

ORDINANCE NO. 90-1053

AN ORDINANCE AMENDING TITLE XI: CHAPTER 2, SECTION 3, OF THE 1963 CITY CODE, ZONING: OFFICIAL ZONING MAP OF OREGON CITY, 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 City Planning Commission and approved by it after public notice and hearing as required by Title XI: Chapter 13, of the 1963 City Code, and the City Commission after public notice and hearing finding that the following described properties which were annexed to Oregon City on July 1, 1990 are hereby changed as follows:

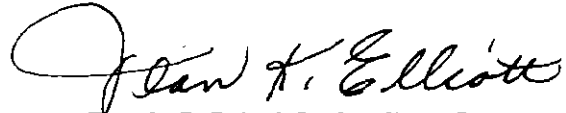
Properties in the vicinity of Redland Road and Anchor Way (Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC, and Tax Lot 800 on Map 2-2E-29DB) as defined in the Portland Metropolitan Area Local Government Boundary Commission Final Order No. 2715 and described in attached Exhibit "A".

The properties are hereby changed as follows:

1. Tax Lot 800 on Map 2-2E-29DB is changed from a Clackamas County Comprehensive Plan designation of General Industrial to an Oregon City Comprehensive Plan designation of "I" Industrial, and from a Clackamas County zoning designation of I-3 General Industrial to an Oregon City zoning designation of M-2 Heavy Industrial.
2. Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC are changed from a Clackamas County Comprehensive Plan designation of Low Density Residential to an Oregon City Comprehensive Plan designation of LR - Low Density Residential, and from a Clackamas County zoning designation of FU-10 Future Urban 10-Acre Minimum to an Oregon City zoning designation of R-10 Single-Family Residential.
3. All tax lots shall be designated FP - Flood Plain Overlay District; this designation shall apply to areas as shown on the Flood Insurance Rate Map (FIRM).
4. Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC shall be designated US - Unstable Slopes Overlay District; this designation shall apply to areas on the properties that exceed a slope of twenty-five percent (25%).


5. Tax Lot 1000 on Map 2-2E-29DC shall have an interim Historic Overlay zone, until December 31, 1991 or until hearings are held to determine whether the property should be designated as a local historic landmark, whichever date is sooner.

Read first time at a regular meeting of the City Commission held on the 17th day of October, 1990, and the foregoing ordinance was finally enacted by the City Commission this 17th day of October, 1990.



JEAN K. ELLIOTT, City Recorder

ATTESTED this 17th day of October, 1990.


DAVID D. SPEAR, Mayor

ORDINANCE NO. 90-1053

Effective Date: November 16, 1990.

EXHIBIT "A"

LEGAL DESCRIPTION
of
ANCHOR WAY ANNEXATION

1

A tract of land situated in the George Abernethy D.L.C. No. 58 and the Ezra Fischer D.L.C. No. 44 in the West half of the Southeast quarter of Section 29, Township 2 South, Range 2 East, of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

BEGINNING at the Northwest corner of the said Fischer D.L.C.; THENCE S. $81^{\circ} 15'$ E. along the North line of said Fischer D.L.C. a distance of 100 feet, more or less, to the Southwest corner of that certain tract of land conveyed to Robert J. Leonard by contract as recorded on April 20, 1989 under Recorder Fee No. 89-16583, Clackamas County Records; THENCE N. $7^{\circ} 26'$ W. along the West line of said Leonard tract a distance of 410 feet, more or less, to a point in the Southeasterly line of Abernethy Road (Market Road No. 20, a 60 foot right-of-way); THENCE N. $61^{\circ} 19'$ E. along the Southeasterly line of said Abernethy Road a distance of 195 feet, more or less, to an angle point; THENCE Easterly continuing along the Southeasterly line of said Abernethy Road a distance of 35 feet, more or less, to the intersection of the Southeasterly line of said Abernethy Road and the Westerly line of Redland Road (Market Road No. 20, a 60 foot right-of-way); THENCE S. $27^{\circ} 47'$ E. along the Westerly line of said Redland Road a distance of 488 feet, more or less, to the intersection with the Southwesterly extension of the Northwesterly line of that certain tract of land conveyed to Lynn Depperman by deed as recorded on June 25, 1968, under Recorder Fee No. 68-11973, Clackamas County Records; THENCE Northeast along said extension a distance of 60 feet, more or less, to a point on the Northeasterly line of said Redland Road; THENCE Southeasterly along the Northeasterly line of said Redland Road a distance of 550 feet, more or less, to the intersection of the Northeasterly extension of the Southeasterly line of Oglesby Road (County Road No. 879, AKA South Anchor Way, a 60 foot right-of-way); THENCE Southwesterly along the Southeasterly line of said Oglesby Road a distance of 790 feet, more or less, to an angle point; THENCE continuing Southwesterly along said southeasterly line a distance of 410 feet, more or less, to a point on the West line of said Fischer D.L.C. No. 44; THENCE North along the West line of said Fischer D.L.C. No. 44 a distance of 1130 feet, more or less, to the **POINT OF BEGINNING**.



CITY OF OREGON CITY
INCORPORATED 1844

COMMISSION REPORT

3
FOR AGENDA
DATED
October 17, 1990

1 2
Page ____ of ____

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Comprehensive Plan Amendments and
Zone Changes - Properties Annexed in
July 1990 - Vicinity of Redland Road and
Anchor Way - Public Hearing

Report No. 90-250

If Approved, Proposed Ordinance No. 90-1053,
An Ordinance Amending Title XI: Chapter 2, Section
3 of the 1963 City Code, Zoning: Official Zoning Map
of Oregon City, by Changing Certain Districts

In July 1990, the Portland Metropolitan Area Local Government Boundary Commission approved the annexation of several properties in the vicinity of Abernethy Road, Highway 213 and Washington Streets. The properties are shown on the attached map.

On September 25, 1990, the Planning Commission held a public hearing to consider Comprehensive Plan Amendments and Zone Changes for the annexed area to change designations from County to City. The Planning Commission's recommendation is as follows:

1. Tax Lot 800 on Map 2-2E-29DB is changed from a Clackamas County Comprehensive Plan designation of General Industrial to an Oregon City Comprehensive Plan designation of "I" Industrial, and from a Clackamas County zoning designation of I-3 General Industrial to an Oregon City zoning designation of M-2 Heavy Industrial.
2. Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC are changed from a Clackamas County Comprehensive Plan designation of Low Density Residential to an Oregon City Comprehensive Plan designation of LR - Low Density Residential, and from a Clackamas County zoning designation of FU-10 Future Urban 10-Acre Minimum to an Oregon City zoning designation of R-10 Single-Family Residential.
3. All tax lots shall be designated FP - Flood Plain Overlay District; this designation shall apply to areas as shown on the Flood Insurance Rate Map (FIRM).
4. Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC shall be designated US - Unstable Slopes Overlay District; this designation shall apply to areas on the properties that exceed a slope of twenty-five percent (25%).
5. Tax Lot 1000 on Map 2-2E-29DC shall have an interim Historic Overlay zone, until December 31, 1991 or until hearings are held to determine whether the property should be designated as a local historic landmark, whichever date is sooner.



CITY OF OREGON CITY
INCORPORATED 1844

FOR AGENDA
DATED
October 17, 1990

COMMISSION REPORT

2 2
Page ____ of ____

TO THE HONORABLE MAYOR AND COMMISSIONERS

Subject: Comprehensive Plan Amendments and Report No. 90-250
Zone Changes - Properties Annexed in
July 1990 - Vicinity of Redland Road and
Anchor Way - Public Hearing

If Approved, Proposed Ordinance No. 90-1053,
An Ordinance Amending Title XI: Chapter 2, Section
3 of the 1963 City Code, Zoning: Official Zoning Map
of Oregon City, by Changing Certain Districts

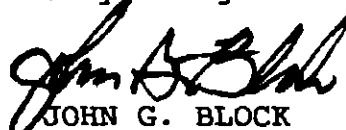
Please see the attached staff report for specifics on the annexed properties. Attached for Commission review are the following documents:

1. Proposed Ordinance No. 1053.
2. Planning Commission Minutes - September 25, 1990.
3. Staff Report.
4. Public Notice and map of the property.

If the Commission approves the plan amendments and zone changes, attached is Ordinance No. 90-1053, which will enact the changes.

Notice of proposed Ordinance No. 90-1053 has been posted at City Hall, 320 Warner Milne Road; Courthouse, 807 Main Street; and, Senior Center, 615 Fifth Street, by direction of the City Recorder. It is recommended that first reading be approved, second reading be called and approved for final enactment.

CHARLES LEESON
City Manager


JOHN G. BLOCK
Manager Pro-tem

attach.

cc: Development Services Director
Planning Division



CITY OF OREGON CITY

Incorporated 1844

STAFF REPORT OREGON CITY PLANNING COMMISSION SEPTEMBER 25, 1990

DEVELOPMENT SERVICES
DEPARTMENT
Planning, Building,
Engineering
320 Warner Milne Road
Oregon City, OR 97045
(503) 657-0895

FILE NO.: PZ90-09

HEARING DATE: Tuesday, September 25, 1990
7:00 PM
City Hall, 320 Warner Milne Road

APPLICANT: City of Oregon City, for properties annexed in
July 1990 as Boundary Commission Final Order No. 2715

PROPERTY OWNERS: Noel and Judy Cayo
PO Box 304
Oregon City, OR 97045

Stephen and Linda Gregg
6800 SE Overland
Milwaukie, OR 97222

South Fork Water Board
320 Warner Milne Road
Oregon City, OR 97045

Robert Leonard
(Tri-Lett Industries)
13530 S. Redland Road
Oregon City, OR 97045

REQUEST: A proposal to convert the plan and zoning designations on
the newly-annexed properties from County to City
designations

LOCATION: The annexed properties are in the vicinity of Redland Road
and Anchor Way - specifically, Tax Lots 700, 900, 1000 and
1890 on Map 2-2E-29DC; and Tax Lot 800 on Map 2-2E-
29DB

REVIEWER: Kate Daschel

CRITERIA:

The criteria and processing for zoning of annexed areas is set forth in Section 11-2-5 of the Zoning Ordinance. It states that all territory which is annexed to the City shall be classified according to the appropriate City land use designation that corresponds to the territory's designation on the Clackamas County Comprehensive Plan Map. It further states that the zoning classification shall reflect the City zone closest to the most appropriate County land use classification as illustrated in Table A. Table A reads as follows:

TABLE A

<u>County Land Use Classifications</u>	<u>City Land Use Classifications</u>	
Residential	Residential	City Zone
Low Density Residential	Low Density Residential	R-10,R-8,R-6
Medium Density Residential	Medium Density Residential	RD-4
High Density Residential	High Density Residential	RA-2
Special High Density	High Density Residential	RA-2
Commercial	Commercial	City Zone
General Commercial	General Commercial	C
Community Commercial	Limited Commercial	LOC,LON,CLC
Industrial	Industrial	City Zone
Campus Industrial	Industrial	M-1 (w/ special provisions)
Light Industrial	Industrial	M-1
Heavy Industrial	Industrial	M-2

Growth and Urbanization Policy No. 5 of the Oregon City Comprehensive Plan states "Urban development proposals on land annexed to the City from Clackamas County will be consistent with the land use classifications and zoning approved in the County's Comprehensive Plan."

The City/County Urban Growth Management Agreement states that "the parties recognize that their plans are "coordinated" and that a corresponding City plan and zoning designation exists for each County plan designation. Such a change upon annexation to corresponding designations is deemed by the parties to be a coordinated planning effort."

BASIC FACTS:

1. The properties are identified as Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC; and Tax Lot 800 on Map 2-2E-29DB. The properties include the following developments/improvements:

Noel and Judy Cayo (property owners): A single-family residence on Anchor Way, and a vacant tax lot.

Stephen and Linda Gregg (property owners): A single-family residence on a large (7.62 acre) parcel, fronting on Anchor Way and Redland Road.

South Fork Water Board (property owner): A vacant narrow parcel at the intersection of Redland Road and Anchor Way.

Robert Leonard (Tri-Lett Industries): A large industrial building and undeveloped land on approximately 4.42 acres at the intersection of Redland and Abernethy Roads.

2. The properties were annexed in July 1990. Three of the property owners requested annexation; the fourth was added to create a logical boundary.
3. The Clackamas County Plan Map shows two designations for the subject properties. The Cayo, Gregg and South Fork properties are designated Low Density Residential (FU-10 Future Urban 10-Acre zoning), and the Tri-Lett property is designated General Industrial and zoned I-3 General Industrial.
4. The County Plan Map also indicates that nearly all of the subject properties are in the Resource Protection boundary, due to slope and flood concerns. Abernethy Creek runs through three of the parcels. The Flood Insurance Rate Map (FIRM), which is published by the Federal Emergency Management Agency, indicates that all of the Tri-Lett property, all of the South Fork property, most of the Gregg property and portions of the Cayo property are within the 100-year flood plain.

5. A reconnaissance survey of the Urban Growth Boundary in 1983 indicated that the house on the Gregg property on Anchor Way may have some historic or architectural significance and should be studied further to determine if landmark designation is warranted.
6. Transmittals on the proposal were sent to various agencies. The only substantive comment was from Clackamas County, who noted that although plan/zone designations will be consistent with the County plan, they recognize that these may be interim designations, pending adoption and implementation of the Oregon Trail Master Plan.

FINDINGS AND ANALYSIS:

1. As noted in "Basic Facts", the Cayo, Gregg and South Fork properties are designated Low Density Residential on the County Plan Map. Adjacent low density residential lands to the west are zoned R-6 Single-Family, but are not constrained with flood plain or slope concerns to the same extent as the subject properties. Properties within the City limits to the east are primarily zoned R-10 Single-Family. Due to flood plain and slope concerns, the Cayo, Gregg and South Fork properties should be zoned R-10 Single-Family.
2. The Tri-Lett property is designated General Industrial on the County Plan Map. The development is a permitted use in the County's I-3 General Industrial zone, and would also be a permitted use in the M-2 Heavy Industrial zone, which is the closest corresponding zone to the General Industrial plan classification.
3. There are also several overlay zones that must be addressed at this time:

Resource Protection (Flood Plain/Steep Slopes): Nearly all of the subject property is shown with the Resource Protection overlay on the County Plan map. Resource Protection can apply to flood plains or steep slopes. Both situations exist on the subject properties. As noted in the "Basic Facts", a majority of the properties are shown within Zone A (100-year flood plain) on the Flood Insurance Rate Map. Accordingly, the FP - Flood Plain Overlay Zone should be applied to those areas as indicated on the flood map. The US - Unstable Slopes Overlay Zone should be applied to those areas of the subject properties where the slope exceeds twenty five percent (25%). This would primarily apply to the Cayo and Gregg properties.

Historic Overlay: The house at 17028 S. Anchor Way (Gregg property) was identified as a potential historic building in a 1983 reconnaissance survey of the Urban Growth Boundary. The house's date of construction is estimated at 1890. The house has been altered somewhat. Research is necessary to determine the history of the house and property, and evaluate whether it should be designated as a local historic landmark. An interim historic overlay designation should be applied to the property until December 31, 1991, or until hearings are held to determine whether the property should be designated, whichever is sooner.

CONCLUSION AND RECOMMENDATION:

It is recommended that the annexed properties identified as Boundary Commission Final Order 2715 be planned and zoned as follows:

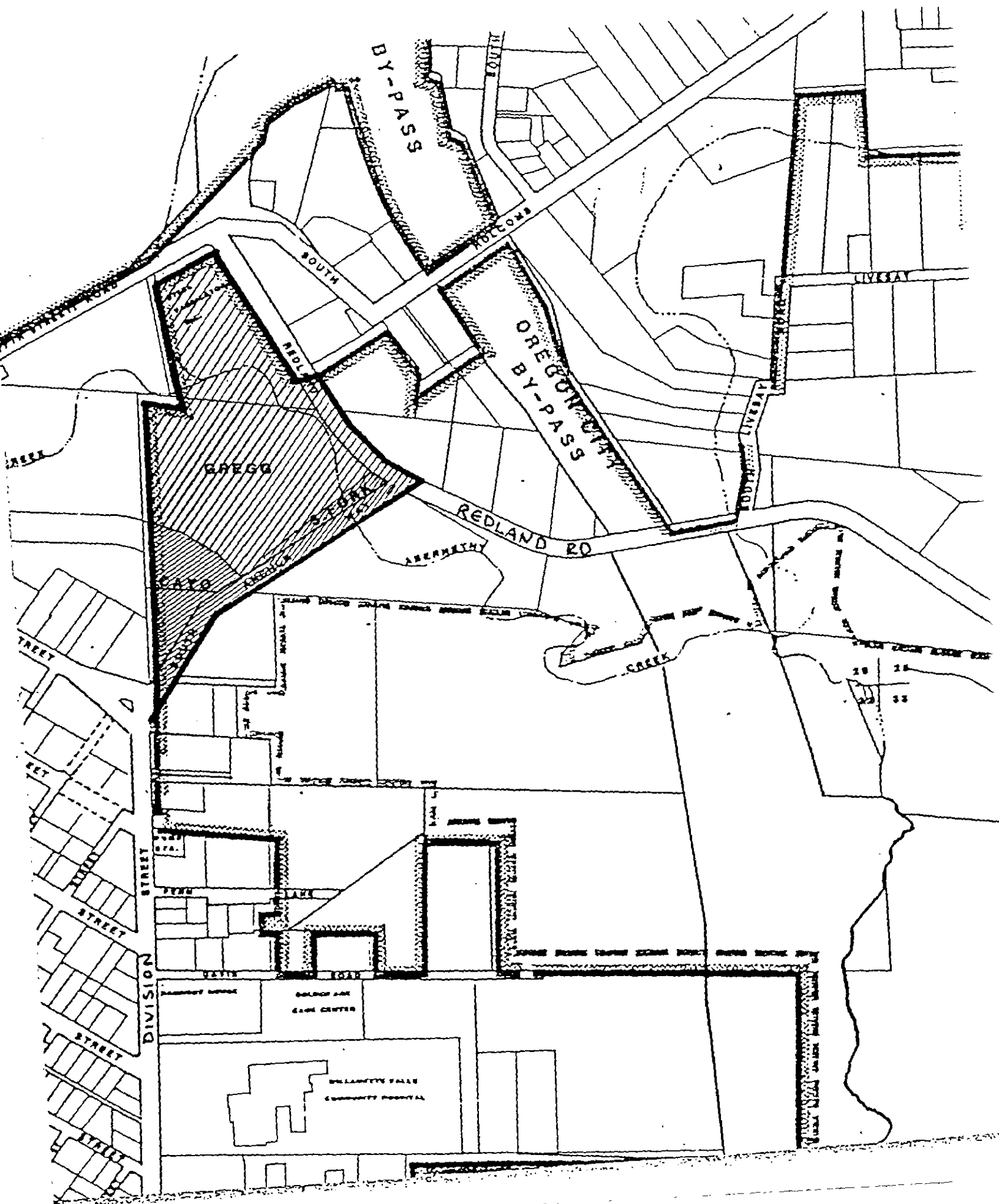
Tax Lot 800 on Map 2-2E-29DB (Tri-Lett Industries) shall have a Comprehensive Plan designation of "I" - Industrial, and a zoning designation of "M-2" Heavy Industrial.

Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC (South Fork, Gregg and Cayo properties) shall have a Comprehensive Plan designation of Low Density Residential, and a zoning designation of R-10 Single-Family Residential.

All tax lots shall be designated FP - Flood Plain Overlay Zone; this designation shall apply to areas as shown on the Flood Insurance Rate Map (FIRM).

Tax Lots 700, 900, 1000 and 1890 on Map 2-2E-29DC shall be designated US - Unstable Slopes Overlay Zone; this designation shall apply to areas on the properties that exceed a slope of twenty five percent (25%).

Tax Lot 1000 on Map 2-2E-29DC (Gregg property) shall have an interim Historic Overlay zone, until December 31, 1991, or until hearings are held to determine whether the property should be designated as a local historic landmark, whichever is sooner.



NOTICE OF PUBLIC HEARING

HEARING DATES:

Oregon City Planning Commission: Tuesday, September 25, 1990; 7:00 PM;
City Hall, 320 Warner Milne Road, Oregon City

Oregon City City Commission; Wednesday, October 17, 1990; 8:00 PM; City
Hall, 320 Warner Milne Road, Oregon City

Subject: Comprehensive Plan Amendment and Zone Change for Annexed Property

File No.: PZ90-09

Applicant: City of Oregon City, for property annexed in the vicinity of
Redland Road and Anchor Way in July 1990

Owner of Property: Noel and Judy Cayo; Stephen and Linda Gregg; South Fork
Water Board; Tri-Lett Industries

Proposal: Convert comprehensive plan and zoning designations from County
to City for annexed property

Location: South of Abernethy Road, west of Redland Road

Site Address: 13530 S. Redland Road; 17028 and 13645 S. Anchor Way

Legal Description: Tax Lots 700, ~~800~~, 900, 1000 and 1890, Map 2-2E-29DC;
Tax Lot 800, Map 2-2E-29DB

Zoning: County zoning designations FU-10 Future Urban and I-3 General
Industrial

Planning Division Staff Contact: Kate Daschel (657-0891)

Criteria: Set forth in Section 11-2-5 of the City Code. A full listing of
applicable criteria and standards will be set forth in the staff report,
which is available to the public at City Hall seven days prior to the
hearing.

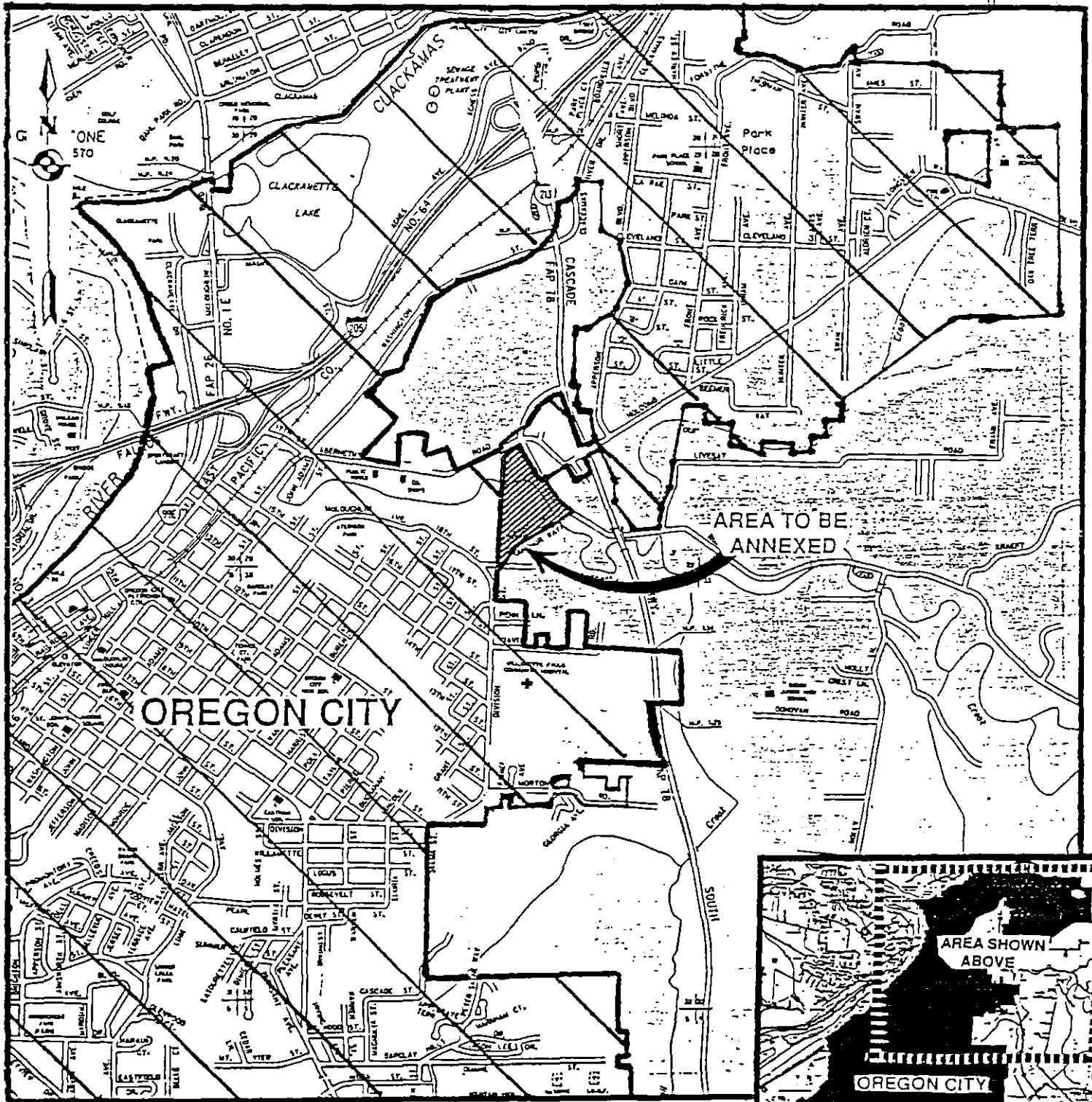
Publish Date: Wednesday, September 5, 1990.

The application and supporting documents are available for inspection at
the Oregon City Planning Division, City Hall. The staff report also is
available for inspection seven days prior to the hearing. Copies of the
application and staff report may be obtained in advance of the hearing.

All interested citizens may testify at the public hearing or submit written
testimony prior to the hearing. The procedures for conduct of hearings are
posted in Commission Chambers.

Pleased be advised that the failure to raise an issue, in person or by
mail, with sufficient detail to afford the Planning Commission and the
parties an opportunity to respond, precludes appeal of that issue to the
Land Use Board of Appeals.

PROPOSAL NO. 2715



PROPOSAL NO. 2715
CITY OF OREGON CITY
ANNEXATION
FIGURE 1

