

ORDINANCE NO. 99-1007

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

WHEREAS, the applicant/owner is requesting the use of Low Density Residential on property identified at 3S-2E-7D tax lot 390, Clackamas County, and containing 11.7 acres, and

WHEREAS, the applicant is requesting to increase the intensity of the use of the site by amending the use of the property from Clackamas County designation of "LR" Low Density and zone change of FU-10, Future Urbanizable 10 Acre District to City designation of "LR" Low Density and zone change of "R-6" single-family residential, that would allow residential units to be developed at 7.3 units per/acre, and

WHEREAS, the City recognizes that the supportive findings and conclusions adopted by the Planning Commission on January 11, 1999, and March 8, 1999, which recognizes that the applicant provided evidence of the "need" for low density residential uses for Oregon City, and

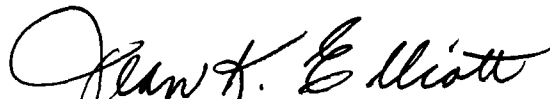
WHEREAS, the proposed use best meets the land use needs and promotes the safety and security of the residents of the City and the State.

OREGON CITY ORDAINS AS FOLLOWS:

This application is hereby approved as to this particular property with the attached findings and conclusions (Exhibits "A" and "B");

Tax Lot 390 Clackamas County Assessor Map 3S-2E-7D, Comprehensive Plan designation is hereby changed from Clackamas County LR, Low Density Residential to City of Oregon City LR, Low Density Residential and zoning designation is hereby changed from Clackamas County FU-10, Future Urbanizable 10 Acre District to City of Oregon City R-6, Low Density Residential.

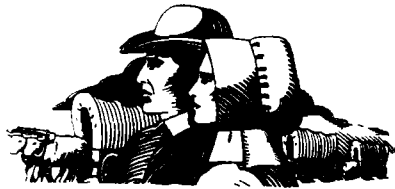
Read first time at a regular meeting of the City Commission held on the 21st day of April, 1999, and the foregoing ordinance was finally enacted by the City Commission this 5th day of May, 1999.


JEAN K. ELLIOT, City Recorder

ATTESTED this 5th day of April, 1999.


JOHN F. WILLIAMS JR., MAYOR

ORDINANCE NO. 99-1007
Effective Date: June 4, 1999



CITY OF OREGON CITY

incorporated 1844

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

COPY

Proceedings of the CITY COMMISSION FINAL ORDER

In the matter of a recommendation of approval by the Planning Commission for the rezoning of 11.7 acres of property from FU-10 to R-6, file ZC 98-06 and Comprehensive Plan amendment from Clackamas County LR to City of Oregon City LR, as file PZ 98-08. The site is located south of Meyers Road and east of Leland Road. The property is identified as Map 3S-2E-7D tax lot 390, Clackamas County.

FOR THE FOLLOWING LAND USE ACTION OR PERMIT: Rezoning of property from Clackamas County "FU-10" to City of Oregon City "R-6" zoning and Comprehensive Plan amendment from Clackamas County "LR" to City of Oregon City "LR".

A hearing having been held on April 21, 1999, it is hereby ordered that:

- (XX) Application is approved. Rezoning of property from Clackamas County "FU-10" to City of Oregon City "R-6" zoning and Comprehensive Plan amendment from Clackamas County "LR" to City of Oregon City "LR". Subject to supportive findings, Exhibit "A" and site plan, Exhibit "B", and the enabling Ordinance No. 99-1007 Exhibit "C".
- () Application is allowed based on the conditions of approval attached as Exhibit "A".
- () Application is denied

This Order is based upon findings attached in Exhibit "A" and site plan, Exhibit "B", and the enabling Ordinance No. 99-1007 Exhibit "C".

DATED, May 5, 1999

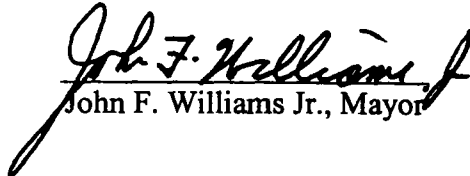

John F. Williams Jr., Mayor

EXHIBIT "A"
Ordinance No. 99-1007
File: ZC 98-06 and PZ 98-08

ANALYSIS AND FINDINGS:

**A. *The Comprehensive Plan Chapter O – Plan Maintenance and Update states
“the method of plan maintenance should be evaluated according to the
following criteria:***

**1. *“Does the proposed change conform with the State Planning Goals and local
goals and policies?”***

State Planning Goal 1 – Citizen Involvement

Comprehensive Plan Chapter B – Citizen Participation, Goals and Policies

The public hearing was advertised and noticed as prescribed by law to be heard by the Planning Commission on January 11, 1998. The public hearing will provide an opportunity for comment and testimony from interested parties.

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.

The UGMA also specifies that the City shall provide notification to the County, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all land use action, proposed legislative changes to the city comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas. Staff has provided proper notification to the county regarding this quasi-judicial action. Comments from the Clackamas County Transportation and Development Department are incorporated in the staff report.

State Planning Goal 2 - Land Use Planning

The Oregon City Comprehensive Plan complies with all the requirement of Goal 2, as acknowledged on April 16, 1982. The applicant's proposal is made under provisions of that plan and its implementing ordinances by providing factual evidence and demonstrating compliance.

The following policies from the Comprehensive Plan, apply to this proposal:

“Provide land use opportunities within the City and the Urban Growth Boundary to accommodate the projected population increase to the year 2000.” (Growth and Urbanization, Policy 1, Page 6-7)

The Oregon City area including its urban growth boundary, is expected to

increase to approximately 38,000 by the year 2000. This application would provide for residential lands to accommodate the projected population.

“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.” (Growth and Urbanization, Policy 2, Page 6-7)

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. The City’s Civil Engineer indicates that urban services are available or can be made available to the subject property.

“Coordinate land use planning with Clackamas County in accordance with the approved Dual Interest Area Agreement.” (Growth and Urbanization, Policy 4, Page 6-7)

In cooperation with Clackamas County, staff has provided proper notification regarding this quasi-judicial action. Comments from the Clackamas County Transportation and Development department indicate that this proposal does not conflict with their interests.

The procedures for the review as outlined by the Comprehensive Plan are being applied and, therefore the requirements of Goal 2 are satisfied.

State Planning Goal 3 – Agricultural Resources
This goal does not apply.

State Planning Goal 4 – Forest Resources
This goal does not apply.

State Planning Goal 5 – Open Space, scenic and Historic Areas, and Natural Resources
There are no identified Goal 5 resources on the subject property.

State Planning Goal 6 – Air, Water, and Land Resources Quality
The requirement of the goal is that any future development, when combined with existing development, shall not exceed the carrying capacity of waste and process discharges. Waste and process discharges are described as solid waste, thermal, noise, atmospheric or water pollutants, contaminants, or products therefrom. The proposed development can be readily served with the expansion of the current City services near the site, including City water, sewer, and storm discharge facilities. Future development will also conform to standards for storm water discharge, grading and erosion control, sewage discharge and buffering requirements. Therefore, this goal is satisfied.

State Planning Goal 7 – Areas Subject to Natural Disasters and Hazards

There is an existing 125' wide PGE power transmission easement which crosses diagonally across the east portion of the subject property. Although there are power lines that traverse the property, there is no indication of any significant hazards associated with this property.

State Planning Goal 8 – Recreational Needs

The proposed density planned for the subject property will not significantly increase the need for recreation facilities. The closest park currently available to serve the site is Hillendale Park, located to the north. Hillendale Park is a 16 acre park located at 19260 Clairmont Way. Facilities include a picnic shelter, tennis courts, walking path, and two play areas for children.

State Planning Goal 9 – Economy of the State

This goal is not applicable because the site is not designated for commercial or industrial use.

State Planning Goal 10 – Housing

The strong population growth in Oregon City (7% increase over the last three years), coupled with a limited supply of residential land within the Urban Growth Boundary (UGB) necessitates the need to annex and rezone property from the County to the City. Through this proposed zone change, this property addresses the needs to provide for additional housing opportunities.

In addition to the population growth expectations that support the proposed re-designation of this site, the Comprehensive Plan also states that because of the unique combination of topography, limited sewer facilities and transportation corridor limitations, this dictates that land in the urban growth boundary will need to remain within the same categories designated in the Clackamas County Comprehensive Plan. According to the Clackamas County Comprehensive Plan, the subject property is designated for low density residential. The reciprocating City land use designation for low density residential allows the property to be zoned either R-10, R-8, or R-6. The applicant has requested a rezone to R-6, which would allow for a density of 7.3 units/acre. Although the R-6 zoning district would allow for 7.3 units/acre, resulting in a maximum build-out of 85 unit for the 11.7 acre site, the fact of the matter is that due to existing site and logistical conditions, maximum build-out can not be accomplished. Conditions that constrain the site include a 125' wide PGE power transmission easement

which crosses diagonally across the southeast portion of the subject property. Another factor is the right-of-way dedications which would also significantly decrease the overall density. The applicant has provided a tentative site plan showing the subject property developed with an R-6 zoning district (refer to Exhibit E). The existing lotting patterns that abut the subject property include Settler's Point to the northeast, although zoned R-8, was developed as a planned unit developed with a density of 4 units/acre.

It appears that most of the abutting lands have been or are proposed to be developed with similar lot sizes as the subject property. Staff concur with the applicant's request to rezone the property to R-6, thereby encouraging compact and sequential urban growth, and efficient uses of lands and resources. In addition, by allowing for R-6 zoning, it would allow for a greater number of single-family residences to access the future park site to the south.

The following policy from the Comprehensive Plan, apply to this proposal:

"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 solution, supported by the elimination of unnecessary government regulation." (Housing, Policy 3)

The applicant's proposal to rezone the property from County FU-10 to City R-6 will help to provide for a diverse range of housing within the low density residential district, while helping the City to provide for development opportunities for single-family homes.

State Planning Goal 11 – Public Facilities and Services

An evaluation and discussion on the availability of City services to serve these properties was included in the annexation application (refer to City file AN 98-06, Fox Homes and Development Inc., Exhibit D). This area is currently experiencing an increase in construction activities. Specifically, with the construction and development of Settler's Point to the northeast, the water system and the sanitary sewer facilities are currently under construction and are stubbed to the subject property for extension upon development. In addition, the City is currently constructing a sanitary sewer pump station in Settler's Point which is sized to service the subject property after development. Both the water and sanitary lines are sufficient to handle the density proposed for this zone change. Although there is currently no existing storm drainage system for the site, water detention will be required during the development process for this site.

The following policies from the Comprehensive Plan, apply to this proposal:

"The City of Oregon City will provide the following urban facilities and services as funding is available from public and private sources:

- a) Streets and other roads and paths
- b) Minor sanitary and storm water facilities
- c) Police protection
- d) Fire protection
- e) Parks and recreation
- f) Distribution of water

g) Planning, zoning and subdivision regulation”
(Community Facilities, Policy 1, page I-21)

“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 5, page I-22)

School district 62 indicates that the subject property is within the McLoughlin Elementary attendance area. McLoughlin school is currently at 81% capacity.

Comments from the City’s Civil Engineer conclude that public facilities and services can be made available to the site. In addition, the transportation system function, capacity, and level of service will be adequate to serve the proposed land uses of this site and its inherent density. The parcel is capable of being developed into residential uses. The buildout of the proposed site will promote efficiency using existing urban facilities. Therefore, the application satisfies State Planning Goal 11 and the Comprehensive Plan Policies for Chapter I - Community Facilities.

State Planning Goal 12– Transportation

The proposed Comprehensive Plan Amendment conforms to the provisions of goal 12. Development of the subject property with single-family homes is supported by the City’s transportation system, as demonstrated by the traffic study prepared as part of this application.

The applicant has provided a traffic study by Lancaster Engineering (refer to Exhibit C). The traffic study considers several nearby projects that have been approved or that have recently submitted an application for development. Those projects include:

- 1) Settler’s Point, an 87-unit residential development. Approved and under construction.
- 2) Haven Estates, a 50-unit residential development. Recently approved.
- 3) Riverside Homes (Blackhawk PUD), 40-unit residential development. Currently in for planned unit development approval. (Staff has confirmed that Blackhawk PUD is a 77-lot PUD, with 37 of those lots located to the south of Leland Road abutting the subject property, the remaining 40 lots are on the north side of Leland Road).
- 4) Pavlinac Farms, 34-unit residential development. Approved and under construction.
- 5) Nobel Ridge, 81-unit residential development. Approved and under construction.

Staff concurs with the applicant’s additional findings that the levels of service for the study area intersections are currently at acceptable levels and will remain acceptable with the addition of traffic from other developments as well as from

the proposed Fox parcel. The addition of traffic from the subdivision does not have a substantial impact on the roadway system, and no short-term roadway improvement mitigations are recommended.

However, the traffic study indicates that by the year 2018, the increase in traffic volumes may require additional street improvements. Taking this into consideration, any future improvements will be addressed through a Non-Remonstrance Agreement.

Therefore, State Planning Goal 12 is satisfied.

State Planning Goal 13 – Energy conservation

The City's Building Code specifies energy conservation measures are to be utilized by all uses developed within the City. The Zoning Code also offers controls to have an impact on energy efficiency. By not allowing lands to be developed before services are available or could be provided, it encourages compact and sequential urban growth, and efficient uses of lands and resources. As a result, the amount of natural resources and energy spent is significantly less.

Goal 13 is satisfied because the proposal makes efficient use of existing resources and public facilities, therefore conserving energy.

State Planning Goal 14 – Urbanization

The proposal is supported by this goal because the change will allow for efficiency of land uses within the existing urban area, and avoid the need for future expansion of the urban growth boundary. By reference, the evaluation and conclusion for Goal 2 is hereby included as support for compliance of this goal.

Therefore, Goal 14 is satisfied.

State Planning Goal 15 – 19. These goals are not applicable to the request

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

The City of Oregon City is one of the fastest growing cities in the southern part of the Portland Metro area with a growth rate over the last three years of 7% (currently we have an approximate population of 22,000 people). The strong population growth in Oregon City, coupled with a limited supply of residential land within the Urban Growth

Boundary (UGB) necessitates the need to annex and rezone property from the county to the City. Through this proposed zone change, this property addresses the needs to provide for additional housing opportunities.

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

The subject parcel is suited for the proposed zone change because of its predisposition for

extension of urban services and its proximity to similar adjacent uses and facilities. The subject property is located in a residential area within which there are a variety of residential densities. In addition, any future development would have access to recreational and open space, as the recently purchased park land to the south is developed.

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

Staff finds that the proposed change will not adversely affect the public health, safety and welfare of the community. The use will remain residential. There are existing single-family developments to the north and northeast. No detrimental effects such as noise or odors are anticipated. Any development will be designed with the recommendations of soils and traffic reports, and local standards to ensure public safety and welfare.

The City's Civil Engineer has determined that with the construction of Settler's Point, there will be an adequate water system and sanitary sewer facility to handle the density proposed for this zone change.

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

The Comprehensive plan acknowledges that the City of Oregon City will receive a significant population increase during the planning period. The Oregon City area including its urban growth boundary, is expected to increase to approximately 38,000 by the year 2000, (and most recently, the 7% growth over the past three years), confirms this statement. The Plan also acknowledges the rise in home prices progressing in the years to come. This application for re-designation does acknowledge that the City expects steady increases in population as established in the Plan, and that new density provisions and in-fill development on small lots must be encourage to help absorb the expected housing demand.

In addition to the population growth expectations that support the proposed re-designation of this site, the Comprehensive Plan also states that because of the unique combination of topography, limited sewer facilities and transportation corridor limitations, this dictates that land in the urban growth boundary will need to remain within the same categories designated in the Clackamas County Comprehensive Plan. According to the Clackamas County Comprehensive Plan, the subject property is designated for Low Density Residential. The applicant has requested a low density zoning designation of R-6, based on the information provided under State Planning Goal 10, Housing.

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

1. *Shall be consistent with the Comprehensive Plan goals and policies;*

The applicant has provided factual findings that the proposal is consistent with the Comprehensive Plan's goals and policies.

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

The applicant's submittal and comments from the City's Civil Engineer address the availability of public services. Water, storm drainage and sewer services can be made available to the subject property. Although the City's Civil Engineer indicates that there is no existing storm drainage system for the site, storm water detention will be required in the development process.

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

The criterion calls for the applicant to provide information concerning the capacity and level of service for the transportation system serving the proposed zoning district. The property will be served by roads in the approved Settler's Point development.

The applicant has provided an analysis for the proposed zoning, considering the build-out potential of the subject site, along with the build-out of surrounding projects. The City's Transportation Engineer has concluded that the traffic generated by this proposal will not overburden the existing roadways serving the site, and no significant transportation impacts will occur. This traffic study has demonstrated that the zone change request is compatible with the planned function, capacity and level of service of the transportation system serving the zoning district. Therefore, section 17.68.030(c) is met.

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

The proposal is consistent with the statewide planning goals as discussed previously in the staff report. Therefore, this criterion has been satisfied.

CONCLUSION AND DECISION:

The applicant's submittal satisfies the requirements of the Statewide Planning Goals, Comprehensive Plan, and Municipal Code.

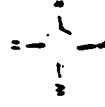
RECOMMENDATION:

Staff recommends approval of file PZ 98-08 and ZC 98-06 for property identified as Clackamas County Map Number 3S-2E-7D, tax lot 390, to change the designation of the property from Clackamas County Comprehensive Plan LR, Low Density Residential to City of Oregon City Designation LR, Low Density Residential and Zoning map from

**Clackamas County FU-10, Future Urbanizable 10-acre minimum to City of Oregon City
R-6, Single-Family Dwelling District.**

Fox Homes Location Map

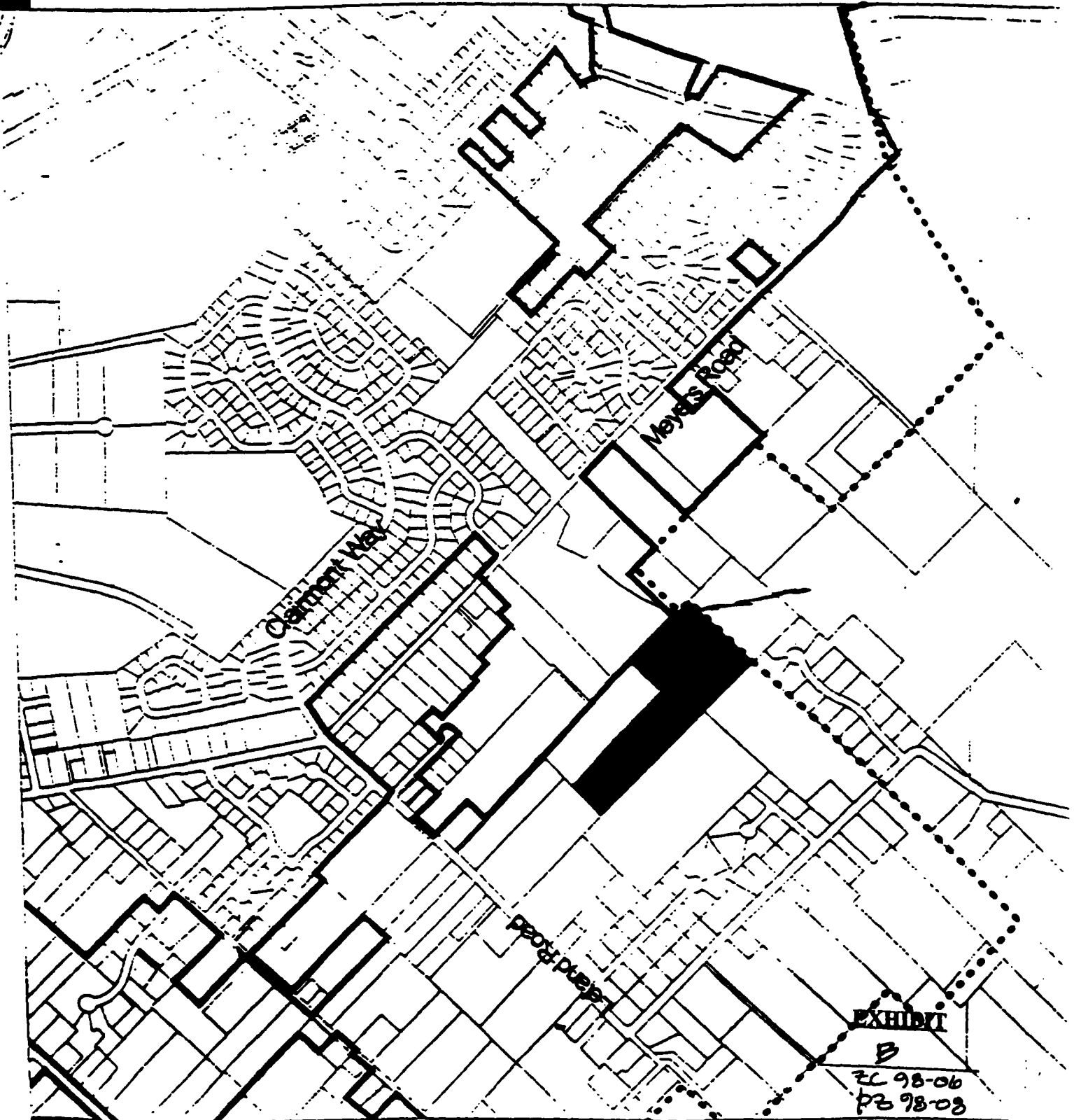
- Subject Site
- UGB
- City Limits
- County



THIS INFORMATION IS FOR INFORMATION ONLY.
The information on this map is derived from City of
Oregon City's official records. It is not intended to be used
for any other purpose. It is not a warranty of accuracy,
completeness, or suitability for any particular purpose.
Any errors will be corrected.



City of Oregon City
300 West Main Street, Oregon City, Oregon 97133
(503) 638-2000





CITY OF OREGON CITY

INCORPORATED 1844

COMMISSION REPORT

TO THE HONORABLE MAYOR AND COMMISSIONERS

FOR AGENDA

DATED

May 5, 1999

Page 1 of 1

Subject:

Report No. 99-77

Proposed Ordinance No. 99-1007, An Ordinance Amending the Comprehensive Plan Map and Chapter 17.06.030, Official Zoning Map, of the Oregon City Municipal Code of 1991, by Changing Certain Districts - Second Reading and Final Order

At its April 21, 1999 meeting, the City Commission was presented Ordinance No. 99-1007 which contained a zone change and Comprehensive Plan Amendment from Clackamas County LR, Low Density Residential to City LR, Low Density Residential for property south of Meyers Road and east of Leland Road for public hearing. As a result of the public hearing, first reading was held. On a vote of 3 "aye" and 2 "nay", second reading was continued to the May 5, 1999 agenda.

Additionally, Commissioner Neeley requested specific clarification on the minimum buildouts there would be for a PUD for an R-8 for more discussion.

Regarding the request of Commissioner Neeley, the following table is presented for that clarification:

Total Gross Area=11.7 acres

Total Net Buildable Area=7.4 acres

*net buildable area is gross area minus 2.5 acres of right-of-way and minus 1.8 acres of PGE easement.

	Gross Density Subdivision	Net Density Subdivision	PD Density (80% of gross density)
R-8	63	40	50
R-6	85	54	68

*All numbers are based on maximum number of dwelling units

On the May 5, 1999 agenda is Ordinance No. 99-1007 which is presented for second reading only and final enactment to become effective June 4, 1999.

CHARLES LEESON
City Manager

- cc
- Brian Cosgrove, Interim Community Development Director
 - Barbara Shields, Interim Planning Manager
 - Property owner, Fox Homes & Development, Inc.
 - Harlan Levy, Esq.
 - CIC

Staff Contact: Sidaro Sin, Associate Planner 657-0891 ext. 164

ISSUED BY THE CITY MANAGER