

**ORDINANCE NO. 98-1028**

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN MAP AND THE OFFICIAL ZONING MAP OF THE OREGON CITY MUNICIPAL CODE OF 1991, BY CHANGING THE PLAN DESIGNATION FOR A PARCEL FROM LOW DENSITY RESIDENTIAL (LR) TO OFFICE (O) AND THE ZONE FROM SINGLE FAMILY RESIDENTIAL (R-6) TO LIMITED OFFICE

WHEREAS, the applicant Stacy Fowler, and owners William and Roberta Howard are requesting the use of "Office" on property located on the northeast corner of the intersection of 7th Street and Harrison Street and is identified as 2E 32BC tax lot 9600, Clackamas County, and containing 6,200 square feet, and

WHEREAS, the applicant is requesting to increase the intensity of the use of the site by amending use of the property from low density and single family residential to an office use that would allow two residential units or office use on the site, and

WHEREAS, the City recognizes that the supportive findings and conclusions adopted by the Planning Commission on November 9, 1998, which recognizes that the applicant provided evidence of the "need" for office uses for Oregon City and, according to the DKS traffic study dated July 27, 1998, that the change of use would have minimal impact on the existing transportation level of service (LOS D) for the impacted intersections, and

WHEREAS, the City supports the State-wide Planning Goals and the Metro Functional Plan to promote intensification land uses, including mixed uses, along arterial streets while balancing the impact on the abutting residential community, and

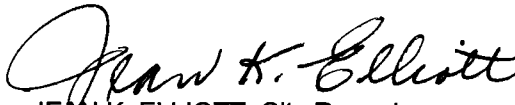
WHEREAS, the proposed use best meets the land use needs and promote the safety and security of the residents of the City and the State.

**OREGON CITY ORDAINS AS FOLLOWS:**

This application is hereby approved as to this particular property attached findings and conclusions:

Tax Lot 9600 Clackamas County Assessor Map 2-2E-32BC, Comprehensive Plan designation is hereby changed from Low Density Residential (LR) to Office (O) and zoning designation is hereby changed from Single Family Residential (R-6) to Limited Office (LO) District.

Read first time at a regular meeting of the City Commission held on the 18th day of November, 1998, and the foregoing ordinance was finally enacted by the City Commission this 18th day of November, 1998.

  
JEAN K. ELLIOTT, City Recorder

ATTESTED this 18th day of November, 1998.

  
DANIEL W. FOWLER, Mayor

ORDINANCE NO. 98-1028

Effective Date: December 18, 1998

**EXHIBIT "A"**  
**FINDINGS OF FACT AND CONCLUSIONS**  
**ORDINANCE No. 98-1028**

In the matter of a comprehensive plan map amendment and zone change for a 6200 square foot lot located at the corner of 7 <sup>th</sup> Street and Harrison Street	)	<b>FINDINGS OF FACT, CONCLUSIONS OF LAW and RECOMMENDATION TO APPROVE THE COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE</b>
	)	
	)	
	)	
	)	
City Planning File Nos. PZ98-06 and ZC98-12	)	

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The Planning Commission hereby recommends the City Commission approve the application for a comprehensive plan map amendment and zone change. This decision is based on the findings of fact and conclusions of law set forth below.

**I.     PROCEDURAL OVERVIEW**

The Applicant requested a comprehensive plan map change from LDR (low density residential) to O (office) and a corresponding zone change from R-6 (single family dwelling) to LO (limited office). The application for the comprehensive plan map amendment was filed in accordance with the time frames set forth in the comprehensive plan. The zone change application is contingent on the approval of the comprehensive plan map amendment.

On October 26, 1998, the Planning Commission heard testimony and considered evidence that was presented at a regularly scheduled and duly noticed public hearing. At the conclusion of the hearing the Planning Commission unanimously approved separate motions recommending that the City Commission approve both the comprehensive plan map amendment and zone change. The Planning Commission found that the applicable approval criteria in Chapter O of the Oregon City Comprehensive Plan (comprehensive plan) and section 17.68.020 of the Oregon City Municipal Code (OCMC) had been met.

The Planning Commission's findings that the applicable approval criteria had been met are based on the following analysis.

**II.    ANALYSIS**

**A.     COMPREHENSIVE PLAN MAP AMENDMENT**

The criteria for a comprehensive plan map amendment are located in chapter O of the comprehensive plan. These criteria are met for the reasons explained below.

**1. Does the proposed change conform with state and local planning goals and policies?**

***State Planning Goal 1 - Citizen Involvement.***

***Comprehensive Plan Chapter B - Citizen Participation, Goals and Policies***

The City of Oregon City followed its adopted notice procedures in both the comprehensive plan and OCMC for advertisement of the public hearing. The applicant posted the property advertising the public hearing. The established public hearing process was followed at the hearing held on October 26, 1998 and all persons who desired to testify at the hearing were allowed to testify. In addition, the application was presented to the McLoughlin Neighborhood for review and consideration. By following the standard notice and hearing procedure for a quasi-judicial process, the requirements of this goal and comprehensive plan policy were met.

***State Planning Goal 2 - Land Use Planning.***

The comprehensive plan complies with all the requirements of Goal 2, as acknowledged on April 16, 1982. The applicant's proposal was made under provisions of the plan and its implementing ordinances and provided factual evidence and demonstrating compliance with the applicable goals, policies and criteria. The procedures for the review as outlined by the comprehensive plan were applied and, therefore, the requirements of this goal are satisfied.

***State Planning Goals 3 - Agricultural Resources and Goal 4 - Forest Resources.***

The subject site does not contain agricultural resources or forest resources. These goals do not apply.

***State Planning Goal 5 - Open Space, Scenic, Historic Areas, and Natural Resources.***

The subject site does not contain any scenic or historic sites or immediately impact nearby historic properties. The property is located outside the Historic McLoughlin District. This goal does not apply.

***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 site is currently served by the existing City services including City water, sewer, and storm discharge facilities. The change in use will not result in an increased use of these facilities. This goal is satisfied.

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

The site contains no known high water table, wetlands or unique conditions that subject the site to natural disasters or hazards. The area is located in Zone B on the Metro Earthquake Hazards Map where Zone A has the highest liquefaction factor and Zone D contains the least. Staff notes that in the event that structural modifications are made to the property, application of State Building Standards will assure compliance with this goal. This goal is satisfied.

***State Planning Goal 8 - Recreational Needs.***

The proposed amendment will not increase the need for recreation facilities. The use of the site for a duplex structure would result in only one additional unit. Therefore, the maximum increase in population allowable on the subject site falls below the park open space threshold standard of one acre per 100 population. Nearby recreation facilities at Eastham Community Center provide sufficient recreation open space and facilities for possible new residents. The application satisfies the requirements of this goal.

***State Planning Goal 9 - Economy of the State.  
Comprehensive Plan Chapter D - Commerce and Industry***

***Policies: Office districts are intended for medical facilities, offices, and high density residential uses; Office Districts should result in concentrated groupings of uses; Office districts should be located along arterial or collector streets and should provide good access; and: Uses in office districts shall be designed to protect surrounding residential and historic properties.***

This goal is applicable given that the Applicant requests an amendment to allow the use of the site for activities allowed under the office designation. The requested amendment is consistent with and satisfies the siting policy as set forth above. The site is physically available for the intended uses and the map change will result in the addition of one additional and adjacent site to the preexisting concentrated grouping of similar and allowed uses. 7<sup>th</sup> Street is designated as an arterial street and the site has good access to the street for both pedestrian and vehicular access. Use of the site for office uses will protect surrounding residential and historic properties by providing a buffer and transition area to the adjacent residential areas from 7<sup>th</sup> Street and other existing non residential uses thereby helping to insulate the residential area from the associated impacts of higher intensity uses and the arterial street. The application satisfies this goal and comprehensive plan policies.

***State Planning Goal 10 - Housing.***

With the approval of this comprehensive plan amendment, the use of the property can be intensified by using the existing building as a duplex and would thereby add to Oregon City's housing stock in a manner consistent with housing types in the area. Because this amendment

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allows either duplex or office use in the future this change will not result in the loss of any residential land. The application satisfies this goal and the comprehensive plan policies.

***State Planning Goal 11 - Public Facilities and Services.  
Comprehensive Plan Chapter I - Community Facilities***

The proposed comprehensive plan amendment conforms to Goal 11 because the City's public facility master plans anticipate and provide urban levels of service for the subject site. All public facilities and services are or can be made available to the site as qualified by the City Engineer and Public Works Director reports. The parcel is readily capable to be intensified into a duplex or office use. The buildout of the proposed site will promote efficiency using existing urban facilities and will not have a significant impact on these facilities and services. The application satisfies this goal and the comprehensive plan policies.

***State Planning Goal 12 - Transportation.  
Applicable Comprehensive Plan Transportation Goals and Policies***

The proposed comprehensive plan amendment conforms to the provisions of Goal 12. Use of the site for office or duplex use is supported by the City's transportation system, as demonstrated by the traffic study prepared as part of the application. The discrepancy in square footage between the study and the application is minimal and does not impact the transportation analysis. The transportation analysis shows:

- a) the amendment will not significantly affect the City's transportation facilities, as defined by OAR 660-12-060.
- b) the amendment will not result in a change of the functional classification or standards of the local street (Harrison Street) that provides access to this parcel from the minor arterial.
- c) the traffic impacts created as a result of a worst case scenario (assuming buildout of the parcel to construct the largest office space possible under the existing criteria) suggest that when used as an office site, only 52 additional vehicular trips per day would be generated. This additional trip generation does not result in any significant degradation of the transportation facilities.

Both 7<sup>th</sup> Street and Harrison Street provide sidewalks along the frontage of this site. The site provides off-street parking in the rear of the site for up to 7 vehicles. The current building has approximately 1620 square feet and the provision of 7 parking spaces is in excess of the current requirements. In addition, both 7<sup>th</sup> and Harrison Streets have dedicated right-of-way of 60 feet, which is consistent with current Transportation planning requirements. The application satisfies this goal and the comprehensive plan policies.

***State Planning Goal 13 - Energy Conservation.  
Comprehensive Plan Chapter H - Energy Conservation***

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The requested comprehensive plan amendment complies with this goal and comprehensive plan policy in that it will allow a higher density or intensity of land uses on an infill site that is adjacent to an arterial street currently served by mass transit. The site contributes to the existing concentrated grouping of uses that have previously developed along 7th Street and will therefore contribute to the ability of the area to support alternative modes of travel and access. In addition, Goal 13 is satisfied because the site will continue to make efficient use of existing resources and public facilities while at the same time intensifying its use, therefore conserving energy.

***State Planning Goal 14 - Urbanization.***

***Comprehensive Plan Section G - Growth and Urbanization Policies***

The proposal is consistent with this goal because the change will allow for efficiency of land uses within the existing urban area and help to avoid the need for future expansion of the urban growth boundary. A limited office designation will permit infill for a higher density residential land use or office uses. Such uses will be placed in close proximity to an existing transit service, which is adjacent to the bicycle facility along 7<sup>th</sup>, close to schools and other office uses and is accessed by sidewalks, all of which allow for alternative mode of travel.

Applicant has also submitted evidence that 1) the residential population of Oregon City has grown significantly over the last 24 years from approximately 15, 000 in 1984 to approximately 25,000 in 1998. The amount of property designated Office has only increased by 6 acres while the population has increased by 10,000. This inequity has resulted in a severe shortage of office property as evidenced by a recent market analysis of property available as listed in the RMLS for area 146 that includes Oregon City and several outlying areas. The analysis shows only 5 office properties available, none of which is similar in character to the subject site. Analysis of additional designations such as "Commercial" that also allow office uses indicates a significant short supply of available sites. This application complies with the comprehensive plan in that approval of the amendment will support the goal to allow sufficient land within the existing urban area to accommodate the employment needs of the significantly increased population. The application satisfies this goal and comprehensive plan policies.

***2. Is there a public need to be fulfilled by the change?***

Approval of this application will contribute to the ability of the City to provide the needed limited office space to support the City's economic growth in conjunction with the current and expected residential growth. As set forth above under the Growth and Urbanization Policies, the recent increase in population has resulted in a shortage of sites available for office use in the City.

The provision of adequate land for employment opportunities within the City is a matter of public need that is not satisfied by the current availability of land designated for office use. There are only 4 properties designated for office use (one of the 5 listed was determined to be sold and off the market) and available on the market in Oregon City and each are significantly

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different from this site in the amenities they provide. The comprehensive plan requires that Oregon City continue to provide employment opportunities within the City and this can be accomplished by designating additional land for office uses. This site is ideally located to supply a new site for economic opportunity and is consistent with the siting requirement of the comprehensive plan in that it is appropriately located on an arterial street and adds to the concentration of uses because it is adjacent to other land designated and used for office uses. It provides a buffer to the adjacent low density residential uses from the deleterious impacts of the traffic and noise associated with 7<sup>th</sup> Street and is currently served with urban facilities. This is one of the few remaining sites in the area that can be redesignated to meet both the public need for providing space for additional employment opportunity while also meeting the public need to have these types of uses buffer the residential area from less desirable areas, such as arterial streets.

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

Designation of this site as office best serves the public need to increase available office space because of its location. The parcel is within the urban growth boundary, on and accessible to an arterial street, and is already served by existing facilities. In addition, this change will allow the property to create a buffer between the adjacent residential neighborhood and 7<sup>th</sup> Street while protecting and blending into the adjacent residential neighborhood. Therefore, the application satisfies this criterion.

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

The proposed change will not adversely affect the public health, safety and welfare. The proposed change will benefit the public health, safety and welfare for all of the reasons that the change has been shown to comply with the Comprehensive Plan. Office uses have been designated specifically for areas such as this one based on historical information and the general belief that small office use of a property does not result in detrimental effects that would adversely affect the public such as loud noise or odors. In addition, the traffic study concludes that the impact of the change from a transportation analysis will not be significant and therefore the change does not adversely affect the public from a traffic standpoint. Therefore, the application satisfies this criterion.

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

The comprehensive plan recognizes and plans the 7<sup>th</sup> Street and Molalla Avenue area as suitable and planned for limited office and commercial uses. The change will simply add one additional and adjacent property to the existing office uses along 7<sup>th</sup> Street. Further, the change is supported by application of the siting requirements for office use, because the Energy elements in the Plan require that office uses be located along transit corridors, and the Plan contemplates that land for employment opportunities must be available to the residents of the City of Oregon City. In addition, through the comprehensive planning process engaged in with Metro, the City has undertaken significant challenges to provide additional local employment in conjunction with

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its residential growth and recognizes the necessity to provide additional land for the siting of adequate facilities to house additional employment.



**B. ZONE CHANGE**

The applicant has requested a zone change from R-6 (single family dwelling) to LO (limited office). The criteria for a zone change are in the OCMC 17.68.020 and have been met for the reasons set forth below.

**1. Is the proposal consistent with the Comprehensive Plan goals and policies?**

The zone change is consistent with the comprehensive plan goals as explained above in paragraph A 1.

**2. Are public facilities and services presently capable of supporting the uses allowed by the zone, or can they be made available prior to issuing a certificate of occupancy?**

The public facilities and services necessary to serve the use of this site as an office facility are existing, available and capable of supporting the limited office use contemplated by this application. Sanitary sewer, water and storm drainage are currently located within 7th Street and Harrison Streets and the change of use from single family dwelling to limited office will not increase demand on these facilities and services sufficient to justify additional improvements. The applicant's traffic impact study addresses the transportation impacts created by the change in use and shows no significant impact or degradation of the transportation system resulting from approval of this application and establishment of a use consistent with the limited office designation. The present dedication of 60 feet of right-of-way along 7<sup>th</sup> and Harrison Streets including sidewalks is sufficient to support the contemplated use, and the site currently provides adequate off-street parking facilities in excess of the established requirements.

**3. Are the land uses authorized by the proposal consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district?**

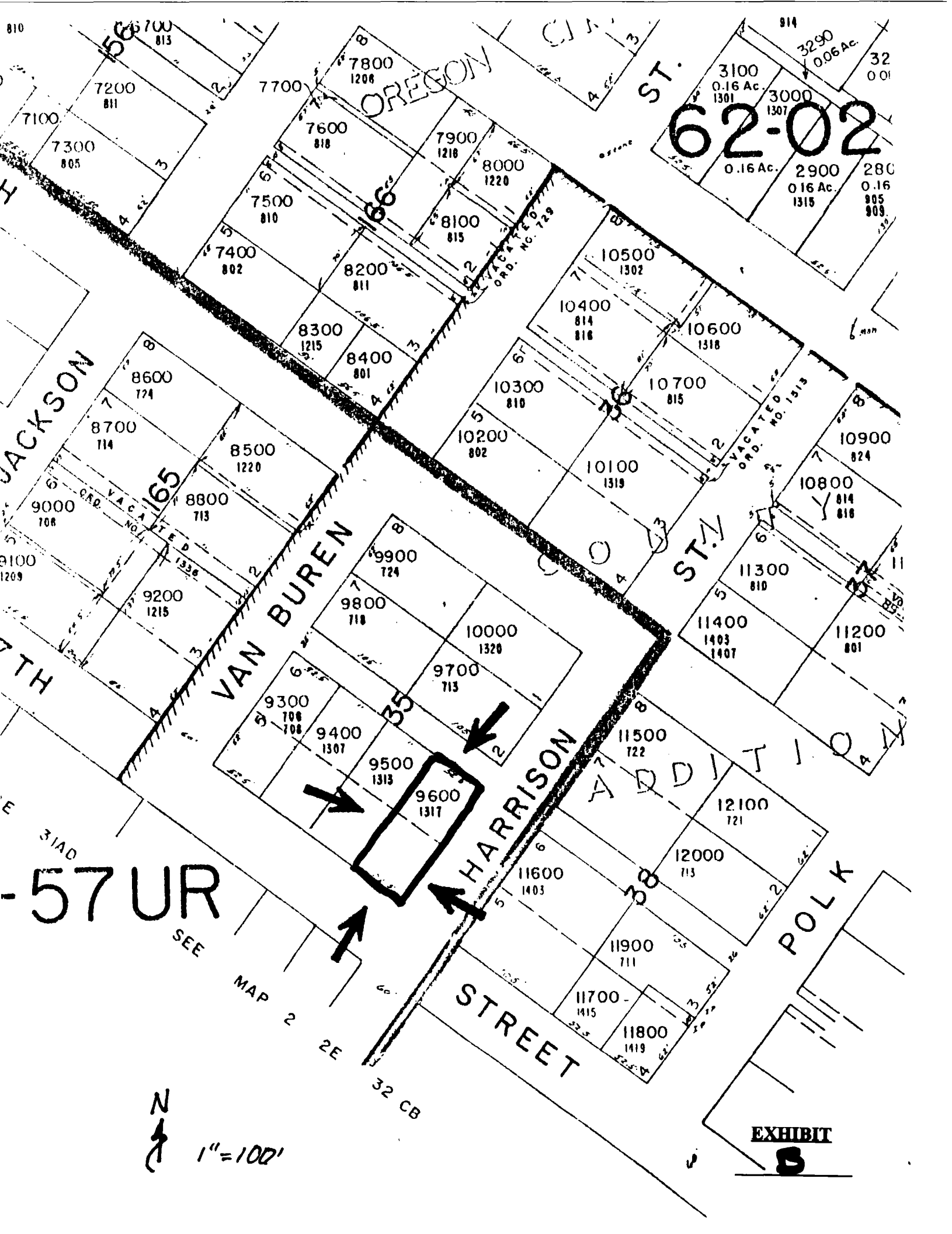
The site has access from the driveway located on Harrison Street, a collector street, and will not directly access 7<sup>th</sup> Street. 7<sup>th</sup> Street is planned to continue to serve as an arterial and as such supports the uses contemplated by this application. Mass transit service currently supports this location and will continue to do so in the future as the transportation facility constitutes the most direct route from areas south of this location to the major transit center on Main Street. The traffic study determines that the existing level of service on 7<sup>th</sup> Street is A/C in the AM and A/D in the PM and that the change in use will not result in a change to the existing levels of service. With the further incorporation of the findings from the transportation study it is determined that the authorized land uses are consistent with this requirement.

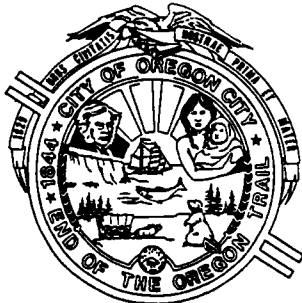
**4. Are the Statewide Planning Goals addressed if the Comprehensive Plan does not contain specific policies or provisions which control the amendment?**

The zone change is consistent with both the comprehensive plan and Statewide Planning Goals as set forth above in paragraph A 1.

**III. CONCLUSION**

Based on the testimony and evidence presented to the Planning Commission, and for the reasons set forth above, we find the comprehensive plan map amendment and zone change complies with all of the applicable approval criteria. Therefore, we recommend the City Commission approve the requests for a comprehensive plan map amendment from LR (low density residential) to O (office) and zone change from R-6 (single family residential) to LO (limited office).





## CITY OF OREGON CITY

INCORPORATED 1844

# COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

November 18, 1998

Page

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Subject:

Report No. 98-175

Comprehensive Plan (PZ98-06) and Zone Change (ZC98-03)  
Convert Comprehensive Plan Designation from Low Density  
Residential (LR) to Office (O) and Zoning from Single Family Residential  
(R-6) to Limited Office (LO).

Located on the northeast corner of 7<sup>th</sup> Street and Harrison Street and  
Containing an existing house on 6,200 square feet of property  
Identified as Map 2-2E-32BC tax lot 9600, Clackamas County.

### Public Hearing

If Approved, Proposed Ordinance No. 98-1028

On October 26, 1998, Planning Commission reviewed and, after receiving additional information from the applicant, recommended approval of an application for a Comprehensive Plan Change and Zone Change. Approval of the proposal will convert 6,200 square feet of property from Low Density Residential (LR) to Office (O) and from R-6 (6,000 square foot) to Limited Office. At a duly noticed public hearing, Planning Commission at the close of the October 26th and based upon the entire record of the matter, voted to approve the comprehensive plan and zone change application. The Planning Commission then requested the attorney for the applicant to submit supportive findings for review by the City Attorney and the Planning Manager for review and approval at the November 9, 1998, meeting. At that meeting the Planning Commission approved the Findings of Fact and Conclusions for the application.

The primary issues that were raised by staff in the October 26, 1998, Staff Report and by opponents were satisfied through additional exhibits and testimony at the public hearing. These issues included:

1. **Demonstrated Need.** The applicant provided maps and additional data regarding the lack of land area for office uses within the City of Oregon City. These exhibits are itemized in this report.
2. **Clustering of Uses.** It was determined by the Planning Commission that the property was surrounded on three sides by Limited Office Commercial or Limited Commercial which satisfied the requirement of clustering of uses.
3. **Applicability of Limited Office.** Concern was raised about the application of LO verses Limited Office Commercial (LOC) or Limited Commercial (LC). Under Limited Office an office is a permitted use, requiring a Site Plan and Design Review Permit, while in the other districts identified above a Conditional Use Permit is required in addition to the Design Review. The fact that the property is located within the McLoughlin Neighborhood Association but *outside* of the McLoughlin Historical District appeared to satisfy the Planning Commissions concerns.

The proposed application satisfies all the requirements of the Municipal Code and Comprehensive Plan based on the attached exhibits, findings of fact, and conclusions.

ISSUED BY THE CITY MANAGER



# CITY OF OREGON CITY

INCORPORATED 1844

## COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

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**Public Hearing**

If Approved, Proposed Ordinance No. 98-1028

It is recommended by the Planning Commission that the property, identified as 2-2E Section 32BC Tax Lot 9600, be converted from Low Density Residential (LR) to Office (O) and rezoned from Single Family Residential (R-6) to Limited Office (LO). Attached for Commission review are the following documents.

1. Public Notice containing:
  - A. Proposed Ordinance No. 98-1028
  - B. Findings of the Planning Commission;
  - C. Map of the property.
2. Planning Commission Minutes for October 26, 1998.
3. Staff Report and exhibits, dated October 26, 1998.
4. Documents submitted to the Record at the Planning Commission Hearing October 26, 1998
  - A. Letter from B & R Consultants, Inc., dated October 26
  - B. Letter to Bill and Roberta Howard (property owners) from Denise Jones, Equity Group, Inc., Dated October 26, 1998
  - C. Multiple Listing search of area 146 (including Oregon City) of all commercial and office availability.
  - D. Letter from the Land Use Committee for the McLoughlin Neighborhood Association, dated October 26, 1998
  - E. Map of all lands in Oregon City identified as Office by the Comprehensive Plan, dated October 26, 1998\*\*
  - F. Comments from property owners of surrounding properties regarding the proposed application, submitted by the applicant
  - G. Zoning Map for the City of Oregon City, highlighted in color by zone\*\*

**\*\*Note:** These are oversized Exhibits that are on file at City Hall.



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INCORPORATED 1844

# COMMISSION REPORT

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**Public Hearing**

If Approved, Proposed Ordinance No. 98-1028

It is recommended that the City Commission approve the recommendation of the Planning Commission. Notice of proposed Ordinance No. 98-1028 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 on December 18, 1998.

CHARLES LEESON  
City Manager

- Cc
- John F. Williams, Jr., Mayor-Elect
  - Daniel W. Holiday, Commissioner-Elect
  - Tamara DeRidder, Planning Manager
  - Property Owner: William and Roberta Howard, 11393 SE 119<sup>th</sup> Dr., Clackamas, OR 97015 (1)
  - Applicant/Legal Counsel: Stacy Fowler, 1419 7<sup>th</sup> Street, Oregon City, OR 97045 (1)
  - McLoughlin Neighborhood Association