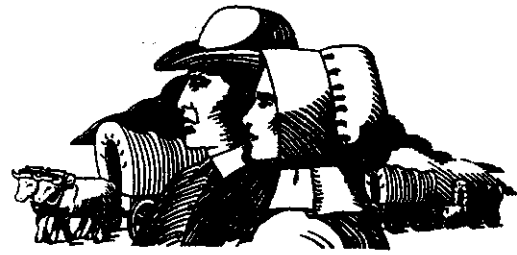


CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



AGENDA

**City Commission Chambers - City Hall
August 23, 1999 at 7:00 P.M.**

PLANNING COMMISSION MEETING

- 7:00 p.m. 1. **CALL TO ORDER**
- 7:05 p.m. 2. **APPROVAL OF MINUTES:** July 26, 1999
- 7:10 p.m. 3. **PUBLIC HEARINGS**
- 7:15 p.m. A. **File No. CU 99-04** (*Continued*) City of Oregon City; Conditional Use Permit for 6 acre expansion of Mountain View Cemetery to allow additional burial spaces; Zoned "R-10 Single Family Dwelling District"; At terminus of Hilda Street, closest intersection is Alden Street; Clackamas County Maps 3S-2E-05 BA Tax Lots 2800, 2900, 3000 & 3S-2E-05 BD Tax Lot 100
- 8:00 p.m. B. **File No. ZC 99-06** City of Oregon City; Amendment to Oregon City Municipal Code Section 17.37 to 1) include government facilities as an allowed use to the M-1 (CI) Campus Industrial District; and 2) to increase the height limit for M-1 (CI) zoned property in the area bounded by Leland Road, Warner-Milne Road, and Molalla Avenue to 85 feet; All M-1 (CI) Campus Industrial District property within the City limits
- 9:05 p.m. 4. **OLD BUSINESS**
- A. **Approval of Draft Procedure Setting Public Hearing Time Limits**
(*Previously distributed*)
- 9:15 p.m. 5. **NEW BUSINESS**
- A. **Distribution of Planning Commission Work Program**
- B. **Comments by Commissioners**
- 9:30 p.m. 6. **ADJOURN**

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

**CITY OF OREGON CITY
PLANNING COMMISSION MINUTES
JULY 26, 1999**

COMMISSIONERS PRESENT

Gary Hewitt, Chairman
Lawrence Vergun, Vice Chair
Kenly Bagent
Linda Carter
Nan Olson
Laura Surratt
Pat Vernon

STAFF PRESENT

Maggie Collins, Int.Planning Manager
Barbara Shields, Senior Planner
Paul Espe, Associate Planner
Marnie Allen, City Attorney
Bob Cullison, City Engineer
Jim Rowe, City Aquatics Coordinator

1.0 CALL TO ORDER

Chairman Hewitt called the meeting to order. He explained new Commission policies. The first concerned the options applicants presenting new information to the Commission have in regards to how to proceed. The second was the requirement that each time they speak, speakers first identify themselves for the record. The third was the time limit restrictions placed on those testifying in the public hearings. He asked that Marnie Allen review the public hearing procedures.

Marnie Allen explained the procedures for quasi-judicial land use hearings. These procedures are found in both the State and Municipal laws. A staff report has been prepared for each of the matters being presented which address the approval criteria and analyse the criteria. These reports were made available seven days prior to the hearings.

2.0 PLANNING COMMISSION MINUTES - June 14, 1999

Commissioner Vernon moved to approve the June 14, 1999 minutes as amended.
Commissioner Carter seconded. MOTION CARRIED 4-0 with three abstentions. Those abstaining had not been present at the meeting.

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

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Speaking: Jerry Dragoo, J. C. Dragoo & Associates, 9900 SW Wilshire Street, Portland, Oregon.

Jerry Dragoo stated that there were several people involved in creating the plan and that many processes were used to allow for public. There are four parts to the plan. The first is a recreation needs assessment, which determined the exact needs of the Parks Department. The Master Plan shows a summary but there is a stand-alone document as well on this topic. The second is a Facility Plan that is summarized in the plan. The third is a Management Plan that makes recommendations as to how leisure services should be managed. The fourth and final section is the financing strategy.

He stated that the third drawing, shown on the wall, is a summary of future parks and facilities. These are numbered to direct a reader to the text for explanation of what the site will be. As well, future parks are notated with an orange asterisk. Recommendations are made for different types of parks. Categorizing different park types assists in determining what sort of park best suits an area. One of the recommendations is to not develop any future mini-parks, those which consist of an area of half an acre. These are very expensive to maintain on a per-acre basis. There are site selection criteria, land use guidelines and development standards in the plan for each type of park.

Open space was important in the plan and these areas are designated in the drawing by a green pattern. These boundaries are not exact. He asked the Commission to discuss and pass recommendations to the City Commission who holds the responsibility for maintaining the open spaces. The plan suggests on page 7-48 that the City own and maintain open spaces. The City may choose to make developers responsible. The plan also recommends that prohibiting development should not be a reason for acquiring open space.

QUESTIONS FROM THE COMMISSIONERS

Vice Chair Vergun asked what the experiences of other cities have been in regards to City ownership and maintenance of open spaces. **Jerry Dragoo** stated that generally a city could manage the site better because it has available resources. He stated that it is an issue of cost. It costs approximately \$75.00 an acre to maintain open space. There are responsibilities, such as liability. When open space is turned over to a home owner's association, the developer must maintain the space. If the development is small, it becomes very difficult and oftentimes an area isn't maintained. If city funds are available, he again recommends that the City become the responsible party because in general, these smaller open space areas will be better cared for by the City.

CITY OF OREGON CITY PLANNING COMMISSION

Minutes of July 26, 1999

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park and recreational needs of the City. He wonders what the school board's perspective would be to acquiring more community responsibility for park needs. **Jerry Dragoo** stated that not all cities approve the school park concept out of concern for the number of people on school grounds during school hours. He stated that is not typically a problem because during school hours the site is closed to the public. He cited Medford as a good example of this.

Commissioner Vergun asked if there have been any liability issues. **Jerry Dragoo** stated that there have not nor has he heard this to be cause for debate. One situation where a neighborhood openly opposed this type of plan was because they didn't want the general public on school grounds.

Chairman Hewitt asked if there was anything in the packet that advocates the school park system. **Jerry Dragoo** stated that is on pages 7-2 and 7-3. **Chairman Hewitt** asked if the Oregon City School Board has stated that they are willing to assist in the school park system. **Jim Dragoo** stated that they have. **Chairman Hewitt** asked if the Board was also interested in developing trails to access parks. **Jerry Dragoo** stated that they did not specifically discuss this idea. He suspects they may be willing to support this, but there may be security issues.

Commissioner Surratt asked if the Commission could get a color copy of all of the maps presented that evening. **Jerry Dragoo** stated that they could get them copies or they could leave the large maps shown that evening.

Maggie Collins stated that staff would make them available to the public areas if someone requests to see the maps.

PUBLIC COMMENTS - None.

DELIBERATION AMONG COMMISSIONERS

Commissioner Vergun asked what the other Commissioners felt about the City owning and being responsible for future open spaces. He stated that this action has heavy financial implications but at the same time would be very important.

Chairman Hewitt stated that this was addressed in the previous meeting. The community expects that the park or open space will be maintained and the City is the best candidate for this. **Commissioner Vergun** stated that he does not want to see the possibility of having these spaces privately owned and maintained if there are other options.

Chairman Hewitt stated that if the City chooses not to maintain a park facility they might hire an outside group to do so. He feels that it is necessary for the City to control these areas so that they are properly maintained.

Chairman Hewitt stated that his suggestion is for land acquisition for more trails. He would like to see trail connection and open space to enhance the trails, emphasized by the Planning Commission to the City Commission. **Commissioner Vergun** suggested that a work session be organized to discuss this issue of PUD and how that will work with the parks. She would like to see a link between home owners associations and the City.

Commissioner Vergun asked for clarification on whether to include suggestions made by Commissioners in the motion. **Chairman Hewitt** stated that the motion would be about the existing document with the addition of Commission emphasis on trails, both existing and future, land acquisition on non-buildable property that already exists and the ownership and maintenance of open space by the City.

Jim Rowe asked if the Commission was making actual changes to the plan. **Chairman Hewitt** stated that they were only putting emphasis on existing portions of the plan.

Commissioner Vergun moved to recommend for approval by the City Commission the proposed Parks and Recreation Master Plan incorporating the previously mention suggestions for emphasis by the Planning Commission being trail connections, acquisition of non-buildable property to enhance trail connections, and acquisitions of open spaces being owned and maintained by the City. **Commissioner Olson** seconded. MOTION CARRIED 7-0.

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

- 3.2 Applicant: City of Oregon City
 Property Owner: Same
 Location: Mountain View Cemetery, Terminus of Hilda Street and Alden Street
 Proposal: Use Permit for a six-acre expansion of Mountain View Cemetery to allow additional burial spaces.

File Number: CU 99-04

Chairman Hewitt announced that he had ex-parte contact due to a joint work session with the City Commission during which he learned new information about the cemetery that he did not previously know. He asked if there were any other declarations to be made. There were none.

Chairman Hewitt opened the public hearing on File number CU 99-04. He stated that the Commission was given a memo from Mr. Espe concerning a continuance for this file.

Maggie Collins stated that there were two items to add to the record. The first was exhibit A, the staff report addendum included in the Planning Commission packet. The second, exhibit B,

CITY OF OREGON CITY PLANNING COMMISSION

Minutes of July 26, 1999

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predominate throughout the City as required by criterion C.2.

Staff recommends approval for the zone change.

QUESTIONS FROM COMMISSIONERS

Commissioner Surratt clarified that the property had already been annexed from the County to the City and if they were now to determine City zoning. **Paul Espe** stated that was correct.

CORRESPONDENCE RECEIVED BY STAFF

The property owners to the southwest, **David and Nancy Wheeler**, have submitted a letter concerning a property line dispute as well as a concern for possible future damage to several Douglas Fir trees along a common property line. The property line dispute is a civil matter between property owners and not an issue for the Commission that evening.

COMMENTS FROM APPLICANT - None.

TESTIMONY IN FAVOR - None.

QUESTIONS OR COMMENTS - None.

TESTIMONY IN OPPOSITION

Speaking: Lawrence Vergun, 19052 S. Pease Rd., Oregon City

Lawrence Vergun stated that he is a nearby homeowner. He presented a map to help locate his property in relation to the applicant's property. He is not represented by a home owners association but believes his comments to be applicable to others in the area. He is concerned about the traffic in the area. There are several subdivisions in the area that have been approved by the Commission. Unlike these subdivisions, the one in ZC 98-13 does not have an outlet to roads other than Pease Road. This would cause a large increase in the amount of traffic flowing on Pease Road. This road is a 25-mile per hour road, which is largely undeveloped. The public improvements seem to be lacking in this area although he knows that these could be required when the area is more fully developed. In spite of this, he doesn't believe that future improvements will be sufficient for the amount of traffic. He is concerned about fir trees on the property and believes that they are an asset to the entire neighborhood. He believes that the zoning change and subsequent development would jeopardize these trees. Based on his concerns, he requests that the property be zoned R-10. This would allow for more lot-size diversity in the area.

QUESTIONS FROM THE COMMISSION - None.

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they could ask staff if there were some impending development problems on the subject site.

Paul Espe replied the only problem might be the trees. He stated that in his experience the difference between an R-8 and R-10 zoning on five or more acres amounts to one or two lots. If the Commission chooses to impose conditions concerning the trees, he suggested that there may be repercussions if the trees are removed. The property owner would be made responsible if a condition like that were violated.

Chairman Hewitt stated that they would not be placing conditions at that time but placing emphasis and that there would be some direction to the staff. There would not be consequences because there would be no condition. He stated that he heard **Commissioner Carter** to be saying that if the zoning of R-8 is allowed they should look ahead to the development and advise appropriate development. He asked if she was more concerned about the traffic. **Commissioner Carter** stated that she understood her job to protect the best interest of the City and its residents. The public gets very frustrated when they see developments without improvements. **Chairman Hewitt** stated that that would be decided during a development hearing. Currently they are just deciding whether to allow and 8,000 square foot lots.

Chairman Hewitt stated that property on two sides of the applicant's property is zoned R-10, zone is zoned R-8 and the property to the front belongs to the County. It is very near the Urban Growth Boundary. Past policy has been to allow R-8 zoning.

Commissioner Bagent stated that the area surrounding the property is predominately R-10, the roads are not improved and are very rural in nature. Although the difference in the number of lots allowed under R-8 and R-10 zoning is minimal it may make a difference during the design review process and he recommends R-10. **Commissioner Surratt** agreed that the area should be zoned R-10. Coming from the County zoning of ten acres down to 8,000 square feet is a drastic change.

Chairman Hewitt clarified that the County uses ten-acre minimums to create a holding zone before annexation. This insures that there will be large parcels to build upon when they are annexed.

Commissioner Bagent added that for this development and the future ones off of Pease Road there is the one outlet Pease Road. **Commissioner Carter** stated that this is a consistent problem and she would like to see the improvements keep up with the development.

Bob Cullison, Engineering Manager for the City, pointed out that South Hampton has outlets to Pease and Central Point Roads and the applicant's property backs up to Black Hawk subdivision. This makes it quite possible that there could be an outlet through to Leland Road. **Commissioner Bagent** asked if this would be through the trees. **Bob Cullison** stated that the City's main interest is to ensure connectivity. He further stated that the code would require

CITY OF OREGON CITY PLANNING COMMISSION

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TESTIMONY IN OPPOSITION

Lawrence Vergun stated that the applicant knew of the hearing date and chose not to be present. This could be a sign that the applicant felt that the Commission had sufficient information to make a decision. He asked that continuance not be granted but if they did he requested the opportunity for he and other neighboring homeowners to provide additional testimony.

Chairman Hewitt asked if there was anyone else wishing to speak in opposition. There was none.

TESTIMONY IN FAVOR

Speaking: Dan Goodrich, 1000 NE 122nd, Portland

Dan Goodrich stated that he was not the applicant but represented the developer. He stated that a tentative subdivision was planned for the property. The access would be from Pease Road and continue in a circular pattern and exit through Leland Road. He stated that the development was not going to be applied for as a PUD but rather a straight subdivision.

QUESTIONS FROM COMMISSIONERS - None.

TESTIMONY IN OPPOSITION

Lawrence Vergun stated that the connectivity would disrupt the tree line.

Chairman Hewitt asked if the tree line ran behind the property, and would a road take out all of the trees or just one or two. **Lawrence Vergun** stated that he did not know. He stated that the area did not have that many trees left and that this tree line acts as a windbreak as well as a habitat for wildlife.

Commissioner Surratt asked what traffic impact will the two extra lots created by zoning the area R-8 have on the area. **Lawrence Vergun** stated that one or two extra cars will not have a big impact but by allowing the property to be zoned R-8 you open up the possibility of the additional subdivisions will also be served by connectivity to Pease Road as well as well as a possible breach of the tree line.

ADDITIONAL COMMENTS BY COMMISSIONERS - None.

CITY OF OREGON CITY PLANNING COMMISSION

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Maggie Collins stated that a zone change is a recommendation to the City Commission and that the record and minutes from this hearing will be forwarded to the City Commission.

3.4 Applicant: Progressive Holdings Inc.
 Property Owner: Unknown
 Location: Forest Ridge Lane at the intersection of Sunnyridge Court
 Proposal: 14 Lot Planned Unit Development
 File Number: PD 98-03

Chairman Hewitt opened the public hearing for File number PD 98-03. He asked if there were any declarations of ex-parte contact, bias or conflicts of interest. There were none.

STAFF REPORT

Barbara Shields presented the staff report with attachments. She stated that the original application did not include enough open space, about which the Commission was concerned. The application was approved with conditions but was later found to be inconsistent by the Engineering Department and is now back in front of the Planning Commission for reconsideration. They have revised conditions 2, 12, 27 and 29 and the Engineering Manager is available to answer any questions about the revisions.

QUESTIONS FROM COMMISSIONERS

Commissioner Vergun asked if the Commission had originally erred in making the decision and that there have been no policy changes that have brought this back for reconsideration. **Barbara Shields** stated that was correct.

CORRESPONDENCE RECEIVED BY STAFF - None.

COMMENTS FROM THE APPLICANT

Speaking: Tom Sisul, 375 Portland Ave., Gladstone OR

Tom Sisul stated when the application originally went through in January there were errors in the final decision. Staff later found these errors. In his letter dated June 21, 1999 there were a couple of conditions that needed to be cleaned up. Construction is ready to begin once the Commission reaches final approval. The applicant has no problems with the conditions placed by Bob Cullison.

QUESTIONS FROM COMMISSIONERS - None.

TESTIMONY IN FAVOR - None.

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Commissioner Carter moved to adjourn. **Commissioner Surratt** seconded. MOTION CARRIED UNANIMOUSLY.

Gary Hewitt, Planning Commission Chair

Maggie Collins, Int. Planning Manager

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
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MEMORANDUM

DATE: 8/23/99
TO: Planning Commission
FROM: Paul Espe
SUBJECT: CU99-04 MountainView Cemetery

The Planning Commission Agenda contains a Conditional Use Permit request for a 6 acre expansion of the Mountain View Cemetery to allow for additional burial spaces.

This item was noticed and scheduled for public hearing on July 12, 1999. The Planning Commission opened the public hearing to receive public testimony and continued the hearing to July 26, 1999. At this hearing, the applicant requested, and was granted a second continuance to August 23, 1999.

Included for Planning Commission review are the following items:

1. Conditional Use Permit staff report and exhibits dated July 12, 1999.
2. Planning Commission meeting minutes of July 12, 1999
3. Staff Report Addendum dated July 26, 1999.

Criteria : **The criteria for a conditional use permit are set forth in Section 17.56.040 to 17.56.050 of the Conditional Use Criteria.**

BASIC FACTS

1. The property is located adjacent to the existing Mountain View Cemetery at the terminus of Hilda Street on the north half of Section 5, Township 3, South Range 2, east of the Willamette Meridian in the William Holmes DLC No.38. City of Oregon City, Tax Lot 2800, 2900, 3000 of Tax Map 3-2E-5 BA and Tax Lot 100 of Tax Map 3-2E-5BD.
2. The subject property is zoned "R-10" Single Family Dwelling District and has a Comprehensive Plan Designation of "LR" Low Density Residential.
3. CU99-04 (MOD) is a modification to the original application (CU96-13) requesting expansion of the existing Mountain View Cemetery by six acres and proposes 4,766 burial lots and 679 cremation lots totaling approximately 5,445 new lots on the property.
4. The original CUP required design review for Half Street improvements and construction of fencing along Hilda Street prior to the sale of any grave sites. The City Public Works Department does not have adequate funding for these improvements unless burial sites are sold before construction of any of these required improvements. As a result, the City Public Works Department has submitted this modification to the previous conditions in CU96-13 to allow the sale of grave sites before the construction of any improvements. The conditions proposed for modification are listed as follows:
 1. **Condition 1** (CU96-13) requiring administrative design review has been stricken. (Design Review will be required at the time of fence construction.)
 2. **Condition 2** (CU96-13) the condition for half street improvements has been modified to request the necessary dedication for future improvements and defer the actual physical improvements to a future LID.
 3. **Condition 3** (CU96-13) the timing for the construction of the brick and wrought iron fencing has been deferred to the year 2004. This will allow sites to be sold before these improvements are made. Design Review required at that time.

The following conditions have been deleted because there would be no grading or construction on the site:

4. **Condition 4** (CU96-13) "Erosion control"
5. **Condition 5** (CU96-13) "Maintenance Agreement"
6. **Condition 6** (CU96-13) "Applicable regulations"
7. **Condition 7** (CU96-13) "Parking"
8. **Condition 8** (CU96-13) "System Development Charges"
9. **Condition 10** (CU96-13) "Project Changes"

3. **Regarding Criterion 3: The site and proposed development are timely considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.** The proposed use is timely and would not impact local schools, or be a burden to local communication providers or any other service provider that an ordinary habitable use would require. An access road has been built that extends throughout the proposed new section and would serve as access through the new grave sites. Hilda Street is an unimproved paved roadway of adequate width and would not need a sidewalk in this location until local funding was available to provide sidewalks for the entire length of the street, accordingly design review would not be required at this time. Emergency vehicle access is provided to the site through existing access drives. The site is flat with a 3-5 percent slope, and no grading would be required, therefore, an erosion control plan is not necessary at this time.

Half-street improvements to Hilda Street along the site's frontage will be deferred until a local improvement district for Hilda Street has been implemented. The City agrees to file a waiver of remonstrance to ensure that street improvements will occur upon the formation of an LID.

These improvements shall include curbs, sidewalk, storm drains, street trees and lighting in accordance with engineering and local utility standards. Applicable public improvement plans, inspections, fees, maintenance bonds and permit expiration conditions will be provided and adhered to upon formation of the LID. Dedication of additional roadway for the future widening of Hilda Street is required and is subject to the review and approval of the City Engineering Manager. A waiver of remonstrance shall be submitted and a local improvement district shall be formed for the above mentioned improvements. A fence shall be constructed along the sites Hilda Street frontage by the year 2004 or sooner if funds are available. The site is well lighted by existing adjacent lighting therefore no additional lighting is needed. In addition, the City Public Works Department has an established maintenance program therefore a maintenance plan would not be required. **Staff finds that the removal an modification of the proposed conditions will not affect this criterion, therefore, staff finds that this criterion has been satisfied.**

4. **Regarding Criterion 4: The proposed use will not alter the character of the surrounding area in a manner which substantially limits or impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.** The character of the area is primarily residential with commercial uses located within a two block radius. The existing Mt. View Cemetery has been located in Oregon City for many years and is the historic grave site of many who have played a major role in establishing Oregon City. The proposed use is an expansion of this cemetery maintaining the same use on the adjacent property. Site improvements will be limited to those necessary to serve the site. The applicant has submitted a landscape plan for review and will plant trees and install plantings as grave sites are established. This addition would provide more park space to serve the surrounding residential neighborhood and

2. **Fencing:** A fence compatible with the wrought iron gate and pilasters at the entrance of the Mountain View Cemetery shall be constructed along the sites Hilda Street frontage by the year 2004 or sooner if funds are available. The required fencing shall be compatible with the wrought iron gate and brick pilaster design scheme located at the Hilda Street entrance. The existing chain link fence may remain until funding for the wrought iron fence becomes available. Design review shall be required for the construction of any wrought iron fencing or any other major physical improvements to the site.
3. **Maintenance Bond:** Upon acceptance of the as built drawings for the public improvements by the City, a one-year maintenance bond for 15 percent shall be required.
4. **Public Easements:** Required easements for the public improvements shall be received by the City prior to issuing the building permit. The applicant's engineer/surveyor should prepare necessary legal descriptions and sketches, and the City will prepare the easement document.
5. **Interagency comments:** All conditions brought forward in the transmittals (attached as exhibits) shall be followed.
 - A. **Oregon City Fire Department:** The turning radius at corners shall be enlarged and /or driveways shall be widened to a minimum width of 20 to 25 feet to allow fire engines to turn around without backing up.

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**Proceedings of the
PLANNING COMMISSION**

FINAL ORDER

In the matter of the application of: The City of Oregon City Parks and Recreation Department for property located at the terminus of Hilda Street Tax Lot 2800, 2900, and 3000 County Tax Assessor Map 3-2E-5BA.


For the following land use action or permit: CU96-13 for the expansion of the Mountain View Cemetery for additional burial plots.

A hearing having been held on the 25th day of February, 1997, it is hereby ordered that:

- ☐ Application is allowed.
- ☒ 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 in Exhibit A and incorporated as if fully set forth herein.

DATED, (March 3, 1997) .


James Bean, Chairman

FINAL ORDER/FILE NO.(CU96-13)

12. **Permit Expiration:** This land use decision is valid for a period of one (1) year from the effective date of the decision. Any land use permit may be extended, prior to expiration, by the Planning staff with notice given, for a period of six (6) months up to an aggregate period of one (1) year. However, no permit may be extended unless there has been substantial implementation thereof.
13. **Inspection fee:** Prior to issuing approval of the public improvement plans a five percent Technical Review and Inspection Fee shall be paid. The developer's engineer shall submit a detailed cost estimate of the public improvements for calculation of the fee. The fee is based on an approved cost estimate.
14. **Public improvement plans:** The civil engineer shall provide inspection/observation of the public improvements, certify that the public improvements were built according to the plans, and submit as built/record drawings (3mil-mylar, two copies) to the City upon completion and acceptance by the City. Final plans for the required public improvements shall be submitted and approved prior to issuing the building permit.
15. **Maintenance Bond:** Upon acceptance of the as built drawings for the public improvements by the City, a one-year maintenance bond for 15 percent shall be required.
16. **Public Easements:** Required easements for the public improvements shall be received by the City prior to issuing the building permit. The applicant's engineer/surveyor should prepare necessary legal descriptions and sketches, and the City will prepare the easement document.
17. **Permit revocation:** The Planning Commission may initiate administrative action under Chapter 17.50 to revoke any conditional use permit previously issued by the City.
18. **Interagency comments:** All conditions brought forward in the transmittals (attached as exhibits) shall be followed.
 - A. **Oregon City Fire Department:** The turning radius at corners shall be enlarged and/or driveways shall be widened to a minimum width of 20 to 25 feet to allow fire engines to turn around without backing up.
19. **Approval time period:** This land use decision shall be exercised within a period of one (1) year from the effective date of the planning commission decision. Any land use decision may be extended prior to expiration by the planning staff for a period of six (6) months up to an aggregate period of one (1) year. However, no permit may be extended unless there has been substantial implementation of the permit.

Criteria C

The site and proposed development are timely, considering the adequacy of transportation systems, public facilities and services existing or planned for the area affected by the use.

RESPONSE: The proposed use is timely, will not impact local schools, or be a burden to local communication providers to any other service provider that an ordinary habitable use would require. An access road has been built that extends throughout the proposed new section and serves as access through the new grave sites. Emergency vehicle access is provided to the site through existing access drives. Half-street improvements to Hilda Street, along the site's frontage, will be deferred until the time a Local Improvement District (LID) is formed. The Applicant agrees to a waiver of remonstrance to ensure that street improvements will occur upon the formation of the LID. Street improvements shall include curbs, sidewalk, storm drains, street trees, and lighting in accordance with engineering and local utility standards. Applicable public improvement plans, inspections fees, maintenance bonds, and permit expiration conditions will be provided and adhered to upon formation of the LID and subsequent street improvements. Applicant acknowledges that with the formation of the LID and street improvements, dedication of additional Hilda Street right-of-way may be required. There are existing water and sewer easements located within and adjacent to the site.

A fence shall be constructed along the site's Hilda Street frontage by the year 2004 or sooner if funds are available. No new signs are proposed because of the existing Mountain View Cemetery sign located at the entrance to the cemetery. The site is well-lighted by existing, adjacent lighting therefore, no additional lighting is needed.

The site is generally flat and planted with grass. Therefore, the need for erosion control is limited to street and fencing improvements. Erosion control measures will be provided at the time street and fencing design drawings are prepared.

The City of Oregon City Public Works Department has an established maintenance program for Mountain View Cemetery. Maintenance of the cemetery expansion site will be in accordance with the established maintenance program.

Criteria D

The proposed use will not alter the character of the surrounding area in a manner which substantially limits, impairs or precludes the use of surrounding properties for the primary uses listed in the underlying district.

RESPONSE: The character of the area is primarily residential with commercial uses located within a two block radius. The existing Mt. View Cemetery has been located in Oregon City for many years and is the historic grave site of many who have played a major role in establishing Oregon City. The proposed use is an expansion of this cemetery maintaining the same use on the adjacent property. Site improvements will be limited to those necessary to serve the site. This addition will provide more park space to serve the surrounding residential neighborhood and will provide a much needed service for the community. This expansion does not limit or impair the primary use intended for this district.

A landscape plan is included with this application which illustrates proposed trees, shrubs, and other plantings. A "Mt. View Cemetery List of Acceptable Trees and Bushes" is also enclosed with this application.

No additional parking is needed or proposed due to the existing parking within the cemetery.

Mt. View Cemetery

500 Hilda Street
Oregon City, OR 97045
657-8299

The following is a list of the acceptable trees and bushes to be planted in the Cemetery:

Flowering Cherry
Flowering Plum
Flowering Ornamentals
Rhododendrons
Dogwoods
Ornamental Maples
Golden Chain
Magnolia

The following can be planted in existing flower beds only:

Azaleas
Daphnes
Rose Bushes

The following are not allowed in the Cemetery:

Evergreens: Redwood, Spruce, Fir, Cedar
Camellias
Hydrangea
Lilac
Weeping Willow
Rose Trees
Regular Maple, Birch, Oak, Elm, Ash, Poplar, Sweetgum
Chataqua
Laurel
Snowball

EXHIBIT C

Landscape Species List

Post-It™ brand fax transmittal memo 7671		# of pages > 1 -
To <i>Paul Espe</i>	From <i>Allen Boman</i>	
Co. <i>City Hall</i>	Co. <i>Mt View Cemetery</i>	
Dept. <i>Comm Dev.</i>	Phone #	
Fax #	Fax #	

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
☒ 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

RETURN COMMENTS TO:

COMMENTS DUE BY: **June 25, 1999**

PLANNING PERMIT TECHNICIAN
Planning Department

HEARING DATE: July 12, 1999
HEARING BODY: Staff Review: __ PC: X CC: __

REFERENCE TO	FILE # & TYPE:	CU 99-04
	APPLICANT:	City of Oregon City
	REQUEST:	6 acre expansion of Mountain View Cemetery
	LOCATION:	Mountain View Cemetery (intersection of Hilda & Alden Streets)

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.

<input checked="" type="checkbox"/> The proposal does not conflict with our interests.	<input type="checkbox"/> The proposal conflicts with our interests for the reasons stated below.
<input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included.	<input type="checkbox"/> The following items are missing and are needed for completeness and review:

EXHIBIT E

Signed *Rich McChesney*
Title Public Works Director
LOCATION AND MATERIAL WITH THIS FORM.

PLEASE Agency Comments
Public Works

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

RECEIVED

TRANSMITTAL

JUN 11 1999

BUILDING OFFICIAL
ENGINEER MANAGER
FIRE CHIEF
PUBLIC WORKS DIRECTOR
TECHNICAL SERVICES
ODOT - Sonya Kazen
ODOT - Gary Hunt
AFFIC ENGINEERS
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☐ CLACKAMAS COUNTY - Joe Merck
☐ CLACKAMAS COUNTY - Bill Spears
☒ SCHOOL DIST 62
☒ TRI-MET
☐ GEOTECH REPORT - NANCY K.
☐ DLCD/BRENDA BERNARDS @ METRO
☒ OREGON CITY POSTMASTER

TURN COMMENTS TO:

COMMENTS DUE BY: June 25, 1999

ANNUAL PERMIT TECHNICIAN
Planning Department

~~HEARING BODY~~: July 12, 1999
HEARING BODY: Staff Review: PC: X CC:

REFERENCE TO

FILE # & TYPE:
APPLICANT:
REQUEST:
LOCATION:

CU 99-04
City of Oregon City
6 acre expansion of Mountain View Cemetery
Mountain View Cemetery (intersection of Hilda & Alden
Streets)

enclosed material has been referred to you for your information, study and official comments. Your recommendations and questions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application 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:

EXHIBIT G

PLEASE RETURN

Agency Comments
Oregon City Sch. Dist.

Signed [Signature]
Title Superintendent

ICATION AND MATERIAL WITH THIS FORM.

FILES\KYENNE\CUP9904.XM1

(2) Any county, town or city cemetery.
Amended by 1955 c.473 §1.

97.030 Vested rights not acquired. No cemetery authority or person having a right of sepulture or any other right under ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920 and 97.990 acquires any vested right by virtue thereof which the Legislative Assembly may not subsequently amend, alter or repeal.

97.040 Private family burial grounds. Except for ORS 97.730, 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920 and 97.990 do not apply to private family burial grounds where lots are not offered for sale.

97.050 [1977 c.183 §1; 1983 c.526 §4; 1985 c.747 §49; 1987 c.660 §16; 1989 c.1034 §3; renumbered 127.605 in 1989]

97.065 [1977 c.183 §2; 1979 c.211 §1; 1983 c.526 §5; renumbered 127.610 in 1989]

97.080 [1977 c.183 §3; renumbered 127.615 in 1989]

97.085 [1977 c.183 §4; renumbered 127.620 in 1989]

97.070 [1977 c.183 §5; renumbered 127.625 in 1989]

97.075 [1977 c.183 §6; repealed by 1983 c.526 §7]

97.080 [1977 c.183 §7; renumbered 127.630 in 1989]

97.083 [1983 c.526 §1; renumbered 127.635 in 1989]

97.084 [1983 c.526 §2; renumbered 127.640 in 1989]

97.085 [1977 c.183 §§8,9,10; renumbered 127.645 in 1989]

97.090 [1977 c.183 §11; renumbered 127.650 in 1989]

DISPOSITION OF HUMAN BODIES

97.110 Human remains not to be attached. No person shall attach, detain or claim to detain any human remains for any debt or demand or upon any pretended lien or charge.

97.120 Human remains to be deposited in accordance with ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920 and 97.990. A cemetery authority shall deposit or dispose of human remains as provided by ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920 and 97.990.

97.130 Right to control disposition of remains. (1) Subject to the provisions of ORS 97.950 to 97.964, any of the following persons, in order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of opposition by a member of the same or a prior class, shall have the right to control the disposition of the remains of a decedent:

(a) The spouse.

(b) A son or daughter 18 years of age or older.

(c) Either parent.

(d) A brother or sister 18 years of age or older.

(e) A guardian of the decedent at the time of the death of the decedent.

(f) A person in the next degree of kindred.

(2) Subject to the provisions of ORS 97.950 to 97.964, if disposition of the remains of a decedent has not been directed and authorized under subsection (1) of this section within 10 days after the date of the death of the decedent, a public health officer, the special administrator or the personal representative of the estate of the decedent may direct and authorize disposition of the remains. [Amended by 1969 c.175 §10; 1969 c.591 §279; 1973 c.323 §97; 1995 c.717 §10]

97.132 [1961 c.674 §1; repealed by 1969 c.175 §12]

97.134 [1961 c.674 §2.3; repealed by 1969 c.175 §12]

97.140 [Repealed by 1957 c.423 §1 97.141 and 97.145 enacted in lieu of 97.140]

97.141 Authorization of cemetery authority to inter or cremate remains. Any cemetery authority may inter or cremate remains of a decedent without liability therefor upon receipt of a written authorization from the following persons in the order named:

(1) The decedent, in the lifetime of the decedent or from the decedent's papers after death; or

(2) Any person who, by sworn statement, purports to be:

(a) The surviving spouse.

(b) A surviving child or adopted child over the age of 21 years.

(c) A surviving parent or adoptive parent.

(d) A next of kin.

(e) Any other person who has acquired the right to control disposition of the remains.

The sworn statement signed by any person mentioned in this subsection shall contain a further affirmation by the signator that to the best of the knowledge of the signator there is no other existing person having a prior right to the control of the remains or that any person having such a prior right has given to the signator written or telegraphic permission to sign such authorization to the cemetery authority. If any signator is acting under written or telegraphic permission from a person having a prior right, the original of such written or telegraphic permission shall be filed with the cemetery authority. [1957 c.423 §2 (97.141 and 97.145 enacted in lieu of 97.140)]

97.145 Liability of cemetery authority for failure to conform to priority of control of remains. Any cemetery authority interring or cremating remains pursuant to

closest intersection is Alden Street; Clackamas County Maps 3S-2E-05BA Tax Lots 2800, 2900, 3000, & 3S-2E-05BD Tax Lot 100

Staff Report

Paul Espe stated that the consultant for this project, **Larry Lewis, TriLand Design Group**, was not present.

Chairman Hewitt asked what this means for the Commission. **Bryan Cosgrove** stated that the staff report could be presented to the Commission if the Commission felt it was in the best interest of the Applicant, who is the City of Oregon City. If the Commission feels that they would not be able to proceed, the City's representative, **Rick McClung, Public Works Director**, could be encouraged to ask for a continuance. Otherwise, the staff report could be presented and the Commission could determine if there is any comment from the audience. How to proceed from there would be up the Commission.

Chairman Hewitt stated that he was willing to hear the staff report but that to proceed was the applicant's decision. He asked who represented the applicant.

Rick McClung stated that if the Commission feels that if there are no major issues he would feel confident about proceeding, but the consultant is needed to address more complicated issues.

Chairman Hewitt asked that if **Rick McClung** felt that the hearing was becoming too complicated, to inform the Commission. **Mr. McClung** agreed. **Chairman Hewitt** asked if this was agreeable to the Commission members. The Commission stated that it was.

Paul Espe stated that the application was a modification to the original CUP application, CU 96-13, which was evaluated by the Commission in that year. The applicant requests an expansion of the existing Mountain View Cemetery by six acres and proposes 4,766 new burial plots and 679 cremation lots. The original CUP required design review for half-street improvements and construction of fencing of a wrought iron and brick pilaster configuration prior to the sale of any gravesites. The Public Works Department does not have adequate funding for the improvements unless gravesites are sold prior to construction of improvements. This is why the City is requesting a change in the timing of the conditions set forth under the original CUP.

The requested conditions are listed on page two. Staff concluded that the requested modifications allow for all the criteria of the conditional use permit to be satisfied and that design review could be deferred to a future time when all of the improvements were implemented. The applicant has proposed a date of 2004 to have the fencing installed and at that time would have enough burial sites sold to be able to fund the improvements.

If required to make the improvements before the sales, the applicant would not be able to fund them. Staff feels that this situation is different from a sub-division where improvements are required before occupancy or recordation of a final plat. The Oregon law allows a cemetery to record plats without any improvements. The City chose a CUP process in

Chairman Hewitt stated that he was thinking of Memorial Day and stated that parking was a problem. **Paul Espe** stated that there were a couple of days every year where parking space might be a problem.

Commissioner Carter asked if there was currently a problem with parking and whether the proposed expansion addressed this. **Paul Espe** stated that there was not.

Commissioner Carter suggested that this be considered. **Paul Espe** stated that the applicant could address that issue.

Rick McClung, Public Works Director, City of Oregon City, 122 South Center Street, Oregon City, OR, 97045; Representing the Applicant

Rick McClung stated that there is a big road that runs through the entire new section of the cemetery. This acts as a parking area. During funerals, cars are staggered along this road so that other cars can get by. Inside the existing cemetery, there are five roads that are also used for parking. He stated that there was no parking lot because people prefer to park on the road close to the event.

Chairman Hewitt asked that the reasons for modifying conditions 1, 2 and 3 be explained. **Rick McClung** stated that he would attempt to explain the reasons for the modifications. He felt that for conditions one and three that the cemetery is already established. He added that he didn't feel prepared to answer more questions and asked for a continuance.

Chairman Hewitt asked if Rick McClung was aware that by asking for a continuance he waived the 120-day rule and that the continuance was an automatic forty-five days. **Rick McClung** stated that he was.

Marnie Allen stated that she understood the new continuance policy to include only those situations where new information was submitted. **Chairman Hewitt** stated that he accepted that but that the consultant could then present no new information. **Marnie Allen** stated that the Commission could set that limit.

Chairman Hewitt stated that when this comes before the Commission again, it could not be addressed. This includes issues such as parking, which the applicant now knows is an issue. The consultant can only use the information submitted in the package as either written or mapped. No other information on this issue could be brought in. **Marnie Allen** stated that this was correct, but if the applicant or their agent could submit verbal information about how many spaces were available and what they would like to do, but could not submit a written parking plan.

Chairman Hewitt stated that the Commission was now in an unusual situation because of the questions presented to the applicant. Therefore a continuance could be requested and the Commission could proceed from there if the applicant is not willing to wait the forty-five days.

As a representative of Historic Park for the City, she feels that if the cemetery cannot be properly cared for at its current size, she is concerned that it will be even worse if it is allowed to grow without some kind of condition for maintenance. She stated, for example, that the new gate that is behind her house is currently broken and hanging at an angle. It has been this way for at least two weeks and she has yet to see anyone come out and repair it. She would like to see a condition for maintenance put in place for the entire cemetery, old and new sections. Once the project is in place, and the plots are sold, there will not be a lot of income to put towards maintenance so she would like to see a plan to address this. **Chairman Hewitt** asked if **Elizabeth Klein** had called the City about the broken gate yet. **Elizabeth Klein** stated that she had not.

Matthew Mattsson, 17883 Peter Skene Way, Oregon City, OR, 97045;
Representing the Barclay Hills Neighborhood Association, Supporting
the application.

Matthew Mattsson stated that the Association had hoped to establish a dialogue with the City after the first meeting about the expansion. There are a number of ongoing issues, in addition to the expansion that the Association wished to address. He stated that they were looking forward to the design review process to provide input on some of those issues.

There are some existing features that have come about during the past few years that concern him. Mr. Mattsson stated that he feels that this is more of a commercial venture than a park or residential venture. After the first meeting, the Association requested off-site improvements such as sidewalks and curb gutters such as would be required in a normal commercial development. They asked for mitigation of the impacts created by the cemetery. They have no problem with the deferral of construction, if there are budget constraints. The Association is, however, concerned with whether the ultimate expansion fits in with the neighborhood plan and the City as a whole. He doesn't have a sense that this is occurring.

Mr. Mattsson used as an example the constraints on Hilda Street. The cemetery contributes greatly to this problem, and he doesn't feel that there has been enough mitigation of impacts. A sidewalk would help with this. There are several other problems occurring do to lack of lighting and security. The issue of fencing addresses this, and also creates additional problems. The eight-foot chain link fencing that was installed was never discussed with the neighbors, and the Association had to really fight for the decorative fencing at the entrance. They were hoping that with the design review process, they would be able to have their concerns addressed.

Mr. Mattsson stated that there are site circulation problems with the expansion. Many of the ingress and egress points have been fenced off for security reasons, eliminating those points of access. This addition is a U-shaped road that is accessed off of Hilda Street, eliminating any internal circulation with other parts of the cemetery.

There is existing lighting along the main road through the cemetery which the Association would like to see extended throughout the park. The security problems won't be completely solved by fencing, and Mr. Mattsson stated that he would like to see them addressed. The elimination of specific conditions is confusing to him in some instances. He wasn't aware that a conditional use could be open-ended and not have a time frame. He thought this was codified. He isn't concerned with the length of time it takes to complete the

CITY OF OREGON CITY

PLANNING COMMISSION

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



Staff Report July 26, 1999 (ADDENDUM)

FILE NO.: CU99-04 (MOD, CU96-13)
Revised 7/17/99

HEARING DATE: Monday, July 26, 1999

BACKGROUND:

This item was first presented on July 12, 1999. A decision was not made because the item was continued to the hearing of July 26, 1999 at the request of the Parks Department. However, The Planning Commission opened the public hearing to allow a presentation from staff and the Parks Department and accepted public testimony.

TESTIMONY RECEIVED:

Two representatives of the Barkley Hills Neighborhood Association testified; Mathew Mattsson and Elizabeth Klein. General issues included:

1. Vandalism: perimeter fencing needs to be constructed and existing fence needs to be maintained to prevent vandalism and unauthorized use.
2. Retain requirement for half-street improvements along Hilda Street as stated in condition 1.
3. Require a maintenance bond or other type of surety to ensure the construction of these features.
4. Commercial sale of grave sites are not considered a Park Use
5. Construct wrought iron gate to be compatible with existing wrought iron gate.
6. Establish dialogue with the Barkley Hills Neighborhood Association prior to submittal of Design Review.
7. Inadequate parking during large events.
8. Inadequate lighting.
9. Additional pathways needed
10. One-year time period for a Conditional Use expiration should be retained.

CITY OF OREGON CITY

Planning Commission

320 WARNER MILNE ROAD
TEL 657-0891

OREGON CITY, OREGON 97045
FAX 657-7892



Staff Report

August 23, 1999

FILE NO: ZC 99-06

HEARING DATE: August 23, 1999

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

APPLICANT: City of Oregon City
PO Box 351
Oregon City, OR 97045

REQUEST: Amend the Oregon City Municipal Code Section 17.37 to (1) include government facilities as an allowed use in the M-1(CI) Campus Industrial District; and (2) to increase the height limit to 85 feet for M-1(CI) zoned property in the area bounded by Leland Road, Warner-Milne Road, and Molalla Avenue

LOCATION: All M-1(CI) Campus Industrial District property within the City limits.

REVIEWER: Tom Bouillion, Associate Planner

VICINITY MAP: See Exhibit 1a

PROPOSED LANGUAGE AMENDMENTS

The proposed text amendment to Oregon City Municipal Code Section 17.37 M-1 (CI) Campus Industrial District includes the following: 1) Would make government facilities, including courthouses, a permitted use in all M-1 (CI) zoned properties and 2) Would raise the maximum building height to 85 feet for M-1 (CI) zoned properties in the area bounded by Leland Road, Warner-Milne Road and Molalla Avenue. This area is shown as area 1 on the map labeled exhibit 1b. The complete proposed text language sent as part of the notification packet is attached as exhibit 4.

In addition, the City Commission at its meeting of July 21, 1999 proposed alternative language that would incorporate government facilities into OCMC section 17.37.020 E. This version of 17.37.020 E would read "Corporate headquarters, regional offices **or government facilities** with fifty or more employees." Proposed section 17.37.020 F would be dropped. Section 17.37.040 B would be unchanged.

BASIC FACTS

1. The proposed language change affects a total of approximately 188.05 acres located within the City Limits, and zoned M-1 (CI) Campus Industrial District. Each of the affected properties are shown on the vicinity map (exhibit 1) and on individual site maps (exhibits 1a-1e). In addition, each of the affected properties are described in exhibit 2.
2. This request is initiated by the City Commission of Oregon City on behalf of the Clackamas County Board of Commissioners, as per Section 17.50.060 of the Oregon City Municipal Code.
3. Transmittals on the proposed development were sent to various City Departments, affected agencies, the Community Involvement Committee Chair, the Thayer Neighborhood Association, the Mt. Pleasant Neighborhood Association, the Glen Oak Neighborhood Association, the Gaffney Lane Neighborhood Association and the Hillendale Neighborhood Association. In addition, notice was sent to all property owners within 300 feet of all M-1 (C-I) property, as well to all owners of M-1 (C-I) property in the City.

Comments were received from the City Engineering Department (exhibit 5a), City Public Works Department (exhibit 5b), Tualatin Valley Fire and Rescue (exhibit 5d), Oregon City School District 62 (exhibit 5c), City Building Department (exhibit 5e) Thayer Neighborhood Association (exhibit 6), Gaffney Lane Neighborhood Association (exhibit 7) and Lloyd Farley of Northridge Development Company (exhibit 8). In addition, staff spoke with Debbie Watkin of the Hillendale Neighborhood Association. Staff also answered approximately ten telephone inquiries from citizens regarding this proposal.

district is a legislative amendment governed by OCMC 17.50.060 (Application Requirements) and OCMC 17.50.070 (Legislative Hearing Process). A traffic study is not required as part of this legislative amendment but would be required as part of the site plan & design review process (OCMC 17.62) for a specific building proposal.

Lloyd Farley, Northridge Development Company written comments expressed support for the proposal. Mr. Farley is the managing partner of Red Soils I, LLC, which is the owner of the Hilltop Business Park located on Lot 1 of Red Soils Industrial Campus.

Hillendale Neighborhood Association telephone conversation. Debbie Watkin, Chairperson of the Hillendale Neighborhood Association, expressed concern that Hillendale Neighborhood Association did not have an adequate amount of time to respond to this request.

Staff's response: Please see "staff's response" to Thayer Neighborhood Association comments.

ANALYSIS

As mentioned above, the proposed text amendment to Oregon City Municipal Code Section 17.37 M-1 (C-I) Campus Industrial District 1) would make government facilities, including courthouses, a permitted use in all M-1 (CI) zoned properties and 2) would raise the maximum building height to 85 feet for M-1 (C-I) zoned properties in the area bounded by Leland Road, Warner-Milne Road and Molalla Avenue. The special height area is shown as area 1 on the map labeled exhibit 1b. The complete proposed text language that was sent as part of the notification packet is attached as exhibit 4. This proposed text amendment is reviewed below for compliance with the pertinent Comprehensive Plan Goals and Policies and Municipal Code sections.

I. APPLICABLE OREGON CITY MUNICIPAL CODE (OCMC) CRITERIA

Chapter 17.50.060 Application requirements

Staff's finding: This proposed text amendment was initiated by the City Commission at its July 21, 1999 meeting. A permit application was filed on a form provided by the City, along with documentation sufficient to demonstrate compliance with all applicable criteria. Therefore, this proposed text amendment complies with OCMC Chapter 17.50.060.

17.50.170 Legislative hearing process

Staff's finding: This proposed text amendment is scheduled and has been noticed as a public hearing item before the Planning Commission on August 23, 1999. The Department of Land Conservation and Development (DLCD) was notified as required

construction. Therefore, the proposed text amendment is not in conflict with this policy.

Commerce and Industry Policy 2 Each proposed government facility would be responsible for coordinating with Tri-Met for potential or augmented transit service. The M-1 (C-I) properties located in area 1 shown on exhibit 1b are currently served by the Tri-Met #33 bus route. The remaining M-1 (C-I) properties are all relatively close to the terminus of the Tri-Met #33 bus route at Clackamas Community College. Allowing an 85-foot height limit in area 1 shown on exhibit 1b could provide a greater concentration of potential transit riders, by construction of a larger and more compact office work place.

Staff's finding: Through the site plan & design review process, proposed government facilities would coordinate with Tri-Met to provide transit service. This policy assures adequate review of transit issues prior to construction. Therefore, the proposed text amendment is not in conflict with this policy.

Commerce and Industry Policy 3 Each proposed government facility would be responsible for complying with all applicable local, regional, State and Federal water and air quality standards. Allowing an 85-foot height limit in area 1 shown on exhibit 1b will not impact this policy.

Staff's finding: Through the site plan & design review process, proposed government facilities would be required to comply with all applicable local, regional, State and Federal water and air quality standards. This policy assures adequate review of water and air quality issues prior to construction. Therefore, the proposed text amendment is not in conflict with this policy.

Commerce and Industry Policy 9 By allowing government facilities as an outright use in the M-1 (C-I) district, the City is helping to retain Clackamas County as a major employer inside the City. Clackamas County has maintained government facilities in area 1 shown on exhibit 1b since at least the early 1960's. Allowing an 85-foot height limit in area 1 shown on exhibit 1b will allow Clackamas County to expand its facilities in Oregon City.

Staff's finding: Allowing government uses as a permitted use in the M-1 (C-I) district and an 85 foot height limit in area 1 shown on exhibit 1b would help to retain and expand Clackamas County's role as a major employer in the City. Therefore, the proposed text amendment is not in conflict with this policy.

Community Facilities Policy 4: This proposed text amendment would help to support agencies that provide valuable and essential public services. Area 1 shown on exhibit 1b currently supports judicial and public health services. Allowing an 85-foot height limit in this area will allow these uses to be expanded. Existing educational facilities such as Clackamas Community College and the Moss High School Freshman campus could take advantage of this proposal to expand campus uses into nearby M-1 (C-I) properties described as areas 2 through 7 and shown on exhibit 1b.

Staff's finding: This proposed text amendment would help to support agencies that provide valuable and essential public services. Therefore, the proposed text amendment is not in conflict with this policy.

Community Facilities Policy 5: Several of the M-1 (C-I) properties are underutilized or are vacant, but have City services available. This proposal would encourage development of these properties by allowing government facilities as an additional allowed use in the M-1 (C-I) district. Allowing an 85-foot height limit in area 1 shown on exhibit 1b would allow better use of underutilized or vacant properties located there.

Staff's finding: Allowing government facilities in the M-1 (C-I) district would encourage development of vacant land. Allowing an 85-foot height limit in area 1 shown on exhibit 1b would allow better use of underutilized or vacant properties located there. Therefore, the proposed text amendment is not in conflict with this policy.

Community Facilities Policy 6: All M-1 (C-I) properties are all served or have major urban facilities and services available to them. Through the site plan & design review process, proposed government facilities would be required to complement the provision of other urban facilities and services at uniform levels. Allowing an 85-foot height limit in area 1 shown on exhibit 1b will not impact this policy.

Staff's finding: All M-1 (C-I) properties are served by, or have available to them, all major urban facilities and services. Therefore, the proposed text amendment is not in conflict with this policy.

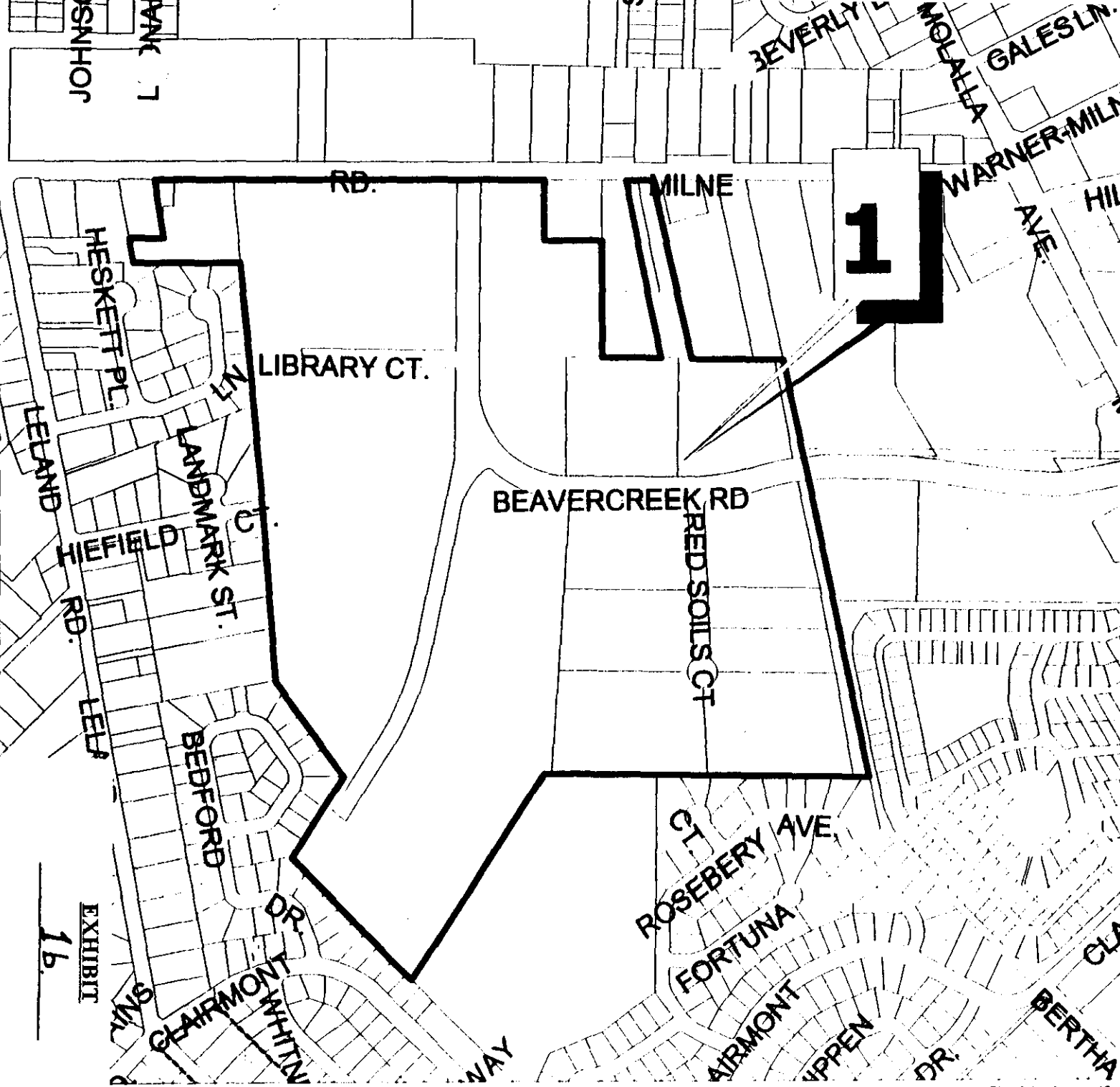
III. SUMMARY CONCLUSIONS AND FINDINGS (Comprehensive Plan, Page M-5)

The proposed text amendment is consistent and supportive of the appropriate Comprehensive Goals and Policies, as shown in the analysis above.

The proposed text amendment is compatible with land use patterns established by the Comprehensive Plan Map. M-1 (C-I) zones are located in areas with larger size parcels to accommodate larger campus designs or that simply require more space to carry out their functions. Government facilities would be compatible with existing land use

ATTACHMENTS

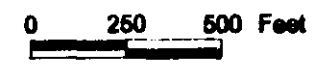
1. Maps:
 - a. Vicinity Map of M-1 (C-I) Properties
 - b. Area 1 Map
 - c. Area 2 Map
 - d. Area 3 Map
 - e. Area 4 Map
 - f. Area 5 Map
 - g. Area 6 Map
 - h. Area 7 Map
2. Description of M-1 (C-I) Properties
3. Applicable Comprehensive Plan Goal & Policy Language
4. Proposed Zone Code Language Changes
5. Agency/Department Comments:
 - a. City Engineering Department
 - b. City Public Works Department
 - c. OC School District 62
 - d. Tualatin Valley Fire & Rescue
 - e. City Building Official
6. Thayer Neighborhood Association Comments
7. Gaffney Lane Neighborhood Association Comments
8. Lloyd Farley, Northridge Development Company Comments



ZC-9906

- C-1 CAMPUS INDUSTRIAL
- City Limits
- Urban Growth Boundary

SCALE: 1" = 500'



MAP FOR REFERENCE PURPOSES ONLY.
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.

City of Oregon
Geographic Information Systems
320 Warner Milne Road
Oregon City, Oregon 97045
(503) 657-0891 fax (503) 657-7892

Plot date: August 12, 1999; g:\projects\trevor\Zc-9906\zc9906.apr

ycle with colored office grade paper

ZC-9906

- C-1 CAMPUS INDUSTRIAL
- City Limits
- Urban Growth Boundary

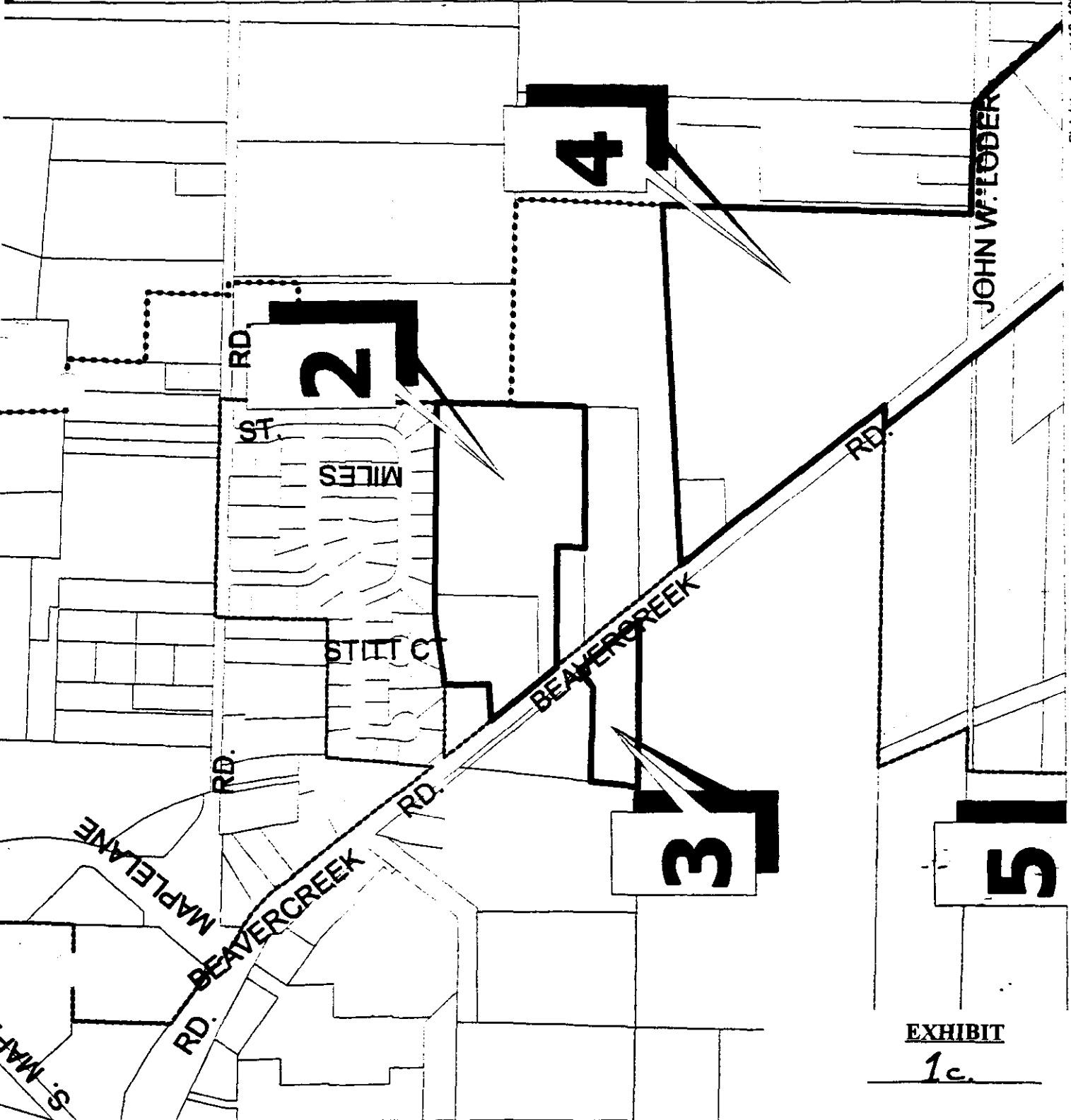
SCALE: 1" = 500'

0 250 500 Feet

MAP FOR REFERENCE PURPOSES ONLY.

This information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.

City of Oregon
Geographic Information Systems
320 Warner Mills Road
Oregon City, Oregon 97045
(503) 657-0891 fax (503) 657-7892



Plot date: August 12, 1999; g:\projects\revor\Zc-9906\zc9906.apr

ycle with colored office grade paper

EXHIBIT

1c.

ZC-9906

C-1 CAMPUS INDUSTRIAL

City Limits

Urban Growth Boundary

SCALE: 1" = 500'

0 250 500 Feet

MAP FOR REFERENCE PURPOSES ONLY.

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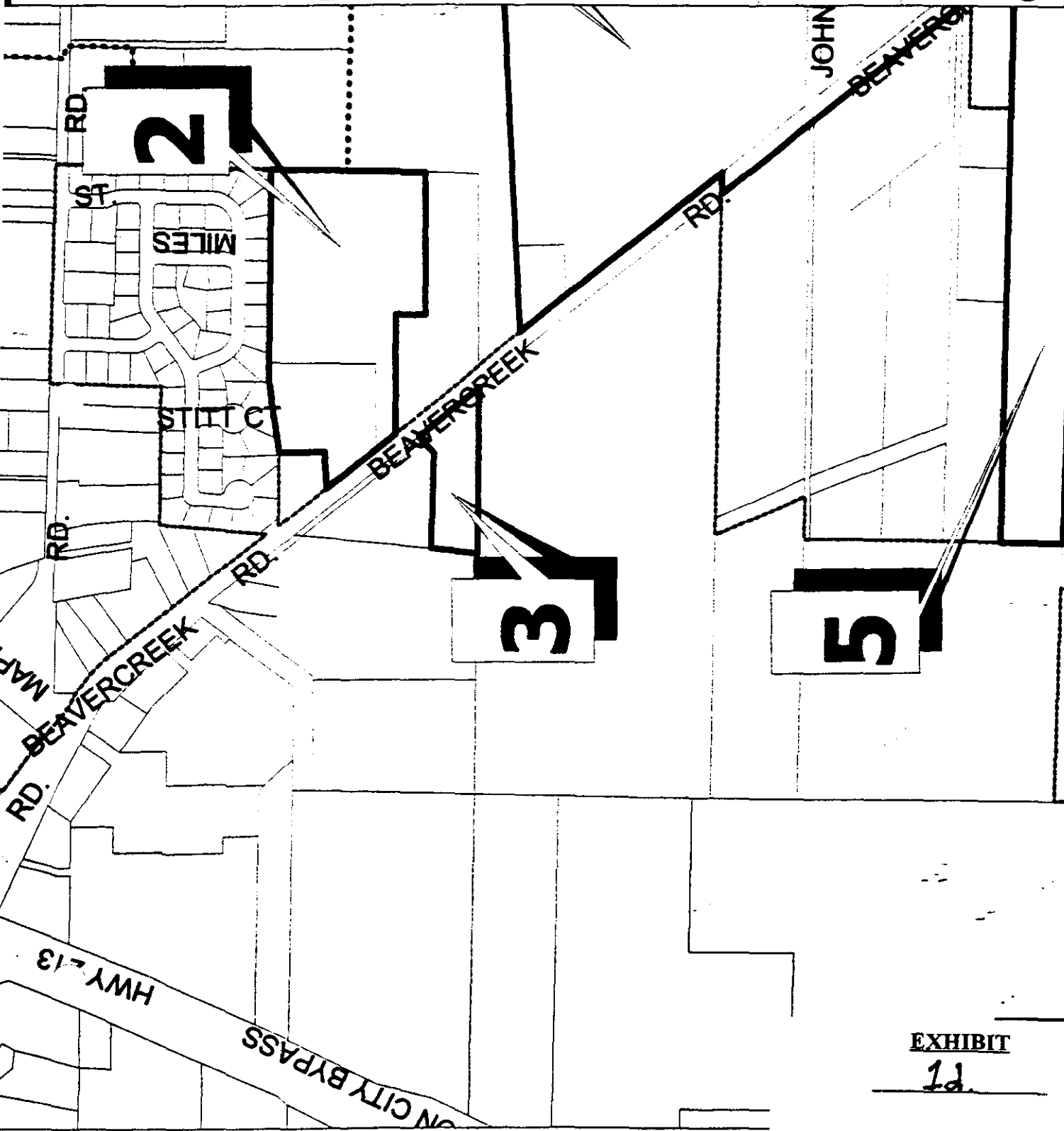
City of Oregon

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EXHIBIT

1d

ycle with colored office grade paper

Plot date August 12, 1998; g:/projects/revol/ZC-9906/zc9906.apr

ZC-9906

- C-I
- CAMPUS INDUSTRIAL
 - City Limits
 - Urban Growth Boundary

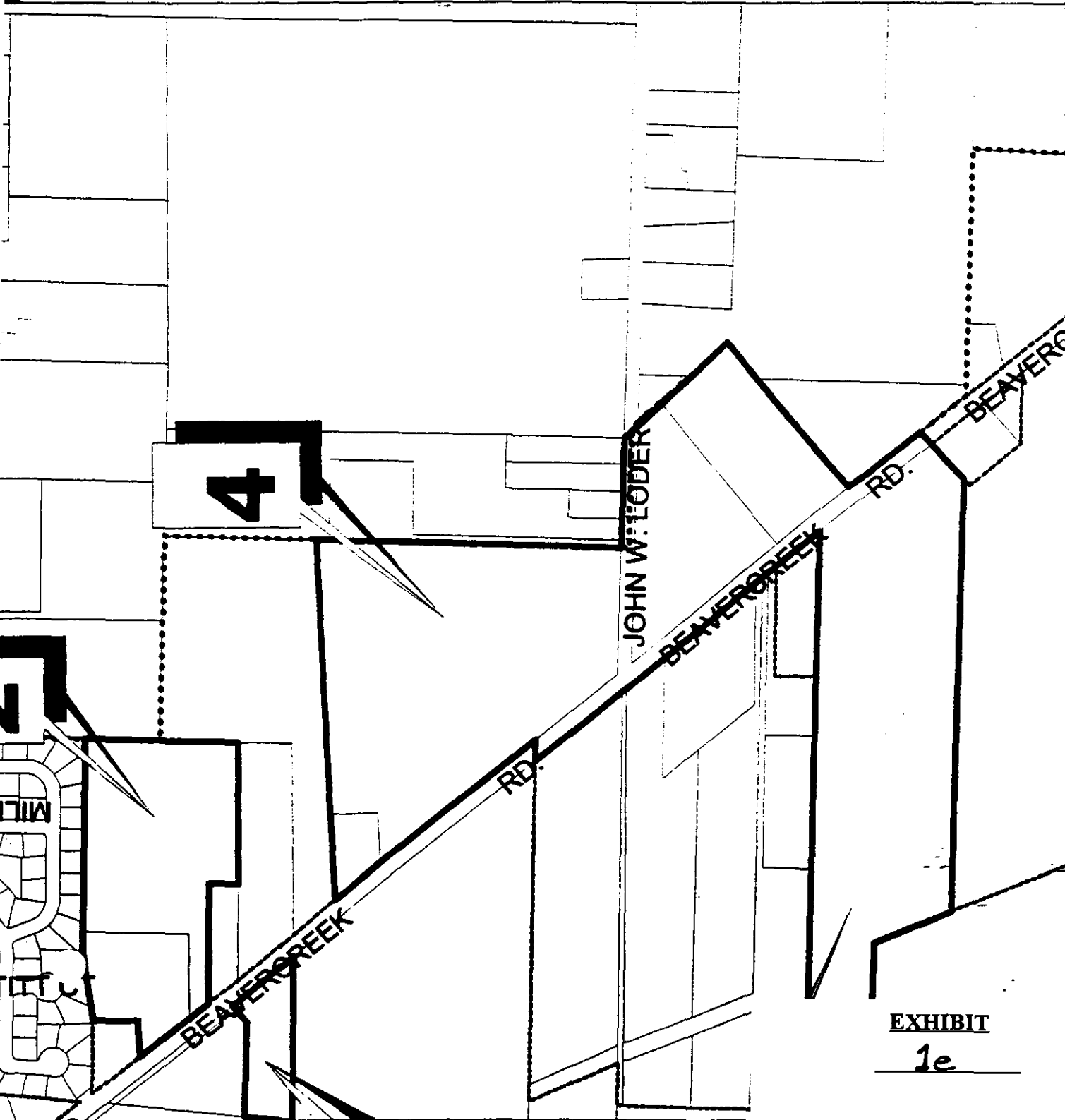
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EXHIBIT

1e

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Plot date: August 12, 1999; g:\projects\revor\Zc-9906\zc9906.apr

14900

1/4' COF

JOHN W. MODER ROAD

590
6.27 Ac.

62-64

570
0.43 Ac.

500
23.72 Ac.

600
5.00 Ac.

FU-10

BEAVERCREEK RD.

580
3.48 Ac.

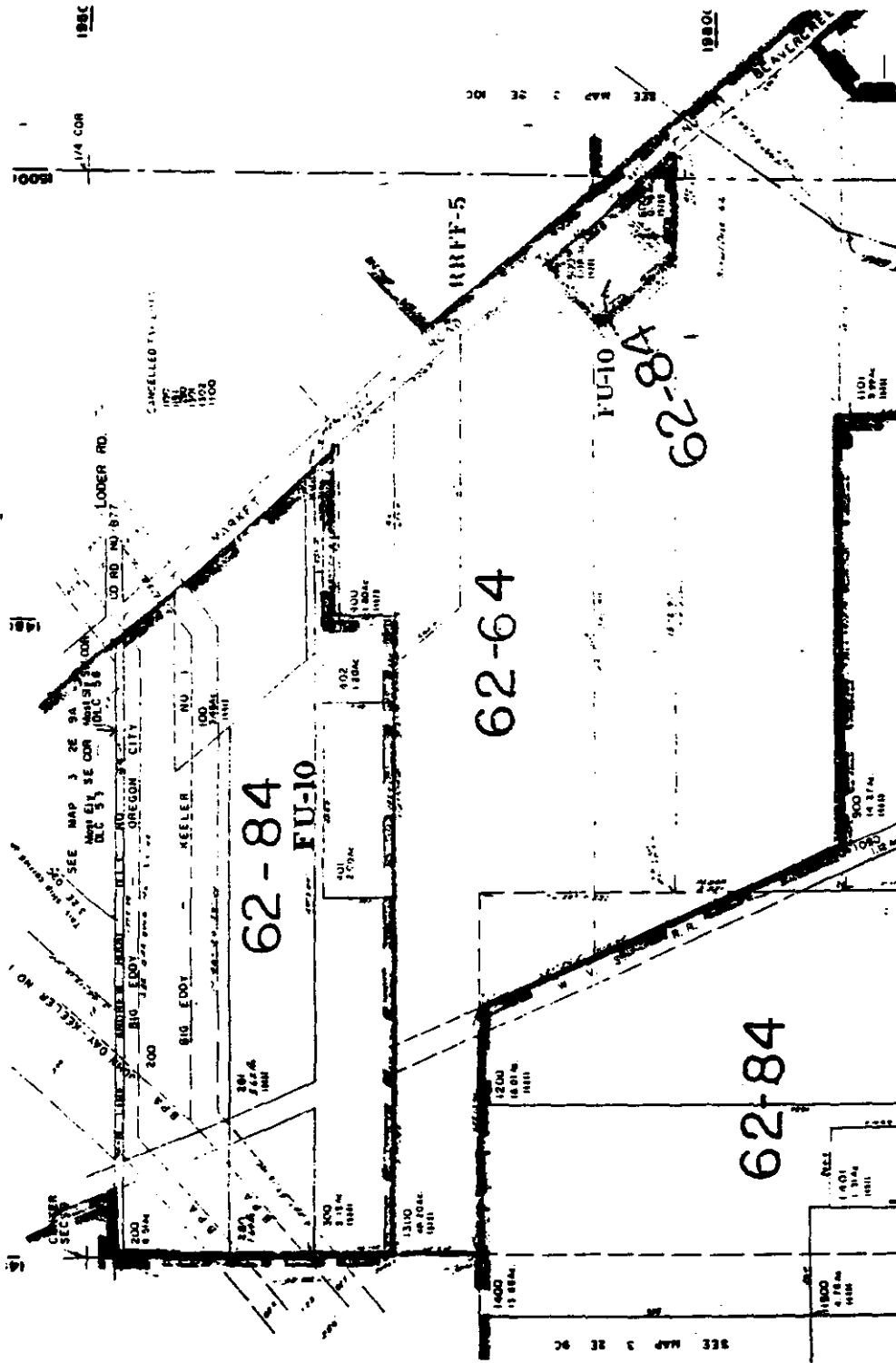
62-33

MARKET ROAD

FU-10

62-64

SEE MAP 3 2E 9D



62-02

62-8
F

700
14.94 Ac.
19828
19842

600
3.92 Ac.
19878

62-84

1300
2.36 Ac.
19989

62-02

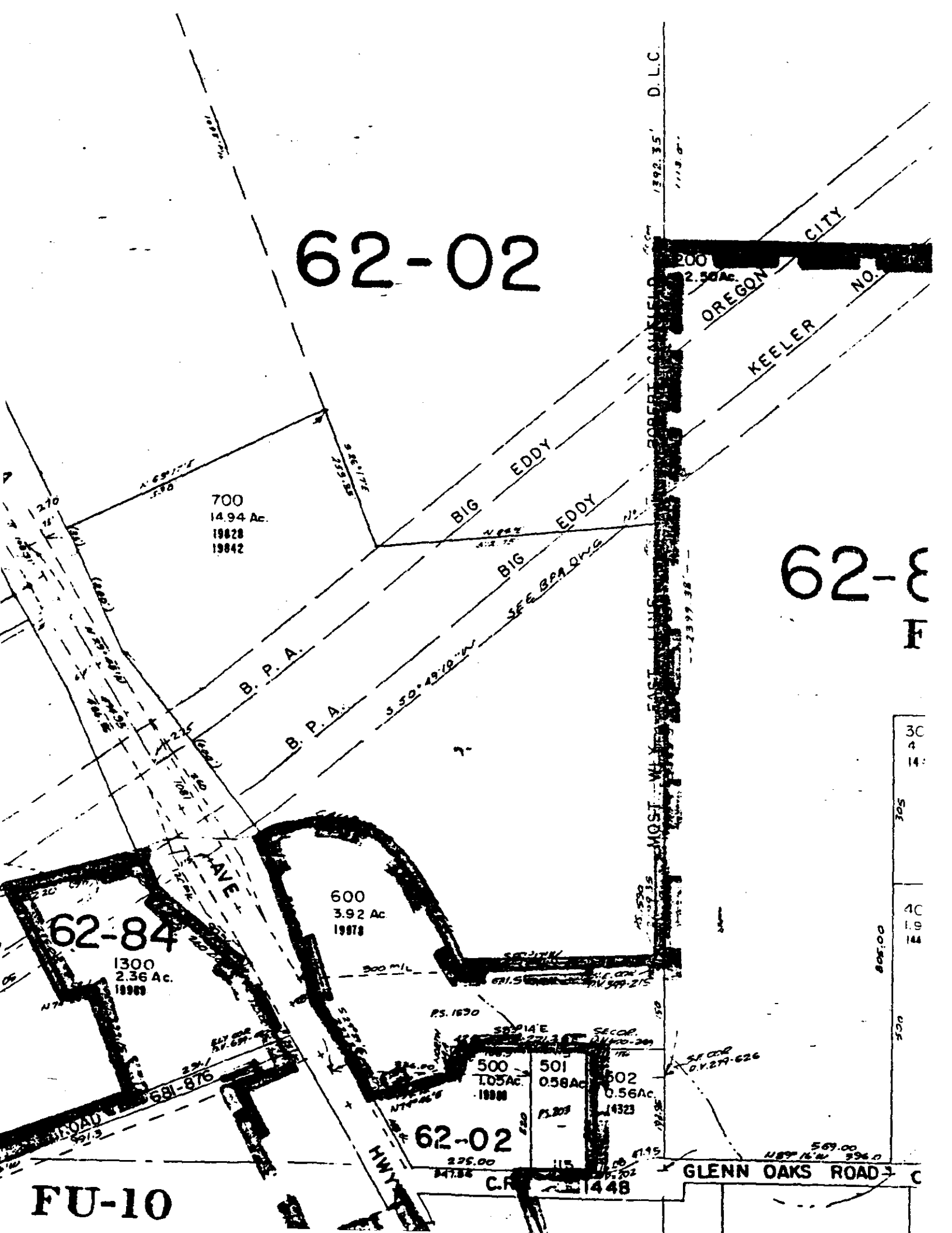
500
1.03 Ac.
19888

501
0.58 Ac.
19888

502
0.56 Ac.
19888

GLENN OAKS ROAD

FU-10



62-02

62-8
F

700
14.94 Ac.
19828
19842

600
3.92 Ac.
19878

62-84

1300
2.36 Ac.
19889

62-02

500
1.05 Ac.
19880

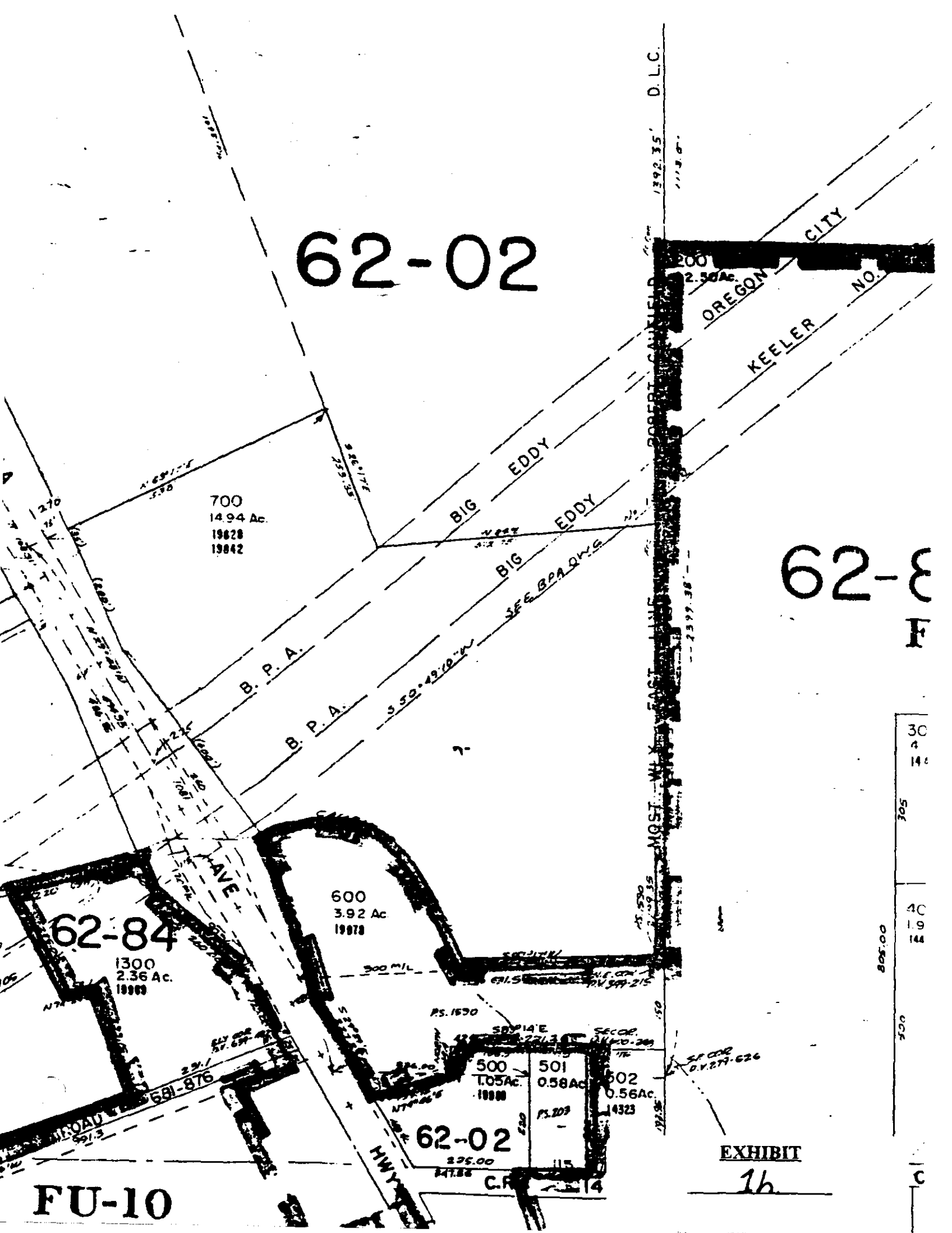
501
0.58 Ac.
19880

502
0.56 Ac.
19880

EXHIBIT

1h

FU-10



Building 12. The County Impound and Garage Building contains primarily garage and storage space and occupies 3,750 square feet.

Building 13. The State Intake Facility contains primarily jail, with some office and storage space and occupies 31,424 square feet.

Building 14. The County Garage and Shop Building contains primarily garage and storage space and occupies 1,196 square feet.

Building 15. The County Communications Building contains primarily office space and occupies 6,674 square feet.

Building 16. The County Adolescent Day Treatment Center contains primarily clinic and office space and occupies 5,147 square feet.

3-2E-5C, Tax Lot 803 (300 Beavercreek Road). This property, owned by the Deasis Family Limited Partnership, is level and is landscaped and contains the Benchmade Knife Corporation. The site contains 143,895 square feet. The 30,400 square foot building on site contains primarily office and light manufacturing space for the production of knives.

3-2E-5C, Tax Lot 804. This property, owned by the Deasis Family Limited Partnership, is level and is currently vacant. The site contains 1.48 acres.

3-2E-5C, Tax Lot 805 (1815 Red Soils Court). This property, owned by Steinfelds Trading Company, is level and landscaped and contains the North American Seasonings Company. The site contains 202,596 square feet. The 40,500 square foot building on site contains primarily office and light-manufacturing space for the production of packaged spices.

3-2E-5C, Tax Lot 806. This property, owned by the City of Oregon City, is level and is currently vacant. The site contains 197,866 square feet.

3-2E-5C, Tax Lot 807 (1710 Red Soils Court). This property, owned by the RS #7 Limited Liability Corporation, is level and landscaped and contains Michael's of Oregon. The site contains 140,740 square feet. The 39,000 square foot building on site contains primarily office and warehouse space.

3-2E-5C, Tax Lot 808 (1510 Red Soils Court). This property, owned by John Davidson, is level and landscaped and contains two light industrial buildings occupied by multiple tenants. The site contains 140,740 square feet. The two 22,500 square foot buildings on site contain primarily light industrial and warehouse uses.

3-2E-5C, Tax Lot 809 (315 Beavercreek Road). This property, owned by Ironwood Investment, is level and landscaped and contains an office building occupied by the State

3-2E-10C, Tax Lot 590. This property, owned by the Hall Family Investment Company, is level and is currently being used as a cow pasture. The site contains 6.27 acres.

3-2E-10C, Tax Lot 600. This property, owned by the Hall Family Investment Company, is level and is currently being used as a cow pasture. The site contains 5.00 acres.

AREA 5 (Shown on the map marked as exhibit 1f)

3-2E-9D, Tax Lot 1300 (19751 S. Beaver Creek Road). This property, owned by Oregon City School District #62, is level and is the site of the Moss High School Freshman Campus. The site contains 48.20 acres. The north half of this site is zoned M-1 (C-I) and the remainder is zoned R-8.

AREA 6 (Shown on the map marked as exhibit 1g)

3-2E-9C, Tax Lot 500 (19988 Molalla Avenue). This property, owned by Morris and Patricia Womack, is level and contains a single-family residence. The site contains 1.05 acres. The single-family residence contains 1858 square feet.

3-2E-9C, Tax Lot 501. This property, owned by Morris and Patricia Womack, has a substantial slope and is currently vacant. The site contains .58 acres.

AREA 7 (Shown on the map marked as exhibit 1h)

3-2E-9C, Tax Lot 700 (19842 Molalla Avenue). This property, owned by Kathy Berge, is level and contains two single-family residences. The site contains 14.94 acres. The two single-family residences contain 936 and 1,384 square feet, respectively.

Community Facilities Goals and Policies

Goal

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

2. *Public facilities and services provided and maintained by the City shall be consistent with the goals, policies and implementing measures of the Comprehensive Plan.*
3. *Urban public facilities and services shall be confined to the incorporated limits.*
4. *The City of Oregon City will encourage the planning and management efforts of the following agencies that provide additional public facilities and services: (h) Major sanitary and storm water facilities and treatment; (i) Water supply and treatment; (j) Public schools; (k) Public health services; (l) Justice services; (m) Solid waste disposal; (n) Energy and communications services; (o) Transit services.*
5. *The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.*
6. *The extension or improvement of any major urban facility and service to an area will be designed to complement the provision of other urban facilities and services at uniform levels.*

Summary Conclusions and Findings, Oregon City Comprehensive Plan, Page M-5:

"....The applicant must show that the requested change is (1) consistent and supportive of the appropriate Comprehensive Plan Goals and Policies, (2) compatible with land use patterns established by the Comprehensive Plan Map, (3) in the public interest to grant the petition, and (4) that the interest is best served by granting the petition at this time and at the requested locations..".

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
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

TURN COMMENTS TO:

COMMENTS DUE BY: August 12, 1999

PLANNING PERMIT TECHNICIAN
Planning Department

HEARING DATE: August 23, 1999
HEARING BODY: Staff Review: PC: X CC:

REFER TO

FILE # & TYPE:
APPLICANT:
REQUEST:

ZC 99-06
City of Oregon City
Legislative amendment to include governmental facilities as an
allowed use in M-1 (C-I) Campus Industrial District; and to increase
height limit to 85 feet for M-1(C-I) zoned property in area bounded
by Leland Rd, Warner-Milne Rd, and Molalla Avenue
All properties zoned M-1 (C-I) within City limits

LOCATION:

Enclosed material has been referred to you for your information, study and official comments. Your recommendations and suggestions
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☐ 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:

See attached comments

Signed
Title

Robert Chell
Eng Mgr

EXHIBIT

5a.

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

CITY OF OREGON CITY - PLANNING DIVISION
PO Box 351 - 320 Warner Milne Road - Oregon City, OR 97045
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TRANSMITTAL

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☐ PUBLIC WORKS DIRECTOR
☐ TECHNICAL SERVICES
☐ ODOT - Sonya Kazen
☐ ODOT - Gary Hunt

☐ TRAFFIC ENGINEERS
☐ JOHN REPLINGER @ DEA
☐ JAY TOLL

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☐ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR
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SEE ATTACHED

Signed
Title

Rick McIlroy Planning

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

EXHIBIT

5b

request may result in an order of magnitude increase in traffic flow through this area. Beaver Creek Road between Molalla Avenue and Highway 213 currently carries between 18,000 and 24,000 vehicles daily.

6. Traffic Problems? None Known ☐ Yes ☒ See Item 5 above.
7. Geotech problems? None Known ☒ Yes ☐

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DOT - Gary Hunt

TRAFFIC ENGINEERS
JOHN REPLINGER @ DEA
AY 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**

FOR COMMENTS TO:

COMMENTS DUE BY: August 12, 1999

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Signed

Title

Christa Fin Marshall

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIALS

EXHIBIT

5d

Rec'd 8/6/99

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☐ JAY TOLL

☐ CICC
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☐ OREGON CITY POSTMASTER
☐ PARKS

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COMMENTS DUE BY: August 12, 1999

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Planning Department

HEARING DATE: August 23, 1999
HEARING BODY: Staff Review: __ PC: __ X __ CC: __

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____ 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:

*SEE ATTACHED
LETTER to GARY HEYITT
dated August 11, 1999*

Signed
Title

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL

EXHIBIT

6

amendment to the zoning map or the comprehensive plan map, may be initiated by:

- A. A resolution request by the commission;
- B. An official proposal by the planning commission;
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission."

This application does not contain a resolution by the city commission requesting either a zone change or an amendment; therefore item a is not the authority for this zone change.

The application as presented, does not contain an official proposal by the planning commission, or at least no minutes of a meeting held by the planning commission, were included as a part of this application and therefore item b is not the authority by which this zone change is sought.

Item C. states "An application **to the** planning division" [emphasis added]; this application appears to be from the planning division. It is our belief that section 17.68.010 has not been meet, or complied with.

- Title 17.68.020 "Criteria" sets forth the criteria for a zone change, and they are as follows:

- A. "The proposal shall be consistent with the goals and policies of the comprehensive plan." There are 16 elements to the comprehensive plan and this application only address two of them. How is this application consistent with the remaining fourteen elements? The two elements that are discussed, have no discussion as to their conformance with the comprehensive plan.
- B. "That public facilities and services [water, sewer, storm drainage, transportation, schools, police and fire protection] are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy." The application as presented is devoid of any discussion regarding transportation, sewer, water and fire. How much additional traffic will be generated by approving this zone change? Where is the traffic study that supports this application? Again, without a traffic study, this application falls short of the criteria set forth in 17.68.020.

- Title 17.68.060 "Filing of an application" states "At the time of filing an application, the applicant **shall** pay the sum listed in the fee schedule in



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Signed
Title

Shelly Olney
GLNA

EXHIBIT

7

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