

ORDINANCE NO. 98-1019

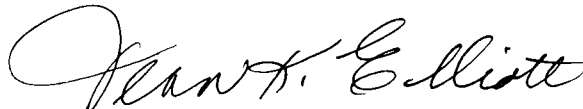
AN ORDINANCE AMENDING CHAPTER 17.06.030 OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE OF 1991, BY CHANGING CERTAIN DISTRICTS

OREGON CITY ORDAINS AS FOLLOWS:

WHEREAS, public necessity and the general welfare of Oregon City require changes to certain districts which changes have been heard by the Oregon City Planning Commission and approved by it after public notice and hearing as required by Chapter 17.50 of the 1991 Oregon City Municipal Code and the City Commission after public notice and hearing, finding that the following described property can suitably be utilized for uses incident to "R-8", Single Family Dwelling District, for which there is a need in this area, and that such zoning is compatible with the neighborhood development and the Comprehensive Plan of Oregon City, the findings and conclusions attached as Exhibit "A", adopted as the findings of the Commission and the following described property to wit:

Tax Lot 3001, 3101, 3800, 3900, 4000, 4100 and 4900 Clackamas County Assessor Map 3-2E-7A, zoning designation is hereby changed from "FU-10", future urban 10 acre minimum to "R-8" Single Family Dwelling District.

Read first time at a regular meeting of the City Commission held on the 5th day of August 1998, and the foregoing ordinance was finally enacted by the City Commission this 5th day of August 1998.


JEAN K. ELLIOT, City Recorder

ATTESTED THIS 5TH DAY OF August 1998.


DANIEL FOWLER, Mayor

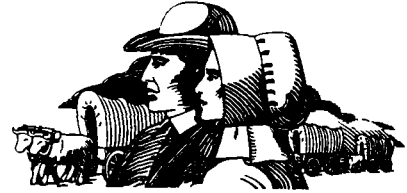
ORDINANCE NO. 98- 1019

Effective Date: Friday, September 4th, 1998

CITY OF OREGON CITY

CITY COMMISSION

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



Proceedings of the City Commission

FINAL ORDER

In the matter of the application of: Joseph Spaziani and Tom Sisul of Sisul Engineering, for property located at 12999 S. Haven Road, Southwest of South Meyers Road. Tax Lots 3001, 3101, 3800, 3900, 4000, 4100, and 4900 Clackamas County Map 3-2E-7A.

For the following land use action or permit: Zone Change for the conversion from "FU-10" Future Urbanizable, 10 acre Minimum to R-8 Single Family Dwelling District on a 26.90 acre property (+/-).

A hearing having been held on the 5th Day August, 1998, it is hereby ordered that:

(XX) Application is allowed.

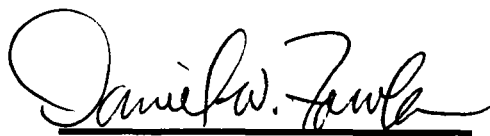
(XX) Application is allowed with the following modifications

and/or conditions: Conditions are attached as Exhibit "A"

() Application is denied.

This order is based upon findings attached in Exhibit B and incorporated as if fully set forth herein.

DATED, (August 5, 1998)



Daniel W. Fowler, Mayor

FINAL ORDER/FILE NO.(PZ97-04)

CITY OF OREGON CITY

COMMUNITY DEVELOPMENT

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

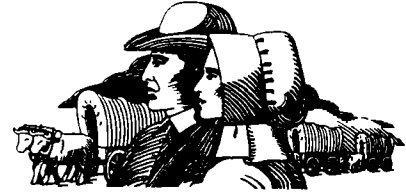


EXHIBIT A FINDINGS FROM ZC97-09 (AND TP98-03)

BASIC FACTS:

1. The property is located on the south east side of Leland Road and southwest of Meyers Road at the terminus of Haven Road and northwest of Settler's Point, a recently approved subdivision. The property is found on Clackamas County Tax Map 3-2E-7A Tax Lots 3001, 2101, 3800, 3900, 4000, 4100, 4900, The common Address is 12999 South Haven Road.
2. The property currently has a County zoning designation of FU-10 and the proposed zoning in this application would be R-8 - Single Family Dwelling District and is designated "LR" Low Density Residential in the Comprehensive Plan.
3. The site is situated above the northern slope of Mud Creek and is subsequently located in the Mud Creek Drainage Basin with less than a 2 percent grade in the direction of Mud Creek. An open Ditch from South Haven Road almost directly south to the southwest property line then towards Mud Creek. An easement for the ditch, (See Exhibit), was granted to the City in 1992 for the purpose of conveying storm water from The Ainsworth Estates Subdivision North of Leland Road. This ditch is not on the local wetland inventory and is not subject to Chapter 17.49. The subject property is presently occupied by two residences and several out-buildings. Originally, this property served as a Christmas Tree Farm and has several species normally designated for its use.
4. Adjacent properties are occupied by single family residences in subdivisions or large properties with single family residences. Immediately to the southeast is the "Settler's Point Subdivision" that was approved as a Planned Development on April 16, 1998. Haven Estates will be receiving public services and primary access from this subdivision. Haven Road will not serve as secondary access. Provisioner Terrace would provide secondary access when the second phase is constructed.
5. The property was annexed to the City on August 21, 1997 under Boundary Change Proposal No. 3782 and previously retained the County's "FU-10" Zoning designation. The application includes a request to apply the City R-8 zoning designation. Tax Lots

4000, 4100 and 4900 are included in the zone change request, but are not a part of the subdivision. The applicant states that Tax Lot 3001 is proposed for a zone change in its entirety but only a portion, (lot 37), would be a part of the subdivision at this time. The entire property is under the applicant's ownership and needs to be considered for all property improvements in this land use action.

6. The drainage ditch would be removed and water would be conveyed through storm drainage improvements through the new public streets and would be conveyed to detention facilities in "Settler's Point Subdivision." Phase 1 would remove only a portion of the ditch and will convey water by pipe to connect with the sough boundary along the south boundary of Phase 1. With Phase 2 the remainder of the ditch would be replaced by storm drainage pipe. The easement for the drainage ditch (granted by the City) provides that the ditch may be relocated when the property is developed. adjacent to the site.
7. Public water and sewer would provided from lines terminating at the boundary of "Settler's Point ." These public utilities will be extended through the site to the boundary of the proposed subdivision.
8. Two tracts are proposed: Tract A is located on the northwest corner of the subdivision adjacent to South Haven Road in Phase 1. It is 4,927 square feet in area. Tract B is 81 square feet in area, located adjacent to lot 23 and will be conveyed to the developer of "Settler's Point.
9. Transmittals were sent to various City departments and agencies. The City received comments from City Engineers, Public Works, Fire Department, Clackamas County, City Traffic Engineer, Building Official, Oregon City Schools and are attached as Exhibits.
10. Minimum dimensional standards of the R8 Single Family Dwelling District are as follows:

Lot Area	8,000 Square feet
Average Lot Width	70 feet
Average Lot Depth	100 feet
Front Yard Setback	20 feet
Rear Yard Setback	20 feet
Corner Side Yard	20 feet
Interior Side Yard	9/7 feet
11. The applicant has provided a Development Impact Statement which has not necessarily been verified by staff.
12. The procedural history on this file is as follows:

Submittal	Action
3/17/98	Noticed as complete on 4/23/98.
120 day	8/21/98

13. The Comprehensive Plan includes the following applicable Goals and Policies that have been incorporated into the Municipal Code:

Citizen participation Goal: Provide an active and systematic process for citizens and public agency involvement in land use decision making in Oregon City.

Growth and Urbanization Policy No. 1: Provide land use opportunities within the City and the Urban Growth Boundary to accommodate the projected population increase to the year 2,000.

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

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

Growth and Urbanization Goal: Preserve and enhance the natural and developed character of Oregon City and its Urban Growth area.

Growth and Urbanization Policy 1: Provide land use opportunities within the City and to accommodate the projected population to the year 2000.

Growth and urbanization Policy 2: Ensure that Oregon City will be responsible for providing the full range of urban services for land annexed to the City within the Urban Growth Boundary.

Community Facilities Goal: Serve the health safety education and welfare and recreational needs of all Oregon City Residents through the planning and provision of adequate community facilities.

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

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

Parks and Recreation Goal: Maintain and enhance the existing parks and recreation system while planning for the future expansion to meet residential growth.

I. Zone Change for Annexed Properties.

“All lands within the Urban Growth Boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation. The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050
CITY LAND USE CLASSIFICATION

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

B. Lands within the Urban Growth Boundary and designated Low Density Residential on the comprehensive plan map shall, upon annexation, be eligible for manufactured homes (in-fill of individual lots and subdivisions).

C. Lands designated Low Density Residential may receive a zoning designation consistent with Table 17.16.050. The Hearings body shall review the proposed zoning designations and consider the following factors:

- 1. Any applicable comprehensive plan goals and policies of the dual interest are agreement;*
- 2. Lotting patterns in the immediate surrounding area;*
- 3. Character of the surrounding area. If the land is constrained with steep slopes or other natural features (wetlands, vegetation, etc.), R-10 shall be designated.*

ANALYSIS AND FINDINGS:

ZONE CHANGE

1. ***Regarding 17.06, Criterion C-1- "The proposal shall be consistent with the goals and the policies of the comprehensive plan."***

Citizen Involvement- The public hearing has been advertised and noticed as prescribed by law. The public hearing will provide an opportunity for comment and testimony from interested parties. Therefore, the proposal is in conformance with the Citizen Involvement Goal of the Comprehensive Plan.

Housing- The City encourages in-fill development on vacant lands and under-developed lands. Adjacent properties located within the City limits have been zoned and developed for R-8 and uses. Developing at an R-8 density encourages compact urban growth, efficient use of lands and resources.

The Dual Interest Area Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities in the Urban Growth Boundary. This agreement also specifies that the City has the primary responsibility for the plan designation within the UGB after annexation.

An evaluation and discussion on the availability of City services to serve these properties was included in the annexation application (ANN97-08).

Water: There is an existing Clackamas River 8-inch water main in Leland Road, but there is no Oregon City (City) water mains currently adjacent to or near the site. However, the applicant proposes to supply water through an extension of the proposed water lines in Settlers Point from Provisioner Terrace and Sequaro Terrace which extends into Haven Road. Water facilities are required for this development. This includes, but is not limited to, the water mains, valves, fire hydrants, angles, thrust blocks, blow-off assemblies, service laterals and meters. A preliminary water system plan was presented. The basic schematic layout is workable with minor changes. No pipe sizes or lot services were shown on the plans.

Sanitary Sewer: There are no sanitary sewer facilities adjacent to Haven Estates. However, the applicant has proposed a preliminary gravity sanitary sewer system which is an extension of the proposed gravity sanitary sewers stubbed out from Settlers Point Provisioner Terrace and Sequaro Terrace. Haven Estates sanitary services are dependent on the completion of Settlers Point sanitary sewer system which includes a gravity sewer system serving the site, a regional pump station and force main to transport the sewage to a public gravity sanitary manhole located at the intersection of Meyers Road and Andrea Street.

A preliminary gravity sanitary sewer plan was presented. The basic sanitary sewer schematic layout appears to be workable with minor changes. No pipe sizes were shown on the plans.

Storm Drainage: The applicant has proposed a preliminary storm drainage plan for the site. The basic schematic layout is workable, but no pipe sizes were shown. A proposed detention pipe is shown in "B" Street for lots 1-3 and 15-22. The remaining lots' detention is to be provided by the proposed Settlers Point subdivision per an agreement between the two developers. There is an existing drainage ditch for the Ainsworth Estate subdivision that crosses the site. This site is in the Mud Drainage Basin as designated in the City's Drainage Master Plan.

The parcels are located in the Mud Creek Basin Plan area. This master plan specifies that there is sufficient storm drainage capacity to allow development of these parcels to urban densities. The Mud Creek basin plan specifies that regional, subregional and individual storm water detention facilities need to be located in this area. Development of these regional facilities will be addressed as properties develop and regional needs dictate.

Based on the previous discussion, this request meets the Citizen Involvement and Housing goals and policies of the Comprehensive Plan and the intent of the UGMA Agreement.

2. ***Regarding 17.06, Criterion C-2; “Lotting patterns in the immediate surrounding area.”***

R-8 lotting pattern exist northeast of the site, and the property boarders the Urban Growth Boundary on the west. To the east are large parcels with frontage on Meyers Road. The property is recommended to be zoned R-8 which is consistent with the surrounding lots located within Pioneer Place, Settler’s Point and Deer Meadows Subdivision to the south and east.

3. ***Regarding 17.06, Criterion C-3; “Character of the surrounding area. If the land is constrained with steep slopes or other natural features (wetlands, vegetation, etc.)”, R-10 shall be designated.***

The site is situated above the northern slope of Mud Creek and is subsequently located in the Mud Creek Drainage Basin with less than a 2 percent grade in the direction of Mud Creek. An open ditch from South Haven Road almost directly south to the southwest property line then towards Mud Creek. An easement for the ditch, that runs through the center of the Tax Lot 3101 and 3001 (See Exhibit), was granted to the City in 1992 for the purpose of conveying storm water from The Ainsworth Estates Subdivision North of Leland Road. This ditch is not considered a jurisdictional wetland. However, the southeastern portion of this same creek extends along proposed lots 48, 49 and 50 and is a tributary of Mud Creek which would be subject to Chapter 17.49 “Water Resources”. Because of its location within 100 feet of the property. The proposed lots 48, 49 and 50 already exceed 10,000 square feet in size and should be zoned R-10 if it is found by subsequent analysis that there is a jurisdictional wetland in this location. Staff finds it not necessary to require the balance of the lots to meet the R-10 standard.

SUBDIVISION

1. ***Municipal Code Section 16.12.020 states that the Planning Commission shall approve a preliminary plan for a proposed subdivision only upon findings that the subdivision as proposed or modified will satisfy the requirements of this title and will be in compliance with the Comprehensive Plan. Such findings will include the following:***

A. Conformity with the policies in the Comprehensive Plan. The adopted procedures in the Municipal Code support the policies of the Comprehensive Plan. Through applying the public review process for quasi-judicial hearings the public will be provided adequate opportunity to participate. The Parks Master Plan identifies areas that are park deficient and is to be considered in implementing subdivision standards. The standards and guidelines for development of a subdivision outlines the practical means by which the State Planning Housing Goal and Public Facilities is to be met. The zoning standards promote effective utilization of land, provides for desired population densities and facilitates adequate provision for public utilities as set forth in the Community Facilities Element of the Comprehensive Plan. The Unstable Soils and Hillside Constraints Overlay identifies requirements of geotechnical studies that consider high water table areas. Therefore, with the implementation of the standards of the Municipal Code and supportive documents this criterion can be met.

B. Conformity with the subdivision, zoning, and other ordinances and regulations of the city, including requirements of underlying zone and any applicable overlay zones or supplemental zoning regulations.

1. ***Section 16.20 Design Standards.*** 16.20 provides the design standards and dimensional requirements for subdivisions. Staff finds that these requirements can be met by this application, as conditioned, or can be met during final plat review.

(A) **Street Design.** Staff finds that the proposal meets the street design criteria which satisfies sections 16.20.020-16.20.155.

(B) **Blocks.** Staff finds that the proposal meets the block criteria and satisfies sections 16.20.160-16.20.190 .

(C) **Building Sites.** Staff finds that the building sites demonstrates conformity to the standards and with the submittal of final plans, the requirements of sections 16.20.200-16.20.275 can be met.

2. ***Section 16.24.020 Minimum improvements -- Subdivisions and Partitions.*** The owner shall install all required public works improvements and they shall be designed in accordance with the City Standards and criteria outlined in the attached City Engineer report. With this condition of approval the application satisfies sections 16.24.010-16.24.030.

(D) **Land for Public Purposes.** Not applicable

(E) **Easements.** Any required off-site easements shall be obtained prior to engineering plan approval. Staff finds that the requirements of section 16.20.290 can and will be met when the applicant submits for final plat review.

3. ***Technical Plan Check and Inspection Fees for Public Works Improvements.*** These requirements can and will be met when the applicant submits the plat for final review meeting the requirement of section 16.24.010.

4. ***Conformity with Subdivision Code, Final Approved Procedure and Requirements.*** These requirements can and will be met at the time of submission for final plat review, satisfying sections 16.16.010-16.16.050. All Engineering requirements are attached as Exhibit 3A and shall also be followed.

5. ***Conformity with applicable overlay zones, other requirements.***

- A. The applicant meets this criteria. OCMC Section 16.12.060 D refers to the Municipal Code Chapter 17.49 .030 Water Resources Overlay District which applies. The standards contained in this chapter shall apply to any application for a development permit or land use application involving property within 100 feet within a water area, water course or wetland as shown on the water resources inventory of the City or County. This tributary of Mud Creek does not appear on the City Wetland Inventory at this time. Therefore, the provisions of 17.49 do not apply.

However, a delineation study should be done to determine if Section 404 of the Clean Water Act applies and if appropriate Army Corps Permits, and Permits from the Division of State Lands are required. An easement for a portion of this drainage extends through the center of Tax lot 3101 and Tax Lot 3001 Clackamas County Map 3-2E-7A would not be subject to local permitting requirements but may be subject to State and Federal requirements. The drainage easement, (See Exhibit), was granted by the property owner to the City in 1992 for the purpose of conveying storm water from The Ainsworth Estates Subdivision north of Leland Road.

A letter dated April 8, 1998 from Richard S. Bublitz , P.W. S. Explains that there are no hydric soils or other wetland characteristics on the site and confirms staff position on this issue.

- B. **Traffic Impacts:** Lancaster engineering, Inc's report projects that all intersections operate at a level of service "C" or better through 2017 except for the intersection of Leland and Warner Milne Road which will operate at level of service D in 2017. Level of service and roadway capacity are discussed in the traffic analysis prepared by Lancaster engineering.

A memorandum dated April 17th 1998 from Todd Mobley, Lancaster Engineering, Inc., is included in the supplemental Development Impact Statement and is included as an exhibit in the staff report. That memorandum discusses the Leland Road /Warner Milne Road Intersection. The assumptions used for the traffic reports for prepared for this application and those studies prepared for Settler's Point are different in the cycle length and signal timing used for the capacity analysis used for the Leland Road /Warner-Milne Intersection. The Traffic Engineer for Settler's Point revised their traffic analysis to include the correct phasing and are recommending a cycle length of 120 seconds. Lancaster used a higher traffic volume because additional developments were included in the analysis. This study then compared the results with the Centex Homes Report (Settler's Point) and concluded that the Warner Milne/Leland Road intersection will operate satisfactorily through 2003 with no mitigation.

The City Traffic Engineer, Manish Babala also concluded that the submitted traffic study meets the City's Guidelines, (See Exhibit) and letter dated April 20, 1998. His letter states that there would be no significant impact to the transportation system as a result of the proposed development.

This letter goes on to state that the intersection of Leland Road and Warner-Milne is identified as failing in the long-term (by 2017) under the current lane configuration, the applicant has identified the need for an additional south bound left turn lane and a southbound right turn lane as mitigation so that the intersection operates at a satisfactory level of service. The traffic engineer maintains that the City should consider these improvements at this intersection during the development of its long range transportation system plan. Staff agrees with this assessment and would consider it an undue burden to the applicant to be the sole provider of these improvements.

Provisioner Terrace Connection to Leland Road: The applicant states that they have chosen a phasing plan to meet their needs and that Provisioner Terrace would *not* connect with Leland Road at Phase One or Phase Two of this subdivision. Rather, it would be done at the time of the development of Tax Lot 3000 which is currently owned by Charles E. Clarke and is not a part of this subdivision or partnership. The absence of any access to Leland Road would create an undue burden to the Settler's Point Subdivision and would not provide for adequate circulation as required in OCMC Ch 16.020.20 which states that:

1. The street system shall assure an adequate traffic circulation with intersection angles grades tangents and curves appropriate for the traffic to be carried considering the terrain. Streets shall connect to all existing, or approved stub-streets which abut the development site and,
2. Provide for the continuation of appropriate projection of detailing principal streets in surrounding areas.

Staff has determined that Phase Two of the proposed subdivision does not provide adequate circulation as required by this chapter and shall be redesigned to provide Connectivity of Provisioner Terrace to Leland Road. If Tax Lot 3000 does not wish to participate in these half street improvements the applicant shall dedicate the appropriate right of way to build the entire street from the northern portion of Tax Lot 3001 and proposed lot 37 to provide the right of way connection to Leland Road. Full street improvements shall be required to connect with Leland Road at the development of Phase Two. Prior to recordation of the final plat, appropriate property dedications describing this additional right of way shall be filed with the City and recorded a revised plat showing the connection of Provisioner Terrace to Leland Road shall also be provided. An argument could be presented that improvements to tax lot 3001 could be considered a "off-site" improvement and would not be subject to the requirements of this analysis. Staff disagrees with this assertion because tax lot 3001 is under one common ownership and the northern portion of this parcel is a remainder portion of this subdivision and would be considered as "lot 51" of this subdivision. Accordingly the same roadway improvements and connectivity standards apply. If the City wishes to exact these

connectivity requirements provided under Chapter 16, the Planning Commission would have the option to do the following:

A. Approve the subdivision as conditioned and direct the applicant to submit a revised site plan showing the connection of Provisioner Terrace to Leland Road for review and approval by staff during final engineering review, or;

B. Allow preliminary approval of the proposed subdivision and direct the applicant to submit a revised site plan showing the connection of Provisioner Terrace to Leland Road to be reviewed and approved by the Planning Commission, or;

C. If it is determined that the street improvements needed on the northern portion of Tax Lot 3001, to extend Provisioner Terrace to Leland Road, are "Offsite Improvements", Then the Planning Commission also has the option to approve the proposed plat as submitted. This option would be the least desirable due to the potential impacts that this subdivision would impose on an unimproved traffic system.

6. ***Zoning Code Requirements.*** All of the proposed lots meet the minimum dimensional requirements of the R-8, Single Family Dwelling District, Zoning Code. The northern portion of Tax Lot 3001 is identified on the plat as a remainder parcel that is identified as not a part of the subdivision, however this remainder parcel would be considered a part of the subdivision, as a result, this application would be considered a 51 lot subdivision and would be subject to the required full street improvements required for building Haven Road and Half Street improvements for the property frontage along Leland Road. Prior to recordation of the final map, the applicant shall submit a revised plat showing a shadow plat of the northern remainder of Tax Lot 3001 and appropriate deeds of dedication for the construction Provisioner Terrace to Connect With Leland Road and appropriate property frontage dedication for the future widening of Leland Road. With the submittal of a revised plat showing the above requested items , staff finds that this criteria has been met.

7. ***Conformity with ORS 92.010-92.160.*** This criterion is conformity with ORS 92.010 to 92.160. The proposal will conform to ORS 92.010 to 92.160 and City Code 16.16.030 to 16.16.050 because the City enforces subdivision standards and procedures that are in compliance with State requirements, and the proposed subdivision conforms with the City requirements. Conformance with land sale and survey requirements are necessary prior to final plat approval.

CONCLUSION AND RECOMMENDATION:

Staff recommends approval of ZC97-09 and TP98-03 , a subdivision affecting a portion of tax lot 3001, 3101, 3800, 4000, 4100, 4900, Clackamas County Map 3-2E-7A, subject to the following conditions (unless otherwise specified, all of the improvements shall be the responsibility of the developer):

1. An 8-inch water main shall be looped through Haven Estates and connected to the water main in Leland Road and Settlers Point.
2. Off-site water improvements along Leland Road will be required. There is an existing 12-inch ductile iron water main that ends with a blowoff on the southeast side of Leland Road and near the southwest property boundary of Ainsworth Estate. A 12-inch ductile iron water main shall be extended southwesterly along Leland Road to connect/loop with the proposed 8-inch ductile iron water mains which stub from Settlers Point and services Haven Estate along Provisioner Terrace and Sequaro Terrace. These extensions are required for providing adequate water service and fire flows to the development.
3. All lots shall have water facilities designed and provided to them and the lots shall be required to connect to them as part of this development. Easements for water infrastructure shall be indicated on the plat that are outside the right-of-way.
4. All water improvements shall conform to the most recent edition of the City of Oregon City standard specifications and details.
5. All cost for the off-site water improvements shall be at the Applicant's expense. This will include, but not be limited to, installing water lines and appurtenances in Leland Road to the Haven Estates.
6. Applicant must provide 8-inch water main stub outs to the surrounding properties through the proposed road stubs. The stub outs shall terminate with blowoffs at Haven Estates property boundaries.
7. All legs of all water mains are to be valved at each intersection.
8. Water mains which terminate at construction phase boundaries shall be installed with blowoffs.
9. Fire hydrant spacing shall not be more than 500 feet and not more than 250 feet from any residence. The final fire hydrant number and locations shall be approved by the Fire Marshall at the time of the civil construction drawing review.
10. When fire hydrants are installed, they shall be fitted with a Storz metal face adapter style S-37MFL and cap style SC50MF to streamer port. This adapter is for a 5-inch hose.

11. Fire hydrants shall be painted with Rodda All Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
12. All fire hydrants shall be completed, installed and operational before framing begins.
13. The applicant shall provide sanitary sewer facilities to this development. This includes, but is not limited to, the sewer mains, manholes, stub outs, and service laterals. All lots shall have sanitary sewer facilities designed and provided to them. The lots shall be required to connect to the sanitary sewer as part of this development. Easements shall be indicated on the plat for sanitary sewer site improvements that are outside the right-of-way.
14. Applicant shall provide sanitary stub outs to the surrounding properties through the proposed road stubs. The stub outs shall terminate with a manhole at Haven Estates property boundaries. All sanitary sewers shall be at depths to allow gravity sewer service connections from future sites in this sanitary sewer drainage area.
15. Off-site sanitary sewer improvements to Leland Road will be required. The proposed sanitary sewer along Provisioner Terrace and Sequaro Terrace shall be extended to and terminate with a manhole in Leland Road.
16. Applicant must process and obtain a sanitary sewer main design approval from appropriate jurisdictions such as DEQ and Tri City.
17. All sanitary sewer laterals shall be placed at 90 degrees to the sanitary sewer main. No sanitary sewer service laterals shall be connected at the manholes.
18. Tees shall be located no closer than 5-feet to the manhole or other tees. Tees shall be located near the low side of lots.
19. Manhole spacing shall not exceed 400 feet.
20. The existing homes shall be required to connect to the sanitary sewer after the City accepts the sanitary main. The existing septic systems shall be removed and abandoned in accordance with the DEQ requirements. The City shall be copied on all permits and paper work required to decommission the septic systems.
21. All sanitary sewer improvements shall conform to the most recent edition of the City standard specifications and details.
22. Applicant must analyze and accommodate the storm water runoff quantities conveyed by the existing ditch and incorporate the findings into the storm water design.

23. Applicant shall submit a copy of the agreement between the developers which requires Settler's Point to provide stormwater detention for most of this site and storm calculations verifying the extra storage volume.
24. The Applicant shall provide Storm Drainage Facilities to this development. This includes, but is not limited to, the storm sewer mains, inlets, manholes, detention areas, stub outs for roof drains, inflow and outflow devices, and energy dissipaters. Drainage calculations shall be submitted to support the design.
25. Storm water detention shall be required for this project. The capacity of downstream drainage facilities will be evaluated to determine whether the detention facility needs to be oversized. The storm drainage and detention will be in accordance with requirements contained in the City's Storm Drainage Master Plan. In addition, the overflow path will be shown to prevent flooding.
26. Stormwater detention criteria for this site:
 - 1) The peak flow rate for the post-development 2-year design storm shall not exceed the pre-developed 2-year design storm peak flow rate.
 - 2) The peak flow rate for the post-development 25-year design storm shall not exceed the pre developed 10-year design storm peak flow rate.
27. The storm sewer system shall be designed to detain any increased runoff created through the development of this site, as well as convey any existing off-site surface water entering the site from other properties.
28. Storm inlet spacing shall not exceed 400 feet.
29. All storm sewer improvements shall conform to the most recent edition of the City standard specifications and details.
30. All lots shall have storm drainage facilities designed and provided to them and they shall be required to connect to them as part of this development. The applicant shall provide positive drainage for roof and foundation drains for all lots.
31. Easements that are outside the right-of-way for storm sewer and detention shall be indicated on the plat. Any offsite easements required shall be obtained and recorded before City's approval of civil construction drawings.
32. Leland Road requires a right of way width of 70-feet. Therefore, the applicant shall dedicate a 5-foot wide strip of property along the property fronting Leland Road for the entire width of tax lot 3001 owned by Great American Development.
33. Public utility easements shall be dedicated to the public on the final plat in the following locations: Ten feet along all street frontages and rear lot lines, and five feet along all side lot lines. Easements required for the final engineering plans shall also be dedicated to the public on the final plat. The side lot line requirement can be waived once other utility locations have been identified and

the need for side lot-line easements is determined by the City Engineer to be unnecessary except where identified by said utilities. Show any existing utility easements on the final plat.

34. Easements required for final engineering plans shall also be dedicated to the public on the final plat.
35. Half-street improvements are required for the entire frontage along Leland Road. A half-street improvement is defined as to the centerline. Applicant must also pave over the centerline to a point based on a site inspection by the applicant and the City. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The fully improved street portions that the applicant is required to provide includes, but is not to be limited to, 12-foot travel lane, curb, gutter, 7-foot sidewalk, 6-foot bicycle lane, tree wells, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights in compliance with the City Code for Oregon City and its various Master Plans.
36. Full-street improvements are required for Haven Road. Centerline monument boxes shall be required. Curb return radii and curb (handicap) ramps are required. The fully improved street portions that the applicant is required to provide includes, but is not to be limited to, a 32-foot paved road section, curb, gutter, 5-foot sidewalk, 3.5-foot planter strip, street trees, city utilities (water, sanitary and storm drainage facilities), traffic control devices and street lights in compliance with the City Code for Oregon City and its various Master Plans.
37. All proposed on-site streets shall have a 32-foot wide paved section in a 50-foot ROW with 5-foot sidewalks, curb, gutter, 3.5-foot planting strip, and street trees. When the first lift of asphalt is installed, Applicant shall provide asphalt berms or another adequate solution, as approved by the City Engineering Division, at storm catch basins or curb inlets on all streets in this phase to ensure positive drainage until the second lift of asphalt is installed.
38. The applicant is required to provide for pavement, curbs, gutters, and other appropriate transitions between existing and proposed streets.
39. Applicant shall show a one-foot reserve strip dedicated to the City at the end of all street stubs ("A" Street and "B" Street) on the plat. This reserve strip shall be noted on the plat to be automatically dedicated as public right of way upon the approval of right of way dedication and/or City land use action approval of adjacent properties.
40. Some preliminary street names have been proposed at this time. However, all street names shall be reviewed and approved by the City (GIS Division 657-0891, ext. 168) prior to approval of the final plat to ensure no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.

41. All roadways, and street signs to be completed, installed, and operational before framing begins.
42. All sidewalks for this subdivision are the responsibility of the Applicant. The Applicant may transfer the responsibility for the five-foot sidewalks adjacent to the right-of-way as part of the individual building permit requirement on interior local streets. However, failure to do so does not waive the Applicant's requirement to construct the sidewalks. The Applicant shall install a six-foot sidewalk along the entire frontage of Leland Road for tax lot 3001. The Applicant shall also install a five-foot sidewalk along the entire frontage of the existing homes on proposed lots 12 and 37.
43. Streetlights shall be owned by the City of Oregon City and installed at the expense of the Applicant. The Applicant shall prepare a street light plan, subject to City and PGE approval, by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor. Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a 25-foot mounting height. Any necessary electrical easements shall be dedicated on the final plat.
44. Provide adequate width of fire department roadways and turnarounds per UFC 10.203 and 10.204.
45. Haven Road shall be developed to City Standards and connect the subdivision to Leland Road. Provisioner Terrace shall also be constructed to include the complete development of the northern portion of Tax Lot 3001 (proposed lot 51). Provisioner Terrace shall not connect with Leland Road and shall terminate with a cul de sac built to City Standards. The Cul de sac shall be located to allow for the right of way needed for the future widening of Leland Road, and adequate lot depth. If the cul de sac is to be built adjacent to Leland Road, a 10 foot buffer between the cul de sac and the right of way is required.
46. All street improvements shall conform to the most recent edition of the City standard specifications and details.
47. A final site grading plan shall be required as part of the final construction plans per the City's Residential Lot Grading Criteria and the Uniform Building Code. If significant grading is required for the lots due to its location or the nature of the site, rough grading shall be required of the developer prior to the acceptance of the public improvements. There shall be a maximum grade differential of two (2) feet at all subdivision boundaries. Grading shall in no way create any water traps, or create other ponding situations. There shall be no tree removal due to lot regrading.

48. The final engineering plans shall also include an Erosion/Sedimentation Control Plan based on Clackamas County's *Technical Guidance Handbook*. A DEQ permit is required since the site is over five (5) acres.
49. The development shall comply with Oregon City's erosion control ordinance and maintain best management practices throughout construction to minimize the potential for water quality degradation.
50. The Erosion Control Plan shall document erosion control measures that will remain effective and be maintained until all residential construction has been completed and permanent vegetation has been established in the subdivision. Responsible party for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan. Applicant shall implement higher performance alternatives to bio-bags to protect catch basins during the building process. Materials such as unwoven filter fabric covering catch basins, temporary sedimentation ponds with adequate filtration, and phased grading are required to eliminate the potential for erosion and sediments entering the storm system.
51. Applicant shall obtain a geotechnical engineer to provide A geotechnical investigation and report which addresses the requirements for filling and building homes and streets over the existing ditch. The existing drainage ditch directly impacts the proposed lots 19, 18, 30, 29, 46, 47 and various streets. These findings shall be incorporated into the final design of the public improvements and buildings.
52. The applicant shall follow all the recommendations and requirements addressed in the Geotechnical report.
53. Any structural fill shall be overseen and directed by the geotechnical engineer. The geotechnical engineer shall provide test reports and certification that all structural fill has been placed as specified and provide a final summary report to the City certifying all structural fill on the site prior to approval and acceptance of public improvements.
54. Street Name and Traffic Control Signs are required. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
55. Applicant shall pay City invoices for the manufacture and installation of street name signs and any traffic control signs/signals/stripping.
56. All required public works improvements shall be designed and constructed to City standards. These standards include the latest version of, but are not limited to, the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation Master Plan, Sanitary Sewer Master Plan, and the Drainage Master Plan. It includes the Public Works Design Standards which is comprised of

Sanitary Sewer, Water Distribution System, and Drainage. Also included are the Street Work Drawings, the Clackamas County Department of Utilities' Erosion Prevention and Sediment Control Plan Technical Guidance Manual (by reference), Appendix Chapter 33 of the Uniform Building Code (by reference), the Site Traffic Impact Study Procedures, and the City of Oregon City Review Checklist of Subdivision and Partition Plat.

57. Bench Marks. At least one benchmark based on the City's datum shall be located within the subdivision.
58. Other Utilities. The Applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the Applicant to pay these utility companies to use trench less methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
59. Technical Plan Check and Inspection Fees. A five-percent (5%) Technical Plan Check and Inspection Fee shall be paid prior to approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans for final approval. The other half is due upon approval of the final plans.
60. It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the Applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
61. Applicant shall submit two (2) sets of final engineering plans for initial review by the City Engineering Division to include the drainage report (wet signed by the responsible engineer), subdivision plat, cost estimate with two and one-half percent fee, and a completed copy of the City's latest final subdivision plat checklist. Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary. The Applicant shall submit, for the final City approval, eight (8) copies of the plans with one full set wet signed over the engineer's Professional Engineer Oregon stamp.
62. Minimum Improvement Requirements. Applicant shall provide a surety for uncompleted work before a plat is recorded through a Subdivision Compliance Agreement. This occurs if the final plat is to be recorded before completion of all required improvements. Surety shall be an escrow account or in a form that is acceptable to the City Attorney.
63. Upon conditional acceptance of the site improvements by the City, the applicant shall provide a two-year maintenance bond as described in the Subdivision Compliance Agreement. This Maintenance Bond shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete site improvements.

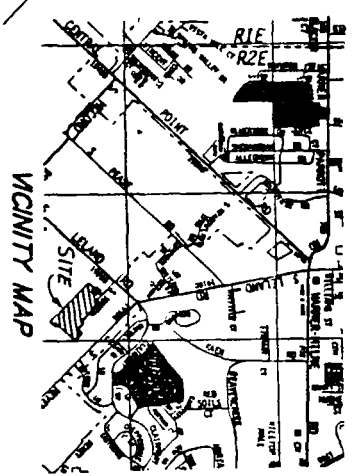
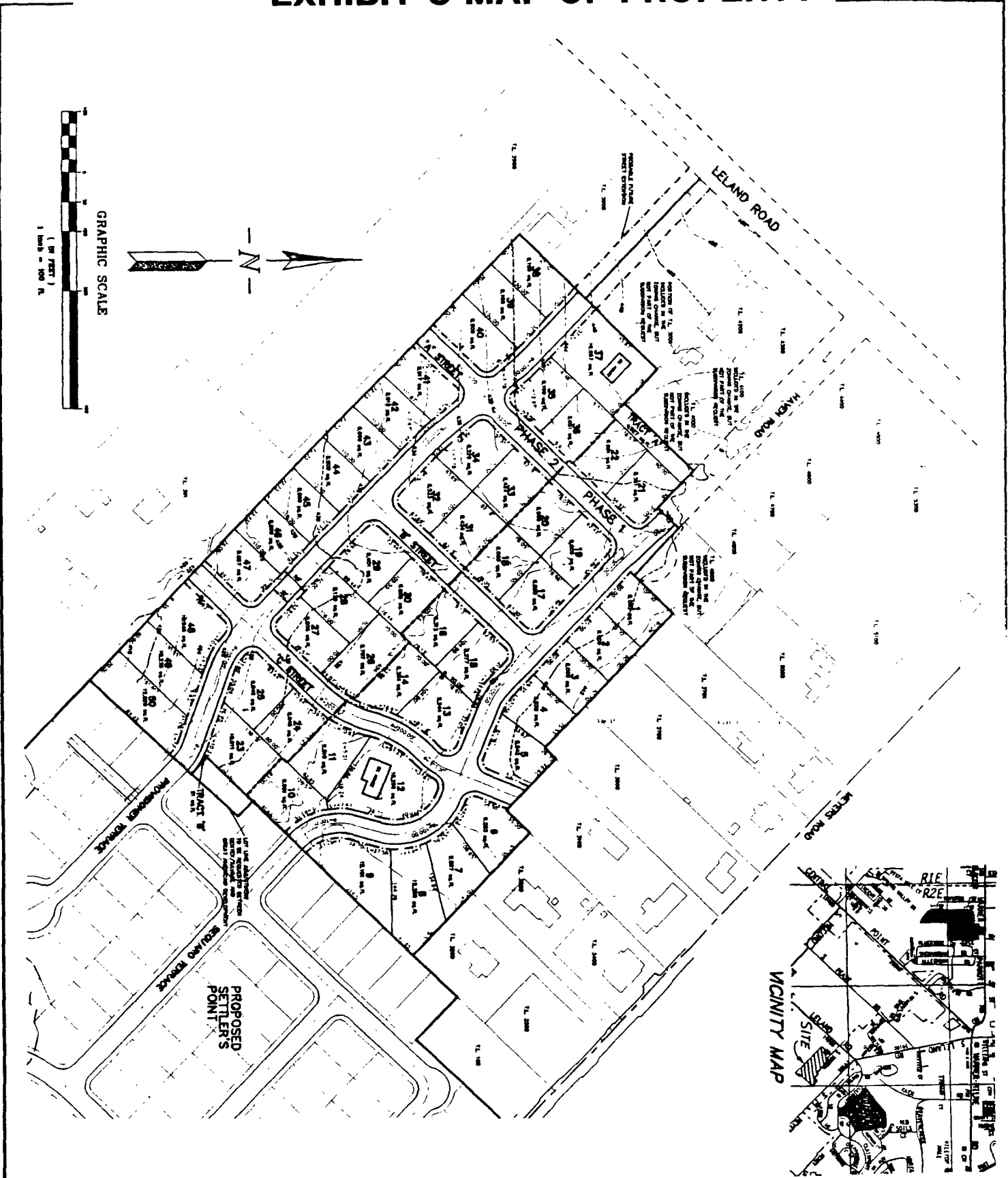
64. Two complete sets of 4-mil mylar record drawings, of field measured facilities, shall be submitted within ninety days after acceptance as well as one full set of AutoCAD files on diskettes, in a format and disks acceptable to the City Engineer, and shall include all field changes. One AutoCAD file shall be furnished by the Applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the Applicant's cost. The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The Applicant shall be responsible for all costs associated with meeting this condition. The record drawings shall be submitted prior to the City releasing any performance bonds or escrow money.
65. Final Plat Requirements. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
- a) The Applicant, and his surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the subdivision of this parcel.
 - b) Show the City Planning File Number on the final plat, preferably just below the title block.
 - c) A black line copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
 - d) Use recorded City control surveys for street centerline control, if applicable.
 - e) Tie to City GPS Geodetic Control Network, County Survey reference PS 24286, and use as basis of bearings. Include ties to at least two monuments, show measured versus record, and the scale factor. Monuments may be either GPS stations or other monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monument ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary-control survey filed for the subdivision.
 - f) Show state plane coordinates on the Point of Beginning.
66. Civil Construction Drawings. The civil construction drawings, once approved by the City, shall have an approval period of one year in which to commence with construction. Once the preconstruction conference has been held and construction activity proceeds, plans and drawings shall be valid for as long as the construction takes. Should the approval for the construction drawings expire before construction commences, it shall be the responsibility of the Applicant to bring the civil construction documents and plans into conformance with the latest Standards, Specifications, and City Codes that are in place at the time of the

update, and bear the cost associated with bringing them into conformance, including additional technical plan check and review costs.

67. The construction designs and development of the site shall comply with the standards of Chapter 17.44, including, but not limited to, Sections 17.44.060 Development Standards, 17.44.100 Construction Standards, and a Hold and Harmless agreement as outlined in 17.44.120 Liability.
68. Applicant shall consult with the City Engineering Division prior to development on this site during wet weather seasons, defined as November 1 through April 30th. The City Engineering Division may require the applicant's geotechnical engineer's or other appropriate professional engineer's to provide written justification outlining why such development at this site is appropriate during these wet weather seasons. Such consultation shall be at the expense of the applicant.
69. Adequate erosion and sediment control measures shall be required of this site at all times during construction.
70. The Applicant shall submit a draft copy of the proposed Conditions, Covenants, and Restrictions (CC & R's) to the Planning staff, for review and approval, prior to final plat approval. These CC & R's shall include requirements for maintaining surface runoff patterns established for each lot, maintaining any proposed private storm lines or detention, and for individual lot owner's conformance to the City's erosion control standards when establishing or renovating landscaping.
71. The Applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
72. Subdivision construction activity is to occur between 7:00 A.M. and 6:00 P.M. on Monday through Friday; between 9:00 A.M. and 6:00 P.M. on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
73. It is the responsibility of the Applicant to ensure that all outside agencies have been contacted and any appropriate approvals obtained for the construction of the project. Copies of approvals shall be supplied to the City to be filed with the City's files. Failure to do so shall be a justification for the City to prevent the issuance of a construction, or building, permit or to revoke a permit that has been issued for this project.

74. Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing any of these conditions of approval.
81. Prior to recordation of the final map, the applicant shall submit a revised plat showing a shadow plat of the northern remainder of Tax Lot 3001 and appropriate deeds of dedication future widening of Leland Road along the frontage of Tax Lot 3101.
82. Planning. A positive land use decision shall be exercised within a period of 1 year from the effective date of the Planning Commission decision. Any land use permit may be extended, prior to expiration, by the Planning staff, for a period of 6 months. A total of 2 such extensions may be granted for a total time extension of 1 year. No permit may be extended unless there has been substantial implementation thereof. Construction of the subdivision improvements and recording of the plat constitute the allowable time period.
83. The applicant shall sign a Waiver of Remonstrance for an LID for future roadway, stormdrain, traffic or other infrastructure improvements.
84. Prior to Recordation of the Final Plat, the applicant shall file an easement relinquishment with the the City Commission for the the storm drain easemnt granted by the City on August 6, 1992.
85. The northern portion of Tax Lot 3001 that fronts on Leland Road shall be included as lot 51 with the subdividsion.

EXHIBIT C MAP OF PROPERTY



ORDINANCE NO. 98-1020

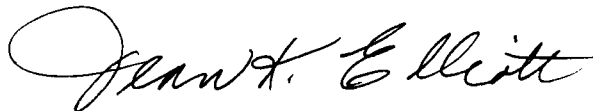
**AN ORDINANCE AMENDING CHAPTER 17.06.030 OFFICIAL ZONING MAP OF
THE OREGON CITY MUNICIPAL CODE OF 1991, BY CHANGING CERTAIN
DISTRICTS**

OREGON CITY ORDAINS AS FOLLOWS:

WHEREAS, public necessity and the general welfare of Oregon City require changes to certain districts which changes have been heard by the Oregon City Planning Commission and approved by it after public notice and hearing as required by Chapter 17.50 of the 1991 Oregon City Municipal Code and the City Commission after public notice and hearing, finding that the following described property can suitably be utilized for uses incident to "R-8", Single Family Dwelling District, for which there is a need in this area, and that such zoning is compatible with the neighborhood development and the Comprehensive Plan of Oregon City, the findings and conclusions attached as Exhibit "A", adopted as the findings of the Commission and the following described property to wit:

Tax Lots 2600, 2700, 2800, 2900, 4200, 4300, 4400, 4500, 4600 and 5300
Clackamas County Map 3-2E-7A. Tax Lots 9300, 9400, 9500, Map 3-2E-7AA, and
Tax Lot 301, Map 3-2E-7D, zoning designation is hereby changed from "FU-10", future
urban 10 acre minimum to "R-8" Single Family Dwelling District.

Read first time at a regular meeting of the City Commission held on the 5th day of August 1998, and the foregoing ordinance was finally enacted by the City Commission this 5th day of August 1998.



JEAN K. ELLIOT, City Recorder

ATTESTED THIS 5TH DAY OF August 1998.


DANIEL FOWLER, Mayor

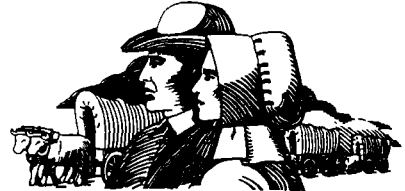
ORDINANCE NO. 98- 1020

Effective Date: Friday, September 4th, 1998

CITY OF OREGON CITY

CITY COMMISSION

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



Proceedings of the City Commission

FINAL ORDER

In the matter of the application of: Robert and Marcia Sleasman; Steven and Rosann Cotton; Paul and Lanna Reeder; LeRoy and Elizabeth Tiedke; Francis Zdorkowski; Marilouise Harris and Ken Sandblast of Compass Engineering, for property located at 19398, 19454, 19400 and 19398 S. Leland Road, Southwest of South Meyers Road. Identified as; Tax Lots 2600, 2700, 2800, 2900, 4200, 4300, 4400, 4500, 4600 and 5300 Clackamas County Map 3-2E-7A. Tax Lots 9300, 9400, 9500, Map 3-2E-7AA, and Tax Lot 301, Map 3-2E-7D.

For the following land use action or permit: Zone Change for the conversion from "FU-10" Future Urbanizable, 10 acre Minimum to R-8 Single Family Dwelling District on a 26.90 acre property (+/-).

A hearing having been held on the 5th Day August, 1998, it is hereby ordered that:

☒ Application is allowed.

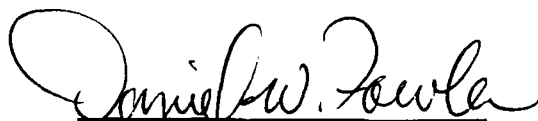
☒ Application is allowed with the following modifications

and/or conditions: Conditions are attached as Exhibit "A"

☐ Application is denied.

This order is based upon findings attached in Exhibit B and incorporated as if fully set forth herein.

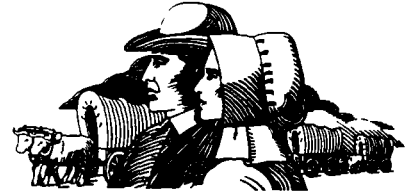
DATED, (August 5, 1998)


Daniel W. Fowler, Mayor

CITY OF OREGON CITY

PLANNING COMMISSION

320 WARNER MILNE RD.
OREGON CITY, OR 97202



I. Zone Change for Annexed Properties

"All lands within the Urban Growth Boundary of Oregon City have been classified according to the appropriate city land use designation as noted on the comprehensive plan map (as per the city/county urban growth management area agreement). The planning department shall complete a review of the final zoning classification within sixty days after annexation. The zoning classification shall reflect the city land use classification as illustrated in Table 17.06.050.

Table 17.06.050

CITY LAND USE CLASSIFICATION

Residential

Low Density Residential

City Zone

R-10, R-8, R-6

B. Lands within the Urban Growth Boundary and designated Low Density Residential on the comprehensive plan map shall, upon annexation, be eligible for manufactured homes (in-fill of individual lots and subdivisions).

C. Lands designated Low Density Residential may receive a zoning designation consistent with Table 17.16.050. The Hearings body shall review the proposed zoning designations and consider the following factors:

- 1. Any applicable comprehensive plan goals and policies of the dual interest are agreement;*
- 2. Lotting patterns in the immediate surrounding area;*
- 3. Character of the surrounding area. If the land is constrained with steep slopes or other natural features (wetlands, vegetation, etc.), R-10 shall be designated.*

II. BASIC FACTS:

1. The Portland Metropolitan Area Boundary Commission approved annexation of the parcel to the City of Oregon City on April 30, 1998.
2. The 26.90 acres which include several parcels are located off of South Leland Road, and is shown on Assessor's Map: 3-2E-7A, Tax Lots: 2600, 2700, 2800, 2900, 4200, 4300, 4400, 4500, 4600, 5300 and Map Number 3-2E-7AA, Tax Lots 9300, 9400, 9500 and Map 3-2E-7D, Tax Lot 301.
3. This petition for a zoning map change was initiated by staff based on successful

annexation of these properties to the City of Oregon City.

4. The surrounding land uses are:

North: single family homes, zoned R-8, Single Family Residential 8,000 square foot minimum, FU-10 County and R-10 Single Family Residential 10,000 square foot minimum.

South: single family homes, zoned FU-10, lots ranging in size from 5.31 to 13.71 acres. The City owns a 13 acre parcel located southwest of the properties for park purposes.

East: recently annexed lands, proposed to be zoned R-8.

West: undeveloped land zoned FU-10, lots ranging in size from .84 acres to 4.98 acres.

5. Comprehensive Map designation for this parcel is Low Density Residential or LR. All surrounding lots are designated LR.

6. The applicable Comprehensive Plan policies are:

Citizen Participation Element, Chapter B:

Goal- Provide an active and systematic process for citizen and public agency involvement in the land use decision-making for Oregon City.

Policy 2: Provide neighborhood groups and citizens with accurate and current information on policies, programs and development proposals that affect their area; institute a feedback mechanism to answer questions from the public.

Policy 4: Encourage citizen participation in all functions of government and land use planning.

Housing Element, Chapter C:

Goal- Provide for planning, development and preservation of a variety of housing types at a range of price and rents.

Policy 3: The City shall encourage the private sector in maintaining an adequate supply of single and multiple family housing units. This shall be accomplished by relying primarily on the home building industry and private sector market solutions supported by the elimination of unnecessary government regulations.

7. Transmittal on the proposal were sent to various City departments and other affected agencies. Limited comments were received on this proposal.

ANALYSIS AND FINDINGS:

1. Regarding 17.06, Criterion C-1- "The proposal shall be consistent with the goals and the policies of the comprehensive plan."

Citizen Involvement- The public hearing has been advertised and noticed as prescribed by law. The public hearing will provide an opportunity for comment and testimony from from interested parties. Therefore, the proposal is in conformance with the Citizen Involvement Goal of the Comprehensive Plan.

Housing- The City encourages in-fill development on vacant lands and under-developed lands. Adjacent properties located within the City limits have been zoned and developed for R-8 uses. Lots immediately to the south are located outside of the city limits but within the urban growth boundary. Developing at an R-8 density encourages compact urban growth, efficient use of lands and resources.

The Dual Interest Area Agreement (UGMA) specifies that the City shall be the primary provider of urban services and facilities in the Urban Growth Boundary. This agreement also specifies that the City has the primary responsibility for the plan designation within the UGB after annexation.

An evaluation and discussion on the availability of City services to serve these properties was included in the annexation application (AN98-02). All urban services are available to serve this site can be extended to this property. A 10 inch sanitary sewer line is available to serve the parcel from either Meyers Road. A regional pump station is being developed south east of this site which serve this area.

A 16 inch water line is located in Meyers Road and a 8 inch water line is located within Leland Road which have the capacity to serve these parcels.

The parcels are all located within the upper reaches of the Caufield Drainage Basin plan area. This master plan specifies that there is sufficient storm drainage capacity to allow development of these parcels to urban densities.

Based on the previous discussion, this request meets the Citizen Involvement and Housing goals and policies of the Comprehensive Plan and the intent of the UGMA Agreement.

2. Regarding 17.06, Criterion C-2; "Lotting patterns in the immediate surrounding area."

The surrounding lot development pattern is mixed. Those lots located within the City limits are are zoned R-8 and have been subdivided into 8,000 square foot lots (except for three 1 acre lots and an 18.63 acre lot). Lots within the UGB tend to be larger, reflecting rural land uses and the use of septic systems and drain fields.

The comprehensive plan designation for the islands and the parcel in question is LR or Low Density Residential which permits R-6, R-8 or R-10 zoning to be established.

3. Regarding 17.06, Criterion C-3; "Character of the surrounding area. If the land is constrained with steep slopes or other natural features (wetlands, vegetation, etc.)", R-10 shall be designated.

The parcel slopes from approximately 0 to 10%. There may be some wetland resources located one of the parcels. However, the applicant is aware that the Water Resource Overlay District applies and any alteration or filling requires a permit from the Army Corps of Engineers and the Division of State Lands.

CONCLUSION AND RECOMMENDATION:

The proposed amendment from FU-10 acre minimum to R-8 and LR on the comprehensive plan text and map, zoning code and map have been shown to be in compliance with applicable goals, policies and criteria. Therefore, it is recommended that the Planning Commission forward a favorable recommendation to the City Commission for adoption of the proposed zone change.

EXHIBIT C MAP OF PROPERTY

Zone Change Application ZC98-02

Affected Tax Lots

City Limits

Urban Growth Boundary



MAP FOR REFERENCE PURPOSES ONLY
The information on this map is for informational purposes only. It is not intended to be used as a legal document. The City of Portland is not responsible for any errors or omissions on this map. The City of Portland is not responsible for any errors or omissions on this map.

