

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892

  
**KYENNE**  


## AGENDA

**City Commission Chambers - City Hall  
January 24, 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 10, 2000 (*Under Separate Cover*)
- 7:15 p.m. 4. **VR 99-08** 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 CountyMap 3S-2E-05BD Tax Lot 1001
- 7:45 p.m. 5. **TP 98-02** 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
- 8:30 p.m. 6. **ZC 99-09** City of Oregon City; Legislative Action to amend Chapter 17.64 "Planned Unit Development"; All properties zoned residential within City of Oregon City limits
- 9:15 p.m. 7. **OLD BUSINESS**  
**A. Proposed Reimbursement District Ordinance – Review & Comment**  
(*DRAFT Under Separate Cover*)  
**B. Adoption of Mission, Goals and Objectives and Bylaws**  
(*Under Separate Cover*)
- 9:35 p.m. 9. **NEW BUSINESS**  
**A. Staff Communications to the Commission**  
**B. Comments by Commissioners**
- 9:55 p.m. 10. **ADJOURN**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

# CITY OF OREGON CITY

## PLANNING COMMISSION

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



### STAFF REPORT

Date: January 24, 2000

Complete: 11/29/99  
120 Day: 3/28/2000

**FILE NO.:** VR 99-08

**FILE TYPE:** Quasi - Judicial

**HEARING DATE:** January 24, 2000  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANT/OWNER:** Don and Murva Mildbrandt  
Tigard Construction  
PO Box 809  
Oregon City, Oregon 97045

**REQUEST:** Variance to allow a reduction in the lot depth for Tax Lot 1001 from 100 feet to 77 feet (+/-) which would permit the approval of a land partition, thus legalizing the lot.

**LOCATION:** 418 Harris Lane Oregon City 97045. Approximately 100 feet from the corner of Harris Lane and Molalla Avenue; Clackamas County Map Number 2-2E-5BD, Tax Lot 1001.

**SUMMARY OF RECOMMENDATION:** Approve with conditions.

**REVIEWERS:** Paul Espe, Associate Planner, Dean Norlin Senior Engineer

**VICINITY MAP:** See Exhibit A

### BACKGROUND:

The submitted legal description indicates that Tax Lot 1001 and 1002 were created without City approval when a Statutory General Warranty Deed to Charles F. Klopp and Kathleen Klop was recorded on October 20, 1977 as Fee No. 77-43040 in the Clackamas County Deed Records (Exhibit A). The subject lot was created with an inadequate lot depth averaging 77.21 feet (59.92 feet on the east side of the property line and 94.5 feet on the west side of a trapezoidal shaped lot).

4. Transmittals on the proposal were sent to various City departments, affected agencies and property owners. Limited comments were received on this proposal.
5. Staff received comments from the City's Engineering Manager, Public Works Director, and Parks Department. All indicated that the proposal does not conflict with their interests. In addition, staff received one letter, to Dorothy Cofield from Hibbard Caldwell and Schultz (Exhibit F).

### **DECISION MAKING CRITERIA:**

#### **Oregon City Comprehensive Plan Consistency:**

- A. Statement in Growth and Urbanization Section: *"It is the City's policy to encourage small lot single-family development in the low density residential areas..."*
- B. Community Facilities Policy No. 7: *"Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land".*

#### **Municipal Code Standards and Requirements:**

Chapter	17.60 Variances
	17.12 "R-6", Single-Family Dwelling District

### **VARIANCE ANALYSIS AND FINDINGS:**

The criteria for review of this variance request are found in section 17.60.020 of the City of Oregon City Zoning Code. A variance may be granted only in the event that all of the following conditions exist:

**Criterion A: That the literal application of the provisions of this ordinance would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this ordinance; or, extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site.**

The applicant maintains and staff concurs that the literal application of this title would result in the perpetual vacancy of this lot and the continuation of missed development

**Criterion C: The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. 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.**

The circumstances of this property are not self imposed. As previously noted and outlined in the submitted evidence (Exhibit B), the applicant was unaware of the partitioning status, conflicting surveys, illegal structure and the misrepresented lot size on this property at the time of purchase.

Pending approval of the requested variance, the applicant intends to legalize the existing lot through the City's partitioning process and is in the process of rectifying any lot line discrepancies with the adjacent neighbors (See Exhibits F and G). The accessory structure would be demolished when a proposed assisted care facility is constructed, resulting in the full utilization of the property. This does not constitute a monetary hardship or inconvenience on the applicant's part and is a matter of allowing a lot to be legally divided so that it may be improved. The applicant is requesting this variance in order to comply with the underlying zone, and file a partition to legalize an existing lot.

**Staff finds that Section 17.60.020(C) is met.**

**Criterion D: No practical alternatives have been identified which would accomplish the same purposes and not require a variance.**

No practical alternatives are available to resolve the existing reduced lot depth. This is a pre-existing condition. Providing additional territory from the adjacent lot through a lot line adjustment would be the only alternative if there were enough land area for compliance to lot depth standards for both lots. Accordingly, there are no practical alternatives that would accomplish the same purpose.

**Section 17.60.020(D) is met.**

**Criterion E: That the variance requested is the minimum variance, which would alleviate the hardship.**

The variance is the minimum variance to alleviate the hardship, without requiring additional variances or impacting abutting properties.

**Section 17.60.020(E) is met.**

# EXHIBIT 1

## VICINITY MAP

6

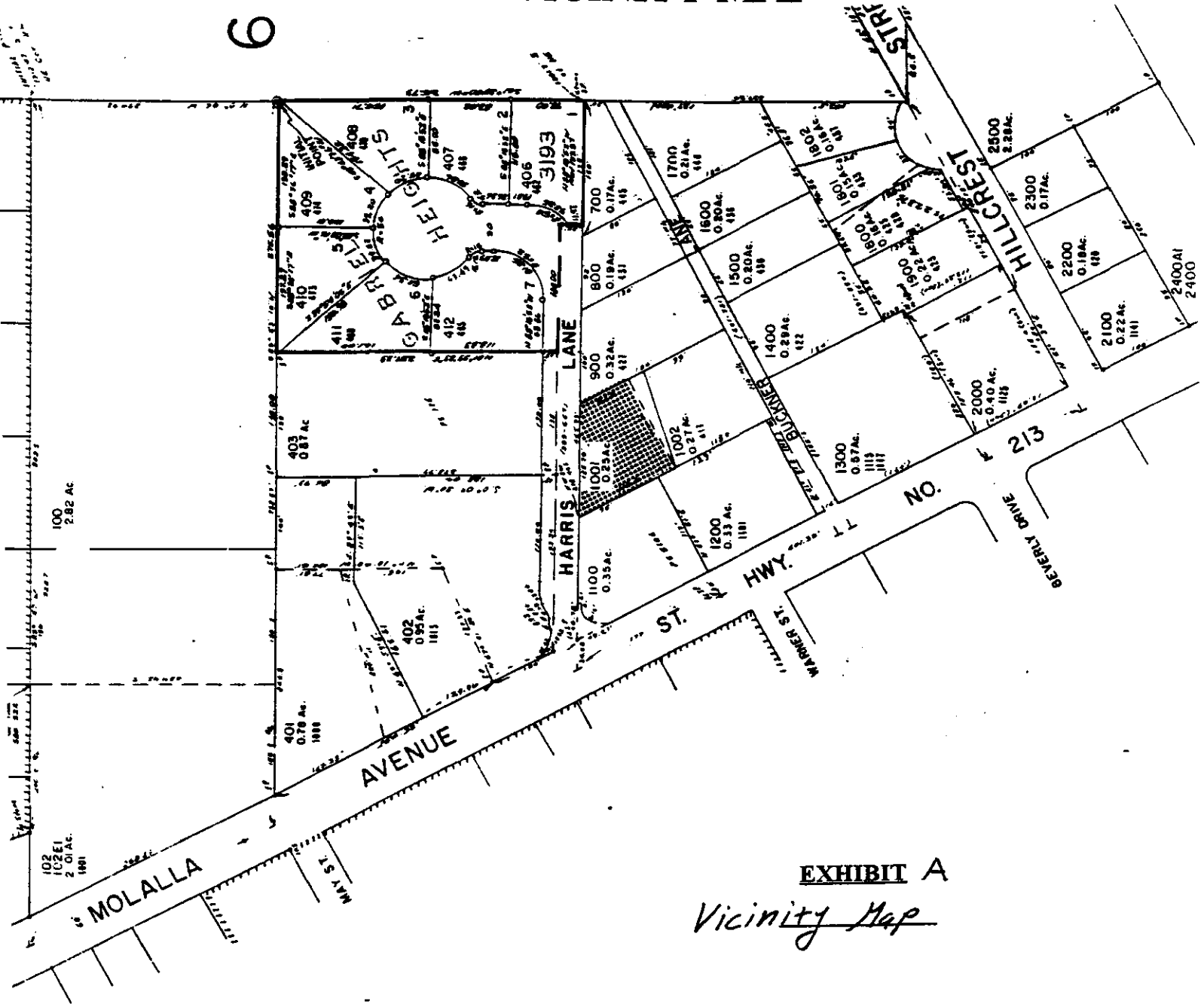


EXHIBIT A

*Vicinity Map*

### **VARIANCE CRITERIA III. A.**

IF A LITERAL APPLICATION OF THE REQUIREMENTS ARE APPLIED, IT WOULD BE IMPOSSIBLE TO UTILIZE TAX LOT 1001 AS A SEPARATE LOT AS THERE IS NOT ENOUGH DEPTH BETWEEN HARRIS LN. AND BRUCKNER LN. TO DIVIDE THE PROPERTY INTO TWO LOTS EACH WITH AN AVERAGE DEPTH OF 100'. HARRIS LN. AND BRUCKNER LN. TAPER TOWARD EACH OTHER TOWARD THE EAST CAUSING THE WEST PROPERTY LINE BETWEEN HARRIS AND BRUCKNER TO BE APPROXIMATELY 230' AND THE EAST LINE TO BE APPROXIMATELY 165' THEREFORE IT IS NOT POSSIBLE TO DIVIDE THE PROPERTY GIVING EACH PIECE AN AVERAGE DEPTH OF 100', PARTICULARLY IF BRUCKNER LN. IS EVER DEVELOPED AS IT CURRENTLY ONLY 16' WIDE AND LACKS CURBS AND SIDEWALKS. TAX LOT 700 FACING BRUCKNER HAS A WEST LINE OF 85' AND AN EAST LINE OF ONLY 20'.

## VARIANCE CRITERIA III. C.

WE PURCHASED THIS PROPERTY FROM THE DESCRIPTION OFFERED BY THE FORMER OWNER, THE MARANANTHA FOUNDATION, BOB WILLIAMS, AGENT (SEE VARIANCE CRITERIA III. C. EXHIBIT A). THE CLOSING PAPERS PROVIDED US WITH THE DESCRIPTION PROVIDED IN VARIANCE CRITERIA III. C. EXHIBIT B, SOMEWHAT SMALLER THAN THE DESCRIPTION PROVIDED BY THE FORMER OWNER. WE SUBSEQUENTLY HAD THE PROPERTY SURVEYED BY COMPASS CORPORATION, ONLY TO DISCOVER THAT THERE WERE CONFLICTING SURVEYS AND THE PROPERTY LINES WERE VERY QUESTIONABLE. WE NEGOTIATED WITH TEXACO OIL COMPANY FOR OVER A YEAR (THEY BEING THE OWNERS OF THE LOT BACKING UP TO THE ONE WE BOUGHT), FINALLY AGREEING ON A FENCE THAT HAD BEEN IN PLACE FOR AT LEAST 13 YEARS AS THE AGREED UPON LINE. TEXACO OIL SIGNED A QUITCLAIM DEED RELEQUISHING ANY CLAIM TO THE PROPERTY IN QUESTION (VARIANCE CRITERIA III. C. EXHIBIT C). NOW, INSTEAD OF THE PIECE OF PROPERTY BEING THE 12,000 SQ. FT. WE ORIGINALLY THOUGHT WE HAD PURCHASED, WE WERE DOWN TO SLIGHTLY OVER 9,000 SQ. FT.. THIS, WHILE DISSAPPOINTING, WAS ADEQUATE FOR OUR PLANS TO BUILD AN ADULT FOSTER CARE HOME ON THE LOT (VARIANCE CRITERIA III. C. EXHIBIT D). WE TOOK THE PAPERWORK IN FOR A LOT LINE ADJUSTMENT. IT WAS THEN THAT WE WERE INFORMED THAT THIS WAS AN ILLEGALLY PARTITIONED LOT, A FACT EVIDENTLY KNOWN BY THE FORMER OWNER AND A FACT NOT DISCLOSED BY A TITLE SEARCH.

THIS HAS BEEN A CONFUSING MESS FOR 20 YEARS OR MORE, APPARENTLY PASSED FROM ONE OWNER TO THE NEXT WITHOUT RESOLUTION. WE WOULD LIKE VERY MUCH TO RESOLVE THE PROBLEM BY GETTING THIS LOT LEGALLY PARTITIONED, BUT WE MUST HAVE THIS VARIANCE ADDRESSING THE ISSUE OF A SUB-STANDARD DEPTH LOT APPROVED, OTHERWISE THIS WILL REMAIN AN UNUSABLE PIECE OF PROPERTY.

ANOTHER ISSUE BROUGHT UP IN OUR PRE-APPLICATION MEETING WAS THE CONSTRAINED WIDTH OF HARRIS LN. FROM MOLALLA AVE. TO THE 90 DEGREE BEND INTO GABRIEL HEIGHTS. SEE VARIANCE CRITERIA III. C. EXHIBITS E AND F SHOWING THAT AT THE TIME WE DEVELOPED GABRIEL HEIGHTS, THE CITY OF OREGON CITY DICTATED THAT THE STREET BE OF A CONSTRAINED WIDTH OWING TO TH FACTS, AS I RECALL, THAT THE BUILDING AT 1015 MOLALLA AVE. IS POSITIONED IN SUCH A MANNER THAT IT CONSTRAINS THE INTERSECTION OF HARRIS LN. AND MOLALLA AVE. AND THAT TAX LOTS 700, 800 AND 900 ALL HAVE BACK YARDS FACING HARRIS LN. THEREFORE THEY WILL NEVER HAVE DEVELOPMENT ALONG HARRIS LN. (VARIANCE CRITERIA III. C. EXHIBIT G)

# VARIANCE CRITERIA III.C. EXHIBIT B

## EXHIBIT "A"

### Legal Description:

A tract of land in the William Holmes Donation Land Claim in Section 5, Township 3 South, Range 2 East, of the Willamette Meridian, in the County of Clackamas and State of Oregon, described as follows:

Beginning at the Southwest corner of that tract of land described in Deed to W.M. Johnson Deed recorded January 27, 1930, in Book 204, Page 231, Deed Records, said point being the center line of Molalla Avenue and the Southwesterly extension of the Northwestern line of Buckner Lane as described in Deed to Oregon City, recorded April 11, 1962, in Book 601, Page 721, Deed Records; thence North 61°51' East along the Southeasterly line of said Johnson tract 150 feet to the Southwesterly corner of that tract of land described in Deed to Loy E. Kamolz, et ux, recorded September 11, 1948, in Book 411, Page 244, Deed Records; thence Northwesternly along the Westerly line of said Kamolz tract 118 feet to the true point of beginning of the tract herein described, said point of beginning also being the most Westerly corner of the land described in "Statutory General Warranty Deed" to Charles F. Klopp and Kathleen D. Klopp, husband and wife, recorded October 20, 1977, as Fee No. 77-43040 Deed Records; thence Northeasterly along the Northerly line of the land described in Deed to Klopp, 110 feet, more or less, to a point on the Westerly line of that tract of land described in Deed to Buford O. Brooks, et ux, recorded August 22, 1951, in Book 448, Page 593, Deed Records, which point is Northwesternly 99 feet along the Westerly line of land described in Deed to Brooks, from the Northwesternly line of Buckner Lane and which point is also the most Northerly corner of the land described in Deed to Klopp; thence Northwesternly along the Westerly line of said Brooks tract 81 feet, more or less, to the South right of way line of Harris Lane; thence West along said right of way line 125 feet, more or less, to the Northwesternly corner of said Kamolz tract; thence Southeasterly along the Westerly line of said Kamolz tract 114 feet, more or less, to the true point of beginning.



STATE OF CALIFORNIA

(

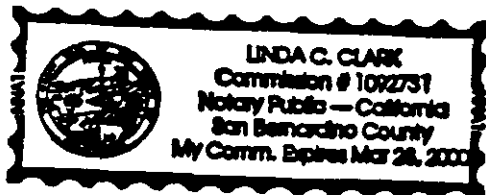
COUNTY OF Los Angeles

)

(

On this 30 day of August, 1999, before me, LINDA C. CLARK, a Notary Public in and for the State of California, personally appeared D. C. Elston, who, being sworn, did say that he is Vice President, Texaco Refining and Marketing, Inc., and that the said instrument was signed on behalf of said corporation by authority of its board of directors; and he acknowledged said instrument to be its voluntary act and deed.

WITNESS my hand and official seal.



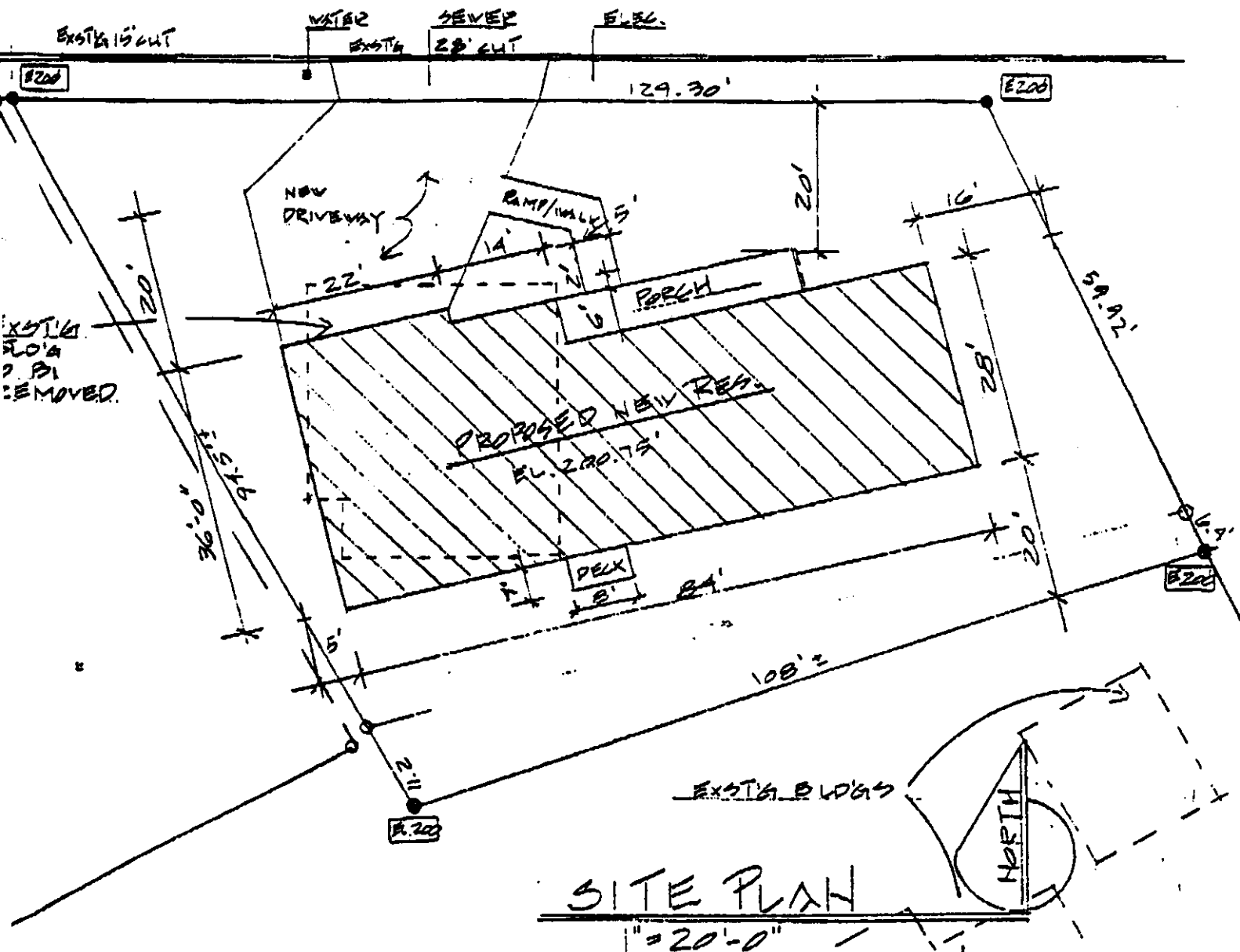
Linda C. Clark  
Notary Signature

# VARIANCE CRITERIA II.C. EXHIBIT D

FROM : DORTHE BUGBEE, BLD'G-DESIGNER PHONE NO. : 503 643 2108

Sep. 27 1999 05:08PM P1

HARRIS LANE



SITE PLAN

1" = 20'-0"

LEGAL:

TAX LOT 1001

MAP 3-2E-5B0

DATE: 9-27-99

OWNER:

DON & MYRNA MILBRANT

417 HARRIS LANE

OREGON CITY, OR 97045

**2. CONFORMITY WITH SUBDIVISION, ZONING, AND OTHER ORDINANCES.** The second criterion is conformity with the subdivision, zoning, and other ordinances and regulations of Oregon City.

**A. Development Impact Statement.**

- 1) Hydrological/geotechnical consideration in Designated Areas. (100 year flood plain, Unstable slopes Overlay). This site is not in any designated 100 year floodplain. This site is not in the Unstable Slopes Overlay District; therefore, any special reports related to the US District are not required.
- 2) Hydrological/Geological/Geotechnical considerations, general. This site is in the Newell Drainage Basin as designated in the City's Drainage Master Plan. No improvements to the major drainage system were identified in the Drainage Master Plan.
- 3) Vegetation and Animal Life Consideration - No vegetation and animal life considerations were noted on this property. The site is predominately an open field. The applicant notes in the Development Impact Statement that there are a few significant trees on the site, that will be reviewed with staff during final review. A tree survey and standard flagging/staking requirements will be included with recommended conditions of approval.
- 4) Atmospheric Considerations - The subject site is located within the Portland Metropolitan AQMP (air quality maintenance planning) area. Staff is not aware of any issues pertaining to this property that would affect the airshed in a negative manner.
- 5) School Considerations - School assignments for the subject site are indicated in the statement. Oregon City School District No. 62 indicated no conflicts with the proposed development.
- 6) Coordination Considerations - The applicant has contacted all utility providers. All utilities are available.
- 7) Transportation Considerations. No traffic impact study was required due to the low impact on the system. The access to this development is via Harris Lane, a local street connecting to Molalla Avenue, a major arterial. The existing right-of-way width for Harris Lane is 25 feet and unimproved except for a portion along the frontage of Tax Lot 402. The intersection of Harris Lane with Molalla Avenue is at 60 degrees. Molalla Avenue has a 60 foot right-

- 6) Any required offsite easements shall be obtained prior to any offsite construction and/or recording of the final plat.

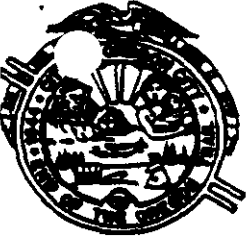
I. Required Public Works Improvements. All required public works improvements shall be designed and constructed to City standards. See Section K. below for Subdivision Compliance Agreement (surety) and Maintenance Bond requirements.

- 1) Streets. See comments under DIS-Transportation and right-of-way. The interior local street shall be constructed to the City standard of 50 foot right-of-way with 32 foot urbanized street section. Between Molalla Avenue and the 90-degree bend, Harris Lane shall be constructed to a 40-foot wide right-of-way width with a 28-foot urbanized street section.
- 2) Drainage, Erosion/Sedimentation Control. A preliminary storm system was presented. The basic schematic layout looks workable with minor changes and/or additions. A storm drainage system shall be required per the City's Drainage Master Plan. The following changes and/or additions are required: Additional catch basins and connecting pipes shall be required to collect the runoff in the cul-de-sac. Detention may be required if the existing 12 inch pipe does not have sufficient capacity, or the 12 inch may be upgraded.

If roof drains can not drain directly to the street, the final engineering plans shall provide private back yard drains to connect to.

The final engineering plans shall also include a Erosion/Sedimentation Control Plan based on Clackamas County's Technical Guidance Handbook. A DEQ permit shall be required for erosion/sedimentation control. (DEQ permit for sites larger than 5 acres)

- 3) Sanitary. Sanitary sewer is available in Harris Lane and the proposed Harris Lane extension. A preliminary sanitary sewer system was presented. The basic schematic layout is workable. Sanitary sewer shall be provided per the City's Design Standards.
- 4) Water/Fire Hydrant Location. A six inch waterline is available in Harris Lane for the first 200 feet and along the east side of the property. A preliminary water system was presented. The basic schematic layout is workable with the addition that the water line shall be extended and looped to the waterline along the east



# CITY OF OREGON CITY

Incorporated 1844

COMMUNITY DEVELOPMENT  
320 Warner-Milne Road  
Oregon City, OR 97045  
(503) 657-0891  
FAX (503) 657-3839

Proceedings of the  
**PLANNING COMMISSION**  
**FINAL ORDER**

In the matter of the application of: Don and Murva Milbradt and George Eby  
property listed as tax lot 400, Map 3-2E-5BD.

For the following land use action or permit: Preliminary Plat for a 7-lot  
Subdivision.

A hearing having been held on the 28th day of September, 1993, it is hereby ordered  
that:

( ) Application is allowed.

(XX) Application is allowed with the following modifications

and/or conditions: Conditions are attached as Exhibit "A"

( ) Application is denied.

This Order is based upon findings attached and incorporated as if fully set forth  
herein.

DATED, September 28, 1993.

  
TERRI POWERS, Chair

FINAL ORDER/FILE NO. TP93-03

**CITY OF OREGON CITY  
APPROVED**

☒ Approved as submitted / *modified*

☐ Approved as Noted in Red

Building \_\_\_\_\_ Date \_\_\_\_\_

Planning *Am* Date *10-6-93*

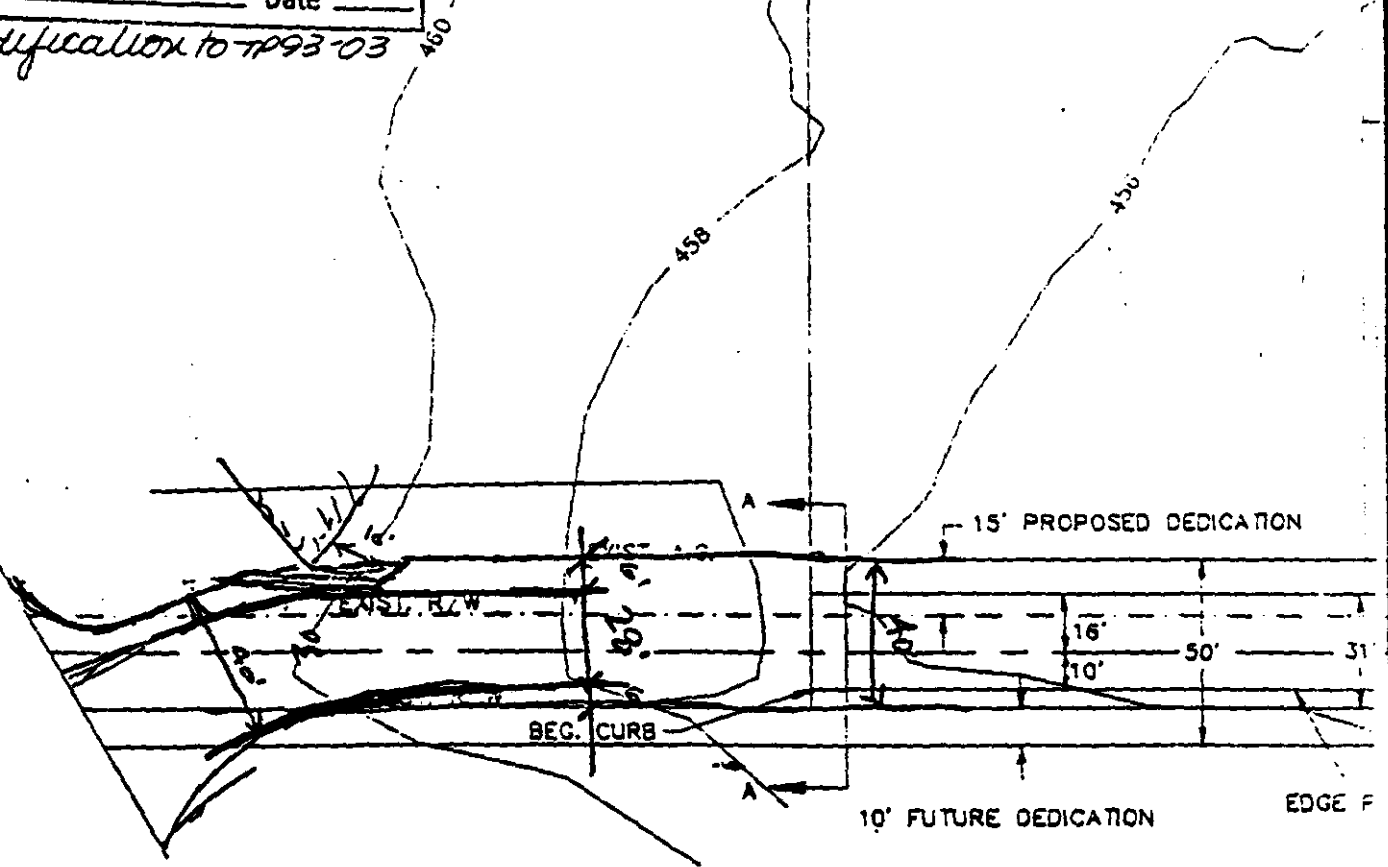
Engineer *Hawthorne* Date *"*

Fire \_\_\_\_\_ Date \_\_\_\_\_

Street \_\_\_\_\_ Date \_\_\_\_\_

Water \_\_\_\_\_ Date \_\_\_\_\_

*Modification to TP93-03*



**LOT LAYOUT**



**COMPASS CORPORATION**

ENGINEERING - SURVEYING - PLANNING  
6364 S. E. LAKE ROAD (503) 653-9093  
MILWAUKIE, OREGON 97222 FAX (503) 653-9095

## **VARIENCE CRITERIA III. D.**

**PLEASE SEE VARIENCE CRITERIA III. A. THERE SIMPLY IS NO WAY TO DIVIDE THIS LOT AND MEET DEPTH CONDITIONS. THERE IS NO PRACTICAL ALTERNATIVE TO ACCOMPLISH WHAT WE WISH TO DO.**

### **VARIANCE CRITERIA III. F.**

**THIS VARIENCE CONFORMS TO THE COMPREHENSIVE PLAN AND THE INTENT OF THE ORDINANCE BEING VARIED IN THAT IT WOULD ALLOW AN OTHERWISE ILLEGALLY PARTITIONED LOT TO BE PARTITIONED AND RENDERED USABLE. THE SQUARE FOOTAGE OF THE LOT IS MORE THAN ADEQUATE FOR RESIDENTIAL USE AS THE LOT IS MUCH WIDER THAN REQUIRED AND, AS SHOWN BY THE PLOT PLAN PROVIDED WITH VARIENCE CRITERIA III. EXHIBIT D. OUR PLANS FOR USING THE LOT FIT VERY WELL AND MEET ALL REQUIREMENTS FOR SETBACKS, ROOM FOR LANDSCAPING, PARKING, ETC.**



Dean

CITY OF OREGON CITY - PL.  
PO Box 351 - 320 Warner Milne Road  
Phone: (503) 657-0891 Fax:

PLANNING DIVISION  
Oregon City, OR 97045  
(503) 657-7892

TRANSMITTAL

- ☐ BUILDING OFFICIAL
- ☒ ~~ENGINEER MANAGER~~
- ☒ FIRE CHIEF
- ☒ PUBLIC WORKS DIRECTOR
- ☒ TECHNICAL SERVICES
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt
  
- ☐ TRAFFIC ENGINEERS
- ☐ JOHN REPLINGER @ DEA
- ☐ JAY TOLL

- ☒ CIC
- ☒ NEI
- ☒ N.A. HOODHOOD ASSOCIATION (N.A.) CHAIR
- ☐ CLAS LAND USE CHAIR
- ☐ CLAS CLATSOP COUNTY - Joe Merek
- ☐ CLAS CLATSOP COUNTY - Bill Spears
- ☒ SCH DIST 62
- ☒ TRI
- ☐ GEC
- ☐ DLC
- ☒ ORE
- ☒ PAR

HOODHOOD ASSOCIATION (N.A.) CHAIR  
LAND USE CHAIR  
CLATSOP COUNTY - Joe Merek  
CLATSOP COUNTY - Bill Spears  
DIST 62  
H REPORT - NANCY K.  
REDA BERNARDS @ METRO  
CITY POSTMASTER

RETURN COMMENTS TO:

COMMENTS DUE BY: December 28, 1999

PLANNING PERMIT TECHNICIAN  
Planning Department

HEARD DATE: January 24, 2000  
HEARD BODY: Staff Review: \_\_ PC: \_\_X\_\_ CC: \_\_

IN REFERENCE TO FILE # & TYPE:  
APPLICANT:  
REQUEST:  
  
LOCATION: VR 99-0:  
Tigard C  
Variance  
2 parcels  
418 Harr

uction, Inc & Don and Murva Mildbrandt  
at depth requirement to allow partition of lot into  
ne

The enclosed material has been referred to you for your information, suggestions will be used to guide the Planning staff when reviewing this considered and incorporated into the staff report, please return the attached application and will insure prompt consideration of your recommendation

and official comments. Your recommendations and  
sal. If you wish to have your comments  
py of this form to facilitate the processing of this  
lease check the appropriate spaces below.

☒ The proposal does not conflict with our interests.  
  
☐ The proposal would not conflict our interests if the changes noted below are included.

☐ The proposal conflicts with our interests for reasons stated below.  
  
☐ The following items are missing and are needed for completeness and review:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Signed *Dean R. Modi*  
Title *SR. ENGINEER*

12-21-99

PLEASE RETURN YOUR COPY OF THE APPLICATION

EXHIBIT C  
*Oregon City Engineering*  
*Comments*  
JRM.

CITY OF OREGON CITY  
Memorandum

TO: Joe McKinney, Interim Public Works Manager

FROM: Henry Mackenroth, Public Works Engineer

DATE: December 13, 1999

SUBJECT: File Number: VR 99-08  
Name: 418 Harris Lane — Depth Variance

1. General Comments:

No Comments on this Action

2. Water:

Water Depart. Additional Comments No: ☒ Yes: ☐ Initial: CC

3. San Sew:

San. Depart. Additional Comments No: ☒ Yes: ☐ Initial: CC

4. Storm Sew:

Storm Depart. Additional Comments No: ☒ Yes: ☐ Initial: CC

5. Streets:

Street Depart. Additional Comments No: ☒ Yes: ☐ Initial: CC

HIBBARD CALDWELL  
JAMES A. LANTONY  
JAMES E. LEVY  
PAUL D. SCHULTZ  
NANCY S. TALKER  
NELSON L. WALKER  
TAXPAYER TAXATION

**HIBBARD, CALDWELL & SCHULTZ**

A Professional Corporation  
**ATTORNEYS AT LAW**

Office Address: 1001 Molalla Avenue, Suite 200  
Mailing Address: P.O. Box 1960 • Oregon City, Oregon 97045

Phone: (503) 658-5200

Fax: (503) 658-0125

Established 1887 As  
Urban and Suburban



January 7, 2000

VIA FACSIMILE (675-4321)  
AND FIRST CLASS MAIL

Ms. Dorothy S. Cofield  
Attorney at Law  
Kruse Mercantile Professional Offices  
4248 Galewood Street  
Lake Oswego, Oregon 97035

RE: Dr. William Elliott and Tigard Construction, Inc.  
Property: 1017 Molalla Avenue and 418 Harris Lane  
Oregon City OR 97045  
Our file number 26238-001

FOR SETTLEMENT PURPOSES ONLY - NOT ADMISSIBLE AS EVIDENCE

Dear Dorothy,

As always, it was a pleasure speaking with you the other day.

This letter confirms our conversation wherein my client has made the following offer. In return for your client's payment of \$6,300 (\$5,000 + \$1,300 in attorneys fees), our client will quitclaim the disputed strip of land east of the fence line between the two properties and will agree to not oppose the pending land use application, Oregon City Planning File No. VR 99-08. Please advise your client that if it rejects this offer, my client intends to vigorously oppose the land use application.

This offer shall remain open until 5 p.m. on Friday, January 14, 2000, at which time it will automatically expire. An acceptance of this offer, to be valid, shall be in writing and shall be received by the undersigned by the time stated above.

**EXHIBIT F**

*Correspondence from  
Hibbard, Caldwell &  
Schultz*

00 JAN 10 AM 8:27  
RECEIVED  
CITY OF OREGON CITY

QUITCLAIM DEED

STATE OF OREGON

COUNTY OF CLACKAMAS

TEXACO REFINING AND MARKETING, INC., ("Texaco"), a Delaware corporation, with offices at 12700 Northborough, Ste. 100, Attn: Real Estate Administration, Houston, Texas 77067, for valuable consideration received, hereby releases and quitclaims unto TIGARD CONSTRUCTION, INC., an Oregon corporation, having a place of business at 417 Harris Lane, Oregon City, Oregon 97045, all of Texaco's right, title and interest in the following described land:

See attached Exhibit "A" for description

Executed 8-30, 1999.

WITNESSES:

Gerald J. Herron

Peter Hallway

TEXACO REFINING AND MARKETING,  
INC.

By: D. C. Elston

D. C. Elston  
Vice President

**EXHIBIT G**

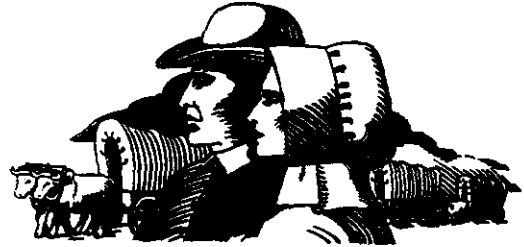
Quit Claim Deed from  
Texaco Oil Corporation

# CITY OF OREGON CITY

## Planning Commission -

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



## STAFF REPORT AND DECISION SUBDIVISION

Date: January 24, 2000

**FILE NO.:** TP98-02 (AP95-02/TP94-12)/Wasko Acres

**FILE TYPE:** Type III-Quasi-Judicial (March 1994 Code)

**APPLICANT:** AAB Enterprises  
C/O John Shonkweiler  
13245 SW 72<sup>nd</sup> Ave.  
Tigard, OR 97223

**PROPERTY OWNERS:** Philip & Sandra Mock  
14860 S. Holcomb Blvd.  
Oregon City, OR 97045

**REQUEST:** Preliminary plat approval for a 36 lot single-family residential subdivision on a 10.02 acre (+/-) site zoned R-6/MH Single Family Dwelling District.

**LOCATION:** 14860 S. Holcomb Boulevard (500 feet west of the intersection of S. Holcomb Boulevard and S. Oak Tree Terrace). The property is identified by the Clackamas County Tax Assessor Map as 3S-2E-28A, Tax Lot 1901.

**RECOMMENDATION:** Approval with conditions (Exhibit 9)

**REVIEWERS:** Tom Bouillion, Associate Planner  
Jay Toll, Senior Engineer

**VICINITY MAP:** Exhibit 1

- LDC design group on the behalf of AAB submitted items requested by staff on December 31, 1998.
- The case was heard once again before the PC on 4/26/99. City staff prepared a staff report only based upon the original submittal materials, as directed by the City Attorney. However, the PC directed staff to review the subdivision based upon new submittal items from the applicant. The PC directed that the file would keep its original number and be reviewed under the Code in existence at the time of the original submittal.
- The applicant provided new submittal items to staff on 12/8/99.
- This case is once again scheduled before the Planning Commission on 1/24/00.

#### **BASIC FACTS:**

1. **Zoning:** The property is zoned "R-6 MH", Single Family Dwelling District and is designated LR-MH, Low Density Residential/Manufactured Dwelling. The property was annexed into the City in 1992 at the request of the property owner to facilitate the extension of public facilities to the property for development.
2. **Existing Setting:** The property consists of a 10.02 acres and contains one single-family dwelling. All of the surrounding land uses are residential.
3. **Proposal:** The applicant is proposing to subdivide the parcel into a 36-lot subdivision.
4. **Dimensional Standards:** "R-6 MH" Single-Family Dwelling District listed as follows:
 

Minimum Lot Area:	6,800 square feet
Minimum Lot Width:	80 feet
Minimum Lot Depth:	85 feet
Maximum Building Height:	20 feet
Front Yard Setback:	15 feet
Interior Side Yard:	5 feet/7 feet
Corner Side Yard:	15 feet
Rear Yard Setback:	20 feet
5. **Comments:** Notice of the action was sent to properties within three hundred feet of the property. Transmittals were sent to various City departments and other agencies regarding the proposed development plan. Comments which affect the proposed project are incorporated into the Analysis and Findings section, below.
6. **Code:** Review of this application is based upon the standards in Title 16 and 17 as they existed in 1994 and attached as exhibit 10.

Based on the above assessment, staff finds that the request is consistent with the Oregon City Comprehensive Plan policies cited above.

## **OREGON CITY MUNICIPAL CODE**

### **16.12.020 Findings--Approval**

Staff believes that the proposed subdivision can be modified to satisfy the requirements of this title and to be in compliance with the Comprehensive Plan.

The applicant can satisfy this section by complying with Conditions # 1-68.

### **Chapter 16.12.030 Submission requirements**

The applicant submitted all required review materials more than thirty days prior to Planning Commission consideration of the subdivision application.

The applicant satisfies this section.

### **Chapter 16.12.040 Application**

The applicant submitted an application and copies of all required review materials.

The applicant satisfies this section.

### **16.12.050 Development impact statement—Form**

The applicant submitted copies of the Development Impact Statement (DIS) for staff review (exhibit 4).

The applicant satisfies this section.

### **16.12.060 DIS--Hydrological/geological/geotechnical considerations—Designated areas**

The subject site is located partially in the Unstable Soils and Hillside Constraint Overlay District. See the discussion under Chapter 16.12.070.

The applicant can satisfy this section by complying with Conditions # 43-44.

### **16.12.070 DIS--Hydrological/geological/geotechnical considerations**

The subject site is located partially in the Unstable Soils and Hillside Constraint Overlay District. The applicant has submitted a geotechnical report (exhibit 6) which has been reviewed by the City's geotechnical engineer (exhibit 9e). No significant geotechnical issues were revealed in the report.

The applicant can satisfy this section by complying with Conditions # 43-44.

### **16.12.080—Vegetation and animal life considerations**

The applicant submitted a DIS (exhibit 4) and a wildlife habitat assessment (exhibit 7). The wildlife habitat assessment rated the property as having a moderately-low value for wildlife habitat.

16.12.140—Mapping requirements

The applicant has provided all required information on the preliminary plat of the proposed subdivision.

The applicant satisfies this section.

16.12.150—Preliminary plan of subdivision

The applicant has provided a complete preliminary plat of the proposed subdivision.

The applicant satisfies this section.

16.12.160—Bylaws requirement

No homeowner's association is proposed as a part of this subdivision. Therefore, this section is not applicable.

16.12.170—Master Plan

The land to be subdivided is not a portion of a larger contiguous property in common ownership. Therefore, this section is not applicable.

16.12.180—Distribution of Plans

The proposed subdivision has been transmitted to public agencies, the Park Place Neighborhood Association and all neighbors within 300 feet. All comments have been incorporated into the staff report. Please see the "comments" section under basic facts.

The applicant satisfies this section.

16.20.20 Street Design—Generally

According to the City Engineering report (exhibit 9a), the applicant has proposed an adequate street system that appears to meet City code with a few modifications.

Applicant needs to coordinate site layout with lots to the east, south, and west. It appears the applicant is showing the existing Winston Drive in the wrong location. The maximum centerline offset for a street alignment is 10 feet.

The applicant can satisfy this section by complying with Conditions # 26-37 and 40-42.

16.20.30 Street Design—Minimum right-of-way

Holcomb Blvd. is classified a Minor Arterial by the City of Oregon City, which requires a minimum right-of-way width of 60 to 80 feet. Currently Holcomb Blvd. has a 60-foot right-of-way. Holcomb Blvd. is under Clackamas County jurisdiction. Applicant has proposed a 10-foot right-of-way dedication along the project's site frontages with Holcomb Blvd. Applicant has proposed a 36-foot right-of-way dedication for Winston Drive, and 50-foot right-of way dedications for all other interior local streets, and 50-foot and 46-foot radii on cul-de-sacs and eyebrows.

The applicant can satisfy this section by complying with Conditions # 20-25.



16.20.100 Street Design--Cul-de-sac

The cul-de-sac shown on the preliminary plat (exhibit 2) is acceptable due to access restrictions on to Holcomb Blvd. recommended by the applicant's traffic engineer (exhibit 5).

The applicant can satisfy this section by complying with Condition # 48.

16.20.110 Street Design--Street Names

The preliminary plat (exhibit 2) shows all proposed street names.

The applicant can satisfy this section by complying with Condition # 33.

16.20.120 Street Design--Grades and Curves

The topographic map (exhibit 3) and preliminary plat (exhibit 2) indicate that all roads for the proposed subdivision do not exceed the maximum grade standards.

The applicant satisfies this section.

16.20.130 Street Design--Railroad

There is no railroad on or abutting the proposed subdivision. Therefore, this section is not applicable.

16.20.140 Street Design--Access Control

Direct access from Holcomb Blvd., classified as a minor arterial street, to proposed lots 5-7, as well as 40 feet from the point of intersection of the extended property lines at each intersection corner is prohibited due to safety concerns expressed in the City Engineering report (exhibit 9a).

The applicant can satisfy this section by complying with Condition # 31.

16.20.150 Street Design--Alleys

No alleys are proposed as a part of the proposed subdivision. Therefore, this section is not applicable.

16.20.155 Street Design--Transit

Holcomb Blvd. is not a transit street. Therefore, this section is not applicable.

16.20.160 Blocks--Generally

The block configuration shown on the preliminary plat (exhibit 2) meets the requirements of this section, except as noted in 16.20.190.

The applicant can satisfy this section by complying with Conditions # 24 and 42.

16.20.170 Blocks--Length

As shown on the preliminary plat (exhibit 2), all blocks meet the maximum block length and block perimeter standards, except for the block comprised of proposed lots 1 through

The applicant satisfies this section.

16.20.250 Building Sites—Grading

In order to develop the proposed subdivision, the applicant is required to comply with City grading standards.

The applicant can satisfy this section by complying with Conditions # 38-39.

16.20.260 Building Sites—Building lines

No special building setback lines are proposed as a part of this development. Therefore, this section is not applicable.

16.20.270 Building Sites—Division of Lots

Based on the preliminary plat (exhibit 2), the proposed lots cannot be further divided. Therefore, this section is not applicable.

16.20.275 Building Site—Protection of Trees

The applicant has not submitted a tree protection plan for staff review.

The applicant can satisfy this section by complying with Condition # 68.

16.20.280 Land for public purposes

No public agency has indicated an interest in acquiring a portion of the proposed subdivision for a public purpose. Therefore, this section is not applicable.

16.20.290 Easements

Applicant has proposed a temporary turnaround easement over part of lot 26 at the southern end of Plains Drive. This makes lot 26 unbuildable at this time. The temporary turnaround will not be needed when the property to the south develops and Plains Drive is extended.

The applicant has shown some utility easements on the preliminary plat (exhibit 2). Additional easements, including a pedestrian access easement, will be required.

The applicant can satisfy this section by complying with Conditions # 20-25.

16.20.300 Water Resources

No water resources have been identified within 100 feet of the proposed subdivision. Therefore, this section is not applicable.

16.24.010 Minimum Improvements—Procedures

The applicant will be required to install all improvements to City standards.

The applicant can satisfy this section by complying with Condition # 48.

The applicant can satisfy this section by complying with Conditions # 1-37 and 45-67.

**17.13 R-6/MH Single Family Dwelling District**

Based upon the preliminary plat (exhibit 2), the proposed subdivision meets the minimum requirements of the R-6/MH zoning district.

The applicant satisfies this section.

**17.44 US Unstable Soils and Hillside Constraint Overlay District**

The applicant has submitted a geotechnical report (exhibit 6) addressing concerns about soil conditions on-site that has been reviewed by the City's geotechnical engineer (exhibit 9e). No significant geotechnical issues were revealed in the report.

The applicant can satisfy this section by complying with Conditions # 43-44.

**CONCLUSION:**

In conclusion, the thirty-six lot subdivision can meet the requirements as outlined above. All infrastructure is currently available, with the exception of water, which is estimated to be available in March, 2000. No geotechnical or other hazards are deemed to exist on the site and there are no wetlands, bodies of water or other significant resources located on the site.

As a result, Staff recommends approval of TP 98-02 on property identified by the Clackamas County Tax Assessor Map as 3S-2E-28A, Tax Lot 1901, subject to the conditions of approval attached as exhibit 10.

**EXHIBITS:**

1. Vicinity Map
2. Preliminary Plat
3. Remainder of Plan Set
4. Applicant Development Impact Statement (DIS)
5. Applicant Traffic Report
6. Applicant Geotechnical Report
7. Applicant Wildlife Study
8. Applicant Drainage Report
9. Agency/Department Comments
  - a. City Engineering Dept.
  - b. City Traffic Consultant
  - c. City Public Works Dept.
  - d. Oregon City School District 62
  - e. City Geotechnical Engineer
10. 1994 Code Sections, Title 16 & 17
11. Conditions of Approval

**October 14, 1999**

## **APPLICANT STATEMENT**

**APPLICANT'S  
REPRESENTATIVE:**

Bob Carpenter  
L.D.C. Design Group  
8513 NE Hazel Dell Ave., Suite 202  
Vancouver, WA 98665

**APPLICANT:**

AAB Enterprises  
c/o Stan Bogdal  
43 Cervantes Circle  
Lake Oswego, OR 97305

**PROPERTY OWNERS:**

Philip & Sandra Mock  
14860 S. Holcomb Blvd.  
Oregon City, OR 97045

**REQUEST:**

Preliminary Plat Approval for a  
36-Lot Subdivision on a 10.02 acres  
(+/-) site zoned "R-6/M.H.",  
Single-Family Dwelling District  
TP98-02 (AP95-02 / TP94-12) /  
Wasco Acres.

**NAME OF PROJECT:**

"Wasco Acres"

**LEGAL DESCRIPTION:**

Tax Lot 1901, Tax Map 3-2E-28A,  
Clackamas County, Oregon

**LOCATION:**

14860 S. Holcomb Blvd.

## **II. CHARACTER OF THE AREA**

The subject property is located at 14860 S. Holcomb Boulevard, 500 feet east of the intersection of S. Holcomb Boulevard and S. Oak Terrace. The subject property is within Oregon City limits and resides within the R-6 / M.H. Single-Family Dwelling District. The adjacent property to the west is also zoned R-6 / M.H. and is within Oregon City limits. Adjacent properties to the northeast and east are zoned R-10 and are located within Oregon City limits. Parcels directly north of the subject site are zoned FU-10 and are outside of Oregon City limits, but within Metro's Urban Growth Boundary.

## **III. DESCRIPTION OF PROJECT SITE**

The subject site is approximately 10.02 acres in size and is generally pie shaped. The site fronts on Holcomb Boulevard to the north. The site has a moderately sloping topography with grades ranging between 8% to 13%. The site slopes down from the northeast to the southwest.

The subject property contains three soil types: 78-B and C-Saum Silt Loam with slopes from 3% to 8% and 8% to 15% respectively; 37-B-Helvetia silt loam with slopes between 3% to 8%; and 54-B-Laurelwood Silt Loam with slopes between 3% to 8%. This property is identified on the Clackamas County Soils Survey Map prepared by the Soil Conservation Service. These soils are very common in the hills of Oregon City and do not impose any impacts that would limit development of the site as shown on the attached development plans (see Exhibit 1). A complete description of each soil type and soil survey map can be found in the attached report prepared by AGRA Earth and Environmental, Inc (see Exhibit 3).

## **IV. PROJECT DESCRIPTION**

The applicant is requesting approval of a preliminary plat for a 36-lot subdivision. The project name is "Wasco Acres." This application request was originally submitted in April of 1994 (TP98-02 (AP95-02/TP94-02)/Wasco Acres) and was denied approval by the Planning Commission. A subsequent appeal to the City Council resulted in a remand back to the Planning Commission for additional planning review. At this point in the project history, the application was tabled for approximately 2 years until it was rescheduled for a 1998 hearing date with a new staff report. The hearing date was subsequently continued and the application did not come before the Planning Commission again until April of 1999. In the April 1999 staff report to the Planning Commission, denial of the application was requested on the basis that the Planning Commission could only consider the original preliminary plat for this project and that the original application had to be withdrawn before a new preliminary plat could be considered for approval. At the April 1999 hearing, the planning commission remanded the application back to staff for review to allow the applicant to submit a modified preliminary plat and design information which supports the proposed "Wasco Acres" development. The application herein represents a modified lot layout, road alignment and other features which address past staff concerns. Although the preliminary plans have been modified, the access point, number of lots proposed and other general design features remain the same (see Exhibit 1).

### **Growth and Urbanization Policy 1**

**Provide land use opportunities within the City and the Urban Growth Boundary to accommodate the projected population increase to the year 2000.**

#### **COMMENT:**

The proposed development utilizes this land designated as R-6 / MH to the fullest extent possible, keeping with the goal providing for project population increases for Oregon City.

### **Community Facilities Goal**

**Service the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate community facilities.**

#### **COMMENT:**

The proposed subdivision will continue to increase the necessary density and tax base to support parks, libraries and other publicly funded community services in Oregon City.

### **Community Facilities Policy 1**

**The City will provide a range of urban facilities and services if funding is available from public and private sources.**

#### **COMMENT:**

As mentioned above, the proposed subdivision will increase the tax base of Oregon City and help fund urban facilities and services.

### **Community Facilities Policy 5**

**The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.**

#### **COMMENT:**

The subject site has an existing residence on approximately 10 acres of otherwise vacant land. As demonstrated by this application, all the urban facilities and services required for the development of this site are adequate to serve the subdivision.

**COMMENT:**

Five (5) foot sidewalks are proposed on both sides of all interior streets and along the street improvement of Holcomb Boulevard (see Exhibit 1).

**Transportation Policy 7**

**Use of additional easements or underground utilities for utility poles will be encouraged.**

**COMMENT:**

All utilities are proposed to be placed underground in the subdivision within required easements.

**Natural Resources Policy 2**

**Avoid developments in known area of natural disasters and hazards without appropriate safeguards.**

**COMMENT:**

There are no known areas of natural disasters or hazards on the subject site.

**B. DEVELOPMENT IMPACT STATEMENT (DIS)**

**TITLE 16 – SUBDIVISIONS**

**CHAPTER 16.12: PRELIMINARY APPROVAL PROCEDURE FOR SUBDIVISIONS**

**Section 12-060: Hydrology**

**COMMENT:**

The subject site is not designated as being within a one-hundred year floodplain, in an area identified as having unstable slopes, in an area identified as being subject to earthquake and seismic conditions, or in an area designated as being within the water resources overlay district. Therefore, according to Section 12-060, this proposal is not required to consider mitigation measures to address hydrological, geological, and geotechnical issues on the subject site. According to the attached Geotechnical Engineering Report, although there is no evidence of ground water on the site, there is the possibility of encountering springs or other water features during the grading of the proposed development (see Exhibit 3). The geotechnical report states that if such features are encountered, mitigation measures can be taken during the construction phase of the project. Presently, the applicant has contracted with AGRA to perform additional geotechnical investigation on the site to include additional test pits and updating of the existing geotechnical report. The results of the additional investigation will be provided to the city of Oregon upon completion of work with ample time for review prior to hearing.

This development will utilize standard grading and erosion control techniques as required by the City. No impacts or air pollution will occur from the proposed development other than from dust during the construction of the project, and from additional automobile traffic from future residents of the subdivision. No impact to downstream areas will occur as a result of this development if proposed erosion control techniques are utilized (see Exhibit 1).

**Section 12-100:**

**School Considerations**

**COMMENT:**

The Oregon City Public School district provided original response to this application in the form of a letter dated February 24<sup>th</sup> 1995, indicating that the school district was at 81% capacity. Therefore this proposed development would not have a negative impact on the school district. The applicant contacted the School District with a request for an updated response to capacity verification and received a letter dated October 21, 1999 indicating that the School district is currently at 82% capacity in the Oregon City School district and 72% capacity in the Holcomb attendance area.

**Section 12-110:**

**Coordination Considerations**

**COMMENT:**

The application has been coordinated through the City to provide proper utilities and transportation circulation in the area. Electrical, gas and telephone coordination will occur during the preparation of final construction plans. As mentioned previously, all runoff produced by proposed development will be detained and discharged on-site before discharging into the natural drainage way. Potential impact to the Livesay Drainage Basin will be mitigated with the proposed detention facility.

A combination of gravity flow sewer lines and temporary sewer pump station will be utilized to service both the subject site and proposed future tributary development to the east. A small number of lots fronting Holcomb Road will be able to gravity sewer lines to the existing line in Holcomb road. Due to the topography of the site, a proposed temporary sanitary sewer pump station is being proposed to service the needs of those lots unable to gravity to the sewer line in Holcomb. The applicant has contacted the engineer for the proposed Trail View Estates who has expressed an interest in the shared costs and use of a sewer pump station. The temporary pump station would be located in the Southwest corner of the site from which it will pump sewage via a force main out to the existing gravity line in Holcomb Road. An existing gravity sewer line located on Oaktree Terrace Road to the West of the site could provide gravity sewer to the entire site but there are two separate offsite properties to cross requiring easements. The applicant has contacted these property owners to acquire such easements with little success. A future dry gravity line running from the pump station to facilitate future extensions could be designed into the system to ease the transition from a pump system to gravity as those westerly properties develop and the gravity sewer in Oaktree Terrace becomes available.

The City has started construction of the joint Oregon City/CRW District HOPP Water Improvement District. The purpose of this project is to construct the transmission mains, reservoir and pump stations in the area of the proposed development. Water is expected to be available to the property by January 2000 and the additional reservoir capacity will provide sufficient fire flows to the property. It is not expected that approval for the proposed development will expire before water line construction to serve



- A. Placement of utilities for the width and location of streets, and minimum lot sizes, and other requirements as the governing body considers necessary for lessening congestion in the streets.**
- B. Securing safety from fire, flood, slides, pollution or other dangers.**
- C. Providing adequate light and air including protection and assurance of access to incident solar radiation for potential future use.**
- D. Preventing overcrowding of land.**
- E. Facilitating adequate provision of transportation, water supply, sewage, drainage, education, recreation or other needs.**

**COMMENT:**

This application complies with all of these standards and all the above issues are addressed by the proposed development's adherence to Title 16, Oregon City's subdivision ordinance. All required utilities are available to the site and adequate access will occur on to Holcomb Boulevard. The location of proposed utilities and streets work well with existing development and easily facilitates future developments to the east, west and south. No flooding, landslides, pollution or fire safety issues are involved with this application. The proposed lots are a minimum of 6,800 square feet and will not cause overcrowding of the land. The large nature of the proposed lots allow provide light and air to each residence, while allowing access to incident solar radiation to future development of adjacent parcels.

**VI. SUMMARY AND CONCLUSIONS**

Based on the above findings, the applicant has demonstrated compliance with the requirements of the relevant sections of the City of Oregon City Comprehensive Plan and the City of Oregon City Ordinances and Regulations. Therefore, this request should be approved.

Jay

**CITY OF OREGON CITY - PLANNING DIVISION**  
**PO Box 351 - 320 Warner Milne Road - Oregon City, OR 97045**  
**Phone: (503) 657-0891 Fax: (503) 657-7892**

**TRANSMITTAL**

- ☐ BUILDING OFFICIAL
- ☐ ~~PERMIT MANAGER~~
- ☐ FIRE CHIEF
- ☐ PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES
- ☐ ODOT - Sonya Kazen
- ☐ ODOT - Gary Hunt

- ☐ TRAFFIC ENGINEERS
- ☐ JOHN REPLINGER @ DEA

~~TRAFFIC TOLL~~

- ☐ CICC
- ☐ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
- ☐ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - Joe Merek
- ☐ CLACKAMAS COUNTY - Bill Spears
- ☐ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ GEOTECH REPORT - NANCY K.
- ☐ DLCD/BRENDA BERNARDS @ METRO
- ☐ OREGON CITY POSTMASTER
- ☐ PARKS

RETURN COMMENTS TO:

COMMENTS DUE BY: **December 29, 1999**

PLANNING PERMIT TECHNICIAN  
Planning Department

HEARING DATE: January 24, 2000  
HEARING BODY: Staff Review: \_\_ PC: X CC: \_\_

IN REFERENCE TO

FILE # & TYPE:  
LOCATION:  
APPLICANT:  
ACTION:

TP 98-02  
14860 Holcomb Blvd  
AAB Enterprises Inc, and Sandra and Phillip Mock  
36 lot subdivision

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

- \_\_\_\_\_ The proposal does not conflict with our interests.
- \_\_\_\_\_ The proposal would not conflict our interests if the changes noted below are included.

- \_\_\_\_\_ The proposal conflicts with our interests for the reasons stated below.
- \_\_\_\_\_ *The following items are missing and are needed for completeness and review:*

Signed  
Title

*[Signature]* Senior Eng.

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATE

**EXHIBIT**

9a

TP 98-02 1/24/00 PC

Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.

4. Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines. Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch in diameter or where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. The type of device to be installed in any specific instance will be determined by City Water Department personnel certified as cross connection inspectors. All backflow prevention devices shall be located on the applicant's property and are the property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.
5. Any existing wells on the site shall be capped and abandoned according to state regulations. Documentation must be provided to the city prior to beginning of construction.

#### **SANITARY SEWER.**

There is an existing 8-inch sanitary sewer located in Holcomb Boulevard. However this sanitary system is not deep enough to service the entire site. The existing gravity line at the south end of Oak Tree Terrace needs to be extended to service the area that can not gravity drain directly to Holcomb Blvd.

Applicant has proposed the installation of a temporary sanitary pump station to be constructed in cooperation with the development to the east. This pump station is to provide sanitary sewer to areas that can not gravity drain to Holcomb Blvd. This pump station would be taken off-line when connection is made to the gravity sewer in Oak Tree Terrace.

Applicant has proposed a sanitary sewer system that appears to meet City code with a few modifications. The Applicant shall provide Sanitary Sewer Facilities to this development. This includes (but is not limited to) the pump station, force mains, gravity mains, manholes, stub outs, and service laterals.

#### **Conditions:**

6. The Applicant shall provide Sanitary Sewer Facilities to this development. This includes (but is not limited to) the pump station, force mains, gravity mains, manholes, stub outs, and service laterals.
7. All required public sanitary sewer system improvements shall be designed and constructed to City standards.

13. Applicant shall submit a report addressing impact of detention system, and outlet structure on Livesay drainage basin to City staff for approval.
14. The detention basin wall height and storage volume is to be below the State of Oregon Dam License requirements.
15. Storm detention shall be required for this development. Detention requirements shall be as follows:
  - a. The peak release rate for the 2-year design storm after development shall not exceed the pre-developed 2-year design peak runoff rate.
  - b. The peak release rate for the 25-year design storm after development shall not exceed the pre-developed 10-year design peak runoff rate.
16. Detention pond shall be a public facility. Design, construction and landscaping of the detention pond shall be as approved by the City Engineer.
17. The storm sewer system shall be designed to detain any increased runoff created through the development of this site, as well as convey any existing off-site surface water entering the site from other properties.
18. Hydrology/Detention calculations shall be modified for plan revisions, and resubmitted to the City for review and approval prior to approval of construction plans. The detention calculations submitted appeared to have a low post-development impervious area. Impervious area should be calculated using 2640 square feet per lot plus all impervious area in the right-of-way. Documentation shall be provided to back up calculations. 100-year overflow path shall be shown and shall not cross any developed properties.

## **DEDICATIONS AND EASEMENTS.**

Holcomb Blvd. is classified a Minor Arterial by the City of Oregon City, which requires a minimum right-of-way width of 60 to 80 feet. Currently Holcomb Blvd. has a 60-foot right-of-way. Holcomb Blvd. is under Clackamas County jurisdiction. Applicant has proposed a 10-foot right-of-way dedication along the project's site frontages with Holcomb Blvd. Applicant has proposed a 36-foot right-of-way dedication for Winston Drive, and 50-foot right-of way dedications for all other interior local streets, and 50-foot and 46-foot radii on cul-de-sacs and eyebrows.

Applicant has proposed a temporary turnaround easement over part of lot 26 at the southern end of Plains Drive. This makes lot 26 unbuildable at this time. The temporary turnaround will not be needed when the property to the south develops and Plains Drive is extended.

### **Conditions:**

19. Applicant shall dedicate 10 feet of right-of-way on the applicant's side of Holcomb Blvd. This dedication shall be provided along the entire site frontage with Holcomb Blvd. Both

- the City of Oregon City and Clackamas County shall approve all dedications along Holcomb Blvd..
20. Applicant shall dedicate a minimum of 36 feet of right-of-way for Winston Drive, and 50 feet of right-of-way for all other proposed interior local streets. All cul-de-sac bulbs and eyebrows shall have 54-foot radii dedications.
  21. Public utility easements shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages, rear lot lines, and the project boundary, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat. The side lot line requirements can be waived once utility locations have been identified and the need for side lot line easements is determined by the City Engineer to be unnecessary except where identified by said utilities.
  22. All off-site utility easements required for this project shall be obtained and recorded prior to approval of construction plans.
  23. The proposed 20-foot public utility easement between lots 4 and 5 shall be a combined public utility/pedestrian access easement.
  24. The temporary turnaround at the southern end of Plains Drive shall be shown on the subdivision plat. The easement shall be noted on the plat to be automatically vacated upon the approval of right-of-way dedication and/or City land use action approval of adjacent property to the south.

## **STREETS.**

Holcomb Blvd. is classified a Minor Arterial by the City of Oregon City, which requires a *minimum* pavement width of 34 to 66 feet. Holcomb Blvd. is under Clackamas County jurisdiction. Applicant has not proposed street improvements along the project's site frontages with Holcomb Blvd. Local interior streets require a pavement width of 32 to 34 feet. Applicant has proposed a 32-foot pavement section for all interior local streets.

Applicant needs to coordinate site layout with lots to the east, south, and west. It appears the applicant is showing the existing Winston Drive in the wrong location. The maximum centerline offset for a street alignment is 10 feet.

Applicant has proposed an adequate street system that appears to meet City code with a few modifications. Applicant shall provide street facilities to this site. This includes (but is not limited to) the pavement, curbs, gutters, planters, street trees, sidewalks, bicycle lanes, city utilities (water, sanitary and storm drainage facilities), traffic control devices, centerline monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans.

30. Applicant shall show non-vehicular access strips along the entire sites frontage with Holcomb Blvd. and 40 feet from the point of the intersection of the extended property lines at each intersection corner.
31. Applicant shall show a reserve strip dedicated to the City at the end of all stub streets and along the eastern edge of Winston Drive. These reserve strips shall be noted on the plat to be automatically dedicated as public right-of-way upon the approval of right-of-way dedication and/or City land use action approval of adjacent properties.
32. Street names have not been proposed at this time. All street names shall be reviewed and approved by the City (GIS Division 657-0891, ext.168) prior to approval of the final plat to ensure no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
33. All street improvements shall be completed and temporary street name signs shall be installed prior to issuance of building permits.
34. All sidewalks for this subdivision are the responsibility of the Applicant. The applicant may transfer the responsibility for the five-foot sidewalks adjacent to the right-of-way as part of the individual building permit requirement on local streets, however failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete all sidewalks on residential lots within one year of public improvement completion acceptance by the City unless a building permit has been issued.
35. Applicant shall install sidewalks along the site's entire frontage with Holcomb Blvd., along the entire frontages of the existing house, along the frontages of all tracts, and all handicap access ramps at the time of street construction.
36. Street lights shall be owned by the City of Oregon City under PGE plan "B" and installed at the expense of the Applicant. The Applicant shall prepare a street light plan, subject to City and PGE approval, by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor. Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a 25-foot mounting height. Any necessary electrical easements shall be dedicated on the final plat. All street lights and poles shall be constructed of material approved by PGE for maintenance by PGE.

#### **GRADING AND EROSION CONTROL.**

Preliminary grading and erosion control plans were submitted. Applicant has proposed to provide storm detention in the swale located at the western edge of the project site. Grading plan shows little disturbance of ground outside the roadways and detention pond.

**Conditions:**

- 39. Applicant shall coordinate street alignments with adjacent property owners.
- 40. Winston Drive centerline shall not be offset by more than 10 feet across Holcomb Blvd.
- 41. A 10-foot paved pedestrian access shall be constructed from Prairie Circle to Holcomb Boulevard in the proposed utility easement between lots 4 and 5.

**GEOTECHNICAL CONSIDERATIONS.**

AGRA Earth & Environmental, prepared a Geotechnical Engineering Report for this project site dated 11-1-94. The report was updated 2-6-95, and again on 12-15-99.

**Conditions:**

- 42. A geological report addressing recommendations for construction of roadways and other public facilities shall be provided to the City for review. The report shall also include any special requirements for the construction of residential building foundations.

**ENGINEERING REQUIREMENTS.**

**Conditions:**

- 43. Design engineer shall schedule a pre-design meeting with the City of Oregon City Engineering Division prior to submitting engineering plans for review.
- 44. Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
- 45. Applicant shall pay City invoice for the manufacture and installation of permanent street name signs and any traffic control signs/signals/stripping.
- 46. All required public works improvements shall be designed and constructed to City standards. These standards include the latest version in effect at the time of application of, but are not limited to, the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation Master Plan, Sanitary Sewer Master Plan, and the Drainage Master Plan. It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, and Drainage. This list also includes the Street Work Drawings, the Clackamas County Department of Utilities' Erosion Prevention and Sediment Control Plan Technical Guidance Manual (by reference), Appendix Chapter 33 of the Uniform Building Code (by reference), the Site Traffic Impact Study Procedures, and the City of Oregon City Review Checklist of Subdivision and Partition Plats.

shall be furnished by the Applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the Applicant's cost. The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The Applicant shall be responsible for all costs associated with meeting this condition. The record drawings shall be submitted prior to the City releasing any surety funds or residential building permits beyond the legal limit.

55. Final Plat Requirements. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:

The Applicant, and his surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the subdivision of this parcel.

Show the City Planning File Number on the final plat, preferably just below the title block.

A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.

Use recorded City control surveys for street centerline control, if applicable.

Tie to City GPS Geodetic Control Network, County Survey reference PS 24286, and use as basis of bearings. Include ties to at least two monuments, show measured versus record, and the scale factor. Monuments may be either GPS stations or other monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monument ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary control survey filed for the subdivision.

Show state plane coordinates on the Point of Beginning.

56. Civil Construction Drawings. The civil construction drawings, once approved by the City, shall have an approval period of one year in which to commence with construction. Once the preconstruction conference has been held and construction activity proceeds, plans and drawings shall be valid for as long as the construction takes. Should the approval for the construction drawings expire before construction commences, it shall be the responsibility of the Applicant to bring the civil construction documents and plans into conformance with the latest Standards, Specifications, and City Codes that are in place at the time of the update,



and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.

64. The Applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, dedications, etc..
65. The Applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a computer diskette to the City in a format that is acceptable to the City's Geographic Information System Division.



**DAVID EVANS AND ASSOCIATES, INC.**

December 21, 1999

Brian Cosgrove  
Planning Department  
City of Oregon City  
PO Box 351  
Oregon City, OR 97045

**SUBJECT: REVIEW OF SUPPLEMENTAL MATERIALS AND TRAFFIC IMPACT STUDY  
WASCO ACRES - TP 98-02  
AAB ENTERPRISES, SANDRA & PHILLIP MOCK**

Dear Mr. Cosgrove:

In response to your request, David Evans and Associates, Inc. (DEA) has reviewed various supplemental materials related to Wasco Acres located adjacent to Holcomb Boulevard near the intersection with Winston Drive. These materials include the Applicant Statement, the preliminary plat, and information prepared by traffic engineers.

The original Traffic Analysis Report was prepared by Robert Keech, PE (Keech Associates, Inc.) in 1994. In February 1998, DEA provided comments on Mr. Keech's report. Mr. Keech provided supplemental information relating to sight distance at the intersection with Holcomb Road. Based on the additional information, I am persuaded that sight distance issues have been adequately addressed. Holcomb Boulevard is under county jurisdiction and should be consulted for any issues its staff has with regard to sight distance and intersection spacing.

The new version of the subdivision plat for Wasco Acres (dated 12/99) appears address the previously noted conflicts with the plat proposed for Trail View Estates, the adjacent property to the east. A preliminary analysis appears to show that Winston Drive and the proposed Wagon Wheel Drive will match with the preliminary plat for the adjacent subdivision. As previously noted, construction of a connection serving both subdivisions that aligns with Winston Drive on the south side of Holcomb Boulevard is a high priority. It also appears that the new subdivision plat provides for connections with adjacent parcels to the south and to the west. Coordination among property owners should be promoted.

Mr. Keech's original report addressed traffic conditions from 1994. Some changes have occurred since that time. Fortunately, Tom Lancaster, PE addressed 1998 conditions when he prepared an analysis of Trail View Estates, the adjoining property.

Based upon Mr. Lancaster's report for the adjacent subdivision, I am willing to conclude that the proposed development will not have a significant short-term impact on the transportation system. However, some long-range improvements should be anticipated. Holcomb Boulevard is classified as a minor arterial but is currently only two lanes wide with no provisions for pedestrians, cyclists, or public transit. Holcomb Boulevard adjacent to the project development site should be configured such that it will accommodate all features indicated by the road's planned functional classification and the City's roadway design standards. This includes provisions for bike lanes and sidewalks. The Applicant Statement indicates that a half-street improvement including a sidewalk

CITY OF OREGON CITY

Memorandum

TO: Joe McKinney, Interim Public Works Manager

FROM: Henry Mackenroth, Public Works Engineer

DATE: December 15, 1999

SUBJECT: File Number: TP 98-02; PA99-80; TP98-02  
Name: 14860 Holcomb Mock

1. General Comments:

2. Water:

Water Depart. Additional Comments No:       

Redlined  
Sheet 4  
12/21/99 Initial elw

Water service for this site is dependent upon Park Place Water project.

Entire project to become Oregon City Customers.

Clackamas Water lines in area No        Yes To revert to City

Existing Line Size = 16 inch (installed but not available)

Existing Location = Holcomb

Upsizing required? No X Yes        Size Required        inch

Extension required? No X Yes       

Looping Required? No        Yes X Per Fire Marshall       

New line size = 8 inch

Backflow Preventor required? No X Yes       

3. Sanitary Sewer:

San. Depart. Additional Comments No:       

Yes: X Initial: AB

The sanitary system as installed in Holcomb may not be deep enough to service this property. The use of a pump station is not acceptable. A gravity line exists at the south end of Oak Tree Terrace that can be extended to service this area.

Existing home to be connected to sewer if not already connected.

Exiting Lateral being reused? No X Yes       

Existing Line Size = 8 inch

Existing Location = Holcomb

Clackamas County  
School District 62  
Oregon City

Barry Rotrock  
Superintendent

OCT 21 1999

**Oregon City Public Schools**

1417 Twelfth St., P.O. Box 591 • Oregon City, OR 97045 • (503) 656-4283 Fax: (503) 657-2492

October 21, 1999

TO WHOM IT MAY CONCERN:

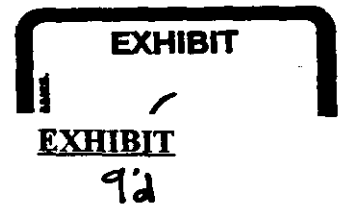
RE: 35 lot development in the Holcomb area -- Impact Statement

Oregon City School District is currently at 82 percent of our enrollment capacity. The proposed development is within the Holcomb attendance area. Holcomb is at 72 percent capacity.

Sincerely,



Barry Rotrock  
Superintendent



**CONDITIONS OF APPROVAL  
TP 98-02 WASKO ACRES  
EXHIBIT 11**

**WATER.**

1. The applicant shall provide Water Facilities for this development. This includes (but is not limited to) the water mains, valves, fire hydrants, blow-offs, service laterals and meters.
2. All required public water system improvements shall be designed and constructed to City standards.
3. The Fire Marshall shall determine the number of fire hydrants and their locations. Fire hydrants shall be fitted with a Storz metal face adapter style S-37MFL and cap style SC50MF to steamer port. This adapter is for a 5-inch hose. All hydrants to be completed, installed and operational before framing begins. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
4. Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines. Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch in diameter or where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. The type of device to be installed in any specific instance will be determined by City Water Department personnel certified as cross connection inspectors. All backflow prevention devices shall be located on the applicant's property and are the property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.
5. Any existing wells on the site shall be capped and abandoned according to state regulations. Documentation must be provided to the city prior to beginning of construction.
6. Approval is at the applicant's risk. Approval for this development would be for one year, with two six-month extensions. If water is not available at that time, the project will have to go through the city planning process again and be brought up to current city standards and codes at that time at the owner's expense. No building permits shall be issued until the offsite joint City water system improvements are accepted by the City and on line.

**SANITARY SEWER.**

7. The Applicant shall provide Sanitary Sewer Facilities to this development. This includes (but is not limited to) the pump station, force mains, gravity mains, manholes, stub outs, and service laterals.
8. All required public sanitary sewer system improvements shall be designed and constructed to City standards.
9. Pump station must be designed and constructed in accordance with the requirements of the City of Oregon City Public Works Department. Examples of

**EXHIBIT**

11

TP 98-02 1/24/00 PC

with Holcomb Blvd. Both the City of Oregon City and Clackamas County shall approve all dedications along Holcomb Blvd.

21. Applicant shall dedicate a minimum of 36 feet of right-of-way for Winston Drive, and 50 feet of right-of-way for all other proposed interior local streets. All cul-de-sac bulbs and eyebrows shall have 54-foot radii dedications.
22. Public utility easements shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages, rear lot lines, and the project boundary, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat. The side lot line requirements can be waived once utility locations have been identified and the need for side lot line easements is determined by the City Engineer to be unnecessary except where identified by said utilities.
23. All off-site utility easements required for this project shall be obtained and recorded prior to approval of construction plans.
24. The proposed 20-foot public utility easement between lots 4 and 5 shall be a combined public utility/pedestrian access easement.
25. The temporary turnaround at the southern end of Plains Drive shall be shown on the subdivision plat. The easement shall be noted on the plat to be automatically vacated upon the approval of right-of-way dedication and/or City land use action approval of adjacent property to the south.

## **STREETS.**

26. The applicant shall provide street facilities to this site. This includes (but is not limited to) the pavement, curbs, gutters, planters, street trees, sidewalks, bicycle lanes, city utilities (water, sanitary and storm drainage facilities), traffic control devices, centerline monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans.
27. Half-street improvements are required for Holcomb Blvd. along the entire frontage with the project. A half-street improvement is defined as improvements to the centerline of the street plus an additional 10-feet of pavement. For Holcomb Blvd. this includes: half of a 50-foot paved section plus 10 feet for a total of 35 feet of pavement, curbs, gutters, 7 foot sidewalks with 3 foot by 3 foot tree wells adjacent to the curb, street trees, easements, centerline monumentation, city utilities (water, sanitary, and storm drainage facilities), traffic control devices and street lights in compliance with the City Code for Oregon City and its various Master Plans. Both the City of Oregon City and Clackamas County shall approve all improvements along Holcomb Blvd.
28. Half-street improvements are required for Winston Drive along the entire length. A half-street improvement is defined as improvements to the centerline of the street plus an additional 10-feet of pavement. For Winston Drive this includes: half of a 32-foot paved section plus 10 feet for a total of 26 feet of pavement, curbs, gutters, 3 ½-foot planter strips between the curb and the sidewalk, 5-foot sidewalks, street trees, easements, centerline monumentation, city utilities (water, sanitary, and storm drainage facilities), traffic control devices and street lights in compliance with the City Code for Oregon City and its various Master Plans.

and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a 25-foot mounting height. Any necessary electrical easements shall be dedicated on the final plat. All street lights and poles shall be constructed of material approved by PGE for maintenance by PGE.

#### **GRADING AND EROSION CONTROL.**

38. Rough grading plan shall be submitted with construction plans. Engineer shall certify rough grading elevations to +/- 0.1 feet. A final residential lot-grading plan shall be based on certified grading elevations and approved prior to issuance of a building permit. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall not be more than a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. Submit one copy (pertinent sheet) of the residential lot grading for each lot (e.g., 50 lots equals 50 copies).
39. An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see below) or is adequately clarified before it enters drainage courses, and before it leaves the site. Discharge from man-made, natural, temporary, or permanent ponds shall meet the same standard. Effective erosion control shall be maintained after subdivision site work is complete and throughout building permit issuance. Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities. Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site. Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan. Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

#### **TRAFFIC AND TRANSPORTATION.**

40. Applicant shall coordinate street alignments with adjacent property owners.
41. Winston Drive centerline shall not be offset by more than 10 feet across Holcomb Blvd.
42. A 10-foot paved pedestrian access shall be constructed from Prairie Circle to Holcomb Boulevard in the proposed utility easement between lots 4 and 5.

#### **GEOTECHNICAL CONSIDERATIONS.**

53. Applicant shall submit two (2) sets of final engineering plans for initial review by the City Engineering Division to include the drainage report (wet signed by the responsible engineer), subdivision plat, cost estimate with two and one-half percent fee, a completed copy of the City's latest final subdivision plat checklist, and a copy of the preliminary plat on computer diskette to the City in a format that is acceptable to the City's Geographic Information System Division. Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary. The Applicant shall submit, for the final City approval, six (6) copies of the plans with one full set wet signed over the engineer's Professional Engineer Oregon stamp. The engineering plans shall be blackline copies, 24" x 36". Blueline copies are not acceptable.
54. Minimum Improvement Requirements. Applicant shall provide a surety for uncompleted work before a plat is recorded through a Land Division Compliance Agreement. This occurs if the final plat is to be recorded before completion of all required improvements. Surety shall be an escrow account or in a form that is acceptable to the City Attorney.
55. Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Land Division Compliance Agreement. This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete site improvements.
56. Two complete sets of 4-mil mylar record drawings, of field measured facilities, shall be submitted for review, and corrected and resubmitted before building permits are issued beyond the legal limit. Also submit one full set of AutoCAD files on diskettes, in a format and disks acceptable to the City Engineer, and include all field changes. One AutoCAD file shall be furnished by the Applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the Applicant's cost. The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The Applicant shall be responsible for all costs associated with meeting this condition. The record drawings shall be submitted prior to the City releasing any surety funds or residential building permits beyond the legal limit.
57. Final Plat Requirements. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:

The Applicant, and his surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the subdivision of this parcel.

Show the City Planning File Number on the final plat, preferably just below the title block.

A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.



- includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
63. It is the responsibility of the Applicant to ensure that all outside agencies have been contacted and any appropriate approvals obtained for the construction of the project. Copies of approvals shall be supplied to the City to be filed with the City's files. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building, permit or to revoke a permit that has been issued for this project.
  64. Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.
  65. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
  66. The Applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, dedications, etc.
  67. The Applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a computer diskette to the City in a format that is acceptable to the City's Geographic Information System Division.

#### **PLANNING REQUIREMENTS**

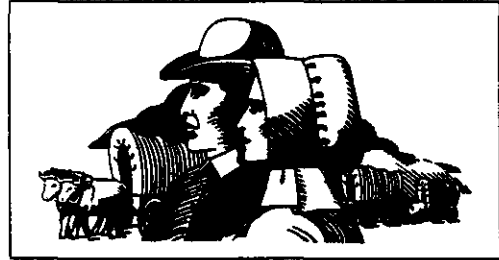
68. The Applicant shall provide a tree survey and preservation plan for staff review and approval in compliance with OCMC 16.20.275.

# CITY OF OREGON CITY

## Planning Commission

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### Staff Report

**January 24, 2000**

**FILE NO:** ZC 99-09

**FILE TYPE:** Legislative

**HEARING DATE:** January 24, 2000

**LOCATION:** City Hall  
320 Warner Milne Road  
Oregon City, OR 97045  
7:00 pm

**APPLICANT:** City of Oregon City  
PO Box 3040  
Oregon City, OR 97045

**REQUEST:** Amend the Oregon City Municipal Code Chapter 17. 64  
Planned Unit Development

**LOCATION:** Citywide

**REVIEWER:** Barbara Shields, Senior Planner  
Sidaro Sin, Associate Planner

**VICINITY MAP:** See Exhibit 1

## **OVERVIEW OF PUD DEVELOPMENT ISSUES**

Based on the reviewed PUD developments (Exhibit 2), the following issues were identified as critical in the PUD review process:

### **Housing**

The reviewed PUDs did not insure compliance with the *Housing Goal and Policies* of the City's Comprehensive Plan. The Comprehensive Plan requires that the City preserve a variety of housing types at a range of prices and rents; and encourages development that will maintain an adequate supply of single-family and multiple-family housing units in the City. Current PUD regulations appear to reduce available large lots for single family residences without providing mixed-use or multi-family housing opportunities.

### **Open Space**

Reviewed PUD proposals did not demonstrate that the applicants endeavored to provide at least 25% of the property's total area as common open space, as stated in the current PUD Ordinance.

### **Compatibility**

Past PUD applications that have requested adjustments to dimensional standards did not better achieve one of the purposes of the PUD ordinance, which is to be compatible with surrounding uses. To receive an adjustment from the applicable standards in the underlying zone, an applicant must provide for a mixed-use, a dwelling cluster, or otherwise demonstrate that there is something unique about the property to justify an adjustment to applicable standards. There is specific language in the criteria that specifically states "Adjustments from all other dimensional standards may be allowed if the adjustments...better achieve the purposes of this chapter...."

### **Preservation of Natural Resources**

The reviewed PUDs did not comply with the Comprehensive Plan's Natural Resources Goal. This goal requires the City preserve and protect natural resources while building a liveable urban environment. Wetland and natural drainage areas affected two of the five reviewed PUDs. In both cases, the proposed PUDs did not integrate the site's natural amenities with the residential site design concept to enhance the open space component. The existing wetland areas were either proposed to be filled or used for placement of storm drainage facilities.

### **Mixed Use**

The current PUD Ordinance allows for a mix of residential and neighborhood commercial uses for parcels at least five acres in size, as long as the proposed development includes a residential component not exceeding the minimum 80% density of the underlying residential zone and the commercial component does not occupy more than 20% of the site. Since the mixed-use provision is not mandatory, PUDs are used as a means to provide single-family residential lots smaller than the minimum lot size of the underlying zone without accommodating mixed-uses.

### **Density Bonuses**

The section that includes a proposed amendment to support the preservation of natural resources component of the PUD Ordinance is:

- 17.64.050**                      The proposed amendment is intended to clarify and simplify density bonuses. Density bonuses are still considered, but the proposed maximum allowed is 115% of the gross density permitted by the underlying zone, instead of 130%. The 115% includes a 5% density bonus for owner occupied mixed-use residential, 5% for multiple family uses, and 5% for commercial uses, if the gross development site is greater than 10 acres.

### **Compatibility**

The sections that include proposed amendments to support the density bonus component of the PUD Ordinance include:

- 17.64.010 (D)**                      Amended to clarify the purpose of a PUD;
- 17.64.040(C)**                      The proposed amendment requires that the perimeter of all developments meet the underlying zone's setbacks;
- 17.64.040(B)**                      The proposed amendment allows a portion of the required open space to be used as a buffer between different uses.

### **Preservation of Natural Resources**

The section that includes a proposed amendment to support the preservation of natural resources component of the PUD Ordinance is:

- 17.64.040 (G)**                      The proposed amendment mandates that the applicant preserve existing natural features on the subject property.

## **BASIC FACTS**

1. The proposed language change affects all land within the City Limits.
2. This request was initiated by the Interim City Community Development Director, as provided by OCMC 17.68.010(A) and OCMC 17.50.060.
3. Transmittals on the proposed development were sent to various City Departments, affected agencies, the Community Involvement Committee Chair, all neighborhood associations in Oregon City, DLCD, and Tri-Met.

- #15- Updates the PUD Ordinance to be consistent with the rest of the Code such as Title 16 Land Division.
- #17- Provides closure and clarification on how long the limitation of not disturbing the natural resources applies.
- #21- Adding a statement such as “Any one may apply for a pre-application conference” can clarify that issue.
- #25- Redundant, as a “qualified professional engineer” is in essence “certified” to perform traffic studies.
- #29- Updates the PUD Ordinance to be consistent with the rest of the Code such as Title 16 Land Division.
- #31- It appears reasonable to require the applicant to prove that services are available prior to issuing building permits.
- #32- Gives staff additional information regarding hillsides and unstable soils, and it allows computation of 10% material deviation in 17.64.150(B).
- #33- Provides clarification and consistency (similar to how subdivisions are handled) for the Engineering Division.
- #35- Recommend ending the last sentence of that section with “as provided for under Section 17.50.210.” This provides clarification and direction on how to process possible extensions.
- #39- Single family structures do not receive an occupancy permit, instead, they receive a final inspection.

### **III) Questions and Clarifications-Exhibit 5**

- #1- Has the Planning Commission determined that the PUD Ordinance applies only to residentially zoned property?
- #18- The proposed language under 17.64.040(H) states that “20% of the net developable area shall consist of residential uses other than single family dwelling and may contain commercial uses.” The “and” indicates that there could be 20% residential uses other than single family or a combination of residential uses other than single family and commercial uses. Therefore, it is staff’s understanding that an applicant can not just do commercial uses. This needs verification by the Planning Commission.
- #36- No change recommended. Staff would review any material deviations for compliance of minimum and maximum standards.

## **ANALYSIS OF PLANNING COMMISSION DRAFT-Exhibit 3**

### **I. APPLICABLE OREGON CITY MUNICIPAL CODE (OCMC) CRITERIA**

This proposed text amendment is reviewed below for compliance with the pertinent Comprehensive Plan Goals and Policies and Municipal Code sections.

**Housing Policy No. 3.** This policy encourages the private sector to maintain an adequate supply of single and multiple family housing units, primarily by relying on private sector initiative.

The proposed amendment provides incentive to the private sector by permitting diversified housing options in the City.

**Staff's finding:** The proposed amendment implements Housing Policy No. 3.

**Housing Policy No. 4.** This policy encourages provisions for owner-occupied multiple-family dwelling units (including condominiums and town houses). The proposed amendment provides incentive by permitting a variety of owner-occupied residential units that are not currently available in the City.

**Staff's finding:** The proposed amendment implements Housing Policy No. 4.

## **STAFF'S RECOMMENDATION**

Staff finds that Exhibit 3 is in compliance with City Comprehensive Plan Goals. Staff recommends the following course of action;

1. After conducting a duly-noticed public hearing, review and incorporate comments from this staff report and the public;
2. Direct staff to prepare a final draft in ordinance form for Planning Commission review and final recommendation action; and
3. Continue the public hearing on ZC 99-09 to February 14, 2000, for final Planning Commission recommendation action. Note: This proposal has been tentatively scheduled to be heard by the City Commission on March 1, 2000.

## **EXHIBITS**

1. Vicinity Map
2. Summary of Past PUDs
3. Proposed Amended Language to Chapter 17.64
4. Comments from Mary Smith, Chairperson South End Neighborhood Association
5. Comments from the City's Engineering Manager
6. Draft in ordinance form of proposed amended language to Chapter 17.64

PUD CASE	PLANNING COMMISSION DECISION	PAST PUDS/SUMMARY OF PLANNING COMMISSION FINDINGS		
		PURPOSE OF PUD OCMC 17.64.010	APPROVAL CRITERIA OCMC 17.64.120	STANDARDS OCMC 17.64.030 OCMC 17.64.040(C) OCMC 17.64.050
PD 98-03 Merchant Meadows	<b>APPROVAL</b>  alternative plan with open space in the middle	<ul style="list-style-type: none"> <li>• Proposal promotes efficient use of land; creates development with smaller lot sizes that would be typical for subdivision; creates a unique circulation system and on-site open space;</li> <li>• Proposal provides useful open space;</li> <li>• Adjustment to dimensional standards better achieve purposes of PUD</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal provides unique open space;</li> <li>• Proposed dimensional adjustments are justified by benefits created by unique design and open space;</li> <li>• Public services available</li> </ul>	<ul style="list-style-type: none"> <li>• Gross density for 3.14 acres at R-8 standards is 17 lots; 14 lots are proposed;</li> <li>• No density transfers are proposed.</li> </ul>
PD 98-04 Blackhawk	<b>WITHDRAW L</b>  (applicant had withdrawn application prior to PC motion to deny request)	<ul style="list-style-type: none"> <li>• Proposal does not include and integrate mixed uses in a way that makes economic and efficient use of land;</li> <li>• PUDs are not intended for high-density residential subdivisions that do not offer mixed uses or other unique features;</li> </ul>	<ul style="list-style-type: none"> <li>• Proposal does not comply with R-8 standards and adjustments from of these standards is not justified;</li> <li>• Adjustments for the sole purpose of providing more houses on smaller lots in not justified;</li> <li>• Applicant must demonstrate that is something unique about proposal, which is being developed to justify an</li> </ul>	<ul style="list-style-type: none"> <li>• Gross R-8 density for 16.31 acres is 89 units; 80% of 89 units is 71; applicant proposes 71 units, therefore this standard is met.</li> <li>• No density transfers are proposed.</li> </ul>

EXHIBIT

		<p>by the code, PGE easement continues to remain available for use by PUD residents (17.64.010.(B));</p> <ul style="list-style-type: none"> <li>Proposed development will allow development consistent with adjacent properties.</li> </ul>		
PD 98-07 Trail View Estates	<b>DENIAL</b>	<ul style="list-style-type: none"> <li>Proposal does not provide a variety of uses, lot sizes and lotting patterns, housing and development types, building and circulation system, and open space that integrates and is compatible with the surrounding uses outside the UGB (OCMC 17.64.010(A));</li> <li>Proposal does not provide usable open space; no evidence that the applicant endeavored to provide 25% of site as open space; storm water facility is no suitable for meeting recreational needs of residents (OCMC 17.64.010(B)).</li> </ul>	<ul style="list-style-type: none"> <li>Proposal does not demonstrate that the adjustments from the underlying R-10 zone are necessary to achieve the purpose of allowing a PUD; it is not necessary to receive an adjustment to provide more houses on smaller lots; small lots may create more affordable housing, however this is not what is intended by economic and efficient use of land (OCMC 17.64.120(B) and (E)).</li> <li>Proposed dimensional adjustments will reduce the lot sizes to below 6,000 sq ft in an area that is primarily zoned and developed for large lot residential use. Absent unique features on the property and significant benefits from other amenities that are provided in a PUD, it is not appropriate to reduce lots sizes and dimensional standards near the City limits and UGB for a PUD from R-10 to standards typical for R-6 zone (OCMC 17.64.120 (E)).</li> </ul>	<ul style="list-style-type: none"> <li>minimum gross density required for a PUD on the site: 52 dwellings; develop is not entitled to a certain density by the use of PUD process; PUD is an overlay zone applied rather than found on any property by right; and</li> <li>Is not necessary to achieve compliance with the mandatory minimum density standard; the proposal can comply with the density standards by proposing mixed uses or multifamily residence (17.64.030).</li> </ul>



## **Chapter 17.64**

### **Planned Development**

**(Current Draft Revised 12/28/99)**

#### **Sections:**

17.64.010	Purpose.
17.64.020	Definitions
17.64.030	Applicant's option.
17.64.040	Permitted uses and basic PUD requirements.
17.64.050	Density bonuses and density transfers.
17.64.060	Initiation of a PUD -- Review process.
17.64.070	Preapplication conference.
17.64.080	Preliminary PUD plan application.
17.64.090	Preliminary PUD plan -- Required plans.
17.64.100	Preliminary PUD plan -- Narrative statement.
17.64.110	Preliminary PUD plan -- Tabular information.
17.64.120	Preliminary PUD plan approval criteria.
17.64.130	Preliminary PUD plan decision -- Duration and extensions.
17.64.140	Design review.
17.64.150	Final PUD plan.
17.64.160	Filing and recording of final PUD plan.
17.64.170	Control of the development after completion -- Modifications to final PUD plan.
17.64.180	Performance bond or security.
17.64.190	Expiration of final PUD plan approval.

**17.64.010 Purpose.** A planned unit development ("PUD") is a form of land development that allows increased flexibility in design standards, dimensional requirements and mixes of land use and structure types. ~~not allowed or available with the traditional development processes.~~ 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 ~~cluster developments, zero lot line, and townhouse type developments, and mixed use developments that integrate compatible neighborhood commercial and office uses with residential uses in a single development or with in a single building.~~ The objective of allowing a mix of residential, commercial and office uses is to provide an integrated urban community whereby ~~the day-to-day needs of residents may be met, to a large extent, by the commercial and office uses, and~~ each of the parts compliments one another to produce a cohesive whole; and

B. To preserve existing natural features and amenities and/or provide useful common open space available to the residents and users of the proposed PUD. Specifically this can be

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

**“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.

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

**“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.

*Comment: Townhouses (single-family attached dwellings) usually are owner occupied and have separate utilities, such as individual hot water and heating systems, separate electric meters, and so forth.*

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

*Comment: Multifamily buildings include garden apartments and mid- and high-rise apartment buildings and are not owner occupied.*

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

*Comment: see Townhouse*

**“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.

*Comment: By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.*

**“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.

B. Conditional Uses. Notwithstanding the use provisions of the underlying 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 **site 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 be assumed to 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 on buildable lands by the underlying planning and 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 allowing the adjustments 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 (i.e., variance procedures).

D. Open Space and Landscaping. ~~No particular amount of on-site open space is required for a PUD. However, the applicant should endeavor to provide at least twenty-five percent of the property's total area~~ **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 shall 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. This amount may be reduced or eliminated entirely if the applicant can demonstrate there is adequate existing public park or open space with amenities within one quarter mile of the site with good pedestrian and bicycle access. The PUD shall provide, as appropriate, for landscaping or preservation of natural features of the open space area. 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 shall not include**

**natural features, tree preservation, additional open space, and community amenities.** in addition to the density allowed by the underlying zone if the PUD incorporates some or all of the following design features and 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.

~~A. — Housing Design. The decision maker may allow a net density bonus of up to fifteen percent of the underlying zone's net density for a development proposal that includes some or all of the following housing design elements: house with front porches that are at least ten feet wide and six feet deep, alleys behind the houses, garages that are placed at least six feet back from the front face of the house, and garages smaller than two cars. If any of these features are included in the PUD, the applicant must provide a suitable legal mechanism, such as deed restrictions, to ensure the design is implemented and maintained.~~

~~B. — Historical Preservation and Consistency. For portions of the city within or adjacent to an historical preservation designation, the decision maker may allow a net density bonus of up to fifteen percent of the underlying zone's net density for a development proposal with a site lay out and design features that are consistent with the historical character of the area as set forth in the city's historic design criteria. If any historical features are included in the PUD, the applicant must provide a suitable legal mechanism for ensuring compliance, such as deed restrictions.~~

~~C. — Preservation of Wetlands and Other Natural Features. The decision maker shall allow up to a one hundred percent residential density transfer where the applicant preserves wetlands, wetland buffers and transition areas required under Chapter 17.49, and may allow up to a one hundred percent density transfer where the applicant preserves wildlife habitat or other significant natural feature. Under this section, density may only be transferred to another portion of the property subject to the PUD application. The development rights to any wetland or natural feature so preserved must be conveyed to the city or to a nonprofit organization approved by the city.~~

~~D. — Tree preservation. The decision maker may allow the reduction or elimination of setback requirements or a reduction in the pavement width of streets in order to preserve significant trees. For purposes of this chapter, significant trees are trees larger than eight inches in diameter measured four feet from the ground. Any tree so identified must be protected from cutting or other harm by some legally enforceable means accepted to the city.~~

~~E. — Open Space and Community Amenities. The decision maker may allow a residential density bonus of up to fifteen percent of the underlying zone's net density for construction of on-site or off-site community recreational facilities, including equipped community parks, playgrounds, athletic fields and facilities, swimming pools and the like. If the applicant proposes to qualify for this bonus using off-site facilities, it must demonstrate good~~

B. The City's review and decision making process for preliminary PUD plans is described in the sections that follow and ~~basically~~ involves a staff completeness check of the applicant's submission. Once the application is deemed to be complete enough to begin processing, staff reviews the application and prepares a staff report. The planning commission will hold a public hearing at which the application is reviewed, and the planning commission renders a decision on the application, either a denial, **approval**, or an approval with conditions. The final PUD plan must comply with all conditions of preliminary PUD plan approval. (Ord. 97-1024 §1 (part), 1997)

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, certified in traffic engineering, 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 ~~eight~~ 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 using a contour interval of five feet. 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 one hundred 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

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** ~~than two feet~~ 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. (Ord. 97-1024 § 1 (part), 1997)

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. (Ord. 97-1024 § 1 (part), 1997)

17.64.120 Preliminary PUD plan approval Criteria.

The decision maker shall approve an application for preliminary PUD plan if the following criteria are found to be 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 (e.g., Chapters 17.44 and 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 construction 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 better achieve the ~~policies~~ **purposes and requirements** of this chapter than would compliance with the dimensional requirements of the underlying zoning.

6. A relocation of buildings, proposed streets, access points onto the existing public right-of-way, utility easements, pedestrian / bicycle accessways, parking lots, landscaping, or other site improvements away from the general location shown in the preliminary PUD plan;

7. Any change that renders the PUD incompatible with surrounding lands or development or incompatible with any of the conditions of approval attached to the preliminary PUD plan.

C. No change undertaken by grant of the material deviation shall reduce the density below eighty percent of the ~~density allowed in the buildable area in the underlying plan designation and zoning district~~ **gross density allowed by the underlying zone.**

D. Increases in the amount of landscaping or open space, and any change that reduces the impacts on hillsides or unstable soils ~~shall~~ **may not be considered a material deviation.**

E. Any final PUD plan that is not consistent with the approved preliminary PUD plan, but is not so different as to be a material deviation may be approved by the planning manager through a Type II process following notice and an opportunity to comment. Any appeals of a decision by the planning manager may be appealed to the ~~planning~~ **city** commission, according to the city's Type II procedure, and the issues in that appeal shall be limited to the specific aspect of the final PUD plan that is not consistent with the approved preliminary PUD plan.

F. The planning manager shall notify in writing all persons who were parties to the preliminary PUD plan proceeding. The notice shall contain the information listed in Section ~~17.50.150~~ **17.50.090**. The planning manager's decision to approve a final PUD plan may be appealed as a limited land use decision by the applicant or any party who participated orally or in writing during the preliminary PUD proceeding, but solely for the purpose of determining whether the final PUD plan contains a material deviation from the preliminary PUD plan. Any such appeal must be filed within ~~fourteen~~ **ten** (10) calendar days of the planning manager's notice, after which the planning commission shall hold a public hearing. The sole issue on appeal shall be whether the final PUD plan contains a material deviation from the approved preliminary PUD plan. The planning commission's decision shall be final and appealable only to the land use board of appeals. (Ord. 97-1024 § 1 (part), 1997)

17.64.160 Filing and recording of final PUD plan. Following approval of the final PUD plan, the applicant shall file with the county recorder the confirmed and approved final PUD plan together with all pertinent documents approved as to form by the city attorney. (Ord. 97-1024 § 1 (part), 1997)

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 have been issued, 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

## CITY OF OREGON CITY - PLANNING DIVISION

PO Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045-0304

Phone: (503) 657-0891 Fax: (503) 657-7892

## TRANSMITTAL

- ☒ BUILDING OFFICIAL  
☒ ENGINEER MANAGER  
☒ FIRE CHIEF  
☒ PUBLIC WORKS DIRECTOR  
☐ TECHNICAL SERVICES  
☐ ODOT - Sonya Kazen  
☐ ODOT - Gary Hunt

## TRAFFIC ENGINEERS

- ☐ JOHN REPLINGER @ DEA  
☐ JAY TOLL

- ☒ CICC  
☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR  
☒ N.A. LAND USE CHAIR  
☐ CLACKAMAS COUNTY - Joe Merek  
☐ CLACKAMAS COUNTY - Bill Spears  
☒ SCHOOL DIST 62  
☒ TRI-MET  
☐ GEOTECH REPORT - NANCY K.  
☐ DLCD/BRENDA BERNARDS @ METRO  
☐ OREGON CITY POSTMASTER  
☒ PARKS

RETURN COMMENTS TO:

COMMENTS DUE BY: January 12, 2000

PLANNING PERMIT TECHNICIAN

Plan Department

HEARING DATE: January 24, 2000

HEARING BODY: Staff Review: \_\_ PC: X CC: \_\_

IN REFERENCE TO

FILE # &amp; TYPE:

ZC 99-09

APPLICANT:

City of Oregon City

REQUEST:

Amendment to Chapter 17.64 "Planned Unit Development" of Oregon City Municipal Code

LOCATION:

All residential zoned property within City of Oregon City limits

The enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

\_\_\_\_ The proposal does not conflict with our interests.

☒ The proposal conflicts with our interests for the reasons stated below.

\_\_\_\_ The proposal would not conflict our interests if the changes noted below are included.

\_\_\_\_ The following items are missing and are needed for completeness and review:

*There should be a provision for neighbors to oppose the POD. It sounds like if the POD meets this specific criteria it has to be granted. We want more protection for the livability of current O.C. Residents*

Signed  
Title

*Mary Nepal Smith*

EXHIBIT

4

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL W



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

Page 1

January 12, 2000

**ANALYSIS AND FINDINGS**

	<b>Section</b>	<b>Page</b>	<b>Comment</b>	<b>Rationale</b>
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???
	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 17.64.030

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

Page 3

**ROBERT CULLISON, ENGINEERING MANAGER**

January 12, 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.

## **Chapter 17.64**

### **Planned Development**

#### **Sections:**

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17.64.080	Preliminary PUD plan application.
17.64.090	Preliminary PUD plan -- Required plans.
17.64.100	Preliminary PUD plan -- Narrative statement.
17.64.110	Preliminary PUD plan -- Tabular information.
17.64.120	Preliminary PUD plan approval criteria.
17.64.130	Preliminary PUD plan decision -- Duration and extensions.
17.64.140	Design review.
17.64.150	Final PUD plan.
17.64.160	Filing and recording of final PUD plan.
17.64.170	Control of the development after completion -- Modifications to final PUD plan.
17.64.180	Performance bond or security.
17.64.190	Expiration of final PUD plan approval.

**17.64.010 Purpose.** A planned unit development ("PUD") is a form of 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/or 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

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

Comment: Multifamily buildings include garden apartments and mid- and high-rise apartment buildings and are not owner occupied.

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

Comment: see Townhouse

“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.

Comment: By definition, a condominium has common areas and facilities and there is an association of owners organized for the purpose of maintaining, administering, and operating the common areas and facilities. It is a legal form of ownership of real estate and not a specific building style. The purchaser has title to his or her interior space in the building and an undivided interest in parts of the interior, the exterior, and other common elements. The property is identified in a master deed and recorded on a plat with the local jurisdiction. The common elements usually include the land underneath and surrounding the building, certain improvements on the land, and such items as plumbing, wiring, and major utility systems, the interior areas between walls, public interior spaces, exterior walls, parking areas, private roads, and recreational facilities.

“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.

“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.

Comment: Duplexes are usually not owner occupied.

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

Comment: The neighborhood business area usually serves residents within ¼ mile walking distance and five minutes driving time. The stores include food, drugs, hardware, clothing, and sundries; services include barber and beauty parlors, cleaners, daycares and so on.

**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

pursuant to this section are not subject to the requirements in Chapter 17.60 of this code (i.e., variance procedures).

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 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. Storm sewer and storm water detention and drainage facilities;
4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities.

F. If the applicant elects to guarantee that any particular public service or facility will have adequate capacity, the required capacity must 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 policy 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. 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. (Ord. 97-1024 §1 (part), 1997)

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. If the subject property is less than 10 acres, 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, 20% of the net developable area shall consist of residential uses other than single family dwellings and may contain commercial uses. If common wall units

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. (Ord.97-1024 §1 (part), 1997)

17.64.080 Preliminary PUD plan application

A. At any time following a preapplication conference, an applicant may apply for preliminary PUD plan approval. The applicant's submission must provide a complete description of existing conditions, the proposed PUD and an explanation of how the application meets all applicable purposes, requirements, and criteria. The following sections describe the specific submission requirements for a preliminary PUD plan, which include plan drawings, a narrative statement and certain tabular information.

B. The City's review and decision making process for preliminary PUD plans is described in the sections that follow and involves a staff completeness check of the applicant's submission. Once the application is deemed to be complete enough to begin processing, staff reviews the application and prepares a staff report. The planning commission will hold a public hearing at which the application is reviewed, and the planning commission renders a decision on the application, either a denial, approval, or an approval with conditions. The final PUD plan must comply with all conditions of preliminary PUD plan approval. (Ord. 97-1024 §1 (part), 1997)

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, certified in traffic engineering, 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

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. (Ord. 97-1024 § 1 (part), 1997)

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. (Ord. 97-1024 § 1 (part), 1997)

17.64.120 Preliminary PUD plan approval Criteria. The decision maker shall approve an application for preliminary PUD plan if the following criteria are found to be 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 (e.g., Chapters 17.44 and 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

percent from the amount approved in the preliminary PUD plan;

3. A change in the square footage of commercial use in the development by more than ten percent from the amount approved in the preliminary PUD plan;

4. A reduction in the amount of landscaping, open space of land reserved for a protected feature by more than ten percent from what was approved in the preliminary PUD plan;

5. An increase in the amount of impervious surface on hillsides or unstable soils subject to regulation under Chapter 17.44 by more than ten percent from the amount approved in the preliminary PUD plan;

6. A relocation of buildings, proposed streets, access points onto the existing public right-of-way, utility easements, pedestrian / bicycle accessways, parking lots, landscaping, or other site improvements away from the general location shown in the preliminary PUD plan;

7. Any change that renders the PUD incompatible with surrounding lands or development or incompatible with any of the conditions of approval attached to the preliminary PUD plan.

C. No change undertaken by grant of the material deviation shall reduce the density below eighty percent of the gross density allowed by the underlying zone.

D. Increases in the amount of landscaping or open space, and any change that reduces the impacts on hillsides or unstable soils may not be considered a material deviation.

E. Any final PUD plan that is not consistent with the approved preliminary PUD plan, but is not so different as to be a material deviation may be approved by the planning manager through a Type II process following notice and an opportunity to comment. Any appeals of a decision by the planning manager may be appealed to the city commission, according to the city's Type II procedure, and the issues in that appeal shall be limited to the specific aspect of the final PUD plan that is not consistent with the approved preliminary PUD plan.

F. The planning manager shall notify in writing all persons who were parties to the preliminary PUD plan proceeding. The notice shall contain the information listed in Section 17.50.090. The planning manager's decision to approve a final PUD plan may be appealed as a limited land use decision by the applicant or any party who participated orally or in writing during the preliminary PUD proceeding, but solely for the purpose of determining whether the final PUD plan contains a material deviation from the preliminary PUD plan. Any such appeal must be filed within ten (10) calendar days of the planning manager's notice, after which the planning commission shall hold a public hearing. The sole issue on appeal shall be whether the final PUD plan contains a material deviation from the approved preliminary PUD plan. The planning commission's decision shall be final and appealable only to the land use board of appeals. (Ord. 97-1024 § 1 (part), 1997)

17.64.160 Filing and recording of final PUD plan. Following approval of the final PUD plan, the applicant shall file with the county recorder the confirmed and approved final PUD plan together with all pertinent documents approved as to form by the city attorney. Ord. 97-1024 § 1 (part), 1997)

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:



**City of Oregon City  
Community Development  
Department  
Planning Division**

**Memo**

**To:** Planning Commissioners

**From:** Kyenne Williams, Planning Technician

**Date:** 01/20/00

**Re:** Remainder of Planning Commission Packet for January 24, 2000 Meeting

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Enclosed are the items identified as being sent "Under Separate Cover" on the agenda mailed out January 14, 2000:

- PC Meeting Minutes for January 10, 2000;
- Staff Report for the Proposed Reimbursement District Ordinance L 99-15;
- Planning Commission Work Program

**CITY OF OREGON CITY  
PLANNING COMMISSION MINUTES  
January 10, 2000**

**COMMISSIONERS PRESENT**

Chairperson Hewitt  
Commissioner Carter  
Commissioner Olson  
Commissioner Surratt  
Commissioner Vergun

**STAFF PRESENT**

Maggie Collins, Planning Manager  
Barbara Shields, Senior Planner  
Bill Kabeiseman, City Attorney  
Tom Bouillion, Associate Planner  
Jay Toll, Senior Engineer  
Nancy Kraushaar, Public Projects Manager

**1. CALL TO ORDER**

**Chairperson Hewitt** called the meeting to order.

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

None.

**3. APPROVAL OF MINUTES: December 13, 1999**

**Commissioner Carter** moved to approve the minutes of December 13, 1999 as submitted. **Commissioner Surratt** seconded.

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

**Commissioner Hewitt** stated that he has heard favorable comments from the commissioners that the minutes have been thorough and more concise.

**4. ZC 99-07/ Minor Amendments to the Oregon City Municipal Code**

**Barbara Shields** began the staff presentation by reviewing the objectives of the minor amendments and the process the staff used to collect the amendments from all the divisions of the Community Development Department. There are three groups of amendments. Group 1 includes corrections of misspelled words or redundant phrases. Group 2 includes deletions of inaccurate and outdated code language. Group 3 includes new language that clarifies existing policies. She then reviewed the exhibits included within the packet.

**Chairperson Hewitt** reviewed the procedure for legislative hearings. A staff report was prepared for the proposal and was made available seven days prior to the hearing. The procedure for the legislative hearing includes a staff report, a public hearing, a final

**Commissioner Surratt** also stated that often property owners only have the ability to work on their homes late in the evenings or on the weekends.

**Commissioner Vergun** stated that he generally feels like it is a bad idea to put this new language in this section. Letter "B" covers the noise issue and if "F" is added, staff loses the ability to make discretionary decisions. In addition, other noise producers, such as deliveries, are left out, and homeowners are then required to do construction during the restrictive times, which might not be the intent of the Code.

**Barbara Shields** reiterated that the language came from Engineering Division's standard condition of approval language that is already used for specific land use approvals. The idea is to move from a specific condition to a standard. **Jay Toll** stated that one of the problems is enforcement. Neighbors often know the condition is in the conditions of approval, and yet it is difficult to enforce.

**Jay Toll** introduced the concept of tangents. He handed out a diagram labeled "Figure A." There should be a reference to "Figure A" under Section 16.12.145 at the end of the sentence starting with "The greater of." Items A1, A2, and A3 refer to A.1, A.2, and A.3 in the proposed Code section. Currently, this is another condition of approval that is always used. It is enforced when the plat is recorded and ensures that there are non-vehicular access strips at the intersections in order to keep driveways as far away from the corners as possible.

**Chairperson Hewitt** requested that the language clearly communicate that the area is where driveways are prohibited.

**Jay Toll** explained Items A1, A2, and A3. Item A1 refers to the curb line while Items A2 and A3 refer to the right-of-way line. The curb is typically nine feet behind the right-of-way line. They are two ways to measure the same distance.

**Commissioner Vergun** stated that he is concerned with the use of the wording "in their judgment" in the proposed language under Section 16.16.010 (C). An applicant could be subject to a great deal of expense and time without any recourse because it is solely within the judgment of the Planning Manager. He stated that he is often concerned when a standard is imposed where it is solely within someone's judgment. It would be better to leave these words out.

**Barbara Shields** gave the example of a 20-acre parcel with a proposed partition for 3 parcels. There is a state law that specifically requires that no more than one partition may be granted within one calendar year on the same land. The proposed amendment is complimentary with the state law.

**Chairperson Hewitt** asked that staff explain why they thought it necessary to have this specific statement added to the code. Exhibit A states that "the new language prohibits

occasions when construction activity would need to occur at times other than those hours designated.

**Commissioner Vergun** suggested using some type of language such as "Construction activity in violation of the times of day permitted for construction activity as set forth in the terms of approval duly issued by the City of Oregon City." It would require the person complaining to have probable cause. This would relate purely to the construction activity regulated by their terms of approval.

**Commissioner Surratt** suggested taking the hours out of "F" and adding them to the main body of the section. The hours would then apply to everything including deliveries, street cleaners, and garbage collectors. Construction activity is not the only noise problem in the City.

**Commissioner Vergun** stated that "B" ought to take care of everything, but for whatever reason, police officers are not giving tickets in regard to construction noise and therefore "F" appears to be necessary. It is technically redundant with "B" already. An alternative would be to keep the hours in the language and include language stating "however, if the City of Oregon City permits construction activity at times other than times set forth in this section, then such activity would not be a violation."

**Commissioner Carter** stated that this is discriminatory towards the construction industry. In time constraints, construction needs to be able to be permitted on Sundays. **Commissioner Vergun** replied that he is not trying to make anything illegal or improper that is not already illegal or improper already.

**Commissioner Hewitt** stated that people do not want to be disturbed by the construction of a large development. **Commissioner Carter** gave the example of an in-fill lot, where an individual may only be able to build on weekends, but with the code would not be able to build on Sundays.

**Commissioner Vergun** suggested two ways to solve it. Either get a police officer to ticket or get a more vicious code enforcer who would be able to invoke higher penalties. He is not trying to change the law in terms of what already exists, but trying to make it more enforceable according to what the community wants. **Commissioner Hewitt** stated that Commissioner Carter does not agree with what the community is saying. She is concerned with possible discrimination about construction activity levels.

**Commissioner Surratt** stated that they seem to agree that "F" will not work as it is. It can either be dropped, be reworked, or bring it back at a later worksession.

**Commissioner Olson** agreed. The new language singles out construction activity that affects any homeowner, instead of addressing the disturbing of the peace as a whole.

**Commissioner Surratt** stated that the entire disturbing of the peace could be looked at in greater detail.

## **ELECTION OF CHAIR AND VICE-CHAIR**

**Chairperson Hewitt** stated that every year in January a Chair and Vice-Chair need to be elected. He asked if there is a motion for a Planning Commission Chair for the year 2000.

**Commissioner Surratt** moved that Gary Hewitt be recommended for the Chair position. **Commissioner Carter** seconded the motion.

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

**Chairperson Hewitt** asked if there were any nominations for the Vice-Chair position for the year 2000.

**Commissioner Carter** moved that Lawrence Vergun be recommended as Vice-Chair. **Commissioner Olson** seconded.

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

## **5. WORKSESSION: PZ 99-03 TRANSPORTATION SYSTEM PLAN**

**Nancy Kraushaar** began the staff presentation by summarizing the two issues needed to be reviewed by the Planning Commission for the Transportation System Plan. The first item for review is the Landscaping Standards for Parking Lots. They are seeking to achieve higher aesthetic value in new parking lots and seeking to enhance the water quality of surface water runoff. The other item to look at is the Parking Standards that are needed to comply with Title 2.

**Tom Bouillion** continued the staff report in stating that Oregon City does not have any specific landscaping standards for parking lots at this time. Staff researched several other municipalities for landscaping standards. The result of the research is the chart entitled, "Comparison of Parking Lot Landscaping Requirements" which compares Oregon City with Milwaukie and West Linn. These communities were selected because of their similar size and proximity to Oregon City. The differences between Milwaukie and West Linn are that West Linn is a little more prescriptive in detailing what a developer's landscaping requirements would be. Milwaukie's requirements are not as specified and leaves it more open to staff interpretation. In general, West Linn offers good specificity. He recommended discussion about the specifics of the chart, and then to have the Commission make recommendations.

**Chairperson Hewitt** asked that staff state the advantages of the West Linn standards.

**Tom Bouillion** stated that West Linn specifies the spacing of trees along the perimeter in the parking lot, the percentage amount of landscaping within the entire parking lot, and a

West Linn code, there is flexibility if there is an area where there is crime and surveillance is needed.

**Chairperson Hewitt** stated that a wall or a vegetated buffer is screening, and residential areas need to be buffered from commercial areas. The City cannot do the security for the commercial business.

**Tom Bouillion** pointed out the provision in the West Linn code that minimizes the areas of bark dust. **Commissioner Carter** stated that the practical purpose of bark dust is to keep down the costs of doing business. **Tom Bouillion** stated that this provision can be found on page 54-4 under item three. The West Linn code states that "No bark mulch shall be allowed except under the canopy of low level shrubs." Another one of the criteria would be that the vegetation be drought-resistant. This could be a compromise in order to require all the greenery but not raise the costs of maintenance.

**Nancy Kraushaar** stated that the idea is to plant a dense ground cover so that bark dust would not be needed at all.

**Chairperson Hewitt** asked if there is a reference to the specifications of not planting between 30 inches and eight feet in height within 15 feet of a driveway. **Tom Bouillion** stated that there is a separate Code section that covers site distance triangles around driveways and intersections. **Chairperson Hewitt** stated that there should be a statement in these requirements for landscaping to meet that requirement.

**Commissioner Carter** asked, in regard to the width of perimeter landscaping along the right-of-way, if the requirement should be five to 15 feet instead of a locked requirement of 15 or 10 feet like West Linn has. It could be based upon the width of the street. **Tom Bouillion** stated that the intent is to increase the landscaping along busier streets. **Nancy Kraushaar** stated that the requirement could be for new roads, not those existing that have other constraints. It could be redevelopment versus development or new streets versus old streets.

**Chairperson Hewitt** stated that the Code should read that those properties that are to be redeveloped that cannot meet the requirements are exempt from this particular requirement, but must maintain a minimum of five feet.

**Tom Bouillion** asked if an untouched site should be required to have a 15 foot standard and redeveloped sites or those with constraints may be allowed to go down to a five foot standard.

**Commissioner Carter** stated that there should be some flexibility. It could depend on the type of tree and the size of the canopy that will be planted. **Tom Bouillion** added that a percentage of the lot could be used with a five-foot minimum width.

the Portland Code allows up to 2 feet of the overhang portion of a parking space to be used for grass.

**Nancy Kraushaar** asked again if there is a consensus in the Commission as to the size of a tree that should be required within the parking Code. **Chairperson Hewitt** asked if all Commissioners agreed with a three-inch caliper tree. All agreed. **Commissioner Carter** asked that staff take note that she would like the entire city Code to have a minimum of a three-inch caliper.

**Nancy Kraushaar** gave a quick summary of Title 2. The state transportation planning rule requires all municipalities to reduce vehicle miles traveled, and to have parking space restrictions. The 2040 Growth Plan leads to more compact growth, which will require more efficient use of land and reduction of auto use. It will protect air quality, which is based upon the reduction of vehicle miles traveled. To get there, the City must reduce the parking lot requirements. Title 2 puts the entire region either into Zone A or Zone B. Zone A is close to transit lines and Zone B is everything else. In Oregon City, Zone A is within a quarter mile of the frequent bus routes. The City is also required to have a variance process for those projects that cannot meet the minimums and maximums of Title 2. There is a set of standards with which the City needs to comply.

**Nancy Kraushaar** stated that staff went through the existing Code and put together a table that compares the existing parking lot requirements with the Title 2 requirements. In many areas, the City is very close to the Title 2 requirements. The existing maximum Oregon City requirement is that it can be double the minimum requirement. It is important to keep the maximums low to be in compliance with Title 2.

**Nancy Kraushaar** then reviewed the table, "Vehicle Parking Requirements" which compares the existing City Code with Title 2 requirements. She asked if the Commission would like to keep the existing categories and just make the numbers fit. She further asked if the Commission would like to use the Title 2 requirements instead of the existing Code.

**Chairperson Hewitt** asked if Nancy Kraushaar sees any problem in using the Title 2 requirements. **Nancy Kraushaar** replied that in areas where Oregon City already has lower numbers, they are doing even better at achieving the goals of Title 2 to reduce vehicle miles traveled. **Chairperson Hewitt** asked if she is recommending that they stay with the lower numbers and go with Title 2 where there is no designation. **Nancy Kraushaar** said that was her recommendation. The numbers the City is using seem to be working well although the Planning Division would have a better idea on that.

**Maggie Collins** stated that the numbers do seem to be working well. Everyone seems to have a different opinion as to the need for commercial parking within the City. However on average, the existing requirements fit the uses and are working well.

**Nancy Kraushaar** stated that the downtown is a unique situation. The idea is to have a higher density where people live, work, and play and there does not need to be as much parking. She suggested looking at the particular uses where the City has the lower number. If banks are a concern, the City can go with the higher number. She next gave the example of fast food with drive-thru.

**Commissioner Carter** stated that many existing uses are short on parking. It is a livability issue. Businesses and the economic vitality begin to suffer because residents will not go where there is no place to park. **Commissioner Surratt** replied that they are trying to encourage people to not use their cars, but to ride the bus instead.

**Commissioner Vergun** agreed with Commissioner Carter. In regard to redevelopment, in order to draw people to a commercial activity and revitalize the downtown core, people need to be able to park. Other public transportation options would be preferable, but it does not work. People must be able to park somehow. Downtown is to be treated differently.

**Nancy Kraushaar** asked Commissioner Carter if there is a number between the existing Code and what the Title 2 minimum requirement is that would be more appropriate. More parking requires more land and if the minimum requirements are increased, then the development of land could be precluded.

**Maggie Collins** suggested that staff write the arguments down and then formulate alternatives to the minimum parking standards.

**Chairperson Hewitt** stated that the majority of the Commission does not agree with Commissioners Carter and Vergun.

**Commissioner Carter** suggested a flexible formula based on the zoning. The parking requirements can be tighter downtown, but higher elsewhere.

**Nancy Kraushaar** reminded the Commission of the goal to reduce vehicle miles traveled and to meet the air quality goals. **Commissioner Surratt** stated that a developer must simply meet the minimum parking requirements, but could increase the number of parking if desired. **Nancy Kraushaar** stated that the developer may put no more than twice the minimum requirement before needing to go before the Planning Commission for approval.

**Chairperson Hewitt** stated that there are three members of the Commission that are not in favor of increasing the number of parking spaces and there are two that are. The direction to staff is to stay with the lower numbers where it is feasible and practical and consider Metro's numbers for those categories that are not in the existing code.



# CITY OF OREGON CITY

## Planning Commission

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OREGON CITY, OREGON 97045  
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### **Staff Report Proposed Reimbursement District Ordinance January 24, 2000**

**FILE NO.: L 99-15**

**PLANNING COMMISSION REVIEW: January 24, 2000**

**CITY COMMISSION HEARING DATE: February 14, 2000**

#### **BACKGROUND:**

A Joint City Commission-Planning Commission Worksession occurred on January 12, 2000, to consider the first draft of new Code language to allow reimbursement for certain public improvements.

The existing process for reimbursement is in Chapter 3.20 of the Municipal Code. However, it has been declared inoperative as a result of Statewide passage of Measure 5. The City Commission requested a revised version of Chapter 3.20.

#### **WORKSESSION COMMENTS:**

Exhibit A (redline version) contains changes from the Worksession discussion of this proposed new Chapter 3.20.

On page 3, the Engineering Manager has added the capacity to waive the \$25,000 threshold amount to address certain cases where it may be meritorious to lower the threshold amount.

On page 8, reapplication for a reimbursement district has been changed from 3 months to 12 months.

On page 12, the appeal period deadline remains at 30 days. The City Attorney had recommended a shorter appeal timeline similar to Type II land use applications, but in consultation with City staff, it was determined that the parallel of an appeal of reimbursement assessments with three different appeal periods available with a Type II process could not be easily made. Therefore, Staff is recommending retention of the 30 days, although the City Attorney's advice remains to pick a shorter time period.

ORDINANCE No. 00-

AN ORDINANCE REPEALING TITLE 3: REVENUE AND FINANCE, CHAPTER 3.20: FINANCING OF LOCAL IMPROVEMENTS, OF THE OREGON CITY MUNICIPAL CODE OF 1991 AND ENACTING A NEW TITLE 3: REVENUE AND FINANCE, CHAPTER 3.20: REIMBURSEMENT DISTRICTS

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, the City of Oregon City, Oregon ("City"), adopted an ordinance that allowed advance financing and reimbursement for public improvements and that ordinance is codified in chapter 3.20 of the Oregon City Municipal Code; and

WHEREAS, this existing ordinance does not provide adequate procedures for establishing and collecting reimbursement charges for financing local public improvements; and

WHEREAS, the City desires to establish a process to create reimbursement districts and collect reimbursement charges so that a person or the City may be reimbursed for financing, in whole or in disproportionately large part, the costs of constructing a local public improvement when the improvement benefits other properties in the reimbursement district; and

WHEREAS, the proposed ordinance is intended to establish such a process;

Now, therefore,

OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That Title 3: REVENUE AND FINANCE, Chapter 3.20: FINANCING OF LOCAL IMPROVEMENTS, of the Oregon City Municipal Code of 1991 is repealed in its entirety and a new Title 3: REVENUE AND FINANCE, Chapter 3.20: REIMBURSEMENT DISTRICTS, is hereby enacted to read as follows:

Chapter 3.20

REIMBURSEMENT DISTRICTS

Sections:

3.20.010	Purpose
3.20.020	Obligation
3.20.030	Definitions
3.20.040	Initiation
3.20.050	City Engineer's Report
3.20.060	Establishing the Reimbursement District
3.20.070	Reimbursement Charge
3.20.080	Challenges to Final Reimbursement Resolution
3.20.090	Imposition of Reimbursement Charge

EXHIBIT

A

L 99-15

F. "Reimbursement charge" is the charge imposed upon development by this chapter for the costs of financing a public street, water, sewer, or stormwater improvement that serves a development. A reimbursement charge is not intended to limit or replace, and is in addition to, any other existing fees or charges collected by the City.

G. "Reimbursement district" is the area within which future development will potentially derive a benefit from the construction of public street, water, sewer, or stormwater improvements financed, in whole or disproportionately large part, by a person without the formation of a local improvement district. A reimbursement district is limited to an area within the City and will be determined by the city commission.

H. "Reimbursement resolution" is a resolution of the city commission that identifies the potential reimbursement charge for future development within a reimbursement district.

I. "Threshold Amount" is the minimum dollar amount an applicant under this chapter must spend on a specific public improvement requested to be eligible to be included in a reimbursement district. The threshold amount pertains only to that portion of the improvement eligible for reimbursement under this Chapter.

The initial threshold amount shall be \$25,000 and shall be adjusted annually by resolution of the city commission, each July 1 by a factor equal to the Consumer Price Index for Portland, Oregon. The factor is determined by dividing the current CPI by the previous CPI. This is then multiplied by the threshold amount to establish the new threshold amount (rounded up or down to the nearest \$100.00). The current threshold amount shall be available from the City Finance Director. The City Engineer may consider an administrative exemption to the threshold amount.

$$\left[ \frac{CPI_C}{CPI_P} \right] \times \left[ \frac{CURRENT}{THRESHOLD} \right] = NEW\ THRESHOLD_{Rounded}$$

Where  $CPI_P$  = Previous CPI and  $CPI_C$  = Current CPI

J. "Sewer improvement" is a sewer facility, sewer system, or sewer line improvement conforming to Public Works Sanitary Sewer Design Standards, including, but not limited to:

1. Extension of a sewer line to property other than that owned by the person financing the improvement so that sewer service can be provided to future development on that property without further extension of the line;

2. Construction of a sewer facility, system, or line larger, deeper, or of greater capacity than necessary to serve the property, except as noted in 3.20.050 D.6, of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system, or line, or construct additional, deeper, or parallel facilities, systems, or lines; and

3. A stormwater quantity facility with sufficient designed capacity to serve upstream development as defined in the person's or the City's stormwater drainage report that is approved by the City Engineer; and

4. A water quality facility with sufficient designed capacity to serve upstream development as defined in the stormwater drainage report of the person or the City financing the improvement and that is approved by the City Engineer.

N. "Stormwater quality facility" is defined in section 13.12.040 of this code.

O. "Stormwater quantity facility" is defined in section 13.12.040 of this code.

P. "Water improvement" is a water facility, water system, or water line improvement, other than that described in section 3.20.050(D)(6), conforming to City standards, including, but not limited to:

1. Extension of a water line to property other than that owned by the person financing the improvement so that water service can be provided to development on that property without further extension of the line; and

2. Construction of a water facility, system, or line that is larger, deeper, or of greater capacity than necessary to serve the property of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system, or line; or the construction of additional, deeper, or parallel facility, system, or line.

#### 3.20.040 Initiation.

A. Any person may choose or may be required as a condition of a land use decision approval to construct a public street, water, sewer, or stormwater improvement that costs in excess of the current threshold amount. If this person finances the improvement, in whole or disproportionately large part, and the improvement will or could provide service to development other than the development owned by that person, that person may apply to the City to form a reimbursement district.

B. An application or reapplication to establish a reimbursement district shall be in writing, shall be filed with the City Engineer, and shall be accompanied by a processing fee sufficient to cover the administrative review and notice costs of processing the application or reapplication, as established by resolution of the city commission.

C. The application or reapplication shall include the following:

1. A description of the location, type, and capacity of the public improvement proposed to be the basis for the reimbursement district;

2. A narrative statement explaining why the person or the City financing the public improvement believes all or part of the cost of the public improvement is eligible for reimbursement pursuant to this chapter. This statement shall clearly indicate that only the costs of improvements not benefiting the person's property are subject to reimbursement;

The City Engineer shall review the application for the establishment of a reimbursement district and recommend whether a district should be established. The City Engineer may request the submittal of other relevant information from the person applying for the reimbursement district in order to assist in the evaluation. The City Engineer shall prepare a written report for the city commission that:

- A. Recommends whether or not the reimbursement district should be formed.
- B. Explains whether the person applying for the reimbursement district proposes to finance some or all of the cost of a street, water, sewer, or stormwater improvement to make service available to property, other than property owned by the person applying for the reimbursement district.
- C. Recommends the area in the City that should be included in the reimbursement district.
- D. States the estimated cost of the street, water, sewer, or stormwater improvement to be included in the proposed reimbursement district and the portion of the cost for which the person or the City applying for the reimbursement district should be reimbursed. The cost to be reimbursed to the person or the City applying for the reimbursement district shall not include the following:
  1. Costs for that portion of the improvement that specially benefits the person's property;
  2. Costs of improvements that will not be dedicated to and accepted by the City as a public improvement;
  3. Costs for a public improvement that is required as a condition of development approval except in cases where the nature and degree of the public improvement is disproportionate to the impacts of the development or where the City requires an oversized or additional improvement beyond that which is roughly proportional to the impacts of the development;
  4. Costs for relocation of electrical, telephone, cable television, natural gas or other utility relocation across the person's subject frontage;
  5. Costs for extra work or materials required to correct construction deficiencies to bring an otherwise non-eligible improvement up to City standards;
  6. Costs for sewer, water, stormwater, or street improvements that are the City standards to serve the person's property;
  7. Costs for street realignment, except for the cost of right-of-way acquisition beyond the limits of the development frontage along the improved street; and
  8. Costs for administering the reimbursement agreement between the City and the person applying for the reimbursement district.

improvement to be reimbursed, the estimated amount of the reimbursement charges and the circumstances under which the charges will be imposed;

3. Include a copy of the City Engineer's report;
4. State the time, date, and place of the public hearing;
5. Explain the procedure for filing written comments before the public hearing; and
6. Explain the process for submitting written comments at the public hearing.

E. After the public hearing is held, the City Commission shall approve, reject, or modify the recommendations contained in the City Engineer's report. If a reimbursement district is established, the City Commission shall pass a resolution establishing the area included in the reimbursement district, the estimated cost of the public improvements, the methodology for allocating the costs to future development, and the administrative fee charged by the City. If areas not proposed by the City Engineer to be included in the district are added by the City Commission, the hearing shall be continued. Residents and property owners of the additional area added by the City Commission shall be entitled to mailed notice of a continued hearing at least 14 calendar days prior to such continued hearing. No additional notice is required if the City Commission excludes a property from a proposed reimbursement district, however, the hearing shall be continued.

F. The resolution shall instruct the City Engineer through the City Manager to enter into an agreement with the person applying for the reimbursement district pertaining to the public improvements authorized by the reimbursement district resolution. The agreement, at a minimum, shall contain the following provisions:

1. The public improvements shall meet all applicable City standards;
2. The amount of estimated potential reimbursement to the person applying for the reimbursement district;
3. The person applying for the reimbursement district shall provide a maintenance guarantee, approved by the City Attorney, on the public improvements for a period of 24 months after the date the City accepts the public improvements for ownership and operation;
4. The person applying for the reimbursement district shall defend, indemnify, and hold harmless the City from any and all losses, claims, damage, judgments, or other costs or expenses arising as a result of or related to the City's establishment and administration of the reimbursement district;
5. The person applying for the reimbursement district shall acknowledge that the City is not obligated to collect the reimbursement fee from affected developers, and that the right to reimbursement shall be derived solely under the provisions of this Chapter; and
6. The person applying for the reimbursement district shall agree to abide by all other City, state and federal laws including, but not limited to, public contracting laws.

E. The City Recorder shall record the final reimbursement resolution in the office of the County Recorder within 30 calendar days of the date the resolution is adopted so as to provide notice to potential developers of property within the reimbursement district. The recording shall not create a lien. Failure to make such a recording shall not affect the lawfulness of the reimbursement resolution or obligation to pay the reimbursement charge.

3.20.080 Challenges to final reimbursement resolution.

Any legal action intended to contest the reimbursement charge, including the amount of the charges for future development, shall be filed pursuant to ORS 34.010 to 34.100 (writ of review) within 60 calendar days following adoption of a final reimbursement resolution. The writ of review shall be the sole and exclusive remedy for any challenge to proceedings under this chapter.

3.20.090 Imposition of reimbursement charge.

A. No reimbursement charge shall be imposed and there shall be no obligation to pay any reimbursement charge identified in a final reimbursement resolution and reimbursement agreement unless and until development occurs that connects to or otherwise makes use of the public improvement that was the subject of the reimbursement district.

1. The reimbursement charge will be imposed when a development within the reimbursement district connects to or otherwise makes use of the sewer, water, stormwater, or street improvement.

a. As used in this subsection, "makes use of the stormwater improvement," means activity sufficient to trigger the requirements of section 13.12.050 at the time of or following construction of the stormwater improvement for which the reimbursement district is formed.

b. As used in this subsection, "makes use of the street improvement" means the construction or installation of an improvement or a change in the use of the property at the time of or following construction of the street improvement that increases traffic or congestion on the street improvement for which the reimbursement district is formed.

B. The reimbursement charge is imposed and becomes due and payable as a precondition of receiving the first City permit applicable to the development activity undertaken or, in the case of a connection to a line, as a precondition of receiving the connection permit.

C. The reimbursement charge may be paid in annual installments over a period of 10 years unless extended by process described in 3.20.110. If a developer chooses to pay the reimbursement charge in installments, the installments will bear interest from the time the reimbursement charge is imposed. The interest rate will be calculated using the Local Government Investment Pool rate in effect at the time the charge is imposed plus 1.25 percent for administration.

remit the charge to the person eligible for reimbursement, or its assignee, after deduction of administrative fees. The person eligible for reimbursement or that person's assignee shall notify the City within 30 calendar days of any mailing address change.

ORDINANCE 00-

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EXHIBIT

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2. Construction of a sewer facility, system, or line larger, deeper, or of greater capacity than necessary to serve the property, except as noted in 3.20.050 D.6, of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system, or line, or construct additional, deeper, or parallel facilities, systems, or lines; and

3. Construction of those items listed in the Public Works Sanitary Sewer Design Standards, Section 1.03 a. through k. ("items") of greater capacity than necessary to serve the

development as defined in the person's or the City's stormwater drainage report that is approved by the City Engineer; and

4. A water quality facility with sufficient designed capacity to serve upstream development as defined in the stormwater drainage report of the person financing the improvement and that is approved by the City Engineer.

N. "Stormwater quality facility" is defined in section 13.12.040 of this code.

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2. Construction of a water facility, system, or line that is larger, deeper, or of greater capacity than necessary to serve the property of the person financing the improvement in order to provide future service to other development without the need to reconstruct the facility, system, or line; or the construction of additional, deeper, or parallel facility, system, or line.

#### 3.20.040 Initiation.

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B. An application or reapplication to establish a reimbursement district shall be in writing, shall be filed with the City Engineer, and shall be accompanied by a processing fee sufficient to cover the administrative review and notice costs of processing the application or reapplication, as established by resolution of the city commission.

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1. A description of the location, type, and capacity of the public improvement proposed to be the basis for the reimbursement district;

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- C. Recommends the area in the City that should be included in the reimbursement district.
- D. States the estimated cost of the street, water, sewer, or stormwater improvement to be included in the proposed reimbursement district and the portion of the cost for which the person applying for the reimbursement district should be reimbursed. The cost to be reimbursed to the person applying for the reimbursement district shall not include the following:
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  - 2. Costs of improvements that will not be dedicated to and accepted by the City as a public improvement;
  - 3. Costs for a public improvement that is required as a condition of development approval except in cases where the nature and degree of the public improvement is disproportionate to the impacts of the development or where the City requires an oversized or additional improvement beyond that which is roughly proportional to the impacts of the development;
  - 4. Costs for relocation of electrical, telephone, cable television, natural gas or other utility relocation across the person's subject frontage;
  - 5. Costs for extra work or materials required to correct construction deficiencies to bring an otherwise non-eligible improvement up to City standards;
  - 6. Costs for sewer, water, stormwater, or street improvements that are the City standards to serve the person's property;
  - 7. Costs for street realignment, except for the cost of right-of-way acquisition beyond the limits of the development frontage along the improved street; and
  - 8. Costs for administering the reimbursement agreement between the City and the person applying for the reimbursement district.

improvement to be reimbursed, the estimated amount of the reimbursement charges and the circumstances under which the charges will be imposed;

3. Include a copy of the City Engineer's report;
4. State the time, date, and place of the public hearing;
5. Explain the procedure for filing written comments before the public hearing; and
6. Explain the process for submitting written comments at the public hearing.

E. After the public hearing is held, the City Commission shall approve, reject, or modify the recommendations contained in the City Engineer's report. If a reimbursement district is established, the City Commission shall pass a resolution establishing the area included in the reimbursement district, the estimated cost of the public improvements, the methodology for allocating the costs to future development, and the administrative fee charged by the City. If areas not proposed by the City Engineer to be included in the district are added by the City Commission, the hearing shall be continued. Residents and property owners of the additional area added by the City Commission shall be entitled to mailed notice of a continued hearing at least 14 calendar days prior to such continued hearing. No additional notice is required if the City Commission excludes a property from a proposed reimbursement district, however, the hearing shall be continued.

F. The resolution shall instruct the City Engineer through the City Manager to enter into an agreement with the person applying for the reimbursement district pertaining to the public improvements authorized by the reimbursement district resolution. The agreement, at a minimum, shall contain the following provisions:

1. The public improvements shall meet all applicable City standards;
2. The amount of estimated potential reimbursement to the person applying for the reimbursement district;
3. The person applying for the reimbursement district shall provide a maintenance guarantee, approved by the City Attorney, on the public improvements for a period of 24 months after the date the City accepts the public improvements for ownership and operation;
4. The person applying for the reimbursement district shall defend, indemnify, and hold harmless the City from any and all losses, claims, damage, judgments, or other costs or expenses arising as a result of or related to the City's establishment and administration of the reimbursement district;
5. The person applying for the reimbursement district shall acknowledge that the City is not obligated to collect the reimbursement fee from affected developers, and that the right to reimbursement shall be derived solely under the provisions of this Chapter; and
6. The person applying for the reimbursement district shall agree to abide by all other City, state and federal laws including, but not limited to, public contracting laws.

E. The City Recorder shall record the final reimbursement resolution in the office of the County Recorder within 30 calendar days of the date the resolution is adopted so as to provide notice to potential developers of property within the reimbursement district. The recording shall not create a lien. Failure to make such a recording shall not affect the lawfulness of the reimbursement resolution or obligation to pay the reimbursement charge.

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3.20.090 Imposition of reimbursement charge.

A. No reimbursement charge shall be imposed and there shall be no obligation to pay any reimbursement charge identified in a final reimbursement resolution and reimbursement agreement unless and until development occurs that connects to or otherwise makes use of the public improvement that was the subject of the reimbursement district.

1. The reimbursement charge will be imposed when a development within the reimbursement district connects to or otherwise makes use of the sewer, water, stormwater, or street improvement.

a. As used in this subsection, "makes use of the stormwater improvement," means activity sufficient to trigger the requirements of section 13.12.050 at the time of or following construction of the stormwater improvement for which the reimbursement district is formed.

b. As used in this subsection, "makes use of the street improvement" means the construction or installation of an improvement or a change in the use of the property at the time of or following construction of the street improvement that increases traffic or congestion on the street improvement for which the reimbursement district is formed.

B. The reimbursement charge is imposed and becomes due and payable as a precondition of receiving the first City permit applicable to the development activity undertaken or, in the case of a connection to a line, as a precondition of receiving the connection permit.

C. The reimbursement charge may be paid in annual installments over a period of 10 years unless extended by process described in 3.20.110. If a developer chooses to pay the reimbursement charge in installments, the installments will bear interest from the time the reimbursement charge is imposed. The interest rate will be calculated using the Local Government Investment Pool rate in effect at the time the charge is imposed plus 1.25 percent for administration.

Read for the first time at a regular meeting of the City Commission held on the \_\_\_\_ day of \_\_\_\_\_, 2000, and adopted this \_\_\_\_ day of \_\_\_\_\_, 2000.

SIGNED AND APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 2000.

\_\_\_\_\_  
JOHN F. WILLIAMS, Jr., Mayor

ATTEST:

\_\_\_\_\_  
LEILANI BRONSON-CRELLY, City Recorder

The definition of "Person" on page two includes the City of Oregon City. All mentions of "the City" should be deleted and replaced with "the person."

Uncollected money by developers will go into a state account. If unable to find a developer, the City will not continue to collect the reimbursement money.

Bob Cullison will complete some calculations to determine if \$25,000 is too high for the "initial threshold amount."

Staff will look into the timeframe for the "Petition for Relief," to perhaps change the fourteen days to 30 days.

## **2. WORKSESSION II: PARTITIONS**

**Bob Cullison** reviewed the definition of a partition. A partition may not include the development of land. Applicants often become confused and frustrated when required to complete a half-street improvement when they do not plan on developing the land. There are issues of timing, impact, and intent.

### **Summary of discussion:**

Gaps occur in street improvements when they are not required at the point of a partitioning. Half-street improvements are not a condition of approval for a single family home.

A common tool that other communities use is to state in the conditions of approval that "upon application of a building permit," conditions will be activated. Any development on the original parcel would trigger the responsibility of improvements on the entire development.

Another tool, called "shadow-platting" could be used. A developer would be required to propose a "probable development" for the entirety of the original piece of land.

Staff will look at the tools available to find a solution that is in the best interest of both the public and the City.

The goal is to have a seamless stream of improvements.

The meeting was adjourned.



**Oregon City Community  
Development Department  
Planning Division**

## **Memo**

**To:** Oregon City Planning Commission  
**From:** *MC* Maggie Collins, Planning Manager  
**Date:** 01/19/00  
**Re:** Final Drafts: Planning Commission Mission, Goals and Objectives,  
Work Program and Bylaws.

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### **Attached Materials**

The attachment reflects your work at your January 12, 2000 Worksession. They are considered final drafts, but are, of course, available for more scrutiny. In terms of input to the City Commission, action on January 24<sup>th</sup> would enable this work to be forwarded to the Commissioners before their goal-setting workshop.

**Action Requested.** Review and adopt by motion.

cc: Planning Division Staff

mc1/19/99

Attachments

## **OREGON CITY PLANNING COMMISSION YEAR 2000**

### ***MISSION STATEMENT***

*The mission of the Oregon City Planning Commission is to create a proactive and positive relationship in conjunction with all citizens, government, and community organizations, in order to protect and enhance the livability of Oregon City.*

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### ***GOALS AND OBJECTIVES***

#### ***GOAL I:        ENHANCE PUBLIC KNOWLEDGE AND IMPROVE PUBLIC RELATIONS***

- ACTION/TASKS:***
1. Initiate a comprehensive City website.
  2. Develop a "best design" award program for historic preservation or Renovation, new commercial and improved existing commercial, and Planned Unit Development design.
  3. Interface with Neighborhood Associations, as possible.

#### ***GOAL II:       PROMOTE COORDINATION BETWEEN COMMISSIONS.***

- ACTION/TASKS:***
1. Promote and support a shared vision.
  2. Attend as many joint worksessions as possible.

#### ***GOAL III.       PROMOTE, ENHANCE AND RESTORE THE CITY'S NATURAL RESOURCES***

- ACTION/TASKS:***
1. Build on past success, such as: The adopted Title 3 requirements, Park and Recreation Master Plan, and stormwater management regulations.
  2. Promote successful adoptions of Phase II of the Downtown Community Plan and the Oregon City Transportation System Plan.

#### ***GOAL IV:       EVALUATE PERFORMANCE STANDARDS FOR LIVABILITY.***

- ACTION/TASKS:***
1. Promote livable developments.
  2. Develop revised design review components.

## Planning Commission Work Program Year 2000

Adopted January 24, 2000

Project	Status	Planning or City Staff Assigned	Projected Completion
<b>1. Sign Code Review and Update</b>	<b>Added to Planning Division Workprogram.</b>	Not yet assigned.	No date set.
<b>2. Comprehensive Plan Update</b>	<b>Beginning Research.</b> The Plan is undergoing selective updates through the adoption of long-range project items and Ancillary Documents. Consultant assistance needed to reformat Plan text.	Maggie Collins, Planning Manager, Bryan Cosgrove, Assistant City Manager.	Begin project, February, 2000.
<b>3. Comprehensive Plan Map</b> Expand to include the UGB; create official version.  <i>Possible Measure 56 Impact</i>	<b>Research Completed.</b> Staff is resolving legal discrepancies.	Maggie Collins, Planning Manager; Jessica Schriever, GIS Coordinator; Tom Boullion, Associate Planner.	Tentative adoption February, 2000. New copies to be distributed to all applicable departments and divisions, advisory groups, other agencies, and general public as requested.
<b>4. Oregon City Downtown Community Plan (Phase II)</b>  <i>Measure 56 Impact (Phase II)</i>	<b>In Hearing Process.</b> Final general plan and policies completed (Phase I); technical proposals for new zoning and design guidelines completed (Phase II). Phase I adoption process underway; process for Phase II public review being finalized.	Sidaro Sin, Associate Planner (Lead) Nancy Kraushaar, Public Projects Manager; OTAK staff; Bryan Cosgrove, Assistant City Manager; Planning Division staff. Phase I Project Steering Committee included PC members.	Phase I adoption in early January, 2000. Adoption of parts of Phase II tentatively set for May, 2000.
<b>5. Metro Functional Plan Compliance</b>	<b>Work Extension Request Submitted.</b> Staff is developing a work program for remaining compliance items.	Barbara Shields, Senior Planner; Jessica Schriever, GIS Coordinator; Maggie Collins, Planning Manager; Planning Division staff.	Plan Compliance prior to December, 2000.
<b>6. Transportation System Plan (TSP) and 213 Corridor Study</b>	<b>Ready for Public Review.</b>	Nancy Kraushaar, Public Projects Manager; Tom Boullion, Associate Planner.	Review and adoption process begun in December, 1999 with joint PC-CC worksessions. Anticipated TSP adoption in April, 2000.

Wrd/maggie/Plcomm/Pcworkpg

## ***OREGON CITY PLANNING COMMISSION BYLAWS***

### **Article 1. Name**

The name of this commission is the Planning Commission (PC).

### **Article II. Purpose, Authority and Duties**

- A. The purpose of the Commission is to serve as an advisory body to, and a resource for, the City Commission in land use matters.
- B. ORS 227 and the Oregon City Municipal Code Chapter 2.24 authorize the Commission.
- C. The Commission's duties include articulating the community's values and commitment to socially and environmentally responsible uses of its resources as reflected in the Oregon City Comprehensive Plan and ancillary documents.

### **Article III. Membership**

- A. The Mayor with the consent of the City Commission shall appoint each Commission member, and those members shall serve at the pleasure of the Commission. Terms are for a period of four years. Planning Commission members shall serve no more than two, consecutive full terms. The City Commission may waive this limitation if it is in the public interest to do so.
- B. The Commission consists of seven members. No more than two members may be non-residents, and no more than two members shall be engaged in the same kind of occupation, business, trade, or profession. No member may be a City of Oregon City officer, agent, or employee.
- C. Vacancies are filled in the same manner as the original appointments.
- D. Upon failure of any member to attend three consecutive meetings, the Planning Commission may recommend termination of that appointment to the City Commission, and the City Commission may remove the incumbent from the Planning Commission and declare the position vacant to be filled in the manner of a regular appointment.
- E. All members shall serve without compensation.

### **Article IV. Officers and Staffing**

- A. **Officers.** The officers consist of a chairperson and a vice-chairperson who shall be selected by the membership and who shall serve at the pleasure of the

membership for one year. Nominations and election of new officers shall be taken from the floor at the Commission's first meeting of the year. Officers may be re-elected. In the event that an officer is unable to complete the specified term, a special election shall be held for the completion of the term.

- B. **Chairperson.** The chairperson shall have general supervisory and directional powers over the Commission. The chairperson shall preside at all Commission meetings and review Commission agendas with the staff liaison. The chairperson shall also be an ex-officio member of all subcommittees and shall be the designated spokesperson for the Commission unless this responsibility is delegated in writing.
- C. **Vice-Chairperson.** The vice-chairperson, in absence of the chairperson, shall have general supervisory and directional powers over the Commission. The vice-chairperson shall preside at all Commission meetings and review Commission agendas with the staff liaison, and generally conduct all business delegated to the chairperson, in his or her absence.
- D. **Staff.** The City of Oregon City will provide staff support to the Commission for meeting notification, word processing, minutes preparation, copying and information gathering to the extent the City budget permits.

#### **Article V. Organizational Procedures**

- A. The Commission shall hold meetings as necessary at a time and place designated by staff consistent with Oregon Public Meetings Law.
- B. Fifty-one percent of the voting membership of the Commission shall constitute a quorum. The concurrence of a majority of the Commission members present shall be required to decide any matter. If a quorum is not attained fifteen minutes following the scheduled time of call to order, the meeting shall be cancelled.
- C. All members who are present at a Commission meeting, including the chairperson and vice-chairperson, are allotted one vote each on all motions.
- D. These Bylaws may be repealed or amended, or new bylaws may be adopted by a majority vote of the Planning Commission on its own initiative.
- E. The parliamentary authority for this Commission is Robert's Rules of Order Revised except where superseded by these Bylaws or local, state, or federal law.
- F. Commissioners are required to file annual statements of economic interest as required by ORS 244.050 with the Oregon Government Standards and Practices Commission.

- G. Individuals being considered for appointment to the Planning commission must be willing to dedicate to, at a minimum, two meetings per month. A scheduled Commission meeting may be set aside upon agreement of a majority of the Commissioners and upon compliance with applicable land use laws and procedures.

#### **Article VI. Duties of Officers**

- A. The chairperson or vice-chairperson, in addition to the duties in Article IV, shall preserve order and decorum at Commission meetings.
  - 1. The chairperson may assess the audience at the beginning of the meeting, and, with the consent of the Commission, announce reasonable time limits.
  - 2. The chairperson shall summarize the issues to be addressed and the criteria to be applied at the conclusion of public hearing testimony.
  - 3. The chairperson shall summarize the hearing results at the conclusion of the public hearing.
- B. The chairperson shall ask for response and opinion from the members of the Commission.
- C. The chairperson may mentor the vice-chairperson.
- D. The chairperson may appoint Commission members to specific projects or committees.
- E. The chairperson or vice-chairperson shall confer with the Community Development Director on a regular basis outside scheduled meetings concerning the direction each expects of the Commission.
- F. In conjunction with the Planning Manager, the chairperson shall orient new members.

#### **Article VII. Duties of the Commission**

- A. Planning Commission members are encouraged to address all those who come before the Commission by the last name only, and common title (Mr., Mrs., Miss, Ms., etc.), not by first name.
- B. If a member is unable to attend a meeting, it is that member's responsibility to inform the Planning Divisions staff and/or the Commission chairperson of that fact prior to the meeting to be missed.

- C. Prior to Planning Commission meetings, members are encouraged to read all information packets and visit sites that are subjects of land use action.

#### **Article VIII. Goals and Objectives**

- A. The Planning Commission shall review the City Commission goals annually for establishment of Planning Commission goals that enhance and augment those of the City Commission
- B. The Planning commission shall establish goals, at a minimum, annually.

Adopted this 24<sup>th</sup> day of January, 2000

Gary Hewitt, Chairperson  
Oregon City Planning Commission

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