently, they are now part of Metro's Regional Framework Plan. The Regional Framework Plan also includes the 2040 Growth Concept. Metro is authorized to adopt functional plans which are limited purpose plans addressing designated areas and activities of metropolitan concern and which mandate local plan changes. Metro adopted one functional plan - the Urban Growth Management Functional Plan. They have codified this functional plan in Metro Code Chapter 3.07. and they include it as an appendix to the Regional Framework Plan.

The Urban Growth Management Functional Plan requires cities and counties to amend their comprehensive plans and implementing ordinances to accord with elements in the Functional Plan. Included in these requirements are such items as minimum density standards, limitations on parking standards, mandated adoption of water quality standards and rules relating to Urban Growth Boundary expansion into Urban Reserve areas. The Functional Plan was reviewed and found not to contain any directly applicable criteria for boundary changes.

The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

9. The Metro Code states that the City 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 and public facility plans." Thus the applicable plans must be examined for "specific directly applicable standards or criteria." It is the applicant's burden to prove the standards or criteria are satisfied.

The Clackamas County Comprehensive Plan is the applicable plan for this area. The general plan designation for this site is FU-10, Future Urbanizable on the County's Northwest Urban Land Map (Map IV-1). The County's Oregon City Area Land Use Plan (Map IV-5) shows Tax Lots 1300, 1500 & 2100 of the SW ¼ Sec. 4 as MR-Medium Density Residential and the remaining Tax Lots in the proposed annexation as LR-Low Density Residential. 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 City and the County are required to have an *Urban Growth Management Agreement* which is an adopted part of their Comprehensive Plans. Under the City-County Urban Planning Area Agreement the County agreed to adopt the City's Comprehensive Plan designations for this area. The zoning, as noted above, is FU-10. When property is annexed to Oregon City, it therefore already has a City planning designation. 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 Zoning of annexed areas.

#### CITY LAND USE CLASSIFICATION

##### Residential

##### City Zone

Low-density residential	R-10, R-8, R-6
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 designation as follows:

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

Under the above-quoted rules the portions of the annexation designated MR should come into the City with an RD-4 zoning designation which allows for up to 10.9 units per acre. The area with the low density designation would be assigned a single family zone (R-10, R-8 or R-6) under the rules in Section 17.06.050 of the City Code.

There may be some plan designation changes in the vicinity of this annexation which have been made by the City but which the County is not yet aware of. The entire annexation area may have a plan designation of LR-MH, Low-Density Residential/Manufactured Housing. This plan designation apparently only aligns with the R-6/MH zone. This zone allows for single family and manufactured housing on 8,000 square foot minimum lots. Under the terms of the Urban Growth Management Agreement once the City makes the County aware of these changes, the County would change its plan map designations.

The Clackamas County Comprehensive Plan consists of the 1992 Comprehensive Plan which includes various maps, the Mt. Hood Community Plan as amended and city-county growth management agreements (also called urban planning area agreements - UPAA's). The Plan is implemented by the County zoning and subdivision ordinances.

The chapters in the Comprehensive Plan consist of: Background; Issues; Summary of Findings and Conclusions; Goals; and Policies. Each chapter has been searched for materials concerning annexations. Sections of these elements which speak directly to the issue of annexation have been reviewed to decide whether the current proposal is consistent with them.

*Citizen Involvement* is the title of Chapter 2 of the Comprehensive Plan. Policy 6.0 states:

- *Seek citizen's input not only through recognized community organizations, but also through service organizations, interest groups, granges, and other ways.*

The combination of statutory and Metro notice requirements on annexations are consistent with this policy. On this annexation three notices were posted near the area to be annexed and one was posted in City Hall. Affected units of government including Clackamas River Water, Clackamas County R.F.P.D. # 1, etc. were notified. Owners of all properties within 300 feet were sent notices. Notice of the hearing was published twice in the *Clackamas Review*.

Chapter 3 of the Clackamas County Comprehensive Plan, *Natural Resources and Energy*, covers the following topics: Water Resources; Agriculture; Forests; Aggregate Resources; Wildlife Habitats and Distinctive Resource Areas; Natural Hazards; Energy Sources and Conservation. All of these topics are covered in broad terms. At no point is there any mention of any specific criteria relating to annexation. Maps are included

in the subsections on water (identifying various river conservation areas), aggregate resources and scenic & resource areas. None of these maps show any of these elements on the site to be annexed.

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.*

The County Plan notes on page 46 that "Oregon City and Clackamas County have adopted the City's Comprehensive Plan designations for the Future Urbanizable area to be served by Oregon City." As noted above these designations are Low Density Residential and Medium Density Residential or Low Density Residential/Manufactured Housing.

Among the Urbanization Goals listed in Chapter 4 is the following:

- *Encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way.*

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 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.)*



Public Facilities and Services are covered in Chapter 7 of the County Plan. The following policies of this chapter are related to annexation decisions.

**POLICIES**

\* \* \*

**Sanitary Sewage Disposal**

\* \* \*

- 4.0 *Insure that sewerage facilities in Clackamas County are developed and maintained by the appropriate sanitary district, county service district or city.*

\* \* \*

- 6.0 *Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.*

\* \* \*

- 8.0 *Prohibit subsurface disposal systems within Urban Growth Boundaries except for:*

\* \* \*

- b. *Parcels of ten acres or larger in Future Urbanizable areas inside the Metro Urban Growth Boundary (UGB), . . .*

\* \* \*

**Water**

\* \* \*

- 12.0 *Require all public water purveyors to design the extension of water facilities at levels consistent with the land use element of the Comprehensive Plan.*

- 13.0 *In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary*

*sewers and storm drainage facilities, which are necessary to serve additional lands.*

- 14.0 *Encourage development in urban areas where adequate urban water facilities already exist.*

\* \* \*

Street Lighting

- 27.0 *Encourage provision of street lighting for all new and existing developments inside the Urban Growth Boundary.*

10. As required by LCDC, Oregon City and the County have an urban growth management agreement (UGMA) by which they coordinate their planning within an area of mutual interest next to the City. The territory to be annexed falls within this urban growth management boundary (UGMB) and is subject to the agreement. Pertinent sections of the Agreement are included below.

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, in coordination with other service providers in the area.

The Agreement goes on to say:

3. Development Proposals in Unincorporated Area

\* \* \*

- B. *The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB . . .*

\* \* \*

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.

- 11.** As noted above, while 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, therefore, may 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 may be pertinent to proposed annexations.

- 2. Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary.*

\* \* \*

- 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. The proposal shall address the following:*

- (1) Consistent and supportive of the Comprehensive Plan Goals and Policies,*
- (2) Compatible with the general land use pattern in the area established by the Comprehensive Plan.*

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

The City Comprehensive Plan labels Chapter I as *Community Facilities*. The following sections of that section may be pertinent.

*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*

*• • •*

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

*• • •*

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.*

**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.*

\* \* \*

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

**Water**

2. *The city will coordinate with Clackamas County and [Clackamas River] Water District to provide an efficient and orderly water system in the urban growth area.*

**Storm Water Drainage**

1. *The City will coordinate with the Tri-City Service District to ensure adequate storm water drainage facilities within the City limits.*

\* \* \*

3. *The City will coordinate with Clackamas County to ensure that adequate storm water drainage procedures are followed for new development in the urban growth area.*

**Fire Protection**

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

12. **ORS 195 requires agreements between providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit. These agreements are to specify which governmental entity will provide which service to which area in the long term. The counties are**

responsible for facilitating the creation of these agreements. The statute was enacted in 1993 but no urban service agreements have yet been adopted in Clackamas County.

13. The City of Oregon City provides sanitary sewer collector service. A 12-inch sewer line is in Beavercreek Road. However, the City Engineer estimates this line will not be able to serve the entire site. As a result, an additional sewer line to serve the site will have to be provided from the TriCity sewer interceptor. This additional sewer line will be difficult and expensive to provide because it must cross a City storm culvert just off Beavercreek Road on Maple Lane.

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.

Oregon City charges its customers \$22.60 per month to use the sewerage facilities. The City has a systems development charge of \$3,178 per equivalent dwelling unit. Of this amount Oregon City retains \$1,333, transmits \$2,020 to the Tri-City Service District and \$25 is for inspection fees.

14. The area to be annexed is in the Clackamas River Water District. Oregon City and the District have agreements for the transition of water systems from the District to the City as the City expands to its urban growth boundary. They have agreed to jointly use certain of the District's mains. Under the agreements, Oregon City can withdraw territory from the District when the City provides direct water service to an area. This occurs after the City annexation in accord with provisions of ORS 222. There are 12 inch water lines in Maple Lane & Maplelane Rd. and a 6 inch line in Thayer Rd.

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).

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is a \$1,436 systems development charge for Oregon City's distribution system, a \$1,220 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$3,206.

15. The area to be annexed lies within the Upper Newell Creek Drainage basin, mostly within Sub-basin No. 30. There is an open drainage channel which traverses TL 1300. The City's Drainage Master Plan indicates no problems with existing facilities in this area.

When development is proposed for the subject sites the owners will be required to design and construct a storm water collection and detention system that complies with the City's development ordinance and applicable rules set forth by the state Department of Environmental Quality.

Oregon City charges a monthly storm user charge of \$2.00. The charge pays for maintenance and administration of the drainage system. The portion of projects financed by the city capital improvements program that relate to the needs of existing growth is also funded from the user charge. Oregon City also has a \$519 per residential unit system development charge for storm water facilities. This charge finances system improvements that relate to needs generated by new development.

16. 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.

17. The territory is currently served by the Clackamas County Sheriff's Department. 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 is 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.

18. Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.
19. The Oregon City Code requires the applicant to submit a site plan for the area showing topography, utilities, etc. The applicant submitted the required plan. The City Code also asks the applicant to address the six factors which the City Commission is to consider in making its decision on the annexation. The Applicant's response was attached to the City staff report and as Exhibit B and is incorporated herein in its entirety by reference. The Applicant also submitted a response to the seven factors which the Metro Code requires the City Commission to consider when reviewing an annexation proposal. This response was attached to the City staff report as Exhibit C and should be considered to be included here by reference.

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

Based on the Findings, the City Commission determined:

1. The introduction section of the Regional Framework Plan calls for Metro to encourage a high level of public awareness of its actions. The Commission notes that a public hearing was held on this matter and that extensive notice of that hearing was given including: 1) posting of notices in the vicinity of the annexation 45 days before the hearing; 2) mailed notice to necessary parties 45 days before the hearing; 3) two published notices; 4) notice by first class mail to every property owner within 300



feet. The Commission concludes this hearing and notice is consistent with this section of the Regional Framework Plan. The Regional Framework Plan contains no decision-making criteria directly applicable to boundary changes.

2. The Metro Code at 3.09.050(d)(3) calls for consistency between the City's decision and any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans;"

The Commission has reviewed the acknowledged Clackamas County Comprehensive Plan which currently applies to this site and finds approval of this annexation to be consistent with the very few directly applicable standards and criteria in that plan.

Chapter 2 of the County Comprehensive Plan calls for an emphasis on citizen participation. The Commission concludes that the extensive notice given on this proposal makes it compatible with this section of the Plan. The Commission finds general consistency between this proposed action and the *Urbanization* chapter of the County Plan. Specifically this annexation would "encourage development in areas where adequate public services and facilities can be provided in an orderly and economic way." The annexation also provides for conversion from future urbanizable to immediate urban classifications by making sewer service available as called for in Policy 5.0 of this chapter of the County Plan. The Commission considered the four conversion criteria in Policy 6.0. As the findings on Facilities and Services show, all public facilities are available to serve this site. The comprehensive plan criteria findings demonstrate that the policies of the Clackamas County comprehensive plan and provisions within the urban growth management agreement are met.

The *Public Facilities* chapter of the County Plan also contains requirements with which the Commission believes this proposal is consistent. The County, by agreeing to annexation through the UGMA, is insuring ". . . that sewerage facilities in Clackamas County are developed and maintained by the appropriate . . . city." (Policy 4.0 under the subheading of Sanitary Sewerage Disposal). By annexing to Oregon City, which can provide a full range of services, the proposal is also in accord with Policy 13.0 under the subheading Water. This requires ". . . water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities . . ." The action also is consistent with Policy 14.0 which requires the County to, "Encourage development in urban areas where adequate urban water facilities already exist."

3. With regard to Metro Code 3.09.050 (d)(2) the Commission finds that this proposal is consistent with the Clackamas County - City of Oregon City UGMA which requires the City to notify the County of any annexation decisions. The Commission notes that the record states the County was notified of this proposal. Furthermore, it is noted that the UGMA specifically provides that the City may undertake annexations within the area covered by the UGMA and that this territory is within the area.

4. **As noted in Conclusion No. 2 above, the Metro Code calls for boundary changes to be consistent with comprehensive plans. Also of the six factors to be considered by the City Commission under the City Code, factor 2 calls for "Conformity of the proposal with the City's Comprehensive Plan."**

**The Commission concludes that the annexation is consistent with the City's Plan. Specifically the Commission notes that the extensive notice requirements particularly emphasizing notice to city residents, is consistent with the Plan's emphasis on citizen involvement.**

**Policy 2 of Chapter G states that Oregon City will ensure that it will be responsible for providing the full range of urban services for annexed lands. 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. Therefore, the Commission concludes that it is not necessary to require the property owners to petition to annex to the Tri-City Service District at this time.**

5. **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." Factor 3 to be considered by the Commission under the City Code is "Adequacy and availability of public facilities and services to service potential development. The Commission concludes that the City's services are adequate to serve this area, based on Findings 13-19 and that therefore the proposed change promotes the timely, orderly and economic provision of services.**
6. **Factor 1 to be considered by the City Commission is the adequacy of access to the site. This site is well accessed by Beavercreek Road, Maplelane Road and Thayer Road.**
7. **Factor 2 & 3 of the City Code are addressed above in Reasons No 4 & 5. Factor 4 to be considered by the City, compliance with ORS 222 and Metro Code 3.09 are addressed above in Reasons No. 1-5.**

8. The fifth factor to be considered by the City Commission is natural hazards such as wetlands, floodplains and steep slopes. Examination of the City and County Comprehensive Plans reveals no natural hazards in this area. As noted in Finding 15 there is a drainage way on one portion of the site but no drainage problems exist.
9. Factor 6 to be considered deals with potential adverse affects of the annexation on open space, scenic, historic or natural resource areas. The City and County Plans do not reveal any existing such resources in the area to be annexed.
10. The last factor for City Commission consideration is "Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation." This annexation is in the Urban Growth Boundary and both the City and County Comprehensive Plans and the Urban Growth Management Agreement have anticipated this area developing within the City. As the Applicants noted in their response the ultimate development of the area will bring a change in character from rural to urban. Future development will be subject to the City's standards which have been designed to reflect the existing community's character. The Applicants go on to point out: "Socially, the lives of residents are impacted and new opportunities arise for them to interact with others and their community. Future development will construct improvements which enhance opportunities for pedestrians to circulate throughout the small community and get to know their existing and new neighbors. Opportunity is provided through future development to provide differing housing types within the community allowing flexibility for residents. Residents may rent, buy an affordable home or have a custom home built to their specifications."
11. The City Commission has received an additional petition for annexation from the owner of TL 1500 SW ¼ Section 4, T3S R2E, W.M., Clackamas County, Oregon. This piece is contiguous to the proposed annexation and similar to it in terms of land use planning consistency and service availability. Therefore the Commission approves the addition of this property to the original annexation proposal.
12. 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.
13. 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.
14. 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.

COPY

ORDINANCE NO. 99-1030

AN ORDINANCE CREATING A NEW TITLE OF THE OREGON CITY MUNICIPAL CODE OF 1991 REGARDING CITY BOUNDARY CHANGES AND EXTENSIONS OF SERVICES, AND DECLARING AN EMERGENCY.

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, on May 18, 1999 Oregon City voters approved a process for voter approval of future City boundary changes; and

WHEREAS, on June 2, 1999 the Mayor by general proclamation affirmed a City Charter amendment mandating voter approval of future City boundary changes; and

WHEREAS, it is necessary to codify the processes and procedure by which future proposed City boundary changes shall be presented to the City electorate; and

WHEREAS, processes and procedure comprising a new section of Municipal Code were reviewed by the Oregon City Planning Commission in worksession on October 25, 1999, and by public hearing on November 8, 1999; and

WHEREAS, on November 8, 1999 the Planning Commission recommended adoption of new Municipal Code section, titled "Boundary Changes and Extensions of Services" and incorporated as EXHIBIT A of this Ordinance; and

WHEREAS, the City Commission held a public hearing on the contents of EXHIBIT A on December 1, 1999; and

WHEREAS, the City Commission finds it is in the best interests of the residents of Oregon City to adopt clear processes and procedure by which future proposed City boundary changes are reviewed and prepared:

NOW, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That the Oregon City Municipal Code of 1999 is amended to add Exhibit A of this Ordinance, titled "City Boundary Changes and Extension of Services."

## **City Boundary Changes and Extension of Services**

### **Section 1. Purpose.**

It is the purpose and general intent of this Ordinance to delineate the appropriate procedures to be followed to annex territory to the City and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits are major land use actions affecting all aspects of city government and that other boundary changes and extensions of services must also be regulated.

A. With respect to annexations, the procedures and standards established in this Chapter are required for review of proposed annexations in order to:

1. Provide adequate public information and sufficient time for public review before an annexation election;
2. Maximize citizen involvement in the annexation review process;
3. Establish a system for measuring the physical, environmental, fiscal, and related social effects of proposed annexations; and
4. Ensure adequate time for staff review.

B. With respect to major and minor boundary changes or extensions of services other than annexations, it is the purpose and general intent of this Ordinance to provide a method by which such changes or extensions may be reviewed in a rational way and in accordance with applicable comprehensive plans.

### **Section 2. State and Regional Regulations Regarding Annexations, Other Boundary Changes and Extensions of Services.**

The regulations and requirements of Oregon Revised Statutes Chapter 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this Chapter.

**Section 3. Definitions.** Unless the context requires otherwise, the following definitions and their derivations shall be used in this ordinance.

"City" means the City of Oregon City, Oregon.

"Commission" or "City Commission" means the City Commission of Oregon City, Oregon.

6. If applicable, a Double-Majority Worksheet, Certification of Ownership and Voters, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 6 of this ordinance, as relevant, including:
  - a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
  - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
  - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
  - d. Statement outlining method and source of financing required to provide additional facilities, if any;
  - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
  - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
  - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

**Section 6. 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;

- 6 If applicable, a Double-Majority Worksheet, Certification of Ownership and Voters, Certification of Legal Description and Map, and Boundary Change Data Sheet on forms provided by the City.
7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in Section 6 of this ordinance, as relevant, including:
  - a. Statement of availability, capacity, and status of existing water, sewer, drainage, transportation, park and school facilities;
  - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
  - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
  - d. Statement outlining method and source of financing required to provide additional facilities, if any;
  - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;
  - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential, development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
  - g. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
8. The application fee for annexations established by resolution of the City Commission and any fees required by Metro. In addition to the application fees, the City Manager shall require a deposit, which is adequate to cover any and all costs related to the election.

**Section 6. 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 Oregon Revised Statutes Chapter 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.

**Section 7. Action by the Planning Commission.**

The Planning Commission shall conduct a public hearing in the manner provided by OCMC 17.50.170(B) to evaluate the proposed annexation and make a recommendation to the City Commission regarding how the proposal has or has not complied with the factors set forth in Section 6 Of this ordinance. The Planning Commission shall provide findings in support of its recommendation.

**Section 8. Action by City Commission.**

Upon receipt of the Planning Commission's recommendation, the City Commission shall hold a public hearing in the manner provided by OCMC 17.50.170(C). The City Commission shall endeavor to review all proposals prior to the City application deadline for submitting ballot measures to the voters. 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.

**Section 9. Legal Advertisement of Pending Election.**

After City Commission review and approval, the City Manager shall cause a legal advertisement describing the proposed annexation and pending election to be published in at least one newspaper of general circulation in the city in the manner provided by state election law. The advertisement shall be placed at least 14 days prior to the election. The size of the advertisement shall be determined by the City Manager. The advertisement shall contain: a description of the location of the property; size of the property; its current zoning and any proposal for zone changes upon annexation; a general description of the potential land uses allowed; any required Comprehensive Plan text or map amendment or Zoning Ordinance text or map amendment; and where the City Commission's evaluation of the proposed annexation may be found. Any statement regarding development of the property proposed for annexation that is dependent upon

future action by the City shall be accompanied by a disclaimer to the effect that such development would not be affected by the annexation vote.

**Section 10. Election Procedures.**

- A. Pursuant to ORS 222.130(1), the ballot title for a proposal for annexation shall contain a general description of the boundaries of each territory proposed to be annexed. The description shall use streets and other generally recognized features. Notwithstanding ORS 250.035, the statement of chief purpose shall not exceed 150 words. The City Attorney shall prepare the ballot title wording.
- B. Pursuant to ORS 222.130(2), the notice of an annexation shall be given as provided in ORS 254.095 and 254.205, except that in addition the notice shall contain a map indicating the boundaries of each territory proposed to be annexed.
- C. Pursuant to ORS 222.111(7), two or more proposals for annexation of territory may be voted upon simultaneously; however, each proposal shall be stated separately on the ballot and voted on separately.

**Section 11. Setting of Boundaries and Proclamation of Annexation.**

Upon approval by the voters of the proposed annexation, the City Commission, by Ordinance, shall set the boundaries of the area to be annexed by a legal description, adopt findings, and proclaim the results of the election.

**Section 11. Exceptions.**

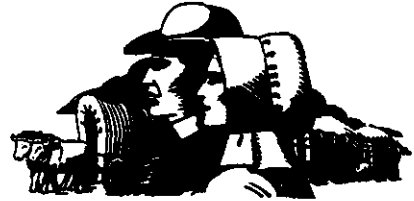
The City Commission may authorize an exception to any of the requirements of this ordinance. An exception shall require a statement of findings that indicates the basis for the exception. Exceptions may be granted for identified health hazards and for those matters which the City Commission determines that the public interest would not be served by undertaking the entire annexation process. All annexations, however, shall be referred to the voters of the City except those exempted by state law. An exception referring to an annexation application that meets the approval criteria to an election cannot be granted except as provided for in the Oregon Revised Statutes.

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### STAFF REPORT

Date: February 14, 2000

Attachment 1  
Complete: 1/11/00  
120 Day: 5/10/00

**FILE NO.:** CU 00-01(WRG)

**HEARING TYPE :** Quasi Judicial

**HEARING DATE:** February 14, 2000  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT:** City of Oregon City  
320 Warner Milne Road  
Oregon City, Oregon 97045

**OWNER:** Oregon Department of Transportation  
123 NW Flanders  
Portland, Oregon 97209-4037

**REQUEST:** Willamette River Greenway Permit for the Willamette Falls View Enhancement Project and overlook area located west of McLoughlin Blvd. and 5<sup>th</sup> Street at the intersection of 5<sup>th</sup> and Main Street.

**LOCATION:** 509 McLoughlin  
Map 2S-2E-31AB, (ODOT Right of Way).

**REVIEWER:** Paul Espe, Associate Planner

**RECOMMENDATION:** Staff recommends approval of CU 00-01 (WRG) with conditions of approval.

The proposed project would enhance the overall appearance of this section of McLoughlin Blvd and will also provide wider sidewalks for pedestrian travel along the fishing area by the bridge (between 5<sup>th</sup> and 7<sup>th</sup> Streets).

A complete list of improvements are summarized in the list below and attached as Exhibit 3:

- Overlook area to observe historic Willamette Falls
- Handicapped parking
- Bike lane along McLoughlin Blvd.
- Benches
- Decorative lighting
- Stream bank restoration
- Sidewalk enhancement and repair

Oregon City and ODOT are partnering with several private contributors through the design and construction of the project and ODOT has agreed to grant \$35,000 toward its construction. Sisul Engineering donated a complete set of design drawings and engineering design services (see Exhibit 2). Loan Star Concrete Company is interested in contributing concrete, and the Smurfit Newsprint Company is also interested in donating landscape material. The project was included in this year's Urban Renewal Work Plan which was discussed by the URA at their August 18, 1999 meeting.

#### **BASIC FACTS:**

1. The site is located along the Willamette River immediately north of the Smurfit Newsprint Company west of the intersection of McLoughlin Blvd. and 5<sup>th</sup> Street. This property is legally described as Map 2S-2E-31AB, and is located in ODOT Right-of-Way (there is no Tax Lot Number). The common address is at 509 McLoughlin Blvd.
2. The site is zoned "CBD" Central Business District and is designated as "C" in the Comprehensive Plan.
3. Surrounding land uses are as follows:

<b>Northwest:</b>	Willamette River, the Oregon City / West Linn Bridge, the Willamette Falls Locks and the City of West Linn.
<b>Northeast:</b>	Main Street businesses located in the Central Business District Zoning District.
<b>Southeast:</b>	Smurfit Newsprint Facility located in the "M-2" Light Industrial Zone.
<b>Southwest:</b>	Willamette Falls and the Willamette River.

## **ANALYSIS AND FINDINGS:**

### **I. WILLAMETTE RIVER GREENWAY PERMIT:**

- A. The criteria for a Willamette River Greenway permit are set forth in Section 17.48 of the City Code, as follows:**

- 1. Access: “Adequate public access to the Willamette River shall be considered and provided.”**

Through the construction of the public improvements related to the Falls View Enhancement Project, (ie. sidewalks, benches, landscaping and provision of handicapped access), the proposed project would provide adequate public access to the Willamette River. The proposed sidewalk widening and construction of the overlook area will facilitate public access to the area.

**The proposed overlook area and sidewalk improvements would provide adequate public access to the Willamette River; therefore, staff finds that this criterion has been satisfied.**

- 2. Protection and Safety: “Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable.”**

Pedestrian safety would be provided through the extension of the existing railing that extends along 99 East (McLoughlin Blvd). The new railings for this project would be compatible with existing railings along 99 East. Spaces between each balustrade shall have openings that span no less than 4 inches.

Four planters are proposed along the curb-line of the proposed Falls View Enhancement Project. These planters, which are 6 feet in diameter, would be constructed of exposed aggregate concrete and filled with soil to support small specimen trees and shrubs. Four concrete benches would also be anchored to the concrete sidewalk and placed in a staggered formation with the planters. The combination of benches and landscape planters would form a barrier for pedestrians from traffic along McLoughlin Blvd. Street lighting will also be provided to maintain high visibility to the site and reduce vandalism.

The proposed lights will be an “acorn” style compatible with those placed on Main Street and with the most recent rehabilitation the McLoughlin Fire Station.

5. **A Greenway Setback:** *“In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the City Comprehensive Plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.”*

The Falls View Enhancement Project has been designed to increase access and enhance views to the Willamette Falls and River. An overlook area over or adjacent to a body of water is considered a water-related or water-dependant use.

**Setbacks do not apply to water related uses, accordingly, staff finds this criterion does not apply.**

6. **Other Applicable Standards:** *“The Oregon Department of Transportation Greenway Plan, the Greenway portions of the City Comprehensive Plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway Permits.”*

**The Oregon Department of Transportation (ODOT) Greenway Plan:**

The Falls View Enhancement Project would be constructed on ODOT right-of-way and has received considerable input from this agency during the project design phase prior to the submittal of this application. In addition, ODOT has demonstrated further interest in the completion of this project by signing a Cooperative Improvement Agreement Grant with the City of Oregon City. Under the terms of this agreement, ODOT will contribute \$35,000 in State Funds for bike lanes and sidewalk improvements along Highway 99E.

ODOT was transmitted a copy of the applicant's proposal. Comments were not received since this agency's input was generated during the design phase of this application. ODOT will also be sent the Notice of Decision and staff report to review during the 10 day appeal period. And the notice of decision will also be transmitted in accordance with OCMC 17.48.120 B 1& 2.

**LCDC Goal 15:** requires in part that “ Each city and county in which the Willamette River Greenway is located shall incorporate the portions of the approved ODOT Greenway Plan in its Comprehensive Plan and implementing ordinances and other implementation measures.”

**Oregon City Downtown Community Plan:**

The proposed Willamette Falls View Enhancement Project is located in the Community Plan's Downtown Historic District. The plan has a list of suggested McLoughlin Blvd. enhancements which include: Pedestrian crossings, street furniture, wider sidewalks, River view points and decorative see-through railings. The proposed project will incorporate most of these amenities and the overall plan has been found to be consistent with the Downtown Community Plan Policy for this area.

**Staff finds that the proposed project meets the intent and is compatible with other applicable standards listed in item 6 above.**

**II. Compatibility Review**

In all areas within 150 feet of the ordinary low water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses. This is provided to ensure their compatibility with Oregon's Greenway Statutes and to insure that the best possible appearance, landscaping and public access be required.

**B. The criteria for Compatibility Review are listed as follows:**

1. *That to the greatest extent possible, the development, change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.*

The proposed development will provide greatest extent of landscaping possible, given the substrate and soil conditions of this site. Landscaping will be provided in large exposed aggregate cement planters and raised beds. These areas are to be irrigated and all maintenance will be provided by the City of Oregon City.

**Staff finds that this criterion has been satisfied.**

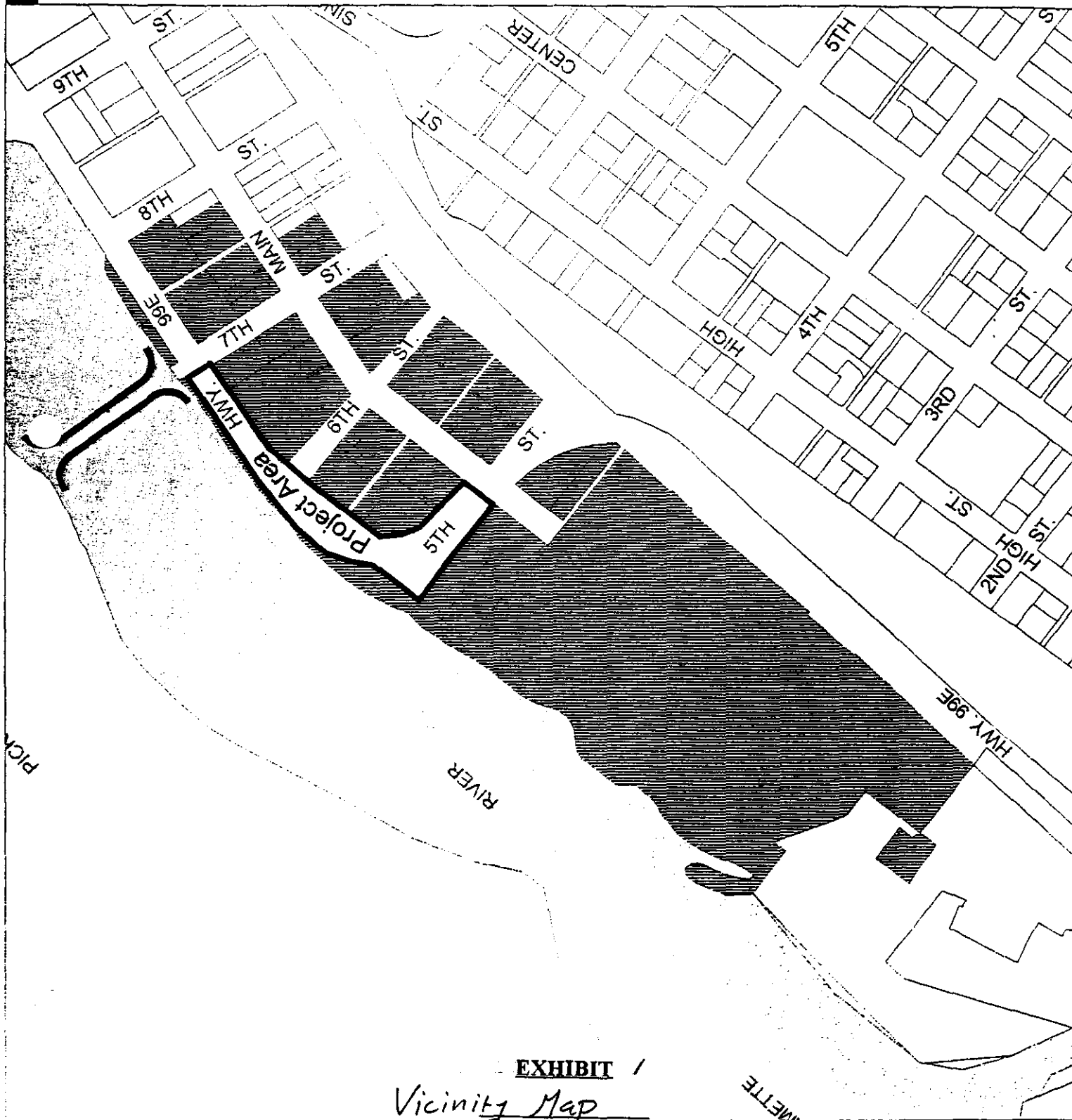
## Falls View Enhanceme

### Enhancement Area:

Notified Property: ~€



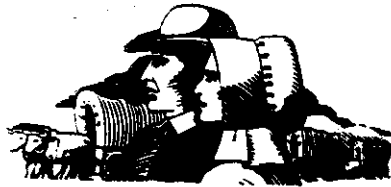
**MAP FOR REFERENCE PURPOSES ONLY.**



**EXHIBIT** /

### Vicinity Map





**FILE COPY**

**CITY OF OREGON CITY**

Incorporated 1844

320 WARNER MILNE ROAD | OREGON CITY, OREGON 97045  
TEL 657-0891 | FAX 657-7892

January 6, 2000

Oregon City Planning Department  
PO Box 3040  
Oregon City, Oregon 97045-0304

To Planning Department,

The City of Oregon City plans and proposes several bicycle and pedestrian improvements within the City limits. One of these major projects addresses improvements along Highway 99E/McLoughlin Boulevard. This project is intending to provide a continuous pedestrian and bicycle system from the Clackamas River south to 1<sup>st</sup> Street on the westside of 99E. This project has been partitioned into several phases.

One of these phases is known as the "Falls View Enhancement Project". The Falls View Enhancement project is a joint effort of the City and Oregon Department of Transportation (ODOT). In addition, there are several companies donating their time, or materials, or money to this project.

The enclosed application and plans indicate the location of the proposed improvements. The improvements include widening the existing sidewalk, developing a bike lane, adding handicapped parking, creating a lookout area, constructing benches, adding landscaping, and street lighting.

Should you have any questions or require any additional information, please contact me at (503) 657-0891 ext. 180.

Sincerely,

Sharon E. Zimmerman, P.E.  
Associate Engineer

**EXHIBIT 2**

*Applicant Submittal*

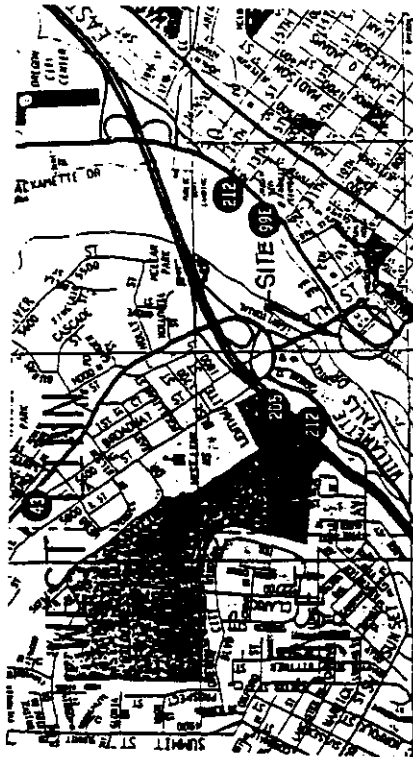
**2. Development Standards – General Considerations**

- a. **Access:** Public Access will be improved for pedestrians with sidewalk improvements. For bicyclist a bike lane and bike rack will be provided. And, for handicapped citizens, parking and ramp improvements follow ADA design criteria.
- b. **Protection and Safety:** For pedestrian safety, fencing will be provided along the boundaries of the project and street planters will act as a buffer along McLoughlin Boulevard. For vehicle safety, the concrete benches, which are designed to function as a barrier, will be installed to replace the existing concrete barriers. To maintain high visibility and discourage vandalism, lighting is to be provided throughout the project site. (For detailed information, see enclosed plans.)
- c. **Vegetative Fringe:** Currently, the vegetation consists of some grasses and blackberry vines. This project will transform this area with landscaped areas and street planters.
- d. **Directing Development Away from the River:** The project is to improve the existing sidewalk and parking facilities.
- e. **A greenway setback:** The project will enhance the natural and scenic beauty of the area. As well as, provide recreational opportunities.
- f. **Other Applicable Standards:** The ODOT Greenway Plan, the Willamette River Greenway section of the Comprehensive Plan City of Oregon City, the Willamette River Greenway statutes, and the provisions of Statewide Planning Goal 15.

# FALLS VIEW ENHANCEMENT PROJECT

LITERAL DESCRIPTION  
72A, RISE, SECTION 31

## OREGON CITY PARKS AND RECREATION



### INDEX

SHEET DESCRIPTION

- | SHEET | DESCRIPTION                              |
|-------|------------------------------------------|
| 1     | SITE PLAN                                |
| 2     | SITE PLAN                                |
| 3     | PROFILE                                  |
| 4     | GRADING, TYPICAL SECTIONS, AND TREE PLAN |
| 5     | DETAILS                                  |

### BILL ENGINEERING

375 PORTLAND AVE.  
GLADSTONE, OR. 97027  
(503) 657-0188

7/27/00

JAN. 2000

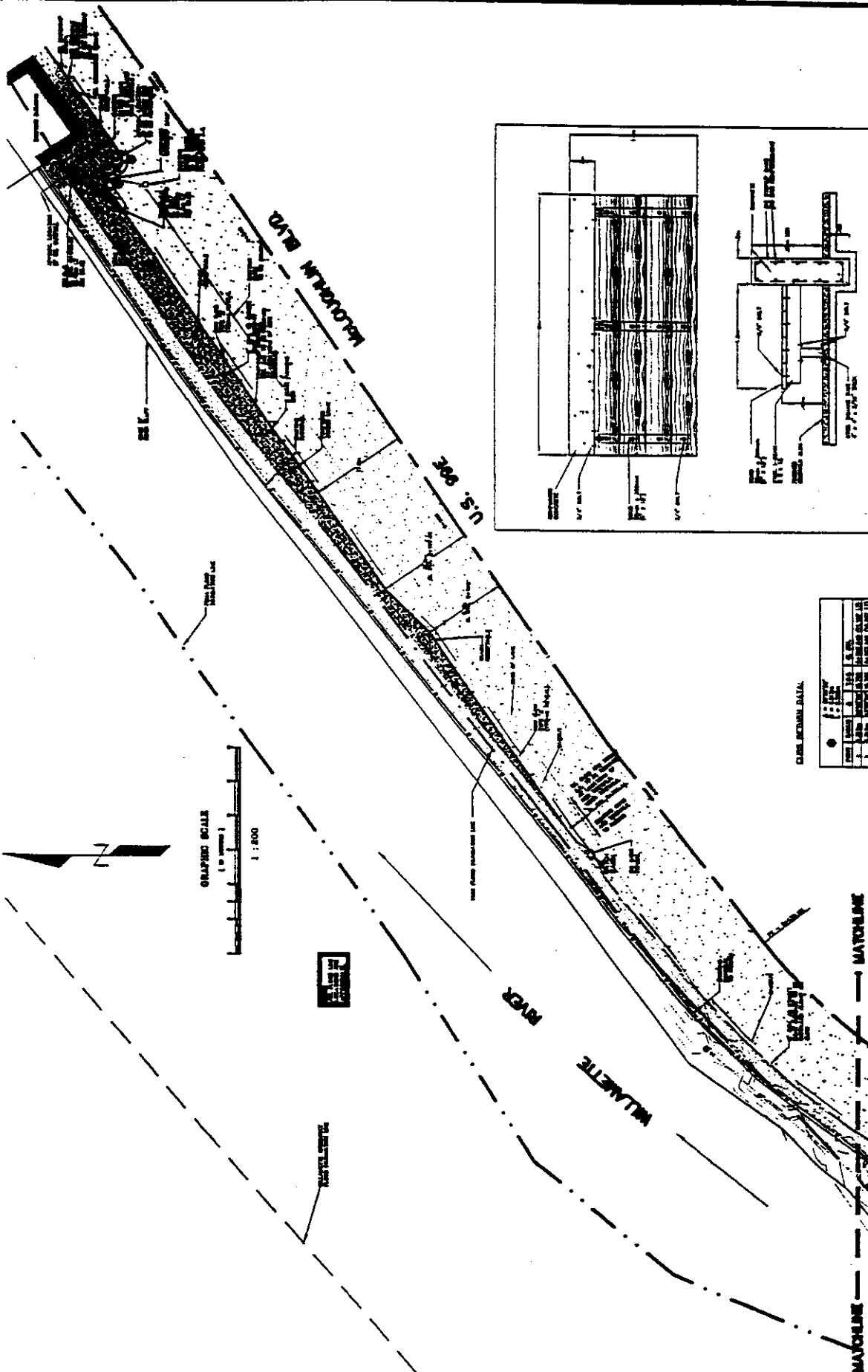
EXHIBIT 2b

Applicant Plan Set

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----



DESIGN REVIEW ONLY



GRAPHIC SCALE  
(1" = 100')

1 : 800

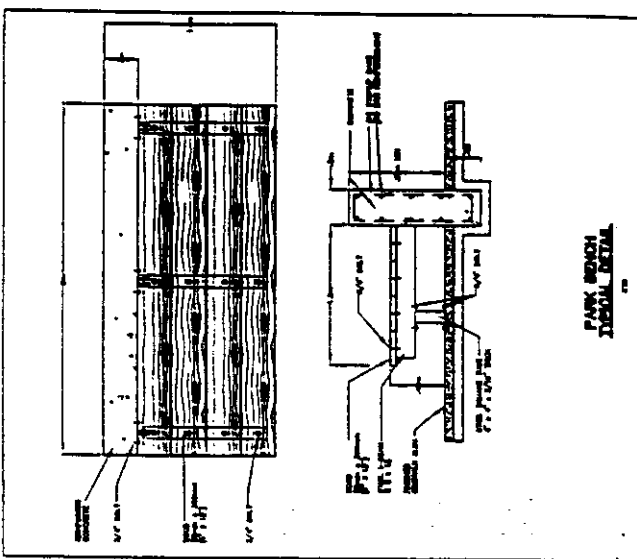


WILMOTTE RIVER

WILMOTTE RIVER

WILMOTTE RIVER

MATCHLINE



PARK BEACH  
TYPICAL DETAIL

DATE: 08/11/11

NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
-----	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
-----	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

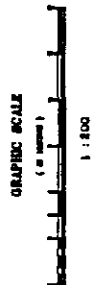
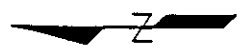
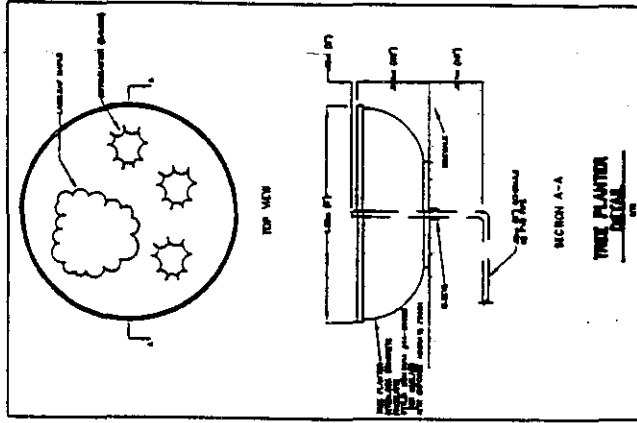
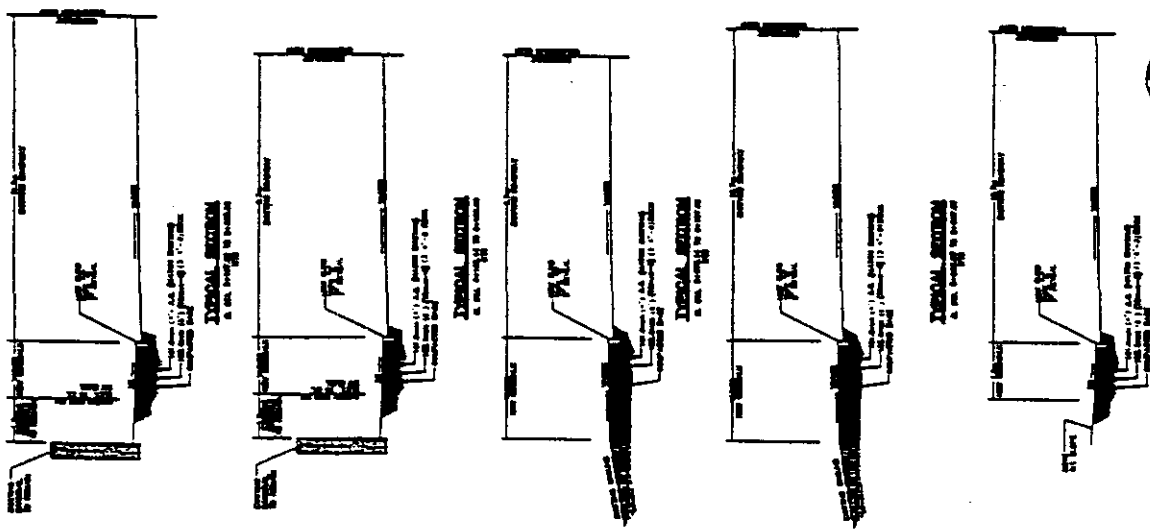
DESIGN REVIEW ONLY



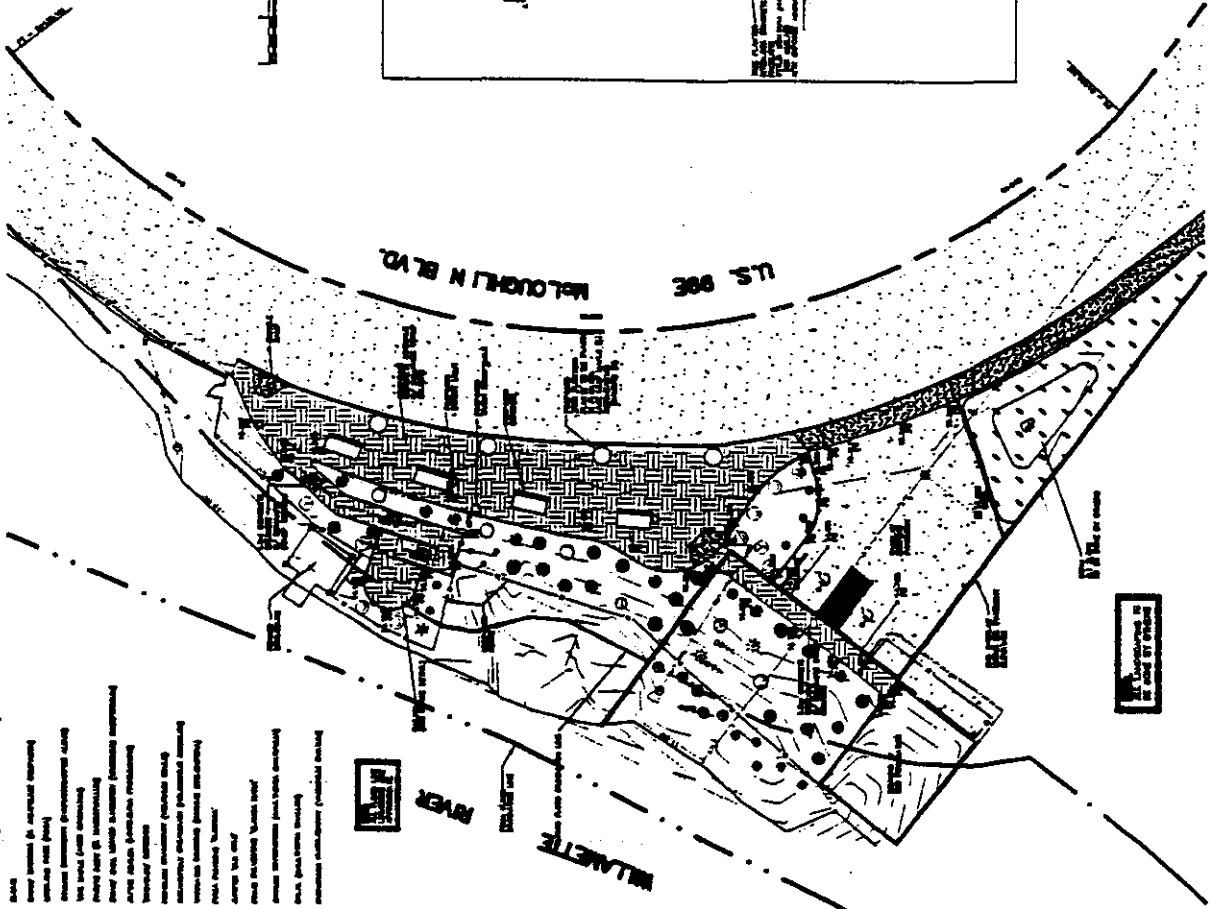
NO.	DESCRIPTION	DATE	BY	CHKD.
1				
2				
3				
4				
5				
6				
7				
8				
9				
10				

Grading, Typical Sections, and Tree Plan

JOHN CITY FALLS  
VIEW REINFORCEMENT



- 1. Existing ground surface
- 2. Proposed ground surface
- 3. Proposed road surface
- 4. Proposed sidewalk
- 5. Proposed utility lines
- 6. Proposed tree locations
- 7. Proposed building footprints
- 8. Proposed parking areas
- 9. Proposed landscaping
- 10. Proposed site access
- 11. Proposed site boundaries
- 12. Proposed site easements
- 13. Proposed site setbacks
- 14. Proposed site zoning
- 15. Proposed site permits
- 16. Proposed site conditions
- 17. Proposed site improvements
- 18. Proposed site maintenance
- 19. Proposed site monitoring
- 20. Proposed site evaluation



# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### STAFF REPORT

Date: February 14, 2000

Attachment 1  
Complete: 1/11/00  
120 Day: 5/10/00

**FILE NO.:** CU 00-01(WRG)

**HEARING TYPE :** Quasi Judicial

**HEARING DATE:** February 14, 2000  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT:** City of Oregon City  
320 Warner Milne Road  
Oregon City, Oregon 97045

**OWNER:** Oregon Department of Transportation  
123 NW Flanders  
Portland, Oregon 97209-4037

**REQUEST:** Willamette River Greenway Permit for the Willamette Falls View Enhancement Project and overlook area located west of McLoughlin Blvd. and 5<sup>th</sup> Street at the intersection of 5<sup>th</sup> and Main Street.

**LOCATION:** 509 McLoughlin  
Map 2S-2E-31AB, (ODOT Right of Way).

**REVIEWER:** Paul Espe, Associate Planner

**RECOMMENDATION:** Staff recommends approval of CU 00-01 (WRG) with conditions of approval.

## **CRITERIA:**

### **Municipal Code:**

Section 17.50 CBD Central Business District  
Section 17.50 Administration and Procedures  
Section 17.48 Willamette River Greenway Overlay District

### **Comprehensive Plan**

Section K: Willamette River Greenway

## **EXECUTIVE SUMMARY:**

The Willamette River Greenway Program of the State of Oregon consists of the cooperative efforts of State agencies and local governments to protect and enhance the historical, agricultural natural, recreational, scenic, and economic resources of the Willamette River Corridor. LCDC Goal 15 requires in part that each city and county where the Willamette River Greenway is located shall incorporate the portions of the approved ODOT Greenway Plan in its Comprehensive Plan and implementing ordinances.

The City of Oregon City, in conjunction with the Oregon Department of Transportation (ODOT) is requesting Planning Commission approval for the construction of the Falls View Enhancement Project. The entire project consists of improvements along McLoughlin Blvd. between 5<sup>th</sup> and 7<sup>th</sup> Street. (See Exhibit 2) City funding has been approved and construction of improvements can begin immediately for a major portion of the project between 5<sup>th</sup> and 6<sup>th</sup> Street. These proposed improvements would also serve the overlook area.

The entire plan would provide the public with a view of the Willamette Falls and wider sidewalks for pedestrian travel to from 5<sup>th</sup> Street to 7<sup>th</sup> Street. An educational plaque that tells the story about the commercial activities that occurred in the past will also be located in the overlook area. Although not indicated in the site plan, a bike lane along the median shoulder will also be established along McLoughlin Blvd adjacent to the project. See Exhibit 2.

The overlook area will have low profile ornamental trees and shrubs in raised planters, and the remaining exposed river bank will be restored with low lying native vegetation and ground cover to preserve views (See Landscape Plan (Pg. 4), Exhibit 2). Four "acorn" style street lights will be installed in the overlook area adjacent to the benches. A handicapped parking turn-out will be located adjacent to the project to the immediate southeast and will provide two handicapped parking spaces.

The proposed project would enhance the overall appearance of this section of McLoughlin Blvd and will also provide wider sidewalks for pedestrian travel along the fishing area by the bridge (between 5<sup>th</sup> and 7<sup>th</sup> Streets).

A complete list of improvements are summarized in the list below and attached as Exhibit 3:

- Overlook area to observe historic Willamette Falls
- Handicapped parking
- Bike lane along McLoughlin Blvd.
- Benches
- Decorative lighting
- Stream bank restoration
- Sidewalk enhancement and repair

Oregon City and ODOT are partnering with several private contributors through the design and construction of the project and ODOT has agreed to grant \$35,000 toward its construction. Sisul Engineering donated a complete set of design drawings and engineering design services (see Exhibit 2). Loan Star Concrete Company is interested in contributing concrete, and the Smurfit Newsprint Company is also interested in donating landscape material. The project was included in this year's Urban Renewal Work Plan which was discussed by the URA at their August 18, 1999 meeting.

#### **BASIC FACTS:**

1. The site is located along the Willamette River immediately north of the Smurfit Newsprint Company west of the intersection of McLoughlin Blvd. and 5<sup>th</sup> Street. This property is legally described as Map 2S-2E-31AB, and is located in ODOT Right-of-Way (there is no Tax Lot Number). The common address is at 509 McLoughlin Blvd.
2. The site is zoned "CBD" Central Business District and is designated as "C" in the Comprehensive Plan.
3. Surrounding land uses are as follows:

<b>Northwest:</b>	Willamette River, the Oregon City / West Linn Bridge, the Willamette Falls Locks and the City of West Linn.
<b>Northeast:</b>	Main Street businesses located in the Central Business District Zoning District.
<b>Southeast:</b>	Smurfit Newsprint Facility located in the "M-2" Light Industrial Zone.
<b>Southwest:</b>	Willamette Falls and the Willamette River.



4. **Active Land Use Application(s) :**  
SP00-01, for the design review of the Willamette Falls View Enhancement Project will be reviewed under a Type II process concurrently by planning staff with this application request.
5. Transmittals on the proposal were sent to various City departments, affected agencies, property owners within 300 feet of the proposed project and the McLoughlin Neighborhood Association.
6. In 1973, the Oregon State Legislative Assembly designated the Willamette River Greenway Corridor. This was done by protecting and preserving the natural, scenic qualities of lands and preserving historical sites and structures along the Willamette River. This corridor was established to implement the State policy established under ORS 390.010. It is in the public interest to develop and maintain a natural scenic, historical and recreational Greenway upon lands along the Willamette River to be known as the Willamette River Greenway.
7. This project is located within the Compatibility Boundary identified in OCMC Ch. 17.48.100 (Compatibility Boundary). In all areas within 150 feet of the ordinary low water line of the Willamette River, the provisions of this subsection shall be applicable to all developments and changes, or intensification of uses in order to ensure their compatibility with Oregon's Greenway Statutes.
8. Policy 1 of Section K in the Comprehensive Plan states that this application shall be processed through the conditional use administrative procedure and is the reason this project is before the Planning Commission at this time.

## **ANALYSIS AND FINDINGS:**

### **I. WILLAMETTE RIVER GREENWAY PERMIT:**

#### **A. The criteria for a Willamette River Greenway permit are set forth in Section 17.48 of the City Code, as follows:**

1. ***Access: "Adequate public access to the Willamette River shall be considered and provided."***

Through the construction of the public improvements related to the Falls View Enhancement Project, (ie. sidewalks, benches, landscaping and provision of handicapped access), the proposed project would provide adequate public access to the Willamette River. The proposed sidewalk widening and construction of the overlook area will facilitate public access to the area.

**The proposed overlook area and sidewalk improvements would provide adequate public access to the Willamette River; therefore, staff finds that this criterion has been satisfied.**

2. ***Protection and Safety: "Maintenance of public safety and protection of public and private property, especially from vandalism and trespass, shall be provided to the maximum extent practicable."***

Pedestrian safety would be provided through the extension of the existing railing that extends along 99 East (McLoughlin Blvd). The new railings for this project would be compatible with existing railings along 99 East. Spaces between each balustrade shall have openings that span no less than 4 inches.

Four planters are proposed along the curb-line of the proposed Falls View Enhancement Project. These planters, which are 6 feet in diameter, would be constructed of exposed aggregate concrete and filled with soil to support small specimen trees and shrubs. Four concrete benches would also be anchored to the concrete sidewalk and placed in a staggered formation with the planters. The combination of benches and landscape planters would form a barrier for pedestrians from traffic along McLoughlin Blvd. Street lighting will also be provided to maintain high visibility to the site and reduce vandalism.

The proposed lights will be an "acorn" style compatible with those placed on Main Street and with the most recent rehabilitation the McLoughlin Fire Station.

**The above listed components for this project will maintain public safety of public and private property. Therefore, Staff finds that this criterion has been satisfied.**

3. **Vegetative Fringe:** *"The natural vegetation fringe along the Willamette River shall be protected and enhanced to the maximum extent practicable."*

Very little vegetation exists on site. Present vegetation consists of sparse exotic grasses. Approximately 30% of the project area will be re-vegetated with native shrubs and irrigated. Low-growing trees have been utilized for the large round concrete planters to preserve views. All of the riverbank plantings would consist of low-lying native vegetation to preserve views of the Willamette Falls. Raised tree planters were utilized in this application since the substrate would not support natural vegetative communities.

**The proposed improvements will not affect the vegetative fringe in this area of the Willamette River Greenway; addition of street trees and landscape planters would enhance the overlook area. Staff finds this criterion has been satisfied.**

4. **Directing development away from the River:** *"Development shall be directed away from the Willamette River to the greatest possible degree, provided that lands committed to urban uses within the Greenway may continue as urban uses, subject to the nonconforming use provisions of Chapter 17.58 of this title."*

The Falls View Enhancement Project proposes several bicycle and pedestrian improvements. This is the first step of a multi-phase project that will be constructed along the east bank of the Willamette River from First Street to Clackamette Park. The intent of this criterion is to direct unrelated and incompatible development away from the Willamette River in areas that have established riparian vegetation to minimize its disturbance. This site is underdeveloped and has little, if any, vegetation along the riverbank.

In most areas of this site, the substrate is predominately basaltic and would not support a complete riparian habitat that is typically characterized by a canopy of large trees. This project is designed to enhance the bank of the Willamette River in a different and more useful way by providing an overlook area and additional pedestrian accessibility, which is an appropriate use for this location. Accordingly, Staff finds that directing development of this nature away from the river would not satisfy the needs of this project and is not the intent of this ordinance since its strict application would not make this development possible.

**Staff finds that this criterion has been satisfied.**

5. **A Greenway Setback:** *“In each application, the approving officer or body shall establish a setback to keep structures separated from the Willamette River in order to protect, maintain, preserve and enhance the natural scenic, historic and recreational qualities of the Willamette River Greenway, as set forth in the City Comprehensive Plan; provided, however, that the requirement to establish such setbacks shall not apply to water-related or water-dependent uses.”*

The Falls View Enhancement Project has been designed to increase access and enhance views to the Willamette Falls and River. An overlook area over or adjacent to a body of water is considered a water-related or water-dependant use.

**Setbacks do not apply to water related uses, accordingly, staff finds this criterion does not apply.**

6. **Other Applicable Standards:** *“The Oregon Department of Transportation Greenway Plan, the Greenway portions of the City Comprehensive Plan, the Willamette River Greenway statutes and the provisions of Statewide Planning Goal 15, shall also be considered in actions involving Willamette River Greenway Permits.”*

**The Oregon Department of Transportation (ODOT) Greenway Plan:**

The Falls View Enhancement Project would be constructed on ODOT right-of-way and has received considerable input from this agency during the project design phase prior to the submittal of this application. In addition, ODOT has demonstrated further interest in the completion of this project by signing a Cooperative Improvement Agreement Grant with the City of Oregon City. Under the terms of this agreement, ODOT will contribute \$35,000 in State Funds for bike lanes and sidewalk improvements along Highway 99E.

ODOT was transmitted a copy of the applicant's proposal. Comments were not received since this agency's input was generated during the design phase of this application. ODOT will also be sent the Notice of Decision and staff report to review during the 10 day appeal period. And the notice of decision will also be transmitted in accordance with OCMC 17.48.120 B 1& 2.

**City Comprehensive Plan:** The Willamette River Greenery Program of the State of Oregon consists of the cooperative efforts of State agencies and local governments to protect and enhance the historical, agricultural, natural, recreational, scenic and economic resources of the Willamette River Corridor. The Oregon City Comprehensive states that major scenic views, drives and sites should be preserved, particularly those with sweeping vistas and along waterways. Preservation of the many scenic views of and along the Willamette River is a major goal of the Greenway Program (the scenic views to be preserved are listed in the Scenic Views subsection of the Natural Resources section of the Comprehensive Plan.)

**Section J (Parks and Recreation):** This section of the Comprehensive Plan outlines future park needs and current park availability. Needs for additional bike trails, picnic areas, running tracks, waterfront recreation and nature trails have been documented and could tie in with the Greenway. Shore-front development should be enhanced by the addition of landscaping and by allowing scenic views from Highway 99E (McLoughlin Boulevard).

**Section L (Transportation):** In this section the Comprehensive Plan states that beautification of Highway 99E is needed along the River, particularly in downtown Oregon City. Addition of landscaping and pedestrian oriented amenities could provide a link between downtown business and the River. Use of the Willamette River for log rafts, barge movement and water-based transportation serves a vital purpose and provides some interest to those viewing the river. These activities should be allowed to continue.

**Section K (Willamette River Greenway):** The Oregon City Comprehensive Plan also states that the extension of this walkway along McLoughlin Blvd to Clackamette Park should be considered to take advantage of the many views along the river and provide for pedestrian access along the length of the Greenway in Oregon City. This walkway should be protected from traffic and provided with pedestrian amenities such as: benches, drinking fountains, landscaping and informative plaques describing the River views and history.

A bicycle route should be combined with the walkway and the highway to provide for all modes of transit along the river. This bikeway / walkway has already been proposed for Oregon City in the 1975 Willamette River Greenway Plan prepared for the State Department of Transportation.

**LCDC Goal 15:** requires in part that “ Each city and county in which the Willamette River Greenway is located shall incorporate the portions of the approved ODOT Greenway Plan in its Comprehensive Plan and implementing ordinances and other implementation measures.”

**Oregon City Downtown Community Plan:**

The proposed Willamette Falls View Enhancement Project is located in the Community Plan’s Downtown Historic District. The plan has a list of suggested McLoughlin Blvd. enhancements which include: Pedestrian crossings, street furniture, wider sidewalks, River view points and decorative see-through railings. The proposed project will incorporate most of these amenities and the overall plan has been found to be consistent with the Downtown Community Plan Policy for this area.

**Staff finds that the proposed project meets the intent and is compatible with other applicable standards listed in item 6 above.**

**II. Compatibility Review**

In all areas within 150 feet of the ordinary low water line of the Willamette River, hereinafter referred to as the "compatibility boundary," the provisions of this subsection shall be applicable to all developments and changes or intensification of uses. This is provided to ensure their compatibility with Oregon's Greenway Statutes and to insure that the best possible appearance, landscaping and public access be required.

**B. The criteria for Compatibility Review are listed as follows:**

1. *That to the greatest extent possible, the development, change or intensification of use provides for the maximum possible landscaped area, open space or vegetation between the activity and the river.*

The proposed development will provide greatest extent of landscaping possible, given the substrate and soil conditions of this site. Landscaping will be provided in large exposed aggregate cement planters and raised beds. These areas are to be irrigated and all maintenance will be provided by the City of Oregon City.

**Staff finds that this criterion has been satisfied.**

2. *That to the greatest degree possible, necessary public access is provided to, and along the Willamette River by appropriate legal means.*

The primary objective of the Falls View Enhancement Project is to increase public enjoyment of the Willamette Falls River by providing site amenities that enhance accessibility to the river. This will include an overlook area for observation of the river with a historic monument, planters and benches. Public access will be provided through several modes of transportation, which include a bike lane and handicapped parking improvements.

**Staff finds that adequate public access will be provided to this site and that this criterion has been satisfied.**

### **CONCLUSION:**

Based on the above listed evidence submitted to the record and the analysis and findings as described above, staff concludes that the proposed Falls View Enhancement Project meets the criteria found in OCMC Ch. 17.48 Willamette River Greenway

### **RECOMMENDATION:**

Staff recommends that the Planning Commission approve Conditional Use Permit, CU00-01(WRG), affecting the property identified as Map 2S-3E-31AB (ODOT Right-of-Way), Clackamas County, based on the finding of facts, and exhibits and conditions of approval:

1. The applicant shall file a design review for this project. The Design Review shall be reviewed under a Type II process.
2. The proposed railing for the overlook area shall be compatible with the existing railing along McLoughlin Blvd. Spacing between each balustrade shall not exceed four inches in width.
3. Additional native vegetative groundcover shall be used to prevent competition of exotic species and to stabilize the stream bank.
4. Vandal-proof plastic globes shall be used for street lights.

### **EXHIBITS:**

1. Vicinity Map
2. Applicant Submittal
  - 2a. Applicant Narrative
  - 2b. Applicant Plan Set (on file)
3. Project Construction List

A-PP9905

Falls View Enhanceme

Enhancement Area  
Notified Property



MAP FOR REFERENCE PURPOSES ONLY.  
The information on this map is derived from Oregon  
Department of Transportation data and is not  
guaranteed. Please contact Oregon Dept.  
of Transportation for more information. Notations of any  
kind are not to be construed as a warranty.

Plot date: Jan 4, 2000; g:\projects\assaults\p9905

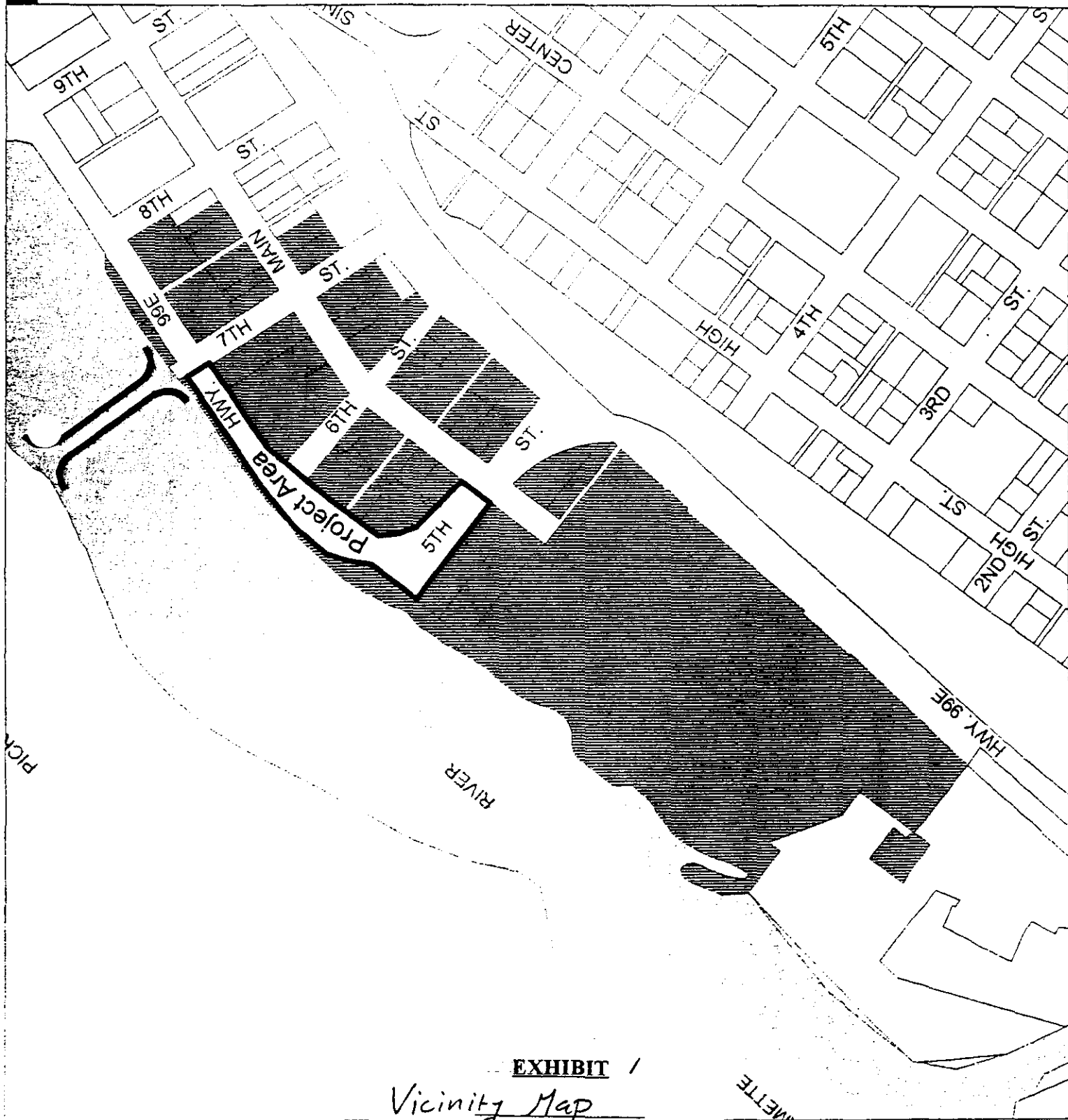


EXHIBIT 1

Vicinity Map

Please recycle with colored office grade paper



# Falls View Enhancement Project

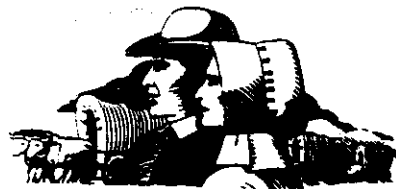
Tax Lots



MAP FOR THE FALLS VIEW ENHANCEMENT PROJECT  
This information is for informational purposes only. It is not intended to be used for any other purpose. The information is not intended to be used for any other purpose. The information is not intended to be used for any other purpose. The information is not intended to be used for any other purpose.



**EXHIBIT 1a**  
*Vicinity Map*



**FILE COPY**

**CITY OF OREGON CITY**

Incorporated 1844

320 WARNER MILNE ROAD | OREGON CITY, OREGON 97045  
TEL 657-0891 | FAX 657-7892

January 6, 2000

Oregon City Planning Department  
PO Box 3040  
Oregon City, Oregon 97045-0304

To Planning Department,

The City of Oregon City plans and proposes several bicycle and pedestrian improvements within the City limits. One of these major projects addresses improvements along Highway 99E/McLoughlin Boulevard. This project is intending to provide a continuous pedestrian and bicycle system from the Clackamas River south to 1<sup>st</sup> Street on the westside of 99E. This project has been partitioned into several phases.

One of these phases is known as the "Falls View Enhancement Project". The Falls View Enhancement project is a joint effort of the City and Oregon Department of Transportation (ODOT). In addition, there are several companies donating their time, or materials, or money to this project.

The enclosed application and plans indicate the location of the proposed improvements. The improvements include widening the existing sidewalk, developing a bike lane, adding handicapped parking, creating a lookout area, constructing benches, adding landscaping, and street lighting.

Should you have any questions or require any additional information, please contact me at (503) 657-0891 ext. 180.

Sincerely,

Sharon E. Zimmerman, P.E.  
Associate Engineer

**EXHIBIT 2**

*Applicant Submittal*

December 28, 1999

Falls View Enhancement Project

Sharon E. Zimmerman, P.E. Project Manager

A. Brief Description of the Project

The Falls View Enhancement Project is one phase, 7<sup>th</sup> street to 5<sup>th</sup> street, of the City of Oregon City's efforts to provide a continuous pedestrian and bicycle system along Highway 99E/McLoughlin Boulevard within the City limits. When the overall project is completed, it will originate at Clackamas River continue south to 1<sup>st</sup> Street on the westside of 99E.

This project is a community and public agency effort. Many businesses and citizens have donated time, materials, and/or money to this project. Both the City of Oregon City (City) and Oregon Department of Transportation (ODOT) have a vested interest in this area. The City has stated an interest for the beautification and improvements to pedestrian amenities in The Comprehensive Plan City of Oregon City on April 16, 1982. ODOT has demonstrated their support of these goals with funding, supplying the land, and input during the project design phase.

In addition to beautification and pedestrian access, this project provides the following improvements:

- Viewpoint Landing to observe the historic Willamette Falls
- Handicapped parking
- Bike Lane creation along McLoughlin Boulevard
- Benches
- Decorative Lighting

B. Willamette River Greenway permit

1. Compatibility Review

- a. Landscaped Area – The Falls View Enhancement project includes landscaping improvements. The beautification will be achieved through planted areas and street planters. These areas are to be irrigated. The City of Oregon City will provide the maintenance.
- b. Public Access – The Falls View Enhancement project objective is to increase public enjoyment of the Willamette River by providing a Willamette Falls lookout pad and benches. Public Access will be provided through several modes of transportation. The project includes pedestrian, bike lane, and handicapped parking improvements.

**EXHIBIT 2a**

*Applicant Narrative*

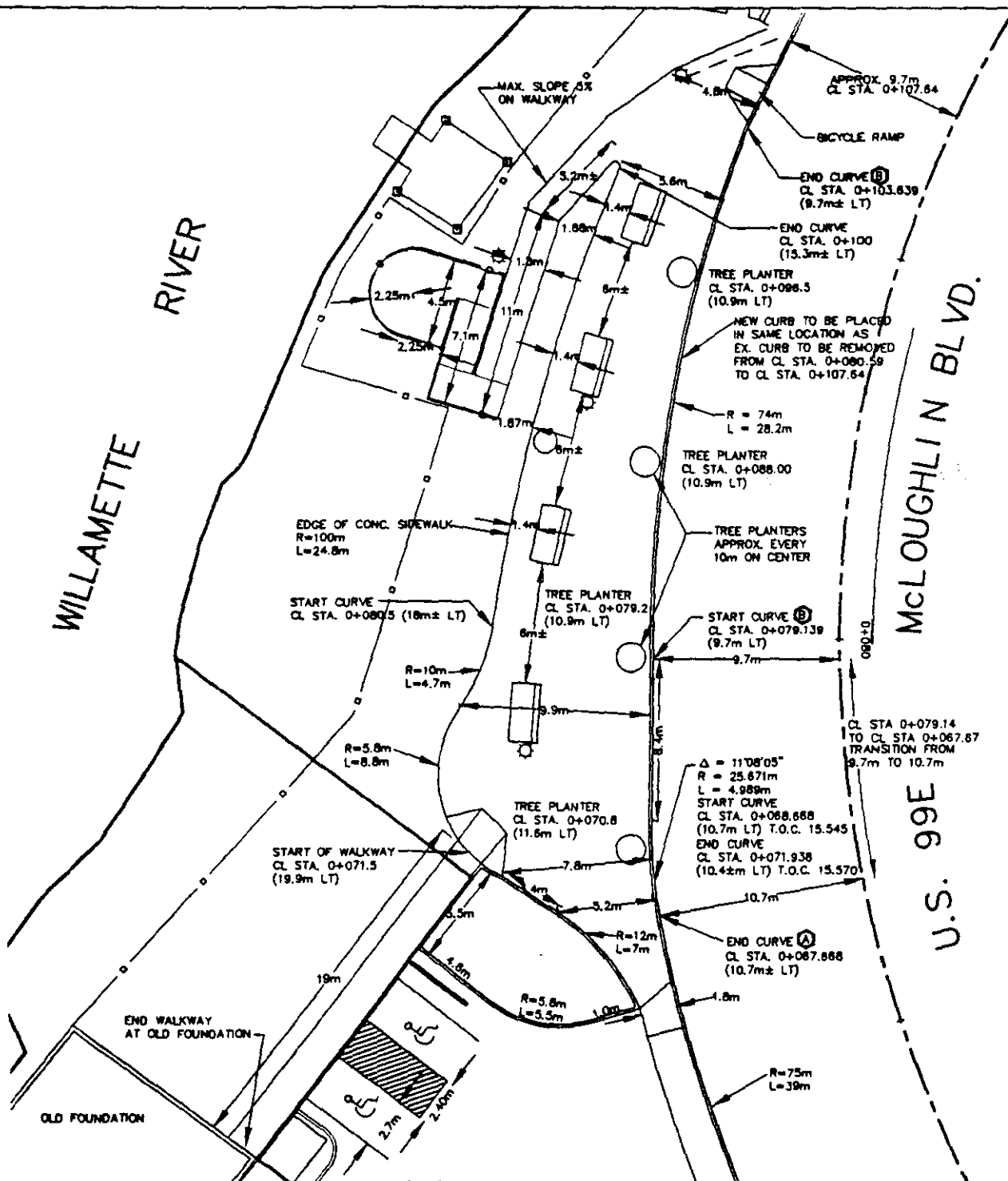
2. Development Standards – General Considerations

- a. Access: Public Access will be improved for pedestrians with sidewalk improvements. For bicyclist a bike lane and bike rack will be provided. And, for handicapped citizens, parking and ramp improvements follow ADA design criteria.
- b. Protection and Safety: For pedestrian safety, fencing will be provided along the boundaries of the project and street planters will act as a buffer along McLoughlin Boulevard. For vehicle safety, the concrete benches, which are designed to function as a barrier, will be installed to replace the existing concrete barriers. To maintain high visibility and discourage vandalism, lighting is to be provided throughout the project site. (For detailed information, see enclosed plans.)
- c. Vegetative Fringe: Currently, the vegetation consists of some grasses and blackberry vines. This project will transform this area with landscaped areas and street planters.
- d. Directing Development Away from the River: The project is to improve the existing sidewalk and parking facilities.
- e. A greenway setback: The project will enhance the natural and scenic beauty of the area. As well as, provide recreational opportunities.
- f. Other Applicable Standards: The ODOT Greenway Plan, the Willamette River Greenway section of the Comprehensive Plan City of Oregon City, the Willamette River Greenway statutes, and the provisions of Statewide Planning Goal 15.

WILLAMETTE RIVER

McLOUGHLIN BLVD.

U.S. 99E



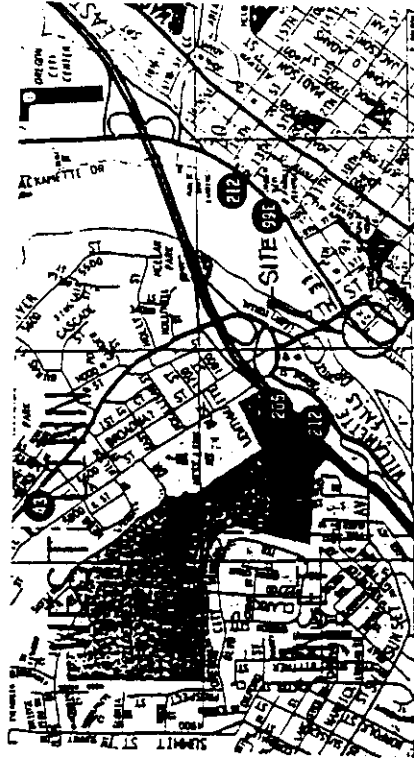
CONCRETE SIDEWALK

SCALE 1:200

# FALLS VIEW ENHANCEMENT PROJECT

LITHAL DESCRIPTION  
1725, N.E.E. SECTION 31

## OREGON CITY PARKS AND RECREATION



### INDEX

#### SHEET DESCRIPTION

- | SHEET | DESCRIPTION                     |
|-------|---------------------------------|
| 1     | SITE PLAN                       |
| 2     | SITE PLAN                       |
| 3     | PROFILE                         |
| 4     | GRAVING                         |
| 5     | TYPICAL SECTIONS, AND TREE PLAN |
| 6     | DETAILS                         |

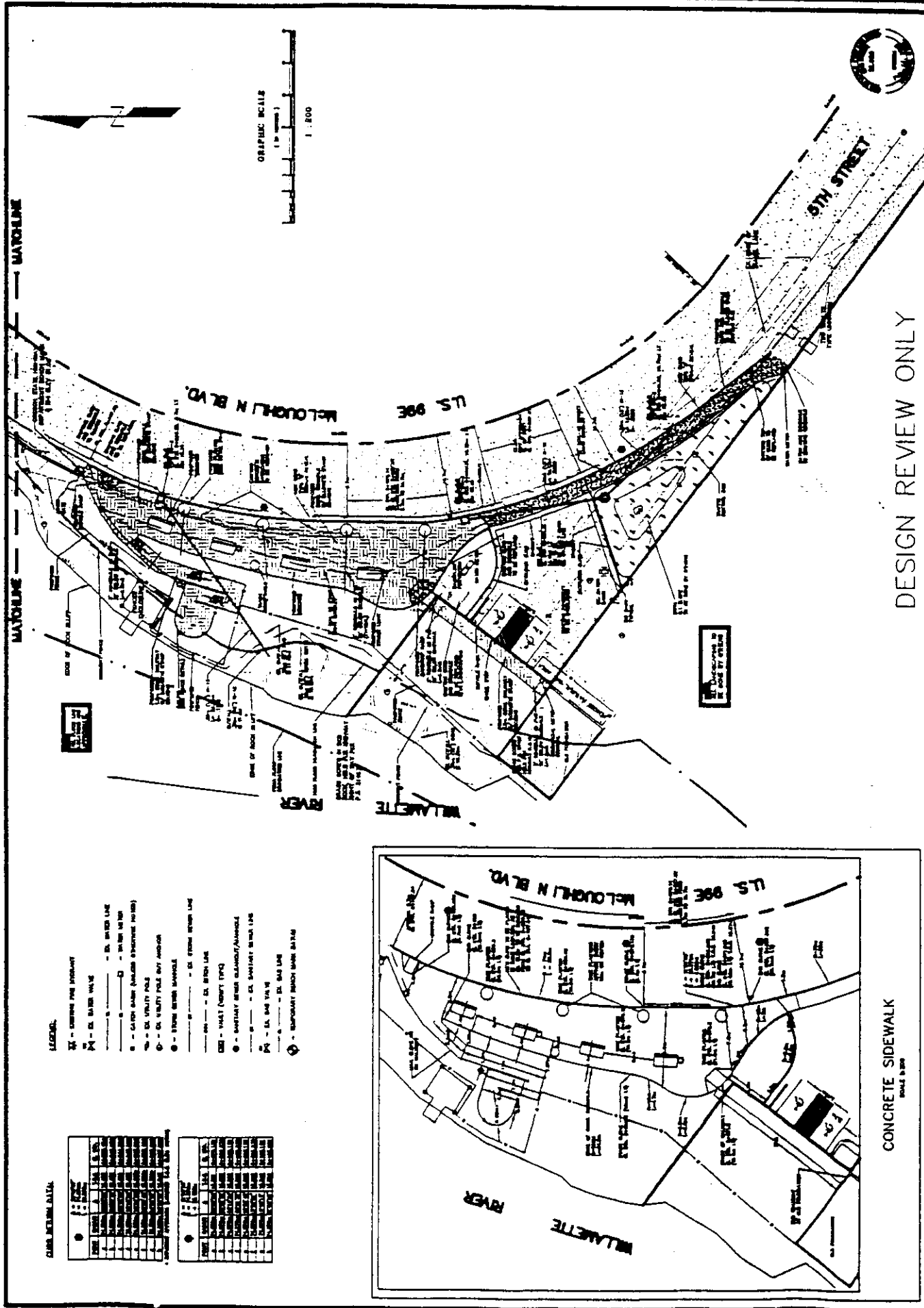
**SKILL ENGINEERING**  
375 PORTLAND AVE.  
GLADSTONE, OR. 97027  
(503) 657-0188

**SKILL**

JAN. 2000

**EXHIBIT 26**

*Applicant Plan Set*

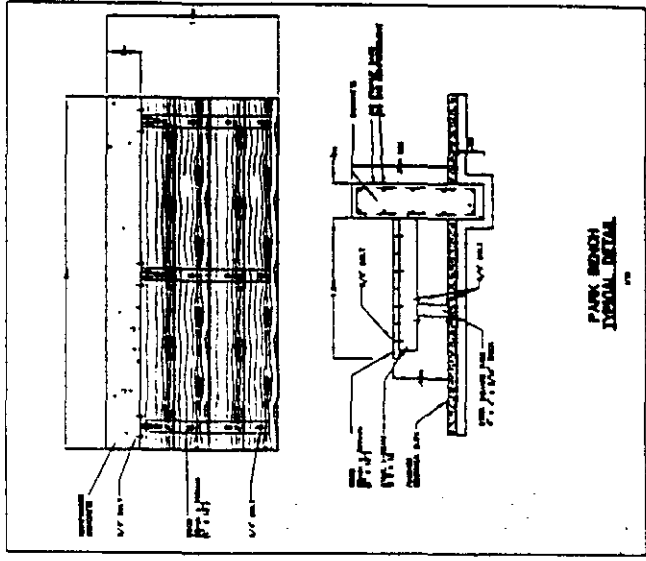


1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----



DESIGN REVIEW ONLY

PARK BRUSH  
TYPICAL DETAIL

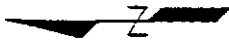
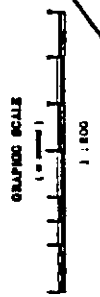
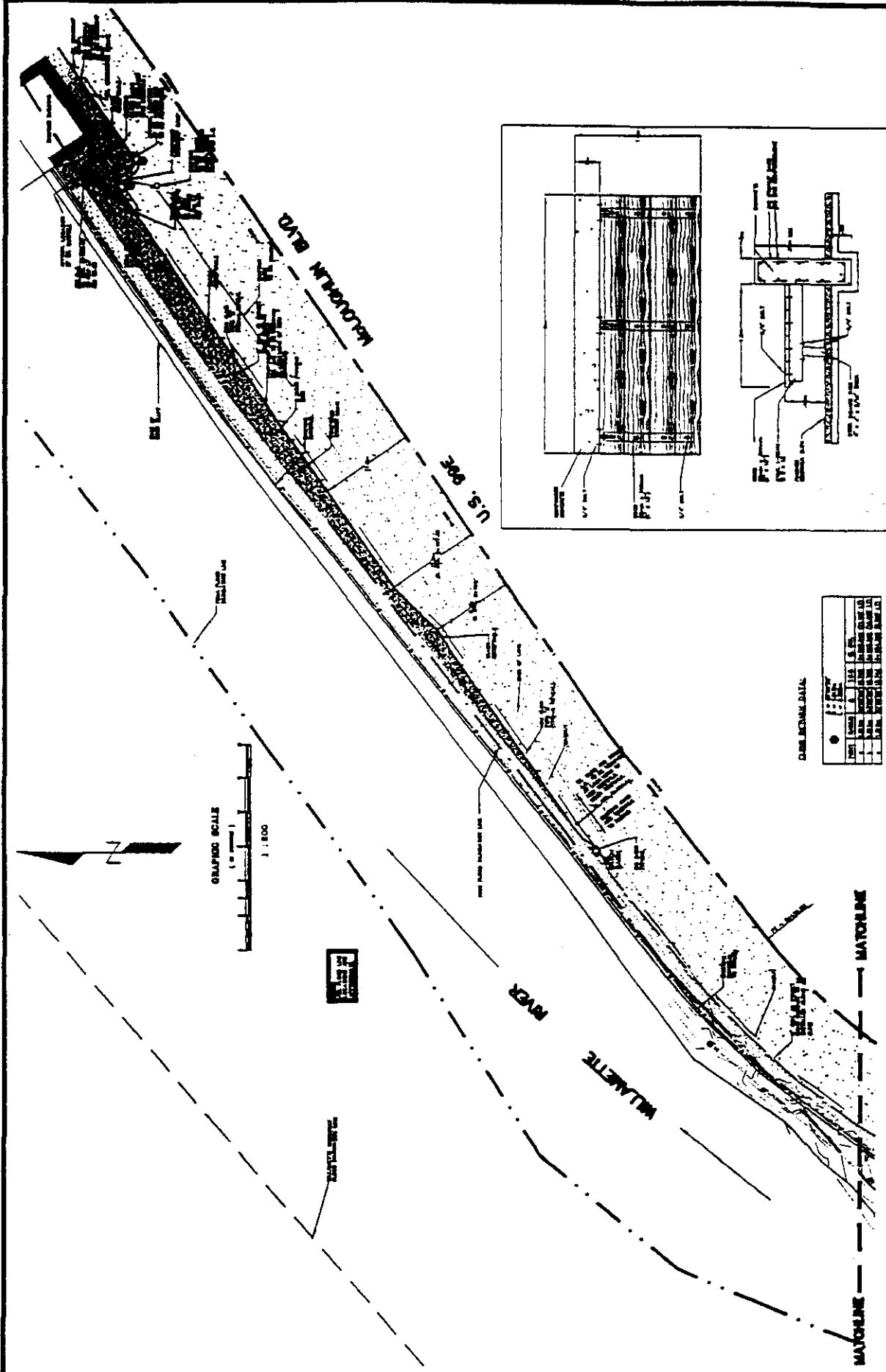


DATE: 08/11/11

NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
-----	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

DATE: 08/11/11

NO.	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
-----	---	---	---	---	---	---	---	---	---	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	----	-----

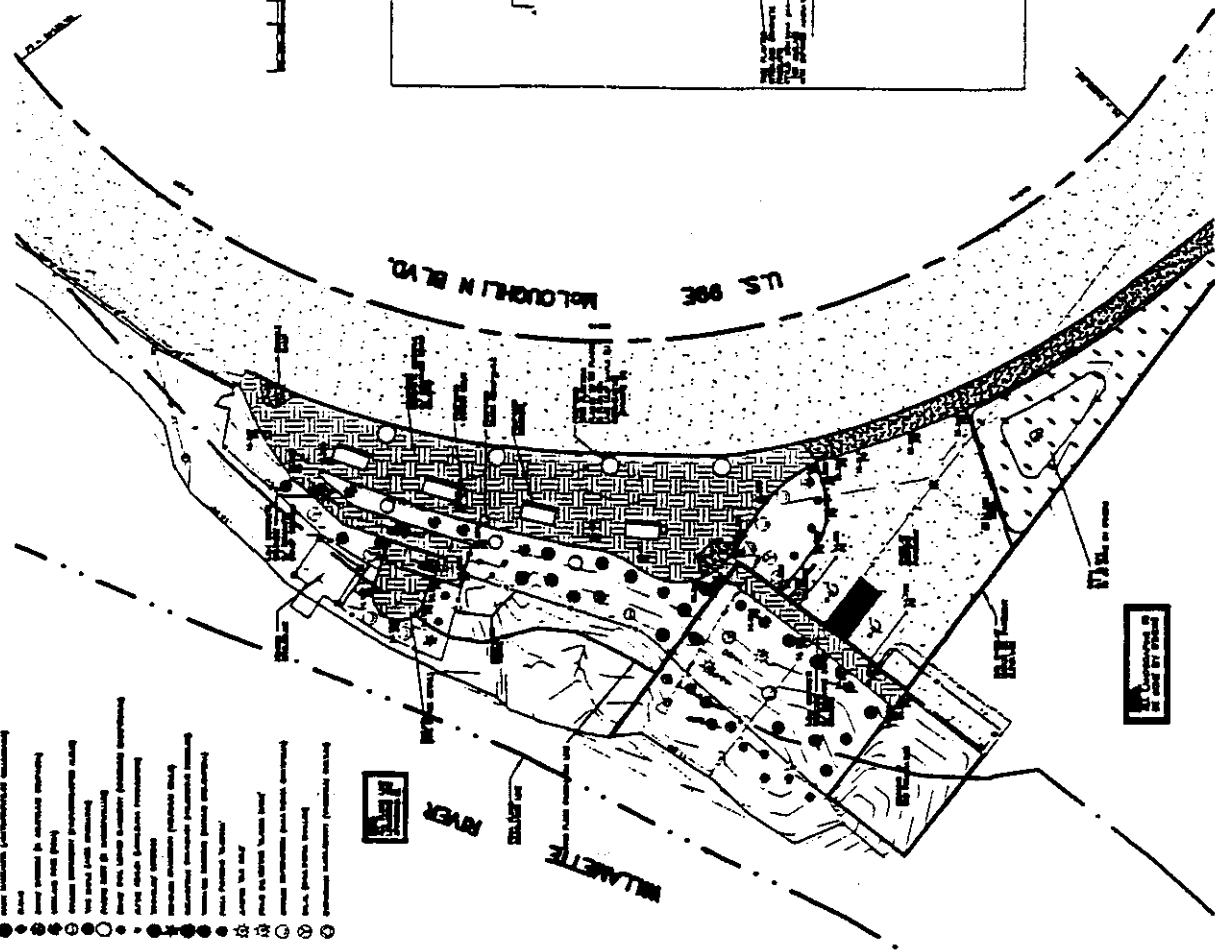
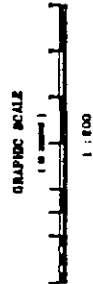
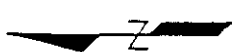
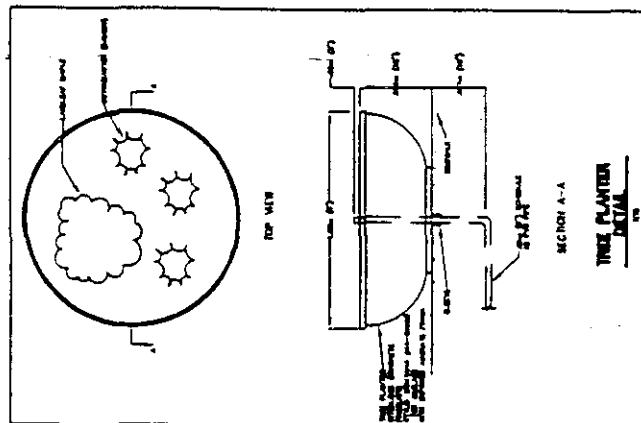
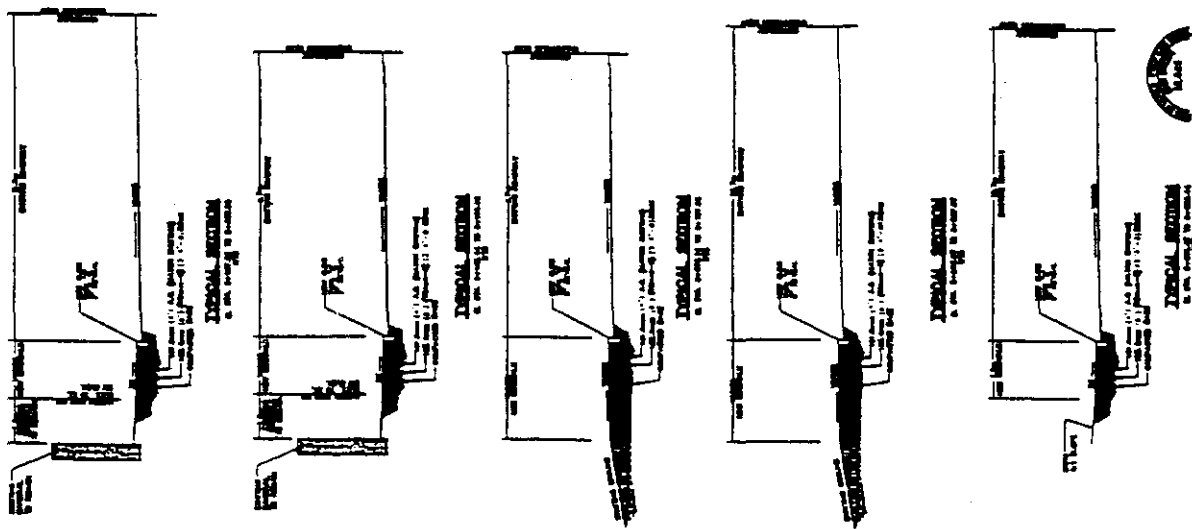








DESIGN REVIEW ONLY



- 1. MILLCREEK RIVER
- 2. U.S. 90E
- 3. McLOUGHLIN BLVD
- 4. MILLCREEK RIVER
- 5. U.S. 90E
- 6. McLOUGHLIN BLVD
- 7. MILLCREEK RIVER
- 8. U.S. 90E
- 9. McLOUGHLIN BLVD
- 10. MILLCREEK RIVER
- 11. U.S. 90E
- 12. McLOUGHLIN BLVD
- 13. MILLCREEK RIVER
- 14. U.S. 90E
- 15. McLOUGHLIN BLVD
- 16. MILLCREEK RIVER
- 17. U.S. 90E
- 18. McLOUGHLIN BLVD
- 19. MILLCREEK RIVER
- 20. U.S. 90E
- 21. McLOUGHLIN BLVD
- 22. MILLCREEK RIVER
- 23. U.S. 90E
- 24. McLOUGHLIN BLVD
- 25. MILLCREEK RIVER
- 26. U.S. 90E
- 27. McLOUGHLIN BLVD
- 28. MILLCREEK RIVER
- 29. U.S. 90E
- 30. McLOUGHLIN BLVD
- 31. MILLCREEK RIVER
- 32. U.S. 90E
- 33. McLOUGHLIN BLVD
- 34. MILLCREEK RIVER
- 35. U.S. 90E
- 36. McLOUGHLIN BLVD
- 37. MILLCREEK RIVER
- 38. U.S. 90E
- 39. McLOUGHLIN BLVD
- 40. MILLCREEK RIVER
- 41. U.S. 90E
- 42. McLOUGHLIN BLVD
- 43. MILLCREEK RIVER
- 44. U.S. 90E
- 45. McLOUGHLIN BLVD
- 46. MILLCREEK RIVER
- 47. U.S. 90E
- 48. McLOUGHLIN BLVD
- 49. MILLCREEK RIVER
- 50. U.S. 90E
- 51. McLOUGHLIN BLVD
- 52. MILLCREEK RIVER
- 53. U.S. 90E
- 54. McLOUGHLIN BLVD
- 55. MILLCREEK RIVER
- 56. U.S. 90E
- 57. McLOUGHLIN BLVD
- 58. MILLCREEK RIVER
- 59. U.S. 90E
- 60. McLOUGHLIN BLVD
- 61. MILLCREEK RIVER
- 62. U.S. 90E
- 63. McLOUGHLIN BLVD
- 64. MILLCREEK RIVER
- 65. U.S. 90E
- 66. McLOUGHLIN BLVD
- 67. MILLCREEK RIVER
- 68. U.S. 90E
- 69. McLOUGHLIN BLVD
- 70. MILLCREEK RIVER
- 71. U.S. 90E
- 72. McLOUGHLIN BLVD
- 73. MILLCREEK RIVER
- 74. U.S. 90E
- 75. McLOUGHLIN BLVD
- 76. MILLCREEK RIVER
- 77. U.S. 90E
- 78. McLOUGHLIN BLVD
- 79. MILLCREEK RIVER
- 80. U.S. 90E
- 81. McLOUGHLIN BLVD
- 82. MILLCREEK RIVER
- 83. U.S. 90E
- 84. McLOUGHLIN BLVD
- 85. MILLCREEK RIVER
- 86. U.S. 90E
- 87. McLOUGHLIN BLVD
- 88. MILLCREEK RIVER
- 89. U.S. 90E
- 90. McLOUGHLIN BLVD
- 91. MILLCREEK RIVER
- 92. U.S. 90E
- 93. McLOUGHLIN BLVD
- 94. MILLCREEK RIVER
- 95. U.S. 90E
- 96. McLOUGHLIN BLVD
- 97. MILLCREEK RIVER
- 98. U.S. 90E
- 99. McLOUGHLIN BLVD
- 100. MILLCREEK RIVER

**CITY OF OREGON CITY**  
**Construction Cost Estimate**  
**Falls View Enhancement Project**  
**January 2000**

ITEM	UNIT COST	UNIT	5TH & 6TH QUANTITY	5TH & 6TH TOTAL	6TH & 7TH QUANTITY	6TH & 7TH TOTAL	PROJECT TOTAL
Mobilization	\$ 2,000	LS	1	\$ 2,000	-		\$ 2,000
Demolition & Haul Off	5,000	LS	0.6	3,000	0.4	2,000	5,000
Excavation	5	cu. Meter	88	440	-		440
Fill	5	cu. Meter	6	32	-		32
Sawcut	13	meter	277	3,601	162	2,106	5,707
Rock Excavation	195	cu. Meter	15	2,925	-		2,925
Traffic Control	2,000	LS	0.8	1,600	0.2	400	2,000
CB Protection	25	EA	3	75	2	50	125
Silt Fence	5	meter	77	385	-		385
Electrical	2,500	LS	0.8	2,000	0.2	500	2,500
Street Lights	1,000	EA	6	6,000	2	2,000	8,000
3" Conduit	33	meter	93	3,069	162	5,346	8,415
2" Conduit	26	meter	35	910	-		910
Landscape Mulch	258	Loads	4	1,032	-		1,032
Landscaping	100	Plants	83	8,300	-		8,300
Tree Planters	785	EA	4	3,140	-		3,140
Benches	2,000	EA	4	8,000	-		8,000
Railing	66	meter	28	1,848	-		1,848
Fence	66	meter	82	5,412	-		5,412
Fence Gate	500	EA	1	500	-		500
Parking Signs	75	EA	0	-	1	75	75
Wheel Stops	150	EA	2	300	-		300
Handicap Parking Signs	75	EA	2	150	-		150
Striping	300	LS	0.9	270	0.1	30	300
Curb	27	meter	30	810	162	4,374	5,184
Sidewalk	35	sq. meter	466	16,310	228	7,980	24,290
Base Rock	43	cu. Meter	66	2,838	44	1,892	4,730
Driveway Approach	1,050	EA	1	1,050	-		1,050
Wheel Chair Ramp	500	EA	1	500	1	500	1,000
Bicycle Ramp	500	EA	1	500	-		500
Asphalt Concrete	49	Ton	19	931	-		931
12" HDPE	85	meter	54	4,590	7	595	5,185
Standard Manhole	2,100	EA	0		1	2,100	2,100
Gutter Inlet	1,900	EA	3	5,700	1	1,900	7,600
MH over Existing	5,000	EA	1	5,000	-		5,000
Water Meter	375	EA	1	375	-		375
Back Flow Preventor	1,500	EA	1	1,500	-		1,500

SUB-TOTAL

\$ 95,093

\$ 31,848

\$ 126,941

20% CONTINGENCIES

19,019

6,370

25,388

TOTAL

114,111

38,218

\$ 152,329

ex:\files\sharon\veproj\costest

**EXHIBIT 3**

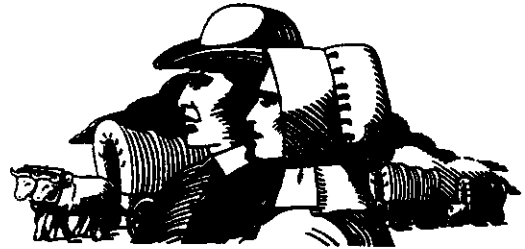
*Project Construction  
List*

# **CITY OF OREGON CITY**

## **Planning Commission**

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### **MEMORANDUM**

**Date: February 14, 2000**

#### **SUBJECT**

Draft code section requiring minimum parking lot landscaping standards.

#### **BACKGROUND**

On January 10, 2000, staff presented the Planning Commission with a proposal to implement minimum parking lot landscaping standards as a small part of the entire TSP process. Attached is a draft version of the code to implement these standards for review and comment by the Planning Commission. This draft code section is attached as Exhibit A. In addition, the Oregon City Native Plant and Nuisance Plant Lists are attached as Exhibit B.

With the agreement of the Planning Commission, staff would like to bring this code section back for a final recommendation on March 27, 2000. This proposal will be processed as an "L" legislative amendment, which requires a recommendation from the Planning Commission and final approval by the City Commission.

#### **PREPARED BY**

Tom Bouillion, Associate Planner

#### **17.52.090 Parking Lot Landscaping.**

- A. Purpose. The purpose of this code section includes the following:
- Enhance and soften the appearance of parking lots;
  - Limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;
  - Shade and cool parking areas;
  - Reduce air and water pollution; and
  - Establish parking lots that are more inviting to pedestrians
- B. Parking lot landscaping is required for all uses, except for single family residential.
1. The landscaping shall be located in defined landscaped areas which are uniformly distributed throughout the parking or loading area. Landscaping can be counted toward the 15% minimum landscaping required by OCMC 17.62.050 (1). One shade tree shall be planted for every eight parking spaces. These trees shall be evenly distributed throughout the parking lot as both internal and external landscaping to provide shade.
  2. Landscaped areas both internal and external shall have a minimum width of at least five feet. Landscaped areas shall contain:
    - a. Shade trees spaced as appropriate to the species, not to exceed 50 feet apart on average;
    - b. Shrubs, not to reach a height greater than three feet, spaced no more five feet apart on the average; and
    - c. Ground cover such as grass, wild flowers, or other landscaping material to cover 100 percent of the exposed ground. No bark mulch shall be allowed except under the canopy of low level shrubs.
  3. The amount of internal landscaped area is based upon the number of required parking spaces.
    - a. Parking lots with over 20 spaces shall have a minimum 10 percent of the interior of the parking lot devoted to landscaping. Pedestrian walkways in the landscaped areas are not to be counted in the percentage. In addition, the perimeter landscaping shall not be included in the 10 percent figure.
    - b. Parking lots with 10-20 spaces shall have a minimum 5 percent of interior of the parking lot devoted to landscaping. The perimeter landscaping, as explained above, shall not be included in the 5 percent.
    - c. Parking lots with fewer than 10 spaces shall have the standard perimeter landscaping and at least two shade trees.
  4. Perimeter parking lot landscaping in the form of a landscaped strip abutting either a street or adjoining property line width is based upon the number of required parking spaces.
    - a. Parking lots containing 9 or fewer parking spaces will require a perimeter landscaping strip of at least five feet in width.
    - b. Parking lots containing more than 9 parking spaces will require a perimeter landscaping strip of at least ten feet in width.

5. All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped.
6. The landscaping in parking areas shall not obstruct lines of sight for safe traffic operation and shall comply with all requirements of OCMC Chapter 10.32 Traffic Sight Obstructions.
7. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.
8. All plant materials, including trees, shrubbery and ground cover, shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City Native Plant List are strongly encouraged and species found on the Oregon City Nuisance Plant List are prohibited.
9. Landscaping shall incorporate design standards in accordance with OCMC Chapter 13.12 Stormwater Management.
10. Required landscaping trees shall possess the following characteristics:
  - a. generous spreading canopy for shade.
  - b. A canopy that spreads at least six feet up from grade in, or adjacent to, parking lots, roads, or sidewalks unless the tree is columnar in nature.
  - c. Roots that do not break up the adjacent paving
  - d. No sticky leaves or sap dripping trees.
  - e. No seed pods or fruit bearing trees (flowering trees are acceptable).
  - f. Resistance to disease
  - g. Compatibility to planter size
  - h. Tolerance to drought unless irrigation is provided
  - i. Attractive foliage or form in all seasons
  - j. A mix of deciduous and coniferous trees

#### C. Installation

1. All landscaping shall be installed according to accepted planting procedures.
2. The site, soils and proposed irrigation systems shall be appropriate for the healthy and long-term maintenance of the proposed plant species.
3. Landscaping shall be installed with the provisions of this code.
4. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the City such as the posting of a bond or a surety.

#### D. Maintenance

1. The owner, tenant and their agent, if any shall be jointly and severally responsible for the maintenance of all landscaping which shall be maintained in good condition so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.
2. All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:
  - a. It will not interfere with the maintenance or repair of any public utility;

- b. It will not restrict pedestrian or vehicular access; and
- c. It will not constitute a traffic hazard to reduced visibility.

# OREGON CITY NATIVE PLANT LIST

		Habitat Type							
Scientific Name	Common Name	W E T L A N D	R I P A R I A N	F O R E S T	O A K  W O O D S	F.  S L O P E	T H I C K E T	G R A S S	R O C K Y
Trees and Arborescent Shrubs									
<i>Abies grandis</i>	Grand Fir	X	X	X			X		
<i>Acer circinatum</i> <sup>AS</sup>	Vine Maple			X			X		X
<i>Acer macrophyllum</i>	Big-Leaf Maple			X			X		
<i>Alnus rubra</i>	Red Alder		X	X			X		
<i>Alnus sinuata</i>	Sitka Alder	X							
<i>Arbutus menziesii</i>	Madrone			X					
<i>Cornus nuttallii</i>	Western Flowering Dogwood			X			X		
<i>Cornus sericea</i> ssp. <i>sericea</i>									
<i>Rataegus douglasii</i> var. <i>douglasii</i>	Black Hawthorn (wetland form)	X	X						
<i>Rataegus suksdorfii</i>	Black Hawthorn (upland form)	X	X	X			X	X	
<i>Fraxinus latifolia</i>	Oregon Ash	X	X						
<i>Opodiscus discolor</i>	Oceanspray								
<i>Malus fusca</i> <sup>AS</sup>	Western Crabapple		X	X				X	
<i>Pinus ponderosa</i>	Ponderosa Pine			X			X		
<i>Populus balsamifera</i> ssp. <i>richocarpa</i>	Black Cottonwood	X	X						
<i>Populus tremuloides</i>	Quaking Aspen	X							X
<i>Runus emarginata</i>	Bitter Cherry		X				X	X	
<i>Runus virginiana</i> <sup>AS</sup>	Common Chokecherry		X	X				X	
<i>Pseudotsuga menziesii</i>	Douglas Fir			X			X		
<i>Malus</i> (see <i>Malus</i> )									
<i>Quercus garryana</i>	Garry Oak			X			X		X
<i>Quercus garryana</i>	Oregon White Oak								
<i>Rhamnus purshiana</i>	Cascara		X	X			X		
<i>Salix fluviatilis</i> <sup>AS</sup>	Columbia River Willow	X	X						
<i>Salix pyramidalis</i>	Geyer Willow	X							
<i>Salix hookeriana</i> <sup>AS</sup>	Piper's Willow	X	X						
<i>Salix lucida</i> ssp. <i>lasiandra</i>	Pacific Willow	X	X						



<i>Salix rigida</i> var. <i>macrogemma</i>	Rigid Willow	X	X						
<i>Salix scouleriana</i>	Scouler Willow	X	X	X					
<i>Salix sessilifolia</i> <sup>AS</sup>	Soft-Leaved Willow	X	X						
<i>Salix sitchensis</i> <sup>AS</sup>	Sitka Willow	X	X						
<i>Salix</i> spp. *	Willows								
<i>Sambucus</i> spp. *	Elderberries								
<i>Spiraea douglasii</i>	Douglas's Spiraea								
<i>Taxus brevifolia</i>	Pacific Yew		X	X			X		
<i>Thuja plicata</i>	Western Red Cedar	X	X	X			X		
<i>Tsuga heterophylla</i>	Western Hemlock		X	X			X		
<b>Shrubs</b>									
<i>Amelanchier alnifolia</i>	Western Serviceberry			X		X	X		
<i>Arctostaphylos columbiana</i>	Hairy Manzanita							X	X
<i>Arctostaphylos uva-ursi</i>	Kinnikinnick							X	X
<i>Berberis aquifolium</i>	Tall Oregon Grape			X		X			
<i>Berberis nervosa</i>	Dull Oregon Grape			X		X			
<i>Ceanothus sanguineus</i>	Oregon Tea Tree			X		X	X	X	
<i>Ceanothus velutinus</i> var. <i>laevigatus</i>	Mountain Balm			X			X	X	
<i>Cornus sericea</i> ssp. <i>sericea</i>	Red-osier Dogwood	X	X				X		
<i>Corylus corruta</i>	Hazelnut			X		X	X		
<i>Euonymus occidentalis</i>	Western Wahoo		X	X					
<i>Gaultheria shallon</i>	Salal			X		X			
<i>Holodiscus discolor</i>	Ocean Spray			X		X	X		
<i>Lonicera hispidula</i>	Hairy Honeysuckle			X			X		
<i>Lonicera involucrata</i>	Black Twinberry	X	X					X	
<i>Mahonia</i> (see <i>Berberis</i> )									
<i>Menziesia ferruginea</i>	Fool's Huckleberry			X					
<i>Oemleria cerasiformis</i>	Indian Plum		X	X		X	X		
<i>Philadelphus lewisii</i>	Mockorange			X		X	X		
<i>Physocarpus capitatus</i>	Pacific Ninebark		X	X			X		
<i>Rhododendron macrophyllum</i>	Western Rhododendron					X			
<i>Rhus</i> (see <i>Toxicodendron</i> )									
<i>Ribes bracteosum</i>	Blue Currant		X	X					
<i>Ribes divaricatum</i>	Straggly Gooseberry			X		X			
<i>Ribes laxiflorum</i>	Western Black Currant		X	X					
<i>Ribes lobbi</i>	Pioneer Gooseberry			X			X	X	
<i>Ribes sanguineum</i>	Red Currant		X	X		X	X	X	
<i>Ribes viscosissimum</i>	Sticky Currant		X	X					
<i>Rosa gymnocarpa</i>	Baldhip Rose			X		X			
<i>Rosa nutkana</i> var. <i>nutkana</i>	Nootka Rose					X			
<i>Rosa pisocarpa</i>	Swamp Rose		X			X			
<i>Rubus ursinus</i> var. <i>macropetalus</i>	Dewberry		X	X		X			
<i>Rubus parviflorus</i>	Thimbleberry		X	X		X			

## round Covers

<i>Aster chilensis</i> ssp. <i>hallii</i>	Common California Aster							X	
<i>Aster curtus</i> **	White-Topped Aster**							X	
<i>Aster modestus</i>	Few-Flowered Aster			X		X			
<i>Aster oregonensis</i>	Oregon White-Topped Aster			X					
<i>Aster</i> spp.*	Asters								
<i>Aster subspicatus</i>	Douglas's Aster	X	X	X			X	X	
<i>Adiantum filix-femina</i>	Lady Fern		X	X					
<i>Wolffia filiculoides</i>	Duckweed	X							
<i>Eleocharis acicularis</i>	American Slough Grass	X							
<i>Bergia texana</i> **	Texas Bergia**	X	X						
<i>Thymophylla cernua</i>	Nodding Beggars Tick	X							
<i>Thymophylla frondosa</i>	Leafy Beggars Tick	X							
<i>Thymophylla</i> spp.*	Beggars Ticks								
<i>Thymophylla vulgata</i>	Western Beggars Tick	X							
<i>Adiantum spicant</i>	Deer Fern	X	X	X					
<i>Boerhaavia stricta</i>	Brook Boisdulavia	X	X						
<i>Bolandra oregana</i> **	Bolandra**	X	X						X
<i>Leptochloa multifidum</i>	Leathery Grape Fern			X		X		X	
<i>Boykinia occidentalis</i>	Slender Boykinia	X	X	X					
	Greater Boykinia	X	X					X	
<i>Scheuchzeria palustris</i>	Water Shield	X							
<i>Brodiaea coronaria</i>	Harvest Brodiaea							X	
<i>Brodiaea howellii</i>	Howell's Brodiaea						X	X	
<i>Brodiaea hyacintha</i>	Hyacinth Brodiaea							X	
(see also <i>Dichelostemma</i> )									
<i>Bromus carinatus</i>	California Brome-Grass		X	X				X	
<i>Bromus orcuttianus</i>	Orcutt's Brome-Grass				X				
<i>Bromus sitchensis</i>	Alaska Brome		X	X				X	
<i>Bromus</i> spp.*	Brome-Grass								
<i>Bromus vulgaris</i>	Columbia Brome							X	
<i>Calamagrostis canadensis</i>	Blue-Joint Reedgrass	X							
<i>Utricularia hetrophylla</i>	Different-Leaf Water Starwort	X							
<i>Plantago tolmei</i>	Cats-Ear							X	X
<i>Calypso bulbosa</i>	Fairy Slipper			X		X			
<i>Camassia leichtlinii</i>	Leichtlin's Camas	X						X	
<i>Camassia quamash</i>	Common Camas	X						X	
<i>Camassia</i> spp.*	Camas'								
<i>Ipomoea rotundifolia</i>	Round-Leaf Bluebell								X
<i>Ipomoea scouleri</i>	Scouler's Bellflower			X		X	X	X	
<i>Cardamine angulata</i>	Angled Bittercress	X	X	X					X
<i>Cardamine occidentalis</i>	Western Bittercress	X						X	
<i>Cardamine oligosperma</i>	Little Western Bittercress	X	X	X				X	
<i>Cardamine penduliflora</i>	Willamette Valley Bittercress	X	X						

<i>Cardamine pensylvanica</i>	Pennsylvania Bittercress	X		X					
<i>Cardamine pulcherrima</i> var. <i>venella</i>	Slender Toothwort			X		X			
<i>Carex amplifolia</i>	Big-Leaf Sedge	X		X					
<i>Carex aperta</i>	Columbia Sedge	X	X						
<i>Carex aquatilis</i> var. <i>dives</i>	Sitka Sedge	X							
<i>Carex arcta</i>	Clustered Sedge	X	X					X	
<i>Carex athrostachya</i>	Slenderbeaked Sedge	X						X	
<i>Carex canescens</i>	Gray Sedge	X						X	
<i>Carex cusickii</i>	Cusick's Sedge	X							
<i>Carex densa</i>	Dense Sedge	X							
<i>Carex deweyana</i> ssp. <i>leptopoda</i>	Dewey's Sedge	X	X	X					
<i>Carex hendersonii</i>	Henderson's Wood Sedge	X		X					
<i>Carex leporina</i>	Harefoot Sedge	X							
<i>Carex obnupta</i>	Slough Sedge	X	X					X	
<i>Carex pachystachya</i>	Thick-Headed Sedge		X	X		X		X	X
<i>Carex retrorsa</i>	Knot-Sheath Sedge	X							
<i>Carex simulata</i>	Analogue Sedge	X						X	
<i>Carex</i> spp.*	Sedges								
<i>Carex tumulicola</i>	Foothill Sedge	X						X	
<i>Carex unilateralis</i>	One-Sided Sedge	X							
<i>Carex triculata</i>	Beaked Sedge	X							
<i>Carex scoparia</i>									
<i>Carex stipata</i>	Sawbeak Sedge	X							
<i>Carex vulpinoides</i>	Fox Sedge	X							
<i>Carex vesicaria</i>	Inflated Sedge	X							
<i>Castilleja levisecta</i> **	Golden Indian-Paintbrush**							X	
<i>Centaureum exaltatum</i>	Western Centaury	X						X	
<i>Centaureum muhlenbergii</i>	Muhlenberg's Centaury	X						X	X
<i>Centaureum umbellatum</i>	Common Centaury	X						X	
<i>Cephalanthera austiniae</i>	Phantom Orchid			X		X			
<i>Cerastium arvense</i>	Field Chickweed							X	
<i>Ceratophyllum demersum</i>	Coontail	X							
<i>Chamomilla suaveolens</i>	Pineapple Weed							X	
<i>Chrysosplenium</i>	Pacific Water-Carpet		X	X					
<i>Cichomaefolium</i>									
<i>Cimicifuga elata</i> **	Tall Bugbane**			X			X	X	
<i>Cinna latifolia</i>	Woodreed	X	X	X				X	
<i>Circaea alpina</i>	Enchanter's Nightshade	X		X		X			
<i>Circaea amoena</i>	Farewell to Spring							X	X
<i>Circaea pupurea</i>	Purple Godetia	X						X	
<i>Circaea quadrivulnera</i>	Small-Flowered Godetia							X	
<i>Claytonia perfoliata</i>	Miner's Lettuce		X	X		X	X	X	X
<i>Clematis ligusticifolia</i> *	Western Clematis*			X		X	X		
<i>Collinsia grandiflora</i>	Large-Flowered Blue-Eyed Mary							X	X

<i>Collinsia parviflora</i>	Small-Flowered Blue-Eyed Mary								X	X
<i>Collomia grandiflora</i>	Large-Flowered Collomia								X	
<i>Collomia heterophylla</i>	Varied-Leaf Collomia			X				X	X	X
<i>Tomandra umbellata</i> var. <i>californica</i>	Bastard Toad-Flax			X				X	X	X
<i>Erigeron canadensis</i> var. <i>glabrata</i>	Horseweed								X	
<i>Leptis laciniata</i>	Cutleaf Goldthread			X						
<i>Corallorrhiza maculata</i>	Pacific Coral-Root			X			X			
<i>Corallorrhiza mertensiana</i>	Coral-Root			X			X			
<i>Corallorrhiza striata</i>	Striped Coral-Root			X			X			
<i>Cornus canadensis</i>	Bunchberry			X						
<i>Corydalis scouleri</i>	Western Corydalis		X	X						
<i>Coryopsis atkinsoniana</i>	Coryopsis	X								
<i>Cryptantha intermedia</i> var. <i>grandiflora</i>	Common Forget-Me-Not								X	
<i>Cryptogramma crispa</i>	Parsley Fern									X
<i>Eryngium grande</i>	Pacific Hound's Tongue			X			X	X		
<i>Eriogonum erythrorhizon</i>	Red-Rooted Flatsedge	X								
<i>Eriopodium montanum</i>	Mountain Lady-Slipper			X						
<i>Eustopteris fragilis</i>	Brittle Bladder Fern			X			X	X		X
<i>Danthonia californica</i>	California Oat Grass			X					X	X
<i>Danthonia intermedia</i>	Timber Danthonia								X	X
<i>Danthonia spicata</i>	Poverty Danthonia								X	
<i>Deschampsia elongata</i>	Slender Hairgrass	X							X	
<i>Deschampsia</i> spp. *	Hairgrasses									
<i>Delphinium leucophaeum</i> **	Pale Larkspur**									X
<i>Delphinium menziesii</i> var. <i>pyramidale</i>	Menzies' Larkspur								X	X
<i>Delphinium nuttallii</i> **	Nuttall's Larkspur**								X	
<i>Deschampsia cespitosa</i>	Tufted Hairgrass	X								
<i>Dicentra formosa</i>	Pacific Bleedingheart		X	X			X			
<i>Dicentra formosa</i> ssp. <i>Oregana</i> **	Oregon Bleedingheart**		X	X			X			
<i>Dichelostemma congestum</i>	Northern Saitas								X	X
<i>Disporum hookeri</i>	Hooker Fairy-Bell			X			X			
<i>Disporum smithii</i>	Large-Flowered Fairy-Bell			X			X			
<i>Dodocatheon dentatum</i>	White Shooting Star		X					X		X
<i>Dodocatheon pulchellum</i>	Few-Flowered Shooting Star	X								
<i>Draba verna</i>	Spring Whitlow-Grass								X	X
<i>Dryopteris arguta</i>	Wood Fern			X						X
<i>Dryopteris felix-mas</i>	Male Fern			X				X		
<i>Dryopteris expansa</i>	Spreading Wood Fern			X			X			
<i>Dulichium palustre</i>	Dulichium	X								
<i>Echinochloa crusgalli</i>	Large Barnyard Grass	X	X							

<i>Trifolium triandra</i>	Three-Stamen Waterwort	X	X						
<i>Eleocharis acicularis</i>	Needle Spike-Rush	X							
<i>Eleocharis macrostachya</i>	Creeping Spike-Rush	X							
<i>Eleocharis palustris</i>	Creeping Spike-Rush	X							
<i>Eleocharis</i> spp.*	Spike-Rushes								
<i>Elodea canadensis</i>	Common Waterweed	X							
<i>Elodea nuttallii</i>	Nuttall's Waterweed	X							
<i>Elymus glaucus</i>	Blue Wildrye			X		X	X	X	X
<i>Eriogonum angustifolium</i>	Fireweed	X	X	X			X	X	
<i>Eriogonum ciliatum</i> ssp. <i>undulosum</i>	Common Willow-Weed	X	X	X				X	
<i>Eriogonum ciliatum</i> ssp. <i>watsonii</i>	Watson's Willow-Weed	X	X	X				X	
<i>Eriogonum paniculatum</i> var. <i>paniculatum</i>	Tall Annual Willow Herb			X				X	
<i>Eriogonum arvense</i> *	Common Horsetail*	X	X						
<i>Eriogonum hyemale</i>	Common Scouring-Rush	X	X						
<i>Eriogonum telemateia</i> *	Giant Horsetail*	X	X					X	
<i>Eriogonum annuus</i>	Annual Fleabane							X	
<i>Eriogonum decumbens</i> var. <i>decumbens</i> **	Willamette Daisy**							X	
<i>Eriogonum philadelphicus</i>	Philadelphia Fleabane							X	
<i>Eriogonum</i> cf. <i>nudum</i>	Barestem Buckwheat								X
<i>Eriophyllum lanatum</i>	Woolly Sunflower								X
<i>Erysimum capitatum</i> ssp. <i>capitatum</i>	Prairie Rocket							X	X
<i>Erythronium grandiflorum</i>	Yellow Fawn Lily				X				
<i>Erythronium oregonum</i>	Giant Fawn Lily			X		X			
<i>Erysichon californica</i>	Gold Poppy							X	
<i>Festuca occidentalis</i>	Western Fescue Grass		X	X					
<i>Festuca roemerii</i>	Roemer's Fescue						X	X	X
<i>Festuca rubra</i> -NON	Red Fescue								
<i>Festuca subulata</i>	Bearded Fescue Grass		X	X					
<i>Festuca subuliflora</i>	Coast Range Fescue Grass		X	X				X	
<i>Fragaria vesca</i> var. <i>bracteata</i>	Wood Strawberry		X	X				X	
<i>Fragaria vesca</i> var. <i>crinita</i>	Wood Strawberry		X	X				X	
<i>Fragaria virginiana</i> var. <i>atypetala</i>	Broadpetal Strawberry			X				X	
<i>Gentiana affinis</i>	Mission Bells							X	X
<i>Gentiana lanceolata</i>	Checker Lily				X			X	
<i>Gnaphalium aparine</i>	Cleavers			X		X	X	X	
<i>Gnaphalium bifolium</i>	Low Mountain Bedstraw			X					
<i>Gnaphalium trifidum</i>	Small Bedstraw	X							
<i>Gnaphalium triflorum</i>	Sweetscented Bedstraw			X		X			
<i>Gentiana sceptra</i>	Staff Gentian	X	X						
<i>Gentianella amarella</i> ssp. <i>acuta</i>	Northern Gentian		X	X					
<i>Geranium bicknellii</i>	Bicknell's Geranium			X					

<i>Geranium oreganum</i>	Oregon Geranium	X						X	
<i>Geum macrophyllum</i>	Oregon Avens	X	X	X				X	
<i>Gilia capitata</i>	Bluefield Gilia							X	X
<i>Glyceria elata</i>	Fowl Mannagrass	X	X						
<i>Glyceria occidentalis</i>	NW Mannagrass	X							
<i>Glyceria</i> spp.*	Mannagrasses								
<i>Gnaphalium palustre</i>	Marsh Cudweed	X						X	
<i>Goodvera oblongifolia</i>	Giant Rattlesnake-Plantain				X				
<i>Gratiola ebracteata</i>	Bractless Hedge-Hyssop	X	X						
<i>Gymnocarpium dryopteris</i>	Oak Fern				X				
<i>Habenaria dilatata</i>	White Bog-Orchid	X							
<i>Habenaria</i> (see also <i>Piperia</i> and <i>Platanthera</i> )									
<i>Hieracium lanatum</i>	Cow Parsnip	X	X	X				X	
<i>Heterocodon rariflorum</i>	Heterocodon							X	
<i>Heuchera chlorantha</i>	Meadow Alumroot							X	
<i>Heuchera glabra</i>	Smooth Alumroot		X	X					X
<i>Heuchera micrantha</i>	Small-Flowered Alumroot		X	X					X
<i>Hieracium albiflorum</i>	White-Flowered Hawkweed			X				X	
<i>Hordeum brachyantherum</i>	Meadow Barley	X	X					X	
<i>Howellia aquatilis</i> **	Howellia**	X							
<i>Hydrophyllum tenuipes</i>	Pacific Waterleaf			X		X			
<i>Hypericum anagalloides</i>	Bog St. John's Wort	X	X					X	
<i>Hypericum formosum</i> var. <i>couleri</i>	Western St. John's Wort	X						X	
<i>Impatiens capensis</i>	Orange Balsam	X	X						
<i>Impatiens escalarata</i>	Spurless Balsam	X	X						
<i>Iris tenax</i>	Oregon Iris			X			X	X	
<i>Juncus acuminatus</i>	Tapertip Rush	X							
<i>Juncus balticus</i>	Baltic Rush	X							
<i>Juncus bolanderi</i>	Bolander's Rush	X	X						
<i>Juncus bufonius</i>	Toad Rush	X							
<i>Juncus effusus</i>	Common Rush	X							
<i>Juncus ensifolius</i>	Dagger-Leaf Rush	X						X	
<i>Juncus longistylis</i>	Long-Styled Rush	X							
<i>Juncus oxymers</i>	Pointed Rush	X	X						
<i>Juncus patens</i>	Spreading Rush	X						X	
<i>Juncus</i> spp.*	Rushes								
<i>Juncus tenuis</i>	Slender Rush	X							
<i>Lathyrus polyphyllus</i>	Leafy Pea			X			X		
<i>Lersia oryzoides</i>	Rice Cut-Grass	X							
<i>Lemna minor</i> *	Water Lentil*	X							
<i>Ligusticum apiifolium</i>	Parsley-Leafed Lovage			X		X	X	X	
<i>Ligusticum grayii</i>	Gray's Lovage					X		X	
<i>Lilium columbianum</i>	Columbia Lily			X		X	X	X	

<i>Najas aquatica</i>	Mudwort	X	X						
<i>Linanthus bicolor</i>	Bicolored Linanthus							X	
<i>Ipomoea canadensis</i> var. <i>texana</i>	Wild Toadflax	X						X	
<i>Andernia dubia</i>	Common False-Pimpernel	X	X						
<i>Andernia dubia</i> var. <i>anagallidea</i>	Slender False-Pimpernel	X	X						
<i>Linnaea borealis</i>	Twintflower			X		X			
<i>Listera caurina</i>	Western Twayblade	X		X		X			
<i>Listera cordata</i>	Heart-Leaved Listera	X		X		X			
<i>Thophragma parviflorum</i>	Small-Lid Fringecup							X	
<i>Lomatium dissectum</i>	Fern-Leaved Lomatium							X	X
<i>Lomatium atriculatum</i>	Common Lomatium								X
<i>Conoclinium ciliosa</i>	Trumpet Vine			X					
<i>Conoclinium hispidula</i>	Hairy Honeysuckle								X
<i>Nelumbo denticularis</i>	Meadow Lotus							X	
<i>Nelumbo formosissimus</i>	Seaside Lotus	X						X	
<i>Nelumbo micranthus</i>	Small-Flowered Deervetch							X	
<i>Nelumbo purshiana</i>	Spanish Clover			X					X
<i>Adiantum pulustris</i>	False Loosestrife	X	X						
<i>Lupinus bicolor</i>	Two-color Lupine							X	
<i>Lupinus latifolius</i>	Broadleaf Lupine							X	
<i>Lupinus laxiflorus</i>	Spurred Lupine							X	
<i>Lupinus lepidus</i>	Prairie Lupine							X	
<i>Lupinus micranthus</i>	Field Lupine							X	
<i>Lupinus microcarpus</i>	Chick Lupine							X	
<i>Lupinus polyphyllus</i>	Large-Leaved Lupine							X	
<i>Lupinus rivularis</i>	Stream Lupine		X	X					
<i>Lupinus</i> spp.*	Lupines								
<i>Lupinus sulphureus</i>	Sulfur Lupine							X	
<i>Lythrum campestris</i> var. <i>congesta</i>	Field Woodrush			X			X	X	
<i>Lythrum divaricata</i>	Spreading Woodrush							X	
<i>Lythrum parviflora</i>	Small-Flowered Woodrush			X		X	X		
<i>Lythrum spicata</i>	Spiked Woodrush		X						
<i>Copula americana</i>	Cut-Leaved Bugleweed	X	X						
<i>Copula uniflora</i>	Northern Bugleweed	X	X						
<i>Skutchium americanum</i>	Skunk Cabbage	X	X						
<i>Simachia ciliata</i>	Fringed Loosestrife	X						X	
<i>Simachia thyrsiflora</i>	Tufted Loosestrife	X							
<i>Thymus exiguus</i>	Little Tarweed							X	
<i>Thymus glomerata</i>	Cluster Tarweed							X	
<i>Thymus gracilis</i>	Common Tarweed							X	X
<i>Thymus sativa</i>	Chile Tarweed							X	
<i>Lilium dilatatum</i>	False Lily of the Valley			X		X			
<i>Manisuris oregonus</i>	Manroot						X	X	
<i>Oniongrass</i> (see <i>Chamomilla</i> )									
<i>Oniongrass</i>	Oniongrass								X
<i>Oniongrass</i>	Geyer's Oniongrass			X		X			



<i>Melica subulata</i>	Alaska Oniongrass			X			X		
<i>Mentha arvensis</i> var. <i>glabrata</i>	Field Mint		X						
<i>Mentha piperita</i>	Peppermint	X						X	
<i>Menyanthes trifoliata</i>	Buckbean	X						X	
<i>Mertensia platyphylla</i>	Western Bluebells		X	X					
<i>Microsteris</i> (see <i>Phlox</i> )									
<i>Mimulus alsinoides</i>	Chickweed Monkey-Flower	X	X						X
<i>Mimulus guttatus</i>	Yellow Monkey-Flower	X	X					X	X
<i>Mimulus moschatus</i>	Musk-Flower	X	X						
<i>Mitella caulescens</i>	Leafy Mitrewort			X		X		X	
<i>Mitella pentandra</i>	Five-Stamened Mitrewort		X	X		X		X	
<i>Moehringiamacrophylla</i>	Bigleaf Sandwort			X		X			
<i>Monotropa uniflora</i>	Indian Pipe			X					
<i>Montia dichotoma</i>	Dwarf Montia	X						X	X
<i>Montia diffusa</i> **	Branching Montia**			X					
<i>Montia fontana</i>	Water Chickweed	X	X					X	X
<i>Montia linearis</i>	Narrow-Leafed Montia			X				X	X
<i>Montia parvifolia</i>	Streambank Springbeauty	X		X					X
<i>Montia</i> (see also <i>Claytonia</i> )									
<i>Montia sibirica</i>	Candy Flower		X	X		X	X	X	
<i>Myosotis laxa</i>	Small-Flowered Forget Me Not	X	X						
<i>Navarretia intertexta</i>	Needle Leaf Navarretia								X
<i>Navarretia squarrosa</i>	Skunkweed							X	
<i>Navarretia tagetina</i>	Marigold Navarretia								X
<i>Nemophila menziesii</i>	Baby Blue Eyes			X		X			
<i>Nemophila parviflora</i>	Small-Flowered Nemophila			X		X			
<i>Nemophila pedunculata</i>	Meadow Nemophila							X	
<i>Othochelone nemorosa</i>	Turtle Head			X					X
<i>Puphar luteum</i> ssp. <i>polysepalum</i>	Yellow Water Lily	X							
<i>Renanthe sarmentosa</i>	Pacific Water Parsley	X	X						
<i>Oenothera biennis</i>	Evening Primrose							X	
<i>Oplopanax horridus</i>	Devil's Club		X	X		X	X		
<i>Proboscidea uniflora</i>	Naked Broomrape								X
<i>Orthocarpus hispidus</i>	Hairy Owl Clover							X	
<i>Orthocarpus pusillus</i>	Dwarf Owl Clover							X	
<i>Osmorhiza chilensis</i>	Mountain Sweet-Root			X		X			
<i>Oxalis oregana</i>	Oregon Oxalis			X		X			
<i>Oxalis suksdorfii</i>	Western Yellow Oxalis			X					
<i>Oxalis trillifolia</i>	Trillium-Leafed Wood-Sorrel		X	X		X		X	
<i>Panicum capillare</i>	Old Witch Grass	X	X						
<i>Panicum occidentale</i>	Panic Grass	X							
<i>Aspalum distichum</i>	Knotgrass								
<i>Pedicularis groenlandica</i>	Elephant's Head	X						X	
<i>Penstemon ovatus</i>	Broad-Leafed Penstemon		X						

<i>Penstemon richardsonii</i>	Cut-Leafed Penstemon								X
<i>Penstemon serrularius</i>	Cascade Penstemon	X						X	X
<i>Pentogramma triangularis</i>	Gold-Back Fern								X
<i>Penderidia oregana</i>	Oregon Yampah							X	
<i>Petasites frigidus</i> var. <i>palmaris</i>	Sweet Coltsfoot	X	X	X				X	
<i>Phacelia nemoralis</i>	Shade Phacelia			X			X		
<i>Phlox gracilis</i>	Microsterns							X	X
<i>Piperia elegans</i>	Elegant Rein-Orchid		X				X	X	
<i>Piperia unalascentis</i>	Alaska Rein-Orchid			X		X			
<i>Pityrogramma triangularis</i>	Gold-Back Fern							X	
<i>Plagiobothrys figuratus</i>	Fragrant Plagiobothrys							X	
<i>Platanthera stricta</i>	Slender Bog-Orchid	X							
<i>Plectritis congesta</i>	Rosy Plectritis							X	X
<i>Poa annua</i> *	Annual Bluegrass*							X	
<i>Poa compressa</i>	Canada Bluegrass			X				X	
<i>Poa grayana</i>	Gray's Bluegrass		X					X	
<i>Poa howellii</i>	Howell's Bluegrass							X	
<i>Polygonum amphibium</i> var. <i>persicaria</i> *	Water Smartweed*	X							
<i>Polygonum aviculare</i>	Doorweed	X	X					X	
<i>Polygonum douglasii</i>	Douglas's Knotweed		X					X	
<i>Polygonum douglasii</i> ssp. <i>perfoliatum</i>	Fall Knotweed		X						
<i>Polygonum hydropiperoides</i>	Common Waterpepper	X							
<i>Polygonum polygaloides</i> ssp. <i>kelloggii</i>	Kellogg's Knotweed	X	X					X	
<i>Polygonum nuttallii</i>	Nuttall's Knotweed							X	
<i>Polygonum persicaria</i>	Lady's Thumb	X							
<i>Polygonum punctatum</i> **	Dotted Smartweed**	X							
<i>Polygonum spargulariaeforme</i>	Spurry Knotweed	X							
<i>Polypodium glycyrrhiza</i>	Licorice Fern		X	X		X	X		X
<i>Polystichum munitum</i>	Sword Fern			X		X	X		
<i>Potamogeton crispus</i>	Curled Pondweed	X							
<i>Potamogeton natans</i>	Broad-Leafed Pondweed	X							
<i>Potentilla glandulosa</i>	Sticky Cinquefoil			X				X	
<i>Potentilla gracilis</i>	Northwest Cinquefoil	X						X	
<i>Potentilla palustris</i>	Marsh Cinquefoil	X							
<i>Prunella vulgaris</i> var. <i>lanceolata</i>	Heal-All		X					X	
<i>Roralea</i> (see <i>Rupertia</i> )									
<i>Teridium aquilinum</i>	Bracken			X			X	X	
<i>Thyrola asarifolia</i>	Wintergreen		X	X					
<i>Utrunculus alismaefolius</i>	Water-Plantain Buttercup	X	X					X	
<i>Utrunculus aquatilis</i> var. <i>lispilus</i>	White Water-Buttercup	X							
<i>Utrunculus cymbalaria</i>	Shore Buttercup	X	X						
<i>Utrunculus flammula</i>	Creeping Buttercup	X	X					X	

<i>Ranunculus macounii</i> var. <i>oreganus</i>	Macoun's Buttercup	X						X	
<i>Ranunculus occidentalis</i>	Western Buttercup	X					X	X	
<i>Ranunculus orthorhyncus</i>	Straightbeak Buttercup	X	X					X	
<i>Ranunculus pensylvanicus</i>	Pennsylvania Buttercup	X	X						
<i>Ranunculus scleratus</i>	Celery-Leafed Buttercup	X	X						
<i>Ranunculus</i> spp. *	Buttercups								
<i>Ranunculus uncinatus</i>	Little Buttercup		X					X	
Regreen-NON	Sterile Wheat X Wheatgrass								
<i>Ribes</i> spp. *	Currants								
<i>Rorippa columbiae</i> **	Columbia Cress **	X	X					X	
<i>Rorippa curvisiliqua</i>	Western Yellow Cress	X							
<i>Rosa</i> spp. *	Roses								
<i>Rubus leucodermis</i>	Black Raspberry			X			X		
<i>Rubus ursinus</i>	Pacific Blackberry		X	X		X	X	X	X
<i>Rumex obtusifolius</i>	Butter Dock							X	
<i>Rumex occidentalis</i>	Western Dock	X						X	
<i>Rupertia physodes</i>	California Tea							X	
<i>Sagina decumbens</i> ssp. <i>occidentalis</i>	Western Pearlwort							X	
<i>Sagina occidentalis</i>	Western Pearlwort	X							
<i>Sagittaria latifolia</i>	Wapato	X							
<i>Sanguisorba occidentalis</i>	Annual Burnet							X	
<i>Sanicula crassicaulis</i>	Pacific Sanicle			X		X			
<i>Satureja douglasii</i>	Yerba Buena			X					
<i>Saxifraga ferruginea</i>	Rusty Saxifrage		X						X
<i>Saxifraga integrifolia</i>	Swamp Saxifrage	X						X	X
<i>Saxifraga mertensiana</i>	Merten's Saxifrage	X		X		X			X
<i>Saxifraga nuttallii</i>	Nuttall's Saxifrage	X		X		X			X
<i>Saxifraga occidentalis</i> var. <i>ufidula</i>	Western Saxifrage							X	X
<i>Saxifraga oregana</i>	Oregon Saxifrage	X					X		
<i>Scirpus acutus</i>	Hardstem Bulrush	X							
<i>Scirpus americanus</i>	American Bulrush	X							
<i>Scirpus microcarpus</i>	Small-Fruited Bulrush	X		X				X	
<i>Scirpus</i> spp. *	Bulrushes								
<i>Scirpus tabernaemontani</i>	Softstem Bulrush	X							
<i>Scoliopus hallii</i>	Oregon Fetid Adder's Tongue			X					
<i>Scrophularia californica</i>	California Figwort	X							
<i>Sedum oreganum</i>	Oregon Stonecrop								X
<i>Sedum spathulifolium</i>	Spatula-Leaf Stonecrop								X
<i>Selaginella densa</i>	Lesser Clubmoss								X
<i>Selaginella douglasii</i>	Douglas's Selaginella			X		X			X
<i>Senecio bolanderi</i> var. <i>harfordii</i>	Bolander's Groundsel			X		X			

<i>Sidalcea campestris</i> **	Meadow Sidalcea**								X	
<i>Sidalcea nelsoniana</i> **	Nelson's Checker-Mallow**								X	
<i>Syntherisma angustifolium</i>	Blue-Eyed Grass	X							X	
<i>Thlaspi racemosum</i>	Western False Solomon's Seal	X		X		X	X			
<i>Thlaspi stellata</i>	Starry False Solomon's Seal			X		X	X	X		
<i>Nyctaginia nigrum</i> *	Garden Nightshade*								X	
<i>Helianthus canadensis</i>	Goldenrod								X	
<i>Sparganium emersum</i> var. <i>versum</i>	Simplestem Bur-Reed	X								
<i>Thalictrum romanzoffianum</i>	Ladies-Tresses	X							X	
<i>Trifolium polyrrhiza</i>	Great Duckweed	X								
<i>Thalictrum ajacoides</i> var. <i>rigida</i>	Great Betony	X	X						X	
<i>Thalictrum cooleyae</i>	Cooley's Hedge-Nettle	X	X							
<i>Thalictrum mexicanum</i>	Great Betony	X								
<i>Thalictrum palustre</i> var. <i>pilosum</i>	Swamp Hedge-Nettle	X							X	
<i>Thlaspi calycanthum</i>	Northern Starwort								X	
<i>Thlaspi crispum</i>	Crisped Starwort	X							X	
<i>Thlaspi nitens</i>	Shining Chickweed								X	X
<i>Thlaspi lemonii</i>	Lemon's Needlegrass								X	
<i>Thlaspi amplexifolium</i>	Clasping-Leaved Twisted-Stalk		X	X		X				
<i>Silene oregana</i> **	Silvianthus**		X							X
<i>Thalictrum reniforme</i>	Snow Queen			X		X	X			
<i>Thlaspi grandiflorum</i>	Fringecup			X		X				
<i>Thalictrum canadense</i> var. <i>occidentale</i>	Wood Sage	X	X							
<i>Thalictrum occidentale</i>	Western Meadowrue		X	X					X	
<i>Thlaspi trifoliatum</i>	Laceflower		X	X		X				
<i>Thlaspi menziesii</i>	Pig-A-Back		X	X		X				
<i>Thlaspi tenella</i>	Small-Flowered Tonella								X	X
<i>Thlaspi latifolium</i>	Western Starflower			X		X				
<i>Thlaspi bifidum</i>	Pinole Clover									X
<i>Thlaspi microcephalum</i>	Wooly Clover									X
<i>Thlaspi microdon</i>	Thimble Clover									X
<i>Thlaspi oliganthum</i>	Few-Flowered Clover									X
<i>Thlaspi</i> spp.*	Clovers									
<i>Thlaspi tridentatum</i>	Tomcat Clover									X
<i>Thlaspi variegatum</i>	White-Tip Clover									X
<i>Thlaspi wormskjoldii</i>	Spring Bank Clover	X								
<i>Thlaspi chloropetalum</i>	Giant Trillium			X		X				
<i>Thlaspi ovatum</i>	Western Trillium		X	X		X				
<i>Thlaspi perfoliatum</i>	Venus'-Looking-Glass								X	
<i>Thlaspi canescens</i>	Tall Trisetum								X	
<i>Thlaspi cernuum</i>	Nodding Trisetum	X	X	X						

<i>Triticum</i> spp.-NON	Spring or Fall Wheat								
<i>Typha latifolia</i>	Common Cattail	X							
<i>Urtica dioica</i>	Stinging Nettle	X	X	X		X			
<i>Utricularia vulgaris</i> *	Common Bladderwort*	X						X	
<i>Vancouveria hexandra</i>	White Inside-Out Flower		X	X		X		X	
<i>Veratrum californicum</i>	False Hellebore	X	X					X	
<i>Verbena hastata</i> **	Wild Hyssop**	X						X	
<i>Veronica americana</i>	American Brooklime	X	X					X	
<i>Veronica scutellata</i>	Marsh Speedwell	X							
<i>Vicia americana</i>	American Vetch			X				X	
<i>Vicia gigantea</i>	Giant Vetch			X					
<i>Viola adunca</i>	Early Blue Violet							X	
<i>Viola glabella</i>	Stream Violet	X	X	X		X			
<i>Viola hallii</i>	Hall's Violet			X		X		X	
<i>Viola howellii</i>	Howell's Violet			X				X	
<i>Viola palustris</i>	Marsh Violet	X						X	
<i>Viola sempervirens</i>	Evergreen Violet			X		X			
<i>Whipplea modesta</i>	Yarrow de Selva			X					
<i>Xanthium spinosum</i> *	Spiny Cocklebur*							X	
<i>Xanthium strumarium</i>	Common Cocklebur							X	

AS = Arborescent (tree-like) shrubs. These shrubs may not be used to meet conditions of approval which require trees.

\*These plants have been placed on the Nuisance or Prohibited Plant Lists, as they have been found to be either invasive or harmful. They may also be on the Oregon noxious weed list. As such, their use in Oregon City is prohibited in certain situations.

\*\*These plants are identified as rare, threatened or endangered on the Federal, State or Oregon Natural Heritage Program Lists (see Rare, Threatened and Endangered Plants and Animals of Oregon, Oregon Natural Heritage Program, Portland, Oregon, August 1993).

## OREGON CITY NUISANCE PLANT LIST

Scientific Name	Common Name
<b>Dominating Plants</b>	
<i>Acer platanoides</i>	Norway Maple
<i>Ailanthus altissima</i>	Tree of Heaven
<i>Alliaria officinalis</i>	Garlic Mustard
<i>Chelidonium majus</i>	Lesser Celandine
<i>Cirsium arvense</i>	Canada Thistle
<i>Cirsium vulgare</i>	Common Thistle
<i>Clematis ligusticifolia</i>	Western Clematis
<i>Clematis vitalba</i>	Traveler's Joy
<i>Convolvulus arvensis</i>	Field Morning Glory
<i>Convolvulus sepium</i>	Lady's Nightcap
<i>Cortaderia selloana</i>	Pampas Grass
<i>Crataegus</i> sp. except <i>C. douglasii</i>	Hawthorn, except native
<i>Cytisus scoparius</i>	Scot's Broom
<i>Daucus carota</i>	Queen Anne's Lace*
<i>Egeria densa</i> *	South American Waterweed*
<i>Elodea densa</i>	South American Waterweed
<i>Equisetum arvense</i>	Common Horsetail
<i>Equisetum telmateia</i>	Giant Horsetail
<i>Erodium cicutarium</i>	Crane's Bill
<i>Geranium robertianum</i>	Robert Geranium
<i>Hedera helix</i>	English Ivy
<i>Hypericum perforatum</i>	St. John's Wort
<i>Ilex aquafolium</i>	English Holly
<i>Iris pseudacorus</i>	Yellow Flag
<i>Lemna minor</i>	Duckweed, Water Lentil
<i>Leontodon autumnalis</i>	Fall Dandelion
<i>Lythrum salicaria</i>	Purple Loosestrife
<i>Myriophyllum spicatum</i>	Eurasian Watermilfoil
<i>Phalaris arundinacea</i>	Reed Canarygrass
<i>Poa annua</i>	Annual Bluegrass
<i>Polygonum coccineum</i>	Water Smartweed
<i>Polygonum convolvulus</i>	Climbing Bindweed
<i>Polygonum sachalinense</i>	Giant Knotweed
<i>Prunus laurocerasus</i>	English, Portugese Laurel
<i>Rubus discolor</i>	Himalayan Blackberry
<i>Rubus laciniatus</i>	Evergreen Blackberry
<i>Senecio jacobaea</i>	Tansy Ragwort
<i>Solanum dulcamara</i>	Blue Bindweed
<i>Solanum sarrachoides</i>	Hairy Nightshade

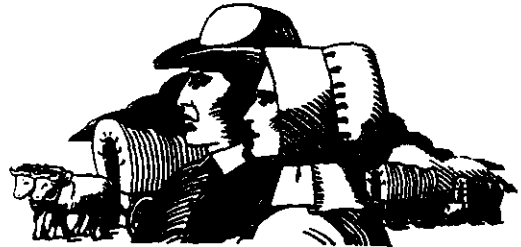
Taraxacum officinale	Common Dandelion
Utricularia vulgaris	Common Bladderwort
Various genera	Bamboo sp.
Vinca major	Periwinkle (large leaf)
Vinca minor	Periwinkle (small leaf)
Xanthium spinosum	Spiny Cocklebur
<b>Harmful Plants</b>	
Conium maculatum	Poison Hemlock
Laburnum watereri	Golden Chain Tree
Rhus diversiloba	Poison Oak
Solanum nigrum	Garden Nightshade

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## MEMORANDUM

Date: February 14, 2000

### SUBJECT

Comparison of 2-inch vs. 3-inch minimum caliper tree size for proposed parking lot landscaping standards.

### BACKGROUND

On January 10, 2000, staff presented the Planning Commission with a proposal to implement minimum parking lot landscaping standards as a small part of the entire TSP process. During that presentation the Commission agreed that staff should bring back a draft ordinance, including a requirement for a minimum 3-inch tree size.

However, at a joint Planning Commission/City Commission work session on January 12, 2000, the Planning Commission expressed some concern about requiring 3-inch trees for all parking lot landscaping.

As a result, staff has prepared a comparison between the two tree sizes by contacting the City Arborist, Richard Reed, several different wholesale tree nurseries and several different municipalities in the metropolitan area.

### ISSUES

#### Availability

Staff contacted several wholesale nurseries and arborists to find out about tree availability in the 3-inch or larger sizes. Several nurseries in the Oregon City area do not ever carry trees greater than 2 inches. However, the City of Portland Urban Forestry Division provided the names of three regional nurseries that specialize in larger caliper trees.

The first nursery, Oregon Turf and Tree Farms in Hubbard, provided a tree inventory and price list as of January 28, 2000. This list is attached as exhibit A. They indicated that their stock of larger trees was depleted because of the rapid development rate throughout the region. They carry 8 species with at least 12 trees of 3 inches or greater width in stock. The number of trees range from 13 to 33 for each species.



The second nursery, Northwest Shade Trees in Boring, indicated that they were sold out for this season of all species of trees 3 inches or larger, except for one species of sweetgum. He indicated that many of their larger trees had been shipped to Boise, Idaho and Salt Lake City, Utah. In addition, he indicated the City of Portland now requires 3 to 3.5 inch trees, resulting in higher demand for the larger tree stock.

The third nursery, EF Nursery in Forest Grove, provided a tree inventory and price list as of January 21, 2000. This list is attached as exhibit B. They indicated there is strong demand for larger trees because of the amount of new construction in the metropolitan area. However, they indicated they had a large stock of 3 inch or greater trees in several species. In addition, they stated they would have more large diameter trees available in the fall. They carry 16 species with at least 40 trees of 3 inch width or greater in stock. The number of trees range from 43 to 649 for each species.

#### **Cost**

Oregon Turf and Tree Farms in Hubbard, provided a tree inventory and price list as of January 28, 2000. This list is attached as exhibit A. This price list shows 2 inch trees costing about \$85 and 3 inch trees costing about \$150. Other nurseries indicated similar tree costs

#### **Installation**

2-inch caliper trees weigh approximately 400 pounds and have a root ball 28 inches in diameter. 3-inch trees weigh approximately 800 pounds and have a root ball 36 inches in diameter. Installation of larger trees requires more personnel and/or equipment.

#### **Survivability**

Most sources indicated no difference in survivability between 2 and 3 inch trees, assuming that the trees were nursery grown and properly maintained after installation.

### **OTHER MUNICIPAL STANDARDS**

#### **City of Portland**

Portland requires 3-inch minimum trees on site for commercial, industrial and multifamily developments and 1.5-inch minimum trees on site for residential developments. In addition, Portland requires 3.5-inch minimum street trees. An arborist from the Urban Forestry Dept. indicated that smaller trees are not as durable and cannot withstand vandalism, accidents and inclement weather as well as larger trees.

**City of Milwaukie**

Milwaukie does not have a minimum tree size specified in their code for on-site landscaping. However, they routinely require 2-inch minimum trees for on-site landscaping.

**City of Lake Oswego**

Lake Oswego requires 2-inch minimum trees in their code for on-site landscaping.

**City of Wilsonville**

Wilsonville does not have a minimum tree size specified in their code for on-site landscaping. However, they do require street trees ranging from 3 inch for arterial streets to 1.5 inch for local streets.

**City of Forest Grove**

Forest Grove requires 2-inch minimum trees in their code for on-site landscaping.

**City of West Linn**

West Linn does not have a minimum tree size specified in their code for on-site landscaping. However, the Senior Planner indicated they routinely require 3 inch minimum trees for on-site landscaping.

**CONCLUSION**

Staff believes that despite high demand and a limited number of nurseries that carry larger trees in the metropolitan area, there is still sufficient availability to supply new development in Oregon City. In addition, the City of Portland and other municipal tree planting requirements for larger trees suggest that similar requirements in Oregon City would not be an undue burden for developers. As a result, staff recommends that the Planning Commission adopt a 3-inch minimum caliper tree size for all parking lot landscaping on Oregon City.

**Report Preparer:** Tom Bouillion, Associate Planner