

ORDINANCE NO. 94-1021

AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06.030, OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, 1991, BY CHANGING CERTAIN DISTRICTS

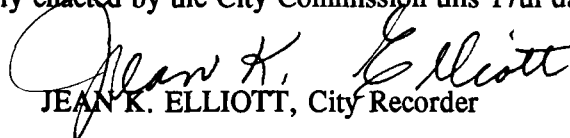
WHEREAS, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the Oregon City Planning Commission and approved by it after public notice and hearing as required by Chapter 17.50 of the 1991 City Code, and the City Commission after public hearing finding the following described property:

Part of the Samuel L. Vance Donation Land Claim, in Township 3 South, Range 2 East, Willamette Meridian, in the City of Oregon City, Clackamas County, Oregon, described as follows:

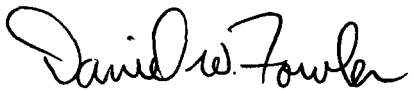
BEGINNING at the Southwest corner of that tract of land conveyed to Richard C. Felix, et ux, by deed recorded February 13, 1958, in Book 536, Page 271, Deed Records; THENCE North 11° 30' West 80.64 feet; THENCE East 132 feet to the East line of the said Felix tract; THENCE South 11° 30' East along the East line of the said Felix tract to the Southeast corner thereof, THENCE West along the South line of the said Felix tract 132 feet to the PLACE OF BEGINNING.

The above-described tract of land contains .24 acres (10,454 square feet), more or less, which is now zoned "R-10", Single-Family Dwelling District. The above-described tract of land is hereby changed to "LO", Limited Office District.

Read first time at a regular meeting of the City Commission held on the 17th day of August, 1994, and the foregoing ordinance was finally enacted by the City Commission this 17th day of August, 1994.


JEAN K. ELLIOTT, City Recorder

ATTESTED this 17th day of August, 1994



DANIEL W. FOWLER, Mayor

ORDINANCE NO. 94-1021

Effective Date: September 16, 1994



CITY OF OREGON CITY

Incorporated 1844

COMMUNITY DEVELOPMENT

P.O. Box 351

Oregon City, OR 97045-0021

(503) 657-0891

FAX (503) 657-3339

Proceedings of the CITY COMMISSION

FINAL ORDER

In the matter of the application of Timothy A. Lundgrin and Bert Mason, Jr., for property ¼ mile West of the intersection of South Eland Road and Warner-Milne Road. (Tax Lot 790, Assessor Map 3-2E-6DA).

For the following Land Use Action or Permit: Zone Change, to change approximately .24 acres from "R-10", Single-Family Residential District to "LO", Limited Office District.

A hearing having been held on the 17th day of August, 1994, it is hereby ordered that:

- () Application is allowed
- (X) Application is allowed with the following modifications and/or conditions:
See attached Exhibit "A" for Findings and Decision.
- () Application is denied.

This order based upon findings attached and incorporated as if fully set forth herein.

DATED: August 17, 1994.


DANIEL W. FOWLER, Mayor

FINAL ORDER/FILE NO. ZC94-05

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EXHIBIT "A"

CITY OF OREGON CITY

Incorporated 1844

COMMUNITY DEVELOPMENT
P.O. Box 351
Oregon City, OR 97045-0021
(503) 657-0891
FAX (503) 657-3339

STAFF REPORT

Planning Commission
June 28, 1994

FILE NO: ZC94-05

HEARING DATE: Tuesday, June 28, 1994
7:00 P.M., City Hall
320 Warner-Milne Road
Oregon City, Oregon 97045

APPLICANT: Tim A. Lundgren
17350 Timothy Way
Gladstone, Oregon 97027

PROPERTY OWNER: Bert Mason, Jr.
15108 S.E. River Road
Milwaukie, Oregon 97267

REQUEST: Zone Change from "R-10", Single-Family Dwelling District to
"LO", Limited Office District

LOCATION: West of the intersection of S. Leland Road and Warner Milne Road
Tax Lots 790, Map 3-2E-6DA

CRITERIA:

The criteria for a Zone Change is outlined in Chapter 17.68 of the Zoning Code:

- A. The proposal shall be consistent with the goals and policies of the Comprehensive Plan.
- B. That the 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.

END OF THE OREGON TRAIL-BEGINNING OF OREGON HISTORY

- C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.
- D. Statewide planning goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment.

BASIC FACTS:

- 1. The property consists of approximately .24 acres. The property is currently undeveloped. It is also shown on the Assessor's map 3-2E-6DA as Tax Lots 790.
- 2. The property is currently zoned "R-10", Single-Family Dwelling District. The plan designation is O, Office.
- 3. The surrounding land uses are: To the North is a church and a vacant parcel and the parent tax lot 700; the East is property owned by Clackamas County-the assessor's office; to the West is Dick Felix logging and a single family dwelling, and to the south recently annexed property that is zoned "R-6"/MH.
- 4. The applicant is request a zone change of the property consistent with the Comprehensive Plan designation. The applicant intends to construction an apartment complex on the property in the future. An apartment complex is an allowed use in the "LO", Limited Office district.
- 5. The applicable Comprehensive Plan Goals and Policies are:

Housing Element:

Goal: Provide for the Planning, development, and preservation of a variety of housing types at a range of prices and rents.

Policy No. 3: The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units.

Community Facilities Element:

Policy No. 5: The City will encourage development on vacant, buildable land within the City where urban facilities and services are available or can be provided.

Policy No. 7: Maximum efficiency for existing urban facilities and services will be reinforced by encouraging development at maximum levels in the Comprehensive Plan and through infill on vacant land.

7. Transmittals on the proposal were sent to various City departments and other agencies. The comments are as follows:

Public Works - No conflicts

Fire Department - No conflicts

City Engineer - No conflicts

Building Official - No conflicts

Community Development Director- No conflicts

8. The applicant has submitted a completed application and supporting documentation for this request.

ANALYSIS AND FINDINGS:

1. Regarding Criterion A: The applicant states that the proposal is consistent with the applicable goals and policies in the Comprehensive Plan. The submittal outlines and address the goals and policies of the Comprehensive Plan. This criterion is met.
2. Regarding Criterion B: All public facilities and services can be made available to this property. Warner Milne Road is a minor arterial. It has been in the process of being upgrades as per the Beaver Creek-Warner Milne realignment project. It will be able to accommodate any traffic from the list of allowed uses in the proposed zone.
3. Regarding Criterion C: The applicant states that the land uses authorized by this proposal, as outlined in the "LO" zone are consistent with the level of service of the existing transportation system. "It is noted that the property is landlocked and will be combined with the parent parcel, tax lot 700 to make it developable.
4. Regarding Criterion D: The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment. Community Facilities Element Policy No. 7 encourages development at maximum levels allowed in the Comprehensive Plan and through infill. The proposal to change to zoning on this property would be consistent with the Comprehensive Plan designation and will facilitate infill development.

The applicable Statewide Planning Goals are 1, 2, 10, and 11.

Goal 1 - Citizen Involvement

- o This proposal will be reviewed according to the public hearing process established by the City. Notice of the request will be mailed to affected property owners, published in the newspaper and posted on the property. Public hearings to review and consider the request will be held by the Planning Commission and the City Commission. Through the notice and public hearing process all interested parties will be afforded the opportunity to comment on the proposal and participate in the decision. Through these measures the requirements of this goal will be met.

Goal 2 - Land Use Planning

- o The Oregon City Comprehensive Plan has been acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the provisions of the Plan and its implementing ordinances. A review of the proposal in relation to the Comprehensive Plan Change criteria and the applicable Plan goals and policies is provided in this report. The facts and evidence provided in this report demonstrate compliance with the Plan. By following the requirements of the Plan, providing factual evidence, and demonstrating compliance with the Plan goals and policies, the requirements of this Goal are met.

Goal 10 - Housing

The applicant states that this parcel will be added to the larger lot, tax lot 700, to provide needed housing as defined by the Goal. The inclusion of this property to the City's inventory will be beneficial in providing consistency with the Comprehensive Plan.

- o The addition of a .24 acre parcel is consistent with the Comprehensive Plan designation for the property. This goal is met.

Goal 11 - Public Facilities and Services

- o The development of this parcel as an infill parcel within the urban growth boundary will have all urban services and facilities available.

Goal 12 - Transportation

- o The site is located adjacent to Warner Milne Road which is classified as a as a minor arterial. The street is also a part of the Beaver Creek Road/Warner-Milne realignment project. The existing transportation system serving the site is capable of serving this site.

Goal 13 - Energy Conservation

- o The City's Building Code specifies energy conservation measures are to be utilized by all uses developed on property. The zoning code also requires

setbacks and solar access. Lot size, dimension, siting, building height, bulk and other energy conservation aspects are reviewed during the building permit process.

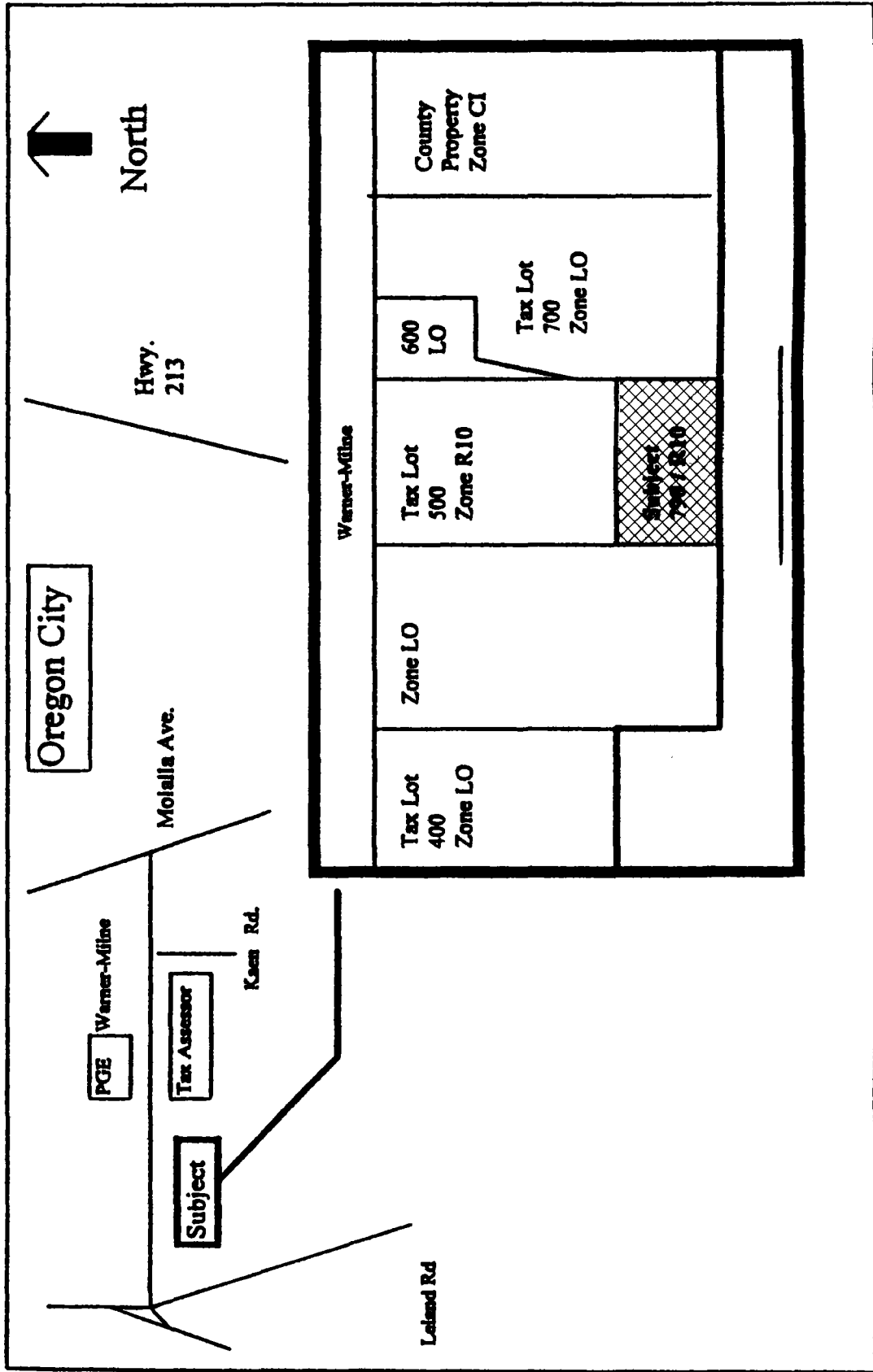
CONCLUSION AND RECOMMENDATION:

The staff finds, through analysis and findings that the request meets the criteria for a zone change; the proposal meets all of the applicable criteria; that there are public facilities and services available; that the transportation system is adequate to serve the land uses authorized by the proposal, and the Comprehensive Plan Goals and Policies support the change.

It is recommended that the property be rezoned from "R-10" to "LO, Limited Office District consistent with the Comprehensive Plan designation. The following condition shall apply to this application:

1. That tax lot 790 be consolidated with tax lot 700, Map 3-2E-6DA, prior to the submittal for any further permits (land use or building).

MAP





CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

August 17, 1994

Page

1 of 1

Subject: Request for a Zone Change -
.24 acres ¼ mile West of the Intersection
of South Leland Road and Warner-Milne Road -
Public Hearing

Report No. 94-152

If approved, Proposed Ordinance 94-1021,
An Ordinance Amending Chapter 17.06.030,
Official Zoning Map of the City of Oregon City
Municipal Code, 1991, by Changing Certain
Districts, and Final Order on File No. ZC94-05

On the August 17, 1994 City Commission agenda is a request for a zone change. The request is being made by Timothy Lundgren for change from "R-10", Single-Family Dwelling District to "LO", Limited Office District. The parcel is located on Warner-Milne Road and is approximately .24 acres. The site is located ¼ mile West of the intersection of S. Leland Road and Warner-Milne Road.

The Planning Commission held a public hearing on July 14, 1994 to review the request. After public testimony, the Planning Commission voted 4-1 to approve the request. The reasons for the approval are:

- o The rezone is compatible with the Comprehensive Plan designation of "O", Office.
- o The rezone will facilitate future development of the property.

Attached for Commission review are the following:

1. Planning Commission minutes of July 14, 1994
2. Staff Report
3. Public Notice, and map of the property
4. Proposed Ordinance No. 94-1021

Notice of proposed Ordinance No. 94-1021 was posted at City Hall, Municipal Elevator, and the Pioneer Community Center by direction of the City Recorder.

It is recommended that the City Commission authorize first and second readings be approved for enactment, and that the Mayor be authorized to execute the Final Order.

CHARLES LEESON
City Manager

attach.

cc - Rich Carson, Director, Community Development
- Denyse C. McGriff, Principal Planner
- Tim Lundgren
- Bert Mason, Jr.

ISSUED BY THE CITY MANAGER