

ORDINANCE NO. 14-1001

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06.030: OF THE OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING THE PROPERTIES IDENTIFIED AS CLACKAMAS COUNTY MAP 3-2E-06BC, TAX LOTS 2000, 1801, 3100, 1700, 1800 AND 1601 FROM R-10 SINGLE-FAMILY DWELLING DISTRICT TO R-8 SINGLE-FAMILY DWELLING DISTRICT.

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the owners of the subject site, located near Woodlawn Avenue at Clackamas County Map 3-2E-06BC, Tax Lots 2000, 1801, 3100, 1700, 1800 and 1601 have requested the approval of a zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District; and

WHEREAS, notice of the proposed zone change and subdivision hearings were mailed to residents within 300 feet of the subject site, signs were posted on the property, notice was published in a local newspaper and the City held public hearings where the objectives and concepts of the proposal were presented and discussed; and

WHEREAS, on April 14, 2014 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, recommended approval with conditions to the City Commission by a 5-0-0 vote for the requested Zone Change; and

WHEREAS, the comprehensive plan designation of the site as Low Density Residential supports the R-8 Single-Family Dwelling District zoning designation, and

WHEREAS, the zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or schools; and

WHEREAS, the projected transportation impacts resulting from a zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District have been found to meet the City's transportation requirements and no required off-site mitigation measures are required; and

WHEREAS, the proposed zone change complies with the design requirements of the Oregon City Municipal Code; and

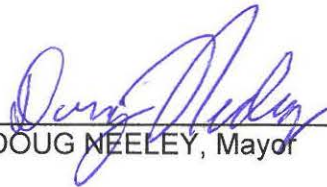
WHEREAS, approving the zone change is in compliance with the Goal and Policies of the Oregon City Comprehensive Plan and is in compliance with all applicable city requirements.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

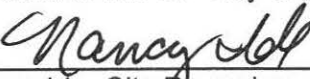
Section 1. The zone change request from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District (ZC 13-02) is hereby approved as proposed by the applicant for the properties located at near Woodlawn Avenue at Clackamas County Map 3-2E-06BC, Tax Lots 2000, 1801, 3100, 1700, 1800 and 1601.

Section 2. The Commission adopts the findings and conclusions that are attached to the Ordinance as Attachment A, and incorporated herein to support the City's approval to amend the zoning map and approve the Zone Change application.


Read for the first time at a regular meeting of the City Commission held on the 7th day of May 2014, and the City Commission finally enacted the foregoing ordinance this 21st day of May 2014.


DOUG NEELEY, Mayor

Attested to this 21st day of May 2014:


Nancy Ide, City Recorder

Approved as to legal sufficiency


City Attorney

Attachment:

A. Notice of Decision and Staff Report



TYPE IV APPLICATION
REVISED STAFF REPORT AND RECOMMENDATION

April 7, 2014

FILE NO.: ZC 13-02: Zone Change from “R-10” Single-Family Dwelling District to “R-8” Single-Family Dwelling District

**APPLICANTS/
OWNERS:** Mark and Karen Westermann, 1009 Woodlawn Ave., Oregon City, OR 97045
Marvin and Joan Wiebke, 1012 Woodlawn Ave., Oregon City, OR 97045
Thomas and Donna Carlson, 1033 Woodlawn Ave., Oregon City, OR 97045
Gavin and Kara Miller, 1019 Woodlawn Ave., Oregon City, OR 97045

REQUEST: The applicant is seeking approval for a Zone Change from “R-10” Single-Family Dwelling District to “R-8” Single-Family Dwelling District.

HEARING DATE: Planning Commission, March 10, 2014

LOCATION: 1009 Woodlawn Ave., Oregon City, OR 97045,
Clackamas County Map 3-2E-06BC, TL 2000
No Address, Oregon City, OR 97045,
Clackamas County Map 3-2E-06BC, TL 1801
1012 Woodlawn Ave., Oregon City, OR 97045,
Clackamas County Map 3-2E-06BC, TL 3100
1033 Woodlawn Ave., Oregon City, OR 97045,
Clackamas County Map 3-2E-06BC, TL 1700
1019 Woodlawn Ave., Oregon City, OR 97045,
Clackamas County Map 3-2E-06BC, TL 1800
No Address, Oregon City, OR 97045,
Clackamas County Map 3-2E-06BC, TL 1601

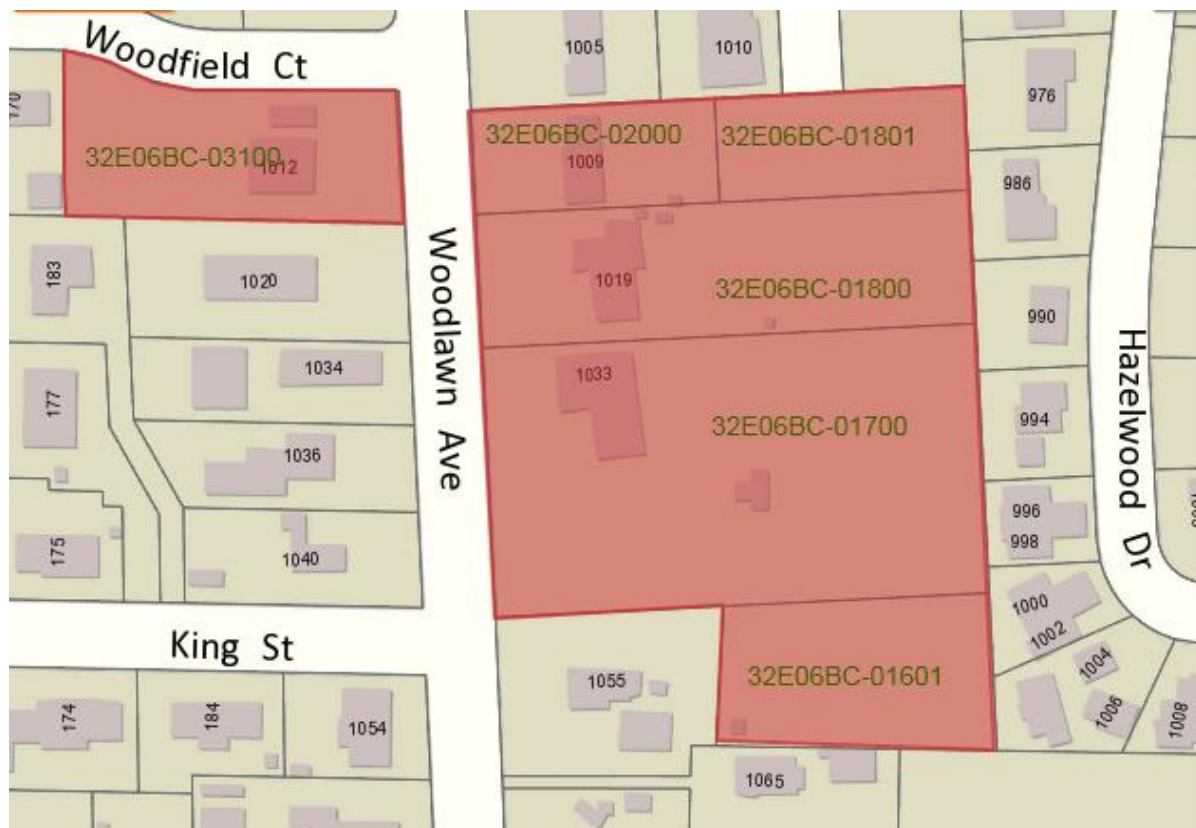
STAFF: Laura Terway, AICP, Planner
Todd Martinez and Gordon Munro, Development Services

RECOMMENDATION: Staff recommends the Planning Commission recommend approval of Planning file ZC 13-02 to the City Commission for its consideration at the May 7th, 2014 hearing.

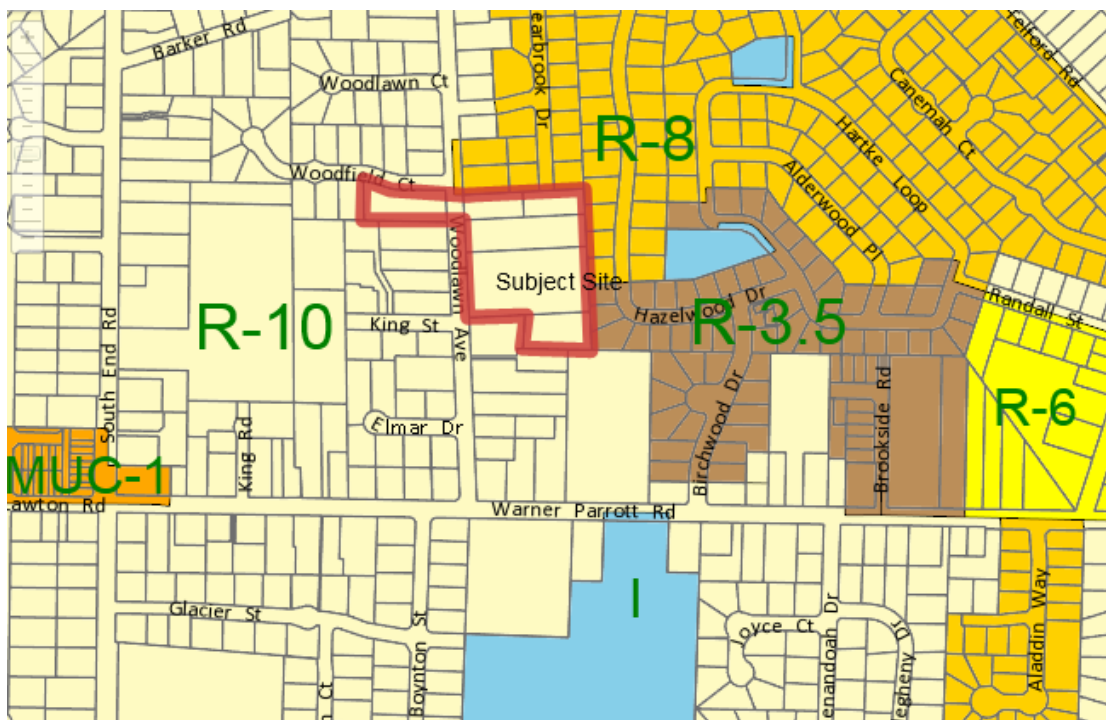
Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and must be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final. IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

I. BACKGROUND AND PROPOSED DEVELOPMENT:

The applicant's application previously sought approval for a Zone Change from "R-10" Single-Family Dwelling District to "R-6" Single-Family Dwelling District for the property located on Woodlawn Avenue and identified as Clackamas County Map 3-2E-06BC, TL 2000, 1801, 3100, 1700, 1800, and 1601 (Exhibits 1 and 2, and referred to collectively as the "subject property"). The applicant has revised the application with a request for a Zone Change from "R-10" Single-Family Dwelling District to "R-8" Single-Family Dwelling District. This application has been before the Planning Commission on January 13, 2014 and January 27, 2014. The application does not propose further development of the site at this time. Future development will require additional review by the Planning Division.



Surrounding Uses: As demonstrated below, the site is surrounded by a variety of zoning designations, including “R-10” Single-Family Dwelling District, “R-8” Single-Family Dwelling District, and “R-3.5” Dwelling District.



II. DECISION-MAKING CRITERIA:

Oregon City Municipal Code Standards and Requirements

Title 17: Zoning:

Chapter 17.08, R-10 Single Family Dwelling District
 Chapter 17.10, R-8 Single Family Dwelling District
 Chapter 17.50, Administration and Procedures
 Chapter 17.68, Zone Changes and Amendments

III. COMPLIANCE WITH APPROVAL CRITERIA

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

Finding: Complies as Proposed. Notice of the public hearings for this proposal was mailed to property owners within 300 feet of the subject property. The notice was advertised in the Clackamas Review, Oregon City News and Estacada News and the site was posted with land use notification signs. The notice requested comments and indicated that interested parties could testify at the public hearing or submit written comments prior to or at the hearing. The application was transmitted to the City Engineer, Development Services Manager, Clackamas County Fire Department, the neighborhood association, the Citizen Involvement Council and the City's transportation consultant for comment.

Comments from John Replinger, the City's transportation consultant with Replinger and Associates, have been incorporated into this staff report (Exhibit 3).

Laura Terway, Planner with the City of Oregon City sent an email responding to an in person query (Exhibit 5).

Public comments received at previous hearings are provided in Exhibit 6.

No other comments were received regarding this application prior to February 24, 2014. Any comments received after February 24, 2014 will be forwarded to the Planning Commission at the next hearing.

CHAPTER 17.68.020 ZONE CHANGES AND AMENDMENTS

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

Goal 1: Citizen Involvement

Goal 1.2: Ensure that citizens, neighborhood groups and affected property owners are involved in all phases of the comprehensive planning program.

Finding: Complies as Proposed. Chapter 17.50 of the Oregon City Municipal Code includes provisions to ensure that citizens, neighborhood groups, and affected property owners have ample opportunity for participation in zone change applications. The Applicant met with a neighborhood association prior to submitting this application. Once the application was deemed complete, the City noticed the application to properties within 300 feet, the neighborhood association, Citizens Involvement Council, posted notice in the paper and posted the application on the City's website. Signs were also posted on the subject property. All interested persons have the opportunity to comment in writing or in person through the public hearing process. By following the above process, the requirements of this policy are met.

Goal 2: Land Use

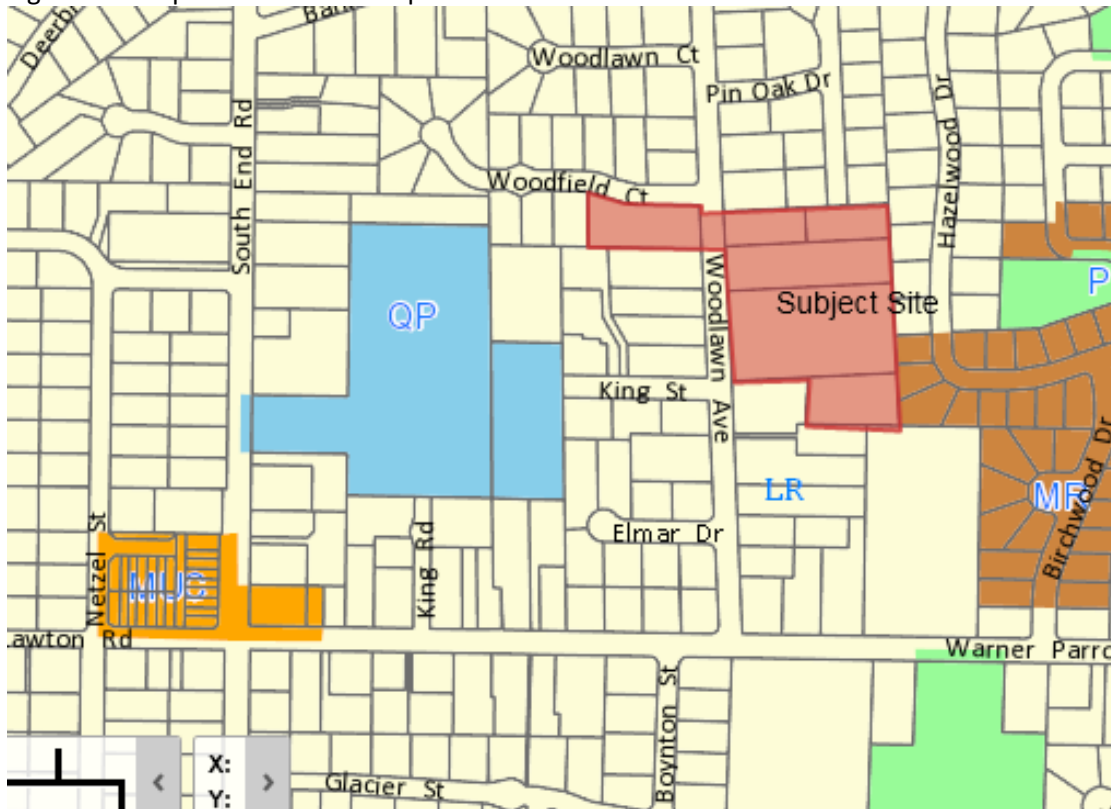
Goal 2.1: Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Finding: Complies as Proposed. The applicant requested a zone change from “R-10” Single-Family Dwelling District to the “R-8” Single-Family Dwelling District. The zone change would allow additional dwellings to be constructed in the future and the property to be utilized in an efficient manner, consistent with the adjacent properties. This standard has been met.

Goal 2.7: Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

Finding: Complies as Proposed. The Oregon City Comprehensive Plan designates the subject property as within the “LR” Low Density Residential Development designation which includes the following zoning designations: R-10, R-8 and R-6 Single-Family Dwelling Districts. The applicant proposed to retain the Comprehensive Plan designation and change the zoning from R-10 to R-8. The zone change remains compliant with the Comprehensive Plan designation of the site. As shown in Figure 1 below, the subject property is primarily surrounded by other properties within the Low Density Residential Comprehensive Plan Designation with the exception of Medium Density Residential directly adjacent to the east of the site.

Figure 1: Comprehensive Plan Map



Goal (5) Natural Resources

Policy 5.4.4: Consider natural resources and their contribution to quality of life as a key community value when planning, evaluating and assessing costs of City actions.

Finding: Complies as Proposed. This policy is implemented by the application of the Natural Resources Overlay District (NROD). The subject property is not located within the NROD boundary.

Goal 6: Quality of Air, Water and Land Resources

Goal 6.1.1: Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

Finding: Complies as Proposed. The proposed R-8 zoning designation will allow approximately 5 more single-family dwellings on the same land than allowed under the R-10 zoning designation and will create a more compact land use pattern, as well as reduction in the square footage of paved street and sidewalk per dwelling. If development occurs on the subject property, construction of a street and associated sidewalk would be required, allowing easier travel around the subject site and surrounding areas. This standard has been met.

Goal 10: Housing

Goal 10.1.3: Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Finding: Complies as Proposed. The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan. As demonstrated below, only 25% of the residentially zoned property within the City is within the R-8 Single Family Dwelling District, with more than 38% of the residentially zoned land in a lower density zoning designation. The increased density allowed by the R-8 zoning, as compared with the existing R-10 district will provide for approximately 5 more single-family homes on this site, thereby increasing the availability of more choices in the marketplace. This standard has been met.

Zoning Designation	Acres (Non River)	Percentage of Total Residential Land
R-10	1,593.20	38%
R-8	1,058.00	25%
R-6	871.3	21%
R-5	0	0%
R-3.5	424.1	10%
R-2	262.2	6%
Total	4,208.80	100%

Goal 11: Public Facilities

Goal 11.1: Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.

Finding: Complies with Condition. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-8 zoning.

Sanitary sewer is available from an existing 8-inch line that is installed in Clearbrook Drive and Woodlawn Ave. Sanitary sewer may be extended into the property. The City's sanitary sewer collection system discharges to the WES transmission main that eventually flows to the Tri-City Water Pollution Control Plant. The City has reviewed the sewer capacity and determined that the local sewer network is sufficient to provide adequate capacity to accommodate the Zone Change. Because the local sewer system flows into the WES system, the application was sent to Clackamas County for review. The County also determined there is sufficient capacity within the WES system to provide adequate capacity to accommodate the Zone Change. As both the City and County systems are sufficient to handle the increased demand on the sewer system that could result from future dwellings associated with the Zone Change.

Water service is available from an 8-inch City line in Clearbrook Drive and Woodlawn Avenue, and a 4-inch line on Woodfield Ct. Water service may be extended into the property, and the 4-inch pipe may be up-sized.

Storm water service is provided by a 12-inch pipe on Clearbrook Drive, which also has underground detention. Storm water detention and treatment is often provided within each development and the size of the site appears large enough to construct storm water facilities.

Oregon City Public Schools provide education services and has adequate levels of service available to serve eventual development of the site under an R-8 zoning designation. Police and fire protection are provided by the City of Oregon City. In addition, future dwellings will mitigate the impact of development with payment of water, sanitary sewer, stormwater, transportation, bicycle/pedestrian, and park system development charges.

Policy 11.1.4: Support development of underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning and comprehensive plan goals.

Finding: Complies as Proposed. All public facilities necessary to serve this project are available at adequate levels to meet the proposed R-8 zoning. The proposed zone change will maintain the basic land use for this site as Low Density Residential, consistent with the Oregon City Comprehensive Plan.

Goal 12: Transportation

Goal 12.6: Develop and maintain a transportation system that has enough capacity to meet users' needs.

Finding: Complies as Proposed. A Traffic Analysis Letter (TAL) was prepared by Frank Charbonneau of Charbonneau Engineering, Inc., dated September 19, 2013 (Exhibit 2). The TAL concluded a maximum estimate for dwelling units and associated transportation impacts as:

Scenario	Dwelling Units	AM Peak Trips	PM Peak Trips
R-10	11	8	11
R-8	16	12	16
R-6	25	19	25

The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the proposed rezoning can be assessed. The effect of rezoning on the transportation system will be minimal. A subsequent TAL will be required to address all site-specific issues relating to a subdivision or other land use action. The need for a subsequent TAL is recognized in the document submitted in connection with the proposed zone change." (Exhibit 3).

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed in the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.

Finding: Complies with Condition. The additional demand on the public facilities from the proposed zone change will be minimal. All the services are available and adequate to meet the needs of this property when developed to levels allowed by the R-6 zoning district.

The City's sanitary sewer collection system discharges to the WES transmission main that eventually flows to the Tri-City Water Pollution Control Plant. The City has reviewed the sewer capacity and determined that the local sewer network is sufficient to provide adequate capacity to accommodate the

Zone Change. Because the local sewer system flows into the WES system, the application was sent to Clackamas County for review. The County also determined there is sufficient capacity within the WES system to provide adequate capacity to accommodate the Zone Change. As both the City and County systems are sufficient to handle the increased demand on the sewer system that could result from future dwellings associated with the Zone Change.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Finding: Complies as Proposed. A Traffic Analysis Letter (TAL) was prepared by Frank Charbonneau of Charbonneau Engineering, Inc., dated September 19, 2013 (Exhibit 2). The TAL was reviewed by John Replinger of Replinger and Associates, a City transportation consultant, who concluded: "I find that the TAL meets city requirements and provides an adequate basis upon which impacts of the proposed rezoning can be assessed. The effect of rezoning on the transportation system will be minimal. A subsequent TAL will be required to address all site-specific issues relating to a subdivision or other land use action. The need for a subsequent TAL is recognized in the document submitted in connection with the proposed zone change." (Exhibit 3).

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: Not Applicable. The Comprehensive Plan contains specific policies and provisions which control the zone change.

CHAPTER 17.10 "R-8" SINGLE-FAMILY DWELLING DISTRICT

17.10.040 Dimensional standards.

Dimensional Standards in the R-8 District are:

A. Minimum lot areas, eight thousand square feet;

B. Minimum lot width, sixty feet;

C. Minimum lot depth, seventy-five feet;

D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

E. Minimum Required Setbacks:

1. Front yard fifteen feet minimum setback;

2. Front porch, ten feet minimum setback;

2. Attached and detached garage, twenty feet minimum setback from the public right-of-way where access is taken, except for alleys. Detached garages on an alley shall be setback a minimum of five feet in residential areas;

3. Interior side yard, nine feet minimum setback for at least one side yard, seven feet minimum setback for the other side yard;

4. Corner side yard, fifteen feet minimum setback;

5. Rear yard, twenty feet minimum setback;

6. Rear porch, fifteen feet minimum setback.

F. Garage Standards: See Chapter 17.20—Residential Design and Landscaping Standards.

G. Maximum Lot Coverage: The footprint of all structures two hundred square feet or greater shall cover a maximum of forty percent of the lot area.

Finding: Not Applicable. The applicant has not proposed any development with the Zone Change application. Future development will be reviewed for compliance with the dimensional standards of the zoning designation upon submission of permits.

CHAPTER 17.41 TREE PROTECTION STANDARDS

Finding: Not Applicable. As identified in OCMC 17.41.020, this chapter is not applicable for Zone Change applications.

CHAPTER 12.04 STREETS, SIDEWALKS AND PUBLIC PLACES

Finding: Not Applicable. As identified in OCMC 12.04.003, this chapter is not applicable for Zone Change applications.

CHAPTER 12.08 PUBLIC AND STREET TREES

Finding: Not Applicable. This chapter is not applicable for Zone Change applications.

IV. CONCLUSION AND RECOMMENDATION:

In conclusion, the proposed zone change located at Clackamas County Map 3-2E-06BC, TL 2000, 1801, 3100, 1700, 1800, and 1601 can meet the approval standards outlined in this Staff Report, subject to the Applicant's proposal. Therefore, the Community Development Director recommends approval of the application.

V. EXHIBITS

The following exhibits are attached to this staff report.

1. Vicinity Map
2. Applicant's Submittal
 - a. Revised Submittal
 - b. Original Staff Report and Applicant's Submittal
3. Comments from John Replinger of Replinger and Associates
4. Approved Survey for Planning File LL 99-06
5. Email from Laura Terway, AICP dated 12/3/2013
6. Public Comments Received Previous Hearings