

## **ORDINANCE NO. 97-1004**

**AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND THE OFFICIAL CITY MUNICIPAL CODE OF 1991, BY CHANGING THE PLAN DESIGNATION FOR A PARCEL COMMERCIAL (C) AND THE ZONE FROM LIGHT INDUSTRIAL (M-1) TO TOURIST COMMER**

WHEREAS, the applicant Stein Oil, Inc., and owner Jack Parker are requesting the relocation of an existing gas service station, which is located in the 100 year flood event, from Washington Street to the intersection of Highway 213 and Clackamas River Drive to a site identified as 2S 2E Section 29 tax lot 2700, Clackamas County, and containing 2.9 acres, and

WHEREAS, the applicant is requesting to expand on to the existing uses of the site by Pacific Pride (card lock facility) by adding a BP Station with 8 fueling positions, a 2,400 square foot convenience store, and a 2,400 square foot office space, and

WHEREAS, the City recognizes that the conclusions of the Lancaster Engineering October 21, 1996, traffic report which identifies the intersection of Highway 213 and Clackamas River Drive at a current level of service (LOS D) and that the zone change and development of this property is an amendment that will not significantly affect this transportation facility, now or in the year 2016, and

WHEREAS, the City fully supports the State-wide Planning Goal 12 and the Goal 12 Transportation Planning Rule and further recognizes the importance of managing developments that may impact critical transportation facilities, and

WHEREAS, the City recognizes the existing BP Station on Washington Street was flooded in the recent 100 year flood event and there is a likelihood of a severe public hazard and contamination of lands in its jurisdiction from the fueling tanks and dispensers at this location, and

WHEREAS, the City seeks to have the BP fueling station on Washington Street dismantled and hazardous materials removed from this site, and

WHEREAS, the proposed conditions of approval are designed to best meet the land use needs and promote the safety and security of the residents of the City and the State.

### **OREGON CITY ORDAINS AS FOLLOWS:**

This application is hereby approved as to this particular property and this particular applicant, subject to the attached findings and conclusions and the following conditions:

1. Until the Highway 213/Clackamas River Drive intersection is improved to a level of service acceptable to ODOT, no uses shall be allowed on this property without a conditional use permit. The only uses eligible for permitting through a conditional use permit are:

- (a) Up to a maximum of 12 card lock fueling positions (maximum of 12 vehicles to be served simultaneously).
- (b) Up to maximum of 8 conventional fueling positions (maximum of 8 vehicles to be served simultaneously) with associated services,
- (c) A convenience market with a maximum floor area of 2,400 sf,
- (d) The applicant's corporate offices with a maximum floor area of 2,400 sf.

In any conditional use permit review process, the applicant must demonstrate with credible evidence that the total traffic generated by the applied for use(s) will not reduce the Highway 213/Clackamas River Drive intersection to an unacceptable level of service.

2. If the applicant obtains a conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to install street improvements as recommended in the July 1996 Lancaster Engineering report. At a minimum, these improvements shall include a northeast bound left turn lane at the property entrance on Clackamas River Drive.

3. The currently operating BP station (located at 1780 Washington Street) shall be closed prior to occupancy of any new gas station on the subject property (located at 13001 Clackamas River Drive). All Stein Oil fueling tanks located within the Oregon City April 1996 flood plain area shall be removed no later than 180 days after occupancy of the subject property.

4. The applicant (who has common ownership with Stein and Stein Partnership) shall enter into an agreement limiting the uses at the existing BP station (located at 1780 Washington Street) until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT. The uses allowed at the current BP station shall be limited to those which generates no more traffic than those uses identified as permitted uses in the Light Industrial District (M-1). This agreement shall be binding upon the applicant and all subsequent owners of the property where the BP gas station is located (at 1780 Washington Street) until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT.

5. No sign shall be displayed on the subject site which would be clearly visible from I-205 until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT and as approved as a part of a subsequent conditional use permit.

6. If the applicant obtains a conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to execute a waiver of remonstrance for the formation of local improvement districts for street, sewer and water improvements benefiting the subject property.

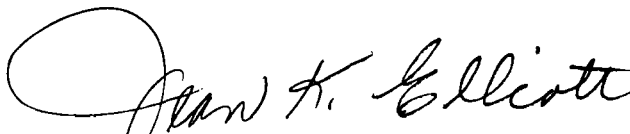
7. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to dedicate enough frontage along all public roadways for the expansion of traveling lanes to accommodate increased traffic flows attributable to development on the subject property.

8. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to ensure there is adequate sight distance at all roadway access points.

9. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to any road frontage improvements required to accommodate increased traffic flows attributable to development on the subject property.

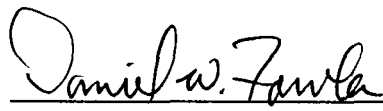
Tax Lot 2700 Clackamas County Assessor Map 2-2E-29, Comprehensive Plan designation is hereby changed from Industrial (I) to Commercial (C) and zoning designation is hereby changed from Light Industrial (M-1) to Tourist Commercial (TC) District.

Read first time at a regular meeting of the City Commission held on the 19th day of February, 1997, and the foregoing ordinance was finally enacted by the City Commission this 19 day of February, 1997.



JEAN K. ELLIOTT, City Recorder

ATTESTED this 19th day of February, 1997.



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DANIEL W. FOWLER, Mayor

ORDINANCE NO. 97-1004

Effective Date: March 21, 1997

COPY

**EXHIBIT "A"**

**BEFORE THE CITY COMMISSION**

**FOR THE CITY OF OREGON CITY, OREGON**

In the matter of an application for a zone )  
change from Heavy Industrial (M-2) to )  
Tourist Commercial (TC) and a )  
comprehensive plan map amendment from )  
Industrial (I) to Commercial for 2.9 acres )  
owned by Stein Oil Co., Inc. )  
)  
Planning File No. PZ96-03-Stein Oil )

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

This matter came before the planning commission at a duly noticed public hearing on October 15, 1996 and was continued to allow the applicant to submit additional materials in support of the application relating to traffic and transportation impacts. After new notice, the application came back again for a public hearing before the planning commission on November 26, 1996. At the close of the hearing, and based upon the entire record of the matter, the planning commission tentatively voted to approve the application with conditions, pending the preparation of findings and appropriate conditions.

The planning commission finds as follows:

**I. Introduction and Background:**

We accept and adopt the statement of Basic Facts set forth in the November 26, 1996 Staff Report and the Findings of that staff report except as specifically modified in these Findings of Fact and Conclusions of Law. We reiterate at the onset that this is an application for a zone change and plan amendment, and normally we would not presume any particular development proposal in such an application. Normally, we would analyze the impacts of the most intensive use allowed outright in the proposed zone in deciding such an application. However, in this case, traffic and the adequacy of the affected transportation facilities are critical considerations (particularly the intersection of Highway 213 and Clackamas River Drive is close to capacity). For that reason, we are analyzing this application as though it proposes a particular development, and, in approving the application, condition it upon this assumed development proposal to ensure the validity of our underlying assumptions.

In particular, this decision includes conditions which require a conditional use permit (CUP) before the applicant may construct any use on the site. In the CUP review process, the applicant will be required to demonstrate that Highway 213/Clackamas River Drive intersection has adequate capacity to accommodate each of the specific uses the applicant

proposes. In approving this zone change and plan amendment today, we assume that such a demonstration can be made; however, we require it nonetheless prior to construction of any use on the subject site.

## **II. Nature of the Proposed Use:**

As stated in the November 26, 1996 Staff Report, the applicant presently operates a BP Gas Station along Washington Street as well as the Pacific Pride card-lock station near the northeast corner of the Highway 213/Clackamas River Drive intersection. The specific development proposal we consider here would include the closure and dismantling of the existing BP gas station and relocating the station to the subject property near the Pacific Pride card-lock. The applicant proposes, and our decision assumes, a total of 8 fueling positions at the proposed BP station (4 pumps with a total of 8 hoses). Additionally, the applicant proposes, and we assume, a 2,400 sf convenience store and 2,400 sf of office space at the new facility.

## **III. Analysis of the Approval Criteria:**

As a preliminary matter, we accept the findings set forth in the Findings portion of the November 26, 1996 Staff Report on these issues except for those pertaining to the following issues, which are specifically addressed below:

- (a) The Transportation Goal of Chapter L of the City's Comprehensive Plan;
- (b) State-wide Planning Goal 12 and the Goal 12 Transportation Planning Rule (TPR);
- (c) Fourth criterion in Chapter O of the City's Comprehensive Plan precluding approval where the change would adversely affect the public health, safety and welfare;
- (d) OCMC 17.68.020(B) & (C) requiring levels of public facilities and services adequate to serve the uses allowed in the proposed zone.

A. Oregon City Comprehensive Plan Chapter L - Transportation Goal: The first of the six approval criteria for zone changes in Chapter O of the city's Comprehensive Plan requires conformance with applicable State Planning Goals and local goals and policies. One of those applicable local plan provisions is the Transportation Goal which provides the following 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."

We interpret this goal to require a basic functioning level of service for all transportation facilities affected by this proposed use. From the applicant's traffic report (Stein Service Station/Convenience Store Traffic Impact Study, prepared by Lancaster Engineering, July 1996), supplemental traffic report (October 21, 1996 letter from Lancaster Engineering) and

the city's own traffic engineer's report (November 14, 1996 report from David Evans and Associates), we conclude that all affected intersections and road segments will operate at acceptable levels of service. In particular, the Lancaster's October 21, 1996 report concludes the Highway 213/Clackamas River Drive intersection operates at level of service (LOS) D and that the proposed use will not degrade that LOS for either the a.m. or the p.m. peak hours. The David Evans and Associates report states that "We agree with the applicant's conclusion that the proposed re-location of the BP station would not adversely impact the study area intersection." We accept and believe these credible expert reports and base our decision of approval on their analyses and conclusions.

The Oregon Department of Transportation (ODOT) and Clackamas County have both submitted several comments on this application, recommending denial because of impacts on the Highway 213/Clackamas River Drive intersection. See ODOT letters of September 16, 1996, November 26, 1996 to the city and a November 26, 1996 ODOT interoffice memo and a November 26, 1996 letter from Clackamas County Department of Transportation and Development to the city. In these comments, both ODOT and Clackamas County dispute the methods by which Lancaster Engineering calculated the traffic flow at, and LOS of, the Highway 213/Clackamas River Drive intersection. ODOT states that the intersection operates at an F LOS, and that the "intersection is expected to operate at an unacceptable level of service in the short and long term."

In our view, the differences between the conclusions in the Lancaster Engineering reports with the conclusions in the letters from ODOT and Clackamas County amount to a difference in expert opinion. We note that the Lancaster Engineering report's conclusions are based on actual traffic counts of various turning movements at the Highway 213/Clackamas River Drive intersection with the addition of projected trip generation from the proposed uses. The ODOT letter does not indicate the basis for ODOT's believe that the Highway 213/Clackamas River Drive intersection operates at an "unacceptable" LOS.

In any event, we find the applicant's expert to be the more credible and convincing than ODOT or Clackamas County in this instance, and conclude there is adequate capacity in the Highway 213/Clackamas River Drive intersection to accommodate this use, if appropriately conditioned. On this basis, we also conclude that the proposed use will not degrade the LOS nor otherwise adversely impact the operation of the Highway 213/Clackamas River Drive intersection. To the extent there is any question about this conclusion, we will verify it before the proposed use is actually constructed because we will require a CUP before any use can be placed on the site. In the CUP review, the applicant will be required to demonstrate there is adequate capacity in the Highway 213/Clackamas River Drive intersection to accommodate all of the specific uses proposed. Until then, however, we find the record is sufficient to demonstrate there is present capacity in all affected transportation facilities, and the transportation goal of the city's comprehensive plan is therefore met.

B. State-wide Planning Goal 12 and the Goal 12 Transportation Planning Rule:  
Applicable here, the Goal 12 TPR requires, among other things, that:

"Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:

- "(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
- "(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or
- "(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes."

OAR 660-12-060.

On this issue, Lancaster Engineering's July, 1996 report states that the Highway 213/Clackamas River Drive intersection currently operates at a D LOS and that the proposed zone change, as conditioned in this decision, will not change the operational aspects of this intersection for either the a.m. or p.m. peak hours. However, the report also projects that, based on development patterns in the area, the Highway 213/Clackamas River Drive intersection will likely drop to a LOS F by the year 2016. ODOT argues that, because the LOS is predicted to drop to an unacceptable LOS within 20 years, approval of this zone change would violate OAR 660-12-060. This argument assumes that the Highway 213/Clackamas River Drive intersection is a state facility, and that ODOT has a 20-year planning horizon for this facility.

At the onset, we believe and accept the expert statements of Lancaster Engineering that this proposed zone change, assuming this particular use, will not affect the function or LOS of the Highway 213/Clackamas River Drive intersection. A plain meaning interpretation of the administrative rule demonstrates that the rule applies only to situations where a land use proposal is believed to cause some sort of significant impact on a transportation facility. Based on the record before us, we see no causal connection between this zone change application and the failing LOS of the Highway 213/Clackamas River Drive intersection predicted by the year 2016. Granted, while the Highway 213/Clackamas River Drive intersection may someday drop to a failing LOS, neither this zone change, nor the proposed development, will cause or affect that change in LOS.

From this, we do not believe the proposed zone change or development is an amendment "which significantly affect[s] a transportation facility" within the meaning of OAR 660-12-060. Because this particular proposal will not affect the function or LOS of the Highway 213/Clackamas River Drive intersection, OAR 660-12-060 does not even apply, and to the extent it applies, its requirements are met.

C. Fourth criterion in Chapter O of the City's Comprehensive Plan: The fourth criterion in the comprehensive plan chapter dealing with zone changes (Chapter O) requires a discussion of whether the proposed change will "adversely affect the public health, safety and welfare." As noted, ODOT and Clackamas have expressed the opinion that the proposal will cause the Highway 213/Clackamas River Drive intersection to drop to an unacceptable level of service within ODOT's 20-year planning horizon. We disagree.

Based on the credible expert evidence presented in the Lancaster Engineering reports, as corroborated by the city's traffic engineer, we find that there currently is adequate traffic capacity to accommodate this zone change so long as the uses actually developed are limited to those presented in support of this application. Therefore, we find that any drop in LOS likely to occur in the Highway 213/Clackamas River Drive intersection, will not be the fault of this land use proposal. Therefore, this zone change, if properly conditioned, will not adversely affect the public health, safety and welfare.

D. OCMC 17.68.020(B) & (C): OCMC 17.68.020 provides the code's approval criteria for zone changes. Subsections (B) and (C) pertain to the traffic issues raised by ODOT and Clackamas County, and respectively require:

"(B) 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.

"(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."

We find these criteria are met by this proposal, so long as the uses allowed in the resulting zone are limited to those represented to us by the applicant, and the applicant applies for and obtains a CUP prior to construction. In that event, the range of uses is substantially limited to ensure that the traffic capacity of affected facilities will not be affected by the proposed uses. Again, this conclusion is based on the Lancaster Engineering report's determination that the Highway 213/Clackamas River Drive intersection is currently at a LOS D and that neither this zone change proposal nor the applicant's development plans will cause the LOS to deteriorate to an unacceptable level.

#### **IV. Conditions of Approval:**

This application is hereby approved as to this particular property and this particular applicant, subject to the following conditions:



1. Until the Highway 213/Clackamas River Drive intersection is improved to a level of service acceptable to ODOT, no uses shall be allowed on this property without a conditional use permit. The only uses eligible for permitting through a conditional use permit are:

- (a) Up to a maximum of 12 card lock fueling positions (maximum of 12 vehicles to be served simultaneously).
- (b) Up to maximum of 8 conventional fueling positions (maximum of 8 vehicles to be served simultaneously) with associated services,
- (c) A convenience market with a maximum floor area of 2,400 sf,
- (d) The applicant's corporate offices with a maximum floor area of 2,400 sf.

In any conditional use permit review process, the applicant must demonstrate with credible evidence that the total traffic generated by the applied for use(s) will not reduce the Highway 213/Clackamas River Drive intersection to an unacceptable level of service.

2. If the applicant obtains a conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to install street improvements as recommended in the July 1996 Lancaster Engineering report. At a minimum, these improvements shall include a northeast bound left turn lane at the property entrance on Clackamas River Drive.

3. The currently operating BP station (located at 1780 Washington Street) shall be closed prior to occupancy of any new gas station on the subject property (located at 13001 Clackamas River Drive). All Stein Oil fueling tanks located within the Oregon City April 1996 flood plain area shall be removed no later than 180 days after occupancy of the subject property.

4. The applicant (who has common ownership with Stein and Stein Partnership) shall enter into an agreement limiting the uses at the existing BP station (located at 1780 Washington Street) until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT. The uses allowed at the current BP station shall be limited to those which generates no more traffic than those uses identified as permitted uses in the Light Industrial District (M-1). This agreement shall be binding upon the applicant and all subsequent owners of the property where the BP gas station is located (at 1780 Washington Street) until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT.

5. No sign shall be displayed on the subject site which would be clearly visible from I-205 until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT and as approved as a part of a subsequent conditional use permit.

6. If the applicant obtains a conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to execute a waiver of remonstrance for the formation of local improvement districts for street, sewer and water

improvements benefiting the subject property.

7. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to dedicate enough frontage along all public roadways for the expansion of traveling lanes to accommodate increased traffic flows attributable to development on the subject property.

8. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to ensure there is adequate sight distance at all roadway access points.

9. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to any road frontage improvements required to accommodate increased traffic flows attributable to development on the subject property.



## CITY OF OREGON CITY

INCORPORATED 1844

# COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

February 19, 1997

1 of 2

Page

**Subject:**

**Report No. 97-21**

Comprehensive Plan and Zone Change for Annexed Property  
13001 Clackamas River Drive. Located on the northeast corner of Highway 213 and  
Clackamas River Drive.

If Approved, Proposed Ordinance No. 97-1004  
An Ordinance Amending the Comprehensive Plan Map and Chapter 17.06.030,  
Official Zoning Map of the City of Oregon City Municipal Code, 1991 by Changing  
Certain Districts

On November 26th, 1996, the Planning Commission reviewed application PZ96-03 for a Comprehensive Plan amendment and Zone Change to change the subject property from Industrial (I) to Commercial (C) designation and from Light Manufacturing (M-1) to Tourist Commercial (TC), respectively, and to increase the uses on the site by adding a BP Station with 8 fueling positions, 2,400 square feet of convenience store and 2,400 square feet of office space. The Planning Commission recommended tentative approval for the site containing 2.9 acres subject to the findings and conditions to be submitted for approval at the next scheduled public hearing. At the public hearing on January 9, 1997, the Planning Commission reviewed and recommended approval of the findings and conditions as amended.

The Planning Commission found that the application meets the requirements of the code and the comprehensive plan. Issues of concern include:

- 1) Addressing the Oregon Department of Transportation (ODOT) assertion, letter dated November 26, 1996, that the intersection of Highway 213 and Clackamas River Drive is at a failing level of service (LOS F) and that they continue to oppose the comprehensive plan and zone change;
- 2) That the trips currently generated by the existing BP Station (located at 1780 Washington Street) and impact the 213/Clackamas River Drive intersection could be transferred to the new site and the generation of traffic at the current site would become restricted; and
- 3) That the existing BP Station, which is located within the recent 100 year flood event, should become dismantled and fuel tanks/hazardous waste be removed from the site;

As stated in the findings, the Planning Commission supports the conclusions made by Tom Lancaster in his traffic study reports dated July 1996 and October 21, 1996, which state that the current level of service at the 213/Clackamas River Drive intersection is at a LOS D. The report further finds that the level of service at this intersection reaches a failing level of service (LOS F) by the year 2016. Nonetheless, the proposed application and subsequent development will have no significant impact on the change in this future level of service.



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

February 19, 1997

Page 2 of 2

Subject:

Report No. 97-21

Comprehensive Plan and Zone Change for Annexed Property  
13001 Clackamas River Drive. Located on the northeast corner of Highway 213 and  
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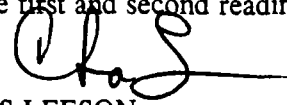
If Approved, Proposed Ordinance No. 97-1004  
An Ordinance Amending the Comprehensive Plan Map and Chapter 17.06.030,  
Official Zoning Map of the City of Oregon City Municipal Code, 1991 by Changing  
Certain Districts

The traffic analysis submitted by the applicant was based on specific uses and did not propose the worse case scenario of traffic generation in the Tourist Commercial District. Therefore, the application can only be recommended for approval subject to conditions of approval based these specific uses. The proposed conditions address the issues listed above by limiting uses at the current and proposed BP Station site based on traffic generation and impact on the 213/Clackamas River Drive intersection.

It was recommended, by the Planning Commission, that the subject property be redesignated from Industrial (I) to Commercial (C) and rezoned from Light Industrial (M-1) to Tourist Commercial (TC). Attached for Commission review are the following documents.

1. Public Notice containing:
  - A. Proposed Ordinance No. 97-1004
  - B. Findings and Conclusions of the Planning Commission;
  - C. Map of the property;
2. Planning Commission minutes from November 26, 1996, and January 9, 1997;
3. Planning Commission Staff Report.

It is recommended that the Commission approve the recommendation of the Planning Commission. Notice of proposed Ordinance No. 97-1004 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.~~

*March 21, 1997*  
  
CHARLES LEESON  
City Manager

- cc
- Community Development Director
  - Planning Manager
  - Applicant (1)
  - Property owners (2)

**Exhibit B**

**BEFORE THE PLANNING COMMISSION  
FOR THE CITY OF OREGON CITY, OREGON**

In the matter of an application for a zone )  
change from Heavy Industrial (M-2) to Tourist )  
Commercial (TC) and a comprehensive plan )  
map amendment from Industrial (I) to )  
Commercial for 2.9 acres owned by Stein Oil )  
Co., Inc. )  
)  
Planning File No. PZ96-03-Stein Oil )

**FINDINGS OF FACT,  
CONCLUSIONS OF LAW  
AND ORDER**

This matter came before the planning commission at a duly noticed public hearing on October 15, 1996 and was continued to allow the applicant to submit additional materials in support of the application relating to traffic and transportation impacts. After new notice, the application came back again for a public hearing before the planning commission on November 26, 1996. At the close of the hearing, and based upon the entire record of the matter, the planning commission tentatively voted to approve the application with conditions, pending the preparation of findings and appropriate conditions.

The planning commission finds as follows:

**I. Introduction and Background:**

We accept and adopt the statement of Basic Facts set forth in the November 26, 1996 Staff Report and the Findings of that staff report except as specifically modified in these Findings of Fact and Conclusions of Law. We reiterate at the onset that this is an application for a zone change and plan amendment, and normally we would not presume any particular development proposal in such an application. Normally, we would analyze the impacts of the most intensive use allowed outright in the proposed zone in deciding such an application. However, in this case, traffic and the adequacy of the affected transportation facilities are critical considerations (particularly the intersection of Highway 213 and Clackamas River Drive is close to capacity). For that reason, we are analyzing this application as though it proposes a particular development, and, in approving the application, condition it upon this assumed development proposal to ensure the validity of our underlying assumptions.

In particular, this decision includes conditions which require a conditional use permit (CUP) before the applicant may construct any use on the site. In the CUP review process, the applicant will be required to demonstrate that Highway 213/Clackamas River Drive intersection has adequate capacity to accommodate each of the specific uses the applicant proposes. In approving this zone change and plan amendment today, we assume that such a demonstration can be made; however, we require it nonetheless prior to construction of any use on the subject site.

## **II. Nature of the Proposed Use:**

As stated in the November 26, 1996 Staff Report, the applicant presently operates a BP Gas Station along Washington Street as well as the Pacific Pride card-lock station near the northeast corner of the Highway 213/Clackamas River Drive intersection. The specific development proposal we consider here would include the closure and dismantling of the existing BP gas station and relocating the station to the subject property near the Pacific Pride card-lock. The applicant proposes, and our decision assumes, a total of 8 fueling positions at the proposed BP station (4 pumps with a total of 8 hoses). Additionally, the applicant proposes, and we assume, a 2,400 sf convenience store and 2,400 sf of office space at the new facility.

## **III. Analysis of the Approval Criteria:**

As a preliminary matter, we accept the findings set forth in the Findings portion of the November 26, 1996 Staff Report on these issues except for those pertaining to the following issues, which are specifically addressed below:

- (a) The Transportation Goal of Chapter L of the City's Comprehensive Plan;
- (b) State-wide Planning Goal 12 and the Goal 12 Transportation Planning Rule (TPR);
- (c) Fourth criterion in Chapter O of the City's Comprehensive Plan precluding approval where the change would adversely affect the public health, safety and welfare;
- (d) OCMC 17.68.020(B) & (C) requiring levels of public facilities and services adequate to serve the uses allowed in the proposed zone.

A. Oregon City Comprehensive Plan Chapter L - Transportation Goal: The first of the six approval criteria for zone changes in Chapter O of the city's Comprehensive Plan requires conformance with applicable State Planning Goals and local goals and policies. One of those applicable local plan provisions is the Transportation Goal which provides the following 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."

We interpret this goal to require a basic functioning level of service for all transportation facilities affected by this proposed use. From the applicant's traffic report (Stein Service Station/Convenience Store Traffic Impact Study, prepared by Lancaster Engineering, July 1996), supplemental traffic report (October 21, 1996 letter from Lancaster Engineering) and the city's own traffic engineer's report (November 14, 1996 report from David Evans and Associates), we conclude that all affected intersections and road segments will operate at acceptable levels of service. In particular, the Lancaster's October 21, 1996 report concludes the Highway 213/Clackamas River Drive intersection operates at level of service (LOS) D and that the proposed use will not degrade that LOS for either the a.m. or the p.m. peak hours. The David Evans and Associates report states that "We agree with the applicant's conclusion that the proposed re-location of the BP station would not adversely impact the study area intersection." We accept and believe these credible expert reports and base our decision of approval on their analyses and conclusions.

The Oregon Department of Transportation (ODOT) and Clackamas County have both submitted several comments on this application, recommending denial because of impacts on the Highway 213/Clackamas River Drive intersection. See ODOT letters of September 16, 1996, November 26, 1996 to the city and a November 26, 1996 ODOT interoffice memo and a November 26, 1996 letter from Clackamas County Department of Transportation and Development to the city. In these comments, both ODOT and Clackamas County dispute the methods by which Lancaster Engineering calculated the traffic flow at, and LOS of, the Highway 213/Clackamas River Drive intersection. ODOT states that the intersection operates at an F LOS, and that the "intersection is expected to operate at an unacceptable level of service in the short and long term."

In our view, the differences between the conclusions in the Lancaster Engineering reports with the conclusions in the letters from ODOT and Clackamas County amount to a difference in expert opinion. We note that the Lancaster Engineering report's conclusions are based on actual traffic counts of various turning movements at the Highway 213/Clackamas River Drive intersection with the addition of projected trip generation from the proposed uses. The ODOT letter does not indicate the basis for ODOT's believe that the Highway 213/Clackamas River Drive intersection operates at an "unacceptable" LOS.

In any event, we find the applicant's expert to be the more credible and convincing than ODOT or Clackamas County in this instance, and conclude there is adequate capacity in the Highway 213/Clackamas River Drive intersection to accommodate this use, if appropriately conditioned. On this basis, we also conclude that the proposed use will not degrade the LOS nor otherwise adversely impact the operation of the Highway 213/Clackamas River Drive intersection. To the extent there is any question about this conclusion, we will verify it before the proposed use is actually constructed because we will require a CUP before any use can be placed on the site. In the CUP review, the applicant will be required to demonstrate there is adequate capacity in the Highway 213/Clackamas River Drive intersection to accommodate all of

the specific uses proposed. Until then, however, we find the record is sufficient to demonstrate there is present capacity in all affected transportation facilities, and the transportation goal of the city's comprehensive plan is therefore met.

B. State-wide Planning Goal 12 and the Goal 12 Transportation Planning Rule:  
Applicable here, the Goal 12 TPR requires, among other things, that:

"Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility. This shall be accomplished by either:

- "(a) Limiting allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility;
- "(b) Amending the TSP to provide transportation facilities adequate to support the proposed land uses consistent with the requirements of this division; or
- "(c) Altering land use designations, densities, or design requirements to reduce demand for automobile travel and meet travel needs through other modes."

OAR 660-12-060.

On this issue, Lancaster Engineering's July, 1996 report states that the Highway 213/Clackamas River Drive intersection currently operates at a D LOS and that the proposed zone change, as conditioned in this decision, will not change the operational aspects of this intersection for either the a.m. or p.m. peak hours. However, the report also projects that, based on development patterns in the area, the Highway 213/Clackamas River Drive intersection will likely drop to a LOS F by the year 2016. ODOT argues that, because the LOS is predicted to drop to an unacceptable LOS within 20 years, approval of this zone change would violate OAR 660-12-060. This argument assumes that the Highway 213/Clackamas River Drive intersection is a state facility, and that ODOT has a 20-year planning horizon for this facility.

At the onset, we believe and accept the expert statements of Lancaster Engineering that this proposed zone change, assuming this particular use, will not affect the function or LOS of the Highway 213/Clackamas River Drive intersection. A plain meaning interpretation of the administrative rule demonstrates that the rule applies only to situations where a land use proposal is believed to cause some sort of significant impact on a transportation facility. Based on the record before us, we see no causal connection between this zone change application and the failing LOS of the Highway 213/Clackamas River Drive intersection predicted by the year 2016. Granted, while the Highway 213/Clackamas River Drive intersection may someday drop to a



failing LOS, neither this zone change, nor the proposed development, will cause or affect that change in LOS.

From this, we do not believe the proposed zone change or development is an amendment "which significantly affect[s] a transportation facility" within the meaning of OAR 660-12-060. Because this particular proposal will not affect the function or LOS of the Highway 213/Clackamas River Drive intersection, OAR 660-12-060 does not even apply, and to the extent it applies, its requirements are met.

C. Fourth criterion in Chapter O of the City's Comprehensive Plan: The fourth criterion in the comprehensive plan chapter dealing with zone changes (Chapter O) requires a discussion of whether the proposed change will "adversely affect the public health, safety and welfare." As noted, ODOT and Clackamas have expressed the opinion that the proposal will cause the Highway 213/Clackamas River Drive intersection to drop to an unacceptable level of service within ODOT's 20-year planning horizon. We disagree.

Based on the credible expert evidence presented in the Lancaster Engineering reports, as corroborated by the city's traffic engineer, we find that there currently is adequate traffic capacity to accommodate this zone change so long as the uses actually developed are limited to those presented in support of this application. Therefore, we find that any drop in LOS likely to occur in the Highway 213/Clackamas River Drive intersection, will not be the fault of this land use proposal. Therefore, this zone change, if properly conditioned, will not adversely affect the public health, safety and welfare.

D. OCMC 17.68.020(B) & (C): OCMC 17.68.020 provides the code's approval criteria for zone changes. Subsections (B) and (C) pertain to the traffic issues raised by ODOT and Clackamas County, and respectively require:

"(B) 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.

"(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."

We find these criteria are met by this proposal, so long as the uses allowed in the resulting zone are limited to those represented to us by the applicant, and the applicant applies for and

obtains a CUP prior to construction. In that event, the range of uses is substantially limited to ensure that the traffic capacity of affected facilities will not be affected by the proposed uses. Again, this conclusion is based on the Lancaster Engineering report's determination that the Highway 213/Clackamas River Drive intersection is currently at a LOS D and that neither this zone change proposal nor the applicant's development plans will cause the LOS to deteriorate to an unacceptable level.

#### **IV. Conditions of Approval:**

This application is hereby approved as to this particular property and this particular applicant, subject to the following conditions:

1. Until the Highway 213/Clackamas River Drive intersection is improved to a level of service acceptable to ODOT, no uses shall be allowed on this property without a conditional use permit. The only uses eligible for permitting through a conditional use permit are:

- (a) Up to a maximum of 12 card lock fueling positions (maximum of 12 vehicles to be served simultaneously).
- (b) Up to maximum of 8 conventional fueling positions (maximum of 8 vehicles to be served simultaneously) with associated services,
- (c) A convenience market with a maximum floor area of 2,400 sf,
- (d) The applicant's corporate offices with a maximum floor area of 2,400 sf.

In any conditional use permit review process, the applicant must demonstrate with credible evidence that the total traffic generated by the applied for use(s) will not reduce the Highway 213/Clackamas River Drive intersection to an unacceptable level of service.

2. Street improvements shall be installed as recommended in the July 1996 Lancaster Engineering report. At a minimum, these improvements shall include a northeast bound left turn lane at the property entrance on Clackamas River Drive.

3. The currently operating BP station (located at 1780 Washington Street) shall be closed prior to occupancy of any new gas station on the subject property (located at 13001 Clackamas River Drive). All Stein Oil fueling tanks located within the Oregon City April 1996 flood plain area shall be removed no later than 180 days after occupancy of the subject property.

4. The applicant (who has common ownership with Stein and Stein Partnership) shall enter into an agreement limiting the uses at the existing BP station (located at 1780 Washington Street) until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT. The uses allowed at the current BP station shall be limited to those which generates no more traffic than those uses identified as permitted uses in the Light Industrial District (M-1). This agreement

shall be binding upon the applicant and all subsequent owners of the property where the BP gas station is located (at 1780 Washington Street) until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT.

5. All signs displayed on the subject site shall be positioned so as to not be visible from I-205 until such time as adequate improvements have been made to, or planned for, the Highway 213/Clackamas River Drive intersection as approved by the City Engineer and ODOT.
6. The applicant shall execute a waiver of remonstrance for the formation of local improvement districts for street, sewer and water improvements benefiting the subject property.
7. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to dedicate enough frontage along all public roadways for the expansion of traveling lanes to accommodate increased traffic flows attributable to development on the subject property.
8. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to ensure there is adequate sight distance at all roadway access points.
9. If the applicant obtains conditional use permit approval, that permit shall include a condition requiring the applicant, or any subsequent owner, to any road frontage improvements required to accommodate increased traffic flows attributable to development on the subject property.

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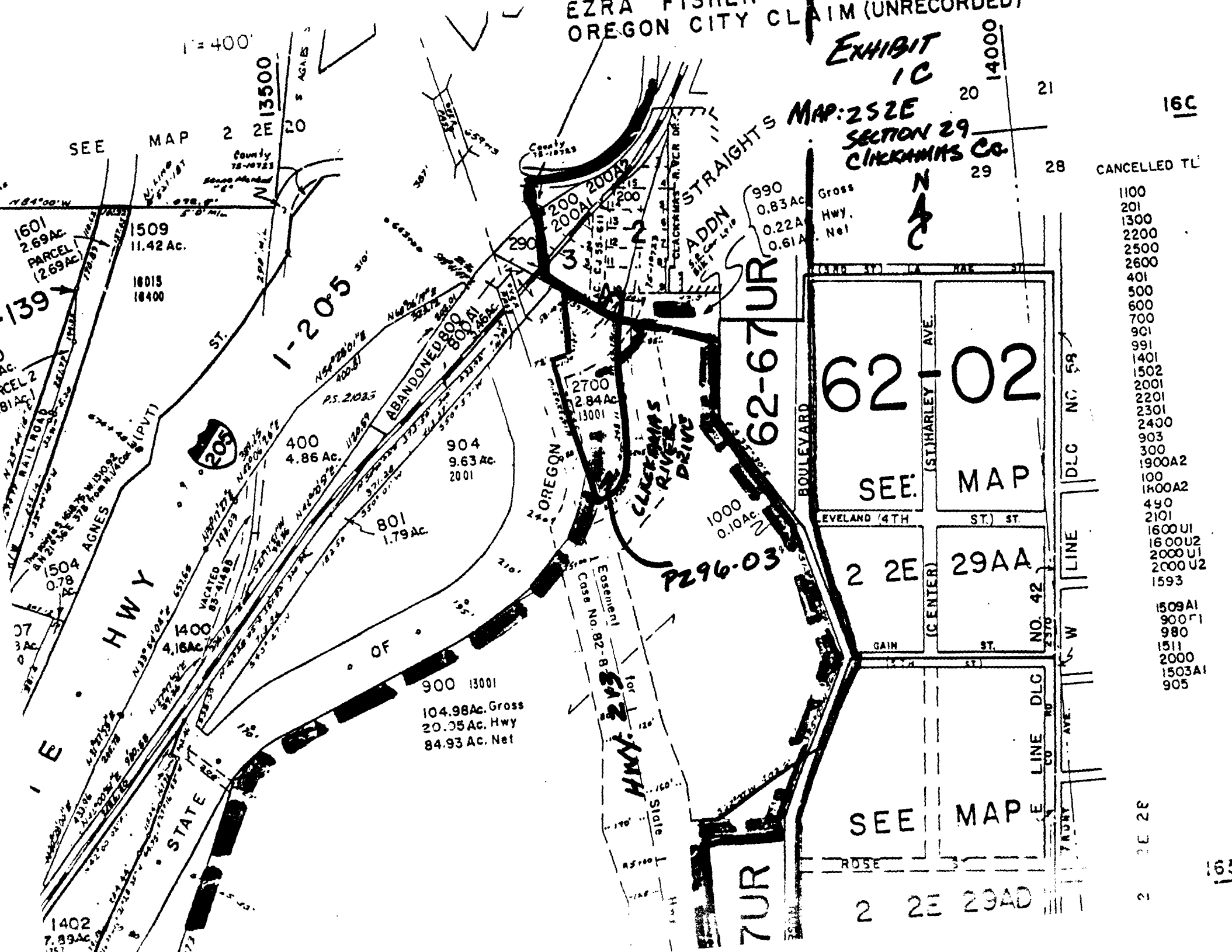
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- 3.2 File No. PZ96-03, Plan Amendment and Zone Change, *Comprehensive Plan Amendment from I, Industrial to TC, Tourist Commercial and Zone Change from M-2, Heavy Industrial to TC, Tourist Commercial District to allow for the construction of a gasoline station and convenience store*, Stein Oil Company, 13001 Clackamas River Drive.

**Chair Bean** opened this hearing on a Comprehensive Plan Amendment and Zone Change for Stein Oil Company. He asked if there were any conflicts of interest or ex-parte contacts to declare. There were none. Several members of the Commission stated that they go by the site regularly.

**Tamara DeRidder** reviewed the Staff Report with the Commissioners. She reported that this zone change had come before the Planning Commission before and it was denied. The Applicant then appealed to the City Commission. The City Commission approved the Application. The Application then went to LUBA and was brought back to the City Commission on a voluntary basis. At this meeting, the Applicant was given certain conditions. It was conditioned to allow a card lock facility and an office to support the operator of the facility. This use allowed for two islands with eight pump stations. The site plan ended up being three islands with 12 pump stations, exceeding the conditional use by four pumps.

Staff is asking the Planning Commission to review the documentation and to determine whether or not the Applicant's submittal justifies a net no-increase. The criteria for review is the Municipal Code, Chapter 17.68, Zone Change and Amendment, and Comprehensive Plan Section 0. Also included in this review is the Transportation Planning Rule, OAR 660-12. There are revised conditions of approval in the packet. Staff recommends approval of this Application with three conditions.

#### QUESTIONS ON THE STAFF REPORT

Discussion followed on whether this is an allowed use. If it is a fuel yard (which is an approved use), there are too many pumps. The Applicant is requesting a convenience store and corporate offices, in addition to fueling.

**Dan Kearns** was asked if it were legal to make a condition on an application that binds another parcel. He stated that there is no other case law that is applicable that would support this kind of condition.

**Commissioner Merrill** stated that she served on the Commission when this application was reviewed and denied. One of the conditions of approval at that time was that the commercial card lock portion of the BP be removed. She asked if this was done. **Tamara DeRidder** stated that it was removed.

#### APPLICANT PRESENTATION

Speaking: Don Vedder, 126 Cherry Avenue

**Mr. Vedder** stated that he did not have time to go through all the material he had, but he would try to be brief. The previous application was for a card lock, service station, convenience store, and corporate offices. Due to the appeal to LUBA, the Applicant agreed to limit his request to the card lock and the corporate offices. In all the presentations before the Planning Commission and the City Commission, it was intended that there be corporate offices and a card lock. He stated that there is a difference of opinion as to what the first plan amendment zone change entailed.

In the original application, the Charbonneau Traffic Report, when it was modified, stated in the written section two islands, 8 fueling positions. Attached to that was a map which showed three islands and 12 fueling positions. The traffic study did not raise this traffic on public data, but based it on corporate records as far as how many trips the card lock generates. The data is a combination of the published reports and traffic report. The Conditional Use Permit is combination of the published reports and traffic report. The Conditional Use Permit did have the map attached which showed the three islands and the 12 fueling stations.

In 1996, the flood reminded him that he was in the flood plain. The operator has put the service station back into business again. When it was imminent that the flood was coming, the operator filled the tanks so they wouldn't float, capped them so they wouldn't leak, and when the water kept coming, the operator went out in a boat and capped the vents.

The community, as well as the operator, were lucky there was no contamination. This is one of the reasons he is here tonight, to remove this as a possible pollution source for future contamination. The End of the Oregon Trail desires to acquire the property for development. As long as it is being operated as a retail station, the owner does not want to sell. Be relocating within the same trade area, the owner will be in a position to sell this property to the End of the Oregon Trail Foundation at a reasonable price.

Historically, traffic has been an issue. Staff has adequately stated that the net effect on the traffic is zero. If the traffic is not increased, traffic should not be an issue. This Application meets all of the state and city criteria for a Plan Amendment and Zone Change. He urged that the Planning Commission approve the Application with the conditions set forth by Staff. **Mr. Vedder** introduced his traffic engineer who will answer questions regarding traffic.

#### QUESTIONS FROM THE COMMISSIONERS

**Commissioner Mattsson** asked how many pump stations were at the old card-lock facility? Are there four at the BP now? **Mr. Vedder** stated that there were 8 pump stations and there are 6 at the BP now.

**Commissioner Mattsson** asked how the operator fits into this Application? How can the Applicant assure that the operator is willing to go along with the Application? **Mr. Vedder** stated that it is one of Staff's conditions that the operator participate. The operator (Stein Oil) is now one of the Applicants. The owner of the card lock did close the site when the new location was opened. This was stipulated by Staff.

**Commissioner Merrill** clarified that there were 8 pumps at the old station and 12 pumps at the new location. She asked how many are planned for retail? **Mr. Vedder** stated that they originally submitted the Application based upon 12 pumps. It has been reduced now to 8. There will be 20 total pumps if this Application is approved, a convenience store, and corporate offices.

**Commissioner Merrill** asked if the business being done in November, 1996, at this card lock exceeds what was done in the same month two years ago? **Mr. Vedder** stated that he did not know, maybe Mr. Stein could answer this question.

**Commissioner Hall** asked if the original traffic report was not based on pump count, but on historical data for the existing facility. **Mr. Vedder** stated that this is correct. The number of fueling stations is not that critical. The customer count on the card lock of 8 or 12 is not substantially different.

Speaking: Mr. Bob Stein, President of Stein Oil Company

**Mr. Stein** stated that he is the Applicant for this Application. There is a real confusion on pumps and refueling sites. The fueling location can be left and right of a dispenser.

**Mr. Stein** stated that it was the flood that brought him here. He built the service station in 1965, a year after a flood. He figured that a 100-year flood would never come again in his lifetime. As this water came in, he was in California. He came home. he and a crew filled the gas tanks and capped them. he saw the water coming up fast, and he got a boat, called Portland to get plugs for the vents, and finished closing the vents at 6:30 a.m. He does not want to go through that again. There has been a few days of rain recently, and he called in many times trying to get a handle on how high the water was.

This Application is lined up in such a way that The End of the Oregon Trail Foundation would like to access the property. He is willing to make the transition. he does not plan to have a big corporate office, this is a small company. There are five employees in the office and there is a little walk-in trade. The office should not be a problem.

There were a total of 6 filling stations, they are now asking for eight. This has been an emotional time for him and he concluded that he would like to have the Application approved.

**Commissioner Mattsson** asked for clarification of the number of pumps at the old card lock? **Mr. Stein** stated that the old station had 8 filling locations; there are 12 filling locations today. The existing BP has 6 filling stations and the proposed station will have 8. The number of filling stations went from 14 to 20.

**Commissioner Hall** asked if it was feasible to control the hours for the corporate office so it does not have peak arrivals and departures. **Mr. Stein** stated that the normal office hours are 8:00 a.m. to 5:00 p.m., five days a week.

**Tamara DeRidder** stated that the Application before the Commission tonight is for a Zone Change and Comprehensive Plan Amendment to allow for a retail service station, 8 fueling positions, a convenience market, and a corporate office.

**Chair Bean** explained that the Commission has to review all site specific, use specific information and data. The Applicant has proposed this Application as a use-specific zone change.

#### TESTIMONY IN FAVOR OF THE APPLICATION

Speaking: David Porter, 1534 SE 25th, Portland

**Mr. Porter** stated that he is the Executive Director of the Oregon Trail



Foundation. The End of the Oregon Trail Interpretive Center exists just south of the subject property. he stated that the Oregon Trail Interpretive Center draws over 100,000 people annually to this site. The long-range planning involves expansion into this station site. As long as the gas station is there, End of the Oregon Trail cannot expand.

It is important to the success of the End of the Oregon Trail Interpretive Center for the Regional Visitor's Center come to the area and there be visitor services. It is an important part of the economic development and other amenities that make it worthwhile to visit.

**Mr. Porter** stated that he, too, watched the water rise last year. It became very evident how much environmental hazards there are in this area. If the property is acquired by the Foundation, there will not be a net gain in trip generation at the site. There will be a shift in trip generation. They are not open at peak hours. There will be no problems at that intersection at peak times caused by this use.

**Chair Bean** asked for a forecast over the next couple of years to the amount of visitors expected at the End of the Oregon Trail Interpretive Center. **Mr. Porter** stated that the original Master Plan suggested that the full-built Center should have close to a half a million visitors a year.

It was asked what the proposed use for the site is once it is acquired? **Mr. Porter** stated that in 10-12 years, this site will be open space. In the near term, use would be to remove the truck storage, bus storage, and other storage from the site. The existing building will remain. The buildings would be used or dressed so that it carries the theme of the Center. There are plans for an area for encampment in the summer, Indian Pow-Wows, wagon train rides, etc. to take advantage of the open space. In the very short term, nothing is planned for the site because they are involved with a process with the City to determine what is possible in the area.

Speaking: Tom Lancaster, Union Station Suite 206, Portland

**Mr. Lancaster** stated that he was present tonight to take any questions about the traffic that is projected for this Zone Change.

It was asked if the traffic report had taken into account the traffic projects for the End of the Oregon Trail? **Mr. Lancaster** stated that the traffic impact was only indirectly. The level of service was reviewed with the existing traffic volumes, which include trips generated today, and looked at traffic projects to the year 2016, which include future use on the subject site. Oregon City's projects for the

year 2016 were used for the report.

There has been testimony that there is no correlation between trips generated and the number of pump stations. Is this the case and what criteria is used for determining impact of a service station. **Mr. Porter** stated that there is an indirect relationship. The trip generation manual that was used does estimate the number of trips based on the number of fueling positions. On the other and, it is not accurate to say that the traffic will double if the number of fueling positions are increased from 8 to 16. This is not a matter of trying to decide a number of fueling positions to handle customers at a particular site.

**Commissioner Merrill** stated that this is possible. This is not reflected in trip generation manuals. It was recognized by City Staff that having a service station that close to the freeway could draw additional trips off the freeway. Because of this, a condition was drafted that there cannot be high-level signs for the station that can be seen from the freeway.

This site, by being directly on High 213, may draw some trips that the present location does not draw. These are new trips where cars on highway 213 go off the freeway which turn off to go to the gas station and get back on highway 213. These are new turns, but does not increase the trips added to the intersection.

It was asked how many cars can stack in the left turn lane on Highway 213 going south? **Mr. Porter** stated that he would guess somewhere around 8-10 cars.

**Chair Bean** asked where most of the cars that go to the proposed gas station come from? **Mr. Porter** stated that during the peak hours, most of the trips going to the new site will be northbound on Highway 213. During the evening peak hours, most of the trips will be from the southbound traffic.

**Chair Bean** asked when are the peak times? Is it only during peak hours that there are traffic problems at this intersection? **Mr. Porter** stated that the morning peak hour is 7:10 to 8:10 a.m. and the evening peak hours are 4:35 to 5:35 p.m. **Mr. Porter** stated that the level of service is adequate at this intersection. There will be increased traffic, whether there is a service station or not.

**Chair Bean** asked how Mr. Porter would quantify the number of cars going to the service station. **Mr. Porter** stated that based on the Trip Generation Manual, with 8 fueling positions, morning peak hour is 40 cars going in and 40 cars coming out during the peak hour. During the evening peak hour there are 54 cars going in and 54 cars coming out. During the evening peak hour, there are about 4,000+

cars using the intersection.

It was asked what kind of trip generation will be from the convenience store? **Mr. Porter** stated that the Trip Generation Manual has two categories; a service station by itself, and a service station with a small general store. The trip rate per fueling position is slightly lower than the convenience store. With the convenience store, there are very few trips where you are just going to the store only. A full-service service station, not a convenience store, there are additional trips for repairs, etc.

In the Trip Generation Manual there is no data for card-lock stations. This is why market studies were used. Observations were made at the existing BP to get a count of trips generated there.

Speaking Kerry Kearns, 1163 Molalla Avenue, Oregon City

**Ms. Kearns** stated that her residence is at 6250 Pine Creek Way in Clackamas, Oregon. The number of locations as far as filling stations is confusing. She has worked at a gas station, and this station had 8 locations. There is a difference between a card lock and commercial use. It was a major improvement to go from 8 to 12 fueling stations at the card lock because it creates a constant flow. People go to card lock situations because they have a company card that will allow them to fill up without paying out-of-pocket expenses. Twelve locations instead of 8 creates a situation where you have vehicle going in and out. In a card lock situation, there are huge vehicles going through. If you have 12 locations and there is a big truck sitting there, you don't have to wait for the next spot. This should not be a concern.

She agrees with the increase from six to eight stations because you can keep the cars going through. A lot of people think a station with a convenience store is where you have to get out of your car and physically pay for the gas inside the store. This BP station is not like that, they will take the money and you go.

**Ms. Kearns** stated that the original approval of the car location also approved the corporate offices. This new location, with five cars coming in and going out, should not be consideration.

**Ms. Kearns** stated that more will people see the location and go there; the sign is not seen from the freeway. The only people who would be getting off the freeway to gas up will have to see the sign. If there are restrictions on the sign, these customers will not come through.

There are a lot of plans for this area. Changing the Zoning and enabling the station to move creates more space for the planned activities.

#### APPLICANT'S CLOSING COMMENTS

Speaking: Don Vedder, 126 Cherry Avenue

**Mr. Vedder** stated that the traffic problems now and in the future for this area will be a regional problem.

#### DELIBERATION AMONG COMMISSIONERS

**Chair Bean** closed the testimony portion of the hearing and opened it up to deliberations among the commissioners. Discussion followed on traffic concerns.

**Commissioner Johnson** stated that she would have like to have seen a more thorough traffic study. She is leaning towards approving the Application with conditions and continue until next meeting to allow Mr. Kearns time to write the conditions and allow the Applicant to submit more information.

**Commissioner Rutherford** stated that he agrees with Commissioner Johnson's proposal.

**Chair Bean** voiced concern about a station in the flood plain. He feels there would have been a real problem if the owner were not so conscientious. He would like to get rid of the existing station. Traffic should be improved from the way it was in the past. He does not like ODOT's position in the report.

**Commissioner Shirley** stated that overall this is an improvement for the Community. Addressing the traffic, there are 4000 going by this place each hour. If you counted every trip in and out of the service station as a new trip, the traffic will only be affected by 2 percent. This is not a significant change.

**Commissioner Merrill** stated that she does not agree with ODOT. She is sympathetic to Mr. Stein and the End of the Oregon Trail Foundation. When you move the location of a use from an invisible location to a visible location, there would be more trips.

CITY OF OREGON CITY PLANNING COMMISSION

MINUTES OF November 26, 1996

Page 11

**Commissioner Mattsson** stated that there is a bigger issue with the EOT development than with this gas station. he asked Staff if EOT will have to go through a conditional use hearing before they can develop the land if purchased? **Tamara DeRidder** stated that they do have to go through a conditional use hearing. There needs to be more information on he traffic impacts.

It was moved by **Commissioner Mattsson** and seconded by **Commissioner Hall** to tentatively approve this application and that Mr. Kearns is directed to draft up findings of fact to meet the concerns of this specific rezone and that the conditions be drafted in such a manner as to preclude similar type development within at least a quarter mile radius. Final decision will be made at the worksession scheduled for the first week in January.

**Commissioner Merrill** stated that since the card lock has opened, the road has begun to show wear. She stated that maybe the Commission should ask for a half-street improvement. **Chair Bean** stated that he would rather the County review the construction standard.

Roll: Commissioner Mattsson, Aye; Commissioner Rutherford, Aye; Commissioner Merrill, Nay; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; and Chair Bean, Aye. MOTION CARRIED 6-1.

Recess was taken at 9:20 p.m. and the meeting reconvened at 9:26 p.m.

- 3.3 File No. PD96-03 (final) Planned Development, *Requested by Hinton homes*, NE side of Parrish Road.

Commissioner Hall stated he did not have a conflict but chose to step down for this application because Paul Trahan requests that he step down.

**Chair Bean** opened the public hearing for a 50-unit single family planned development. He asked if there were any conflicts of interest or ex-parte contacts to declare. **Commissioner Rutherford** stated that the engineer involved with this project feels he has a conflict of interest; therefore he will not participate in the vote for this hearing. There were no other conflicts of interest or ex-parte contacts declared.

**Paul Espe** reviewed the Staff Report with the Commission. he explained that 2.7 acres of the property would remain as open space as a density transfer exchange for the reduced lot size and the open space will consist of a wetland and upland

**ADDITIONAL LETTERS  
RECEIVED AT THE PLANNING COMMISSION HEARING**

**OPPOSITION**

- 1. ODOT**

**PROPONENT**

- 1. OREGON CITY CHAMBER OF COMMERCE**
- 2. JAMES McINTOSH**
- 3. MR. AND MRS. MARC SLEMP**

FAxed 11/28/96

Oregon

November 26, 1996

DEPARTMENT OF  
TRANSPORTATION

City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

Region 1

Att: Tamira de Rider, City Planner  
Planning Commission

FILE CODE:

Re: PZ 96-03 Stein Oil

PLA9-2B-POR-160

We have reviewed the supplemental traffic analysis provided by the applicant. Please see the attached memo from our Sr. Traffic Analyst which outlines our concerns with the methods and conclusions drawn by this traffic study.

Based on our findings, ODOT continues to oppose the proposed comprehensive plan amendment for the Stein Oil site on OR 213. Current level of service at the Clackamas Drive intersection is unacceptable; additional intensification of use will only exacerbate service deficiencies for this facility.

While we recognize the City and County's interest in see that Mr. Stein's existing BP Station on Washington Street be relocated, we feel that options other than re-zoning the OR 213 site are available. We do not support solving one problem, inappropriate development in the flood plain, by creating another problem, in this case development that will further degrade the inadequate level of service on a state highway.

Please contact me at 731-8282 if you have further questions regarding our comments.

Sonya Kazen, Planner  
Development Review

cc: Martin Jensvold, Sr. Traffic Analyst, ODOT Region 1  
Leo Huff, Planning Manager, ODOT Region 1  
Karla Keller, District Manager, ODOT District 2B  
Gary Hunt, Permit Specialist, ODOT District 2B

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123 NW Flanders  
Portland, OR 97209-4037  
(503) 731-8200  
FAX (503) 731-8259

November 26, 1996

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INTEROFFICE

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MEMO

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To: Sonya Kazen  
Development Review Planner

From: Martin Jensvold  
Senior Transportation Analyst

Subject: Stein Oil - PZ 96-03

I've reviewed the supplemental traffic impact study for the subject development. It's recommended ODOT repeat its opposition to the proposed zone change. The Cascade Highway/Clackamas River Drive intersection is expected to operate at an unacceptable level of service in the short and long term. Therefore, it is unacceptable to allow the proposed zone change which would significantly increase the trip generation potential of the property adjacent to the intersection.

The supplementary traffic study incorporates anticipated traffic volume reductions due to the closure of the existing gas station near Abernethy Road. Incorporating these reductions are inappropriate since the property could redevelop, or the gas station could simply remain open after the zone change.

No manual count was performed at the existing gas station to support the trip generation or distribution figures used in the report. The report assumes 70% of the trips normally generated by a 6-pump gas station are using the Cascade Highway/Clackamas River Drive intersection to get to the existing gas station, and that *all* of these trips would be eliminated when the proposed gas station went in. However, as the report indicates when analyzing the proposed gas station, a large percentage of the trips generated by a gas station are typically pass-by trips, or trips already on the transportation system. Therefore, even if the existing gas station was closed, most of the existing trips would remain unaffected.

The report indicates that, based on the ITE trip generation manual, the proposed gas station would generate more trips than a typical six-pump gas station. The reason the supplemental report concludes the proposed development would result in a net reduction in trips is due to improperly deducting the assumed trip generation for the existing gas station from the total.





As was mentioned in our previous correspondence, the cycle length assumed in the traffic impact report is longer than that currently being used, resulting in an overly favorable assessment of traffic operations at the intersection. Based on the existing traffic volumes and a cycle length of 130 seconds, the intersection is already operating at Level of Service "F". With traffic volumes expected to grow and no mitigating transportation improvements identified or funded, it's inappropriate to implement zone changes which would increase traffic at the intersection, as this zone change would do.

stein

INTERSECTION = 1      SCEP RIO = 1

DATE/TIME

11/26/96 3:45:33 PM

PROJECT: ORE 213 @ Washington

ANALYST: Martin Jensvold

File: tempfile

PEAK HOUR: 1996 PM Peak

CITY: Oregon City

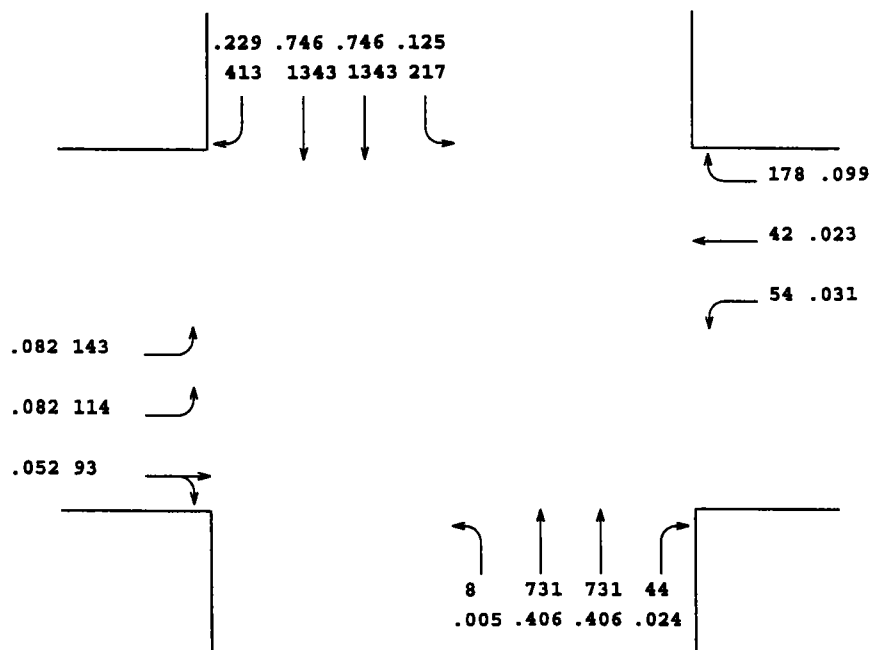
POPULATION: 20,000 TO 100,000

DESCRIPTION: Existing Conditions

INTERSECTION LOS = F

SATURATION = 110%

C= 130    G=114    Y= 16



N-S V/C = .792  
 E-W V/C = .181  
 TOTAL AMBER = .123  
 MINIMUM V/C = .046

XXX = Adjusted Volumes    .XXX = V/C

APPR	MOVMENT VOLUMES				MOVE SATURATION			MOVEMENT LOS		
	L	T	R	TOT	L	T	R	L	T	R
SOUTH	8	1462	44	1514	22%	72%	16%	A	C-D	A
NORTH	217	2685	413	3315	110%	110%	42%	F	F	A
WEST	257	58	35	350	110%	74%	74%	F	C-D	C-D
EAST	54	42	178	274	43%	35%	110%	A	A	F

APPR	TRUCKS %	PED DIST	LANE WIDTH	PHASING
SOUTH	5.0%	0ft	12.ft	N-S -LEFT TURNS PROTECTED WITH OVERLAP
NORTH	5.0%	0ft	12.ft	
WEST	5.0%	0ft	12.ft	E-W -DIRECTION SEPARATION
EAST	5.0%	0ft	12.ft	

LEG	LEG VOL AT LOS C
SOUTH	2719
NORTH	3305
WEST	516
EAST	376

APPR	TIME AVAIL(sec)			RED TIME(sec)		
	L	T	R	L	T	R
SOUTH	5.4	78.2	78.2	120.6	47.8	47.8
NORTH	14.6	87.4	87.4	111.4	38.6	38.6
WEST	9.6	9.6	9.6	116.4	116.4	116.4
EAST	11.6	11.6	11.6	114.4	114.4	114.4

\*\*\*\*\*  
\*\*\* ACTIVITY REPORT \*\*\*  
\*\*\*\*\*

TRANSMISSION OK

TX/RX NO. 1791  
CONNECTION TEL 96577892  
CONNECTION ID  
START TIME 11/26 17:57  
USAGE TIME 02'39  
PAGES 4  
RESULT OK

Post-It™ brand

Fax Transmittal Memo 7672

To *Tamira De Ridder*  
Company *+ D.C. PLANNING Commission*  
Location  
Fax # *6577892* Telephone #  
Comments

No. of Pages

4

Today's Date

11/28

Time

4:50 PM

From

Company

Location

Fax #

Original  
Disposition:☐ Destroy☐ Return☐ Call for pickup

Dept. Charge

Telephone # *731-8282*

Oregon

November 26, 1996

City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

Att: Tamira de Rider, City Planner  
Planning Commission

Re: PZ 96-03 Stein Oil

DEPARTMENT OF  
TRANSPORTATION

Region 1

FILE CODE:

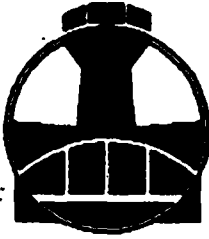
PLA9-2B-POR-160

We have reviewed the supplemental traffic analysis provided by the applicant. Please see the attached memo from our Sr. Traffic Analyst which outlines our concerns with the methods and conclusions drawn by this traffic study.

Based on our findings, ODOT continues to oppose the proposed comprehensive

96 NOV 26 PM 76

RECEIVED  
CITY OF OREGON CITY



*Oregon City*  
Chamber of Commerce

November 21, 1996

City Commissioners  
City of Oregon City  
P.O. Box 351  
Oregon City, OR 97045

Dear Honorable Commissioners:

The Oregon City Chamber of Commerce is writing to show our support for the request by Stein Oil, Inc. to relocate their fuel station presently located on Washington Street to the intersection of Clackamas River Drive with Highway 213.

The Oregon City Chamber of Commerce joins forces in support with the Oregon Trail Foundation and sees the need to support the newly revised End of the Oregon Trail Interpretive Center Master Plan and the need for the Foundation to acquire the Stein property.

The Oregon City Chamber of Commerce is looking to the future and all the plans for the development of all the Visitors Services, the support services for the tourism industries and the Regional Visitors Center all in the plans for the Washington Street area.

Stein Oil's relocation, we believe, will present less risk to the environment due to the fact that the present location is sitting inside the flood plain. As we all are very much aware of the potential problems that continue to haunt that area every year we feel that it would be beneficial for all concerned to see the station relocated.

The new location could also add relief rather than stress to the intersection of Highway 213 and Clackamas River Drive as presented in Stein's material.

Thank you for your consideration of Stein Oil, Inc.'s proposal and we urge you to approve the proposed move.

Sincerely,

*Bruce Hanson*  
Bruce Hanson  
President

*Diane Sparks*  
Diane Sparks  
Executive Director

"Serving the Greater Oregon City Area!"

1795 Washington Street • Oregon City, Oregon 97045 • (503) 656-1619

• Working together to promote the economic vitality and quality of life in the community of Oregon City •

OCT 12 1996

RECEIVED  
CITY OF OREGON CITY

96 OCT 15 PM 3:34

OREGON CITY PLANNING COMMISSION

SUBJECT: ZONE CHANGE FILE # PZ 9603

FROM: JAMES L. MCINTOSH

MY NAME IS JAMES L. MCINTOSH, I LIVE AT 16477 S APPERSON BLVD OREGON CITY I HAVE LIVED AT THIS ADDRESS FOR 34 YEARS.

THE PURPOSE OF THIS LETTER IS TO OFFICIALLY GO ON RECORD IN SUPPORT OF THE REQUESTED ZONE CHANGE (FILE # PZ 9603) AT THE INTERSECTION OF OREGON TRAILS HY. (THE ORE CITY BYPASS) AND CLACKAMAS RIVER DRIVE.

MY WIFE + I USE THIS INTERSECTION AS MANY AS 6 TIMES DAILY COMMUTING TO AND FROM OUR HOME. ORIGINALLY I WAS CONCERNED ABOUT POSSIBLE TRAFFIC PROBLEMS WHEN THE PACIFIC PRIDE CARD LOCK STATION OPENED ON THIS INTERSECTION. THEREFORE PAID PARTICULAR ATTENTION TO THE TRAFFIC INTO AND OUT OF THIS STATION. I AM PLEASED TO STATE THE DELAYS ARE VERY FEW, AND ARE SHORT IN DURATION, THEY ARE SIMILAR TO WHAT YOU WOULD EXPECT IN NORMAL CITY DRIVING.

THE OWNER OF THE PROPERTY (ROBERT (BOB) STEIN) HAS SHOWN THROUGH HIS EXISTING STATION LANDSCAPING THAT HE IS CONCERNED ABOUT THE APPEARANCE AND ENVIRONMENTAL CONCERNS.

MR STEIN DEMONSTRATED GOOD BUSINESS JUDGEMENT DURING OUR 95/96 FLOOD, WHEN HE CAPPED OFF THE GAS + DIESEL TANKS AT HIS RETAIL OUTLET ON WASHINGTON ST., THIS ELIMINATED FURTHER CONTAMINATION OF THAT AREA.

APPROVAL OF THIS ZONE CHANGE REQUEST WOULD ALLOW THIS RETAIL GAS/DIESEL STATION TO MOVE FROM A FLOOD ZONE TO AN AREA MUCH BETTER SUITED FOR THIS TYPE OF BUSINESS. THE NEW LOCATION WILL HAVE TWO BENEFITS ① THE HOLCOMB, FORSYTHE + PARK PLACE <sup>RESIDENCE</sup> WILL HAVE A CONVENIENT PLACE TO GAS UP OR PICK UP A SNACK. ② IT WILL MAKE THE WASHINGTON ST. PROPERTY AVAILABLE FOR POSSIBLE PURCHASE BY THE OREGON TRAIL CENTER

THANK YOU FOR CONSIDERING THIS REQUEST TO APPROVE PROPOSED ZONE CHANGE AS PER FILE # PZ 9603

James L. McIntosh

October 14, 1996

City of Oregon City  
Planning Department  
320 Warner Milne Road  
Oregon City, Or. 97045

RE: Stein Oil Co., Inc.  
File # PZ96-03

We are writing this letter in support of the zone change that was requested by Stein Oil Co., Inc. to establish a gasoline station and convenience market. This request is for the location of Highway 213 and Clackamas River Drive.

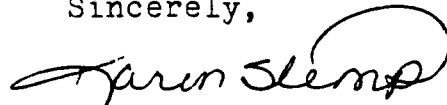
We are a family with two small children. Our lives are always on the go. It would be a great asset to be able to make a stop so close to home and not have to back track before getting on the highway. The market would be nice for those last minute necessities.

We are also concerned with environmental risk of leaving the BP Station at the Washington Street location. Even though Mr. Stein was able to cap off the tanks and avoided contamination in the '96 flood. Next time there might not be enough warning and an environmental catastrophe could occur.

We also understand that property may be bought by the Oregon Trail Foundation that would be good for future generations to come.

Thank you for your consideration.

Sincerely,



Mr. and Mrs. Marc Slemp  
15848 S Harley Ave.  
Oregon City, Or. 97045

RECEIVED  
CITY OF OREGON CITY

96 OCT 15 PM 3:34

PLANNING COMMISSION MINUTES  
THURSDAY, JANUARY 9, 1997

It was moved by Commissioner Johnson and seconded by Commissioner Merrill to approve the minutes as corrected:

ROLL: Commissioner Mattsson, Aye; Commissioner Merrill, Aye; Commissioner Hall, Abstain; Commissioner Johnson, Aye; Commissioner Shirley, Abstain; Chairman Bean, Aye. APPROVED AS AMENDED: 4-0, 2 Abstentions.

3.0 PUBLIC HEARINGS

Dan Kearns read the hearing process from the posted instructions for the five hearing scheduled for tonight:

↓ 3.1 File No. PZ96-03 - Comprehensive Plan and Zone Change - Stein Oil 13001 Clackamas River Drive. Amend the Comprehensive Plan Map from Industrial (I) to Commercial (C) and amend the Zoning Map from Heavy Industrial (M-2) to Tourist Commercial (TC) for 2.9 acres of land (as required by conditions of approval for PZ93-02). Proposed use includes a retail service station, convenience market, and corporate offices. (This item is on for approval of findings and conclusions only; the public testimony has been closed.)

Replacement pages for pages 31, 32, and 33 (Conditions of Approval) were handed out to Commissioners. No substantive changes were made. Changes were for clarification of conditions only.

After discussion of the findings, it was moved by Commissioner Johnson and seconded by Commissioner Hall to approve the findings of fact and conditions of PZ96-03 based on revised conditions.

ROLL: Commissioner Mattsson, Aye; Commissioner Merrill, Nay; Commissioner Hall, Aye; Commissioner Johnson, Aye; Commissioner Shirley, Aye; Chairman Bean, Aye. MOTION APPROVED, based on revised conditions: 5-1.

It was noted that this application will be forwarded to the City Commission for their next regularly scheduled hearing on February 25, 1997 in this same building at 7 pm if anyone wishes to bring new information.

3.2 File No. TP96-11 and 12VR96-2

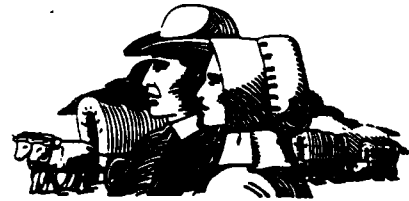
A letter to postpone this matter until February 25, 1997 was received. Chairman Bean reminded Commissioners that the staff report had recommended denial of this action because the material submitted to date did not provide the information needed to make findings. Also, the applicant had not placed the signs on the site so the property had not been properly noticed.

After discussion, it was moved by Commissioner Johnson and seconded by Commissioner Shirley to continue File Nos. TP96-11 and VR96-2 to February 25, 1997 at 7:00 p.m. for a decision at that time based on the original staff report, or continuance with a waiver of

# CITY OF OREGON CITY

## PLANNING COMMISSION

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



### Staff Report November 26, 1996

Complete: 11/26/96  
120 Day: 3/25/97

**FILE NO.:** PZ96-03 - Stein Oil

**HEARING DATE:** Tuesday, November 26, 1996  
7:00 p.m., City Hall  
320 Warner-Milne Road  
Oregon City, Oregon 97045

**APPLICANT:** Stein Oil Co., Inc.  
19805 McLoughlin Boulevard  
Gladstone, Oregon 97027

**OWNER:** Jack W. Parker  
P.O. Box 149  
Oregon City, Oregon 97045

**REQUEST:** Amend the Comprehensive Plan Map from Industrial (I) to Commercial (C) and amend the Zoning Map from Heavy Industrial (M-2) to Tourist Commercial (TC) for 2.9 acres of land (as required by conditions of approval for PZ93-02). Proposed use includes a retail service station, convenience market, and corporate offices.

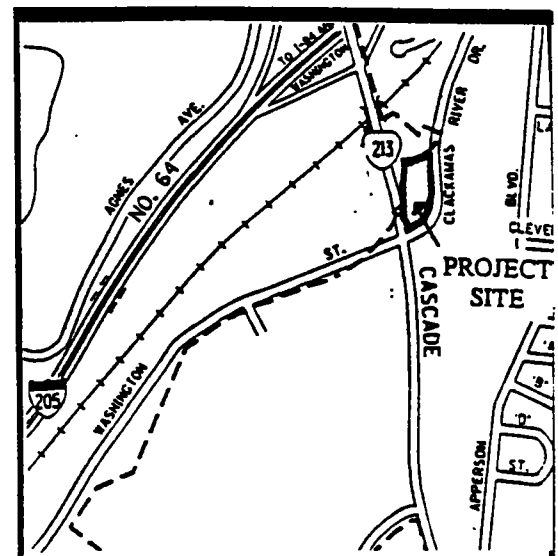
**LOCATION:** 13001 Clackamas River Drive, at the Northeast corner of the intersection of Clackamas River Drive/ Washington Street and Highway 213. The legal description is 2S 2E 29 Tax Lot 2700, Clackamas County.

**REVIEWER:** Tamara DeRidder, Planning Manager

**EXHIBITS:**

1. Location
2. Applicant submittal
  - A. Request
  - B. July, 1996 Traffic Report (Lancaster) Recommendation

#### VICINITY MAP





Stein Oil/ Parker  
File: PZ96-03  
November 26, 1996

(Remainder on file)

- C. October 16, 1996, Supplemental Traffic Study  
(Remainder on File)
- 3. Agency Comments
  - A. ODOT, September 16, 1996
  - B. Clackamas County, September 13, 1996
- 4. City Traffic Engineer, Manish Babla from DEA
- 5. PZ93-02, conditions of approval, September 21, 1993
- 6. Letters of Support for the proposal.

## **CRITERIA:**

### **Municipal Code**

Chapter 17.68      Zone Changes and Amendments

### **Comprehensive Plan**

Section O      Plan Maintenance and Update

## **BASIC FACTS:**

1. The property is currently partially developed as a Pacific Pride card lock fuel station and the remainder is vacant. The property contains 2.9 acres and is identified as Tax Lot 2700, Map 2-2E-29, Clackamas County. The site address is 13001 Clackamas River Drive and fronts on both Clackamas River Drive and Highway 213. The property has been filled to an elevation above the 100 year flood event. Part of the property is the abandoned off-ramp from Highway 213 to Clackamas River Drive and the remainder is part of the closed Rossman Sanitary Landfill.
2. The Comprehensive Plan Map designation on this property is presently Commercial (C) and is on the Official Zoning Map as Tourist Commercial (TC); However, this property is only allowed to conduct a Card Lock use on this site due to conditions of approval of the zone change, file: PZ93-02. The condition of the zone change requires that any additional change in use will be required to conduct a Comprehensive Plan and Zone Change on this property, again. Therefore, for purposes of this review, staff is treating this property as Industrial (I) and the Official Zoning Map classification as Heavy Manufacturing (M-2) for the request of using the site for a fuel service station and a Mini-mart. The property is located within the Park Place neighborhood.
3. Previous applications that relate to this site are as follows:
  - A. PZ93-02, a request for a Comprehensive Plan amendment from "I", Industrial, to "C", Commercial, and a Zone Change amendment from "M-2", Heavy Manufacturing, to "TC", Tourist Commercial, on property identified as Tax Lots 2700, 905, and a portion of 900, Map 2-2E 29, Clackamas County. The

application was recommended for denial by the Planning Commission on April 27, 1993, and forwarded to the City Commission who then reversed this decision, approving the applicant's request.

Oregon Department of Transportation, ODOT, appealed this decision to bring the application into discussion with the City staff. ODOT thought the use of relocating the card lock from its present location, behind the BP station, to Clackamas Drive was fine. The use of a mini-mart and a gas station would generate far too many trips. The city agreed to a voluntary remand from LUBA back to the City Commission, October 12, 1994, where the approval of the change to a Comprehensive Plan of "C", Commercial, and a Zoning Map amendment to "TC", Tourist Commercial, with conditions (Per Exhibit A) as follows:

1. The applicant shall dedicate to the city a temporary construction easement and permanent utility easement sufficient for a waterline, location and dimension of which shall be designed by the City Engineer.
  2. The only uses permitted on the property pursuant to the TC plan and zone designations are a gasoline cardlock facility including office use by the operator of the cardlock facility. Any other uses will require an amendment of this condition approved in the same manner as a plan and zone map amendment. A gasoline cardlock facility may be approved only as a conditional use as a first phase on the property.
- B. CU94-13, a request for a Card Lock fuel station in the M-2 district for property identified as Tax Lot 2700, Map 2-2E 29, Clackamas County. The request was denied by the Planning Commission at its hearing on January 3 1995. This decision was then appealed to the City Commission and was approved with conditions. The final order was approved on March 1, 1995. The approval included the support of a card lock facility only with two pump islands, each having a capacity of four fueling stations, as stated in the Charbonneau Engineering report update dated December 2, 1994.
- C. SP95-26, a request for Site Plan and Design Review for a Pacific Pride Card Lock fuel station. This application was approved on September 29, 1995.
4. The applicant currently owns property and a B.P. gas station business at 1780 Washington Street with a legal description of 2-2E Section 29CA tax lot 400, Clackamas County. This property has a Comprehensive Plan designation of Industrial and is zoned Light Manufacturing (M-1). This property is located approximately one quarter of a mile from the site currently under review. The applicant states that he wishes to relocate this business to the Clackamas River Drive property to move this volatile use out of the recently affected flooding area, to vacate the existing property and sell the land to help implement the "Master Plan for the End of the Oregon National Historic Trail", and

remain within the same trade area. The City is currently drafting a separate agreement with the property owner of Tax Lot 400 to allow only permitted uses, or uses with less traffic generation than the permitted uses, on this site until such time that the Highway 213 and Washington Street/ Clackamas River Drive has been improved to adequate levels of service.

5. The Comprehensive Plan Chapter D., Commerce and Industry, Goals and Policies(11)(e) states that a Tourist Commercial Zone shall be developed for the End of the Oregon Trail tourist related uses. The zone shall correspond with the Commercial Designation. Locations include the I-205 Interchange Area. The Tourist Commercial district is intended to serve the retail and service needs of the End of the Oregon Trail tourist related uses. Uses permitted or conditionally in Tourist Commercial areas shall include at least Retail and Service Uses Directly related to Tourist attraction. This amendment was adopted July 5th, 1990.
6. Surrounding Uses:  
North - Southern Pacific Railroad - subject site is separated from main line by vacant S.P. land. Zoned "M-1", Light Industrial.  
East - Vacant Land. Zoned "R-8", Single Family Residential  
South - Vacant Land. Zoned "M-2", Heavy Industrial  
West - Metropolitan Service District Transfer and Recycle center, separated from subject site by Highway 213. Zoned "M-2", Heavy Industrial.
7. Routing requests were sent out to a variety of staff and other coordinating agencies. The Public Works Director, Police Chief, City Engineer, and Deputy Fire Chief agree that the proposal does not conflict with their interests. Comments made by ODOT and Clackamas County are attached as exhibits.

#### **FINDINGS:**

1. The property is currently partially developed as a Pacific Pride card lock fuel station and the remainder is vacant. The property is identified as Tax Lot 2700, Map 2-2e-29, Clackamas County. The site address is 13001 Clackamas River Drive and fronts on both Clackamas River Drive and Highway 213. The property has been filled to an elevation above the 100 year flood event. Part of the property is the abandoned off-ramp from Highway 213 to Clackamas River Drive and the remainder is part of the closed Rossman Sanitary Landfill.
2. The current Comprehensive Plan designation for this property is "C", Commercial, and has a Zoning Map of "TC", Tourist Commercial. As required by conditions of approval by PZ93-02 (Exhibit 4), this application shall be reviewed as if the Comprehensive Plan Map designation on this property is Industrial (I) with the Official Zoning classification of Heavy Manufacturing (M-2) since the request is for additional uses other than a card lock facility and supportive office on this site. The applicant is requesting a

Comprehensive Plan change to Commercial (C) and a zoning map amendment to Tourist Commercial (TC) by requesting the use of a 12 position gasoline service station, convenience store, and corporate offices on this site.

3. A citizen may request a Comprehensive Plan change twice a year, in March and September. The applicant submitted the application on July 30, 1996, and legally deemed complete on August 29, 1996. The City Staff requested and was granted a continuance of this application at the September 24, 1996, hearing in order to satisfy the 30 days of notification requirement stated in the Comprehensive Plan. The notification requirements for this application have now been satisfied.
4. The City received a letter from Don Vedder, on behalf of Stein Oil Co. and Jack Parker, requesting a continuance of the hearing from October 15, 1996, and waiving the 120 day statutory rule, ORS 228.178, in order to re-evaluate the Goal 12 application to the site. The Planning Commission continued the Public hearing to November 26, 1996, at 7:00 p.m. The completeness date was rescheduled to November 26, 1996.
5. The applicant currently owns property and a B.P. gas station business at 1780 Washington Street with a legal description of 2E 2S Section 29CA tax lot 400, Clackamas County, which is to be vacated for the proposed use with this application. The City is currently drafting a separate agreement with the property owner of Tax Lot 400 to allow only permitted uses, or uses with less traffic generation than the permitted uses, on this site until such time that the Highway 213 and Washington Street/ Clackamas River Drive has been improved to adequate levels of service.
6. *The Comprehensive Plan Chapter O.-Plan Maintenance and Update states "the method of plan maintenance should be evaluated according to the following criteria:"*
  1. *"Does the proposed change conform with the State Planning Goals and local goals and policies?"*
    - *State Planning Goal 1 - Citizen Involvement*  
*Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies*
      4. *Encourage citizen participation in all functions of government and land use planning.*

The City of Oregon City has followed its adopted notice procedures in both the Comprehensive Plan and Municipal Code for advertisement of this public hearing. The applicant has posted the property, advertising the public hearing. The established public hearing process will be followed. Everyone will have the opportunity to participate in this process. By following the standard hearing procedure for a quasi-judicial process, the requirements for this goal and

comprehensive plan policies have been met.

- *State Planning Goal 2 - Land Use Planning*

The Oregon City Comprehensive Plan complies with all the requirements of Goal 2, as Acknowledged on April 16, 1982. On October 12, 1994, the City approved File No. PZ93-02 with a comprehensive plan amendment from Industrial "I" to Commercial "C" and a rezone from Heavy Industrial "M-2" to Tourist Commercial "TC", with conditions. These conditions stated that the use of the site as a card lock fuel facility and supportive office could be permitted when reviewed as a Conditional Use. Any other use would require complying with the process for a change of the Comprehensive Plan as if the property were still designated "I" and zoned "M-2". The procedures for the review as outlined by the Comprehensive Plan are being applied and, therefore the requirements of both Goal 2 and the Conditions of Approval for PZ93-02 are satisfied.

- *State Planning Goals 3 - Agricultural Resources and Goal 4 - Forest Resources*  
These goals do not apply.

- *State Planning 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 (3) sites adjacent to the subject property.

- A. The Hiram Straight House (c. 1858);
- B. The John Straight House (c, 1890); and
- C. The Pioneer Straight Cemetery (1892).

The ESEE analysis as it relates to the historic sites, as stated by the applicant, is as follows:

"There will be a positive "economic" impact due to the increased after dark activities, therefore, security in the area will be enhanced. Additionally, there will be some retail services in the area not now present.

The "social" impact will also be positive for to additional exposure to the Historic sites.

There will be no "environmental " impacts, positive or negative, due to the proposed development. Lighting impacts have already been addressed during the development of the card lock facility.

The potential for "energy" conservation exists due to the fact that some retail

services will be available within the community with less distance to travel”

Staff concurs with the ESEE analysis stated by the applicant, above. Therefore, the application satisfies State Planning Goal 5 and Comprehensive Plan Policies for Chapter F - Natural Resources, part.

- *State Planning Goal 6 - Air, Water and Land Resource*

The requirement of the goal is that any future development, when combined with existing development, shall 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 proposed development can be readily served with the expansion of the current City services on the site, including City water, sewer, and storm discharge facilities. Therefore, this goal is satisfied.

*State Planning Goal 7 - Areas Subject to Natural Disasters and Hazards*

The site, or at least a portion thereof, is located on the former Rossman's Sanitary Landfill and is addressed by Ordinance No. 90-1040, which amends the Comprehensive Plan Natural Resources Policies on Pages F-28 and F-49 relating to Sensitive Aquifers and Environmental Hazards, respectively. The site is located within the vicinity of the Abernathy Creek, a recognized Sensitive Aquifer. A portion of the property is also located within the floodplain. However, the applicant states that the property is above the base flood elevation of 42.5 feet. Any regulations relating to the Floodplain Overlay will be followed with future development of this site.

Due to the landfill, the site is noted as a potential danger to the public health if the site is altered or disturbed. *The Environmental Hazards Policy in Chapter F - Natural Resources, of the Comprehensive Plan, states:*

*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 requires notification, review and approval by the Department of Environmental Quality. The review shall take place prior to the issuance of the development permits.*

Staff concludes that the site was annexed as Industrial and is requesting a change to Commercial. The use proposed for this site will have minimal impact to the existing fill on the site. Nonetheless, if approved, a condition shall state that potential environmental hazards shall not be created through the development of the site, any changes or alterations requires notification, review and approval by

the city and Department of Environmental Quality. The review shall take place prior to the issuance of the development permits.

In addition, the applicant has stated that the BP gasoline station, which is also owned by the applicant and is located at 1780 Washington Street (2e 29CA tax lot 400, Clackamas County), and is located within one quarter of a mile of the proposed site will be vacated if the application is approved. This BP gas station is located within the recent flooding area and is considered by the city to be within the revised 100-year flood plain. The move of this BP gas station out of the flood plain is supported by the Comprehensive Plan Chapter F.- Natural Resources, Goals and Policies, which state:

- "1. Coordinate local activities with regional, state and federal agencies in controlling water and air pollution."*
- "10. Avoid developments in known areas of natural disasters and hazards without appropriate means"*

Therefore, the application satisfies the requirements of State Planning Goal 7 and the Comprehensive Plan Policies of Chapter F - Natural Resources.

- *State Planning Goal 8 - Recreational Needs.* This goal is not applicable.
- *State Planning Goal 9 - Economy of the State*

The Comprehensive Plan Chapter D., Commerce and Industry, Goals and Policies(11)(e) states that a Tourist Commercial Zone shall be developed for the End of the Oregon Trail tourist related uses. The zone shall correspond with the Commercial Designation. Locations include the I-205 Interchange Area. The Tourist Commercial district is intended to serve the retail and service needs of the End of the Oregon Trail tourist related uses. Uses permitted or conditionally in Tourist Commercial areas shall include at least Retail and Service Uses Directly related to Tourist attraction. The site under review is included in the I-205 Interchange area.

The applicant contends that the proposed change is consistent with this policy. The implementation of this policy will assist in the success of the End of the Oregon Trail tourist attraction which will add jobs and commercial services, thus diversifying and improving the local and state economy.

Staff finds that a gas station is directly related to tourism and would be located at the optimal site to service tourists coming to visit the End of the Oregon Trail. The mini-mart does not necessarily relate directly to tourism. Staff concludes that

the proposal satisfies State Planning Goal 9 and the Comprehensive Plan Policies of Chapter D-Commerce and Industry.

- *State Planning Goal 10 - Housing.* This goal is not applicable.
- *State Planning Goal 11 - Public Facilities and Services.*

*Comprehensive Plan Chapter I - Community Facilities, Policies state:*

1. *The City of Oregon City will provide the following urban facilities and services as funding is available from public and private resources:*
  - 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.*
7. *Maximum efficiency for existing urban facilities and services will be reinforces by encouraging development at maximum levels permitted in the Comprehensive Plan and through infill of vacant City land.*

All public facilities and services can be made available to the site. The buildout of the proposed site and the abandonment of the existing BP station will promote efficiency for existing urban facilities. Therefore, the application satisfies State Planning Goal 11 and Comprehensive Plan Policies for Chapter I - Community Facilities, part.

- *State Planning Goal 12 - Transportation.*

*Comprehensive Plan Chapter L - Transportation Goal states:*

*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 traffic study by Tom Lancaster, P.E., and David Cram, dated July, 1996, and supplemented by information dated October 21, 1996. The initial traffic analysis concluded that the proposed land use is expected to generate slightly more new trips on the nearby roadway system than other uses which could be developed on the site under the existing zoning. This study assumed the proposal included a 12 position fueling station, a 2,400 square foot convenience



mart, and a 2,400 square foot office building (second story). It states that the intersection located at Highway 213 and Clackamas River Drive currently functions at a "D" LOS (Level of Service) and will remain at a "D" LOS with the proposed use. In the year 2016 this intersection will likely be at an "F" LOS with or without the proposed use in place. He states that if the estimated annual growth rate of 2.5 percent, which is used in the study, is sustained for the next 20 years, all intersections between Interstate 205 and Mollala Avenue on Cascade Highway (213), including Clackamas River Drive, will probably experience "F" level of service operations.

The July, 1996, report continues by stating the project does not contribute a significant increase in traffic and is recommended, by the Consultant's Traffic Engineer, to be allowed as a minimal impact to the roadway system. The consultant further recommends that with the construction of the proposed BP station, Clackamas River Drive should be improved to include a northeast bound left-turn lane at the project entrance. The entrance is to be on Clackamas River Road which is shown as a Minor Arterial on Figure 21 of the Master Transportation Plan.

The Supplemental Traffic Report by Lancaster Engineering, October 21, 1996, then compared the existing BP station facility, on Washington Street, with the proposed new facility at the corner of 213 and Clackamas River Drive. The Supplemental Report included the corrected the number of fueling positions at the existing BP station, from 4 to 6, limited the new BP station/convenience store to only 8 fueling positions, and **excluded the consideration for the office space**. The result of the Critical Capacity Analysis for the year 2016 showed a no change in the critical volume to capacity ratio between the 2016 background conditions and the Year 2016 plus net change in site trips for morning and evening peak hours given the proposed use. The Supplemental report concluded, with the disuse of the existing BP Station and the reallocation of trips to the new site, that there will be a net decrease of 6 trips during the morning peak hour and a net decrease of 14 trips during evening peak hour.

The City Traffic Engineer, Manish Babla with David Evans and Associates, states:

"The City may approve the proposed BP station only is the City procedures allow for the restriction of the use of the site (currently and in the future) to the currently proposed gas station, An approval for a zone change without such a restriction may adversely impact the street system, if a more intense use were proposed at the site in the future."

**ODOT has responded to the applicant's request by stating that it does not support the proposed comprehensive plan amendment and zone change.**

They have reviewed the Lancaster report which identifies a failure, or F level of service, at the intersection by 2016. Subsequently, the proposed amendment does not meet the requirements of the State's Transportation Planning Rule. Section 660-12-060, Plan and Land Use Regulation Amendments specifically state:

“(1) Amendments to the functional plans, acknowledge comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allows land uses are consistent with the identified function, capacity, and level of service of the facility.”

They further state that ODOT has no plans, nor is it currently considering plans for any improvements to this intersection. In addition, at this time, the City has not adopted a Transportation Systems Plan which addresses the TPR, and no local plans are in place for improvements at this intersection.

Staff found that the Trip Generation 1995 Update by the Institute of Transportation Engineers concurs with the Supplemental Report by Lancaster Engineering. It was surprising to find that the trip generation for a gas station with a market is lower, at 13.38 average number of trips per fueling station at p.m. peak hours, than just a gas station, at 15.76 AT/FS.

*OAR 660-12-060(1) Identifies that Plan and Land Use Regulation Amendments to the Comprehensive Plans which significantly affect a transportation facility shall assure that allowed land users are consistent with the identified function, capacity, and level of service of the facility. One of the options that the City has, as pointed out by the Traffic Engineer, is to limit the allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility. Staff proposes that limitations need to be placed on the proposed site were all uses identified in the Tourist Commercial Zone besides the proposed 8 station (number of service hoses) fueling facility, supportive office, and a convenience store requires a Conditional Use Permit. The street improvements recommended by the Lancaster Report need to be installed and a Waiver of Non-Remonstrance for an LID covering intersection improvements should be required. In addition, the City needs to enter into an agreement limiting the uses at the existing BP site to no greater an impact than those identified with the Permitted Uses in M-1.*

Therefore, with conditions of approval the proposed application will satisfy the Transportation Planning Rule 660-12-050 (1) and the State Planning Goal 12.

- *State Planning Goal 13 - Energy Conservation*

The City's building code specifies energy conservation measures are to be utilized by all uses developed within the City. The Zoning Code also requires site plans and design review. During site plan and design review lot size, dimension and siting, building height, bulk, and other energy conservation considerations are reviewed. Therefore, this Goal is satisfied.

***In conclusion, the applicant's proposal does comply with the state and local goals, subject to conditions. Therefore, with the appropriate conditions, the proposal will satisfy the State Planning Goal 12- Transportation and satisfies the Comprehensive Plan.***

**2. *Is there 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/ Hwy.. 213 interchange (and other areas) to Tourist Commercial.

The public need is also documented by the goals and policies of the City endorsed End of the Oregon Trail 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.

There is a public need to remove and relocate uses within a floodplain which have the potential of contaminating the environment in the event of flooding."

Staff finds that the applicant's proposal does support the goals and policies endorsed by the Tourist Commercial zone and the End of the Oregon Trail National Interpretive Area. The relocation of an existing gas station out of the recent flood event area into a space that can service the same market area meets two major goals for the city, to protect our environmental resources and to promote the economy of our community through a strong tourism base. Therefore, criterion 2 has been satisfied.

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

The applicant states the following:

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

Staff concurs with the applicant and finds that the subject property meets the criteria found in the policies relating to the location for new Tourist Commercial district areas. It is one of the few properties identified by Tourist Commercial policies which is partially vacant and is above the last flooding event. Therefore, the application satisfies this criterion.

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

The applicant states the following:

“The subject site has no neighbors. 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 transportation goals and policies.”

The Park Place neighborhood adjoins this site. Staff finds that the nature of the proposed uses will impact the following:

- A. The decrease in proposed traffic volumes will have a positive affect on safety. The application proposes a “D” level of service at the intersection of Clackamas River Drive/ Washington Street and Highway will remain after the installation of the proposed facility. The removal of the existing use of the BP on Washington Avenue will provide a net decrease in trips that will be generated at this intersection. With conditions of approval limiting additional uses on the proposed site and ensuring the discontinuance of the current BP site, the application will not significantly affect the identified function, capacity, and level of service of this intersection.
- B. Access issues can be mitigated, in part, through the addition of a northeast bound left-turn land at the project entrance on Clackamas Drive.
- C. Additional Light and Noise pollution. The neighborhood association had previously stated these concerns in the 1993 application, which was substantially the same. There is no submitted information or documentation to support positive findings. Additional information needs to be submitted which addresses these issues.

The applicant has proven that the application can mitigate the negative affects on public safety, health, and welfare. Therefore, this criterion has been satisfied.

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

The applicant states the following:

"The city's comprehensive plan does not establish a specific factual base for Tourist Commercial. The factual requirements in the Plan are locational. The subject site meets these requirements."

Staff finds that the factual base in the Comprehensive Plan has allocated 32 acres of land for Tourist Commercial uses in the Parker's Lagoon area. The applicant's proposal adds 2.9 acres of land in a area indicated in the End of the Oregon Trail Master Plan and Design Guidelines. Therefore, the application satisfies this criteria.

**6. *The criteria for a zone change as identified by the Municipal Code Chapter 17.68 - Zone Changes and Amendments require the following:***

**A. *Shall be consistent with the Comprehensive Plan goals and policies;***  
These policies are met, with conditions to satisfy the transportation policies, as noted in the above findings. Therefore, this criterion has been met.

**B. *Public Facilities and Services are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy;***

Services can be made available to the site with the proposed conditions on the zone and street improvements. Since the proposed use promotes a no net change, actually a net decrease, in the volume impacting the intersection of the Highway 213 and Clackamas River Drive the existing street facilities remains adequate at a LOS "D". The City is conducting a Traffic Systems Plan Study and a Capital Improvements Plan that will include addressing transportation issues relating to this area and needed improvements that will mitigate the needs projected for the year 2017. Therefore, with conditions of approval as stated above, this criterion has been satisfied.

**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.***

The land use authorized by the proposal, and limited by conditions, are consistent with the capacity and level of service of the transportation system for the intersection of Clackamas River Drive/ Washington Street and Highway 213. Therefore, this criterion is satisfied.

**D. *The Statewide Planning Goals shall be addressed if the Comprehensive Plan does not contain specific policies or provisions which control the***

***amendment.***

The proposal generally is consistent with the statewide planning goals. All the Statewide Planning Goals and applicable Comprehensive Plan Policies have been addressed. Therefore, this criterion has been satisfied.

**CONCLUSION:**

The applicant's submittal generally satisfies all the requirements of the Statewide Planning Goals, Comprehensive Plan, and Municipal Code with the exceptions of satisfying the Transportation Planning Rule, ORS Chapter 660-12-060, as required by Goal 12. The applicant has shown that there will be a net decrease in the volume of traffic at the intersection of Highway 213 and Clackamas River Drive if the existing BP site located on Washington Street is closed. The only way that the City can legally approve the proposal is with conditions limiting the uses allowed on the proposed site, improvements on Clackamas River Drive, and assurance through an agreement with the property owner(s) of the existing BP Station on Washington Street to limit traffic generating uses. The general support of the application by City staff is clear as supported by the Comprehensive Plan. Moving of the fueling station and its tanks out of the flood plain on Washington Street satisfies the City goals for community safety and environmental protection. Keeping a fueling station within the same market area will support the other Tourist Commercial activities will help promote the economy of our city. Staff recognizes that an "F" level of service will be reached at the intersection of Highway 213 and Clackamas River Drive/ Washington Street by the year 2016. The City is currently working on the Transportation System Plan and Capital Improvement Plan for a 20 year growth in order to capture the actual costs of needed improvements to this and other road systems and transfer these costs to the users of the system.

**RECOMMENDATION:**

Staff recommends approval of file PZ96-03 - Stein Oil, property identified as 13001 Clackamas River Drive with the legal description of the property is 2e-29 tax lot 2700, Clackamas County, to change the property from Comprehensive Plan designation Industrial (I) to Commercial (C) and Zoning Map Light Manufacturing (M-1) to Tourist Commercial (TC) based on supportive exhibits, findings and the following conditions:

1. The only uses permitted on the property pursuant the TC Plan and zoning designations are two card lock fueling islands (maximum 8 fueling stations total), a maximum of eight fueling stations (# of hoses) with service provided, a maximum 2,400 square foot convenience market, and an office use by the operator of the cardlock facility/ fuel service station/ convenience market which is sized not to exceed 6 additional trips in the morning peak and 14 trips in the evening peak period at intersection of Cascade Highway and Clackamas River Drive. Any other uses identified in the TC zone will require a conditional use permit until such time as adequate improvements have been made to the intersection of Highway 213 and Washington Street, as approved by the City Engineer and ODOT. The retail service station, convenience market, and offices may be approved

Stein Oil/ Parker  
File: PZ96-03  
November 26, 1996

- only as a conditional use on the property. This limitation shall apply to all new property owners of this site.
2. Street improvements shall be installed as recommended by the July, 1996, Lancaster Engineering traffic study. This shall include, but not be limited to, Clackamas River Drive shall be improved to include a northeast bound left-turn lane at the project entrance, as approved by the City Engineer.
  3. All Stein Oil fueling tanks located within the City of Oregon City April 1996 flood plain area, on property located at 1780 Washington Street and the subject site, shall be removed and moved out of the flood plain prior to occupancy.
  4. The owner of Stein Oil, Inc., shall enter into an agreement limiting the uses at the existing BP site located at 1780 Washington Street, legal description of 2e Section 29CA tax lot 400, Clackamas County, until such time as adequate improvements have been made to the intersection of Highway 213 and Washington Street, as approved by the City Engineer and ODOT. The limited uses on this site shall support a use with no greater traffic impact than those uses identified as Permitted Uses in Light Industrial District (M-1). This limitation shall apply to all new property owners of this site.

\\FS2\VOL2\WPFILES\TAMARA\CPLANCHG\PZ96-03.RPT

Location

SECTION 29 1.25. R.2E. W.M.  
CLACKAMAS COUNTY

1" = 400'

GEORGE ABERNETHY  
HIRAM STRAIGHT  
EZRA FISHER  
OREGON CITY CLAIM (UNRECORDED)

NO. 58  
NO. 42  
NO. 44

SEE

MAP

2 2E 20

County  
19-10723

1509  
11.42 Ac.

18015  
18400

1-205

ABANDONED 800 AC

904  
9.63 Ac.  
18161

801  
1.79 AC.

900  
104.98 Ac. Gross  
27.75 Ac. Hwy  
84.93 Ac. Net

16400

STRAIGHTS  
ADDN  
990  
0.83 Ac  
0.22 A  
0.61 A

62-67UR

62-02

SEE MAP

EVELAND 4TH ST.

2 2E 29AA

JAIN

LINE DLG

DLG NC 69

LINE

W

N  
4

14000

20

21

29

28

NO. 42

ST.

LINE

DLG

W

AV.

CU

2370

LINE

DLG

W

AV.



# CITY OF OREGON CI

320 Warner-Milne Road (Mailing P.O.Box 351) Oregon City, OR  
(503) 637-0891

File: Z96-03

Exhibit 2A

## Applicant's Submittal - Request

### LAND USE APPLICATION

- ☒ ZONE CHANGE  
☒ PLAN AMENDMENT  
☐ CONDITIONAL USE

- ☐ MODIFICATION  
☐ PLANNED DEVELOPMENT

- ☐ VARIANCE  
☐ SITE PLAN/  
DESIGN REVIEW

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

APPLICATION # PZ96-03 (please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Stein Oil Co. Inc.

PROPERTY OWNER (if different): Jack W. Parker

PHYSICAL ADDRESS OF PROPERTY: 13001 Clackamas River Drive

DESCRIPTION: TOWNSHIP 2S RANGE 2 E SECTION 29 TAX LOT 2720

CLOSEST INTERSECTION: Hwy 213 / Clackamas River Drive

DISTANCE & DIRECTION TO INTERSECTION: 600' ± South

SEWER: ☒

ON-SITE DISPOSAL SYSTEM: \_\_\_\_\_

PRESENT USE OF PROPERTY:

Part Vacant, Part Pacific Pride  
and Lock

PRESENT ZONE: M2 - Heavy Industrial

TOTAL AREA OF PROPERTY: 2.9 Acres

PROPOSED LAND USE OR ACTIVITY

Retail Service Station,  
Convenience Market, Corp.  
offices

LAST DAY TO SUBMIT TESTIMONY:

September 24, 1996

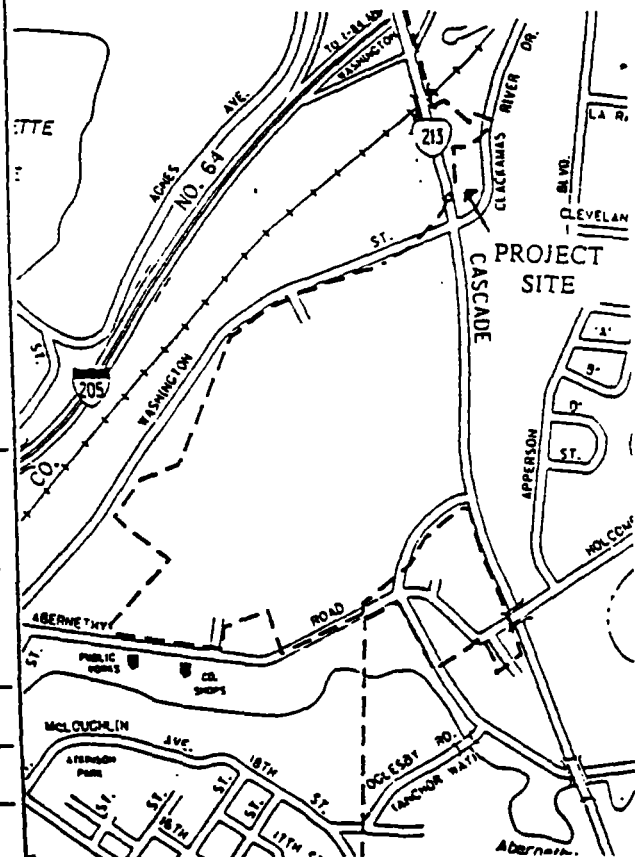
DATE/TIME/PLACE OF PUBLIC HEARING:

September 24, 1996 7:00 p.m. Planning

Commission and October 16, 1996 7:00 p.m.

320 Warner Milne Road, Oregon City

### MAP LOCATING SUBJECT PROPERTY



MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: ORS CHAPTER 227 REQUIRES THAT  
IF YOU RECEIVE THIS NOTICE, IT MUST BE PROMPTLY FORWARDED TO PURCHASER:

## INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS

1. All applications must be either typed or printed (black ink). Please make the words easily readable.
2. The application must be submitted with the correct fee.
3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.
4. If you wish to modify or withdraw the application, you must notify the planning Division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary.
5. With the application form, please attach all the information you have available that pertains to the activity you propose.
6. Prior to submitting the application, you must make an appointment to discuss your proposal with a member of the Planning Division. If you wish, the planner will assist you in completing some portions of the application; however, the entire burden is upon the applicant to provide necessary information to justify approval of the application.
7. The front page of the application contains a brief description of the proposal and will serve as the public notice to surrounding properties and other interested parties of the application. This is why neatness is important.
8. Detailed descriptions, maps, and other relevant information should be attached to the application form and will be available for public review. All applicable standards and criteria must be addressed prior to acceptance of the application. The content of the attached information should be discussed with the appropriate planner prior to submission of the application.
9. Incomplete applications will be returned.

96 JUL 30 AM 11:54  
RECEIVED  
CITY OF OREGON CITY

APPLICANT'S SIGNATURE: Steven Gil Co Inc. by Russ Stein  
MAILING ADDRESS: 19805 McLoughlin Blvd.  
CITY: Gladstone STATE: OR ZIP: 97027 PHONE: (503) 656-0375  
PROPERTY OWNER'S SIGNATURE: Jack W. F. Parker  
MAILING ADDRESS: P.O. Box 149 ; 126 Sherry Ave. OR  
CITY: Oregon City STATE: OR ZIP: 97015 PHONE: (503) 656-0636

If this application is not signed by the property owner, then a letter authorizing signature by an agent must be attached.

Bob Stein, Owner

### FOR OFFICE USE ONLY

DATE SUBMITTED: 7/30/96 RECEIVED BY: Don  
FEE PAID: \$2,000.00 RECEIPT #: 01-41320  
DATE ACCEPTED AS COMPLETE: 8/30/96 PLANNER ASSIGNED: TDR/DCM  
ADMINISTRATIVE DECISION DUE: \_\_\_\_\_ PUBLIC HEARING DATE: 9/24/96

The 120-day deadline for processing applications will begin from the date the application has been accepted as complete.

Traffic Impact Fee \$650.00

059

96 JUL 30 PM 1:56


RECEIVED  
CITY OF OREGON CITY

P. O. BOX 149  
OREGON CITY, OR 97045  
(503) 656-0636

July 30, 1996

Donald F. Vedder  
126 Cherry Avenue  
Oregon City, OR 97045

I hereby authorize you to sign on my behalf for the  
Plan Amendment/Zone Change for Tax Lot 2700 2S 2E 29  
located in Clackamas County, Oregon.

  
Jack W. Parker

**DON VEDDER REAL ESTATE**

COMMERCIAL • INDUSTRIAL

126 Cherry Avenue • Oregon City, Oregon 97045 • (503) 656-8763

FAX # (503) 656-1160  
NOT DEVOTEDTELECOPY COVER SHEET

TELEFAX NUMBER: 657-3339 DATE: 7/30/96  
COMPANY NAME: City of O.C. TIME: 1:45  
ATTENTION: Denyse  
NO. OF PAGES: 2  
(includes cover sheet)  
FROM: Don

If you do not receive all pages, please call (503) 656-<sup>1160</sup>~~8763~~ and  
ask for: Don

Denyse,  
will this be OK?  
Don

REQUEST FOR COMPREHENSIVE PLAN AMENDMENT  
AND ZONE CHANGE

I. REQUEST

THIS APPLICATION REQUESTS APPROVAL OF A COMPREHENSIVE PLAN AMENDMENT, ZONE CHANGE AND CONDITIONAL USE PERMIT FOR APPROXIMATELY 2.9 ACRES OF LAND LOCATED ON THE EAST SIDE OF THE TRAILS END HIGHWAY (HWY 213) AND THE NORTHWESTERLY SIDE OF CLACKAMAS RIVER ROAD. THE SPECIFIC REQUEST IS TO:

REDESIGNATE 2.9 ACRES OF M-2 (INDUSTRIAL) LAND TO TOURIST COMMERCIAL (COMMERCIAL) TO ALLOW DEVELOPMENT CONSISTANT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN AND PROVISIONS OF CHAPTER 17.30 OF THE ZONING CODE.

II. REASON FOR THE REQUEST

THERE IS A MARKET NEED IN THIS TRADE AREA FOR THE SERVICES TO BE PROVIDED AT THIS SITE. SOME OF THESE SERVICES ARE PRESENTLY BEING PROVIDED BY THE APPLICANT EITHER AT ITS PRESENT LOCATION ON WASHINGTON STREET OR THE SUBJECT SITE. HOWEVER, THE APPLICANT HAS BEEN INFORMED BY THE E.O.T. FOUNDATION THAT IN THE NEAR FUTURE THE EXISTING SITE ON WASHINGTON STREET WILL NEED TO BE ACQUIRED BY THE FOUNDATION FOR DEVELOPMENT CONSISTANT WITH THE ADOPTED "MASTER PLAN FOR THE END OF THE OREGON NATIONAL HISTORIC TRAIL." PRESENTLY THE PARTIES ARE NEGOTIATING TO IMPLEMENT THAT OBJECTIVE. THERE IS NO OTHER WORKABLE SITE AVAILABLE TO THE APPLICANT WITHIN THIS TRADE AREA.

STEIN OIL IS ALSO CONCERNED ABOUT THE POSSIBILITY OF FUTURE FLOODING. DURING THE RECENT FLOOD THE WASHINGTON STREET RETAIL SERVICE STATION WAS COMPLETELY INUNDATED. NECESSARY ACTIONS WERE TAKEN TO MINIMIZE THE CHANCE OF THE RELEASE OF PETROLEUM PRODUCTS AND NO RELEASES OCCURED. NEXT TIME THE OUTCOME MAY NOT BE AS FAVORABLE.

III. BASIC FACTS

A. LEGAL DESCRIPTION:

SHOWN ON ASSESSOR'S TAX MAP 2S 2E 29 AS TAX LOT 2700.

B. ZONING:

1. SUBJECT PROPERTY: M-2 HEAVY INDUSTRIAL EXCEPT AS MODIFIED BY PZ93-02;
2. SURROUNDING AREA: M-1 LIGHT INDUSTRIAL AND M-2 HEAVY INDUSTRIAL.

C. CURRENT LAND USE:

1. SUBJECT PROPERTY: PART VACANT, PART USED FOR A COMMERCIAL FUELING FACILITY.
2. SURROUNDING AREA:

- \* NORTH - SOUTHERN PACIFIC RAILROAD - SUBJECT SITE IS SEPARATED FROM MAIN LINE BY VACANT S.P. LAND.
- \* EAST - VACANT LAND
- \* SOUTH - VACANT LAND
- \* WEST - METROPOLITAN SERVICE DISTRICT TRANSFER & RECYCLE CENTER - SUBJECT SITE IS SEPARATED FROM TRANSFER CENTER BY HWY 213.

D. SITE CONDITIONS:

- \* THE MOST NORTHERLY PORTION OF THE SITE LIES BELOW THE DEVELOPED AREA AND HAS AN AVERAGE ELEVATION OF APPROXIMATELY 45 FEET. THE 100 YEAR FLOOD ELEVATION AT THIS LOCATION IS 42.5 FEET.
- \* THE MAJORITY OF THE SITE HAS BEEN FILLED TO AN AVERAGE ELEVATION OF APPROXIMATELY 70 FEET IN COMPLIANCE WITH FILL PERMIT NUMBER FP92-01.
- \* PART OF THE FILLED PROPERTY IS THE ABANDONED OFF-RAMP FROM HWY. 213 TO CLACKAMAS RIVER DRIVE AND THE REMAINDER IS A PART OF THE CLOSED ROSSMAN'S SANITARY LANDFILL. THE LANDFILL PORTION IS SUBJECT TO THE "ENVIRONMENTAL HAZARD" AND "SENSITIVE AQUIFER" PROVISIONS OF THE COMPREHENSIVE PLAN.
- \* NO WETLANDS EXIST ON THE SITE.

IV. COMPLIANCE WITH COMPREHENSIVE PLAN AMENDMENT CRITERIA

- A. DOES THE PROPOSED CHANGE CONFORM WITH STATE PLANNING GOALS AND LOCAL GOALS AND POLICIES?

STATE PLANNING GOALS

---

LCDC GOAL 1 - CITIZEN INVOLVEMENT

THE CITIZEN INVOLVEMENT AND PUBLIC HEARING PROCESS ESTABLISHED BY THE CITY OF OREGON CITY PROVIDES AMPLE OPPORTUNITY FOR REVIEW AND COMMENT ON THIS REQUEST BY INTERESTED CITIZENS. A PUBLIC NOTICE WILL BE SENT TO PROPERTY OWNERS IN THE VICINITY, THE SITE WILL BE POSTED AND THE PUBLIC HEARINGS WILL BE ADVERTIZED. OPPORTUNITY WILL BE PROVIDED AT THE PUBLIC HEARINGS FOR TESTIMONY BY ANY PERSON WISHING TO DO SO. THESE MEASURES COMPLY WITH REQUIREMENTS OF GOAL 1.

LCDC GOAL 2 - LAND USE PLANNING

THIS GOAL REQUIRES THE GOVERNING BODY HAVING JURISDICTION TO ESTABLISH A PLANNING PROCESS AND POLICY FRAMEWORK AS A BASIS FOR ALL LAND USE ACTIONS. THE CITY HAS ADOPTED A COMPREHENSIVE PLAN WHICH COMPLIES WITH THE REQUIREMENTS OF GOAL 2.

LCDC GOAL 3 - AGRICULTURAL LANDS

NO AGRICULTURAL LANDS INVOLVED - GOAL 3 IS NOT APPLICABLE.

LCDC GOAL 4 - FOREST LANDS

NO FOREST LANDS INVOLVED - GOAL 4 IS NOT APPLICABLE.

LCDC GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

NO SIGNIFICANT OPEN SPACES, SCENIC OR NATURAL RESOURCES HAVE BEEN IDENTIFIED BY THE CITY ON OR NEAR THE SUBJECT SITE. HOWEVER, THERE ARE THREE HISTORIC SITES IN THE VICINITY OF THE SUBJECT SITE. THEY ARE:

1. HIRAM STRAIGHT HOUSE;
2. JOHN STRAIGHT HOUSE;
3. PIONEER STRAIGHT CEMETERY.

THE ESEE ANALYSIS, AS IT RELATES TO THE HISTORIC SITES IS AS FOLLOWS:

THERE WILL BE A POSITIVE "ECONOMIC" IMPACT DUE TO INCREASED AFTER DARK ACTIVITIES, THEREFORE SECURITY IN THE AREA WILL BE ENHANCED. ADDITIONALLY THERE WILL BE SOME RETAIL SERVICES IN THE AREA NOT NOW PRESENT.

THE "SOCIAL" IMPACT WILL ALSO BE POSITIVE DUE TO ADDITIONAL EXPOSURE TO THE HISTORIC SITES.

THERE WILL BE NO "ENVIRONMENTAL" IMPACTS, POSITIVE OR NEGATIVE DUE TO THE PROPOSED DEVELOPMENT. LIGHTING IMPACTS HAVE ALREADY BEEN ADDRESSED DURING THE DEVELOPMENT OF THE CARD LOCK FACILITY.

THE POTENTIAL FOR "ENERGY" CONSERVATION EXISTS DUE TO THE FACT THAT SOME RETAIL SERVICES WILL BE AVAILABLE WITHIN THE COMMUNITY WITH LESS DISTANCE TO TRAVEL.

IN CONCLUSION, THE POSITIVE IMPACTS OF VISIBILITY, INCREASE SECURITY AND AN INCREASE IN THE AVAILABILITY OF NEEDED RETAIL SERVICES IN THE AREA WILL HAVE AN OVERALL POSITIVE IMPACT ON THE GOAL 5 RESOURCES AND THE AREA. THE ADJACENT INDUSTRIAL AREA IS SUBSTANDARD AND IS IN NEED OF REDEVELOPMENT. THE PROPOSED DEVELOPMENT WILL PROVIDE A JUMP START TO UPGRADING OF THE AREA.

#### LCDC GOAL 6 - AIR, WATER AND LAND RESOURCE QUALITY

THIS GOAL REQUIRES THAT ANY FUTURE DEVELOPMENT SHALL NOT EXCEED THE CARRYING CAPACITY OF WASTE AND PROCESS DISCHARGES. THIS SITE IS SERVED WITH CITY WATER AND SEWER LINES. STORM DRAINAGE WAS INSTALLED DURING THE FILL PERMIT PROCESS.

#### LCDC GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

THE SITE IS LOCATED WITHIN A FLOODPLAIN AREA, BUT IS ABOVE THE 100 YEAR FLOOD ELEVATION AND ITS DEVELOPMENT WILL NOT BE ENDANGERED BY OR CONTRIBUTE TO A 100 YEAR FLOOD.

THE SITE IS SUBJECT TO THE CITY'S COMPREHENSIVE PLAN POLICIES RELATING TO SENSITIVE AQUIFERS AND ENVIRONMENTAL HAZARDS. THESE ISSUES ARE ADDRESSED UNDER PROVISIONS OF SECTION F OF THE COMPREHENSIVE PLAN.

#### LCDC GOAL 8 - RECREATIONAL NEEDS

NO RECREATIONAL NEEDS HAVE BEEN IDENTIFIED BY THE CITY AT THIS SITE. GOAL 8 IS NOT APPLICABLE TO THIS REQUEST.

#### LCDC GOAL 9 - ECONOMY OF THE STATE

THIS GOAL REQUIRES JURISDICTIONS TO DIVERSIFY AND IMPROVE THE ECONOMY OF THE STATE. THE PROPOSED CHANGE IS CONSISTANT WITH POLICIES OF THE COMPREHENSIVE PLAN POLICY WHICH IN PART SPECIFIES THAT TOURIST COMMERCIAL AREAS SHALL INCLUDE "I-205 INTERCHANGE AREA." THE SUBJECT SITE IS A PART OF THAT AREA. IMPLEMENTATION OF THIS POLICY WILL ASSIST IN THE SUCCESS OF THE END OF THE OREGON TRAIL TOURIST ATTRACTION WHICH WILL ADD JOBS AND COMMERCIAL SERVICES, THUS DIVERSIFYING AND IMPROVING THE LOCAL AND STATE ECONOMY.

#### LCDC GOAL 10 - HOUSING

HOUSING IS NOT AN ISSUE OF THIS REQUEST. GOAL 10 IS NOT APPLICABLE.

LCDC GOAL 11 - PUBLIC FACILITIES AND SERVICES

ALL PUBLIC FACILITIES AND SERVICES ARE AT THE SUBJECT SITE.

LCDC GOAL 12 - TRANSPORTATION

THIS PROPERTY ABUTS STATE HIGHWAY 213 AND CLACKAMAS RIVER DRIVE. THE CITY'S ADOPTED TRANSPORTATION PLAN DESIGNATES HWY 213 AS A FREEWAY AND CLACKAMAS RIVER DRIVE AS A MINOR ARTERIAL. ACCESS IS NOT AVAILABLE FROM HWY 213 NOR IS IT PROPOSED. THE SITE HAS DEEDED AND PERMITTED ACCESS ON CLACKAMAS RIVER DRIVE.

THE AFFECT OF THIS DEVELOPMENT ON THE EXISTING SIGNALIZED INTERSECTION WILL BE INSIGNIFICANT. THE TRAFFIC IMPACT STUDY CONDUCTED BY LANCASTER ENGINEERING IN JULY OF 1996 SHOWS THAT THE LEVEL OF SERVICE (LOS) WILL NOT BE CHANGED BY THE PROPOSED DEVELOPMENT. THIS IS ALSO TRUE ON CLACKAMAS RIVER DRIVE. SPECIFICALLY, THE STUDY SHOWS THAT BOTH BEFORE AND AFTER DEVELOPMENT THE LOS OF D AND B RESPECTIVELY ARE ACCEPTABLE.

LCDC GOAL 13 - ENERGY CONSERVATION

THIS GOAL ENCOURGES DEVELOPMENT TO MAXIMIZE CONSERVATION OF ENERGY. THE CITY'S BUILDING AND ZONING CODES INSURE COMPLIANCE WITH THIS GOAL.

LCDC GOAL 14 - URBANIZATION

THIS GOAL ENCOURAGES DEVELOPMENT WITHIN URBAN GROWTH BOUNDARIES AND WHERE PUBLIC FACILITIES ARE AVAILABLE. THIS SITE IS WITHIN THE ESTABLISHED BOUNDARY AND PUBLIC SERVICES ARE AVAILABLE.

LCDC GOAL 15 - WILLAMETTE RIVER GREENWAY

THE SUBJECT SITE IS NOT WITHIN THE GREENWAY BOUNDARY, THEREFORE GOAL 15 IS NOT APPLICABLE.

OREGON CITY GOALS AND POLICIES

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SECTION B - CITIZEN INVOLVEMENT

THE CITY'S ADOPTED GOALS AND POLICIES PERTAINING TO CITIZEN INVOLVEMENT IN LAND USE PLANNING AND DECISIONS MEETS OR EXCEEDS STATE REQUIREMENTS.

SECTION D - COMMERCE AND INDUSTRY

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.

AS A RESULT OF THE CITY'S RECENT PERIODIC REVIEW, A NUMBER OF POLICIES WERE ADDED TO THIS SECTION WHICH APPLY TO THIS REQUEST. IN PART THEY ARE:

- \* "OREGON CITY'S LOCATION ON I-205 AND TOURISM RELATED TO THE END OF THE OREGON TRAIL WILL CONTRIBUTE TO CONTINUED RETAIL GROWTH."



- \* "TOURIST COMMERCIAL - TOURIST COMMERCIAL INCLUDES BOTH RETAIL AND SERVICE USES. GENERALLY, TOURIST COMMERCIAL USES NEED TO BE LOCATED IN CLOSE PROXIMITY TO A TOURIST ATTRACTION. .... GENERALLY TOURIST COMMERCIAL USES REQUIRE EASY ACCESS BECAUSE THE TOURIST IS NOT FAMILIAR WITH THE LOCAL STREET PATTERN."
- \* "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 CONSISANT WITH THE GOALS, OBJECTIVES AND POLICIES SETFORTH ABOVE.

#### SECTION F - NATURAL RESOURCES GOALS AND POLICIES

THE GOAL OF THIS SECTION IS TO "PRESERVE AND MANAGE OUR SCARCE NATURAL RESOURCES WHILE BUILDING A LIVEABLE URBAN ENVIRONMENT." WHILE THERE ARE NO NATURAL RESOURCES ON THE SUBJECT SITE, POLICIES 1 AND 10 AS WELL AS THE SENSITIVE AQUIFERS AND ENVIRONMENTAL HAZARD PROVISIONS DO APPLY.

POLICY 1 - COORDINATE LOCAL ACTIVITIES WITH REGIONAL, STATE AND FEDERAL AGENCIES IN CONTROLLING WATER AND AIR POLLUTION.

POLICY 10 - AVOID DEVELOPMENTS IN KNOWN AREAS OF NATURAL DISASTERS AND HAZARDS WITHOUT APPROPRIATE SAFEGUARDS.

THE SENSITIVE AQUIFERS PROVISIONS OF THE CITYS COMPREHENSIVE PLAN IDENTIFIES THE SUBJECT SITE TO BE WITHIN THE BOUNDARIES REQUIRING APPROVAL FROM DEQ BEFORE CONSTRUCTION OF A WELL. CITY WATER WILL USED AT THIS SITE.

THE ENVIRONMENTAL HAZARD PROVISIONS REQUIRE THAT PRIOR TO ISSUANCE OF DEVELOPMENT PERMITS DEQ 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.

#### SECTION I - COMMUNITY FACILITIES

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.

PROVISIONS OF THIS POLICY HAVE OR WILL BE MET.

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.

A PORTION OF THE LAND IS VACANT AND SERVICES ARE AVAILABLE.

## SECTION L - TRANSPORTATION

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.

### B. IS THERE A PUBLIC NEED TO BE FULFILLED BY THE CHANGE?

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/HWY 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.

THERE IS A PUBLIC NEED TO REMOVE AND RELOCATE USES WITHIN A FLOODPLAIN WHICH HAVE THE POTENTIAL OF CONTAMINATING THE ENVIRONMENT IN THE EVENT OF FLOODING.

### C. IS THE PUBLIC NEED BEST SATISFIED BY THE PARTICULAR CHANGE BEING PROPOSED?

THE APPLICANT KNOWS OF NO OTHER SITE AVAILABLE WITHIN THIS TRADE AREA SUITABLE FOR THIS DEVELOPMENT.

### D. WILL THE CHANGE ADVERSELY AFFECT THE PUBLIC HEALTH, SAFETY AND WELFARE?

THE SUBJECT SITE HAS NO NEIGHBORS. 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 TRANSPORTATION GOALS AND POLICIES.

### E. DOES THE FACTUAL INFORMATION BASE IN THE COMPREHENSIVE PLAN SUPPORT THE CHANGE?

THE CITY'S COMPREHENSIVE PLAN DOES NOT ESTABLISH A SPECIFIC FACTUAL BASE FOR TOURIST COMMERCIAL. THE FACTUAL REQUIREMENTS IN THE PLAN ARE LOCATIONAL. THE SUBJECT SITE MEETS THESE REQUIREMENTS.

## V. ZONE CHANGE CRITERIA

A. THE PROPOSAL IS CONSISTANT WITH THE GOALS AND POLICIES OF THE COMPREHENSIVE PLAN AS OUTLINED IN THIS APPLICATION.

B. ALL PUBLIC SERVICES AND FACILITIES ARE IN PLACE.

C. AS ADDRESSED IN THE TRANSPORTATION SECTIONS OF THIS APPLICATION, THIS PROPOSAL EFFECTIVELY DOES NOT CHANGE CAPACITY OR LEVEL OF SERVICE OF THE TRANSPORTATION SYSTEM.

D. THE PREVIOUSLY ADDRESSED COMPREHENSIVE PLAN GOALS AND POLICIES ADDRESS PROVISIONS OF THIS PROPOSAL.

## VI. CONCLUSION

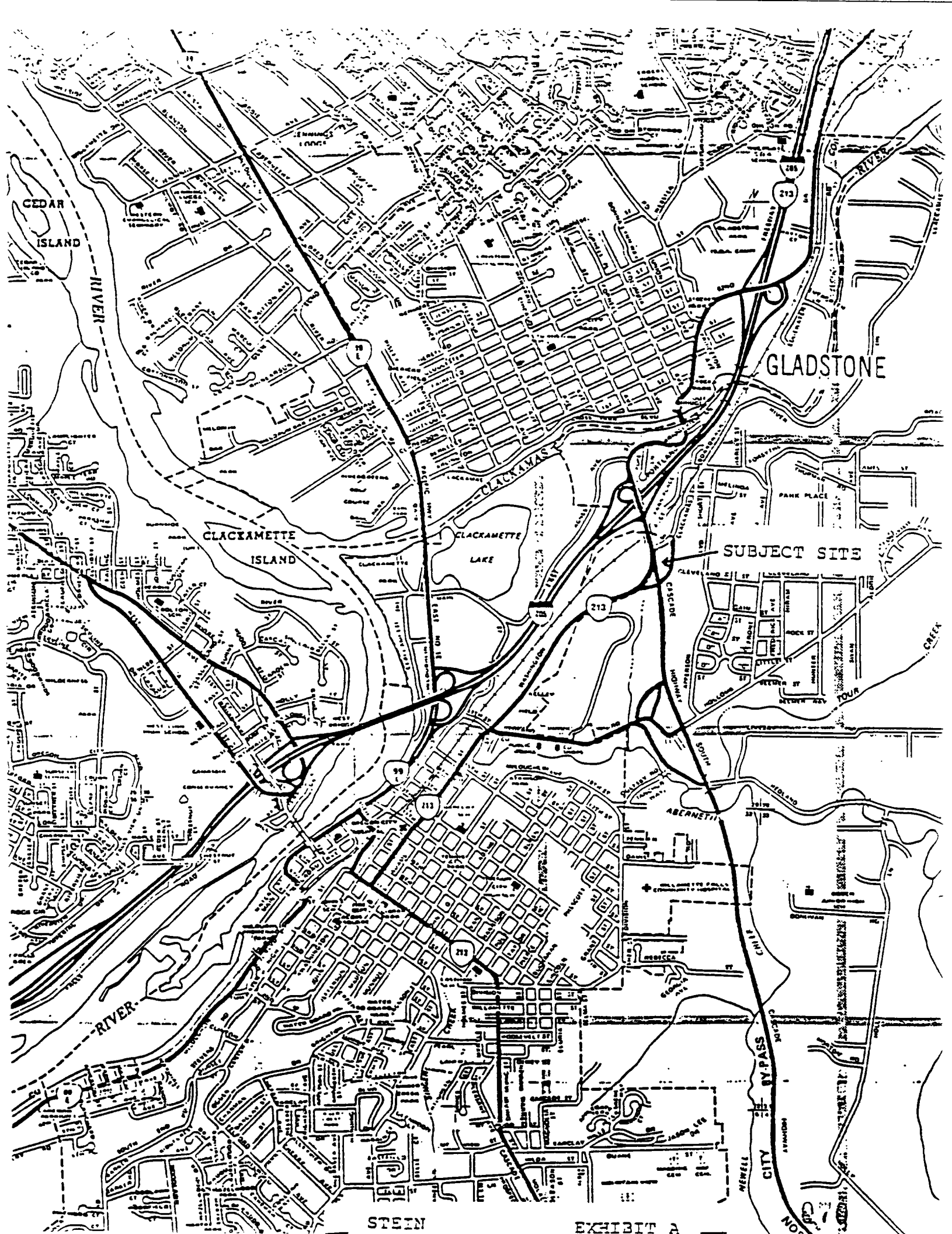
THIS REPORT CLEARLY DEMONSTRATES THAT THIS REQUEST COMPLIES WITH THE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE. THIS PROPOSAL CONTRIBUTES TO PUTTING TOGETHER THE COMPLEX PUZZLE NEEDED FOR THE SUCCESS OF THE END OF THE OREGON TRAIL HISTORIC TOURIST ATTRACTION AND ELIMINATES A POTENTIAL ENVIRONMENTAL CONTAMINATION SOURCE. FOR THESE REASONS THE APPLICANT REQUESTS APPROVAL.

APPENDIX

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EXHIBITS

- A. VICINITY MAP
- B. ASSESSOR'S TAX MAP 2S 2E 29
- C. SITE PLAN
- D. MASTER SITE PLAN
- E. CANOPY ELEVATIONS
- F. SOUTH BUILDING ELEVATION
- G. NORTH BUILDING ELEVATION
- H. EAST BUILDING ELEVATION
- I. TRAFFIC STUDY



RIVER

SECTION 29 T.2S. R.2E. W.M.  
CLACKAMAS COUNTY

1" = 400'

D.L.C.S  
GEORGE ABERNETH  
HIRAM STRAIGHT  
EZRA FISHER  
OREGON CITY CL

SEE MAP 2 2E 20

13500

P.P.  
1994-139

1601  
2.69 AC.  
PARCEL 1  
(2.69 AC.)

1509  
11.42 AC.

18015  
18400

1600  
1.81 AC.  
PARCEL 2  
(1.81 AC.)

1-205



400  
4.86 AC.

904  
9.63 AC.  
18101

801  
1.79 AC.

HWY

STATE

STATE

PARTITION PLAT 1992-184  
PARCEL 1 (19.13 AC.)  
PARCEL 2 (2.40 AC.)  
12000

900  
104.98 AC. Gross  
20.05 AC. Hwy  
84.93 AC. Net

18400

1000  
0.10 AC.

62-67UR

BOULEVARD

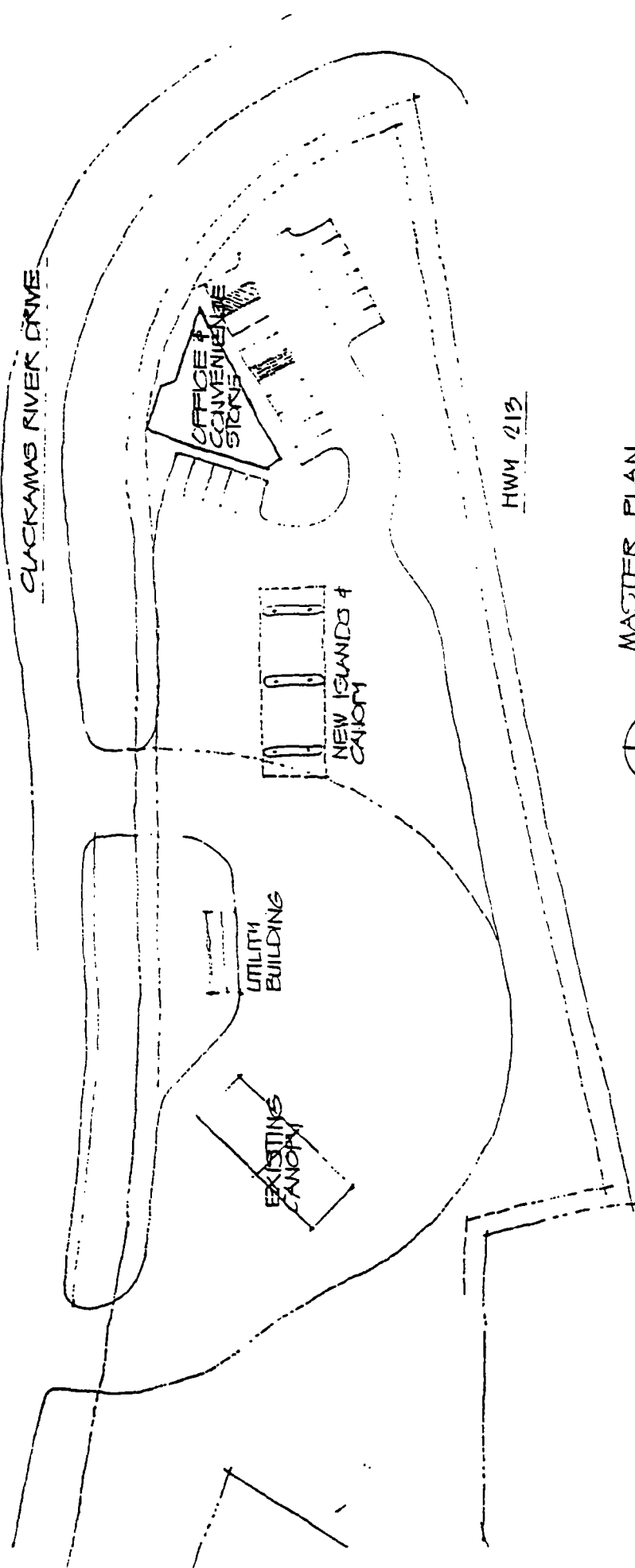
62-67UR

I-3

071

Hand-drawn site plan of a proposed building and parking lot. The building is labeled "OFFICE/ CONVENIENCE STORE". Dimensions include 20'-0" for the building width, 70'-0" for the parking lot width, and 50'-0" for the parking lot depth. A curved boundary is shown on the right side.

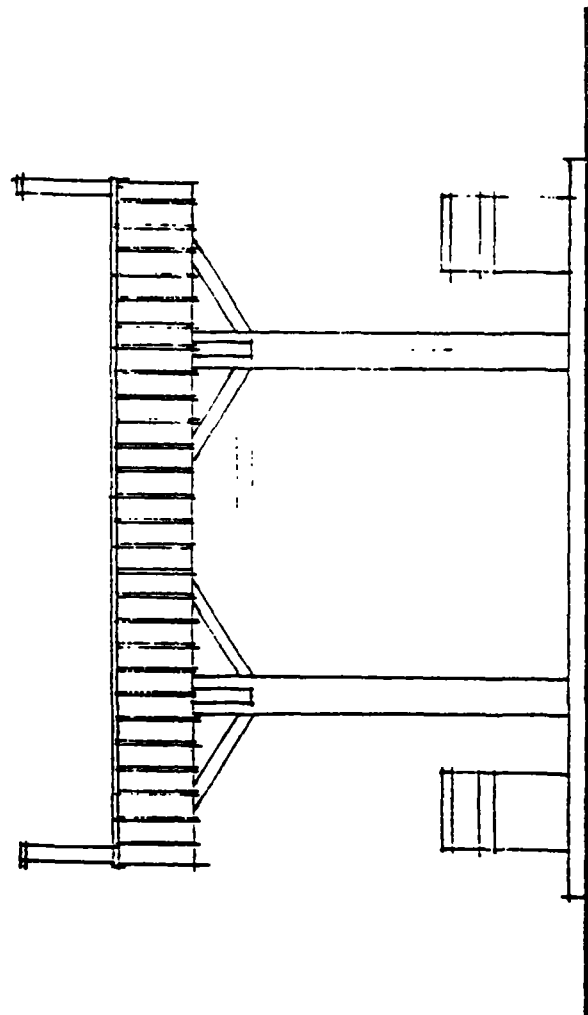
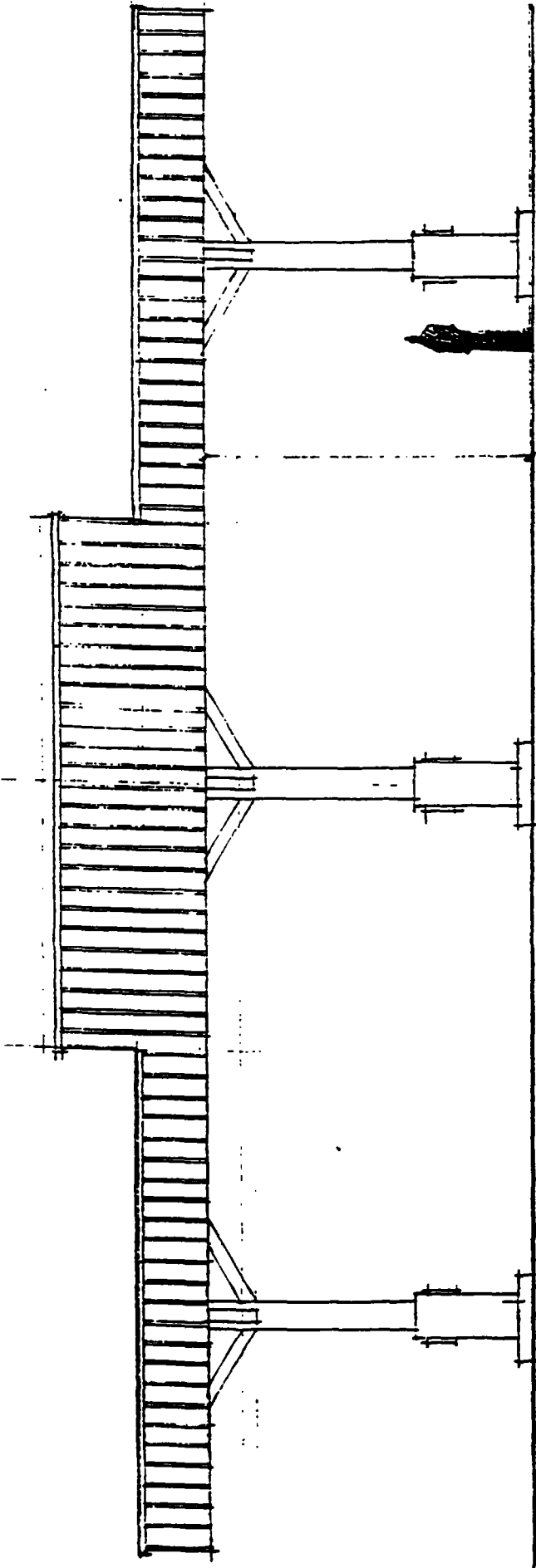
EXHIBIT C



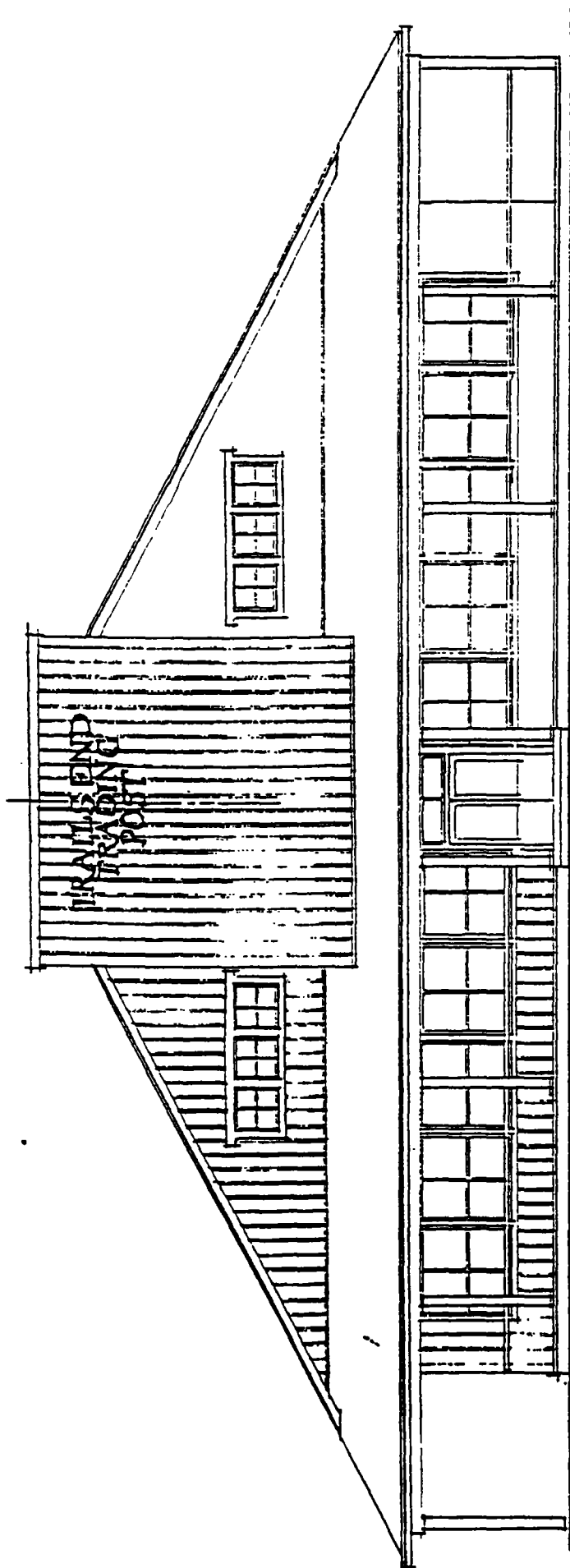
MASTER PLAN  
STEIN OIL CO.  
1" = 60' ± 0"



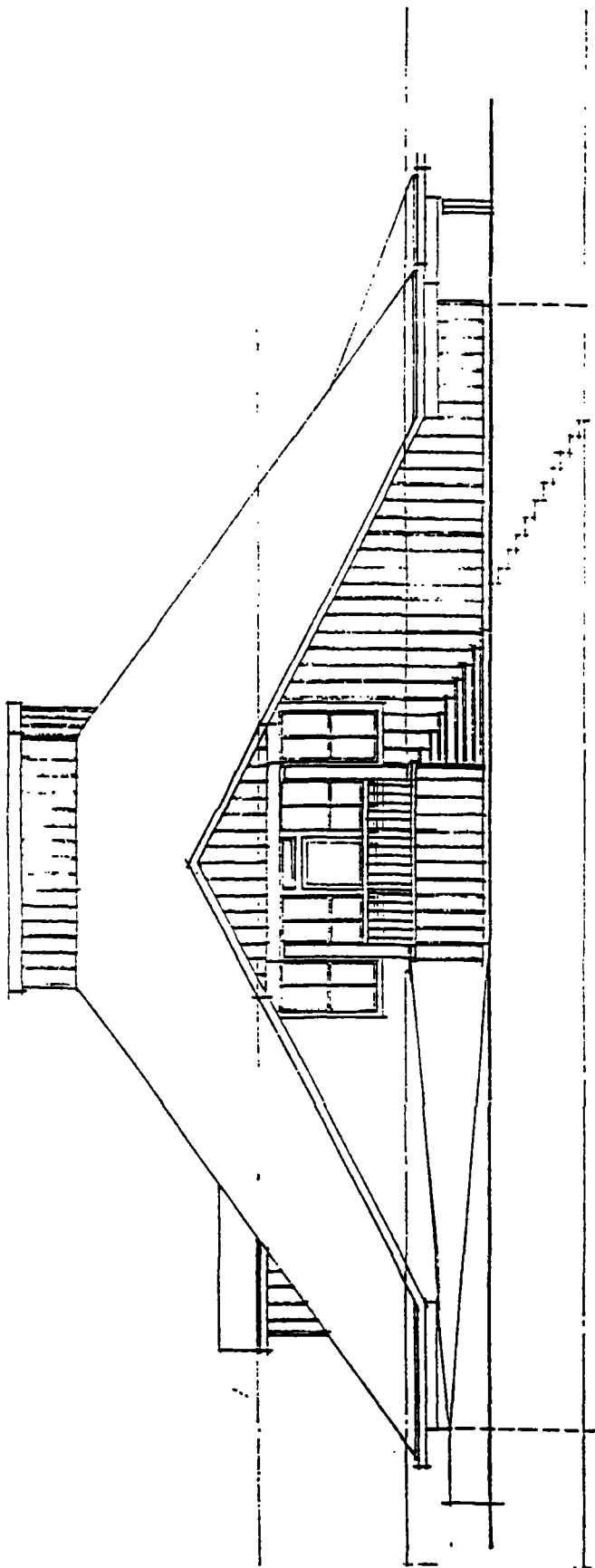




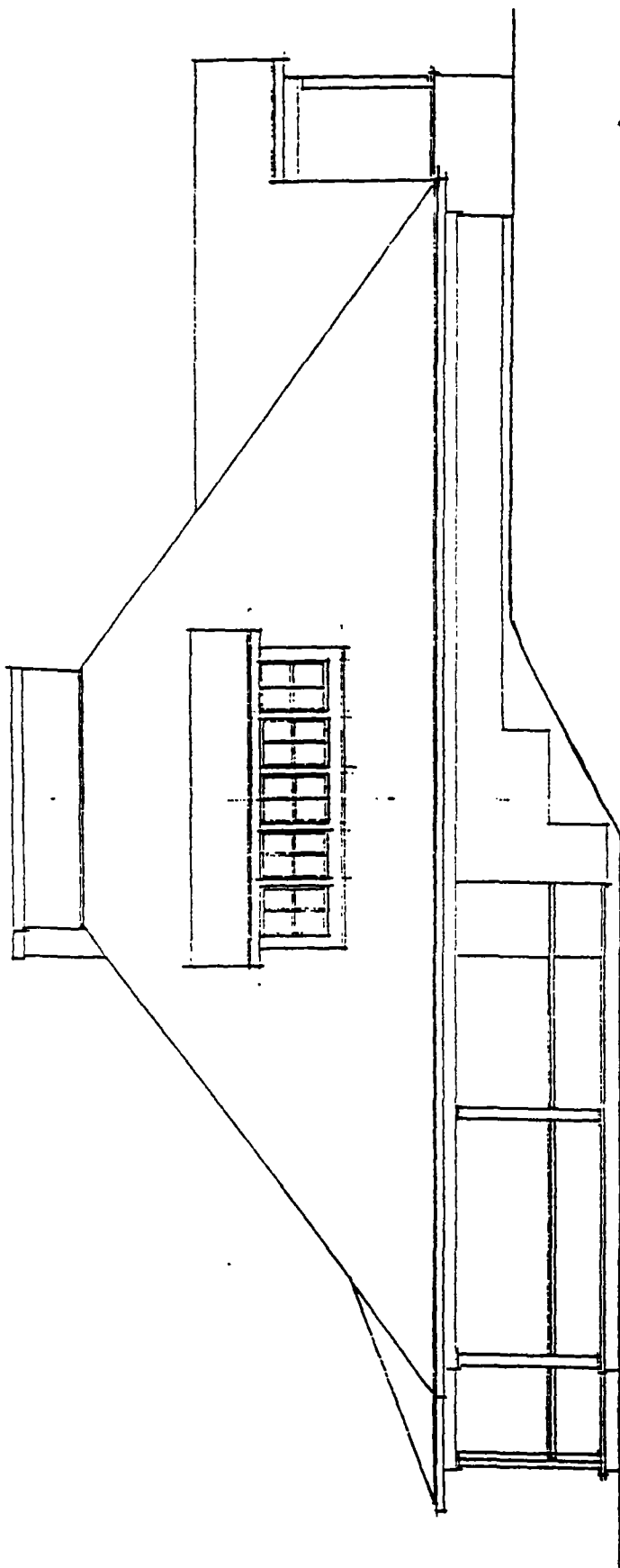
STEIN OIL CANOPY  
1/8" = 1'-0"



SOUTH ELEVATION  
 $\frac{1}{8}'' = 1'-0''$



NORTH ELEVATION (OFFICE ENTRY)  
1/8" = 1'-0"



EAST ELEVATION (OPTION)  
 $\frac{1}{8}'' = 1'-0''$

GK

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**Applicant's Submittal  
Recommendation**

---

**RECOMMENDATIONS**

If the estimated annual growth rate of 2.5 percent used in this report is sustained for the next 20 years, all the intersections between Interstate 205 and Molalla Avenue on Cascade Highway will probably experience level of service F operations. The calculated through traffic volumes for Year 2016 will approach freeway proportions (2,000 vehicles per hour per lane), suggesting grade-separated intersections. In fact, capacity restraints at the Interstate 205 freeway interchange will limit the traffic volumes on Cascade Highway. If an alternative freeway serving the eastern portion of Clackamas County is built, significant reductions in traffic volumes on Cascade Highway may be experienced, resulting in better levels of service than estimated in this report.

The proposed land use is expected to generate slightly more new trips on the nearby roadway system than other land uses which could be developed on the site under the existing zoning. Although the intersection of Cascade Highway at Clackamas River Drive/Washington Street is expected to operate at level of service F with estimated year 2016 volumes, the project does not contribute a significant increase in traffic. Based on this, it is recommended that the proposed land use be allowed as a minimal impact to the roadway system.

With construction of the proposed BP station, Clackamas River Drive should be improved to include a northeastbound left-turn lane at the project entrance.

Rec'd 10/21/96 JDM

File: PZ96-03

Exhibit 2C

**MASTER ENGINEERING**  
Studies • Planning • Safety

Post-It® Fax!	
To	Bob S
Card No.	9/2 Tm
Phone	
Fax	657-

## Supplemental Traffic Study

October 21, 1996

Mr. Bob Stein  
Stein Oil Co., Inc.  
19805 McLoughlin Boulevard  
Gladstone, OR 97027

Dear Mr. Stein:

As requested by Don Vedder, I have recalculated the impact of the proposed BP station upon the intersection of Cascade Highway at Clackamas River Drive in Oregon City. Per Don's instructions, I have increased the trip generation of the existing BP station to a 6 fueling-position facility, and reduced the new development to an 8 fueling-position facility.

Accordingly, I have redone the capacity analysis for Year 2016 background conditions and for Year 2016 plus the net change in site trips for the morning and evening peak hours. For the existing BP station, I assumed that 70 percent of the site traffic was to and from the east toward Cascade Highway. These site trips were distributed through the intersection in proportion to the existing turning movements. Traffic flow diagrams showing the morning and evening peak hour site trips for the old and proposed stations are attached. Also attached are traffic flow diagrams for the Year 2106 background volumes, and for the Year 2016 plus net site trips.

The results of the capacity analysis show no change in the critical volume to capacity ratio between the Year 2016 background conditions (1.34 V/C ratio) and the Year 2016 plus net change in site trips for the morning peak hour, and no change (1.51 V/C ratio) for the evening peak hour. At the intersection of Cascade Highway at Clackamas River Drive, there is an estimated net decrease of 6 trips during the morning peak hour between the existing and proposed stations, and a net decrease of 14 trips for the evening peak hour.

The primary reason for the decrease in trips is primarily the difference in site trips calculated for a service station versus for a gasoline station with a convenience market. Since the new development is not going to provide automotive repair or serv-

MASTER ENGINEERING

ices. it is possible that the new site may in fact generate less traffic than the existing station. A second factor is that the new site will attract a higher percentage of pass-by and diverted linked trips than the existing site. These trips are already on the roadway network and do not add trips to the intersection of Cascade Highway and Clackamas River Drive, but are redistributed through the intersection.

If there are any questions or if we can be of any further assistance, please let us know.

Yours truly,



David C. Cram  
Senior Engineering Technician

cc: Don Vedder

September 16, 1996

**Agency Comments  
ODOT, September 16, 1996**

City of Oregon City  
320 Warner Milne Road  
Oregon City, OR 97045

TRANSPORTATION

Region 1

Att: Stacey Sacher, Community Development Dept.

FILE CODE:

Re: PZ96-03: Stein Oil

PLA9-2B-ORE

Thank you for providing ODOT the opportunity to participate in the review of this proposed comprehensive plan amendment and zone change. The subject property is located adjacent to the the Cascade Highway South/Clackamas River Drive intersection near the I-205 interchange. Therefore, ODOT is concerned about potential traffic impacts from the intensification of use proposed for the subject property.

The referenced land use action is expected to generate significantly more traffic under the proposed zoning than it would under the existing zoning. **Therefore, ODOT does not support the proposed comprehensive plan amendment and zone change.**

Our traffic analyst has reviewed the report prepared by Lancaster Engineering. This report shows failure of the intersection by the year 2016. Subsequently, the proposed comprehensive plan amendment does not meet the requirements of the State's Transportation Planning Rule. Section 060-12-060, Plan and Land Use Regulation Amendments specifically states:

(1) Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consisted with the identified function, capacity, and level of service of the facility.

ODOT has no plans, nor is it currently considering plans, for any improvements to this intersection. In addition, at this time, the City has not adopted a Transportation Systems Plan which addresses the requirements of the TPR, and no local plans are in place for improvements to this intersection.

The Lancaster traffic analysis, performed in 1996, was based on a 150 second signal cycle. This analysis showed acceptable levels of service with the proposed development. As noted in the Lancaster report, however, the signal typically operates with a 130 to 135 cycle length. The Charbonneau traffic analysis, performed in 1993, used a 141 second signal cycle. Both reports showed that, under "existing and site" conditions, southbound movements would



123 NW Flanders  
Portland, OR 97209-4037  
(503) 731-8200  
FAX (503) 731-8259

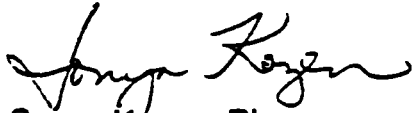
081

080



experience unacceptable levels of service, with volumes to capacity ratio above one during the P.M. peak. The different signal timing scenarios and slightly different traffic volumes for the Charbonneau and Lancaster reports explain the discrepancies in their respective analysis results.

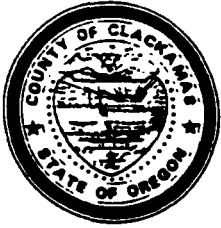
Please contact me at 731-8282 if you questions regarding the above response.



Sonya Kazen, Planner  
Development Review

cc: Martin Jensvold, Sr. Traffic Analyst, ODOT Region 1  
Leo Huff, Manager, Planning, ODOT Region 1  
Bruce Warner, Manager, ODOT Region 1  
Gary Hunt, Permit Specialist, ODOT District 2B  
Karla Keller, Manager, ODOT District 2B

devrev\comments\2B\steinoil.doc



# CLACKAMAS COUNTY

Depart

File. PZ96-03

Exhibit 3B

Agency Comments  
Clackamas County  
September 13, 1996

## MEMORANDUM

TO: Stacey Sacher, City of Oregon City, Community Development Dept  
FROM: Clackamas County Department of Transportation and  
Development, Construction and Development Section *WPS*  
DATE: September 13, 1996  
RE: PZ96-03 Plan Amendment & Zone Change Stein Oil at Park Place  
2-2E-29-TL 2700

This office has the following comments pertaining to this proposal:

This office has no objection to the proposed plan amendment and zone change. It appears that the property frontage at the access point may actually be under the jurisdiction of the City of Oregon City. The City should consider requiring the applicant to replace the A/C walk along the frontage with a standard concrete sidewalk. If surface water from the site outfalls to the County system the applicant must provide detention, erosion control, and pollution control. Positive drainage must be provided to an acceptable existing storm drainage system that has the capacity to accept the contribution.

WPS/CtyofOCPZ96-03.doc  
EN97-113

DAVID EVAN

**City Traffic  
Engineer**

November 14, 1996

Portland, Oregon 97201

Ms. Tamara DeRidder  
City of Oregon City  
Planning Division  
320, Warner Milne Road  
Oregon City, OR 97045

Tel: 503.223.6663

Fax: 503.223.2701

**SUBJECT: PZ 96-03. REQUEST FOR COMPREHENSIVE PLAN AMENDMENT AND  
ZONE CHANGE**

Dear Ms. DeRidder:

Per your request, David Evans and Associates, Inc. (DEA) has reviewed the traffic study prepared by Lancaster Engineering (Tom R. Lancaster, P.E.) concerning the Stein Oil BP Service Station/Convenience Store, and the zone change for the site from 'Heavy Industrial' to 'Tourist Commercial.'

We agree with the applicant's conclusion that the proposed re-location of the BP station would not adversely impact the study area intersection. However, the applicant's request is also tied with a zone change of the site from 'Heavy Industrial' to 'Tourist Commercial.' Under the proposed 'Tourist Commercial' zone designation, the site could be allowed to re-develop in the future for a variety of land uses other than a gas station. Some of these land uses would add more primary trips (i.e. trips made for the specific purpose of visiting the trip generator) to the surrounding street system (including the intersection of Highway 213 and Clackamas River Drive) than under the current 'heavy industrial' zoning.

The City may approve the proposed BP station only if City procedures allow for the restriction of the use of the site (currently and in the future) to the currently proposed gas station. An approval for a zone change without such a restriction may adversely impact the street system, if a more intense land use were proposed at the site in the future.

Application for a zone change, if City procedures do not allow the above-mentioned restriction, would need to include information similar to that I requested for the Wilhelm property. Specifically, the applicant should provide additional information comparing trip generation from the worst case permitted land use (i.e. the land use with the highest trip generation) under the current 'Heavy Industrial' zoning to the worst case permitted land use under the proposed 'Tourist Commercial' zoning.

084



Ms. Tamara DeRidder  
November 14, 1996  
Page two

At a minimum, the applicant should provide the City with a comparison of the site-generated traffic assignment during the peak period from the subject parcel on to the surrounding street system<sup>1</sup> under the following two scenarios:

1. the worst case land use under the current zoning, and
2. the worst case land use under the proposed zoning.

Oregon Administrative Rule (OAR) 660-12-060 addresses the requirements for 'Plan and Land Use Regulation Amendments.' As indicated by the rule, "Amendments to functional plans, acknowledged comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that allowed land uses are consistent with the identified function, capacity, and level of service of the facility."

A traffic study addressing the impact of the zone change may need to be prepared if the applicant cannot demonstrate that the worst case under the proposed zoning will produce fewer trips at study area intersections during the peak period than under the current zoning. The applicant should scope the study based on conversations with City, Clackamas County, and ODOT staff.

If you have any questions or need any further information concerning my review, then please feel free to call me at 499-0222.

Sincerely,

DAVID EVANS AND ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Manish Babla", written over a horizontal line.

Manish Babla, P.E.  
Senior Transportation Engineer

---

<sup>1</sup> Study area for the site-generated traffic assignment should be defined based on the City's *Site Traffic Impact Study Procedures*.

PZ93-02, conditions of approval,  
September 21, 1993

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. The only uses permitted on the property pursuant to the TC plan and zone designations are a gasoline cardlock facility including office use by the operator of the cardlock facility. Any other uses will require an amendment of this condition approved in the same manner as a plan and zone map amendment. A gasoline cardlock facility may be approved only as a conditional use as a first phase on the property.

**Letters of Support  
for the Proposal**

96 OCT 11 4 052

OCT 12 1996

REC'D  
CITY OF OREGON

To OREGON CITY PLANNING COMMISSION

SUBJECT: ZONE CHANGE FILE # PZ 9603

From JAMES L. MCINTOSH

MY NAME IS JAMES L. MCINTOSH, I LIVE AT 16477 S APPERSON BLVD OREGON CITY I HAVE LIVED AT THIS ADDRESS FOR 34 YEARS.

THE PURPOSE OF THIS LETTER IS TO OFFICIALLY GO ON RECORD IN SUPPORT OF THE REQUESTED ZONE CHANGE (FILE # PZ 9603) AT THE INTERSECTION OF OREGON TRAILS HY. (THE ORE CITY BYPASS) AND CLACKAMAS RIVER DRIVE.

MY WIFE + I USE THIS INTERSECTION AS MANY AS 6 TIMES DAILY COMMUTING TO AND FROM OUR HOME. ORIGINALLY I WAS CONCERNED ABOUT POSSIBLE TRAFFIC PROBLEMS WHEN THE PACIFIC PRIDE CARD LOCK STATION OPENED ON THIS INTERSECTION. THEREFORE PAID PARTICULAR ATTENTION TO THE TRAFFIC INTO AND OUT OF THIS STATION. I AM PLEASED TO STATE THE DELAYS ARE VERY FEW, AND ARE SHORT IN DURATION, THEY ARE SIMILAR TO WHAT YOU WOULD EXPECT IN NORMAL CITY DRIVING.

THE OWNER OF THE PROPERTY (ROBERT (BOB) STEIN) HAS SHOWN THROUGH HIS EXISTING STATION LANDSCAPING THAT HE IS CONCERNED ABOUT THE APPEARANCE AND ENVIRONMENTAL CONCERNS.

MR STEIN DEMONSTRATED GOOD BUSINESS JUDGEMENT DURING OUR 95/96 FLOOD, WHEN HE CAPPED OFF THE GAS + DIESEL TANKS AT HIS RETAIL OUTLET ON WASHINGTON ST., THIS ELIMINATED FURTHER CONTAMINATION OF THAT AREA.

APPROVAL OF THIS ZONE CHANGE REQUEST WOULD ALLOW THIS RETAIL GAS/DIESEL STATION TO MOVE FROM A FLOOD ZONE TO AN AREA MUCH BETTER SUITED FOR THIS TYPE OF BUSINESS. THE NEW LOCATION WILL HAVE TWO BENEFITS ① THE HOLCOMB, FORSYTH + PARK PLACE <sup>RESIDENCE</sup> WILL HAVE A CONVENIENT PLACE TO GAS UP OR PICK UP A SNACK. ② IT WILL MAKE THE WASHINGTON ST. PROPERTY AVAILABLE FOR POSSIBLE PURCHASE BY THE OREGON TRAIL CENTER

THANK YOU FOR CONSIDERING THIS REQUEST TO APPROVE PROPOSED ZONE CHANGE AS PER FILE # PZ 9603

James L. McIntosh

088

094



SEP 24 PM 1:40

RECEIVED  
CITY OF OREGON CITY

September 23, 1996

City Commissioners  
City of Oregon City  
P.O. Box 351  
Oregon City, Oregon 97045

Honorable Commissioners:

This letter is written to express the continued support of the Oregon Trail Foundation for the request by Stein Oil to relocate its fuel station from the current site at Washington Street adjacent to the End of the Oregon Trail Interpretive Center east to the intersection of Clackamas River Drive with Highway 213.

As you know, the Oregon Trail Foundation is working toward implementation of the newly-revised End of the Oregon Trail Interpretive Center Master Plan which is supported by Clackamas County and the city of Oregon City. Following completion of our first year of operation, we have served more than 100,000 visitors and are expecting to grow further.

The foundation has just completed purchase of a piece of property adjacent to Stein Oil's current site. Future acquisition of the Stein property is part of our plan. The master plan identifies a need for support services for the Interpretive Center's visitors near the Interpretive Center development site. The relocation of Stein Oil thereby serves two objectives of the foundation's and community's plans.

Of equal importance, though, is the message brought to us on last February's floodwaters. The presence of the Stein Oil gas station in the flood plain presents a continuing risk for potential environmental problems in the case of another catastrophic flood.

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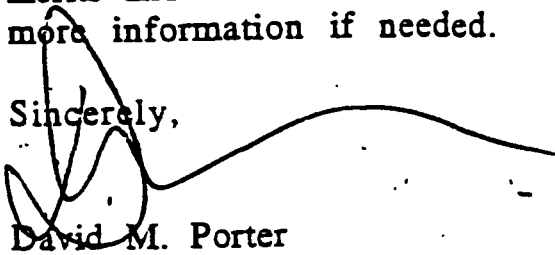
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END OF  
*The*  
OREGON  
TRAIL

I urge you to approve the proposed move based on its own merits and on the above criteria. I would be happy to provide more information if needed.

Sincerely,



David M. Porter  
Executive Director

cc: Board of Trustees  
Stein Oil Co.



Office of the President, ext. 2401

October 10, 1996

City of Oregon City  
Planning Department  
320 Warner Milne Road  
Oregon City, Oregon 97045

RE: Stein Oil Co., Inc.

This letter is in support of Stein Oil Co., Inc.'s request now before the City Planning Department to establish a new retail gasoline station and convenience store at 13001 Clackamas River Drive. Approval of their request will facilitate the company's exit from the site they now occupy next to the Oregon City Interpretive Center and the removal of their business from the flood plain area.

The proposed new site will provide a much more convenient option for our students and staff to purchase gas and convenience items on their way to and from Clackamas Community College, and I urge Oregon City's approval of Stein Oil's request.

Sincerely yours,

A handwritten signature in black ink, appearing to read "John S. Keyser", written in a cursive style.

John S. Keyser  
President

**Supplemental Report &  
Revised Conditions of Approval  
Stein Oil/ Parker  
File:PZ96-03**

November 26, 1996

**Reviewer:** Tamara DeRidder, Planning Manager

Staff has reviewed additional files and studies that have applied to this site and subsequently to this application. The following supplemental information is to modify the published Staff Report for Stein Oil, File: PZ96-03.

Additions in **bold**

Deletions in ~~strike-out~~

**Basic Facts:**

- 3(C). SP95-26, a request for Site Plan and Design Review **for and approval of a card lock facility ( Pacific Pride Card Lock fuel station).** This application was approved on September 29, 1995, **with three pump islands and 12 fueling stations. This increases the uses by 1 additional island and 4 additional card lock fueling stations from the traffic study conducted by Charbonneau Engineering on December 2, 1994, for Conditional Use Permit 94-14.**

**FINDINGS:**

6. *The Comprehensive Plan Chapter O.-Plan Maintenance and Update states “the method of plan maintenance should be evaluated according to the following criteria:”*
1. *“Does the proposed change conform with the State Planning Goals and local goals and policies?”*
- *State Planning Goal 12 - Transportation.*

*Comprehensive Plan Chapter L - Transportation Goal states:*

*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 traffic study by Tom Lancaster, P.E., and David Cram, dated July, 1996, and supplemented by information dated October 21, 1996. The initial traffic analysis concluded that the proposed land use is expected to generate

slightly more new trips on the nearby roadway system than other uses which could be developed on the site under the existing zoning. This study assumed the proposal included a 12 position fueling station, a 2,400 square foot convenience mart, and a 2,400 square foot office building (second story). It states that the intersection located at Highway 213 and Clackamas River Drive currently functions at a "D" LOS (Level of Service) and will remain at a "D" LOS with the proposed use. In the year 2016 this intersection will likely be at an "F" LOS with or without the proposed use in place. He states that if the estimated annual growth rate of 2.5 percent, which is used in the study, is sustained for the next 20 years, all intersections between Interstate 205 and Mollala Avenue on Cascade Highway (213), including Clackamas River Drive, will probably experience "F" level of service operations.

The July, 1996, report continues by stating the project does not contribute a significant increase in traffic and is recommended, by the Consultant's Traffic Engineer, to be allowed as a minimal impact to the roadway system. The consultant further recommends that with the construction of the proposed BP station, Clackamas River Drive should be improved to include a northeast bound left-turn lane at the project entrance. The entrance is to be on Clackamas River Road which is shown as a Minor Arterial on Figure 21 of the Master Transportation Plan.

The Supplemental Traffic Report by Lancaster Engineering, October 21, 1996, then compared the existing BP station facility, on Washington Street, with the proposed new facility at the corner of 213 and Clackamas River Drive. The Supplemental Report included the corrected the number of fueling positions at the existing BP station, from 4 to 6, limited the new BP station/convenience store to only 8 fueling positions, and **excluded the consideration for the office space**. The result of the Critical Capacity Analysis for the year 2016 showed a no change in the critical volume to capacity ratio between the 2016 background conditions and the Year 2016 plus net change in site trips for morning and evening peak hours given the proposed use. The Supplemental report concluded, with the disuse of the existing BP Station and the reallocation of trips to the new site, that there will be a net decrease of 6 trips during the morning peak hour and a net decrease of 14 trips during evening peak hour.

The City Traffic Engineer, Manish Babla with David Evans and Associates, states:

“The City may approve the proposed BP station only if the City procedures allow for the restriction of the use of the site (currently and in the future) to the currently proposed gas station. An approval for a zone change without such a restriction may adversely impact the street system, if a more intense use were proposed at the site in the future.”

**ODOT has responded to the applicant’s request by stating that it does not support the proposed comprehensive plan amendment and zone change.**

They have reviewed the Lancaster report which identifies a failure, or F level of service, at the intersection by 2016. Subsequently, the proposed amendment does not meet the requirements of the State’s Transportation Planning Rule. Section 660-12-060, Plan and Land Use Regulation Amendments specifically state:

“(1) Amendments to the functional plans, acknowledge comprehensive plans, and land use regulations which significantly affect a transportation facility shall assure that land uses are consistent with the identified function, capacity, and level of service of the facility.”

They further state that ODOT has no plans, nor is it currently considering plans for any improvements to this intersection. In addition, at this time, the City has not adopted a Transportation Systems Plan which addresses the TPR, and no local plans are in place for improvements at this intersection.

**Staff has reviewed the traffic study previously submitted with the previous Comprehensive Plan Amendment for this site, PZ93-02, by Charbonneau Engineering dated June 21, 1993. This traffic study identified that “the level of service “F” condition already occurs (northbound, AM peak hour, and southbound, PM peak hour on Highway 213). This conclusion is based on an analysis of a traffic signal at a 141 second cycle length. The conclusion by Lancaster Study of a “D” level of service is based on a 150 cycle length. ODOT notes in their letter that the signal operates with a typical cycle length of 130-135 seconds. Therefore, the different variables justifies some of the discrepancy in level of service. Staff finds that if there is an “F” level of service presently at the intersection and the proposal justifies a no net increase in traffic then this use satisfies this criteria with limitations on the proposed and existing BP station site.**

Staff found that the Trip Generation 1995 Update by the Institute of Transportation Engineers concurs with the Supplemental Report by Lancaster Engineering. It was surprising to find that the trip generation for a gas station

with a market is lower, at 13.38 average number of trips per fueling station at p.m. peak hours, than just a gas station, at 15.76 AT/FS.

*OAR 660-12-060(1) Identifies that Plan and Land Use Regulation Amendments to the Comprehensive Plans which significantly affect a transportation facility shall assure that allowed land users are consistent with the identified function, capacity, and level of service of the facility. One of the options that the City has, as pointed out by the Traffic Engineer, is to limit the allowed land uses to be consistent with the planned function, capacity and level of service of the transportation facility. Staff proposes that limitations need to be placed on the proposed site were all uses identified in the Tourist Commercial Zone besides the proposed 8 station (number of service hoses) fueling facility, supportive office, and a convenience store requires a Conditional Use Permit. The street improvements recommended by the Lancaster Report need to be installed and a Waiver of Non-Remonstrance for an LID covering intersection improvements should be required. In addition, the City needs to enter into an agreement limiting the uses at the existing BP site to no greater an impact than those identified with the Permitted Uses in M-1.*

Therefore, with conditions of approval the proposed application will satisfy the Transportation Planning Rule 660-12-050 (1) and the State Planning Goal 12.

## RECOMMENDATION:

Staff recommends approval of file PZ96-03 - Stein Oil, property identified as 13001 Clackamas River Drive with the legal description of the property is 2e-29 tax lot 2700, Clackamas County, to change the property from Comprehensive Plan designation Industrial (I) to Commercial (C) and Zoning Map Light Manufacturing (M-1) to Tourist Commercial (TC) based on supportive exhibits, findings and the following conditions:

1. The only uses permitted on the property pursuant the TC Plan and zoning designations are ~~two~~ **three** card lock fueling islands (maximum ~~8~~ **12** fueling stations total)\*\*, a maximum of eight fueling stations (# of ~~hoses~~ **dispensers**) with service provided, and a maximum 2,400 square foot convenience market. ~~and a~~ **The addition of a corporate office use by the operator of the cardlock facility/ fuel service station/ convenience market on this property pursuant the TC Plan and zoning designations may be permitted on the property only if it** which is sized not to exceed the traffic generation of the existing BP gas station site, located at 1780 Washington Street, for the year 2016 on top of the trips generated for the uses listed above. ~~6 additional trips in the morning peak and 14 trips in the evening peak period at intersection of Cascade Highway~~


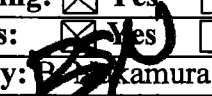
~~and Clackamas River Drive.~~ Any other uses identified in the TC zone will require a conditional use permit until such time as adequate improvements have been made to **or planned for** the intersection of Highway 213 and Washington Street, as approved by the City Engineer and ODOT. The retail service station, convenience market, and offices may be approved only as a conditional use on the property. This limitation shall apply to all new property owners of this site.

2. Street improvements shall be installed as recommended by the July, 1996, Lancaster Engineering traffic study. This shall include, but not be limited to, Clackamas River Drive shall be improved to include a northeast bound left-turn lane at the project entrance, as approved by the City Engineer.
3. **The BP station location at 1780 Washington Street shall be closed prior to occupancy.** All Stein Oil fueling tanks located within the City of Oregon City April 1996 flood plain area, on property located at 1780 Washington Street ~~and the subject site,~~ shall be removed and moved out of the flood plain **within 180 days from prior to occupancy of subject property.**
4. The owner of Stein Oil, Inc., shall enter into an agreement limiting the uses at the existing BP site located at 1780 Washington Street, legal description of 2e Section 29CA tax lot 400, Clackamas County, until such time as adequate improvements have been made to **or planned for** the intersection of Highway 213 and Washington Street, as approved by the City Engineer and ODOT. The limited uses on this site shall support a use with no greater traffic impact than those uses identified as Permitted Uses in Light Industrial District (M-1). This limitation shall apply to all new property owners of this site.
5. **City approval for signage for this site shall be limited to "not being visible from I-205" until such time as adequate improvements have been made to or planned for the intersection of Highway 213 and Washington Street, as approved by the Planning Manger and ODOT.**

**\*\*Note:** Constitutes 4 additional card lock fueling stations.

**COMMISSION REPORT: CITY OF OREGON CITY  
TO THE HONORABLE MAYOR AND COMMISSIONERS**

**320 Warner Milne Road----(503) 657-0891**

 INCORPORATED 1844	<b>Agenda Item No.:</b> 4.3	<b>Topic:</b> Proposed Ordinance No. 01-1029, Reconfirmation Of Ordinance No. 97-1004, Which Designated The Subject Site As "Commercial" On The Comprehensive Plan Map And "TC" Tourist Commercial On The Oregon City Zoning Map (Planning File No. PZ96-03)
	<b>Report No.:</b> 01-202	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> October 17, 2001	<b>Public Hearing:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
	<b>Prepared By:</b> Maggie Collins	<b>Reviewed By:</b> Bryan Cosgrove
		<b>Approved By:</b>  kamura

**RECOMMENDATION:**

See attached Staff Report (Exhibit A).

**REASON FOR RECOMMENDATION:**

With the advent of upcoming improvements to Highway 213 and Washington Street, the applicant seeks "conditional zoning" (limits on permitted uses) removed from Ordinance No. 97-1004. No changes to the Comprehensive Plan Map nor to the current Zoning Map are requested. See attached Staff Report (Exhibit A).

**BACKGROUND:**

See attached Staff Report (Exhibit A).

**EXHIBITS**

- A. Planning Division Staff Report, October 8, 2001
- B. Proposed Ordinance No. 01-1029

**BUDGET IMPACT:** NA

*approved 1st & 2nd  
rdg oct. 17  
2001*