

ORDINANCE NO. 96-1016

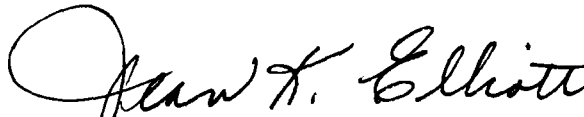
AN ORDINANCE AMENDING CHAPTER 17.06.030, OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE OF 1991, BY CHANGING CERTAIN DISTRICTS

OREGON CITY ORDAINS AS FOLLOWS:

WHEREAS, public necessity and the general welfare of Oregon City require changes to certain districts, which changes have been heard by the Oregon City Planning Commission and approved by it after public notice and hearing as required by Chapter 17.50 of the 1991 City Code, and the City Commission after public notice and hearing finding that the following described property can suitably be utilized for uses incident to a "R-10", Single-Family Dwelling District, for which there is a need in this area, and that such zoning is compatible with the neighborhood development and the Comprehensive Plan of Oregon City, the findings and conclusions attached as Exhibit "A" and depicted in Exhibit "B", adopted as the findings of the Commission and the following described property to wit:

Tax Lot 2200, Assessor Map 2-2E-28CC, zoning designation is hereby changed from FU-10, Future Urban, 10-Acre Minimum to "R-10", Single-Family Dwelling District, with a FP, Flood Plain Overlay.

Read first time at a regular meeting of the City Commission held on the 21st day of August, 1996, and the foregoing ordinance was finally enacted by the City Commission this 21st day of August, 1996.


JEAN K. ELLIOTT, City Recorder

ATTESTED this 21st day of August, ~~1995~~ 1996.


DANIEL W. FOWLER, Mayor

ORDINANCE NO. 96-1016

Effective Date: September 20, 1996



CITY OF OREGON CITY

Incorporated 1844

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

STAFF REPORT

Planning Commission
July 23, 1996

FILE NO.: ZC96-07

HEARING DATE: Tuesday, July 23, 1996
7:00 p.m., City Hall
320 Warner-Milne Road
Oregon City, Oregon 97045

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

PROPERTY OWNER: Eleanore Johnson
5424 S. E. Pueblo St.
Prineville, Oregon 97754

REQUEST: Convert Zoning from County "FU-10", Future Urban 10-acre minimum to "R-10", "R-8", and "R-6", Single-Family Dwelling District

LOCATION: Northeast corner of Livesay and Redland Roads - Tax Lot 2200, Assessor Map 2-2E-28CC

SITE ADDRESS: 13941 S. Livesay Road

CRITERIA: The criteria for processing for zoning annexed areas as set forth in Section 17.06.050 of the Zoning Code.

TABLE A

City Lane Use Classifications

<u>Residential</u>	<u>City Zone</u>
Low Density Residential	"R-10", "R-8", "R-6"

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

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

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

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

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

BASIC FACTS:

1. The property currently contains one single-family dwelling and contains .20 acres. The property is shown on the Assessor's Map as Tax Lot 2200 on Map 2-2-E-28CC.
2. The property is currently zoned "FU-10", Future Urban 10-acre minimum. The Comprehensive Plan designation is LR, Low Density Residential. The property is located in the FP, Flood Plain Overlay. The property was flooded in February, 1996.
3. The surrounding land uses are all residential, both inside and outside the City limits.
4. The property was annexed in April, and was initiated by the property owner to facilitate the extension of public facilities due to a failed septic system.
5. Transmittals were sent to various City department and agencies. The comments are as follows:

Building Official	No conflicts
City Engineer	No conflicts
Fire Department	No conflicts
Public Works	No conflicts
School Dist. No. 62	No conflicts
Community Development Director	No conflicts

ANALYSIS AND FINDINGS:

1. Regarding Criterion 1 - The annexation is consistent and supportive of the Comprehensive Plan policy as listed below:

Growth and Urbanization -

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

2. Regarding Criterion 2 - The general land use pattern, as identified on the Comprehensive Plan Map, is Low Density Residential. The development pattern in the area is mixed:

Single-Family development on large lots, with septic tanks, outside the Urban Growth Boundary; and

Adjacent "R-10" lots

3. Regarding Criterion 3 - The Dual Area Interest Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities within the Urban Growth Boundary. This agreement also specifies that the City has the primary responsibility for the plan designation, i.e., the Urban Growth Boundary after annexation.
4. Regarding Criterion 4 - The lotting pattern in the area is primarily small lots in the City and lots within the County area that are larger. The applicants have the possibility to divide the lot. The property should be rezoned to "R-10", Single-Family Dwelling District (FP).

CONCLUSION AND RECOMMENDATION:

It is recommended that the property identified as Tax Lot 2200, Assessor Map 2-2E-28CC be zoned "R-10", Single-Family Dwelling District (FP).

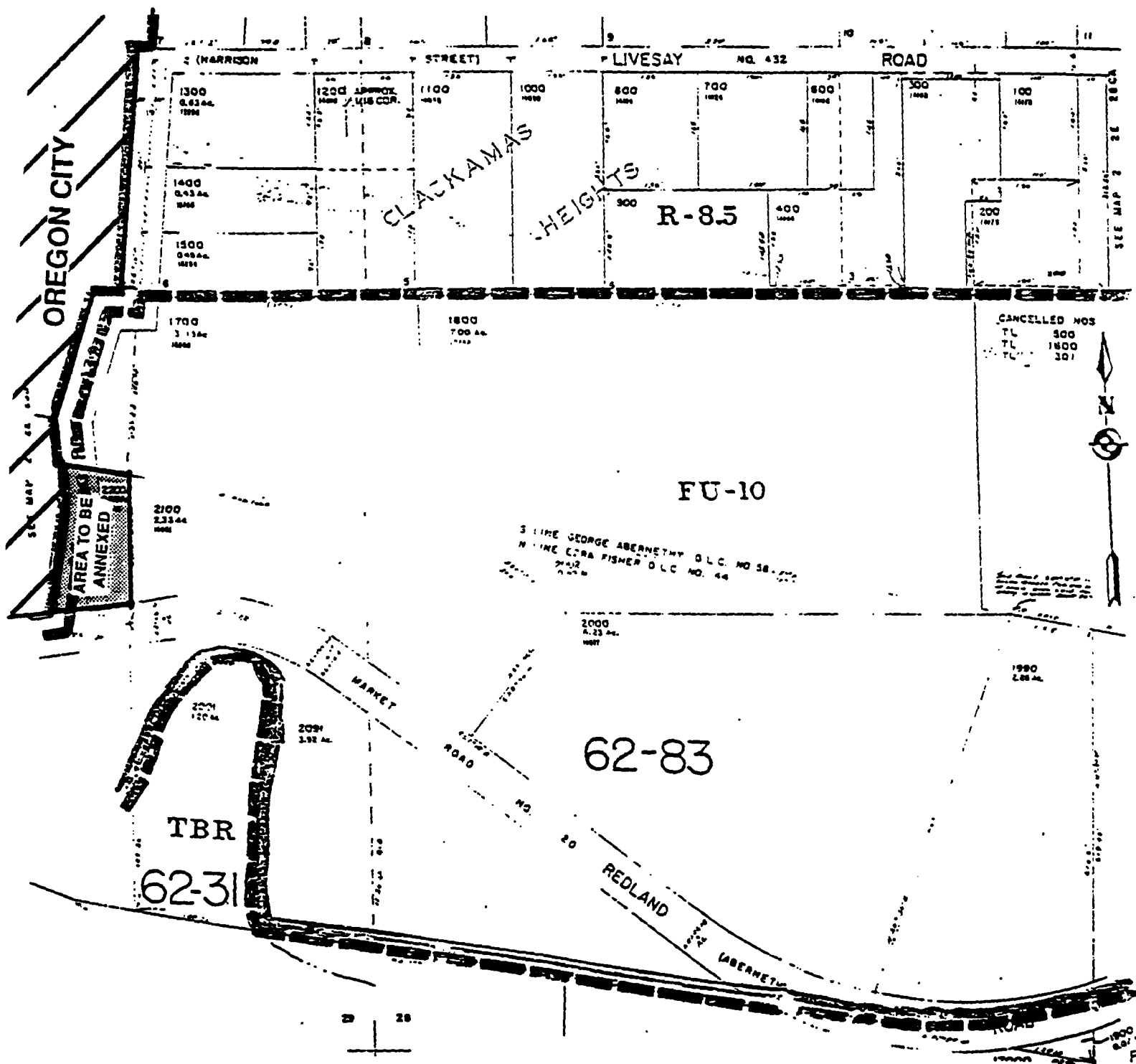
Action by the Planning Commission on this proposal is a recommendation, to be forwarded to the City Commission for hearing and final action.

EXHIBIT "B"
Map for File No. ZC96-07

SW1/4 SW1/4 SECTION 28 T2S R2E W.M.
Clackamas County

2 2E 28CC

Scale: 1" = 200'



PROPOSAL NO. 3570
CITY OF OREGON CITY
ANNEXATION
FIGURE 2

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT BOUNDARY COMMISSION.
800 NE OREGON ST #16 (STE 540), PORTLAND OR 97232-TEL: 731-4093

FINAL ORDER

**RE: BOUNDARY CHANGE PROPOSAL NO: 3570 - Annexation of territory to the
City of Oregon City.**

Proceedings on Proposal No. 3570 commenced upon receipt by the Boundary Commission of a resolution and property owner/registered voter consent from the City on February 27, 1996, requesting that certain property be annexed to the City. The resolution and consent meets the requirements for initiating a proposal set forth in ORS 199.490, particularly Section (2)(a)(B).

Upon receipt of the petition the Boundary Commission published and posted notice of the public hearing in accordance with ORS 199.463 and conducted a public hearing on the proposal on April 4, 1996. The Commission also caused a study to be made on this proposal which considered economic, demographic and sociological trends and projections and physical development of the land.

The Commission reviewed this proposal in light of the following statutory guidance:

"199.410 Policy. (1) The Legislative Assembly finds that:

"(a) A fragmented approach has developed to public services provided by local government. Fragmentation results in duplications in services, unequal tax bases and resistance to cooperation and is a barrier to planning implementation. Such an approach has limited the orderly development and growth of Oregon's urban areas to the detriment of the citizens of this state.

"(b) The programs and growth of each unit of local government affect not only that particular unit but also activities and programs of a variety of other units within each urban area.

"(c) As local programs become increasingly intergovernmental, the state has a responsibility to insure orderly determination and adjustment of local government boundaries to best meet the needs of the people.

"(d) Local comprehensive plans define local land uses but may not specify which units of local government are to provide public services when those services are required.

"(e) Urban population densities and intensive development require a broad spectrum and high level of community services and controls. When areas become urbanized and require the full range of community services, priorities are required regarding the type and levels of services that the residents need and desire. Community service priorities need to be established by weighing the total service needs against the total financial resources available for securing services. Those service priorities are required to reflect local circumstances, conditions and limited financial resources. A

single governmental agency, rather than several governmental agencies is in most cases better able to assess the financial resources and therefore is the best mechanism for establishing community service priorities.

"(2) It is the intent of the Legislative Assembly that each boundary commission establish policies and exercise its powers under this chapter in order to create a governmental structure that promotes efficiency and economy in providing the widest range of necessary services in a manner that encourages and provides planned, well-ordered and efficient development patterns.

"(3) The purposes of ORS 199.410 to 199.534 are to:

"(a) Provide a method for guiding the creation and growth of cities and special service districts in Oregon in order to prevent illogical extensions of local government boundaries and to encourage the reorganization of overlapping governmental agencies;

"(b) Assure adequate quality and quantity of public services and the financial integrity of each unit of local government;

"(c) Provide an impartial forum for the resolution of local government jurisdictional questions;

" (d) Provide that boundary determinations are consistent with acknowledged local comprehensive plans and are in conformance with state-wide planning goals. In making boundary determinations the commission shall first consider the acknowledged comprehensive plan for consistency of its action. Only when the acknowledged local comprehensive plan provides inadequate policy direction shall the commission consider the statewide planning goals. The commission shall consider the timing, phasing and availability of services in making a boundary determination; and

"(e) Reduce the fragmented approach to service delivery by encouraging single agency service delivery over service delivery by several agencies.

"199.462 Standards for review of changes; territory which may not be included in certain changes. (1) In order to carry out the purposes described by ORS 199.410 when reviewing a petition for a boundary change or application under ORS 199.464, a boundary commission shall consider local comprehensive planning for the area, economic, demographic and sociological trends and projections pertinent to the proposal, past and prospective physical development of land that would directly or indirectly be affected by the proposed boundary change or application under ORS 199.464 and the goals adopted under ORS 197.225."

"(2) Subject to any provision to the contrary in the principal Act of the affected district or city and subject to the process of transfer of territory:

"(a) Territory within a city may not be included within or annexed to a district without the consent of the city council;'

"(b) Territory within a city may not be included within or annexed to another city; and

"(c) Territory within a district may not be included within or annexed to another district subject to the same principal Act."

The Commission also considered its policies adopted under Administrative Procedures Act (specifically 193-05-000 to 193-05-015), historical trends of boundary commission operations and decisions and past direct and indirect instructions of the State Legislature in arriving at its decision.

FINDINGS

(See Findings in Exhibit "A" attached hereto).

REASONS FOR DECISION

(See Reasons for Decision in Exhibit "A" attached hereto.)

ORDER

On the basis of the Findings and Reasons for Decision listed in Exhibit "A", the Boundary Commission approved Boundary Change Proposal No. 3570 on April 4, 1996.

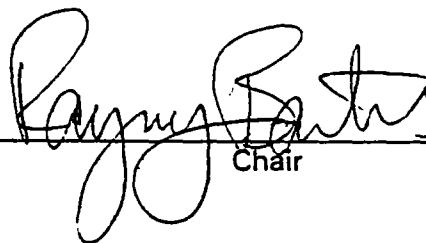
NOW THEREFORE IT IS ORDERED THAT the territory described in Exhibit "B" and depicted on the attached map, be annexed to the City of Oregon City as of May 22, 1996.*

PORTLAND METROPOLITAN AREA LOCAL GOVERNMENT
BOUNDARY COMMISSION

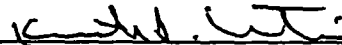
DATE:

APRIL 4, 1996

BY:


Chair

ATTEST: _____



- * This proposal would ordinarily be effective immediately but ORS 199.519 states that boundary changes cannot take effect within 90 days prior to a Primary Election and must be made effective the day after the election.

FINDINGS

Based on the study and the public hearing the Commission found:

1. The territory to be annexed contains .20 acres, 1 single family residence, an estimated population of 1 and is evaluated at \$69,450.
2. The property owner wants to annex to obtain Oregon City sanitary sewer service.
3. The Boundary Commission has three adopted policies. The first of these policies states that the Commission generally sees cities as the primary providers of urban services. Recognizing that growth of cities may cause financial problems for the districts, the Commission states in the second policy that the Commission will help find solutions to the problems. The third policy states that the Commission may approve illogical boundaries in the short term if these lead to logical service arrangements in the long term.

A primary purpose of the Boundary Commission is to assure that there are adequate facilities available to support the land uses provided for in local comprehensive plans. The Commission generally uses the planned-for land uses, not the particular property owner's specific proposal as its test for determining whether the services are available in an adequate quantity and quality. Quantity refers to both the amount of a particular service and the range of services to be provided. For urban areas at least adequate water, sanitary sewer, storm sewer, and transportation facilities are generally required before annexation to a city is approved.

4. The property has moderate to steep slope rising to the north. Livesay Creek lies to the West and Abernethy Creek to the South. Surrounding land uses are residential.
5. The territory is within the regional Urban Growth Boundary and the boundary of Metro.
6. The territory is designated Future Urbanizable on the County's Northwest Urban Land map (Map IV-1) and Low Density Residential (LR) and Resource Protection on the County's Oregon City Area Land Use Plan (Map IV-5). Lands located outside of areas having sanitary sewer service available are designated Future Urbanizable. These are substantially underdeveloped areas that are to be retained in their current use to insure future availability for urban needs. The County has zoned the site as FU-10, future urban, 10 acre minimum lot size. Clackamas County uses the FU-10 zoning as a holding zone to prevent the creation of small parcels in areas within the urban growth boundaries of cities. The following policies apply to Future Urbanizable areas:

8.0 Future Urbanizable Policies

- 8.1 Plan Future Urbanizable areas for eventual urban uses but control premature development (before services are available) by application of a future urbanizable zone of ten (10) acre minimum lot size within the Metro's Urban Growth Boundary (UGB). Rural

zones of 5 acres minimum lot size or larger or agricultural or forest zoning may be used for future urbanizable areas outside the Metro UGB.

- 8.2 Prohibit residential subdivisions, as defined in the subdivision and Partitioning Ordinance, until the land qualifies as Immediate Urban.
- 8.3 Review partition requests to insure that the location of proposed easements and road dedications, structures, wells, and septic drainfields are consistent with the orderly future development of the property at urban densities.

The County plan contains policies that apply when converting future urban land to immediate urban which occurs when territory is annexed to an entity capable of providing sanitary sewer service:

- 5.0 Convert land from Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer. Zoning will be applied, compatible with the Plan when land becomes immediate urban.
- 6.0 Use the following guidelines for annexations having the effect of converting Future Urbanizable to Immediate Urban land:
 - a. Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.
 - b. Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.
 - c. Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.
 - d. Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met . . .

The County's Comprehensive Plan contains the following pertinent policies in the Public Facilities and Services element:

Sanitary Sewage Disposal

* * *

- 6.0 Require sanitary sewerage service agencies to coordinate extension of sanitary services with other key facilities, i.e., water, transportation, and storm drainage systems, which are necessary to serve additional lands.
- 7.0 Require the timely and orderly provision of sanitary sewers in all Immediate Urban areas except those identified as Floodplain and other hazard areas.
- 8.0 Prohibit subsurface disposal systems within Urban Growth Boundaries except for:

- a. A lot of record outside of a sewerage service district, legally recorded prior to January 31, 1980.
- b. Parcels of ten acres or larger in Future Urbanizable areas inside the Metro Urban Growth Boundary (UGB). . .

* * *

Water

* * *

- 13.0 In urban areas, require water purveyors to coordinate the extension of water services with other key facilities, i.e., transportation, sanitary sewers and storm drainage facilities, which are necessary to serve additional lands.
- 14.0 Encourage development in urban areas where adequate urban water facilities already exist.

- 7. Under the statewide goals cities are required to have agreements with counties to ensure the actions of each are coordinated with each other. Under the agreement, Oregon City prepared a land use plan for its entire urban area which was adopted by Clackamas County. The following are pertinent provisions from the Oregon City agreement with Clackamas County.

3. Development Proposals in Unincorporated Area

- A. COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands within the UGMB as Future Urbanizable (FU-10) . . . Subject to the terms of this Agreement, COUNTY shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.

* * *

5. City Annexations

- A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.
- B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of

the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan. . . .

8. Oregon City prepared its Comprehensive Plan for its entire urban growth area. The County adopted compatible designations in the County's Comprehensive Plan. The City/County urban growth management agreement specifies that the County's acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and subsequent plan amendments are adopted by the City. Oregon City has three zones that may be applied to the County's Low Density Residential Land Use classification. These are R-10, R-8 and R-6. The property is probably not eligible for further development.
9. Oregon City has an adopted sewer master plan. This plan is an element of the City Comprehensive Plan. There is a Tri-City Service District sanitary trunk line along the south property line of the proposed annexation.

Oregon City is within the Tri-City Service District. Upon annexation to the City the territory will be automatically annexed to the District by operation of ORS 199.510(2)(c). The boundary of the Service District is the boundary of the cities of Oregon City, Gladstone and West Linn. Each city owns and maintains its own local sewage collector system, and the District owns and maintains the sewage treatment plant and the interceptor system.

The Tri-City Service District plant is located along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The District expanded its treatment plant in 1986. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The Tri-City plant has had measured flows of 50 mgd. At this flow, the collection system was backed up. However, no flows were diverted to the Willamette River. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001.

Oregon City charges its customers \$22.60 per month to use the sewerage facilities. The City has a systems development charge of \$1,425 per equivalent dwelling unit. Of this amount Oregon City retains \$400, transmits \$1000 to the Tri-City Service District and \$25 is for inspection fees.

10. The property to be annexed was within the Park Place Water District which dissolved and transferred its assets to Oregon City. The residence is therefore now an Oregon City water customer.

Oregon City, with West Linn, owns the water intake and treatment plant which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 54 percent and West Linn 46 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Clairmont portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of 20 million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to 5 mgd to be transferred between Lake Oswego and SFWB (from either system to the other).

After leaving the treatment plant water is pumped to Oregon City's 10 million gallon reservoir (located near Mountain View Street). The Mountain View Street reservoir complex is the hub of the City's four pressure zones. The capacity of the Division Street Pump Station and the transmission pipeline to the terminal reservoir is 16 million gallons per day.

The present combined service population for the South Fork Water Board, which is the total of the populations of Oregon City, West Linn and the old Clairmont Water District, (now part of Clackamas River Water District) is approximately 40,000 persons. Maximum daily flows in 1988 approached 16 million gallons per day. These water demands are within the capacity of the South Fork Water Board system up to the Division Street Pump Station. On these peak demand days, the Division Street Pump Station and transmission pipeline is at capacity.

Oregon City charges City water customers \$9.75 per month plus \$1.63 per 100 cubic feet of water. There is an \$800 systems development charge for Oregon City's distribution system, a \$345 systems development charge for the South Fork Water Board system, and a \$550 installation fee charged for new water connections, for a total of \$1693. The former Clairmont Water District is expected to eventually be served by the Clackamas River Water District's water supply. When this change occurs, it will make the supply available for Oregon City and West Linn adequate for a longer time.

11. The property is located at the intersection of Livesay Road and Redland Road. Redland Road is the access into Oregon City and to Highway 213.
12. The Clackamas County Sheriff has about 90 sworn personnel providing local law enforcement (non-corrections) services. These personnel serve the 170,379 unincorporated population as well as two Clackamas County cities that do not have police departments (Barlow and Rivergrove). Estacada and Wilsonville purchase police services from the Clackamas County Sheriff on contract. The total population served in the unincorporated area plus Barlow and Rivergrove is about 170,809. The ratio of sworn officers per thousand population is .53.

The serial levy financing the Sheriff's services is a "split rate" levy. The County levies for fiscal year 1995-96 are \$1.29 against unincorporated lands and \$1.04 against incorporated

lands. The purpose of the split rate is to tax incorporated properties only for the base level of police services provided uniformly to all county residents, recognizing that city residents paying for city police do not utilize the Sheriff's department services equally with unincorporated residents. The voters approved another three year levy for the Sheriff's office to extend this level of service for 3 more years beginning in July, 1996.

A County Service District For Enhanced Law Enforcement became operational on July 1, 1995. This District added 35 officers to raise the service level from .52 to 1.0 officers per 1000 population. The District's taxes are \$0.66 per \$1,000 assess value for the fiscal year 1995-96. By operation of ORS 199.510 (2)(a) the territory will be withdrawn automatically from this District on the effective date of the annexation to the City.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields 1.3 officers per 1000 population. The City is divided into three patrol districts with a 4-minute emergency response and a 20 minute non-emergency response time.

13. Upon annexation the territory will be automatically withdrawn from Clackamas County RFPD #1. First response emergency services to the area, both incorporated and unincorporated, are delivered from the District's Holcomb/Outlook/Park Place station.
14. Planning, building inspection, permits, and other municipal services will be available to the territory upon annexation.

REASONS FOR DECISION

Based on the Findings, the Commission determined:

1. The proposal is consistent with City, County, and Regional planning for the area.
2. The City can provide an adequate quantity and quality of public services to the area.
3. The proposal is consistent with the Boundary Commission Policy On Incorporated Status (OAR 193-05-005) and the Policy On Long Term/Long Range Governmental Structure (OAR 193-05-015).

LEGAL DESCRIPTION
ANNEXATION TO
City of Oregon City

A tract of land situated in a portion of the Ezra Fisher D.L.C. #44 located in Section 28, Township 2 South, Range 2 East of the Willamette Meridian, Clackamas County Oregon, being more particularly described as follows:

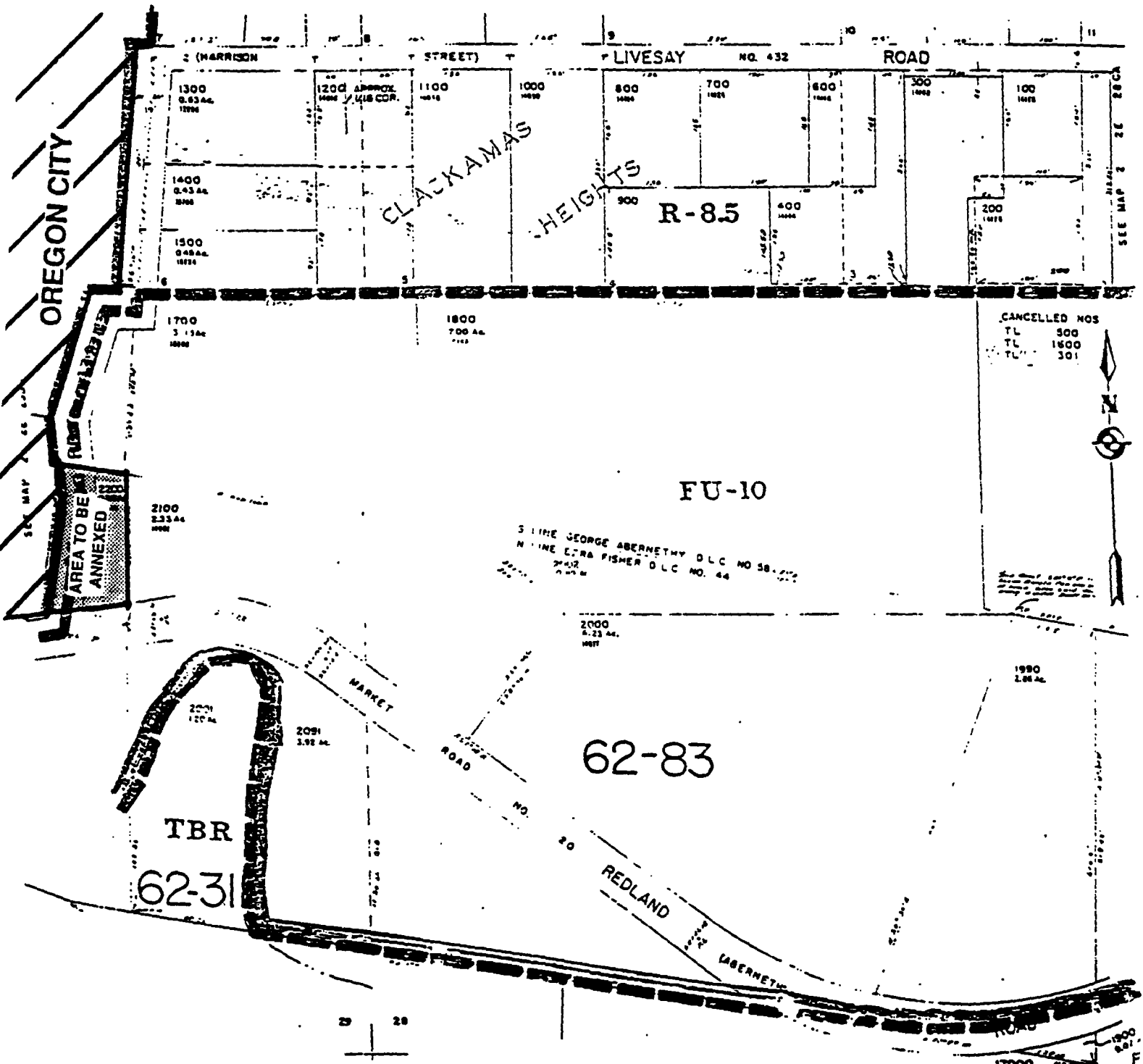
COMMENCING at the intersection of the westerly right of way line of Livesay Road (County Road Number 432) (50 foot right of way), with the Northerly line of the Ezra Fisher Donation Land Claim Number 44, said point being the **TRUE POINT OF BEGINNING: THENCE** South $80^{\circ} 50'$ East, a distance of 51.57 feet, to the Northwest Corner of that certain tract described in Book 434, Page 133, Clackamas County Deed Records, as conveyed to Merton and Eleanore Johnson on July 26, 1953; **THENCE** continuing along the said Northerly line, South $80^{\circ} 50'$ East, a distance of 42 feet, more or less, to the Northereast Corner of said Johnson tract; **THENCE** South, along the easterly line of said Johnson tract, a distance of 176.18, to the Southeast Corner of said Johnson tract, said corner being also on the Northerly right of way line of Redland Road (County Road 681 - Market Road #20) (60 foot right of way); **THENCE** South $80^{\circ} 42'$ West, along the South line of said Johnson tract, 54 feet, more or less, to the Southwesterly Corner of said Johnson Tract, said corner being also the intersection of the North right of way line of said Redland Road and the East right of way line of said Livesay Road; **THENCE** Continuing South $80^{\circ} 42'$ West, across the Said Livesay road right of way, a distance of 53.67 feet to the intersection of the Westerly right of way line of said Livesay Road with the Northerly right of way line of said Redland Road; **THENCE** North 12° East, along the Westerly right of way line of said Livesay Road, a distance of 155 feet, to an angle point in said westerly line; **THENCE** North 5° West, along the Westerly right of way line of said Livesay Road, a distance of 50 feet more or less to the **POINT OF BEGINNING**.

PROPOSAL NO. 3570

SW1/4 SW1/4 SECTION 28 T2S R2E W.M.
Clackamas County

2 2E 28CC

Scale: 1" = 200'



PROPOSAL NO. 3570
CITY OF OREGON CITY
ANNEXATION
FIGURE 2



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

August 21, 1996

1 of

Page

Subject: Zone Change for Annexed Property
Northeast corner of S. Livesay and S. Redland Roads -
Public Hearing
If Approved, Proposed Ordinance No. 96-1016, An
Ordinance Amending Chapter 17.06.030, Official Zoning Map
of the City of Oregon City Municipal Code, 1991, by
Changing Certain Districts

Report No. 96-92

The Portland Metropolitan Boundary Commission approved the annexation of .20 acres of land located on the Northeast corner of South Livesay and South Redland Roads. The annexation was requested by the property owner to allow for the extension of public facilities due to a septic system failure.

On July 23, 1996, the Planning Commission held a public hearing on File No. ZC96-07, the change the zoning designation from "FU-10", Future Urban, 10 acre minimum to City zoning. The proposed zoning designation for the property is based on the Comprehensive Plan Classification of LR, Low Density Residential. The three (3) City zones are "R-10", "R-8", and "R-6", Single-Family Dwelling District.

It was recommended, by the Planning Commission, that the property be rezoned "R-10", Single-Family Dwelling District, with a FP, Flood Plain Overlay. Attached for Commission review are the following documents.

1. Planning Commission minutes from July 23, 1996;
2. Findings of the Planning Commission;
3. Public Notice and map of the property;
4. Proposed Ordinance No. 96-1016.

It is recommended that the Commission approve the recommendation of the Planning Commission. Notice of proposed Ordinance No. 96-1016 has been posted at City Hall, 320 Warner-Milne Road, the Pioneer Community Center, 615 Fifth Street, and at the Municipal Elevator, 300 Seventh Street, by direction of the City Recorder. It is recommended that the first and second readings be approved for final enactment to become effective September 20, 1996.

CHARLES LEESON
City Manager

cc - Community Development Director
- Planning Manager
- Principal Planner
- Property owner

2.

Roll call: Shirley, Aye; Hall, Aye; Rutherford, Aye; Johnson, Aye; Mattsson, Aye; Merrill, Aye; Bean, Aye.

The forgoing is a decision of the Planning Commission, appealable within ten (10) calendar days.



File No. ZC96-07 - Zone Change for Annexed Property - City of Oregon City - 13941 S. Livesay Road.

Commissioner Merrill knows a number of people who live on Livesay Road. Chairman Bean has driven past the place many times. The staff report was presented by McGriff. Chairman Bean highly recommended "R-10" zoning, as the property is too small. McGriff indicated she "went with the code". The property has major slope issues; however, the septic tank failure prompted the annexation.

It was moved by Hall, seconded by Shirley, to recommend "R-10" zoning.

Roll call: Hall, Aye; Rutherford, Aye; Johnson, Aye; Mattsson, Aye; Merrill, Aye; Shirley, Aye; Bean, Aye.

The foregoing is a recommendation to the City Commission, to be heard on August 21, 1996.

A break was called at 9:35 p.m. The meeting reconvened at 9:45 p.m.

File No. ZC96-06 - Zone Change for Annexed Property - City of Oregon City - 11810, 11840 and 11863 S. Partlow Road.

The staff report was provided by McGriff. Commissioner Mattsson commented that the residences are currently on Partlow Road, indicating that dedication will be required if there is a widening of Partlow road to 60 feet. An option for a portion of the property was held by a church, however, that has expired. It was indicated that there are one-half (½) acre lots on Partlow Road, that raises many questions as to the size of the properties. One property owner wants the sewer; another is interested in selling for future development. If sewer is available within 300 feet, it is a requirement to hook up.

All Planning Commission members indicated site visits and familiarity with the site. It was stated no Waiver of Remonstrance is required during annexation or zone change. Commissioner Hall asked about drainage. The address of 11840 Partlow Road will need to acquire an easement across another property, to be served by the South End facility. Lot 5700



CITY OF OREGON CITY

Incorporated 1844

Community Development
P.O. Box 351
Oregon City, OR 97045-0021
503-657-0891

STAFF REPORT

Planning Commission
July 23, 1996

FILE NO.: ZC96-07

HEARING DATE: Tuesday, July 23, 1996
7:00 p.m., City Hall
320 Warner-Milne Road
Oregon City, Oregon 97045

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

PROPERTY OWNER: Eleanore Johnson
5424 S. E. Pueblo St.
Prineville, Oregon 97754

REQUEST: Convert Zoning from County "FU-10", Future Urban 10-acre minimum to "R-10", "R-8", and "R-6", Single-Family Dwelling District

LOCATION: Northeast corner of Livesay and Redland Roads - Tax Lot 2200, Assessor Map 2-2E-28CC

SITE ADDRESS: 13941 S. Livesay Road

CRITERIA: The criteria for processing for zoning annexed areas as set forth in Section 17.06.050 of the Zoning Code.

BASIC FACTS:

1. The property currently contains one single-family dwelling and contains .20 acres. The property is shown on the Assessor's Map as Tax Lot 2200 on Map 2-2-E-28CC.
2. The property is currently zoned "FU-10", Future Urban 10-acre minimum. The Comprehensive Plan designation is LR, Low Density Residential. The property is located in the FP, Flood Plain Overlay. The property was flooded in February, 1996.
3. The surrounding land uses are all residential, both inside and outside the City limits.
4. The property was annexed in April, and was initiated by the property owner to facilitate the extension of public facilities due to a failed septic system.
5. Transmittals were sent to various City department and agencies. The comments are as follows:

Building Official	No conflicts
City Engineer	No conflicts
Fire Department	No conflicts
Public Works	No conflicts
School Dist. No. 62	No conflicts
Community Development Director	No conflicts

ANALYSIS AND FINDINGS:

- 1, Regarding Criterion 1 - The annexation is consistent and supportive of the Comprehensive Plan policy as listed below:

Growth and Urbanization -

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

2. Regarding Criterion 2 - The general land use pattern, as identified on the Comprehensive Plan Map, is Low Density Residential. The development pattern in the area is mixed:

Single-Family development on large lots, with septic tanks, outside the Urban Growth Boundary; and

Adjacent "R-10" lots

TABLE A

City Lane Use Classifications

Residential

City Zone

Low Density Residential

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

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

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

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

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

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

3. Regarding Criterion 3 - The Dual Area Interest Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities within the Urban Growth Boundary. This agreement also specifies that the City has the primary responsibility for the plan designation, i.e., the Urban Growth Boundary after annexation.
4. Regarding Criterion 4 - The lotting pattern in the area is primarily small lots in the City and lots within the County area that are larger. The applicants have the possibility to divide the lot. The property should be rezoned to "R-10", Single-Family Dwelling District (FP).

CONCLUSION AND RECOMMENDATION:

It is recommended that the property identified as Tax Lot 2200, Assessor Map 2-2E-28CC be zoned "R-10", Single-Family Dwelling District (FP).

Action by the Planning Commission on this proposal is a recommendation, to be forwarded to the City Commission for hearing and final action.

NOTICE OF PUBLIC HEARING

HEARING DATE: Oregon City Planning Commission; July 23, 1996; Oregon City City Commission; August 21, 1996, at 7:00 PM; City Hall, 320 Warner Milne Road, Oregon City.

Subject: Zone change for annexed property

File No: ZC96-07

Applicant: City of Oregon City.

Property Owner: Eleanore G. Johnson

Proposal: Zone change from the county Zoning designation of "FU-10", Future Urbanizable 10 acre minimum to "R-10", "R-8", or "R-6" single family residential.

Site Address: 13941 S. Livesay Road

Legal Description: 2S-2E-28CC tax lot 2200

Planning Division Staff Coordinator: Denyse McGriff

Criteria: Criteria for zone changes are set forth in chapter 17.06.050 of the municipal code. The application and the 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 the Commission Chambers.

Any interested citizen may request that the record of this land use application remain open for an additional seven (7) days following the public hearing. Further, any interested citizen may request a continuance of the public hearing, if additional documents or evidence is provided in support of the application following the mailed notice of the public hearing (less than 20 days prior to the public hearing).

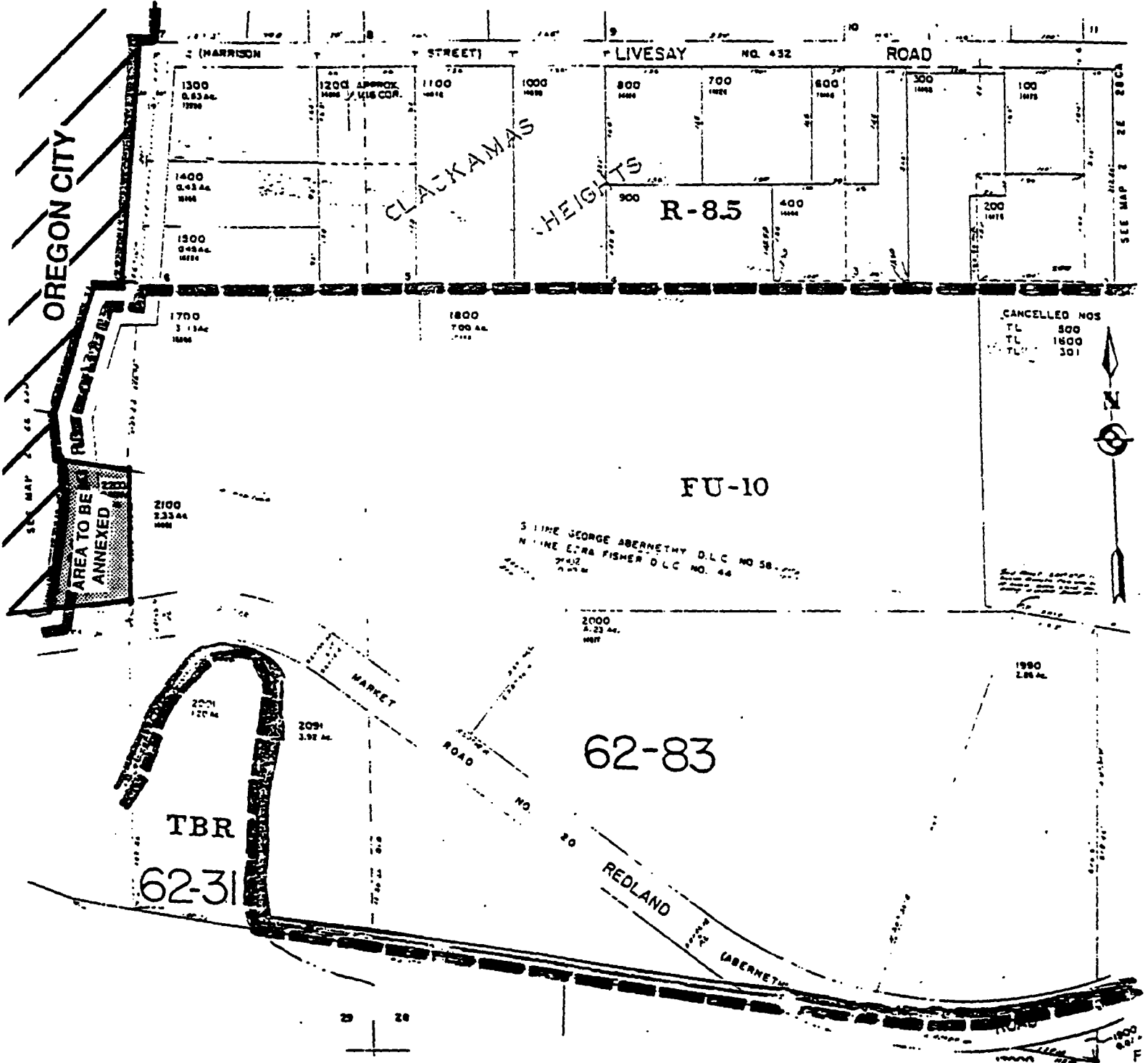
Please be advised that the failure to raise an issue, in person or by mail, with sufficient detail to afford the Planning Commission and the parties an opportunity to respond, precludes appeal of that issue to the Land Use Board of Appeals.

Map for File No. ZC96-07

SW1/4 SW1/4 SECTION 28 T2S R2E W.M.
Clackamas County

2 2E 28CC

Scale: 1" = 200'



PROPOSAL NO. 3570
CITY OF OREGON CITY
ANNEXATION
FIGURE 2