

ORDINANCE NO. 96-1022

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 Lots 100 and 600 Clackamas County Assessor Map 3-2E-16BB, zoning designation is hereby changed from FU-10, Future Urban 10-Acre Minimum to "R-10", Single-Family Dwelling District.

Read first time at a regular meeting of the City Commission held on the 16th day of October, 1996, and the foregoing ordinance was finally enacted by the City Commission this 16th day of ~~November~~, 1996.

October


JEAN K. ELLIOTT, City Recorder

ATTESTED this ^{16th} ~~6th~~ day of ^{*October*} ~~November~~, 1996.



DANIEL W. FOWLER, Mayor

ORDINANCE NO. 96-1022

Effective Date: November ¹⁵ ~~6~~, 1996

CITY OF OREGON CITY

FINDINGS AND CONCLUSIONS

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892

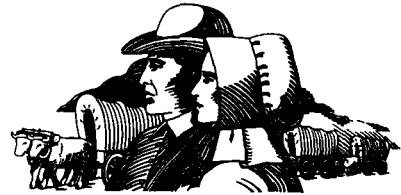


EXHIBIT "A"

**SUBJECT: ZONE CHANGE FOR ANNEXED PROPERTY
20195 HIGHWAY 213 AND 14235 CANYON RIDGE
CIRCLE; LOCATED ON THE NORTHEAST CORNER OF
HWY. 213 AND CANYON RIDGE DRIVE AND THE
NORTHWEST CORNER OF CANYON RIDGE DRIVE AND
CANYON RIDGE CIRCLE.**

FILE NO: ZC96-14

ORDINANCE NO: 96-1022

ANALYSIS AND FINDINGS:

1. **Regarding consistency with the Comprehensive Plan Goals and Policies.**
The annexation is consistent and supportive of the Comprehensive Plan policy G-7(1) 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".

The Dual Interest Area 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.

2. **Regarding compatibility with the general land use pattern in the area established by the Comprehensive Plan.** The general land use pattern, as identified on the Comprehensive Plan Map, is Low Density Residential. The "R-10" or "R-8" Single Family Residential designation is recommended because it supports a low density land use pattern.

3. **Regarding compatibility with the surrounding lotting pattern.** The lotting pattern in the developed area is generally 10,000 square foot lots with a zone of "R-10", Single Family Residential. Therefore, to be consistent with the lotting in the surrounding area, a "R-10" or "R-8" Single-Family Dwelling District is recommended.
4. **Regarding the character of the surrounding area.** The character of the surrounding area is single family residential. This area is one property away from the Urban Growth Boundary to the south, approximately 285 feet. Metro is now considering Urban Reserve areas to the southeast of this area as an extension of their Service District. The Service District Boundary currently extends beyond the UGB and continues south, including only about 200 foot depth of property, and parallels to Hwy 213. The Beaver Creek Basin limits further development to the south west.

CONCLUSION:

The request for the rezone of this property from county to city residential zoning of R-6, 8, or 10 is consistent with the adopted policies and procedures of the city.

RECOMMENDATION:

The Planning Commission recommends to the City Commission the approval of ZC96-14 which rezones 2.86 acres of land identified as 32 E Section 16BB Tax Lot 100 and 600, Clackamas County, from "FU-10" to "R-10", Single-Family Dwelling District.

SEE MAP 3 2E 16B

SEE

MAP

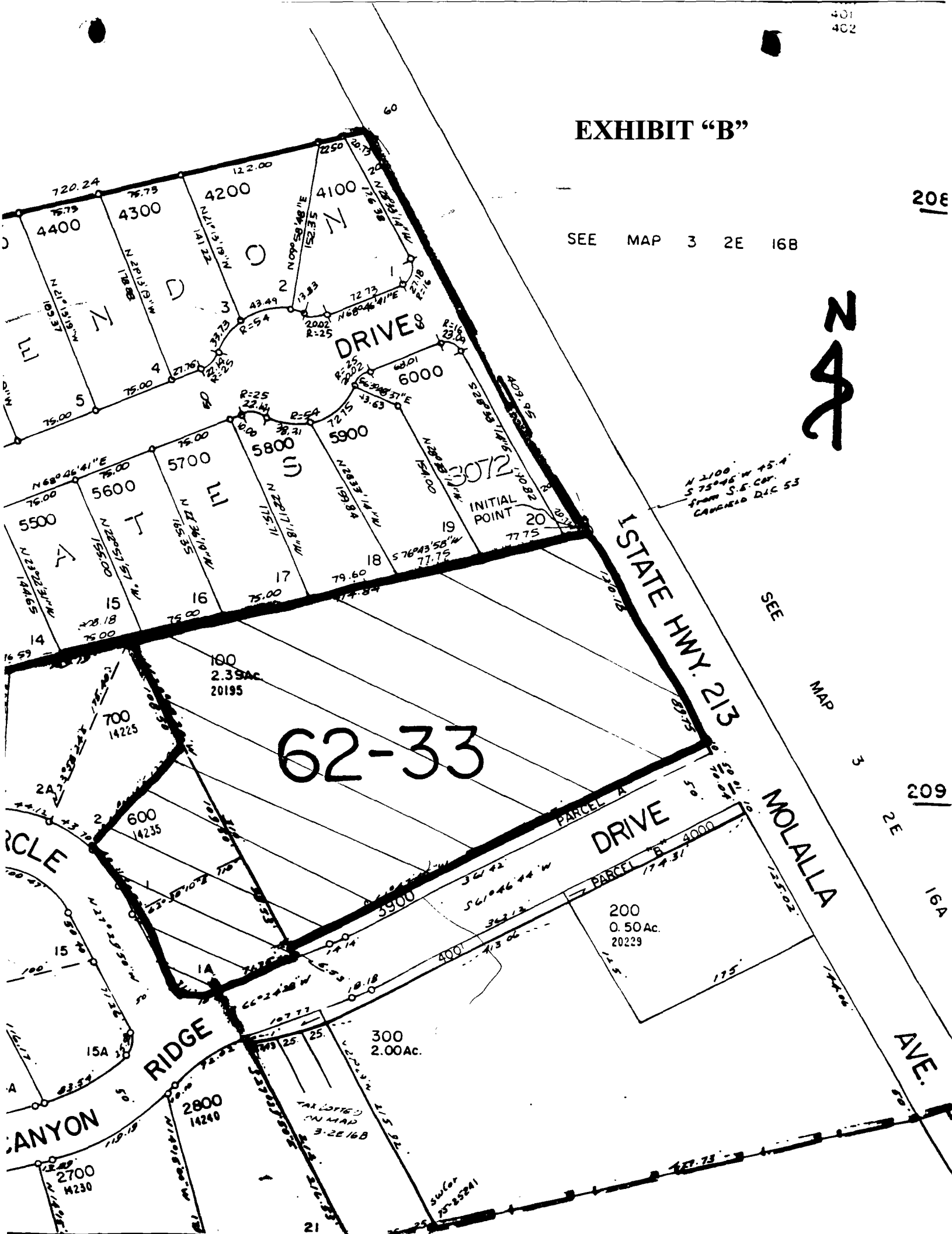
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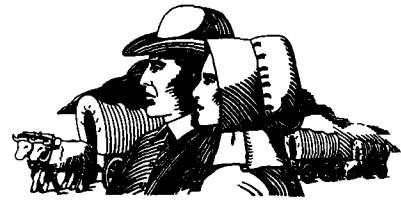
AVE.



CITY OF OREGON CITY

CITY COMMISSION

320 WARNER MILNE ROAD OREGON CITY, OREGON 97045
TEL 657-0891 FAX 657-7892



Staff Report September 24, 1996

Complete: N/A
120 Day: N/A

FILE NO.: ZC96-14

HEARING DATE: Wednesday, October 16, 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

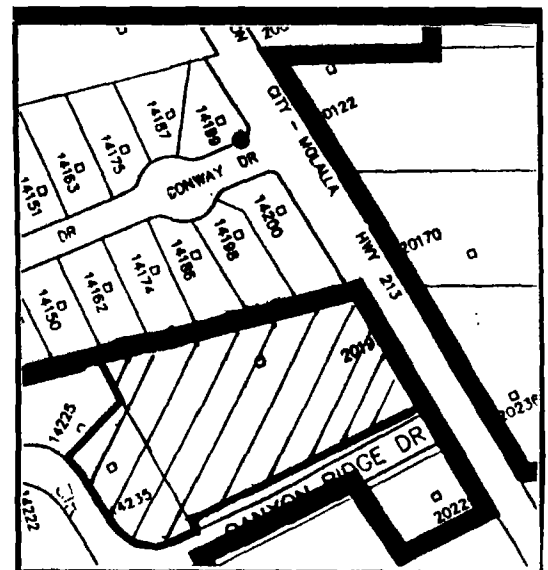
PROPERTY OWNERS: David and Shirley Lawson
20195 Hwy 213
Oregon City, Or 97045
Ronal and Mary Scott
14235 Canyon Ridge Cr.
Oregon City, Or. 97045

REQUEST: Change the zoning on 2.86 acres from County "FU-10", Future Urban 10-acre minimum to "R-10", "R-8", "R-6", Single-Family Dwelling District

LOCATION: 20195 Highway 213 and
14235 Canyon Ridge Circle.
Located on the northwest
corner of Highway 213 and
Canyon Ridge Drive and the
northeast corner of Canyon
Ridge Drive and Canyon
Ridge Circle. Legal: 32E
Section 16BB Tax Lot 100
and 600, Clackamas County.

REVIEWER: Tamara DeRidder, Planning
Manger

VICINITY MAP



- EXHIBITS:**
1. Location (On file)
 2. Comments by Clackamas County Transportation and Development Department.(On file)

CRITERIA: The criteria for processing for zoning annexed areas as set forth in Section 17.06.050 of the Zoning Code and Section G-7 of the Comprehensive Plan.

Zoning of Annexed Areas. Zoning classifications shall reflect the city land use classification as illustrated in "Table A" of Section 17.06.050 as follows:

Plan Designation:

City Zone:

Low Density Residential

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

Section 17.06.050 states that 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:

1. Any applicable Comprehensive Plan Goals and Policies of the Dual Interest Area Agreement.
2. Lotting patterns in the immediate surrounding area.
3. 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.

Comprehensive Plan Goals and Policies. 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 contains a gentle slope to the north and west and contains and contains one (2) single-family dwelling and several out buildings on the site. The site contains a variety of trees, grass and plantings. The total acreage is 2.86 acres. The Clackamas County Assessor's Map identifies the property as 32E Section 16BB Tax Lot 100 and 600.
2. The property is currently zoned "FU-10", Future Urban 10-acre minimum. The Comprehensive Plan designation is LR, Low Density Residential.
3. The property is bounded on the north by residential property containing a subdivision zoned "R-10" and on the west side a subdivision 9,000 to 10,000 square foot lots on property zoned County FU-10. On the east, across Highway 213, there is a county mobile home park. The property to the south contains rural residential activities and that was recently annexed into the city as "R-10".
4. The property was annexed in May, 1996, and was initiated by the property owner to obtain city services to facilitate development.

5. Transmittals were sent to various City departments and agencies. The comments were returned with no conflicts for all notified except Clackamas County Transportation and Development Department, attached as Exhibit 2. The County's comments reflect items that need to be exacted at the time a development action is taken on this property.

ANALYSIS AND FINDINGS:

1. **Regarding consistency with the Comprehensive Plan Goals and Policies.** The annexation is consistent and supportive of the Comprehensive Plan policy G-7(1) 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".

The Dual Interest Area 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.

2. **Regarding compatibility with the general land use pattern in the area established by the Comprehensive Plan.** The general land use pattern, as identified on the Comprehensive Plan Map, is Low Density Residential. The "R-10" or "R-8" Single Family Residential designation is recommended because it supports a low density land use pattern.
3. **Regarding compatibility with the surrounding lotting pattern.** The lotting pattern in the developed area is generally 10,000 square foot lots with a zone of "R-10", Single Family Residential. Therefore, to be consistent with the lotting in the surrounding area, a "R-10" or "R-8" Single-Family Dwelling District is recommended.
4. **Regarding the character of the surrounding area.** The character of the surrounding area is single family residential. This area is one property away

from the Urban Growth Boundary to the south, approximately 285 feet. Metro is now considering Urban Reserve areas to the southeast of this area as an extension of their Service District. The Service District Boundary currently extends beyond the UGB and continues south, including only about 200 foot depth of property, and parallels to Hwy 213. The Beaver Creek Basin limits further development to the south west.

CONCLUSION:

The request for the rezone of this property from county to city residential zoning of R-6, 8, or 10 is consistent with the adopted policies and procedures of the city.

RECOMMENDATION:

The Planning Commission recommends to the City Commission the approval of ZC96-14 which rezones 2.86 acres of land identified as 32 E Section 16BB Tax Lot 100 and 600, Clackamas County, from "FU-10" to "R-10", Single-Family Dwelling District.

Planning Commission Minutes for September 24, 1996 Exhibit 2

Application, ZC96-09, until the next regularly scheduled hearing, October 22, 1996, to give Staff the opportunity to prepare an appropriate Staff Report. Roll Call: Commissioner Mathison, Aye; Commissioner Rutherford, Aye; Commissioner Meril, Aye; Commissioner Shirley, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Bean, Aye. MOTION CARRIED 7-0.

File No. ZC96-14, Zone Change for annexed properties City of Oregon City, 20195 Hwy 213 AND 14235 Canyon Ridge Drive.

Chair Bean opened the hearing for a Zone Change for annexed properties. He asked if there were any ex-parte contacts or conflicts of interest to declare. Four Commissioners stated that they have visited the site. There were no ex-parte contacts or conflicts of interest declared.

Tamara DeRidder reviewed the Staff Report with the Commission. Staff has no recommendation for the Commission at this time. Lot 200 was just rezoned recently to R-10. The subject property is surrounded by R-10.

Patricia Vernon, 14150 Conway Drive, Oregon City, stated that she would like to see the Commission take Option B and utilize the R-10 designation for this subject property. Brandon Estates is a brand new development that is zoned R-10, there is a very active homeowner's association, and it is their intent to keep this neighborhood outstanding. R-10 designation would be most appropriate, particularly given that all the surrounding properties are that designation and it would add to the consistency of the neighborhood.

Allen Lawson, 4351 NE 82nd Avenue, Portland, stated that he is representing his brother, Dave and Shirley Lawson who are the homeowners who live on the property. He has researched the Urban Growth Boundary and talked to Barbara Lenson, Assistant Rezone Planner, of Growth Management Services.

In this area, it is called an outer neighborhood, of which will be farther away from large employment centers and would have larger lot sizes and lower densities. Examples include cities such as Forest Grove, Sherwood, and Oregon City. They are proposing 8,000 square feet or R-8 zoning.

It was asked how many lots would be on this property. Mr. Lawson stated that there will be approximately ten lots with R-8; R-10 would allow for 8 lots.

John Dinges, 18896 S. Rose Road, stated that from the discussion he has heard, R-8 lots are needed. He suggested that the City go ahead and rubber stamp Metro's decision that they need the lots as R-8.

Milton North, 14225 S. Canyon Ridge Circle, stated that he is not against development of this property. Last year he voiced opposition to rezoning to R-6. The Commission decision was in his favor. All the homes in this area are R-10; some of them on Conway Road are 17,000 square feet and above. Since this is on the perimeter of the City, transportation facilities are a minimum,

and dangerous walking conditions, smaller homes would be at risk. Traffic in the area is a problem now. If the property is zoned to R-8, ten more houses, it will add to the current traffic problems. In his neighborhood, there is a strong sense of community. Even the extra lots are mowed and kept in good repair, as are all the homes. This is a quiet area and these lots and the street make a safe place to raise a family and for kids to play. He voice concern that an adequate size house can be put on a 8,000 sq.ft. lot. He is opposed to the zoning change to R-10 as it will encourage smaller homes and lots. There is already a mobile home park across the highway from this area. He asked that the Commission continue the character, appearance, and livability of this neighborhood by zoning it R-10.

Don Badley, 14186 Conway Drive, thanked the Commission for their commitment and time to this process. He lives close to the subject site. His family spent a lot of time looking for a place to live. They moved here because of the character of the neighborhood; it has turned out to be a very pleasant community for them. He requested that the Commission zone this property to R-10, to be consistent with his property and the properties all around them. He too, mentioned the road conditions and the dangerous walking conditions.

Paulette Meril asked Mr. Badley if there were sidewalks in front of Brennon Estates. Mr. Badley stated that there are no sidewalk along Hwy 213. Tamara DeRidder explained that ODOT did not want a sidewalk along Highway 213 because of the nature of the highway.

Lee Dummer, 14240 S. Canyon Ridge, pointed out is property on the map. He too, asked the Commission to zone the subject property as R-10. Mike Shirley stated that Mr. Dummer is a neighbor and customer of his, however, it will not impair his judgement on this Application.

Chair Bean closed the public hearing portion of the hearing and opened it to discussion among the Commissioners. Commissioner Hall stated that he had long been an advocate of R-8 on newly annexed properties. However, there are exceptions. When you look at the pattern of development around this property, it is R-10 or greater. There is a small island of R-8 that is inconsistent with a lot of things. He feels that R-10 is the appropriate classification in this instance. It is on the south end of the Urban Growth Boundary.

Commissioner Randy stated that he agrees with Commissioner Hall. There is an urban reserve study area and has not been determined as a urban reserve at this point. Although Metro is suggesting increasing density in the urban growth boundary, he feels this property is suitable for R-10, not R-8.

It was moved by Paulette Meriland seconded by Mike Shirley, to recommend approval of zone change, ZC96-14, to R-10. Roll Call: Commissioner Mathison, Aye; Commissioner Rutherford, Aye, Commissioner Meril, Aye; Commissioner Shirley, Aye; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Bean, Aye. MOTION CARRIED 7-0.



CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

October 16, 1996

1 of 1

Page

Subject:

Report No. 96-123

Zone Change for Annexed Property

20195 Highway 213 and 14235 Canyon Ridge Circle. Located on the northwest corner of Highway 213 and Canyon Ridge Drive and on the northeast corner of Canyon Ridge Drive and Canyon Ridge Circle. -Public Hearing

If Approved, Proposed Ordinance No. 96-1022

An Ordinance Amending Chapter 17.06.030, Official Zoning Map of the City of Oregon City Municipal Code, 1991 by Changing Certain Districts

On May 30th, 1996, the Portland Metropolitan Boundary Commission approved the annexation of two properties containing 2.68 acres of land located between Highway 213 and Canyon Ridge Circle and fronts on Canyon Ridge Drive. The annexation was requested by the property owners to allow for future development and extension of public facilities.

On September 24, 1996, the Planning Commission held a public hearing on File No. ZC96-14, to change the zoning from "FU-10", Future Urban 10 acre minimum, to City zoning. The proposed zone for the property is based on the Comprehensive Plan Classification of LR, Low Density Residential. The three (3) applicable 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. Attached for Commission review are the following documents.

1. Public Notice containing:
 - A. Proposed Ordinance No. 96-1022
 - B. Findings of the Planning Commission;
 - C. Map of the property;
2. Planning Commission minutes from September 24, 1996;
3. Planning Commission Staff Report with Recommendation to the City Commission.

It is recommended that the Commission approve the recommendation of the Planning Commission. Notice of proposed Ordinance No. 96-1022 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 November 6, 1996.

CHARLES LEESON
City Manager

cc - Community Development Director
- Planning Manager
- Property owners (2)

\\FS21VOL2\WPFILES\TAMARA\ZCHNGE\ZC96-14C.RPT