

ORDINANCE NO. 90-1056

AN ORDINANCE AMENDING TITLE XI: CHAPTER 2, SECTION 3, OF THE 1963 CITY CODE, 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 in certain districts, which changes have been approved by the City Planning Commission *after public notice and hearing finding that the following described property can suitably be utilized for uses incident to the "LO", Limited Office District, for which there is a need in this area, and that such zoning is compatible with the surrounding area, the findings, conditions are recommendations of the Planning Commission and Staff are hereby adopted as findings of this Commission, and the following described property, to wit:*

A tract of land in the Robert Caufield and wife D.L.C. No. 53, in T. 3S., R.2 E., of the W.M., in the County of Clackamas and State of Oregon, described as follows:

**Parcel A**

Beginning at the Southeast corner of the S. N. Vance D.L.C.; THENCE North 17° 55' East along the Westerly line of said Caufield D.L.C. a distance of 21.35 chains to the Northwest corner of that tract of land described in Deed to William Weiss, et ux, recorded January 11, 1967 in Book 684, Page 369, Deed Records; THENCE North 76° East along the Northerly line of said Weiss tract a distance of 1453.34 feet, more or less, to a point which is South 76° West 199.0 feet from the Westerly line of Molalla Avenue, State Highway No. 213, and the TRUE POINT OF BEGINNING of the tract of land herein to be described; THENCE South 14° East a distance of 98.0 feet; THENCE North 76° East, parallel with the Northerly line of said Weiss tract a distance of 223.0 feet, more or less, to a point on the Westerly line of said Molalla Avenue; THENCE North 29° 30' West along said road line a distance of 100.0 feet, more or less, to a point on the Northerly line of said Weiss tract; thence South 76° West a distance of 199.0 feet to the TRUE POINT OF BEGINNING.

**Parcel B**

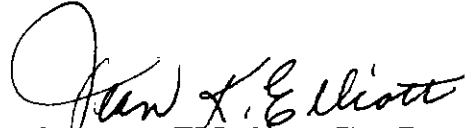
A strip of land 7.5 feet in width adjacent to, Southerly of and parallel with the Southerly border of that tract of land described in the deed to Dennis V. Stuck, recorded under number 83 16913, Clackamas County Deed Records; except the Westerly 25 feet therefrom.

EXCEPTING THEREFROM a tract of land in the Robert Caufield and wife D.L.C. No. 53 in T 3S., R 2E., of the W. M., in Clackamas County, Oregon, described as follows:

The Westerly 25 feet of that tract of land described in the deed to Dennis V. Stuck, recorded under number 83 16913, Clackamas County Deed Records, together with all rights to the Westerly 25 feet of that certain drain field easement recorded under number 78 25911, Clackamas County Deed Records.

containing 0.48 acres (20,908 square feet), more or less, which is now zoned "R-10", Single-Family Dwelling District is hereby changed to "LO", Limited Office District, and the Comprehensive Plan Designation which now is "LR", Low Density Residential is hereby changed to "O", Office.

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



**CITY OF OREGON CITY**  
INCORPORATED 1844

FOR AGENDA  
DATED

October 17, 1990

## COMMISSION REPORT

Page 1 of 2

TO THE HONORABLE MAYOR AND COMMISSIONERS

**Subject:** Request for Comprehensive Plan  
Amendment and Zone Change -  
.48 Acres located on the West side  
of Molalla Avenue, vicinity of  
Clackamas Community College - Public Hearing

Report No. 90-255

If approved, Proposed Ordinance No. 90-1056,  
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.

A request has been made by Dennis Stuck, for a Comprehensive Plan Amendment and Zone Change for approximately .48 acres located on the west side of Molalla Avenue in the vicinity of Clackamas Community College. The request is for a Comprehensive Plan Amendment from "LR", Low Density Residential to "O", Office and a zone change from "R-10", Single-Family Dwelling District to "LO", Limited Office District.

The Planning Commission conducted a public hearing on this request on September 25, 1990. The action taken was to recommend approval of this request, as follows:

The request for a plan amendment to Office and a zone change to "LO" be approved because the proposal meets the Statewide Planning Goals and Oregon City Comprehensive Plan goals and policies; locational policies; the public need due to the suitability of the site for the use; the factual base supports the change; and the change will not adversely affect the public health, safety and welfare.

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

1. Planning Commission Minutes - September 25, 1990.
2. Staff Report.
3. Public Notice and map of the property.
4. Ordinance No. 90-1056 which will enact the change.



**CITY OF OREGON CITY**

INCORPORATED 1844

FOR AGENDA  
DATED

October 17, 199

## COMMISSION REPORT

Page 2 of 2

TO THE HONORABLE MAYOR AND COMMISSIONERS


**Subject:** Request for Comprehensive Plan  
Amendment and Zone Change -  
.48 Acres located on the West side  
of Molalla Avenue, vicinity of  
Clackamas Community College - Public Hearing

**Report No. 90-255**

If approved, Proposed Ordinance No. 90-1056,  
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.

Notice of proposed Ordinance No. 90-105<sup>6</sup> 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

DCM:im

attach.

cc: Development Services Director  
Planning Division  
Dennis Stuck



# CITY OF OREGON CITY

Incorporated 1844

REVISED  
STAFF REPORT  
PLANNING COMMISSION  
September 25, 1990

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

FILE NO.: PZ-90-04

HEARING DATE: Tuesday, September 25, 1990  
7:00 P.M., City Hall  
320 Warner-Milne Road  
Oregon City

APPLICANT: Dennis Stuck  
19631 S. Molalla Avenue  
Oregon City, Oregon 97045

PROPERTY OWNERS: Dennis Stuck  
19631 S. Molalla Avenue  
Oregon City, Oregon 97045

REQUEST: A proposed Comprehensive Plan amendment from LR, Low Density Residential and a Zone Change from R-10, Single-Family Dwelling District to "O" Office to "LO", Limited Office.

LOCATION: West side of Molalla Avenue, vicinity of Clackamas Community College, 19631 S. Molalla Avenue, Tax Lot 301, Map 3-2E-8D.

REVIEWER: Denyse C. McGriff

CRITERIA:

The criteria for a Comprehensive Plan amendment are set forth on page 0-1 of the Comprehensive Plan as follows:

1. Does the proposed change conform with State Planning Goals and local goals and policies?
2. Is there a public need to be fulfilled by the Change?
3. Is the public need best satisfied by the particular change being proposed?
4. Will the change adversely affect the public health, safety, and welfare?
5. Does the factual information base in the Comprehensive Plan support the change?

END OF THE OREGON TRAIL—BEGINNING OF OREGON HISTORY

In addition, the application shall include the following:

- A. A description of the specific change proposed, including the legal property description;
- B. A statement of reasons for the proposed change;
- C. A factual statement of how the proposed change meets a community need or Comprehensive Plan policy;
- D. A description of how the proposed change will affect community facilities, natural resources, transportation and adjacent properties.

The criteria for a zone change is set forth in Section 11-12-1 of the Zoning Ordinance, and states that a zone change may be granted "whenever public necessity and the general welfare require".

**BASIC FACTS:**

- 1. The property consists of 0.48 acres. It is identified as Tax Lot 302, of Map 3-2E-8D.
- 2. The property has a single-family residence on it, which has been used for a home business by the applicant.
- 3. The property is zoned R-10, Single-Family and planned for Low Density residential.
- 4. The applicant has submitted an application and a burden of proof statement.
- 5. This property was the subject of a previous land use action (PZ-88-01). That application was denied. The applicant was advised by the Planning Commission that reapplication was possible under an "O"/LO request.
- 6. The surrounding land uses are: To the south and west is the North Clackamas Christian School; to the east is Molalla Avenue and Clackamas Community College, and to the north are single-family residences.
- 7. The draft Periodic Review order indicates that based on the Comprehensive Plan inventory the City does not need any additional office land to the year 2009. There is a surplus of 24.4 acres. A recent land use approval (PZ-90-01) decrease by 2.75 acres to 21.65 acres.
- 8. Transmittals were sent to various departments and agencies with the following comments:

Public Works Superintendent - No conflicts

Fire Department - No conflicts

Police Department - No conflicts

Building Official - No conflicts

Development Services Director - No conflicts

Clackamas County - No conflicts

City Engineer - No conflicts

State Highway - No conflicts

Oregon City School District No. 62 - No conflicts

#### ANALYSIS AND FINDINGS:

Once a comprehensive plan is acknowledged by the Land Conservation and Development Commission, all statewide planning goals have been met. However, any proposed change needs to meet the Statewide Goals:

##### Goal 1 - Citizen Involvement

The City of Oregon City has followed its adopted notice procedures for advertisement of a public hearing. The established hearings procedures will be followed. Everyone will have the opportunity to participate in this process.

##### Goal 2 - Land Use Planning

The Oregon City Comprehensive Plan complies with all the requirements of Goal 2. The Oregon City Comprehensive Plan was acknowledged April 16, 1982.

##### Goal 9 - Economy of the State

The City's Comprehensive Plan does contain policies to diversify and improve the economy of Oregon City.

##### Goal 11 - Public Facilities and Services

All public facilities and services are generally available to the site.

##### Goal 12 - Transportation

The City has recently adopted a Transportation Master Plan.

##### Goal 13 - Energy Conservation

The City's building code specifies energy conservation measures are to be utilized by all uses developed on land. The zoning code also requires site plan and design review. During site plan and design review lot size, dimension and siting, building height, bulk, and other energy conservation aspects are reviewed.

### Oregon City Comprehensive Plan Goals and Policies

#### Section B - Citizen Involvement

The City's land use planning process promotes and encourages participation in all phases of the land use planning process.

#### Section D - Commerce and Industry

The goal of this section is:

"Maintain a healthy and diversified economic community for the supply of goods, services and employment opportunity".

The following policies shall govern the location of siting of new Office areas:

##### C. Office

1. Office districts are intended for medical facilities, offices, and high density residential uses.
2. Office districts should result in concentrated groupings of uses.
3. Office districts should be located along arterial or collector streets and should provide good access.
4. Use in Office districts shall be designed to protect surrounding residential and historic properties.

#### Section H - Energy Conservation

The goal of this section is to "Plan urban land development which encourages public and private efforts towards conservation of energy".

Design review will be required for the conversion of the residence to an office use.

#### Section I - Community Facilities



Policy 5 - The City will encourage development on vacant buildable land within the City where urban facilities and services are available or can be provided.

All public facilities and services are available to the proposed property.

Policy 7 - Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.

The Comprehensive Plan shows that adequate land is available for office uses.

#### Section L - Transportation

Prior to the construction of Highway 213 Molalla Avenue was adjacent to the property. When Highway 213 was changed the roadway adjacent to the property was paved and converted to a cul-de-sac.

2. Regarding Criteria 2. Is there a public need to be fulfilled by the Change?

The applicant states that "public need is evidenced by the current use of the property. The applicant has conducted his income tax business out of this property since 1986. In the past this business was conducted as a cottage industry. It now seems that public need would support the expanding of the business. The applicant would like to be able to hire employees and to make physical changes to give the property a more office-like appearance. It would seem that such changes would give this property an appearance more consistent with the non-residential look of the adjacent school and church usages".

The current use of the property is residential with a home occupation (tax office). The applicant has an established clientele. However, this in and of itself does not establish a public need. But, coupled with adjacent uses in the surrounding area and the current use of the property, residential development is unlikely due to the size of the lot. A public need for additional office use has been met. The Planning Commission may also wish to make additional findings based on testimony received at the public hearing.

3. Regarding Criterion 3. Is the Public Need best satisfied by the particular change being proposed?

The applicant states that the City has much vacant land in low density residential zoning. The exposure to noise from the

bypass in front and the school grounds beside and behind make this property less than desirable for a residence. This property, with its easy access to Molalla Avenue and the Oregon City Bypass and its high visibility from the Bypass, would seem to best serve public need by providing availability of services.

The applicant's property is suitable for the proposed request and the public need is best satisfied by this request based on the information submitted by the applicant. The Planning Commission may also make additional findings based on testimony received at the hearing.

4. Regarding Criterion 5 - Does the factual information base in the Comprehensive Plan support the change?

The existing factual information base in the Comprehensive Plan is based on 1985 data. The draft periodic review order states that there is a 21.65 acre surplus of office land.

The applicant states that while there is a surplus of office zoned property in Oregon City, the addition of this small property (approximately 20,000 square feet) will have little impact on the total inventory. The Planning Commission has previously identified this property for office use.

The applicant's property is approximately 20,000 square feet in area. The next result of this property on the inventory is a change from 21.65 acres to 22.13 acres of land. The factual base had not been substantially altered. This is due to an unanticipated change in zoning (PZ-90-01) from Limited Office to Commercial.

5. Regarding "public necessity and the general welfare" required for a zone change the applicant states the following:

The applicant states that: The fact that this location has been used as a service business location since 1986 and the fact that the business has grown each year indicates that a public need is being served. This zone change is needed by the applicant so that he will be able to hire employees and to make structural changes to the building on this property to make it look more business-like. A more business-like appearance would make this property more in keeping with the non-home appearance of the adjoining church and school properties. Also, an office usage of this property would be more compatible with the school and church usages of the neighboring properties than possible other usages might be. Oregon City has much vacant land which is more suitable for low density residential housing. This property is subjected to noise from both the busy Oregon City Bypass and at times, the school grounds.

This property, with its easy access to Molalla Avenue and the Oregon City Bypass and its high visibility from the Bypass, would seem to best serve public need by providing availability of services.

The proposal meets the public necessity and general welfare because it will provide an additional opportunity for office space on property that meets the locational policies for office use. Staff finds the public necessity and general welfare are met.

#### CONCLUSION AND RECOMMENDATION:

Based on the information submitted, it is concluded that the request for a plan amendment to Office and a zone change to "LO" be approved because the proposal meets the Statewide Planning Goals and Oregon City Comprehensive Plan goals and policies; locational policies; the public need due to the suitability of the site for the use; the factual base supports the change; and the change will not adversely affect the public health, safety and welfare.



# CITY OF OREGON CITY

Incorporated 1844

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

## LAND USE APPLICATION FORM

☒ ZONE CHANGE  
☒ PLAN AMENDMENT  
☐ CONDITIONAL USE  
☐ MAJOR PARTITION

☐ MOBILE HOME PARK/  
CONDITIONAL USE  
☐ PLANNED DEVELOPMENT  
☐ MINOR PARTITION

☐ VARIANCE  
☐ SITE PLAN/  
DESIGN REVIEW

\*\*\*\*\*  
The following is a brief summary of an application that has been received by the Oregon City Planning Division. You may provide written comment on the proposal no later than the indicated date below. Additional information may be obtained at the Planning Division office.

APPLICATION # PZ-90-04 (please use this file # when contacting the Planning Division)

APPLICANT'S NAME: DENNIS STUCK

PROPERTY OWNER (if different): \_\_\_\_\_

PHYSICAL ADDRESS OF PROPERTY: 19631 S. MOLALLA AVE

DESCRIPTION: TOWNSHIP R3S RANGE 2E SECTION 08D TAX LOT 00301

CLOSEST INTERSECTION: OC BYPASS

DISTANCE & DIRECTION TO INTERSECTION: 300' N.E.

SEWER: \_\_\_\_\_

ON-SITE DISPOSAL SYSTEM: ☒

PRESENT USE OF PROPERTY:

INCOME TAX OFFICE

& RESIDENCE

PRESENT ZONE: R-10

TOTAL AREA OF PROPERTY: .48 ACRE

PROPOSED LAND USE OR ACTIVITY:

OFFICE

Comprehensive Plan Amendment from  
Low Density Residential to Office;  
Zone Change from R-10 Single-Family  
to LO - Limited Office

LAST DAY TO SUBMIT TESTIMONY:

Tuesday, September 25, 1990

DATE/TIME/PLACE OF PUBLIC HEARING:

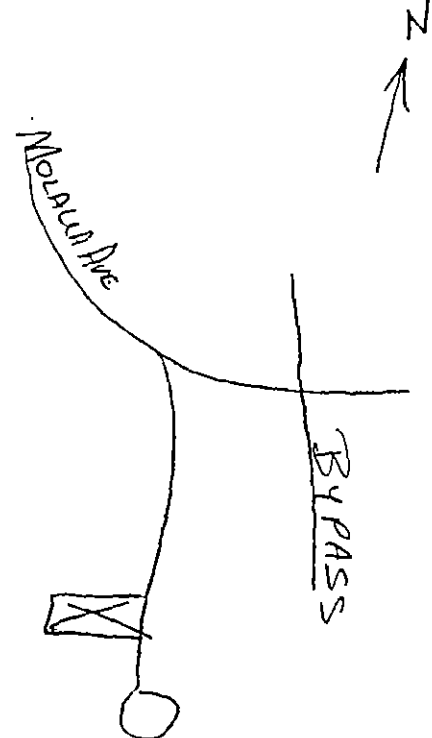
Tuesday, September 25, 1990

7:00 PM

City Hall Commission Chambers

320 Warner Milne Road, Oregon City

MAP LOCATING SUBJECT PROPERTY



MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO PURCHASER.

## 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

TO: Adjacent Property Owners and Residents

Subject: Request for Comprehensive Plan Amendment and Zone Change

File No.: PZ90-04

Applicant: Dennis Stuck

Owner of Property: Dennis Stuck

Proposal: Comprehensive Plan Amendment from Low Density Residential to  
Office; Zone Change from R-10 Single-Family to LO - Limited Office

Location: West side of Molalla Avenue, vicinity of Clackamas Community  
College

Site Address: 19631 S. Molalla Avenue

Legal Description: Tax Lot 301, Map 3-2E-8D

Zoning: R-10 Single-Family Residential

Planning Division Staff Contact: Denyse C. McGriff (657-0891)

Criteria: Set forth in Section "O" of the Comprehensive Plan and Section  
11-12-1 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.

REQUEST: A Proposed Comprehensive plan change from LR - Low Density Residential to O - Office and a zone change from R-10, Single Family Dwelling District to LO, Limited Office.

LOCATION: 19631 S. Molalla Avenue. Located about 150' from the Oregon City Bypass on the dead end street that runs generally parallel to the Oregon City Bypass and ends at the Prince of Life Lutheran Church and the North Clackamas Christian School.

CRITERIA: The criteria for a comprehensive Plan amendment are set forth on page 0-1 of the Comprehensive Plan, as follows:

1. Does the proposed change conform with State Planning Goals and local goals and policies?

Goal 1 - Citizen Involvement

The City of Oregon City has followed its adopted notice procedures for advertisement of public hearings. The established hearings procedures will be followed. Everyone will have the opportunity to participate in this process.

Goal 2 - Land Use Planning

The Oregon City Comprehensive Plan complies with all the requirements of Goal 2. The Oregon City Comprehensive Plan was acknowledged April 16, 1982.

Goal 9 - Economy of the State

The City's Comprehensive Plan does contain policies to diversify and improve the economy of Oregon City.

Goal 11 - Public Facilities and Services

All public facilities and services are generally available to the property.

2. Is there a public need to be fulfilled by the change?

Public need is evidenced by the current use of the property. The applicant has conducted his income tax business out of this property since 1986. In the past this business was conducted as a cottage industry. It now seems that public need would support the expanding of the business. The applicant would like to be able to hire employees and to make physical changes to give the property a more office like appearance. It would seem that such changes would give this property an appearance more consistent with the non-residential look of the adjacent school and church usages.

3. Is the public need best satisfied by the particular change being proposed?

The city has much vacant land in low density residential zoning. The exposure to noise from the bypass in front and the school grounds beside and behind make this property less than

desirable for a residence. This property, with it's easy access to Molalla Ave. and the Oregon City Bypass and it's high visibility from the bypass, would seems to best serve public need by providing availability of services.

4. Will the change adversely affect the public health, safety and welfare?

The public facilities and services available to the property (sewer, water and fire) adequately support this request. An office usage would not have any adverse affect on the church and school usages of the adjacent properties. The property accesses onto Molalla Ave. rather than directly onto the busy bypass so no traffic hazard would be created by the change.

5. Does the factual information base in the Comprehensive Plan support the change?

While there is a surplus of office zoned property in Oregon City, the addition of this small property (approx. 20,000 sq. ft.) will have little impact on the total inventory. The planning commission has previously identified this property for office use.

The criteria for a zone change is set forth in Section 11-12-1 of the Zoning Ordinance, and states that a zone change may be granted "whenever public necessity and the general welfare require"

The fact that this location has been used as a service business location since 1986 and the fact that the business has grown each year indicates that a public need is being served. This zone change is needed by the applicant so that he will be able to hire employees and to make structural changes to the building on this property to make it look more business like. A more business like appearance would make this property more in keeping with the non-home appearance of the adjoining church and school properties. Also an office usage of this property would be more compatible with the school and church usages of the neighboring properties than possible other usages might be.

Oregon city has much vacant land which is more suitable for low density residential housing. This property is subjected to noise from both the busy Oregon City Bypass and the at times, the school grounds.

This property, with it's easy access to Molalla Ave. and the Oregon City Bypass and it's high visibility from the bypass, would seem to best serve public need by providing availability of services.