

ORDINANCE NO. 93-1017

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

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:

A tract of land lying in the Hiram Straight D.L.C. No. 42, in the Northeast one-quarter of Section 29, Township 2 South, Range 2 East, Willamette Meridian, Clackamas County, Oregon, said tract of land being more particularly described as follows:

Beginning at the point of intersection of the South line of Block 2 of STRAIGHT'S ADDITION TO PARK PLACE with the Southeasterly line of that certain tract of land denoted as Parcel 7 as acquired by the State of Oregon, by and through its State Highway Commission, in that certain judgment dated December 18, 1970, entered as Circuit Court Case No. 68930, said point of intersection bearing North 85° 26' 55" West a distance of 324.17 feet from the Southeast corner of Block 1 of STRAIGHT'S ADDITION TO PARK PLACE; THENCE South 21° 28' 29" West, along the Southeasterly line of said State of Oregon Tract, a distance of 2.94 feet to a point in the Southeasterly line of that certain tract of land conveyed to Parker Northwest Paving Company, an Oregon corporation, by deed recorded August 22, 1989, Fee No. 89-36479; THENCE Southwesterly along an offset spiral (the offset spiral chord bears South 08° 17' 42" West a distance of 181.29 feet) to a point 50.00 feet Northwesterly of an opposite Oregon State Highway Department Engineers centerline station "WW" 665+47.95 P.S.C. (the centerline being described in the above noted Fee No. 89-36479) and the beginning of a 1004.93 foot radius tangent circular curve to the left; THENCE Southerly along the arc of said curve through a central angle of 5° 02' 34" an arc distance of 88.45 feet (the long chord bears South 02° 03' 42" West a distance of 88.42 feet) to a point 50.00 feet Northwesterly of and opposite Oregon State Highway Department Engineers centerline station "WW" 666+32.00; THENCE South 03° 11' 23" East a distance of 248.11 feet to a point 62.00 feet Westerly of and opposite Oregon State Highway Department Engineers centerline station "WW"

668+72.12 P.T.; THENCE South 08° 52' 01" East a distance of 21.15 feet to the beginning of a 178.00 foot radius tangent circular curve to the right; THENCE of Southwesterly along the arc of said curve through a central angle of 77° 26' 24" an arc distance of 240.58 feet (the long chord bears South 29° 51' 11" West a distance 222.68 feet) to a point 62.00 feet Northerly of and opposite Oregon State Highway Department Engineers centerline station "WW" 672+17.65 P.T.; THENCE South 68° 34' 23" West a distance of 14.71 feet to a point 72.00 feet Northeasterly of and opposite relocated Cascade Highway South Engineers centerline station 73+19.79 (the centerline being described in the above noted Fee No. 89-36479) and the beginning of a 5801.58 foot radius nontangent curve to the left; THENCE Northwesterly along the arc of said curve through a central angle of 01° 59' 38" an arc distance of 201.90 feet (the long chord bears North 12° 13' 51" West a distance of 201.89 feet) to a point 72.00 feet Northeasterly of and opposite relocated Cascade Highway South Engineers centerline station 71+20.39 P.S.C.; THENCE Northwesterly along an offset spiral to the left (the offset spiral chord bears North 14° 32' 03" West a distance of 340.36 feet) to a point 72.00 feet Northeasterly of and opposite relocated Cascade Highway South Engineers centerline station 67+82.82 and a point in the Northerly of said State of Oregon tract denoted as Parcel 7, said point being 40.00 feet Northwesterly of an opposite Engineers centerline station "G" 667+69.88 (the centerline being described in the above noted State of Oregon tract denoted as Parcel 7); THENCE Northeasterly along an offset spiral to the left (the offset spiral chord bears North 73° 23' 53" East a distance of 69.30 feet) to a point 40.00 feet Northwesterly of and opposite Engineers centerline station "G" 666+96.5; THENCE leaving the Northerly line of said State of Oregon tract, North 02° 25' 26" West a distance of 144.07 feet; THENCE North 16° 00' 00" West a distance of 58.24 feet; THENCE South 60° 37' 35" East a distance of 159.31 feet; THENCE North 18° 21' 30" East a distance of 77.88 feet to a point in the South line of said Block 2 of STRAIGHT'S ADDITION TO PARK PLACE; THENCE South 85° 26' 55" East, along the South line of said Block 2, a distance of 58.63 feet to the POINT OF BEGINNING.

The above described tract of land containing 2.9 acres (126,324 square feet), more or less, which is now zoned "M-1", Light Industrial District is hereby changed to "TC", Tourist Commercial District and the Comprehensive Plan designation which is now "I", Industrial is hereby changed to "TC", Tourist Commercial subject to the following conditions (unless specified all conditions are the responsibility of the property owner):

1. The applicant shall dedicated to the City a temporary construction easement and permanent water utility easement sufficient for a waterline to be designed by the City Engineer.

2. No use shall be permitted at this site without first obtaining a conditional use permit. No conditional use permit shall be issued for this site until the applicant, in coordination with Clackamas county and ODOT, devises a mitigation plan which demonstrates, to the satisfaction of the appropriate City review authority, in consultation with Clackamas County and ODOT, a peak hour LOS of "D" or better for the affected section of Highway 213.

Read first time at a regular meeting of the City Commission held on the 6th day of October, 1993, and the foregoing ordinance was finally enacted by the City Commission this 6th day of October, 1993.


JEAN K. ELLIOTT, City Recorder

ATTESTED this 6th day of October, 1993.



DANIEL W. FOWLER, Mayor

EXHIBIT "A"

The Oregon City City Commission makes the following findings:

The Application:

The applicant, Stein Oil, 19805 S. E. McLoughlin Boulevard Gladstone, Oregon 97027, applied for a comprehensive plan amendment from the present "I" (industrial) designation to "TC" (tourist commercial) and a zone change from M-2 to TC, for a 3-acre parcel located on the east side of Highway 213 and the northwest side of Clackamas River Drive (TL 2700, 905 and a portion of 900, Map 2-2E-29). The property owner is Jack W. Parker, P.O. Box 149 Oregon City, Oregon 97045. Concurrently with the zone change and plan amendment application, the applicant applied for a conditional use permit. That application was not considered in, nor is it a part of, this proceeding.

The Procedure Used:

Timely and adequate notice announcing receipt of the application and the first scheduled hearing date was provided as required by the Oregon City Municipal Code ("OCMC"). A staff report was issued at least 7 days prior to the first public hearing, and hearings were held before the planning commission on April 27, May 19 and July 8, 1993. At the July 8, 1993 meeting, the planning commission approved the application. The City Commission held a hearing on the matter September 1, 1993, and tentatively approved the planning commission recommendation.

Approval Criteria Applied:

Oregon City Comprehensive Plan ("OCCP") at p 0-1 provides the following criteria for a comprehensive plan amendment:

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?

OCMC §17.68.020 provides the following criteria for a zone change:

1. The proposal shall be consistent with the Goals and Policies of the Comprehensive Plan.
2. 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.

Service shall be sufficient to support the range of uses and development allowed by the zone.

3. 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.
4. Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.

All applications shall include at least the following:

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

Basic Facts:

1. The property is currently undeveloped and is identified as Tax Lots 905, 2700 and a portion of Tax Lot 900 on Map 2-2E-29.
2. The zoning of the property is "M-2", Heavy Industrial, and the Comprehensive Plan designation is "I", Industrial. The property is located within the Park Place neighborhood.
3. The property is currently undeveloped. A portion of the property was a part of the abandoned off-ramp to Clackamas River Drive; a portion of the property is a part of the former Rossman's Landfill; and the remaining portion is adjacent to the former off-ramp.
4. The surrounding land uses are as follows: West - Highway 213 Interchange; East-Clackamas River Drive and South Depot Lane;

vacant land and two adjacent historic properties; South - across Clackamas River drive, vacant land; and North -Southern Pacific Railroad Company property and railroad tracks.

5. The following departments and agencies were contacted regarding this application and submitted the following comments:

Fire Department - One fire hydrant will be required for Phase 1 with a minimum of 1,500 gallons per minute.

Public Works - Request further review when development is proposed.

Building Official - Site has been filled and will require a soil engineer (Oregon) registered site certification for intended use. Property is in C-zone (minimal flooding) on the flood boundary map (Panel No. 415588 0155A).

Clackamas County - This proposal seeks permits onto a County road. The applicant needs to do a traffic study for both development phases to ascertain if the ingress and egress is safe at the proposed locations, and whether off-site improvements (i.e., left-turn lanes) are needed. Road frontage needs to be improved to County Standards.

Oregon Department of Transportation - ODOT recommended denial of this application.

City Engineer -

- o Traffic Impact - Need analysis on driveway locations and impact on Clackamas River Road.
- o Water - A construction compliance agreement for a water line easement dated September 2, 1992 was obtained when Fill Permit FP92-01 was issued. The water line will be constructed this summer. This required easement shall be granted as a condition of approval.
- o During site design review utility and street requirements will be reviewed and resolved.

Park Place Neighborhood - Testimony presented at hearing.

6. The applicant has submitted a completed application and supporting documentation for the request. The applicant is proposing to relocate a current gasoline cardlock facility from Washington Street to the proposed location. The phase two proposal is for a retail gasoline station and associated minimarket.

Analysis and Findings:

1. First OCCP Criterion: OCCP O-1(1) and OCMC §17.68.020(A) require that the proposed change conform with the State Planning Goals and Local Goals and Policies.

Goal 1 (Citizen Involvement): The City of Oregon City followed its adopted notice and state law procedures applicable to this matter for notice of a public hearing. The hearings procedures required by the OCMC and state law were followed. All parties had full opportunity to participate in the process. We find the requirements of this goal are met.

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. The proposal was reviewed and evaluated against the criteria as outlined in the Comprehensive Plan and OCMC. We find the requirements of this goal are met.

Goal 5 (Open Space, Scenic and Historic Areas, and Natural Resources): The subject site does not contain any scenic or historic sites. However, there are at least three such sites adjacent to the subject property:

1. The Hiram Straight House (c.1858),
2. The John Straight House (c.1890), and
3. The Pioneer Straight Cemetery (1892).

The applicant's representative, Don Vedder Real Estate, submitted an ESEE analysis as part of a June 10, 1993 letter. While exceedingly general, this submission addresses the economic, social, environmental and energy impacts of the proposed development on the Goal 5 resources near the site. We agree with the facts set out in this analysis and, on that basis, find the requirements of this goal are met by this submission.

Goal 6 (Air, Water and Land Resource Quality): Goal 6 requires that any future development, when combined with existing development, not exceed the carrying capacity of waste and process discharges. Waste and process discharges are described as solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom.

The City Engineer indicates the site can be served by city water provided the applicant grants an easement for the water line. This shall be imposed as a condition of approval. Staff has determined that adequate sewer and storm drainage facilities are available to serve the site. We find the requirements of this goal are met through the imposition of this condition.

Goal 7 (Areas Subject to Natural Disasters and Hazards): The

site is located within the 100 year floodplain. The city's acknowledged regulations pertaining to development in the floodplain will be addressed through the building permit process. The site is also located within an environmental hazard/sensitive aquifer. This requires the City to notify DEQ should any development be proposed on the former landfill. The City will notify DEQ of any development proposals for this property and in the context of the city's development review procedures, appropriate steps will be taken, or required of the applicant, to minimize any impact to the landfill. Since these evaluation and notification processes are already required by the Municipal Code and will be triggered by a development application, conditions of approval are not necessary as part of this decision. We find the requirements of this goal are met.

Goal 9 (Economy of the State): The basis of the Goal requires an adequate supply of commercial and industrial lands. The applicant addressed this goal in the submittal. The City has inventoried its office, commercial, and industrial land needs. The city has allocated land within the vicinity of the End of the Oregon Trail facility for Tourist Commercial uses. Staff has determined the applicant's proposal for the plan amendment and zone change are consistent with the City's policies. We find the requirements of this goal are met.

Goal 11 (Public Facilities and Services): All public facilities and services can be made available to this site and have been discussed earlier in this decision, with the possible exception of transportation facilities which are discussed under Goal 12 below.

Goal 12 (Transportation): The applicant states that the effect of the proposal on traffic will be insignificant. However, the applicant's own transportation engineer's report indicates a presently failing level of service (LOS) during peak traffic hours on Highway 213. Clackamas County noted certain inadequacies in the applicant's traffic study, but also noted the failing LOS. Clackamas County recommended approval with conditions which, in the reviewer's opinion, could remedy the failing peak hour LOS on Highway 213. This indicates that a solution to the transportation problem is possible, but will require considerable cooperation of the applicant and coordination with the County, Oregon City and ODOT. The Oregon Department of Transportation also commented on this application, recommending denial due to the currently failing LOS on Highway 213. However, even ODOT recognized that steps could be taken to mitigate the identified traffic problems.

We find that adequate transportation facilities are not presently available due to the already failing LOS of Highway 213. However, we also find that through coordination with affected governmental entities, the applicant can take steps which could improve Highway 213 to an acceptable LOS. Accordingly, we find

that Goal 12 and Goal 11, with regard to transportation facilities, can be met through the imposition of conditions. One such condition shall be that no use be allowed on the subject site without first obtaining a conditional use permit. Prior to approval of any conditional use permit applied for for this property the applicant shall design a mitigation strategy adequate to improve Highway 213 to a peak hour LOS of "D" or better. Such strategies shall be reviewed by and agreed to in writing by Clackamas County and ODOT. With this condition, we find the requirements of this Goal can be met.

Goal 13 (Energy Conservation): The City's Building Code specifies that 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. The requirements of this goal are thereby met.

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.

Policies

Encourage citizen participation in all functions of government and land use planning.

The applicant has addressed this goal and policy by stating that the City's public involvement process complies with State requirements. Therefore, the consideration of this proposal conforms with Goal 1.

Section D (Commerce and Industry): The goal of this section is to "[m]aintain a healthy and diversified economic community for the supply of goods and services and employment opportunity."

The applicant's submittal states:

The basic goal of this section is to "maintain a healthy and diversified economic community for the supply of goods and employment opportunity". The applicant presently contributes to the achievement of this goal. Approval of this request assures continued participation and satisfies this goal.

We find that approval of this application fulfills this goal.

The following policies shall govern the siting of new tourist commercial districts:

1. A Tourist Commercial zone shall be developed for the End of the Oregon Trail tourist related uses. The zone shall correspond with the Tourist Commercial Plan designation.

Locations include:

- o Kelly Field - End of the Oregon Trail
 - o Clackamette Lagoon (Marina Site)
 - o I-205 Interchange area
2. The Tourist Commercial District is intended to serve the retail and service needs of the End of the Oregon Trail tourist related uses.

The applicant's submittal states:

Tourist commercial - the city's opportunities for expanded tourist commercial growth are in the vicinity of Kelly Field (end of the Oregon Trail), at freeway interchanges, and in the vicinity of Clackamette Lagoon. Currently, these areas are designated for industrial use. If the city is to capitalize on the potential tourist market, the opportunities for tourist commercial uses in these locations must be preserved.

Tourist commercial - tourist commercial was recently added to the comprehensive plan. New policies have been developed to provide for tourist commercial uses.

The "policies" section of the periodic review supports the objectives of the review listed above.

Approval of this request is consistent with the goals, objectives and policies set forth above.

We agree with the applicant, and find, based on the applicant's submission, that the proposed use fulfills the purposes of the Tourist Commercial plan and zone designation. Approval of this application fulfills and otherwise satisfies this goal.

Section F (Natural Resources Goals and Policies) Policy 10:

A portion of the property is located within the floodplain. However, the applicant notes that the property is above the base flood elevation of 42.5 feet. Any regulations relating to the Floodplain Overlay will be followed with regard to future development of this property. This policy is met.

Regarding "sensitive aquifers," this policy requires that:

1. For any proposed development in the Sensitive Aquifer, as shown on page F-28, notice shall be given to the Department of Environmental Quality.

2. If the Department of Environmental Quality specifies an alternative compliance boundary for monitoring groundwater quality, then no well may be constructed within the specified alternative boundary without approval from the Department of Environmental Quality.

In response, the applicant states that:

The sensitive aquifers provisions of the city's comprehensive plan identifies the subject site to be within the boundaries requiring approval from the department of environmental quality before construction of a well. City water will be used at this site.

We find that this notice will be given to DEQ and that City water will be used for the site; accordingly, we find this policy met.

With regard to "Environmental Hazards" the applicant states:

The former Rossman's landfill site presents a potential danger to the public health if the site is altered or disturbed. The site is designated for industrial uses on the County Comprehensive Plan and upon annexation to the City, industrial zoning would apply. To assure that potential environmental hazards are not created through the development of the site, any changes or alterations require notification, review and approval by the Department of Environmental Quality. The review shall take place prior to the issuance of development permits. This policy is met.

The applicant further states that:

Then environmental hazard provisions require that prior to issuance of development permit, the department of environmental quality must be notified of the proposed development and give its approval. These procedures will be followed and satisfy the goals and policies of this section.

We find that the required notice will be given to DEQ prior to the issuance of any development permits for this site; accordingly, we find this policy met.

Section I - Community Facilities

Goal

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

Policy 1 - The City of Oregon City will provide the following urban facilities and services as funding is available from

public and private sources:

- a. Streets and other roads and paths
- b. Minor sanitary and storm water facilities
- c. Police protection
- d. Fire protection
- e. Parks and recreation
- f. Distribution of water
- g. Planning, zoning and subdivision regulations

Policy 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.

Policy 3 - Urban public facilities and services shall be confined to the incorporated limits.

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 can reasonably be made available to the site as discussed above. This goal is met.

Section L - Transportation

Goal

Improve the systems for movement of people and products in accordance with land use planning, energy conservation, neighborhood groups and appropriate public and private agencies.

The applicant's submittal states:

Highway 213 is designated in the city's transportation plan as either a freeway or expressway. Either designation satisfies the high visibility goal of the commerce section of the comprehensive plan.

Clackamas river road is shown as a minor arterial on figure 21 of the transportation plan. Due to its right-of-way width and existing functions, this road has some of the characteristics of a major arterial.

As discussed under State-wide Planning Goal 12 above, we find this goal can be met through the imposition of conditions. In sum, we find the first criterion to be met.

2. **Second OCCP Criterion:** OCCP O-1(2) asks whether there is a public need to be fulfilled by the change?

The applicant's submittal states:

the public need for this change has been demonstrated and documented as a result of the periodic review process. The resulting document advocates a redesignation of industrial land in the vicinity of the i-205/highway 213 interchange (and other areas) to tourist commercial.

The public need is also documented by the goals and policies of the city endorsed EOT master plan. This plan envisions "support services" surrounding the EOT tourist attractions.

With or without development of the EOT facilities, there is a public need within this market area for the services planned for the subject site.

The applicant's proposal for the plan amendment supports the comprehensive plan policies for Tourist Commercial uses in the area. The End of the Trail Master Plan, as well as the Comprehensive Plan policies, support the public need for the change to Tourist Commercial. The 2-acre site will fulfill the need, and we find this criterion met.

3. Third Criterion: OCCP O-1(3) asks whether the public need is best satisfied by the particular change being proposed?

The applicant's submittal states the following:

The applicant knows of no other site available within this trade area suitable for this development.

The subject property meets the criteria found in the locational policies for new Tourist Commercial district. The parcel on the other side of Clackamas River Drive is being filled and is not available for any type of development. We find the third criterion met.

4. Fourth Criterion: OCCP O-1(4) asks whether the change will adversely affect the public health, safety and welfare?

The applicant states there are no residential or otherwise noise or light sensitive neighbors to the site. The site is triangular in shape and is surrounded on two sides by roads and the Southern Pacific Main Line on the other side. Traffic has been addressed under State-wide Goal 12 above.

The Park Place neighborhood adjoins this site. The nature of the proposed use is one which poses potential impacts in the form of increased traffic, congested access, light, noise and glare. Clackamas River Drive is one of three access points into the Park Place area. However, we find that none of these potential issues rises to the level of jeopardizing the public health, safety or

welfare. Accordingly, we find the fourth criterion met.

5. Fifth OCCP Criterion: OCCP O-1(5) asks whether the factual information base in the Comprehensive Plan supports the change?

The factual base in the Comprehensive Plan has allocated 32 acres of land for Tourist Commercial uses in the Parker's Lagoon area. The subject site is located in the Parker's Lagoon area, and approval will add 2.9 acres of TC-zoned land in an area indicated in the End of the Oregon Trail Master Plan and Design Guidelines. On this basis, we find the fifth criterion met.

OCCM §17.68.020 provides the following criteria for a zone change:

6. First OCCM Criterion: OCCM §17.68.020(A) requires that the proposal be consistent with the Goals and Policies of the Comprehensive Plan. Compliance with this criterion is the same as for OCCP O-1(1) discussed above.

7. Second OCCM Criterion: OCCM §17.68.020(B) requires a showing 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. Compliance with this criterion is the same as for OCCP O-1(2) discussed above.

8. Third OCCM Criterion: OCCM §17.68.020(C) requires that services shall be sufficient to support the range of uses and development allowed by the zone. As noted under the first criterion above, sufficient public facilities presently exist, or in the case of transportation facilities, adequate levels of service can be assured through the imposition of a condition of approval. On that basis, this criterion is met.

9. Fourth OCCM Criterion: OCCM §17.68.020(C) requires that 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. As explained previously under the Goal 12 discussion under the first OCCP criterion, adequately transportation facilities do not presently exist. However, by conditioning approval to prohibit any use of the subject site without first complying with the conditional use permit criteria, adequate traffic facilities can be assured. In this way, the proposal can be consistent with the existing or planned function, capacity and level of service of the transportation system serving the site. On that basis, this criterion is met.

10. Fifth OCCM Criterion: §17.68.020(C) requires that Statewide Planning Goals shall be addressed if the Comprehensive Plan does

not contain specific policies or provisions which control the amendment. The OCCP does not contain any policies or provisions specific to this application; therefore, the statewide planning goals apply, and have already been addressed. This criterion is met.

Decision:

The Oregon City City Commission hereby approves this application subject to the following conditions:

1. The applicant shall dedicate to the city a temporary construction easement and permanent water utility easement sufficient for a waterline, the location and dimensions of which shall be designed by the City Engineer.
2. No use shall be permitted at this site without first obtaining a conditional use permit. No conditional use permit shall issue for this site until the applicant, in coordination with Clackamas County and ODOT, devises a mitigation plan which demonstrates, to the satisfaction of the City review authority in consultation with Clackamas County and ODOT, a peak hour LOS of "D" or better for the affected section of Highway 213.



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

October 6, 1993

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**Subject: Final Order on PZ93-02, Plan Amendment
and Zone Change for Stein Oil and
Proposed Ordinance No. 93-1017
An Ordinance Amending Chapter 17.06.030
Official Zoning Map of the Oregon City
Municipal Code, 1991, By Changing Certain Districts**

Report No. 93-216

On September 1, 1993 the city Commission held a public hearing on the request for a Plan Amendment and Zone Change for Stein Oil for 2.9 acres located on the East side of Highway 213 and the Northwesterly side of Clackamas River Drive. The City Commission voted to approve the request concurring with the Planning Commission's recommendation.

Attached for Commission review are the following:

1. Ordinance No. 93-1017,
2. The Final Order and Findings of Fact and Conclusion of Law.

It is recommended that the City Commission accept a motion to adopt Ordinance No. 93-1007 and the Final Order approved to implement the decision reached by the City Commission.

CHARLES LEESON
City Manager

attach.

- cc - Denyse McGriff, Principal Planner
- Jack W. Parker
- Bob Stein
- Don Vedder
- Tamiera Clark, ODOR