

**ORDINANCE NO. 96-1019**

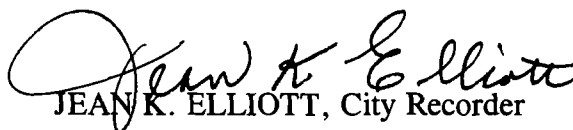
**AN ORDINANCE AMENDING CHAPTER 17.06.030, OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE OF 1991, BY CHANGING CERTAIN DISTRICTS**

**OREGON CITY ORDAINS AS FOLLOWS:**

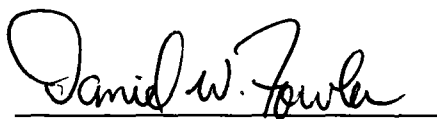
WHEREAS, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the Oregon City Planning Commission and approved by it after public notice and hearing as required by Chapter 17.50 of the 1991 City Code, and the City Commission after public notice and hearing finding that the following described property can suitably be utilized for uses incident to a "R-8", Single-Family Dwelling District, for which there is a need in this area, and that such zoning is compatible with the neighborhood development and the Comprehensive Plan of Oregon City, the findings and conclusions attached as Exhibit "A" and depicted in Exhibit "B", adopted as the findings of the Commission and the following described property to wit:

Tax Lots 1500, 1600, 1800, <sup>1900</sup>2200, <sup>2203</sup>2205, 2206 and ~~2207~~, Clackamas County Assessor Map 3-2E-7B, zoning designation is hereby changed from FU-10, Future Urban, 10-Acre Minimum to "R-8", Single-Family Dwelling District.

Read first time at a regular meeting of the City Commission held on the 18th day of September, 1996, and the foregoing ordinance was finally enacted by the City Commission this 18th day of September, 1996.

  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 18th day of September, 1996.

  
DANIEL W. FOWLER, Mayor

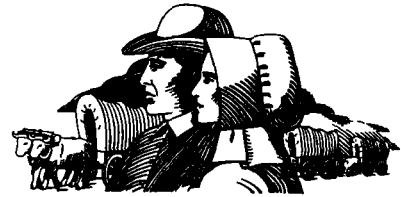
ORDINANCE NO. 96-1019

Effective Date: October 18, 1996

# CITY OF OREGON CITY

## FINDINGS AND CONCLUSIONS

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



### EXHIBIT "A"

**SUBJECT:** **ZONE CHANGE FOR ANNEXED PROPERTY**  
*19303,* **19331 AND 19363 PEASE ROAD AND 19090 AND**  
**19142 CENTRAL POINT ROAD. LOCATED BETWEEN S.**  
**CENTRAL POINT AND PEASE ROADS AND BETWEEN**  
**LELAND AND S. MCCORD ROADS.**

**FILE NO:** **ZC96-13**

**ORDINANCE NO:** **96-1019**

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

1. **Regarding consistency with the Comprehensive Plan Goals and Policies.**  
The annexation is consistent and supportive of the Comprehensive Plan policy G-7(1) as listed below:

##### Growth and Urbanization -

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

The Dual Interest Area Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities within the Urban Growth Boundary. This agreement also specifies that the City has the primary responsibility for the plan designation, i.e., the Urban Growth Boundary after annexation.

2. **Regarding compatibility with the general land use pattern in the area established by the Comprehensive Plan.** The general land use pattern, as identified on the Comprehensive Plan Map, is Low Density Residential. The "R-8" or "R-10" Single Family Residential designation is recommended because it supports a low density land use pattern.

3. **Regarding compatibility with the surrounding lotting pattern.** The lotting pattern in the developed area is generally 8,000 to 10,000 square foot lots with zones of "R-8" and "R-10", Single Family Residential. These lots are located across the street from lands that have developed out at "R-8" density and the remaining county development pattern now zoned as "R-10". Therefore, to be consistent with the lotting in the surrounding area, a "R-10" or "R-8" Single-Family Dwelling District is recommended.
4. **Regarding the character of the surrounding area.** The character of the surrounding area is single family residential

### **CONCLUSION:**

The request for the rezone of this property from county to city residential zoning of R-6, 8, or 10 is consistent with the adopted policies and procedures of the city.

### **RECOMMENDATION:**

The Planning Commission recommends to the City Commission the approval of ZC96-13 which rezones 18.23 acres of land identified as 32 E Section 7B Tax Lots 1500, 1600, 1800, 1900, 2200, 2205, 2206, and 2203, Clackamas County, from "FU-10" to:

Option A: "R-8", Single-Family Dwelling District.

Option B: "R-10", Single-Family Dwelling District.

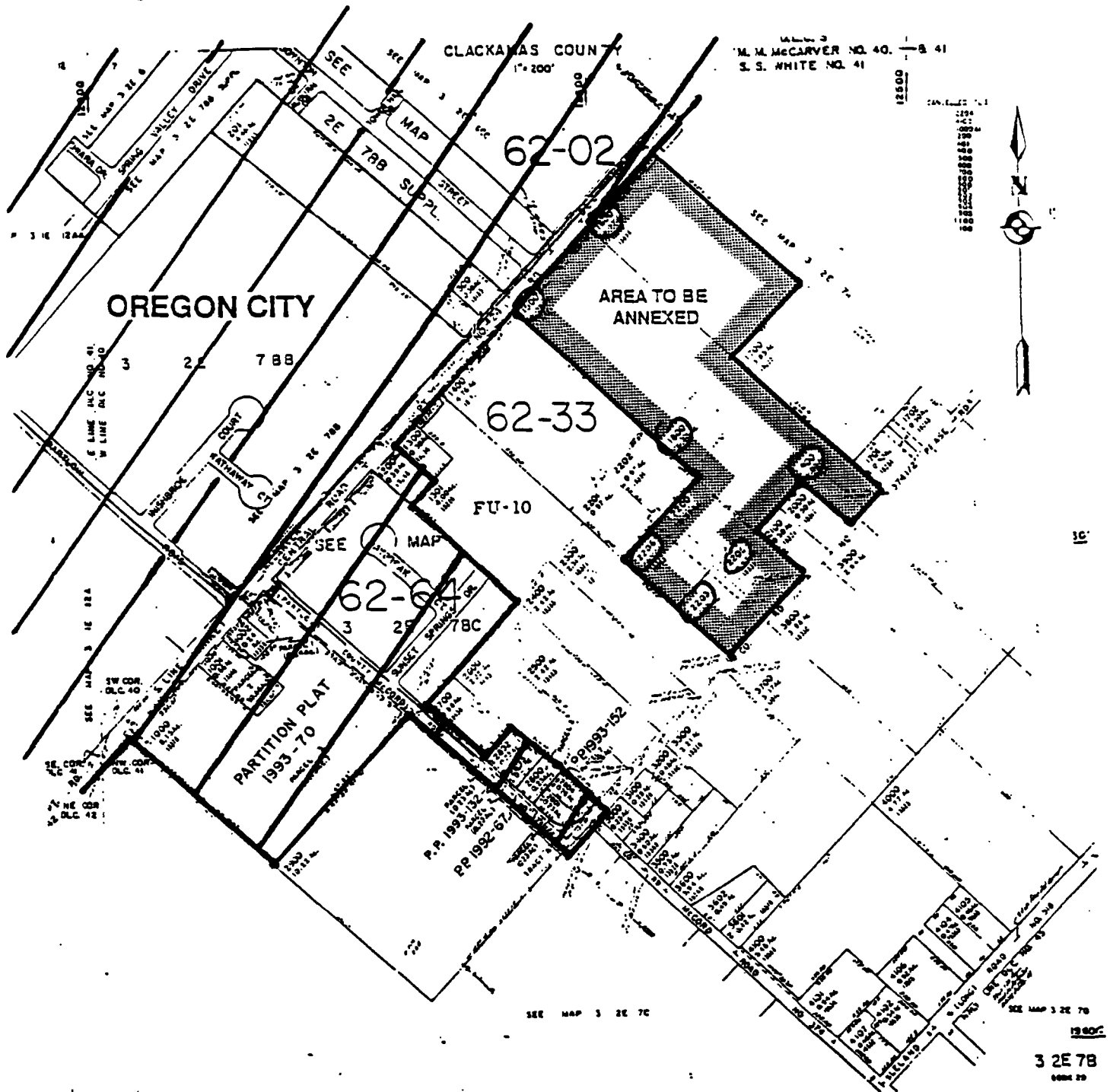
# PROPOSAL NO. 3610

NW1/4 SECTION 7 T3S R2E W.M.  
Clackamas County

3 2E 7B

Scale: 1" = 500'

## EXHIBIT "B"

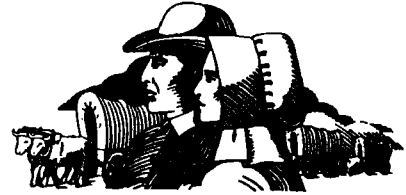


PROPOSAL NO. 3610  
CITY OF OREGON CITY  
ANNEXATION  
FIGURE 2

# CITY OF OREGON CITY

## CITY COMMISSION

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



### Findings of the Planning Commission August 27, 1996

Complete: N/A  
120 Day: N/A

**FILE NO.:** ZC96-13

**HEARING DATE:** Tuesday, August 27, 1996  
7:00 p.m., City Hall  
320 Warner-Milne Road  
Oregon City, Oregon 97045

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

**PROPERTY OWNERS:**

Lawrence and Veronica Clay 19363 Pease Road Oregon City, Or. 97045	Donald and Shar Olson 19090 S. Central Pt. Road Oregon City, Or. 97045
Barbara Erlich 19142 S. Central Pt. Rd. Oregon City, Or. 97045	Martin and Patricia Nemecek 19331 S. Pease Rd. Oregon City, Or. 97045
Peter and Matilda Pongraz-Bartha 19303 S. Pease Rd. Oregon City, Or. 97045	<i>Represented By Sheldon Homes</i>

**REQUEST:** Convert the zoning on 18.23 acres from County "FU-10", Future Urban 10-acre minimum to "R-10", "R-8", "R-6", Single-Family Dwelling District

**LOCATION:** A consolidation of properties located at 19331 and 19363 Pease Road and 19090 and 19142 S. Central Point Road. Located between S. Central Point and Pease Roads and Leland and S. McCord Roads. The property is identified as 32E Section 7B Tax Lots 1500, 1600, 1800, 1900, 2200, 2205, 2206 and 2203, Clackamas County.

**REVIEWER:** Tamara DeRidder, Planning Manager

**EXHIBITS:**

1. Staff Report
2. Location

**CRITERIA:** The criteria for processing for zoning annexed areas as set forth in Section 17.06.050 of the Zoning Code and Section G-7 of the Comprehensive Plan.

**Zoning of Annexed Areas.** Zoning classifications shall reflect the city land use classification as illustrated in "Table A" of Section 17.06.050 as follows:

Plan Designation:

City Zone:

Low Density Residential

"R-10", "R-8", "R-6"

Section 17.06.050 states that lands designated Low Density Residential may receive a designation consistent with Table A. The Hearings Body shall review the proposed zoning designation and consider the following factors:

1. Any applicable Comprehensive Plan Goals and Policies of the Dual Interest Area Agreement.
2. Lotting patterns in the immediate surrounding area.
3. Character of the surrounding area. If the land is constrained by steep slopes or other natural features (wetlands, vegetation, etc.) - Then "R-10" shall be designated.

**Comprehensive Plan Goals and Policies.** Growth and Urbanization Policy No. 5 and 6 of the Oregon City Comprehensive Plan States:

5. "Urban development proposals on land annexed to the City from Clackamas County shall be consistent with the land use classification and zoning approved in the City's Comprehensive Plan. Lands that have been annexed shall be reviewed and approved by the City as outlined in this section".
6. "The rezoning of land annexed to the City from Clackamas County shall be processed under the regulations, notification requirements, and hearing procedures used for all zone change requests, except in those cases where only a single City zoning designation corresponds to the Comprehensive Plan designation and thus the rezoning does not require the exercise of legal or policy judgment on the part of the decision-maker. The proposal shall address the following:
  - (1) Consistent and supportive of the Comprehensive Plan Goals and Policies;
  - (2) Compatible with the general land use pattern in the area established by the Comprehensive Plan.

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

## **BASIC FACTS:**

1. The property contains a gentle slope to the south and contains five (5) single-family dwellings, one manufactured home, one trailer and several out buildings on the site. The site contains groves of trees, grass and plantings. The total acreage is 18.23 acres. The property is identified as 32 E Section 7B Tax Lots 1500, 1600, 1800, 1900, 2200, 2205, 2206, and 2703, Clackamas County.
2. The property is currently zoned "FU-10", Future Urban 10-acre minimum. The Comprehensive Plan designation is LR, Low Density Residential.
3. The property is surrounded on three sides by property zoned county FU-10 which have the Comprehensive Plan density of Low Density Residential. The consolidation of properties abut both Central Point Road and Pease Road. The area south of Pease Road remains in the County but is inside the Urban Growth Boundary. The area on the north side of Central Point Road is zoned R-10 and R-8. The areas zoned R-8 have developed out as the Chaira and Highland Meadows Subdivisions.
4. The property was annexed in June, 1996, and was initiated by the property owner to obtain city services to facilitate development.
5. Transmittals were sent to various City departments and agencies. The comments were returned with no conflicts.

## **ANALYSIS AND FINDINGS:**

1. **Regarding consistency with the Comprehensive Plan Goals and Policies.** The annexation is consistent and supportive of the Comprehensive Plan policy G-7(1) as listed below:

### Growth and Urbanization -

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

The Dual Interest Area Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities within the Urban Growth Boundary. This agreement also specifies that the City has the primary responsibility for the plan designation, i.e., the Urban Growth Boundary after annexation.

2. **Regarding compatibility with the general land use pattern in the area established by the Comprehensive Plan.** The general land use pattern, as identified on the Comprehensive Plan Map, is Low Density Residential. The "R-8" or "R-10" Single Family Residential designation are recommended because they support a moderate and low density land use pattern.

Sheldon; ZC96-13  
August 27, 1996

3. **Regarding compatibility with the surrounding lotting pattern.** The lotting pattern in the developed area is generally 8,000 to 10,000 square foot lots with zones of "R-8" and "R-10", Single Family Residential. These lots are located across the street from lands that have developed out at "R-8" density and the remaining county development pattern now zoned as "R-10". Therefore, to be consistent with the lotting in the surrounding area, a "R-10" or "R-8" Single-Family Dwelling District is recommended.
4. **Regarding the character of the surrounding area.** The character of the surrounding area is single family residential

#### **CONCLUSION:**

The request for the rezone of this property from county to city residential zoning of R-6, 8, or 10 is consistent with the adopted policies and procedures of the city.

#### **RECOMMENDATION:**

The Planning Commission recommends to the City Commission the approval of ZC96-13 which rezones 18.23 acres of land identified as 32 E Section 7B Tax Lots 1500, 1600, 1800, 1900, 2200, 2205, 2206, and 2203, Clackamas County, from "FU-10" to:

Option A: "R-8", Single-Family Dwelling District.

Option B: "R-10", Single-Family Dwelling District.



MAP

7 BB

File: ZC96-13

Exhibit 2

LOCATION

"R-10"

"R-8"

SEE

B - TL  
100  
200

200 1300  
3.39 Ac. 10.39 Ac.  
19246 19236

1301  
4.00 Ac.  
19226

FU-10

"FU-10"

6-2-33

Subject Site

2400  
2.42 Ac.  
19385

2300  
2.31 Ac.  
19371  
19375  
19367

2201  
0.97 Ac.  
19351

2202  
0.97 Ac.  
19351

1800  
3.33 Ac.  
19372

1700  
3.85 Ac.  
19235

700  
2.26 Ac.  
19199

800  
2.12  
1917

2206  
0.97 Ac.  
19363

2200  
0.98 Ac.  
19363

2203  
0.95 Ac.  
19331

2205  
0.97 Ac.  
19331

2100  
0.50 Ac.  
19321

2000  
0.50 Ac.  
19317

1900  
1.00 Ac.  
19303

1701  
0.50 Ac.  
19251

3300  
2.21 Ac.  
19370

3700  
3.17 Ac.  
19340

3800  
3.88 Ac.  
19330

3900  
2.64 Ac.

"FU-10"

2201  
0.87 Ac.  
19280

2200  
3.98 Ac.  
19260

2100  
1.94 Ac.  
19240  
19235

2001 2000  
2.34 Ac. 2.27 Ac.  
19186 19186  
PAR. 2 PAR. 1

(PARTFLOW) ROAD

CO. RD. Pease Road NO. 374

Central Point Road

STREET

DRIVE

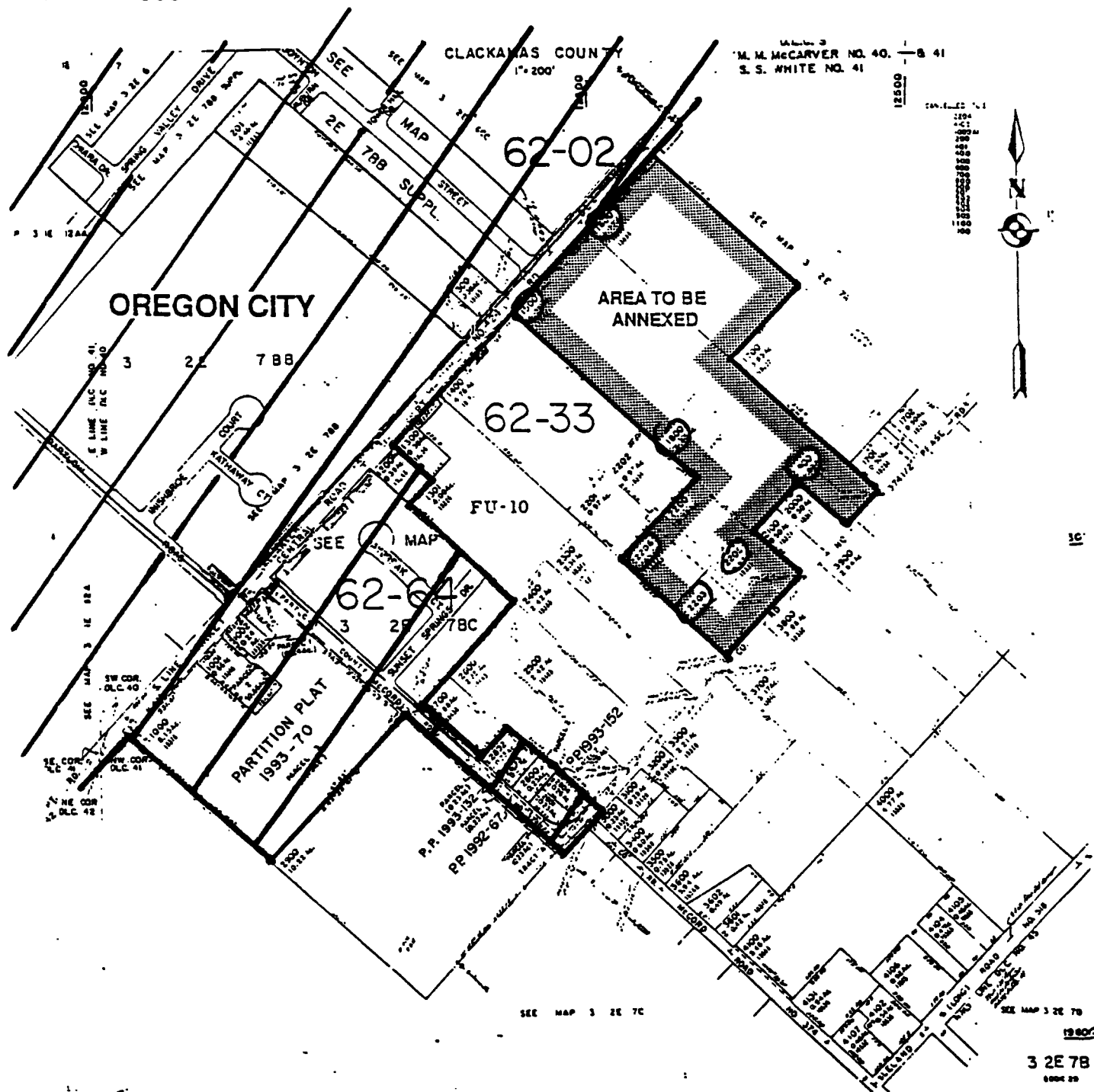
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# PROPOSAL NO. 3610

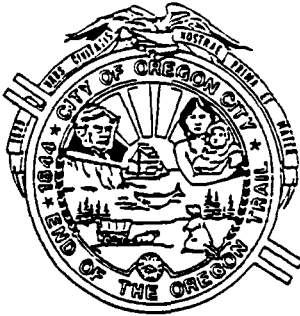
NW1/4 SECTION 7 T3S R2E W.M.  
Clackamas County

3 2E 7B

Scale: 1" = 500'



PROPOSAL NO. 3610  
CITY OF OREGON CITY  
ANNEXATION  
FIGURE 2



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

September 18, 1996

1 of 1

Page

Subject:

Report No. 96-108

19303

Zone Change for Annexed Property

19331 and 19363 Pease Road and 19090 and 19142 S. Central Point Road. Located between S. Central Point and Pease Roads and between Leland and S. McCord Roads.

If Approved, Proposed Ordinance No. 96-1019

An Ordinance Amending Chapter 17.06.030, Official Zoning Map of the City of Oregon City Municipal Code, 1991 by Changing Certain Districts

The Portland Metropolitan Boundary Commission approved the annexation of 18.23 acres of land located between S. Central Point Road and Pease Road and between Leland and S. McCord Roads. The annexation was requested by the property owners to allow for future development and extension of public facilities.

On August 27, 1996, the Planning Commission held a public hearing on File No. ZC96-13, to change the zoning from "FU-10", Future Urban 10 acre minimum, to City zoning. The proposed zoning designation for the property is based on the Comprehensive Plan Classification of LR, Low Density Residential. The three (3) City zones are "R-10", "R-8", and "R-6", Single-Family Dwelling District.

It was recommended, by the Planning Commission, that the property be rezoned "R-8", Single-Family Dwelling District. Attached for Commission review are the following documents.

1. Planning Commission minutes from August 27, 1996;
2. Findings of the Planning Commission;
3. Public Notice and map of the property;
4. Proposed Ordinance No. 96-1019.

It is recommended that the Commission approve the recommendation of the Planning Commission. Notice of proposed Ordinance No. 96-1019 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and at the Municipal Elevator, 300 Seventh Street, by direction of the City Recorder. It is recommended that the first and second readings be approved for final enactment to become effective October 18, 1996.

CHARLES LEESON  
City Manager


cc - Community Development Director  
- Planning Manager; - Principal Planner  
- Property owners (9)

**Excerpt of the August 27, 1996 Planning Commission minutes.**

**File No. ZC96-10, Zone Change for annexed properties City of Oregon City, 19675 S. Beaver Creek Road. *Administrative Decision for zone changes of annexed properties to Campus Industrial.***

Tamara DeRidder explained that this property was recently annexed into the City as Campus Industrial. There is no public hearing needed on the decision. Under the Municipal Code it is a Administrative decision.

It was the consensus of the Commission that there was an error made in notifying the public for a public hearing that does not need to take place.



**File No. ZC96-13, Zone Change for annexed properties City of Oregon City, Maps 3-2E-7B tax lots 2206 & 2203; 3-2E-7B tax lot 1500; 3-2E-7B tax lots 2200 & 2205; 3-2E-7B tax lot 1600; 3-2E-7B tax lots 1800 & 1900.**

Chairman Bean Hall opened the hearing for a Zone Change on residential properties. He asked if there were any ex-parte contacts to declare. Commissioner Johnson declared ex-parte contact. Sheldon Homes is the developer representing the property owners in this Application. He is a long-time client. She is not specifically involved in this matter, but will claim ex-parte contact now so it is not contested in the future. Commissioner Shirley, Commissioner Hall, and Chair Bean reported that they had visited the site. There were no other ex-parte contacts or conflicts of interest declared.

Tamara DeRidder reviewed the Staff Report with the Commission. Correction was made on "FU-10" is future urban, 10 acres. Staff recommends approval of Option A, 8,000 sq.ft. or Option B, 10,000 sq.ft.

Jeff Osler, Sheldon Development, stated that he had corrections to outline. Tax Lot 2703 should be Tax Lot 2203, the owners are the Clays. Also, Tax Lot 1900 and 1800 do not show the property owners Peter and Matilda Pomgracz. The site location is 19303 SE Pierce Road.

Sheldon Homes is requesting R-8 designation. It is consistent with properties around the subject site.

Staff was asked if the public notice reflected the correct property numbers and property owners. Attorney Kearns stated that the notice list appears to be complete with tax lot numbers and property owners. It was published correctly.

It was moved by Jim Hall, seconded by Johnson, to approve the zone change, File No. ZC96-13, to R-8. This is in compliance with the City's Comprehensive Plan in reference to urban development and is in compliance with the UGMA, Metro, and surrounding properties that were annexed and developed. Roll Call: Shirley, Aye; Hall, Aye; Johnson, Abstained; Chair Bean, Aye. MOTION CARRIED 3-0 with one abstention.