

**PLANNING COMMISSION AGENDA**  
**City Commission Chambers - City Hall**  
625 Center Street, Oregon City, Oregon 97045  
**Monday, July 9th, 2012 at 7:00 p.m.**

The Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings. ([www.orcity.org](http://www.orcity.org))

Page

1. CALL TO ORDER AND ROLL CALL
2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA
3. PLANNING COMMISSION HEARING
- 2-144 a. AN 12-03: Annexation of 11.9 acres at 19314 Beaver creek Road.
4. COMMUNITY DEVELOPMENT DIRECTOR UPDATE
5. ADJOURN

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## COMMISSION REPORT: CITY OF OREGON CITY

TO:	Planning Commission
FROM:	Tony Konkol, Community Development Director
PRESENTER:	Pete Walter, AICP, Associate Planner
SUBJECT:	Proposed annexation of 11.93 acres into the City of Oregon City (Planning File AN 12-03)
Agenda Type: Public Hearing	
Approved by: Tony Konkol, Community Development Director	

### RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission recommend approval of the requested annexation to the City Commission for their consideration at the August 1, 2012 City Commission meeting.

### BACKGROUND:

The applicant has requested approval to annex approximately 11.93 acres of property with a comprehensive plan designation of Industrial into the city limits of Oregon City. The site is located at 19314 Beaver Creek Road, directly across from Clackamas Community College, and has been within the Oregon City Urban Growth Boundary since 1979.

### BUDGET IMPACT:

FY(s):

Funding Source:

### ATTACHMENTS:

Planning File AN 12-03 Staff Report

- 1) Applicant's Annexation Application
  - a. Application Form
  - b. Annexation Petition
    - i. Legal Description and Map
    - ii. Consent Form
    - iii. Certification of 100% Ownership of Land Area
    - iv. Certification of Legal Description and Map
    - v. Certification of Registered Voters
    - vi. Notice List
    - vii. Boundary Change Information Sheets
    - viii. Majority Worksheet
  - c. Narrative
  - d. Description of Site and Surrounding Area
  - e. Responses to Approval Criteria
  - f. Pre-application Conference
  - g. Title Trio Report
  - h. Property Zoning Report, Site Maps and Attachments
  - i. Caufield Neighborhood Meeting Summary – May 22, 2012
  - j. Transportation Impact Study, dated June 25, 2012, Lancaster Engineering
  - k. TPR Memorandum, dated June 28, 2012, Lancaster Engineering
  - l. Other
- 2) Letter from Caufield N.A. regarding Caufield N.A. executive committee meeting
- 3) Replinger and Associates Review of Applicant's Transportation Impact Study and TPR Analysis, dated June 29, 2012
- 4) Agency Comments

- a. ODOT (To be Submitted at Hearing)
- 5) Public Notices (300' Mailing, Sign, Transmittal, Newspaper affidavit, Sign Posting Affidavit, Mailing List);
- 6) Permit Receipt for Review Fees (To be Submitted at Hearing)
- 7) Urban Growth Management Agreement (UGMA) with Clackamas County
- 8) Metro Ordinance 79-77



**FILE NO.:** AN 12-03

**APPLICATION TYPE:** Annexation (11.9 acres)

**HEARING DATES:** **Planning Commission – July 9, 2012** - 7:00 p.m., City Hall, Commission Chambers  
625 Center Street, Oregon City, OR 97045

**City Commission – August 1, 2012** - 7:00 p.m., City Hall, Commission Chambers  
625 Center Street, Oregon City, OR 97045

**APPLICANT/REP.:** Robert Price, Portland, Oregon (full address on file)

**OWNER:** Norma Hochhalter Trust, Clackamas, Oregon (full address on file)

**REQUEST:** Annexation of approximately 11.93 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary (since 1979) and has a Comprehensive Plan designation of Industrial (I).

**LOCATION:** 19314 Beaver Creek Road, Oregon City, OR 97045, abutting Beaver Creek Road directly across from Clackamas Community College.  
Identified as Clackamas County Map No. 3-2E-09A, Tax Lot 800. (See Maps , Exhibit 1b1).

**REVIEWER:** Pete Walter, AICP, Associate Planner  
Bob Cullison, Development Services Manager

**COMPREHENSIVE PLAN DESIGNATION:** I – Industrial

**CURRENT ZONING:** Clackamas County Future Urbanizable 10-Acre District (FU-10)

**RECOMMENDATION:** Approval.

**REVIEW PROCESS:** *Annexation Petitions are reviewed by the Planning Commission and City Commission at noticed Public Hearings. The City Commission shall endeavor to review all proposals prior to the city application*



*deadline for submitting ballot measures to the voters. The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 14.04.060 of the Oregon City Municipal Code. The City Commission shall make findings in support of its decision to schedule an annexation for an election.*

### **Proposal**

The applicant seeks to annex one (1) parcel into the City of Oregon City. The parcel is currently located within unincorporated Clackamas County, inside the Portland metropolitan area Urban Growth Boundary (UGB), and within the Urban Growth Management Agreement (UGMA) Area of Oregon City and Clackamas County. The area of the proposed annexation is located east of Beaver Creek Road, directly across from the entrance to Clackamas Community College. The area is comprised of one (1) tax lot with a total area of approximately 11.93 acres.

### **Applicant's Narrative Statement**

The applicant has prepared a detailed narrative addressing the required application factors in OCMC 14.040.050(E)(7)(a) through (g). The applicant's narrative is attached as Exhibit 1c.

### **Existing Conditions**

The site slopes gently to the east. There is a small wooded area on the rear property boundary. Currently there is one (1) single-family home on the property, a barn and small shed. The property is in agricultural use. There is a large BPA powerline within a 100' wide easement crossing a large portion of the southern half of the property from east to west (See exhibit 1bi). The portion of the property abutting Beaver Creek Road provides approximately 100 feet of street frontage, but due to the shape of the parcel the majority of the parcel is located approximately 750 feet east of the Beaver Creek Road and creates the parcel's "flag shape".

### **Surrounding Zoning and Land Use**

Currently the 11.93 acre parcel has a County Zoning designation of FU-10 Future Urban – (10 acre minimum), and is developed with one single family residence (built in 1958) and some outbuildings.

The site and neighboring lots contain some uses that are rural in character but also include uses that indicate a transition in the surrounding area to more urban uses. For example, Clackamas Community College's campus is located across Beaver Creek Road from the site, and the Moss Campus of the Oregon City High School is approximately one quarter mile south of the site on Beaver Creek Road. Additionally there are several nearby residential subdivisions, and the Berry Hill Shopping Center is at the intersection of Beaver Creek Road and Highway 213, less than a ½ mile southwest. The following map indicates the surrounding zoning.

The primary road serving this area is Beaver Creek Road, a Clackamas County facility. There are several local residential level streets feeding into Beaver Creek Road in this vicinity, serving developed single family residential

areas. Henrici Road to the southeast, another county road, intersects both Beaver Creek Road and Hwy. 213 and provides direct through travel between these two major thoroughfares. This area bounded by Hwy. 213, Beaver Creek Road, and Henrici Road is almost entirely within the Urban Growth Boundary.

There continues to be considerable farming activity in the immediate vicinity, but virtually all is outside the city limits. Urban development has gradually increased in this neighborhood area, while several farm and non-farm related dwellings remain on various properties in the vicinity.

#### **Description of Petition**

There is no current resident on the proposed annexation site. The 2011 assessed valuation for the property is \$202,653. Proposal No. AN 12-03 was initiated by the consent petition of the owner of 100% of the acreage, 100% of the property owners, and 100% of the total assessed value of the property. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (triple majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

Under the City's Annexation Code Chapter 14.04, the Planning Commission reviews annexation proposals and makes a recommendation to the City Commission. If the City Commission decides the proposed annexation should be approved, the City Commission is required by the City Charter to submit the annexation to the electors of the City. If a necessary party raises concerns prior to or at the City Commission's public hearing, the necessary party may appeal the annexation to the Land Use Board of Appeals within 14 days of the date of the City Commission's decision.

#### **Existing Utility Conditions**

The parcel is currently served by Clackamas River Water (CRW) for water service. The parcel is not currently connected to sanitary sewer or stormwater management facilities, although the site would need to be annexed to Tri-City Service District upon approval of the annexation to the City through a separate annexation process. City water is located in Beaver Creek Road, consisting of a 16-inch ductile iron water line running along Beaver Creek Road in front of the property. The nearest sanitary sewer is a manhole in Beaver Creek Road, 485 feet north of the north property line and the extension would be at least a 12-inch main line. Currently there are no storm water facilities on the property. If the subject property is annexed and developed, a connection to water can be made without significant impacts to those facilities. New connections to sanitary will require the 485 foot extension and new connections to storm water will require analysis of any existing county stormwater system and appropriate extensions if necessary.

#### **The Beaver Creek Road Concept Plan**

The City's Beaver Creek Road Concept Plan was the subject of a LUBA appeal. The plan was remanded to the City and to Metro for further review and at this point has not been adopted by the City Commission. Metro has

updated the regional plan to reflect the urban design types reflected in the city's draft plan. Since the plan has not been adopted it does not contain any binding requirements, however the applicant has prepared their annexation application to respond to the plan. The area is within the North Employment Campus portion of the plan. With the ultimate development of the 453-acre Beaver Creek Road area as contained in the Concept Plan, there may be some need to upgrade, improve and replace existing public facilities.

There are no storm water drainage facilities on or adjacent to the site, other than County roadside ditches for storm water in the Beaver Creek Road right of way. While these County ditches may suffice at the present time under current development, they will not be sufficient in the future when development takes place. As such, until a formal storm drainage surface water management system is developed in the vicinity, any development on the subject site will require appropriate frontage storm water improvements meeting County standards to connect to the existing county ditches, on site detention, and treatment of any site generated storm water drainage using Low Impact Design.

Beaver Creek Road is and will continue to be the primary transportation route serving the Beaver Creek Road area. At the present time, the road carries about 17,000 vehicles per day. Portions of Beaver Creek Road have been improved, and there are several signalized intersections along the length of the road. However, in the future when the Concept Plan is implemented, there will need to be other transportation facilities developed in the area.

Both Clackamas Community College and the Moss campus of Oregon City High School are very near the subject site. Both sites provide open space and recreational opportunities, not only for the students at these two institutions but for local residents and visitors to the area. Once the Beaver Creek Road Concept Plan is adopted and implementation begins, additional park and open space facilities will be developed, perhaps on the subject site too, for the use of residents and users of the Beaver Creek area.

It should be noted that because the subject site is currently designated "I" Industrial on the Comprehensive Plan, there will be no residents on the subject site. Therefore, there will be no pressure on elementary and middle schools. However, as noted previously in this narrative, there may be employment opportunities for students and graduates of Oregon City High School and Clackamas Community College within the North Employment Campus.

#### **Regional Planning Considerations**

This parcel is within the original 1979 UGB area, approved by Metro Ord. 79-77 which was adopted by Metro 11/8/1979 (Exhibit 8). In 2002, Metro passed Title 11 to require Concept Plans for urban growth boundary expansions before those lands may be annexed by the City. This property was already within the UGB before 2002, and already has a Comprehensive Plan designation of I-Industrial. The property therefore is eligible for re-zoning by the City Commission to a default zoning of Campus Industrial, provided that the Commission finds that

the application represents a positive balance of the applicable factors for approval, and subject to voter approval of the annexation.

The property is also part of the Beaver Creek Road Concept Plan North Employment Campus. The applicant has discussed the plan's relevance to the application on pages 14-16 of the narrative, and has shown how the proposed annexation is consistent with the Beaver Creek Road Concept Plan. Please see Findings later in this staff report.

The property annexation must show compliance with Metro Code 3.09, as documented in this staff report.

### **CONSIDERATION OF ANNEXATION FACTORS**

#### **Chapter 14.04 - CITY BOUNDARY CHANGES AND EXTENSION OF SERVICES**

##### **OCMC 14.04.020 - State and regional regulations regarding annexations, other boundary changes and extensions of services.**

*The regulations and requirements of ORS Ch. 222, and Metro Code Section 3.09, are concurrent obligations for annexation and are not affected by the provisions of this chapter.*

Consideration of ORS 222 and Metro Code 3.09 has been included later in this staff report.

##### **14.04.060 - Annexation Factors.**

*A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*

###### **1. ADEQUACY OF ACCESS TO THE SITE;**

The adjacent road right-of-way of the property proposed for annexation is already within Oregon City Limits, although Clackamas County maintains jurisdiction.

The subject site has frontage on Beaver Creek Road of sufficient width to allow for full development of a city standard street to serve the site. In addition, the Concept Plan envisions a road through the site that will be a major part of the internal circulation for the North Employment Campus. Therefore, there is adequate potential access to the site.

The applicant has demonstrated that the proposed annexation complies with the City's Transportation System Plan and with the Statewide Transportation Planning Rule (TPR) as demonstrated in the submitted Transportation Impact Study and supplemental TPR memo (Exhibits 1j and 1k), as discussed later in this staff report.

**Overall Annexation Factor (2) Finding: The proposed annexation has adequate access and is consistent with this factor.**

**2. CONFORMITY OF THE PROPOSAL WITH THE CITY'S COMPREHENSIVE PLAN;**

Section 14 of the Oregon City Comprehensive Plan is entitled "Urbanization." Several policies in this section are pertinent to proposed annexations. Additionally, the following excerpts from the Comprehensive Plan expand on the City's annexation philosophy and requirements.

*The City is required to refer all proposed annexations to the voters. Rather than having voter approval of individual property owners' requests to annex, the City should prepare and implement an annexation plan and program. The City could then annex large blocks of properties (with voter approval) at one time, rather than in a piecemeal fashion. Annexation would be tied more directly to the City's ability to provide services efficiently, maintain regular city boundaries, and help the city meet Metro targets for housing and employment. The zoning of the property should be decided at the time the Planning Commission and City Commission review and approve the annexation request.*

*Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the City's municipal code. Metro and state regulations promote the timely and orderly provision of urban services, with which inappropriate annexations can conflict. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid those conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this comprehensive plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.*

The City has not prepared an annexation plan and program to facilitate wholesale large block area annexations. Until such a methodology and process is in place, annexation will continue in a piecemeal fashion such as this proposal. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to Beaver Creek Road. This annexation does maintain regular city boundaries since approximately 2,700 feet of the property boundary of the properties touches the city limits. The applicant has provided responses to the following Oregon City Comprehensive Plan annexation goals and policies that may be considered positive factors for approval of annexations.

***Industrial Land - Page 13 of Comprehensive Plan***

**Finding:** This introductory paragraph states "[T]he goals of the City are to protect existing industrial land from conversion, where appropriate, to annex industrial land and expand the Urban Growth Boundary to add urbanizable industrial land to the inventory, and to ensure that public facilities can serve future development."

The proposed annexation of the subject site would satisfy this statement for several reasons. First, the subject site is designated "Industrial" on the city's Comprehensive Plan, a desired land use type to add to the city limits. The subject site is within the Urban Growth Boundary (UGB) and, therefore, any expansion of the UGB would not be required. Finally, existing public facilities are available in Beaver Creek Road and can be extended to serve the site. As such, through the satisfying of the statement on page 13 of the Comprehensive Plan, the subject site would also satisfy the premise of adding suitable industrial land to the City's inventory through annexation of the subject site.

***Planned Land-Use Types - Page 14***

***• Industrial (I) - uses related to manufacturing, processing and distribution of goods. Employment-based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).***

**Finding:** The subject site has been designated "I" (Industrial) on the City's adopted and acknowledged Comprehensive Plan. Since the city's Comprehensive Plan has been adopted by the City and acknowledged by both Metro and the Land Conservation and Development Commission (LCDC) as being in compliance With Metro's Title 4, the future development of the subject site for industrial purposes is appropriate. No change of the UGB, Comprehensive Plan, Zoning Ordinance, or zoning district would be required to annex this site.

***Goal 2.1 - Efficient Use of Land***

***Ensure that property planned for residential, commercial, office, and industrial uses are used efficiently and that land is developed following principles of sustainable development.***

**Finding:** Once the site is annexed to the City of Oregon City, the applicant may begin planning in earnest for the future development and use of the site. Any site development will follow the requirements of the Zoning Ordinance. The applicant indicates that to the greatest extent possible, principles of sustainable development will be followed and, if possible, the site will be on the cutting edge of industrial property development in Oregon City.

***Policy 2.1.4 Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.***

**Finding:** Because this site has never been previously developed for anything other than agricultural use, this policy may not directly apply. However, it could be determined that this site may be ultimately included in an urban renewal district, which could impact the manner in which it is developed in accordance with the Comprehensive Plan and the Beaver Creek Road Concept Plan. The proposed annexation is consistent with this policy.

***Goal 2.6 -Industrial Land Development***

***Ensure an adequate supply of land for major industrial employers with family-wage jobs.***

**Finding:** This Goal is incumbent on the City to insure that an adequate supply of land is available for major industrial employers with family-wage jobs. At 12 acres, the subject site may or may not be suitable for a large major employer. But family-wage jobs need not come from "major employers". Any employer that provides family-wage jobs would be a welcome addition to Oregon City. With the planning effort for the Beaver Creek Road Concept Plan, the opportunity for creation of an environment in which an employer providing family-wage jobs on the subject site may increase as opposed to simply having vacant industrial land in a non-descript setting. The proposed annexation is consistent with this policy.

***Policy 2.6.1 Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex .***

**Finding:** The subject site has been included in the industrial land base of Oregon City, and is within the Urban Growth Boundary. As such, there is no issue relative to having to work with Metro to insure enough land for industrial development. However, since there have been no recent additions to the UGB that would increase the supply of industrial lands, and because the industrial land supply continues to dwindle slightly, there continues to be a need for viable industrial sites in Oregon City. The subject site is one of those viable industrial sites, especially if properly planned through the Beaver Creek Road Concept Plan. The proposed annexation is consistent with this policy.

***Policy 2.6.2 Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.***

**Finding:** The subject site is planned for future industrial use, as established by the "I" (Industrial) designation on the city's Comprehensive Plan. The future industrial zoning may be "CI", or Campus Industrial, as changed from the current FU-10. This CI zoning would be the same as currently exists for the parcels adjacent on the west and south that are within the City of Oregon City. Therefore, this site should have a higher priority for industrial development than other sites which may not be appropriately designated and zoned. It is the long range plan of the property owner for industrial development to take place on the subject site, in keeping with the Comprehensive Plan designation and future zoning, once the site is annexed. The proposed annexation is consistent with this policy.

***Policy 2.6.3 Protect the city's supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.***

**Finding:** The industrial designation on the city's Comprehensive Plan is a means of protecting the subject site for future industrial use. However, until the site is annexed to the city, full protection of this future industrial site may not be entirely guaranteed. Remaining in the county could mean the site is in a state of "limbo" as far as future

planning and use are concerned. However, by virtue of being included in both the UGB and the city's industrial land base, this will provide initial protection of this undeveloped site until this site is annexed. The proposed annexation is consistent with this policy.

***Policy 2.6.4 Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.***

**Finding:** As with most of the other policies, it will be incumbent on the city to provide the protection of undeveloped industrial lands such as the subject site. The property has a comprehensive plan designation of Industrial and, if the annexation is approved, will be zoned Campus Industrial. The Campus Industrial zoning designation, through the adopted permitted and conditional uses, protects industrial lands from incompatible uses. The proposed annexation is consistent with this policy.

***Policy 2.6.5 Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.***

**Finding:** While the subject site is designated fully for industrial development, there are residential developments, both existing and planned, within a reasonably short distance from the site. As such, through the Beaver Creek Road Concept Plan, the proposed annexation is consistent with this policy.

***Policy 2.6.6 Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.***

**Finding:** While the city may be ultimately responsible for identifying various industrial uses that might partner with Clackamas Community College and become employers of graduates from CCC, the applicant will cooperate with the city in identifying such possible uses and users of the various development opportunities on the subject site. Thus far, the applicant has not seen any "listing" of industrial uses that would fulfill and satisfy this policy, but will stay in contact with the city for such listing of potential uses and users. The proposed annexation is consistent with this policy.

***Policy 2.6.7 Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.***

**Finding:** At the present time, there is water, sanitary sewer and local utilities that exist in the immediate vicinity to serve the development of the subject site. Water is provided via Clackamas River Water District's 16-inch line in Beaver Creek Road, and sanitary sewer is provided through an 8-inch line, also in Beaver Creek Road, that could be extended to the site. There are no local storm drainage facilities, other than ditches in the right-of-way of Beaver Creek Road. The proposed annexation is consistent with this policy.

***Policy 2.6.8 Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, would guide***



***zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the city's employment goals.***

**Finding:** The subject site is designated "Industrial" on the Comprehensive Plan, not "Future Urban". This property was not part of the 2002 and 2004 UGB expansion and is not subject to this policy.

***Goal 9.1 -Improve Oregon City's Economic Health***

***Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.***

**Finding:** By virtue of its location along Beaver Creek Road and proximity to Highway 213 and I-205, the subject site can be an active partner with the city in working to achieve this Goal. Depending on the type of use and users of the site, future employment opportunities may be able to provide family-wage jobs, thus leading to a vital and diversified economy in Oregon City. Depending on the types of uses and users on the subject site, the amount of goods and services based in Oregon City can be increased. The proposed annexation is consistent with this policy.

***Policy 9.1.1 Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.***

**Finding:** The property is suitable for high quality industrial users that could provide higher paying jobs in a stable economic environment that can be resistant to downward economic trends. Any development of the subject site, once annexed, will provide for an increased tax base for the city. The property owner is sensitive to the quality of the environment, and views the future development of the site as a duty to the health of the local environment. Policy 9.1.2 Contribute to the health of the regional and state economy by supporting efforts to attract "traded sector industries" such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state's economy by bringing money in from sales of goods and services outside of the state). The proposed annexation is consistent with this policy.

The applicant states that; seeking the "high tech" industries is an admirable goal, but the city cannot forget other industries that may be called "low tech" that also serve multi-state and international markets, and bolster the state's economy. Keeping an open mind with regard to recruitment of industrial users for the subject site will also serve to satisfy this policy, while perhaps making the high tech industries a top priority. Some or all of the "economic development incentives referred to on page 67 of the Comprehensive Plan can serve to promote the attracting of uses and users of the subject site, once the site is annexed. With the recent loss of 250 jobs at Blue Heron Paper, the Oregon City economy could use some replacement growth, perhaps in another location and in another type of industry. The redevelopment of the Blue Heron site is problematic and could be a costly and involved process, depending on potential future users. While the Blue Heron site is not land lost to the industrial

land base, the usability of the site may be significantly impaired, which can be "replaced" by annexation of other properties with better development options.

**Goal 14.1 - Urban Growth Boundary**

***Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planned period for a full range of city land uses, including residential, commercial, industrial, and institutional.***

**Finding:** The subject site is already within the Urban Growth Boundary (UGB) and, therefore, no amendment to enlarge the UGB is necessary. The site was originally included in the UGB and designated for future industrial use. It has been, by virtue of its inclusion in the UGB, part of the city's industrial land base. Further, the inclusion in the "North Employment Campus" of the Beavercreek Road Concept Plan is further evidence of its proposed future development and use as industrial land by the city. Master planning of the site, under the provisions of the Beavercreek Road Concept Plan will be conducted once annexation is completed. The proposed annexation is consistent with this policy.

**Goal 14.3 - Orderly Provision of Services to Growth Areas**

***Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.***

**Finding:** This property was added to the Oregon City UGB in 1979 and the services needed to serve the property have been included in the adopted Capital Improvement Programs for the city. The proposed annexation is consistent with this policy.

***Policy 14.3.2 Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents of the city.***

**Finding:** This property was added to the Oregon City UGB in 1979 and the services needed to serve the property have been included in the adopted Capital Improvement Programs for the city. The proposed annexation is consistent with this policy.

***Policy 14.3.3 Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.***

**Finding:** The applicant has not proposed the formation of a new urban service district. The proposed annexation is consistent with this policy.

***Policy 14.3.4 Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for System Development Charges.***

**Finding:** The development of the subject site will be subject to the city's adopted System Development Charges in place at the time of development. The SDC's have been adopted by the City Commission and reflect the cost of provided needed infrastructure improvements resulting from new development. The proposed annexation is consistent with this policy.

***Goal 14.4 - Annexation of Lands to the City***

***Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City Ordinances, and the City Charter.***

**Finding:** The subject site is within the Urban Growth Boundary, the inclusion of which involved an analysis of the ultimate serviceability of the site, and a determination that future public facilities and services would be suitable for the industrial development and use of the site. This property and the impacts associated with the development of the property to an industrial use have been incorporated in to the existing water, sewer, transportation and other master plans that the City has adopted. The overall conclusion is that the site can be served adequately. As part of the UGB, the proposed development and use of the site for industrial purposes complies with the Goals and Policies of the city's Comprehensive Plan. Because the proposed future development of the site will be in keeping with the "I" designation of the site, and the possible future "CI" (Campus Industrial) zoning, the annexation of the site is the next logical step in full and overall compliance with the city's Comprehensive Plan, Zoning Ordinance, and other adopted documents of the city. The proposed annexation is consistent with this policy.

***Policy 14.4.1 Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.***

**Finding:** The subject site has been within the City's UGB since 1979 and is planned and designated for future industrial use. It is contiguous to the city limits on the south and west sides of the parcel. As such, this policy is satisfied.

***Policy 14.4.2 Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.***

**Finding:** Since this property has been within the UGB since 1979, a comprehensive plan designation of Industrial has already been adopted. While the property was included in the Beavercreek Road Concept Plan, it is not required that this property go through the concept planning process. Before the site can be developed, System Development Charges for water, sewer, stormwater, parks and transportation improvements will be collected. The provision of public facilities and services will be financed in part by property owner contributions and by additional publicly supported financial programs. The proposed annexation is consistent with this policy.

***Policy 14.4.3 Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:***

- ***Avoid creating unincorporated islands within the city;***
- ***Enable public services to be efficiently and cost-effectively extended to the entire area; or***
- ***Implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.***

**Finding:** First, the annexation of the subject parcel will not create an island within the city. Second, based on the availability of existing public services (i.e., water and sanitary sewer) in Beaver Creek Road within 500 feet of the subject site, extension of those services to serve the greater site can be accomplished. Once extended into the property, the service lines can be looped and stubbed to accommodate service to other adjacent parcels once they are annexed and/or developed. The property will be zoned Campus Industrial until such time that the Beaver Creek Road Concept Plan has been adopted. The proposed annexation is consistent with this policy.

***Policy 14.4.4 Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by failing septic tank sewage systems.***

**Finding:** If a health hazard exists in the immediate vicinity, this site, and others adjacent to it, can be annexed in an expedited process under a health hazard determination by the appropriate state agencies. However, the property owner is unaware of an immediate health hazard designation of the property. Should such a health hazard designation be determined, services can be extended into the property from existing lines in Beaver Creek Road and, if necessary, looped and/or stubbed to provide connection opportunities for adjacent properties. Otherwise, the site will be developed in accordance with the Concept Plan, once it is adopted. The proposed annexation is consistent with this policy.

***Goal 11.1 Provision of Public Facilities***

*Serve the health, safety, education, welfare, and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.*

***Policy 11.1.1***

*Ensure adequate public funding for the following public facilities and services, if feasible:*

- *Transportation infrastructure*
- *Wastewater collection*
- *Stormwater management*
- *Police protection*
- *Fire protection*
- *Parks and recreation*
- *Water distribution*

- *Planning, zoning and subdivision regulation*
- *Library services*
- *Aquatic Center*
- *Carnegie Center*
- *Pioneer Community Center*
- *City Hall*
- *Buena Vista House*
- *Ermatinger House*

**Finding: the proposed annexation is consistent with Goal 11.1 and Policy 11.1.1.** Policy 11.1.1 defines what is encompassed within the term “urban facilities and services” as it pertains to annexation. The City’s Plan is more inclusive in its definition of what services are considered an “urban service” than is the Metro Code. The City’s Plan adds police services, fire protection and planning, zoning and subdivision regulation to the list of urban services that are to be considered by the Metro Code. The Metro Code also includes mass transit in addition to streets and roads.

If the property was to be developed, the property would be required to connect to the city’s water, sewer and stormwater system and would pay the appropriate connection fees, and/or SDCs and on-going user fees, thereby paying their fair share.

**Policy 11.1.3** *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.*

**Policy 11.1.4** *Support development on underdeveloped or vacant buildable land within the City where urban facilities and services are available or can be provided and where land use compatibility can be found relative to the environment, zoning, and comprehensive plan goals.*

**Policy 11.1.5** *Design the extension or improvement of any major urban facility and service to an area to complement other urban facilities and services at uniform levels.*

**Finding: The proposed annexation is consistent with Policies 11.1.3 and 11.1.4,** which encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be provided urban services should not be annexed. The proposed land in this annexation can be provided urban services. **The proposed annexation is consistent with Policy 11.1.5,** which requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. Read together, these policies suggest that when annexing lands, the City should

consider whether a full range of urban facilities or services are available or can be made available to serve the territory to be annexed. Oregon City has implemented these policies with its Code provisions on processing annexations, which requires the City to consider adequacy of access and adequacy and availability of public facilities and services. Overall, it appears that the city can provide urban service capacity to this area.

**Goal 11.2: Wastewater**

*Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.*

**Policy 11.2.2** *Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing urban growth boundary. Strategically plan for future expansion areas.*

**Finding: The proposed annexation is consistent with Goal 11.2 and Policy 11.2.2.** Since all new development on annexed lands is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City operates the sanitary sewer collection system, which connects to the Tri-City Service District interceptor. Sanitary sewer is available, through an extending the service approximately 500 feet to the subject property if it were to develop in the future.

**Policy 11.2.3** *Work with Tri-City Service District to provide enough capacity in its collection system to meet standards established by the Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage to surface waters.*

**Finding: The proposed annexation is consistent with Policy 11.2.3.** Before sanitary sewers can be extended to lands annexed to the City, those lands will need to annex to the Tri-City Service District. The property owner has included a petition to initiate annexation to Tri-City Service District after annexation to the City. The City Commission should concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the annexation.

**Goal 11.3** *Water Distribution*

*Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.*

**Policy 11.3.1** *Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing urban growth boundary and strategically plan for future expansion areas.*

**Finding: The proposed annexation is consistent with Goal 11.3 and Policy 11.3.1.** The subject property is currently within and served by the Clackamas River Water (CRW) District service area. The CRW District provides domestic water supply to the City of Oregon City. There is currently a 16-inch water line and an 8-inch sanitary sewer line in Beaver Creek Road. The water line is available to the site and the sanitary sewer line is approximately 500 feet to the north of the site. It is anticipated that these existing facilities will be sufficient to serve the site. However, with the ultimate development of the 453-acre Beaver Creek Road area as contained in the Concept Plan, there may be some need to upgrade, improve and replace these existing facilities. If the property was to be developed, it would connect to the existing city water system and in addition to any upgrades that may be necessary, would pay the appropriate connection fees, and/or SDCs and on-going user fees, thereby paying their fair share.

**Goal 11.4** *Stormwater Management*

*Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.*

**Policy 11.4.1** *Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing urban growth boundary and strategically plan for future expansion areas.*

**Finding: The proposed annexation is consistent with Goal 11.4 and Policy 11.4.1.** This annexation will not result in any changes to the stormwater drainage. Stormwater collection and connection would not be required with the subject property's annexation, but would most likely be required if the property were to develop in the future. Property development would require compliance with the city's stormwater design standards and would pay connection fees, SDCs and on-going user fees, thereby paying their fair share.

**Goal 11.9: Fire Protection**

*Maintain a high level of fire suppression and emergency medical services capacity.*

**Policy 11.9.1** *Ensure that all areas, including newly annexed areas, receive fire protection and emergency medical services.*

**Finding: The proposed annexation is consistent with Goal 11.9 and Policy 11.9.1.** The property is already in the Clackamas Fire Protection District which will not change upon annexation so there is no action required for fire protection.

**Overall Annexation Factor (2) Finding: Based on consistency with the goals and policies listed above, the proposed annexation is consistent with the Oregon City Comprehensive Plan.**

**14.04.060 - Annexation Factors.- Continued:**

**3. ADEQUACY AND AVAILABILITY OF PUBLIC FACILITIES AND SERVICES TO SERVICE POTENTIAL DEVELOPMENT;**

This section of the staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it. The adequacy and availability of existing public facilities and services is also addressed in the Metro Code 3.09 section of this Staff Report.

At the present time, there is water, sanitary sewer and local utilities that exist within 500 feet of the site to serve the development of the subject site. Water is provided via Clackamas River Water District's 12-inch line in Beaver Creek Road and future water for development would be required to connect to the City's 16-inch waterline in Beaver Creek Road. Sanitary sewer is provided through a manhole 485 feet to the north, also in Beaver Creek Road. There are no local storm drainage facilities, other than ditches in the right-of-way of Beaver Creek Road.

**Sanitary Sewers.**

*Availability*

At this time the subject property is not connected to a sanitary sewer system, nor is it within the service area of a sewer district. The property is served by private septic system. The Tri-City Service District provides wastewater treatment for the City of Oregon City. The applicant will file the appropriate documents for annexation into the Tri-City Service District if the annexation is successful, but no sewer connection will be made until the time of development. The City operates the sanitary sewer collection system, which connects to the Tri-City Service District interceptor. However, with the ultimate development of the 453-acre Beaver Creek Road area as contained in the Concept Plan, there may be some need to upgrade, improve and replace these existing facilities.

If the subject property develops, it would connect to the City's sewer system and would pay connection fees, SDC's and on-going user fees, thereby paying their fair share. Sanitary sewer is available to the subject property in Beaver Creek Road at a manhole 485 feet to the north which would require development to install this extension.

*Capacity*

The Tri-City Service District has adequate capacity to serve the subject property if it were to divide and develop in the future. The Tri-City Service District plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant has an average flow capacity of 11 million gallons per day (mgd) and a design peak flow capacity of 50 mgd. The available average capacity is 4.4 mgd. The plant was designed to serve a population of 66,500 in the year 2001; however, the facility was recently expanded to increase the available average dry weather capacity to 11.9 mgd. The District was provided notice of the proposed annexation



and has not indicated that there is insufficient capacity to serve development of the parcel. Therefore, Tri-City Service District has capacity to serve this parcel should the annexation occur.

*Status*

As noted above, the applicant will file the appropriate documents for annexation into the Tri-City Service District, following the annexation process if said process is successful.

**Water.**

The subject property is currently within and served by the Clackamas River Water (CRW) District service area via a 12-inch line in Beavercreek Road. With approval of the annexation, the property will be withdrawn from CRW and future development will be connected to the city's 16-inch water main in Beavercreek Road.

*Status*

If the property was to develop it would connect to the existing water system and would pay the appropriate connection fees, and/or SDCs and on-going user fees, thereby paying their fair share.

*Capacity*

There is currently a 16-inch water line in Beavercreek Road, available for connection to the site without any further facility extension. It is anticipated that these existing facilities will be sufficient to serve the site. However, with the ultimate development of the 453-acre Beavercreek Road area as contained in the *Concept Plan*, there may be some need to upgrade, improve and replace these existing facilities.

Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the Clackamas River Water District upon approval of the annexation.

CRW was provided notice but did not provide comment, however it is standard procedure for CRW to be involved in withdrawal discussions where the District's current service boundaries are involved. CRW typically recommends that the property be served by the City and withdrawn from CRW's service districts.

**Stormwater.**

There are no local storm drainage facilities, other than County ditches in the County right-of-way of Beavercreek Road. Creating a local storm drainage system is likely to be a high priority of the development of the "North Employment Campus" element of the *Beavercreek Road Concept Plan*. If the property was to divide and developed in the future, the properties would most likely be connected to the County's stormwater system and would pay connection fees, SDCs and on-going user fees, thereby paying their fair share.

**Fire Protection.**

This territory is currently within Clackamas Fire District # 1 (CCFD#1). Based on the November 2007 fire district annexation approval, staff recommends that the properties remain within CCFD#1.

**Police Protection.**

The subject property is currently within and served by Clackamas Fire District No.1 and Clackamas County Sheriff's Office. There will not be any additional demand of either service if the annexation is approved, although police services would change from Clackamas County Sheriff's Office to the Oregon City Police Department. Because the site has direct access to Beaver Creek Road, availability of fire and police protection services would be facilitated in the transfer to the city's jurisdiction.

**Parks, Open Space and Recreation.**

*Availability*

Currently there are no city parks near the subject site. Both Clackamas Community College and the Moss campus of Oregon City High School are very near the subject site. Both sites provide open space and recreational opportunities, not only for the students at these two institutions but for local residents and visitors to the area. Once the Beaver Creek Road Concept Plan is adopted and implementation begins, additional park and open space facilities will be developed, perhaps on the subject site too, for the use of residents and users of the Beaver Creek area.

Annexation of the subject property would not affect the capacity of park facilities. Future building permits are required to pay a dedicated park system development charge at the time of issuance, which may be used to fund park capital infrastructure improvements. The city charges a park development SDC that is calculated based on the square-footage of the specific light manufacturing or industrial use of the property when the development proposal is approved.

**Transportation**

The applicant hired Lancaster Engineering to complete the required Transportation Analysis. The applicant has submitted a Transportation Impact Study that indicates compliance with the Transportation Planning Rule. The applicant seeks to annex to the City now and receive the default zoning of CI – Campus Industrial for the subject property.

The relevant materials submitted by the applicant consisted of the Transportation Impact Study (TIS) dated June 25, 2012 and a supplemental memorandum dated June 28, 2012. The TIS and memorandum were prepared under the direction of Todd E. Mobley, PE of Lancaster Engineering (Exhibit 1j and 1j).

The City's Transportation Engineer, Replinger and Associates, has reviewed the applicant's TPR analysis and concurs with the applicant's conclusions (Exhibit 3). Based on this analysis, the property may be automatically

rezoned to CI – Campus Industrial upon approval of the annexation by the voters. Per OCMC 17.68.025(A), annexed properties receive a default City zoning designation as a single process. The property has had an I - Industrial comprehensive plan designation since the City adopted its Transportation System Plan in 2001.

The applicant's TIS and TPR analysis were reviewed by the City's Transportation Consultant, Replinger and Associates. Mr. Replinger's comments are attached in Exhibit 3.

**Consistency with the Transportation System Plan (TSP).**

As indicated in the TIS, the development of the site as an industrial use had been assumed in previous planning efforts including the TSP. The street network illustrated in the TIS is consistent with the Beaver Creek Concept Plan. Further discussion about consistency with the TSP including frontage improvements is appropriately performed in connection with a specific development proposal.

**Transportation Planning Rule (TPR) Conformity.**

OAR 660-12-0060 describes three conditions that must be met to show how the annexation complies with the TPR. The TIS and the supplemental June 28, 2012 memorandum indicate that 1) the annexation is consistent with the Comprehensive Plan; 2) it is consistent with the adopted TSP; and 3) it is included within the urban growth boundary.

The applicant's engineer notes that industrial development of the site has long been assumed. The annexation will provide for the implementation of the local street system as describe in the Beaver Creek Concept Plan, including the east leg of the intersection of Beaver Creek Road and Claymont Drive. He concludes that traffic operations of the intersection will be adequate for a considerable time but that Beaver Creek Road will eventually need to be widened to accommodate through traffic and general growth.

Mr. Replinger concurred with the conclusions of the applicant's engineer. Mr. Replinger also found that the annexation proposal appears to be consistent with all prior planning efforts and the analysis performed in support of the annexation indicates that the transportation needs of the applicant and the city can be met. The analysis conducted to this point is adequate to address the impacts of annexation. Further analysis will be required in connection with a specific development proposal.

**Public Facilities and Services – Continued - Other Services.**

Planning, building inspection, permits, and other municipal services will be available to the territory from the City upon annexation.

**Finding:** At the present time, all local public facilities and services, with the exception of sanitary sewer extension and storm water management, are adequate to allow industrial development on the subject site. However, once

the *Concept Plan* is adopted, the need for services and facilities may change, possibly requiring upgrades and improvements of local public services and facilities.

**Overall Annexation Factor (3) Finding: the proposed annexation can provide adequate and available public facilities and services to service potential development.**

**14.04.060 - Annexation Factors.- Continued:**

**4. COMPLIANCE WITH APPLICABLE SECTIONS OF ORS CH. 222, AND METRO CODE SECTION 3.09:**

**Compliance with ORS. 222**

The applicable sections of ORS Chapter 222 require that the property to be annexed to any city must be contiguous to that city. In this case, the subject site is contiguous to the existing city on both the south and west sides of the site. The proposed property is contiguous to the city limits along a majority of its perimeter with the city boundary. There are no flag lots or long linear extensions involved in this proposed annexation demonstrating that the properties are contiguous to the city. If the annexation is approved the area would provide a contiguous block of new land, promoting the efficient delivery of public services. All other requirements of ORS Ch. 222 are complied with by satisfying Metro Code 3.09, The Oregon City Comprehensive Plan, and the Oregon City Municipal Code.

ORS 222 requires several issues be considered prior to an annexation becoming effective. For example, ORS 222.040 provides that an annexation shall not become effective until an election has been conducted. Part of the process of applying for an annexation is meeting the application deadline in order that internal actions by the Planning Commission and City Commission take place prior to the election. The city will provide proper notice as required, and agreements with local service providers will be enacted regarding inclusion of the subject site for service purposes after annexation (ORS 222.005). The procedures specified under ORS 222.111 will be followed by the city, which is the city's duty rather than one assigned to the applicant. Other sections such as ORS 222.130 (Annexation election; notice); ORS 222.150 (Election results); ORS 222.160 (Procedure when annexation is submitted to city vote); ORS 222.177 (Filing of annexation records with Secretary of State); and ORS 222.180 (Effective date of annexation) are all parts of the process the city must follow for any annexation.

Sections ORS 222.510 through ORS 222.830, as applicable, deal with the change of service jurisdiction for properties that will be serviced with urban services (water, sanitary sewer, fire protection, etc.) that may have been provided by other non-urban area providers while within the jurisdiction of Clackamas County. The heading of this section of the ORS Chapter is "Annexation of Public Service Districts" and deals with the transfer of service rights and obligations once a property is annexed. Whatever is required under these sections will be accomplished as part of the city's annexation process.

This annexation does not involve a merger of cities, an "island" annexation, or any health abatement, as included in sections included in ORS 222.700's; ORS 222.800's; or ORS 222.900's. Therefore, the proposed annexation complies with, meets, or otherwise fulfills all specific requirements contained in the appropriate and applicable sections of ORS, Ch. 222.

**Finding: The annexation petition has been reviewed consistent with ORS 222.** ORS 222 provides the statutory framework, notice requirements and procedures for city boundary changes, voter approval, and special district coordination. Compliance with Metro Code 3.09 is addressed below.

**Metro Boundary Change Criteria – Chapter 3.09**

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro Urban Growth Boundary. The Metro Code states that the City's annexation decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. Metro defines annexations as "Minor Boundary Changes" pursuant to Metro Code 3.09.020. Chapter 3.09 contains the standards for annexations that cities must follow. Metro Code 3.09 requires these findings and conclusions to address the following minimum criteria:

**Metro Title 3.09.045(D)(1)(a & b)**

*Consistency with expressly applicable provisions in ORS 195 urban service agreements or annexation plans.*

**Finding: This criterion is met.** These criteria require that annexations be consistent with applicable provisions of annexation plans or urban service agreements that have been adopted pursuant to ORS 195. ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit, and have been addressed in criterion (d)(1)(C) below. There are no adopted annexation plans applicable to this property.

**Metro Title 3.09.045(D)(1)(c)**

*Consistency with expressly applicable provisions of cooperative planning agreements between the annexing entity and a necessary party.*

**Metro Title 3.09.045(D)(2)(A)**

Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.

**Finding: These criteria are met.** The proposed annexation will promote the timely, orderly or economic provision of public facilities and services in the area. As demonstrated above in the Annexation Factors section 14.040.060 and consistency with the Oregon City Comprehensive Plan goals and policies, water, sanitary sewer, storm sewer

police services, fire protection, parks and schools are public facilities and services that are immediately available to serve the property.

**Metro Title 3.09.045(D)(2)(B)**

*Whether the proposed boundary change will affect the quality and quantity of urban services.*

**Finding: This criterion is met.** The proposed boundary change will provide adequate levels of city police, fire, water, sanitary sewer and transportation services to serve urbanization of the annexed territory at the time of development as detailed in this report.

**Metro Title 3.09.045(D)(2)(C)**

*Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.*

**Finding: This criterion is met.** The proposed boundary change was forwarded to all applicable service providers for review and comment with the intent to avoid unnecessary duplication of facilities and services for the annexed territories. Annexation to or withdrawal from the applicable fire, road, water, sewer and sanitary sewer provider district has been addressed in this report and recommendations.

The Metro Code also contains a second set of 10 factors that are to be considered where: 1) no ORS 195 agreements have been adopted, and 2) a necessary party is contesting the boundary change. At this time, those 10 factors are not applicable to this annexation because no necessary party has contested the proposed annexation. This criterion is not applicable.

**Clackamas County Comprehensive Plan Compliance**

Metro Code 3.09 requires findings for annexation showing compliance with applicable County comprehensive plans (Applicable Oregon City Comprehensive Plan goals and policies are addressed in a separate section above). The Clackamas County Comprehensive Plan states that annexations which convert Future Urbanizable lands to Immediate Urban lands should ensure the “orderly, economic provision of public facilities and urban services”. As demonstrated below, public facilities and urban services can be orderly and economically provided to the subject site. Nothing in the County Plan speaks directly to criteria for annexation of property from the County to the City.

The Clackamas County Comprehensive Plan – Oregon City Land Use Map implements the Oregon City Comprehensive Plan for lands within the Urban Growth Boundary. The plan designation for this property on the County’s Oregon City Area Land Use Plan (Map IV-5) identifies the area as I – Industrial land use designation with a FU-10 Zoning designation. The FU-10 zoning is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available.

**Clackamas County Comprehensive Plan Compliance**

The Land Use section of the Clackamas County Comprehensive Plan, Chapter 4, identifies the territory proposed for annexation as future urban areas, which are defined as:

*“Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.”*  
*([Amended by Board Order 2000-140, 6/29/00; Amended by Board Order 2006-90, 4/13/06])*

**Clackamas County Policy 7.0 – Future Urban Policies** provides the following applicable policies for Future Urban lands:

**Clackamas County Policy 7.1 - Control premature development (before services are available) by:**

*a. Applying a future urban zone with a 10 acre minimum lot size within the Portland Metropolitan UGB except those lands identified in Subsection 7.1.b.*

**Clackamas County Policy 7.2 - Prohibit subdivisions, as defined in the Zoning and Development Ordinance, until the land qualifies as Immediate Urban.** *Immediate urban areas are lands that are within urban growth boundaries, are planned and zoned for urban uses, and meet at least one of the following conditions: 1. Served by public facilities, including sanitary sewage treatment, water, storm drainage, and transportation facilities; 2. Included within boundaries of cities or within special districts capable of providing public facilities and planned to be served in the near future; or 3. Substantially developed or surrounded by development at urban densities.*

#### **CITY, SPECIAL DISTRICT AND AGENCY COORDINATION**

Clackamas County recognizes that many activities and problems spill across political boundaries, making coordination with special districts, cities, and state and federal agencies essential. The “Planning Process” section of the County’s Plan (Section 11) provides the following policies relevant to coordination between Oregon City and Clackamas County.

**6.0** *Adopt Urban Growth Management Agreements with each city and offer to sign such agreements with all special districts.*

**7.0** *Apply the County's Comprehensive Plan to unincorporated dual interest areas, except those areas where the County has adopted city plan designations in accordance with an urban growth management agreement. Such agreements may provide that the County will not plan or zone dual interest areas at urban densities prior to their annexation by a city. After annexation to a city, the County Plan will continue to apply, in accordance with the provisions of ORS 215.130, until the city applies its own land use plan and/or zoning designation. The County will*

revise Urban Growth Management Agreements to insure that all agreements include provisions consistent with ORS 215.130.

**8.0** Notify the parties to Urban Growth Management Agreements of proposed land use actions and Plan amendments and encourage participation in formulating and evaluating the proposals. Request necessary technical assistance in assessing impacts on the area and enter all formal comments into the public record.

**9.0** Insure consistency between city and County plans. Any conflicts shall be stated in an Urban Growth Management Agreement, and resolution of these conflicts will occur through the Plan amendment process.

**10.0** Engage the public in development of intergovernmental agreements.

**Finding: The proposed annexation is consistent with the applicable provisions of the Clackamas County Comprehensive Plan.** The City has a signed Urban Growth Management Agreement with the County which ensures consistency between City and County plans. Further details for the UGMA are addressed below. The City provided notice to the County of the proposed annexation and has not received any notice or comment from the County indicating any conflicts.

**Overall Annexation Factor (4) Finding:** The proposed annexation is consistent with ORS Ch. 222, and Metro Code Section 3.09.

**14.04.060 - Annexation Factors.- Continued:**

**5. NATURAL HAZARDS IDENTIFIED BY THE CITY, SUCH AS WETLANDS, FLOODPLAINS AND STEEP SLOPES;**

**Finding: Not applicable.** The site is not on or near any natural hazards identified by the City (such as wetlands, floodplains, and steep slopes). The site is not on, near, nor will it affect designated open space, scenic, historic, or natural resource areas.

**6. ANY SIGNIFICANT ADVERSE EFFECTS ON SPECIALLY DESIGNATED OPEN SPACE, SCENIC, HISTORIC OR NATURAL RESOURCE AREAS BY URBANIZATION OF THE SUBJECT PROPERTY AT TIME OF ANNEXATION;**

**Finding: Not applicable.** The property is not within any specially designated open space, scenic, historic or natural resource areas.

**7. LACK OF ANY SIGNIFICANT ADVERSE EFFECTS ON THE ECONOMIC, SOCIAL AND PHYSICAL ENVIRONMENT OF THE COMMUNITY BY THE OVERALL IMPACT OF THE ANNEXATION.**

Annexation of the vacant property will have virtually no affect on the economic, social, or physical environment of the community. The Commission interprets the “community” as including the City of Oregon and the lands within its urban service area. The City will obtain an increase in property tax revenues from adding additional assessed



industrial land value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory.

The City will have service responsibilities including police and general administration. Because the site has direct access to Beaver Creek Road, availability of fire and police protection services would be facilitated in the transfer to the city's jurisdiction.

If approved by City electors for annexation, the property CI – Campus Industrial by separate Ordinance. The zoning must be changed before development at any density other than FU-10 can be approved. The applicant has indicated compliance with the State's Transportation Planning Rule for the desired re-zoning to Campus Industrial, which is the default zoning for the I – Industrial Comprehensive Plan Designation. The territory must also be annexed to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

#### **Urban Growth Management Agreement (UGMA - 1992)**

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plan (Exhibit 12). The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement.

The UGMA presumes that all the urban lands within the UGB will ultimately annex to the City. It specifies that the city is responsible for the public facilities plan required by Oregon Administrative Rule Chapter 660, division 11. The Agreement goes on to say:

#### **4. City and County Notice and Coordination**

*D. 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 proposed annexations . . .*

#### **5. City Annexations**

*A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*

*B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two inch asphaltic concrete overlay over the width of the then existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be*

used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case by case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan.

**Finding: The proposed annexation is consistent with the UGMA.** The required notice was provided to the County at least 20 days before the Planning Commission hearing. There are existing City water and sanitary sewer on the north side of this annexation. Upon zoning and development approval of the subject site, public sewer and water will be provided through extensions of these public facilities.

**Oregon City Municipal Code – Chapter 17 – Zoning upon Annexation**

The Land Use section of the Oregon City Comprehensive Plan identifies land use types.

The City/County urban growth management agreement specifies that the County’s acknowledged Comprehensive Plan and implementing regulations shall apply until annexation and the City adopts subsequent plan amendments. The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATIONS

<u>Industrial Plan Classification</u>	<u>City Zone</u>
Industrial	CI, GI

That section goes on to say:

*“In cases where only a single city zoning designation corresponds to the comprehensive plan designation . . . Section 17.68.025 shall control.”*

Section 17.68.025, Zoning changes for land annexed into the city, says:

*“Notwithstanding any other section of this chapter, when property is annexed into the city from the city/county dual interest area with any of the following comprehensive plan designations, the property shall be zoned upon annexation to the corresponding city zoning designations as follows:”*

<u>Plan Designation</u>	<u>Zone</u>
Industrial	CI-Campus Industrial

Per OCMC 17.68.025(A), annexed properties receive a default City zoning designation as a single process. The applicant has submitted a traffic impact analysis (TIA) study for an "Office Park" use that closely aligns with the Campus Industrial zoning designation and that indicates compliance with the Transportation Planning Rule.

The applicant seeks to annex to the City now and receive the default zoning of CI – Campus Industrial for the subject property. Based on the provided Transportation Planning Rule analysis and additional findings in the staff report the property may be automatically rezoned to CI – Campus Industrial upon approval of the annexation by the voters.

The applicant understands that any future planning for the development of the site, will be consistent and complimentary to the provisions of the Beavercreek Road Concept Plan and the North Employment Campus design type, will be conducted once the annexation is complete.

#### **RECOMMENDATIONS**

Oregon City Municipal Code section 14.04.080 states the following:

"The city commission shall endeavor to review all proposals prior to the city application deadline for submitting ballot measures to the voters. The city commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 14.04.060 of this chapter. The city commission shall make findings in support of its decision to schedule an annexation for an election."

The proposed annexation demonstrates a positive balance of the factors set forth in Section 14.04.060. Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the Community Development Director recommends that the Planning Commission:

- 1) Determine that the proposed Annexation demonstrates a positive balance of the factors set forth in Section 14.04.060 of the Oregon City Municipal Code as shown in this Staff report.
- 2) Recommend that the City Commission adopt the Staff Report with Exhibits and the attached Proposed Findings, Reasons for Decision, and Recommendations in Exhibit 9.
- 3) Recommend that the City Commission set AN 12-03 for election on the November 6, 2012 ballot.

## EXHIBITS

1. Applicant's Annexation Application
  - a. Application Form
  - b. Annexation Petition
    - i. Legal Description and Map
    - ii. Consent Form
    - iii. Certification of 100% Ownership of Land Area
    - iv. Certification of Legal Description and Map
    - v. Certification of Registered Voters
    - vi. Notice List
    - vii. Boundary Change Information Sheets
    - viii. Majority Worksheet
  - c. Narrative
  - d. Description of Site and Surrounding Area
  - e. Responses to Approval Criteria
  - f. Pre-application Conference
  - g. Title Trio Report
  - h. Property Zoning Report, Site Maps and Attachments
  - i. Caufield Neighborhood Meeting Summary – May 22, 2012
  - j. Transportation Impact Study, dated June 25, 2012, Lancaster Engineering
  - k. TPR Memorandum, dated June 28, 2012, Lancaster Engineering
  - l. Other
2. Letter from Caufield N.A. regarding Caufield N.A. executive committee meeting.
3. Replinger and Associates Review of Applicant's Transportation Impact Study and TPR Analysis, dated June 29, 2012.
4. Agency Comments
  - a. ODOT (To be Submitted at Hearing)
5. Public Notices (300' Mailing, Sign, Transmittal, Newspaper affidavit, Sign Posting Affidavit, Mailing List)
6. Permit Receipt for Review Fees (To be Submitted at Hearing)
7. Urban Growth Management Agreement (UGMA) with Clackamas County
8. Metro Ordinance 79-77

Exhibit 9.

AN 12-03

PROPOSED FINDINGS, REASONS FOR DECISION, AND RECOMMENDATIONS

Based on the Findings in this Report, the Commission determines:

1. The Metro Code calls for consistency of the annexation with the Regional Framework Plan or any functional plan. The Commission concludes the annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted pursuant to ORS 195. The Commission finds that there are no inconsistencies between these plans/agreements and this annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The Clackamas County Comprehensive Plan also says annexation which converts Future Urban lands to Immediate Urban lands should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for annexation. Therefore the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the annexation is consistent with the Oregon City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development as noted in the Findings above. The City operates and provides a full range of urban services.
5. The Commission notes that the Metro Code also calls for consistency of the annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement (UGMA) specifically provides for annexations by the City.
6. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the annexation will not interfere with the timely, orderly, and economic provision of services.
7. The Oregon City Code contains provisions on annexation processing. Section 6 of the ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Staff Report Findings and on balance the Commission believes they are adequately addressed to justify approval of this annexation.

8. The City Commission concurs with Tri-City Service District's annexation of the subject property in the enacting City ordinance upon voter approval of the city annexation. Prior to the City approving a final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.
9. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon annexation.
10. The City Commission recognizes that the applicant has adequately addressed compliance with the Oregon Statewide Transportation Planning Rule OAR 660-012-0060.
11. The City Commission concurs with that the property be served by the City and withdrawn from the Clackamas River Water (CRW) service district if any future water lines are constructed to serve the property by Oregon City.
12. The City Commission recognizes that the Applicant shall provide all necessary mapping and legal property descriptions for approval by the Oregon Department of Revenue to ensure completion of the annexation.
13. The City Commission recommends not withdrawing the property from the Clackamas Fire District # 1.
14. The City Commission concurs that the property should be rezoned to CI – Campus Industrial Zoning upon approval of the annexation by the Voters of Oregon City.



# CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Molalla Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

- |  |  |  |
|--|--|--|
| <u>Type I (OCMC 17.50.030.A)</u><br><input type="checkbox"/> Compatibility Review<br><input type="checkbox"/> Nonconforming Use review<br><input type="checkbox"/> Water Resources Exemption | <u>Type II (OCMC 17.50.030.B)</u><br><input type="checkbox"/> Extension<br><input type="checkbox"/> Detailed Development Review<br><input type="checkbox"/> Geotechnical Hazards<br><input type="checkbox"/> Minor Partition<br><input type="checkbox"/> Minor Site Plan & Design Review<br><input type="checkbox"/> Nonconforming Use Review<br><input type="checkbox"/> Site Plan and Design Review<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Minor Variance<br><input type="checkbox"/> Water Resource Review | <u>Type III / IV (OCMC 17.50.030.C)</u><br><input checked="" type="checkbox"/> Annexation<br><input type="checkbox"/> Code Interpretation / Similar Use<br><input type="checkbox"/> Concept Development Plan<br><input type="checkbox"/> Conditional Use<br><input type="checkbox"/> Comprehensive Plan Amendment (Text/Map)<br><input type="checkbox"/> Detailed Development Plan<br><input type="checkbox"/> Historic Review<br><input type="checkbox"/> Oregon City Municipal Code Amendment<br><input type="checkbox"/> Variance<br><input type="checkbox"/> Zone Change |
|--|--|--|

Application Number: AN 12-03

Proposed Land Use or Activity: ANNEXATION OF 11.93 ACRES TO CITY OF OREGON CITY

Project Name: \_\_\_\_\_ Number of Lots Proposed (If Applicable): N.A.

Physical Address of Site: 19314 S. BEAVERCREEK ROAD

Clackamas County Map and Tax Lot Number(s): 3 25 09A 00800

Applicant(s): Robert Price for Norma Hochhalter Trust

Applicant(s) Signature: \_\_\_\_\_ Date: 05-16-12

Applicant(s) Name Printed: ROBERT PRICE

Mailing Address: 3935 NE 72<sup>nd</sup> AVE. PORTLAND, OR 97213-5711

Phone: 503-807-4009 Fax: 503-281-1447 Email: rpnce5956@comcast.net

Property Owner(s): NORMA HOCHHALTER TRUST KENNETH HOCHHALTER, TRUSTEE

Property Owner(s) Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Property Owner(s) Name Printed: \_\_\_\_\_

Mailing Address: 11720 SE MARKET DR. CLACKAMAS, OR 97015-8674

Phone: 503-698-8817 Fax: - Email: kennmar\_1988@frontier.com

Representative(s): Robert Price

Representative(s) Signature: \_\_\_\_\_ Date: 05-16-12

Representative (s) Name Printed: ROBERT PRICE

Mailing Address: AS ABOVE

Phone: \_\_\_\_\_ Fax: \_\_\_\_\_ Email: \_\_\_\_\_

All signatures represented must have the full legal capacity and hereby authorizing the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.

***PETITION OF OWNERS OF 100 % OF LAND  
AND PETITION OF A MAJORITY OF REGISTERED VOTERS***

*PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON*

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

*(Insert Legal Description here OR attach it as Exhibit "A")*

Page 6



EXHIBIT A

3S 2E 09A 00800

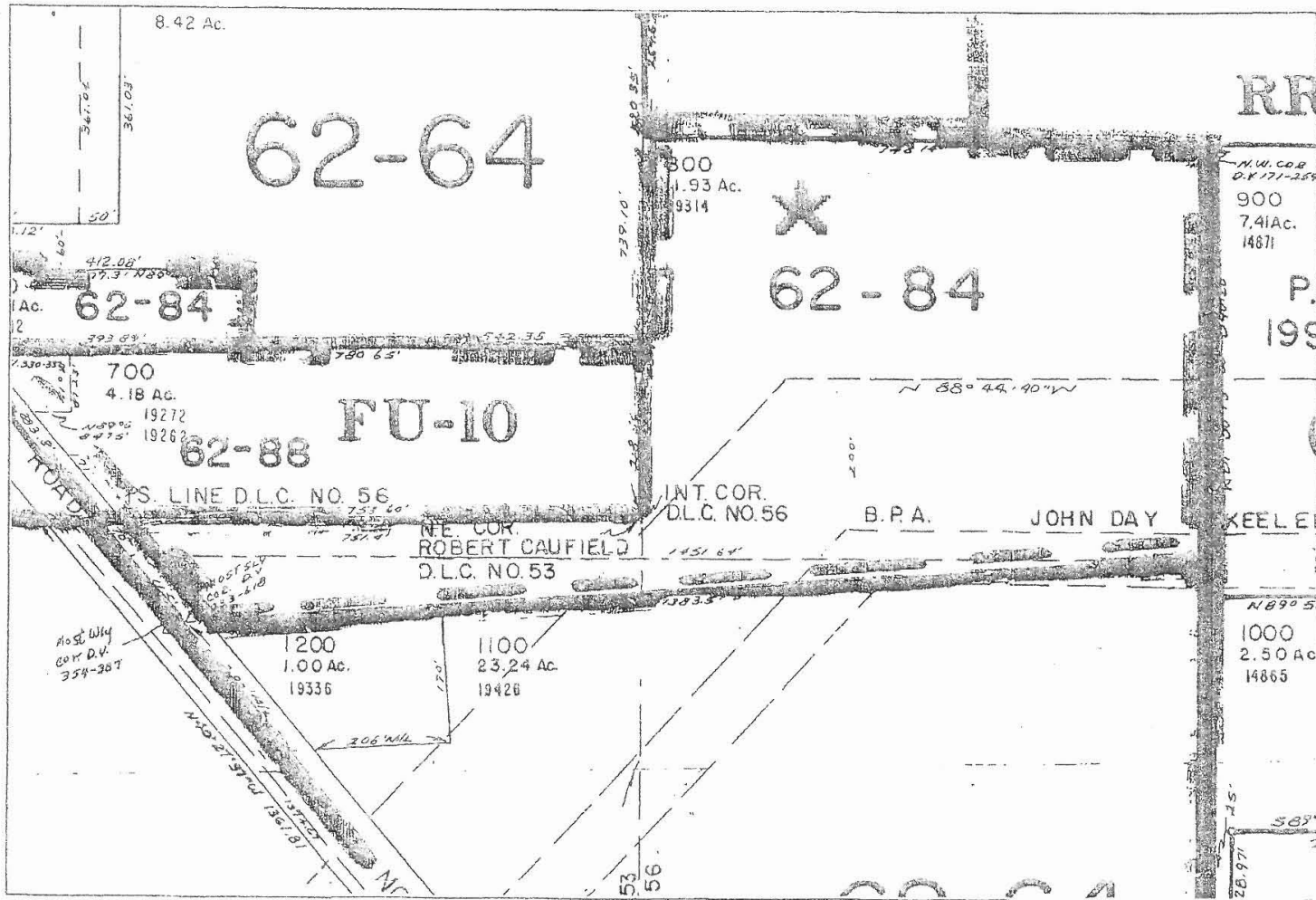
Beginning at a basalt stone 16x10x10 marked "X" on top, and set at the Northeast corner of the D.L.C. of Robert Caufield and Jane Caufield, his wife, in T. 3 S., R. 2 E. of the W.M., which corner is also the re-entrant corner of the Washington Williams D.L.C. No. 56, T. 3 S., R. 2 E., of the W.M., running thence West tracing the North boundary of the Robert Caufield D.L.C. 751.4 feet to a point where said line intersects the center of the Oregon City and Clarks Road, known as Market Road No. 11, Clackamas County, Oregon; thence tracing the center of said road South 40° 35' East 70.00 feet to the most westerly corner of the tract of land conveyed to L. Mautz and Blanche Mautz by deed recorded in Book 171, page 259, record of deeds of Clackamas County, Oregon; thence East tracing the North boundary of said tract 1451.64 feet to the re-entrant corner of said tract; thence North tracing the West boundary of said tract 538.3 feet to the Northwest corner of said tract and a point on the South boundary line of a tract conveyed to Roselynn Robbins by deed recorded in Book 147, page 100, Records of Deeds, Clackamas County, Oregon; thence West tracing the South boundary line of Roselynn Robbins land 748.14 feet to a stone set on the East line of a tract of land conveyed to Herbert M. Robbins and Nan D. Robbins by deed recorded in Book 147, page 102, Records of Deeds of Clackamas County, Oregon; thence South tracing the East boundary line of said tract 484.5 feet to the place of beginning, the same being a portion of Section 9, T. 3 S. R. 2 E., of the W.M., in Clackamas County, Oregon. ALSO beginning at a basalt stone 16x10x10 marked "X" on top and set at the northeast corner of the D.L.C. of Robert Caufield and Jane Caufield, his wife, in T. 3 S., R. 2 E. of the W.M., which corner is also the re-entrant corner of the Washington Williams D.L.C. No. 56, in T. 3 S., R. 2 E., of the W.M., running thence West, tracing the North boundary of the Robert Caufield D.L.C. 751.4 feet to a point where said line intersects the center of the Oregon City and Clarks road known as Market Road No. 11, Clackamas County, Oregon; thence tracing the center of said road south 40° 35' East 70 feet for the true point of beginning; thence East tracing the North boundary of property as described in Book 171, page 259, Records of Deeds for Clackamas County, Oregon, a distance of 1454.64 feet to a point; running thence Southwesterly to a point in the Center of Market Road No. 11, which is Southeasterly 115 feet from the place of beginning; thence Northwesterly in the center of said road 115 feet to the place of beginning, in the County of Clackamas and State of Oregon.

h:\two\21064\deeds\ca  
[sig: rev. 3/14/01]

Page 1 of Exhibit A

(MN) 11-01-2011

(3)



THIS MAP IS FURNISHED AS A CONVENIENCE BY PACIFIC NORTHWEST TITLE  
 This map is not a survey and does not show the location of any improvements.  
 The company assumes no liability for errors therein.

MAP # 32E09A 00800



*CERTIFICATION OF PROPERTY OWNERSHIP OF  
100% OF LAND AREA  
(City 100% Ownership Method)*

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names of the owners\* of 100% of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME Mary Neigel  
TITLE Cartographer 2  
DEPARTMENT Assessment & Tax  
COUNTY OF Clackamas  
DATE 11.01.2011

- \* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.

*CERTIFICATION OF LEGAL DESCRIPTION AND MAP*

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 3 2 E 09A 00800) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.

NAME Mary Neigel  
TITLE Cartographer 2  
DEPARTMENT Assessment & Tax  
COUNTY OF Clackamas  
DATE 11.01.2011

**CERTIFICATION OF REGISTERED VOTERS**

I hereby certify that the attached petition for annexation of territory described herein to the City of Oregon City contains the names of at least a majority of the electors registered in the territory to be annexed.

32E09A 00800  
NO REGISTERED  
VOTERS. *BT*

NAME FLOYD THOMAS  
TITLE DEPUTY CLERK  
DEPARTMENT ELECTIONS  
COUNTY OF CLACKAMAS  
DATE 5-22-12

*Floyd Thomas*



CLACKAMAS COUNTY ELECTIONS  
SHERRY HALL, COUNTY CLERK  
1710 RED SOILS CT, SUITE 100  
OREGON CITY, OR 97045

**NOTICE LIST**

*(This form is NOT the petition)*

ALL OWNERS OF PROPERTY AND/OR REGISTERED VOTERS INCLUDED IN BOUNDARY CHANGE PROPOSAL AREA. ALL OWNERS OF PROPERTY WITHIN 300 FEET OF THE OUTSIDE BOUNDARY OF THE AREA TO BE ANNEXED.

**PLEASE SEE ATTACHED LISTS.**

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

MAILSTATE	MZIPANDZIP	SITEADDRESS	SITECITY	SITESTATE	SITEZIP
OR	97015-9038	*no Site Address*		OR	00000
OR	97045-0023	19242 Beaver creek Rd	Oregon City	OR	97045
OR	97132-3150	19262 Beaver creek Rd	Oregon City	OR	97045
OR	97045-9017	14871 Loder Rd	Oregon City	OR	97045
OR	97045-9017	14865 Loder Rd	Oregon City	OR	97045
OR	97015-9038	19426 Beaver creek Rd	Oregon City	OR	97045
OR	97208-3874	19336 Beaver creek Rd	Oregon City	OR	97045
OR	97204-2904	*no Site Address*		OR	00000
OR	97045-9374	14800 Thayer Rd	Oregon City	OR	97045
OR	97045-9373	14792 Thayer Rd	Oregon City	OR	97045
OR	97045-8660	19330 Rollins St	Oregon City	OR	97045
OR	97045-8660	19326 Rollins St	Oregon City	OR	97045
OR	97045-8980	19600 Molalla Ave	Oregon City	OR	97045
OR	97045-8980	19277 Beaver creek Rd	Oregon City	OR	97045



REFPARCEL	OWNERFIRST	OWNERLAST	MAILADDRES	MAILCITY
32E09A 00502	Terry	Emmert	11811 SE Highway 212	Clackamas
32E09A 00600	Brett Howard	Brucker	Po Box 393	Oregon City
32E09A 00700	Flatcat LLC		208 S Meridian St	Newberg
32E09A 00900	Gary	Wilson	14871 Loder Rd	Oregon City
32E09A 01000	W Mathew & Karen	White	14865 Loder Rd	Oregon City
32E09A 01100	Terry	Emmert	11811 SE Highway 212	Clackamas
32E09A 01200	Terry & Walter	Counter	Po Box 3874	Portland
32E09AA00100	Gen Elec Co	Portland	121 SW Salmon St	Portland
32E09AA00300	Clark & Barbara	Smith	14800 Thayer Rd	Oregon City
32E09AA00590	James & Twyla	Dunlap	14792 Thayer Rd	Oregon City
32E09AA01900	Robert	Morris	19330 Rollins St	Oregon City
32E09AA02000	Andrea	Wilson	19326 Rollins St	Oregon City
32E09C 00800	Clackamas Comm College		19600 Molalla Ave	Oregon City
32E09C 00880	Clackamas Co Area Ed Dist		19600 Molalla Ave	Oregon City

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location BEAVERCREEK ROAD
- B. Land Area: Acres 11.93 or Square Miles —
- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).  
GENTLE SLOPE TO THE EAST; SMALL WOODED AREA ON EAST BOUNDARY; ONE SINGLE FAMILY DWELLING + BARN + WELHOUSE/SHED; PROPERTY IN AGRICULTURAL USE; NO FLOODPLAIN AREA; BPA POWERLINES ACROSS SITE; FRONTAGE ON BEAVERCREEK RD
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
- North: AGRICULTURE
- East: WOODED AREA ON T.L. 900
- South: PASTURE ON T.L. 1100; DWELLING ON T.L. 1200
- West: VACANT/AGRICULTURE ON T.L. 502 & 700
- E. Existing Land Use:
- Number of single-family units 1 Number of multi-family units 0
- Number commercial structures 0 Number industrial structures 0
- Public facilities or other uses 16 INCH WATER & 8 INCH SAN. SOWER IN BEAVERCREEK RD
- What is the current use of the land proposed to be annexed: AGRICULTURE
- F. Total current year Assessed Valuation \$ 202,653
- G. Total existing population 0

## II. REASON FOR BOUNDARY CHANGE

- A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:
1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
  2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
  3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
  4. Statement outlining method and source of financing required to provide additional facilities, if any;
  5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
  6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
  7. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.
- B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:
1. The location of existing structures (if any);
  2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
  3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
  4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter - -as measured 4 feet above the ground) and significant areas of vegetation.
  5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

A. What is the applicable County Planning Designation?  
What City Planning Designation is being sought? INDUSTRIAL ("I")

B. What is the zoning on the territory to be served?  
FUTURE URBONIZABLE - IDACRB (FU-10)  
What zoning designation is being sought? CAMPUS INDUSTRIAL ("CI")

C. Is the subject territory to be developed at this time? NO

D. Generally describe the anticipated development (building types, facilities, number of units).  
INDUSTRIAL DEVELOPMENT IN ACCORDANCE WITH THE NORTH EMPLOYMENT CAMPUS ELEMENT OF THE BEAVERCREEK ROAD CONCEPT PLAN.

E. Can the proposed development be accomplished under current county zoning?  
 Yes  No

If No,---has a zone change been sought from the county either formally or informally.

Yes  No

Please describe outcome of zone change request if answer to previous questions was Yes. \_\_\_\_\_

F. Is the proposed development compatible with the city's comprehensive land use plan for the area?

Yes  No  City has no Plan for the area.

Has the proposed development been discussed either formally or informally with any of the following? (Please indicate)

City Planning Commission  City Planning Staff  
 City Council  City Manager

Please describe the reaction to the proposed development from the persons or agencies indicated above.

UPON ANNEXATION, SITE WOULD BE ZONED SOME INDUSTRIAL DISTRICT. DEVELOPMENT IN KEEPING WITH CONCEPT PLAN IS MOST DESIRABLE.

G. Please indicate all permits and/or approvals from a City, County, or Regional Government which will be needed for the proposed development. If already granted, please indicate date of approval and identifying number:

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	11-04	APRIL 2011	
Preliminary Subdivision Approval			
Final Plat Approval			
Land Partition			
Conditional Use			
Variance			
Sub-Surface Sewage Disposal			
Building Permit			

Please submit copies of proceedings relating to any of the above permits or approvals which are pertinent to the annexation. N.A.

- H. Does the proposed development comply with applicable regional, county or city comprehensive plans? Please describe.

DEVELOPMENT OF THE SITE, WHEN PROPOSED, WILL BE IN CONFORMANCE WITH CITY'S COMPREHENSIVE PLAN.

- I. If a city and/or county-sanctioned citizens' group exists in the area of the annexation, please list its name and address of a contact person.

BEAVERCREEK COMMUNITY PLANNING ORGANIZATION

#### IV. SERVICES AND UTILITIES

- A. Please indicate the following:

1. Location and size of nearest water line which can serve the subject area.

16 INCH LINE IN BEAVERCREEK ROAD. WATER SERVICE THROUGH CLACKAMAS RIVER WATER DIST.

2. Location and size of nearest sewer line which can serve the subject area.

8 INCH SANITARY LINE IN BEAVERCREEK ROAD.

3. Proximity of other facilities (storm drains, fire engine companies, etc.) which can serve the subject area \_\_\_\_\_

NO STORM DRAINAGE FACILITIES ON THE SITE, OR CURRENTLY AVAILABLE TO SERVE THE SITE.

4. The time at which services can be reasonably provided by the city or district. \_\_\_\_\_

WATER AND SANITARY SEWER CURRENTLY AVAILABLE. WATER IS CLACKAMAS RIVER WATER DISTRI

5. The estimated cost of extending such facilities and/or services and what is to be the method of financing. (Attach any supporting documents.) \_\_\_\_\_

CONNECTION TO EXISTING WATER AND SAN. SEWER WOULD BE AT PROPERTY OWNER/DEVELOPER EXPENSE.

6. Availability of the desired service from any other unit of local government. (Please indicate the government.) \_\_\_\_\_

CLACKAMAS REPD #1

B. If the territory described in the proposal is presently included within the boundaries of or being served extraterritorially or contractually by, any of the following types of governmental units, please so indicate by stating the name or names of the governmental units involved.

- |  |  |
|--|--|
| City <u>—</u>                            | Rural Fire Dist <u>CLACKAMAS REPD #1</u>     |
| County Service Dist. _____               | Sanitary District <u>NONE</u>                |
| Hwy. Lighting Dist. <u>—</u>             | Water District <u>CLACKAMAS RIVER</u>        |
| Grade School Dist. <u>OREGON CITY 62</u> | Drainage District <u>NONE</u>                |
| High School Dist. <u>OREGON CITY 62</u>  | Diking District <u>NONE</u>                  |
| Library Dist. <u>—</u>                   | Park & Rec. Dist. _____                      |
| Special Road Dist. <u>—</u>              | Other Dist. Supplying Water Service <u>—</u> |

C. If the territory is proposed to be served by any of the above units or any other units of government please note.

D. If any of the above units are presently servicing the territory (for instance, are

residents in the territory hooked up to a public sewer or water system), please so describe.

N.A.

APPLICANT'S NAME

KENNETH HOCHHALTER, TRUSTEE

MAILING ADDRESS

11720 SB MARKET DRIVE  
CLACKAMAS, OR 97015-8674

TELEPHONE NUMBER

N.A.

(Work)

CONSULTANT

503-698-8817

(Res.)

~~REPRESENTING~~

ROBERT PRICE

503-807-4009

DATE:

MAY 16, 2012

*Robert Price*





## Introduction

The Norma P. Hochhalter Revocable Living Trust (the "Trust") wishes to annex to the City of Oregon City a site of 11.93 acres in the southeasterly portion of the Oregon City urban area. The purpose of the annexation is to allow future industrial development on this specific site, providing greater economic development opportunities for the City of Oregon City.

The Trust has owned the parcel for approximately 10 years, acquiring it from Norma Hochhalter, individual, in 2001. This almost 12-acre site, has been on the outskirts of Oregon City for many years, since the development of Clackamas Community College which is located just across Beavercreek Road, and the construction of the Moss Campus of Oregon City High School. There have been other residential developments in the immediate vicinity, extending the urban area outward toward the subject site. And although the local economy has been in a reduced state for the past few years, the time for planning ahead is now. By the time this application is approved by the city, and reviewed by the voters of Oregon City, the hope is that there will some improvement to the economic picture of Oregon City, Clackamas County, and the metropolitan region to the extent that economic development will be on the rise. To this end, this annexation is applied for.

In addition, an amendment to the city's zoning map may be required. Because the site is currently zoned Future Urbanizable 10-acre District (FU-10) in Clackamas County, it must be zoned differently once it is annexed. The city's designation on its Comprehensive Plan is Industrial (I), necessitating a change to the zone that matches the city's "I" Plan designation. This would most likely be the Campus Industrial, or "CI", zone in the city's Zoning Ordinance (Chapter 17.36). This CI zoning is the same as exists on the adjacent parcels already within the City of Oregon City. This application also requests a zone map designation of CI.

The Trust recognizes that the city is in the process of adopting the *Beavercreek Road Concept Plan*, which will determine the future development patterns and style for the 450+ acre Beavercreek Road area. The city is the sponsor of the *Concept Plan* and is responsible for its adoption. Anticipating that the *Concept Plan* will be adopted in the near future, the property owner wishes to start the development process by requesting annexation to the city.

No other regulatory actions are requested, whether conditional use, variance, or other action. Any development proposed by the Trust can be accommodated on the subject site without any other regulatory actions.

It should be noted that there are no immediate development plans for the site. As such, no conceptual site development plan has been prepared. Instead, an aerial photo has been used to provide site information as required by the annexation application. Other maps are included in the application package to provide site and vicinity information. Further, no traffic study has been conducted, but will be completed once a development plan for the site is prepared and submitted for review and approval.

### **Description of the Site and Surrounding Area**

The 11.93 acre site is a rectangular piece of property with a "handle" on it. It is comprised of one tax lot, #00800. The legal description of the parcel is Tax Lot 800, of Tax Map 3S-2E-09A. This tax lot comprising the total of almost 12 acres is oriented in an east-west direction. See attached copy of the Assessor's map, surveyor's legal description and surveyor's map.

The site is adjacent to Beaver Creek Road for the "handle" portion which is simply a 100-foot wide driveway providing access to and from Beaver Creek Road. This access strip is approximately 750 feet in length and generally about 100 feet in width. The balance of the parcel is roughly rectangular in shape, being approximately 750 feet in east-west length, and approximately 600 feet in north-south width. More specific dimensions are referenced in the legal description, which is attached.

The site is primarily flat and level, with some undulating topography. The general slope of the topography is slightly downward to the northeast. The site is currently in fallow, although it has been farmed in the past. There is a vacant single family dwelling on the site, but there are no residents of the site. According to the property owner, there have been no residents on the site since June 2008. There is also a decrepit barn and a well house/shed on the site, near the house. All of these structures are located within the 100-foot wide driveway portion of the parcel. There is a BPA power pylon on the site. Otherwise, the balance of the parcel is completely vacant.

The site is similar in character to most of the surrounding area in the southeasterly Oregon City area. The area is currently rural in nature, but there are urbanized portions of the surrounding vicinity. For example, Clackamas Community College's campus is located across Beaver Creek Road from the site, and the Moss Campus of the Oregon City High School is approximately one quarter mile beyond the site on Beaver Creek Road. In addition, there are several residential subdivisions in the vicinity, and the Berry Hill Shopping Center is at the intersection of Beaver Creek Road and Highway 213, less than one half mile to the southwest.

The primary road serving this area is Beaver Creek Road, a Clackamas County facility. There are several local residential level streets feeding into Beaver Creek Road in this vicinity, serving developed single family residential areas. Henrici Road to the southeast, another county road, intersects both Beaver Creek Road and Hwy. 213 and provides direct through travel between these two major thoroughfares. There is no doubt this area bounded by Hwy. 213, Beaver Creek Road, and Henrici Road is in flux, being almost entirely within the Urban Growth Boundary.

There continues to be considerable farming activity in the immediate vicinity, but virtually all is outside the city limits. Urban development has gradually increased in this neighborhood area, while there are several farm and non-farm related dwellings remaining on various properties in this local area. It appears that most urban infrastructure has been extended south in this area to be very near most properties that may wish to be annexed. As such, local services and facilities should not be a problem for the proposed annexation, or for other smaller scale annexations in the future.

Current access to the site is via the 100-foot wide driveway strip that intersects Beaver Creek Road. Additional access opportunities may not exist at the present time,

but could become available as surrounding properties are annexed and are developed. Much the way as localized residential neighborhoods have developed in the vicinity, this area of future industrial properties, including the subject site, have the potential for localized economic development. At 12 acres, the site is large enough to be developed in numerous different styles in the future, including as one large site for a major industrial users, or as a subdivision of smaller industrial sites for smaller users.

The subject site is part of the proposed *Beavercreek Road Concept Plan*, which is in the planning stages, and not yet adopted. However, it is anticipated that adoption will occur in the reasonably near future, leading to a plan for development patterns and styles for this 450+ acre area encompassing the area adjacent to Clackamas Community College, Oregon City High School, and other existing residential areas. Much study and work has been put into the *Concept Plan*, and considerable background information for the area, including the subject site exists and is available in the public record.

## Approval Criteria

Specific Goals and Policies from the adopted Oregon City Comprehensive Plan would be applicable to a proposed annexation to the city, and they must be addressed. Most of these Goals and Policies are written such that the implementation of and compliance with them are incumbent upon the City of Oregon City rather than an applicant for annexation. Next, there are a number of approval criteria contained in the Oregon City Zoning Ordinance that must be addressed as part of the application for annexation. Further, there are policies and objectives contained in the draft *Beavercreek Road Concept Plan*. Finally, Metro Code, Title 3.09 and Oregon Revised Statutes, Chapter 222 are applicable to annexations and must be addressed for conformance and satisfaction of the criteria and requirements. All of these are addressed below in order of the Oregon City Comprehensive Plan, Oregon City Municipal Code, Beavercreek Road Concept Plan, Metro Title 3.09, and ORS Ch. 222.

- **City of Oregon City Comprehensive Plan**

### *Industrial Land – Page 13*

Finding: This introductory paragraph states “[T]he goals of the City are to protect existing industrial land from conversion, where appropriate, to annex industrial land and expand the Urban Growth Boundary to add urbanizable industrial land to the inventory, and to ensure that public facilities can serve future development.” The proposed annexation of the subject site would satisfy this statement for several reasons. First, the subject site is designated “Industrial” on the city’s Comprehensive Plan and would not, therefore, require conversion of any land that is not already appropriately designated for future industrial development.

Second, the subject site is within the Urban Growth Boundary (UGB) and, therefore, any expansion of the UGB would not be required. Third, the site is currently zoned as “Future Urbanizable – 10 acre”, which would be in perfect compliance with this statement on page 13. Finally, existing public facilities are already available in Beavercreek Road to serve the site, negating any requirement for extension of public facilities to serve industrial development on the subject site.

As such, through the satisfying of the statement on page 13 of the Comprehensive Plan, the subject site would also satisfy the premise of adding suitable industrial land to the City’s inventory through annexation of the subject site.

### *Planned Land-Use Types – Page 14*

- *Industrial (I) – uses related to manufacturing, processing and distribution of goods. Employment-based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro’s Urban Growth Management Functional Plan (1998).*

Finding: The subject site has been designated “I” (Industrial) on the City’s adopted and acknowledged Comprehensive Plan. Since the city’s Comprehensive Plan has been adopted by the City and acknowledged by both Metro and the Land Conservation and Development Commission (LCDC) as being in compliance with Metro’s Title 4, the future development of the subject site for industrial purposes is appropriate. No change of the UGB, Comprehensive Plan, Zoning Ordinance, or zoning district would be required to annex this site.

*Goal 2.1 – Efficient Use of Land*

*Ensure that property planned for residential, commercial, office, and industrial uses are used efficiently and that land is developed following principles of sustainable development.*

Finding: Once the site is annexed to the City of Oregon City, planning will begin in earnest for the future development and use of the site. Any site development will follow the requirements of the Zoning Ordinance, and will be in compliance with the principles of the *Beavercreek Road Concept Plan*. To the greatest extent possible, principles of sustainable development will be followed and, if possible, the site will be on the cutting edge of industrial property development in Oregon City. A certain amount of planning has already been accomplished through the *Beavercreek Road Concept Plan*, and the designation of the site as part of the "North Employment Campus". The *Beavercreek Road Concept Plan*, although in draft form at the present time, contains suggested directions, concepts, policies, and code changes that will ensure proper and compatible development of the subject site.

*Policy 2.1.1 Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

Finding: This policy makes it incumbent on the city rather than the land owner to create these incentives. However, the land owner/developer may ultimately benefit from these incentives once they are created and implemented by the city.

*Policy 2.1.2 Encourage the vertical and horizontal mixing of different land use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.*

Finding: This policy is also incumbent on the city to encourage such mixing of different land use types, as is proposed in the Beavercreek Road area through the *Concept Plan*. The city will be responsible for determining just what design features are the basis for diversity in land development, thus leading to changes in parking requirements, reliance on autos, and better business opportunities resulting in overall better places to live. However, in order to have better places to live, the underlying need for economic development will require opportunities for creation of places for jobs, resulting in development of suitable industrial lands by private land owners and developers.

*Policy 2.1.3 Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.*

Finding: Again, this policy is incumbent on the city to create the standards, requirements, and incentives to achieve the desired result. The subject site, at almost 12 acres, can be suitably sub-master planned based on the standards and requirements of the city, including the *Beavercreek Road Concept Plan*. The type of planning for this site, and subsequent development, may depend largely on what the city determines is necessary and required for compliance with this policy. Site development planning can begin once the *Concept Plan* is adopted.

*Policy 2.1.4 Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.*

Finding: Because this site has never been previously developed for anything other than agricultural use, this policy may not directly apply. However, it could be determined that this site may be ultimately included in an urban renewal district, which could impact the manner in which it is developed in accordance with the Comprehensive Plan and the *Beavercreek Road Concept Plan*.

*Goal 2.6 – Industrial Land Development*

*Ensure an adequate supply of land for major industrial employers with family-wage jobs.*

Finding: This Goal is incumbent on the City to insure that an adequate supply of land is available for major industrial employers with family-wage jobs. At 12 acres, the subject site may or may not be suitable for a large major employer. But family-wage jobs need not come from “major employers”. Any employer that provides family-wage jobs would be a welcome addition to Oregon City. With the planning effort for the *Beavercreek Road Concept Plan*, the opportunity for creation of an environment in which an employer providing family-wage jobs on the subject site may increase as opposed to simply having vacant industrial land in a non-descript setting.

*Policy 2.6.1 Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex. . . . .*

Finding: The subject site has been included in the industrial land base of Oregon City, and is within the Urban Growth Boundary. As such, there is no issue relative to having to work with Metro to insure enough land for industrial development. However, since there have been no recent additions to the UGB that would increase the supply of industrial lands, and because the industrial land supply continues to dwindle slightly, there continues to be a need for viable industrial sites in Oregon City. The subject site is one of those viable industrial sites, especially if properly planned through the *Beavercreek Road Concept Plan*.

*Policy 2.6.2 Ensure that land zoned or planned for industrial use is used for industrial purposes, and that exceptions are allowed only where some other use supports industrial development. New non-industrial uses should especially be restricted in already developed, active industrial sites.*

Finding: The subject site is planned for future industrial use, as established by the “I” (Industrial) designation on the city’s Comprehensive Plan. The future industrial zoning may be “CI”, or Campus Industrial, as changed from the current FU-10. This CI zoning would be the same as currently exists for the parcels adjacent on the west and south that are within the City of Oregon City. Therefore, this site should have a higher priority for industrial development than other sites which may not be appropriately designated and zoned. It is the long range plan of the property owner for industrial development to take place on the subject site, in keeping with the Comprehensive Plan designation and future zoning, once the site is annexed.

*Policy 2.6.3 Protect the city’s supply of undeveloped and underdeveloped land zoned for industrial uses by limiting non-industrial community uses, such as schools, parks, and churches on such properties and by limiting larger commercial uses within those areas.*

Finding: The industrial designation on the city’s Comprehensive Plan is a means of protecting the subject site for future industrial use. However, until the site is annexed to the city, full protection of this future industrial site may not be entirely guaranteed. Remaining in the county could mean the site is in a state of “limbo” as far as future



planning and use are concerned. However, by virtue of being included in both the UGB and the city's industrial land base, this will provide initial protection of this undeveloped site until this site is annexed.

The *Beavercreek Road Concept Plan* designates both a "powerline trail" and a "wildlife/riparian corridor" on a part of the subject site. It will be incumbent on the city to insure that these designations do not become so burdensome on the site as to significantly reduce the overall developability and usability of the site for industrial purposes.

*Policy 2.6.4 Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses, and minimize deterrents to desired industrial development.*

Finding: As with most of the other policies, it will be incumbent on the city to provide the protection of undeveloped industrial lands such as the subject site. One measure is the "I" designation on the city's Comprehensive Plan, and the other would be the adoption of the *Beavercreek Road Concept Plan*. Suitable areal planning, such as designating the site as part of the "North Employment Campus", will provide part of these protection measures. Other means of protection may include requirements for site master planning, buffers between unlike types of land uses located near or adjacent to each other, and performance standards to protect environmental elements.

*Policy 2.6.5 Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.*

Finding: While the subject site is designated fully for industrial development, there are residential developments, both existing and planned, within a reasonably short distance from the site. As such, through the *Beavercreek Road Concept Plan*, this policy will be satisfied.

*Policy 2.6.6 Identify industrial uses that could partner with Clackamas Community College as training centers and future employers of students graduating from CCC.*

Finding: While the city may be ultimately responsible for identifying various industrial uses that might partner with Clackamas Community College and become employers of graduates from CCC, the applicant will cooperate with the city in identifying such possible uses and users of the various development opportunities on the subject site. Thus far, the applicant has not seen any "listing" of industrial uses that would fulfill and satisfy this policy, but will stay in contact with the city for such listing of potential uses and users.

*Policy 2.6.7 Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.*

Finding: At the present time, there is water, sanitary sewer and local utilities that exist in the immediate vicinity to serve the development of the subject site. Water is provided via Clackamas River Water District's 16-inch line in Beavercreek Road, and sanitary sewer is provided through an 8-inch line, also in Beavercreek Road. There are no local storm drainage facilities, other than ditches in the right-of-way of Beavercreek Road. Creating a local storm drainage system is likely to be a high priority of the development of the "North Employment Campus" element of the *Beavercreek Road Concept Plan*.

*Policy 2.6.8 Require lands east of Clackamas Community College that are designated as Future Urban Holding to be the subject of concept plans, which if approved as an amendment to the Comprehensive Plan, would guide zoning designations. The majority of these lands should be designated in a manner that encourages family-wage jobs in order to generate new jobs and move towards meeting the city's employment goals.*

Finding: The subject site is designated "I" on the Comprehensive Plan, and is currently zoned "FU-10". It is also part of the "North Employment Campus" of the *Beavercreek Road Concept Plan*. Thus, it is firmly under the purview of this policy. Future zoning is currently envisioned as "CI", or Campus Industrial which allows for a variety of possible uses. Master planning of the site, under the provisions of the *Beavercreek Road Concept Plan* will be conducted once annexation is completed.

*Goal 9.1 – Improve Oregon City's Economic Health*

*Provide a vital, diversified, innovative economy including an adequate supply of goods and services and employment opportunities to work toward an economically reasonable, ecologically sound and socially equitable economy.*

Finding: By virtue of its location within the North Employment Campus of the *Beavercreek Road Concept Plan*, the subject site can be an active partner with the city in working to achieve this Goal. Depending on the type of use and users of the site, future employment opportunities may be able to provide family-wage jobs, thus leading to a vital and diversified economy in Oregon City. Depending on the types of uses and users on the subject site, the amount of goods and services based in Oregon City can be increased.

*Policy 9.1.1 Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.*

Finding: The property owner would like nothing more than to be a participant in satisfying this policy by landing one or more high quality industrial users that provide higher paying jobs in a stable economic environment that can be resistant to downward economic trends. Any development of the subject site, once annexed, will provide for an increased tax base for the city. Of course, the property owner is sensitive to the quality of the environment, and views the future development of the site as a duty to the health of the local environment.

*Policy 9.1.2 Contribute to the health of the regional and state economy by supporting efforts to attract "traded sector industries" such as high technology and production of metals, machinery, and transportation equipment. (Traded sector industries compete in multi-state, national, and international markets and bolster the state's economy by bringing money in from sales of goods and services outside of the state).*

Finding: Seeking the "high tech" industries is an admirable goal, but the city cannot forget other industries that may be called "low tech" that also serve multi-state and international markets, and bolster the state's economy. Keeping an open mind with regard to recruitment of industrial users for the subject site will also serve to satisfy this policy, while perhaps making the high tech industries a top priority.

Some or all of the "economic development incentives referred to on page 67 of the Comprehensive Plan can serve to promote the attracting of uses and users of the subject site, once the site is annexed. With the recent loss of 250 jobs at Blue Heron Paper, the Oregon City economy could use some replacement growth, perhaps in



another location and in another type of industry. The redevelopment of the Blue Heron site is problematic and could be a costly and involved process, depending on potential future users. While the Blue Heron site is not land lost to the industrial land base, the usability of the site may be significantly impaired, which can be "replaced" by annexation of other properties with better development options. It is certainly something to consider.

*Goal 14.1 – Urban Growth Boundary*

*Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planned period for a full range of city land uses, including residential, commercial, industrial, and institutional.*

Finding: The subject site is already within the Urban Growth Boundary (UGB) and, therefore, no amendment to enlarge the UGB is necessary. The site was originally included in the UGB and designated for future industrial use. It has been, by virtue of its inclusion in the UGB, part of the city's industrial land base. Further, the inclusion in the "North Employment Campus" of the *Beavercreek Road Concept Plan* is further evidence of its proposed future development and use as industrial land by the city.

*Goal 14.3 – Orderly Provision of Services to Growth Areas*

*Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.*

Finding: The *Beavercreek Road Concept Plan* is a fulfillment of this policy and serves to identify which properties should be developed, and how they should be developed in the overall context of a sub-regional plan. The *Concept Plan* must be adopted by the city and added to the Comprehensive Plan through an amendment process.

*Policy 14.3.1 Maximize new public facilities and services by encouraging new development within the Urban Growth Boundary at maximum densities allowed by the Comprehensive Plan.*

Finding: Once the *Beavercreek Road Concept Plan* is adopted and amended to the Comprehensive Plan, the blueprint for development of the "North Employment Campus", and the subject site, will be firmly established. Development of the Beavercreek Road area, as envisioned through the *Concept Plan*, will require new and upgraded public facilities and services to serve the proposed development within the 453-acre *Plan* area. The subject site is a small part of the overall *Plan* area but will be a participant in the development of the entire sub-regional area through its contributions to onsite and local vicinity improvements. While the subject site may be able to develop with the existing public facilities in place, with the exception of storm water management, sub-regional planning and development will serve to maximize the use of public facilities and services.

*Policy 14.3.2 Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents of the city.*

Finding: For provision of public facilities and services throughout the entire 453-acre Beavercreek Road area, planning for land use and public facilities has now been done through the *Beavercreek Road Concept Plan*. Once it is adopted, it will guide the overall development of the area. Assuming that the *Plan* has taken into consideration the integration of the proposed public facilities and services into the greater scheme of the systems in the city, there should be no shortchanging of any area of the city in favor

of the Beaver Creek Road area. Since this is incumbent upon the city to insure that no area of the city is favored at the expense of other areas of the city, this policy will ultimately be satisfied.

*Policy 14.3.3 Oppose the formation of new urban services districts and oppose the formation of new utility districts that may conflict with efficient delivery of city utilities within the Urban Growth Boundary.*

Finding: The future development of the subject site, carried out within the framework of the North Employment Campus portion of the *Beaver Creek Road Concept Plan*, should be done without formation of any new service or utility districts. As such, this policy will be satisfied if development is done according to the *Plan*.

*Policy 14.3.4 Ensure the cost of providing new public services and improvements to existing public services resulting from new development are borne by the entity responsible for the new development to the maximum extent allowed under state law for System Development Charges.*

Finding: The development of the subject site will be done with the property owner understanding that there will be costs for such development in terms of new public services and improvements. However, the property owner is willing to pay his fair share based on SDC's in place at the time of development. The property owner has faith in the city's ability to fairly determine and assess SDC's on a fair and equitable basis. Therefore, this policy will ultimately be fulfilled.

*Goal 14.4 – Annexation of Lands to the City*

*Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City Ordinances, and the City Charter.*

Finding: The subject site is within the Urban Growth Boundary, the inclusion of which should have involved an analysis of the ultimate serviceability of the site, and a determination that future public facilities and services would be suitable for the industrial development and use of the site. Further, the planning for the "North Employment Campus" element of the *Beaver Creek Road Concept Plan* also included consideration of public facilities and services. The overall conclusion is that the site can be served adequately.

As part of the UGB, the proposed development and use of the site for industrial purposes complies with the Goals and Policies of the city's Comprehensive Plan. Because the proposed future development of the site will be in keeping with the "I" designation of the site, and the possible future "CI" (Campus Industrial) zoning, the annexation of the site is the next logical step in full and overall compliance with the city's Comprehensive Plan, Zoning Ordinance, and other adopted documents of the city.

*Policy 14.4.1 Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.*

Finding: The subject site is within the City's UGB, and is part of the "North Employment Campus" of the *Beaver Creek Road Concept Plan*. It is planned and designated for future industrial use, both by the Comprehensive Plan and the *Concept Plan*. It is contiguous to the city limits on the south and west sides of the parcel. As such, this policy is satisfied.

*Policy 14.4.2 Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

*Finding:* As part of the *Beavercreek Road Concept Plan*, the costs and benefits of future development in accordance with the designations of the Comprehensive Plan and the *Concept Plan* were considered as part of the planning process. This site has a somewhat strategic location within the "North Employment Campus", considering the powerline trail, and a conceptual street that will ultimately bisect the parcel. This conceptual street appears to be a major street to facilitate internal circulation in the Campus area, making future development of the subject site an essential part and key ingredient of the Campus area.

The provision of public facilities and services will be financed in part by property owner contributions and by additional publicly supported financial programs. It is presumed that final financial considerations will be prepared when the *Concept Plan* has been adopted.

*Policy 14.4.3 Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:*

- *Avoid creating unincorporated islands within the city;*
- *Enable public services to be efficiently and cost-effectively extended to the entire area; or*
- *Implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

*Finding:* First, the annexation of the subject parcel will not create an island within the city. It will be a viable area that can be developed in accordance with the *Beavercreek Road Concept Plan*, once it is adopted. Second, based on the availability of existing public services (i.e., water and sanitary sewer) in Beaver Creek Road at the entrance to the subject site, extension of those services to serve the greater site can be accomplished. Once extended into the property, the service lines can be looped and stubbed to accommodate service to other adjacent parcels once they are annexed and/or developed. Third, the *Beavercreek Road Concept Plan* will identify the type and style of development on the subject site. Once the *Plan* is adopted, development can begin in accordance with the premises of the *Plan*. A more detailed sub-area master plan for the site can be prepared in the future, once annexation is complete and the *Concept Plan* has been adopted. Thus, this policy will be fully and completely satisfied.

*Policy 14.4.4 Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by failing septic tank sewage systems.*

*Finding:* If a health hazard exists in the immediate vicinity, this site, and others adjacent to it, can be annexed in an expedited process under a health hazard determination by the appropriate state agencies. However, the property owner is unaware of an immediate health hazard designation of the property. Should such a health hazard designation be determined, services can be extended into the property from existing lines in Beaver Creek Road and, if necessary, looped and/or stubbed to provide connection opportunities for adjacent properties. Otherwise, the site will be developed in accordance with the *Concept Plan*, once it is adopted.

- **City of Oregon City Municipal Code, Title 14**

Title 14, Annexations, contains only one chapter, Chapter 14.04 – City Boundary Changes and Extension of Services. This chapter contains the full criteria and process for annexation of any property to the City of Oregon City. Sections 14.04.010 – Purpose; and 14.04.050 – Annexation Procedures, are the main criteria items that must be addressed.

*14.04.010 – Purpose*

*It is the purpose and general intent of the ordinance codified in this chapter to delineate the appropriate procedures to be followed to annex territory to the city and to undertake other major and minor boundary changes. It is recognized that annexations to the corporate limits area major land use actions affecting all aspects of the city government, and that other boundary changes and extensions of services must also be regulated.*

Finding: The process, procedure, criteria and requirements contained in Chapter 14.04 set forth the way in which any petition for annexation must be managed. The petition process is based on this Chapter. By following the process and procedures in this Chapter, and by addressing the appropriate and applicable criteria and requirements, a petition for annexation can be put before the electorate for approval.

*14.04.050 – Annexation Procedures*

Finding: Part A of this Section, Application Filing Deadline, has been met with the filing of this petition by November 11, 2011, the deadline for the next viable election date.

Part B, Preapplication Review, was conducted on April 20, 2011 for Pre-App #11-04.

Part C, Neighborhood Contact, has not yet been conducted. Such neighborhood contact will be conducted once the city staff completes review of the submittal and determines the application to be complete. Neighborhood contact is not an absolute requirement, but is encouraged. As such, it is not a criterion for completeness, or for a decision by the city.

Part D, Signatures on Consent Form and Application, have been obtained and are part of the overall petition. Because there is only one property that is the subject of this petition, with only one tax lot, one owner, and no on site residents, the 100% approach has been used.

Part E, Contents of Application, includes items 1 through 8 to be fulfilled. These are addressed as follows:

*1. Written consent . . . . .*

Finding: Written consent of the only property owner is given on the proper form. There are no electors residing on the property.

*2. Legal description . . . . .*

Finding: A correct and proper legal description of the property is included in this petition as "Exhibit A".

*3. List of property owners within 300 feet . . . . .*

Finding: A list of all property owners within 300 feet of any part of the subject site has been prepared by a title company. In addition, a map showing the 300-foot boundary in all directions is included in the petition package.

4. *Two full quarter-section county tax assessor's maps, . . . . .*

Finding: A copy of the proper maps, with the subject site outlined on them, is included in this petition package.

5. *Twenty-five copies of a site plan, . . . . .*

Finding: No specific site plan has been prepared because there is no proposed development for the site at this time. Instead, a color aerial photo has been used, with items a. through d. on the air photo. Because there is no specific development plan for the site at this time, item e. has not been included. The property owner has chosen to wait on the site plan until the *Beavercreek Road Concept Plan* has been adopted, in order to be assured of the proper type of development and specific planning for the site in accordance with the provisions of the *Concept Plan*.

6. *If applicable, a double majority worksheet, . . . . .*

Finding: This item is not applicable because the 100% majority approach has been used for this annexation petition.

7. *A narrative statement . . . . .*

Finding: This entire petition application constitutes the narrative statement supporting the annexation. The information addressing the salient points are contained throughout the application document.

a. *Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*

Finding: There is currently a 16-inch water line and an 8-inch sanitary sewer line in Beavercreek Road, available for connection to the site without any further facility extension. It is anticipated that these existing facilities will be sufficient to serve the site. However, with the ultimate development of the 453-acre Beavercreek Road area as contained in the *Concept Plan*, there may be some need to upgrade, improve and replace these existing facilities.

There are no storm water drainage facilities on or adjacent to the site, other than roadside ditches for storm water in the Beavercreek Road right of way. While these ditches may suffice at the present time under current development, they will not be sufficient in the future when development takes place. As such, until a formal storm drainage surface water management system is developed in the vicinity, any development on the subject site will require on site detention, retention and treatment of any site generated storm water drainage.

Beavercreek Road is and will continue to be the primary transportation route serving the Beavercreek Road area. At the present time, the road carries about 17,000 vehicles per day. Portions of Beavercreek Road have been improved, and there are several signalized intersections along the length of the road. However, in the future when the *Concept Plan* is implemented, there will need to be other transportation facilities developed in the area. The *Concept Plan* identifies a possible road through the site paralleling Beavercreek Road. This proposed road will serve to reduce traffic on Beavercreek Road that may actually be internal circulation within the North

Employment Campus. Such a road will serve to keep some traffic off Beavercreek Road.

Both Clackamas Community College and the Moss campus of Oregon City High School are very near the subject site. Both sites provide open space and recreational opportunities, not only for the students at these two institutions but for local residents and visitors to the area. Once the Beavercreek Road Concept Plan is adopted and implementation begins, additional park and open space facilities will be developed, perhaps on the subject site too, for the use of residents and users of the Beavercreek area.

It should be noted that because the subject site is currently designated I<sup>1</sup> on the Comprehensive Plan, may be zoned "C1" when the Concept Plan is adopted, is within the North Employment Campus, and is destined for industrial uses, there will be no residents on the subject site. Therefore, there will be no pressure on elementary and middle schools. However, as noted previously in this narrative, there may be employment opportunities for students and graduates of Oregon City High School and Clackamas Community College within the North Employment Campus.

*b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*

Finding: The inclusion of the subject site within the UGB and its designation of "I" on the Comprehensive Plan, plus the inclusion of the site within the North Employment Campus of the *Beavercreek Road Concept Plan*, is an indication that the city considers there to be ultimate demand for the development and use of the site for industrial purposes. As part of the city's industrial land base that was developed for compliance with Goal 9 of the Statewide Planning Goals, plus review and acknowledgement by Metro and LCDC is also validation that there is demand for the industrial development and use of the subject site.

It should be noted that the terminology of this particular criteria of the Code indicates that a site development plan may not be applicable at this time. The terms, "... generated by the proposed development, if any, at this time" lends support to the idea that annexation need not be accompanied by a site development plan at this time, if there is none to portray. As such, the site plan referred to in item 5. above, is best represented by an aerial photo with all but item 5.e represented on the photo.

*c. Statement of additional facilities, if any, required to meet the increased demand . . . . . ;*

Finding: At the present time, the existing facilities, other than storm water drainage, are suitable for future development on the subject site. However, once the North Employment Campus element of the Concept Plan is developed, it is likely that additional facilities may be required to serve the larger 127-acre area. At such time as upgraded and improved facilities and services are required, a local financing plan may be required for all properties within the area. However, at the present time, the existing services and facilities may be suitable for development and use of the subject site.

*d. Statement outlining method and source of financing required to provide additional facilities, if any;*



Finding: For any site specific development that requires additional facilities, financing may be accomplished through direct property owner/developer financing. However, any development that is in conjunction with an organized development of the North Employment Campus, there may be a need for a larger scale financing program that could be organized and sponsored by the City of Oregon City, or other agency. All may depend on the timing and scale of additional facilities to be developed.

e. *Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*

Finding: If the site is developed for future industrial use, as envisioned by the Comprehensive Plan, this will be in keeping with the vision of the city, after considering the various physical and social factors. Further, if the site is developed as part of the 127-acre North Employment Campus, the environmental and social aspects of development, as well as economic, political, and other factors have already been considered and factored into the decision to adopt the *Concept Plan* and follow through with its implementation. However, at the present time, there is no site specific development plan for the subject site, other than some sort of industrial development as allowed by the city.

f. *Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community . . . . .;*

Finding: The *Beavercreek Road Concept Plan* included these considerations into its study framework and came up with the best community based solutions to the physical, aesthetic, social, economic, and political considerations for the future development of the area. Because the site has been within the UGB for several years, and was approved for inclusion in the UGB by Metro and LCDC, the future industrial development of the subject site has been a foregone conclusion. While there are no immediate development plans for the subject site, any future plans will undoubtedly be required to consider these factors as part of a site specific plan.

g. *Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development.*

Finding: Because the site is within the UGB, and because the current Comprehensive Plan designation is "I" (Industrial), there will be no specific need for a Comprehensive Plan text amendment. The map will be amended to illustrate the site within the corporate limits of the city, rather than just within the UGB.

With regard to the Zoning Ordinance, the current County zoning of FU-10 must be changed upon annexation. In keeping with the Comprehensive Plan "I" designation, an appropriate industrial zoning district must be applied to the site by the city, such as "CI" (Campus Industrial). However, once the *Concept Plan* is adopted, other zoning districts unique to the North Employment Campus area may be available for application. It will be incumbent on the city to determine the proper zoning district once annexation is finalized, and to apply that zoning district to the specific site.

8. *The application fee for annexation established by resolution of the city commission and any fees required by metro. In addition to the application fees, the*

city manager shall require a deposit, which is adequate to cover any and all costs related to the election.

Finding: The application fee of \$3,965 accompanies the annexation petition package as submitted to city staff. An election deposit fee of \$3,000 will be paid once the City Commission approves the petition for placement on the ballot of the next election. No other fees have been identified to the property owner for payment.

*14.04.060 – Annexation Factors*

*A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*

*1. Adequacy of access to the site;*

Finding: The subject site has frontage on Beaver Creek Road of sufficient width to allow for full development of a city standard street to serve the site. In addition, the *Concept Plan* envisions a road through the site that will be a major part of the internal circulation for the North Employment Campus. Therefore, there is adequate potential access to the site.

*2. Conformity of the proposal with the city's comprehensive plan;*

Finding: The existing Comprehensive Plan designation of the subject site, prior to any annexation, is "I" (Industrial). This is the designation that meets the long range planning for the site and surrounding vicinity. Therefore, no Comprehensive Plan designation change is required, or requested.

*3. Adequacy and availability of public facilities and services to service potential development;*

Finding: At the present time, all local public facilities and services, with the exception of storm water management, are adequate to allow industrial development on the subject site. However, once the *Concept Plan* is adopted, the need for services and facilities may change, possibly requiring upgrades and improvements of local public services and facilities. However, at the present time, public services and facilities are at adequate levels to allow a degree of industrial development on the subject site.

*4. Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;*

Finding: The proposed annexation satisfies both ORS Ch. 222 and Metro Code Section 3.09, as demonstrated in the appropriate sections of this application narrative.

*5. Natural hazards identified by the city, such as wetlands, flood plains, and steep slopes;*

Finding: There are no wetlands, flood plains, or steep slopes identified on the subject site. However, there is a wooded area that may serve as habitat resource area. This wooded area has been identified as part of the long range planning through the *Beaver Creek Road Concept Plan*. Once the *Concept Plan* is adopted, the wooded area may become a designated resource area that must be considered as part of specific site planning. Therefore, this criterion has been satisfied.

*6. Any significant adverse effects on specially designated . . . . at the time of annexation;*



Finding: At the time of designation, the wooded area as a potential resource area may not have been fully designated, except through the *Concept Plan* which has yet to be adopted. Therefore, at the time of annexation, there will be no direct adverse impacts on this wooded area as a result of urbanization resulting from annexation.

7. *Lack of any significant adverse effects on the economic, social, and physical environment of the community by the overall impact of the annexation.*

Finding: Because the site is already within the UGB, and has been designated "I" on the Comprehensive Plan, and is included in the North Employment Campus of the *Beavercreek Road Concept Plan*, any adverse impacts have largely been considered. The annexation of the site should have no adverse impacts on the economic, social, and physical environment of the community. In actual fact, it is the development of the subject site that may create any adverse impacts. However, if developed in keeping with the city's zoning requirements, the adverse impacts, if any, should be kept to a minimum, therefore satisfying this criterion.

- **Beavercreek Road Concept Plan**

Although not yet adopted and, therefore, not a legal part of the annexation review process, the *Beavercreek Road Concept Plan* will be an important document in the ultimate implementation of development in the southeasterly Oregon City area. Therefore, it is worth reviewing the Vision, Goals and Principles set forth in the *Concept Plan*. The goal of the *Beavercreek Road Concept Plan* is to plan for the ultimate development of a sustainable community in the southeasterly portion of Oregon City. This 453 acre area is located east and north of Beavercreek Road, and is meant, in part, to compliment the existing development by Clackamas Community College and Oregon City High School on the opposite side of Beavercreek Road, as well as completing the ongoing development as far as Henrici Road to the south.

This area was added to the regional UGB from 2002 to 2004 and "envisions a diverse mix of uses all woven together by open space, trails, a network of green streets, and sustainable development practices." The *Concept Plan* has done an excellent job of creating a framework plan whereby properties within the various element areas can begin to do some follow-on planning with a goal of beginning the development process.

The *Concept Plan* has created several sub-areas, with their own characteristics. They are:

- North Employment Campus
- Mixed Employment Village along Beavercreek Road;
- Main Street;
- West Mixed Use Neighborhood; and
- East Mixed Use Neighborhood.

As stated on page 7 of the *Concept Plan*, "*The overall vision for the Beavercreek Concept Plan is to create 'A Complete and Sustainable Community.'*" Development in accordance with this vision is what must now be pursued, starting with annexation of most of the properties that are included in the *Concept Plan*. This first step must be taken at the behest of the individual property owners, as the city has no legal powers to annex the properties without the concurrence of the owners, except in a health hazard situation.

The subject site is within the North Employment Campus, and is at a critical location where trails and streets come together. Through the "I" (Industrial) designation on the city's Comprehensive Plan, the subject property will be developed with the goal of providing opportunities for "tech flex and campus industrial uses, consistent with Metro requirements for industrial and employment areas." The possible CI zoning would also further this goal of the Comprehensive Plan. If the property is developed as planned, it can be an integral part of a well designed concept plan, thus adding to the industrial base, tax base, employment opportunities, and character of Oregon City.

The 10 project goals, as set forth on pages 7 and 8 of the *Concept Plan*, are the framework for what the *Concept Plan* will accomplish. The annexation of the subject site, and subsequent development and use for industrial development, Depending on the adoption of the *Concept Plan*, and the complimentary ordinance procedures, processes, criteria and requirements, the ultimate development of the site can yield a significant contribution to a sustainable community that attracts green jobs with family wages, serving markets locally, statewide, and nationally. Because of the various resources on the site and within the Plan area, assets of this sub-region can be integrated into and used to the greater benefit of all of Oregon City. By virtue of the location near Clackamas Community College and Oregon City High School's Moss campus, there can be significant employment opportunities for students and graduates.

A new transportation network can be created, of which the subject site will be a major part, that will provide multi-modal transportation opportunities, as well as recreational opportunities for those who live and work in this area, as well as for all residents of Oregon City and the region. With the "entry level" of development that now exists in the Beaver Creek Road area, the opportunity for upgrading and improvement of public facilities and services may lead to positive environmental and ecological conditions, to the greater good of all. The location of the subject site can be an important element in the ultimate development of the Beaver Creek Road area, following the Goals set forth in the *Concept Plan*.

The North Employment Campus will focus on employment opportunities, allowing other areas of the 453-acre *Concept Plan* area to be developed for residential and commercial uses. The principles of (1) a mix of land uses that compliment one another and provide completeness of the local community; (2) a mix and range of housing types; (3) walkability through the total area; (4) a mix of transportation types and modes; (5) suitable areas of open space throughout the 453-acre Plan area; (6) integrated systems throughout; (7) upgrade and maintain the health of the local and regional watershed; (8) reuse, recycle and regenerate resources, materials, development opportunities; (9) develop as many green buildings as possible and practical throughout the entire area; and (10) have a cooperative, compatible, and complimentary process of working together to create the best plan area possible, not only in Oregon City but in the region.

The proposed annexation of the subject site might well serve to get a start on local development by using as many of these principles as possible. Because the site may be one of the first properties to annex and seriously consider site development, it may be possible to make this site a sort of benchmark in the development process. Once the annexation process is completed, the design and development process can begin in earnest, following the *Beaver Creek Road Concept Plan*, once it is adopted.

While the majority of the subject site is developable, there are some constraints that will require consideration during the site design process. The powerline easement and the wooded area are two small areas of limitations that will need to be addressed. The powerline easement can become a walking trail, as already designated in the Plan, but the wooded area may require some thought and review in terms of its value and need for management as a resource area.

In reviewing the Comprehensive Plan policies, Policy 2.6.8 stresses the importance of family wage jobs that should be based in the Beaver Creek area. Because the subject site is virtually in the midst of the North Employment Campus, the issue of family wage jobs is an important consideration. The 127-acre North Employment Campus (NEC), or just over 25% of the total Beaver Creek Road area, is the primary focus of economic development in the area. Although the possible future GI zoning allows a variety of uses that may not be totally compatible with the *Concept Plan*, the beginnings of industrial development start with the "I" Comprehensive Plan designation. The *Concept Plan* envisions a "tech flex campus" in the area of the subject site, allowing 1-2 story buildings and emphasizing connections with Clackamas Community College. On page 17 of the *Plan* a description of the NEC states, "The NEC allows a mix of clean industries, offices serving industrial needs, light industrial uses, research and development and large corporate headquarters." Ultimately, the zoning must be refined to reflect these objectives. However, until the *Concept Plan* is adopted, the CI zoning will remain in effect. In an effort to comply with Metro's Title 4 regulations, changes need to be made and adopted. These longer range objectives will make the NEC portion of the Beaver Creek Road area a much better place, a portion of which can begin with the annexation of the subject site.

- **Metro Code**

Chapter 3.09 of the Metro Code, titled *Local Government Boundary Changes*, is a part of any annexation within the UGB of lands that seek to become part of any municipality. Specifically, Section 3.09.045, *Expedited Decisions*, allows an abbreviated process for review and decision making when 100% of the property owners and 50% of the electorate within the proposed annexation area are in consent with the proposed annexation. Subsections A through D must be addressed to demonstrate that these conditions have been met.

A. *The governing body of a city or metro may use this process set forth in this section for minor boundary changes for which the petition is accompanied by the written consents of one hundred percent of property owners and at least fifty percent of the electors, if any, within the affected territory. No public hearing is required.*

Finding: There is only one property in the proposed annexation area, and only one owner of the subject property. While there is a single family dwelling on the site, it has not been occupied for more than three years. The property itself has been in farm use, with the most recent crop harvested this past summer of 2011. Therefore, the proposed annexation meets the basic requirements of this criterion.

B. *The expedited process must provide for a minimum of 20 days' notice prior to the date set for decision to all necessary parties and other persons entitled to notice by the laws of the city or Metro. The notice shall state that the petition is subject to the expedited process unless a necessary party gives written notice of its objection to the boundary change.*

Finding: Compliance with this criterion is incumbent on the city to ensure it is done properly. The property owner is, of course, fully in favor of the proposed annexation, and has no objection to the boundary change.

C. *At least seven days prior to the date of decision the city or Metro shall make available to the public a report that includes the following information:*

1. *The extent to which urban services are available to serve the affected territory, including any extra-territorial extensions of service;*
2. *Whether the proposed boundary change will result in the withdrawal of the affected territory from the legal boundary of any necessary party; and*
3. *The proposed effective date of the boundary change.*

Finding: This criterion must be fulfilled by either the city or Metro, as required. The property owner (petitioner) has no direct role in compliance with this criterion.

D. *To approve a boundary change through the expedited process, the city shall:*

1. *Find that the change is consistent with expressly applicable provisions in*
  - a. *Any applicable urban service agreement adopted pursuant to ORS 195.065;*

Finding: Since the site is not connected to sanitary sewer or water, and is subject only to rural fire protection service (Clackamas RFPD #1), any agreement between the city and the rural fire district would be the transfer to the city fire district. Also, public safety is provided by the Clackamas County Sheriff's Department, and would be transferred to the Oregon City Police Department on annexation. The property owner is not aware of any other services provided by districts outside the city.

- b. *Any applicable annexation plan adopted pursuant to ORS 195.205;*

Finding: The only annexation plan might be an urban growth management agreement between the city and Clackamas County in which the city is responsible for long range planning and concept planning within the UGB area, of which the subject site is a part. Such annexation as is proposed for the subject site would be allowed under the City-County UGMA.

- c. *Any applicable cooperative planning agreement adopted pursuant to ORS 195.020(2) between the affected entity and a necessary party;*

Finding: An UGMA between the City of Oregon City and Clackamas County would allow long range planning by the city within the UGB area, such as the *Beavercreek Road Concept Plan* area. Such UGMA would allow approval of a proposed annexation such as this by the city.

- d. *Any applicable public facility plan adopted pursuant to a statewide planning goal on public facilities and services;*

Finding: The approved and acknowledged Oregon City Comprehensive Plan included a review of public facilities and services within the UGB area. Further, the *Beavercreek Road Concept Plan*, while not yet adopted, includes consideration of and planning for future public facilities and services to service the subject site within the North Employment Campus and the entire 453-acre Beavercreek Road area.

e. *Any applicable comprehensive plan;*

Finding: The subject site, as part of the Beaver Creek Road area, is part of the Oregon City Comprehensive Plan. The site is within the UGB, and the Comprehensive Plan has been reviewed, approved, adopted, and acknowledged as being in compliance with all Statewide Planning Goals. More detailed long range planning for the site and the Beaver Creek Road area has been accomplished through the *Beaver Creek Road Concept Plan*.

f. *Any applicable concept plan;*

Finding: The subject site is part of the North Employment Campus element of the *Beaver Creek Road Concept Plan*. Although not yet adopted, the *Concept Plan* is a framework for the future development and use of the entire 453-acre Beaver Creek Road area.

2. *Consider whether the boundary change would:*

a. *Promote the timely, orderly and economic provision of public facilities and services;*

Finding: The timely, orderly, and economic provision of public facilities and services is planned through the *Beaver Creek Road Concept Plan*. Sanitary sewer and water service currently exists in Beaver Creek Road, at the point of access to the subject site. Those services need only be connected and extended into the site without extensions of the existing services within any public roadways or other rights of way. Because of residential development to the north of the subject site, sanitary sewer and water may also be connected through the adjacent properties to the subdivision. Such connections would be done at the cost to the property owner/developer, not the public, making any such provision of services economically feasible.

Depending on the type and size of industrial development and use of the subject site, there may not be any need for upsizing of service lines already in place in Beaver Creek Road (16-inch water and 8-inch sanitary sewer). At the present time, there is no formal storm drainage network in the immediate vicinity, so any development on the subject site would be required to detain, retain and treat any surface water on the subject site. However, because of the size of the site, such detention, retention and treatment could be accomplished. Once a formal storm drainage network is established in the North Employment Campus area, the subject site could be connected to such system, if necessary.

Because the site has direct access to Beaver Creek Road, availability of fire and police protection services would be facilitated in the transfer to the city's jurisdiction.

Private utilities and services (gas, telephone, cable, etc.) would not be affected.

b. *Affect the quality and quantity of urban services;*

Finding: Unless there is a need for expansion of water and sanitary sewer service currently available in the local vicinity, there would be no



change to the quality and quantity of these services. With annexation and ultimate development, surface water management on the subject site would be improved because there is no on site management at the present time under the existing agricultural use. It is estimated that the level of fire protection service would remain approximately the same, or perhaps be somewhat improved with annexation and availability of city based services. The same might also apply to public safety. Urban based taxes, rather than rural based taxes, would flow to the city to help pay for any increased demand on urban services. Therefore, annexation would likely improve the overall level of the provision of local public urban services.

*c. Eliminate or avoid unnecessary duplication of facilities or services.*

Finding: With annexation, existing fire protection and public safety responsibilities would shift to the city from outside agencies. However, because the site is not connected to either sanitary sewer or water services, and there is no storm (surface) water management in the immediate vicinity. Therefore, there would be no duplication of facilities and/or services as a result of the annexation.

- **Oregon Revised Statutes, Chapter 222**

The applicable sections of ORS Chapter 222 require that the property to be annexed to any city must be contiguous to that city. In this case, the subject site is contiguous to the existing city on both the south and west sides of the site. All other requirements of ORS Ch. 222 are complied with by satisfying Metro Code 3.09, The Oregon City Comprehensive Plan, and the Oregon City Municipal Code.

ORS 222 requires several issues be considered prior to an annexation becoming effective. For example, ORS 222.040 provides that an annexation shall not become effective until an election has been conducted. Part of the process of applying for an annexation is meeting the application deadline in order that internal actions by the Planning Commission and City Commission take place prior to the election. The city will provide proper notice as required, and agreements with local service providers will be enacted regarding inclusion of the subject site for service purposes after annexation (ORS 222.005). The procedures specified under ORS 222.111 will be followed by the city, which is the city's duty rather than one assigned to the applicant. Other sections such as ORS 222.130 (Annexation election; notice); ORS 222.150 (Election results); ORS 222.160 (Procedure when annexation is submitted to city vote); ORS 222.177 (Filing of annexation records with Secretary of State); and ORS 222.180 (Effective date of annexation) are all parts of the process the city must follow for any annexation.

Sections ORS 222.510 through ORS 222.830, as applicable, deal with the change of service jurisdiction for properties that will be serviced with urban services (water, sanitary sewer, fire protection, etc.) that may have been provided by other non-urban area providers while within the jurisdiction of Clackamas County. The heading of this section of the ORS Chapter is "Annexation of Public Service Districts" and deals with the transfer of service rights and obligations once a property is annexed. Whatever is required under these sections will be accomplished as part of the city's annexation process.

This annexation does not involve a merger of cities, an "island" annexation, or any health abatement, as included in sections included in ORS 222.700's; ORS 222.800's; or ORS 222.900's. Therefore, the proposed annexation complies with, meets, or otherwise fulfills all specific requirements contained in the appropriate and applicable sections of ORS, Ch. 222.

CITY OF OREGON CITY  
Pre-Application Form

File Number DA 11/04

Meeting Date 4/25/2011 Time: 10 A.M. Location: 221 Molalla Ave., Ste. 200

Applicants and appropriate representatives are expected to present a detailed explanation of their proposal at the conference.

**Applicant:**

Name KENNETH HOCHHALTER

Contact Person JAMES GILLESPIE

Address 700 N.E. MULTNOMAH #950  
PORTLAND, OR 97232

Phone 503-748-8274

**Owner(s):**

Name NORMA HOCHHALTER TRUST

Address 11710 S.E. MARNET DRIVE  
CLACKAMAS, OR 97015

Phone 503-678-8817

**Property Description:**

Tax Assessor Map Number(s):

TAX MAP: 3-25-07A-00800

TAX MAP REFERENCE: 32E07A

Address: 19314 S. BEAVERCREEK RD.

ORCLACK CITY, OR 97045

**Proposed Development Action:**

ANNEXATION

**Pre-Application Checklist:**

Failure to submit a complete application may require additional fees and pre-application meetings.

Minimum Pre-Application Requirements

- Pre-application Fee (Major or Minor)
- Narrative
  - A detailed narrative description of your proposal and any specific questions you would like the Community Development Department to respond to at the Pre-Application Conference.
- Site/Plot Plan (8 1/2" x 11" or 11" x 17")
  - Parcel and building setback dimensions
  - Existing and proposed structures
  - Location and dimensions of easements and driveway
  - Location of utilities - storm, sanitary sewers & water (including size of service and street location)
  - Width of adjacent right of way
- Property Zoning Report (Obtained from City Hall)
- Additional Information / Requirements

Additional Subdivision / Minor Partition Requirements

- Slope map (if area is exceeds a 24% slope)
- Significant Tree Locations (all trees with a caliper over 6 inches)
- Utility layout
- Proposed detention system with topographic contours
- Location of on-site water resources
- Connectivity analysis that includes shadow plats of all adjacent properties demonstrating how they can be developed meeting existing code.

Additional Site Plan & Design Review Requirements

- Proposed elevations
- Parking lot layout
- Parking space calculations (based on use and square footage of building)

Applicant Signature [Signature] Date 4/25/2011

The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal. Pre-Application Conferences expire six (6) months from the meeting date. Please submit 10 copies of the required information.

Please review this material and return comments prior to the above meeting date for consideration.

Routing: PW Dir ; Bldg ; Eng ; Fire ; Finance ; Parks (DK) ; Clack Co (E) ; Clack Co (P) ; ODOT ; Schools ; Tri-Met ; Metro ; Police ; Other \_\_\_\_\_





# OREGON CITY

Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

## PRE-APPLICATION CONFERENCE SUMMARY

Pre-application conferences are required by Section 17.50.030 of the City Code, as follows:

- (A) PURPOSE: The pre-application conference is to provide the applicant the necessary information to make an informed decision regarding their land use proposal.
- (B) A pre-application conference is required for all land use permits.
- (C) Time Limit: A pre-application conference is valid for a period of six (6) months.
- (D) An omission or failure by the Planning Division to provide an applicant with relevant information during a pre-application discussion shall not constitute a waiver of any standard, criterion, or requirement of the City of Oregon City. Information given in the conference is subject available information and may be subject to change without notice. *NOTE: The subsequent application may be submitted to any member of the Planning Staff.*

PRE-APP # 11-041 DATE: 4/20/2011  
 APPLICANT: HOCHHALTER TRUST  
 SITE ADDRESS: 19314 S. BEAVERCREEK ROAD  
 PROPERTY DESCRIPTION: 3-2E-09A-00800  
 STAFF: WALTER, CULLISON ZONING: FU-10  
 PROPOSED USE/ACTIVITY: ANNEXATION

INFORMATION NECESSARY TO BEGIN DEVELOPMENT: This listing of information does not preclude the Community Development Department or hearings body from requesting additional data necessary to make a recommendation and/or decision regarding the proposed activity.

### 1. PLANNING

- Zoning/ Setbacks FU-10 COUNTY
- Is the Site in a Water Resource Overlay District? (Yes or No) N/A
- Is the Site in a Historic Overlay District? (Yes or No)
- List of Minimum Required Planning Processes:

SUBMIT BY MID - MAY FOR NOV. ELECTION

1. Annexation

- OCMC 14-Annexations
- 20 COPIES OF APPLICATION + 1 ELECTRONIC (PDF) OF ENTIRE APPLICATION
- AS REQUIRED IN 14.04.050.E.(1-8) - NARRATIVE MUST ADDRESS EACH CRITERIA. INCOMPLETE APPLICATIONS WILL BE REJECTED!
- ALSO ADDRESS EACH APPROVAL CRITERION IN 14.04.060.. ADDRESS POTENTIAL DEVELOPMENT ON THE SITE AND POTENTIAL INFRASTRUCTURE IMPACTS/FAILURES/REMEDIES

other: PLEASE SEE ATTACHED NOTES

\*\*\*\*\*Note: Existing addresses are subject to change with the creation of new parcels\*\*\*\*\*



## 2. ENGINEERING

- A. Grading: \_\_\_\_\_
  - B. Drainage: none in BC except ditches
  - C. Sanitary Sewer: Manhole @ College entrance 8" Line
  - D. Water: 16" in BC
  - E. Right-of-Way Dedication/Easements: \_\_\_\_\_
  - F. Street Improvements (including continuation of existing streets within subdivisions): \_\_\_\_\_
  - G. Special Analysis (traffic study, geotechnical study, EIS): \_\_\_\_\_
  - H. Development Impact Statement required with Subdivision applications.
  - I. TSP compliance (Connectivity, Street Widths, etc.): \_\_\_\_\_
- Other: \_\_\_\_\_

## 3. BUILDING

- A. Proposed Construction Type: \_\_\_\_\_
- B. Number of Stories: \_\_\_\_\_
- C. Square Footage: \_\_\_\_\_
- D. Number of Buildings: \_\_\_\_\_
- E. Type of Occupancy: \_\_\_\_\_
- F. Fire Sprinklers: \_\_\_\_\_
- G. Valuation (estimate): \$ \_\_\_\_\_
- H. Fire/Life Safety Required: Yes \_\_\_\_\_ No \_\_\_\_\_

## 4. FIRE

- A. Fire Flow Requirements (gallons per minute): \_\_\_\_\_
- B. Location/Number of Hydrants: \_\_\_\_\_
- C. Access Requirements: \_\_\_\_\_
- D. Other: \_\_\_\_\_

OTHER COMMENTS:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL



# OREGON CITY

## Community Development – Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.



PA-11-04: Pre-application Conference Notes for Annexation of 19314 Beaver Creek Road.

Approval Criteria to Address in Narrative:

**1. City Code Chapter 14**

- OCMC 14.04.050.(E).(1-8).
- OCMC 14.04.060

**2. Metro Code 3.09.045.A-D (Boundary Change Criteria)**

- Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.
- Whether the proposed boundary change will affect the quality and quantity of urban services
- Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.

**3. Oregon City Comprehensive Plan – Applicable Goals and Policies**

- Goal 14.3 - Orderly Provision of Services to Growth Areas
- Goal 14.4 – Annexation of Lands to the city

**4. Beaver Creek Road Concept Plan Goals and Policies**

- Address Vision, Goals and Policies
- Specifically address how this annexation is consistent with the North Employment Campus (NEC)

**5. Transportation**

- Traffic Impact Analysis is required. Please contact the City's transportation consultant John Replinger for further information, and to determine whether a more detailed Transportation Planning Rule (TPR) analysis is required by ODOT. **Traffic Analysis is a significant portion of the application, which may impact the processing of the application and timing of the election.**



**Community Development Department**

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Ph (503) 722-3789 | Fax (503) 722-3880

Staff can provide you with previous annexation Staff Reports and electronic versions of the applicable plans, policies and approval criteria above to assist in the preparation of your application.



# First American Title Insurance Company of Oregon

Clackamas (OR)

Prepared For:	Prepared By: Customer Service Department 1700 SW Fourth Avenue - Portland, Oregon 97201-5512 Phone: (503) 222-3651 Fax: (503) 790-7872	
<b>OWNERSHIP INFORMATION</b>		
<i>Owner</i> : Hochhalter Norma P Trustee <i>CoOwner</i> : <i>Site Address</i> : 19314 Beaver creek Rd Oregon City 97045 <i>Mail Address</i> : 11720 SE Market Dr Clackamas Or 97015 <i>Telephone</i> : <i>Owner:</i> <i>Tenant:</i>	<i>Ref Parcel Number</i> : 32E09A 00800 <i>T: 03S R: 02E S: 09 Q: 253</i> <i>Parcel Number</i> : 00868975  <i>County</i> : <b>Clackamas (OR)</b>	
<b>SALES AND LOAN INFORMATION</b>		
<i>Transferred</i> : 03/27/2001 <i>Document #</i> : 001-020356 <i>Sale Price</i> : <i>Deed Type</i> : Warranty <i>% Owned</i> : 100	<i>Loan Amount</i> : <i>Lender</i> : <i>Loan Type</i> : <i>Interest Rate</i> : <i>Vesting Type</i> : Trust/trustee	
<b>PROPERTY DESCRIPTION</b> <i>Map Page &amp; Grid</i> : 717 G5 <i>Census</i> : Tract: 230.00 <i>Block:</i> 1 <i>Improvement Type</i> : 131 Sgl Family,R1-3,1-Story <i>Subdivision/Plat</i> : <i>Neighborhood Cd</i> : <i>Land Use</i> : 401 Tract,Tract Land,Improved <i>Legal</i> : SECTION 09 TOWNSHIP 3S RANGE 2E : QUARTER A TAX LOT 00800	<b>ASSESSMENT AND TAX INFORMATION</b> <i>MktLand</i> : \$284,147 <i>MktStructure</i> : \$65,410 <i>MktTotal</i> : \$349,557 <i>M50 Assd Total</i> : \$202,653 <i>% Improved</i> : 19 <i>10-11 Taxes</i> : \$3,055.93 <i>Exempt Amount</i> : <i>Exempt Type</i> : <i>Levy Code</i> : 062084 <i>Millage Rate</i> : 15.0796	
<b>PROPERTY CHARACTERISTICS</b>		
<i>Bedrooms</i> : 2 <i>Bathrooms</i> : 1.00 <i>Fireplace</i> : <i>Heat Type</i> : Comno Htg\cool <i>Interior Material:</i> Drywall <i>Exterior Finish</i> : Bevel Siding <i>Floor Cover</i> : Carpet <i>Roof Type</i> : Composition <i>Roof Shape</i> : Hip <i>Foundation</i> : Concrete	<i>Building SF</i> : 936 <i>1st Floor SF</i> : 936 <i>Above Ground SF</i> : 936 <i>Upper Finished SF</i> : <i>Unfin Upper Story</i> : <i>Upper Total SF</i> : <i>Finished SF</i> : 936 <i>Basement Fin SF</i> : <i>Basement Unfin SF</i> : <i>Basement Total SF</i> :	<i>Stories</i> : 1 <i>Garage SF</i> : <i>Lot Acres</i> : 11.93 <i>Lot SF</i> : 519,671 <i>Year Built</i> : 1958 <i>Year Appraised</i> : <i>Appraisal Area</i> : <i>School District</i> : 062 <i>Utility District</i> :

This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report.



**METROSCAN  
PROPERTY PROFILE  
Clackamas County**

*Compliments Of Customer Service*  
9020 SW Washington Square Road, Suite 220  
Tigard, Oregon 97223  
Phone: 503.671.0525 Fax: 503.671.0535  
Email: customerservice@pnwtor.com  
Website: www.pnwtor.com

**OWNERSHIP INFORMATION**

Owner	: Hochhalter Norma P Trustee	Parcel Number	: 00868975
CoOwner	:	Ref Parcel #	: 32E09A 00800
Site Address	: 19314 Beavercreek Rd Oregon City 97045	T: 03S R: 02E S: 09	Q: NE QQ:
Mail Address	: 11720 SE Market Dr Clackamas Or 97015		
Telephone	:		

**SALES AND LOAN INFORMATION**

Transferred	: 03/27/2001	Loan Amount	:
Document #	: 001-020356	Lender	:
Sale Price	:	Loan Type	:
Deed Type	: Warranty	Interest Rate	:
% Owned	: 100	Vesting Type	: Trust/trustee

**PROPERTY DESCRIPTION**

Map Page Grid : 717 G5  
Census Tract : 230.00 Block: 1  
Neighborhood : Oregon City Rural  
Subdivision/Plat :  
Improvement : 131 Sgl Family,R1-3,1-Story  
Land Use : 401 Tract,Tract Land,Improved  
Legal : SECTION 09 TOWNSHIP 3S RANGE 2E  
QUARTER A TAX LOT 00800

**ASSESSMENT AND TAX INFORMATION**

Mkt Land : \$284,147  
Mkt Structure : \$65,410  
Mkt Total : \$349,557  
%Improved : 19  
AssdTotal : \$202,653  
Mill Rate : 15.0796  
Levy Code : 062084  
10-11 Taxes : \$3,055.93

**PROPERTY CHARACTERISTICS**

Bedrooms	: 2	BldgLivingSqFt	: 936	BldgSqFt	: 936
Bathrooms	: 1.00	1st Floor SqFt	: 936	Lot Acres	: 11.93
Full Baths	: 1	UpperFinSqFt	:	Lot SqFt	: 519,671
Half Baths	:	Finished SqFt	: 936	Year Built	: 1958
Fireplace	:	AbvGrdSqFt	: 936	Foundation	: Concrete
Heat Type	: Comno Htg/cool	UpperTotSqFt	:	Roof Type	: Composition
Floor	: Carpet	UnFinUpStySqFt	:	Roof Shape	: Hip
Stories	: 1	Bsmt Fin SqFt	:	Exterior Fin	: Bevel Siding
Garage SF	:	Bsmt Unfin SqFt	:		
		Bsmt Total SqFt	:		

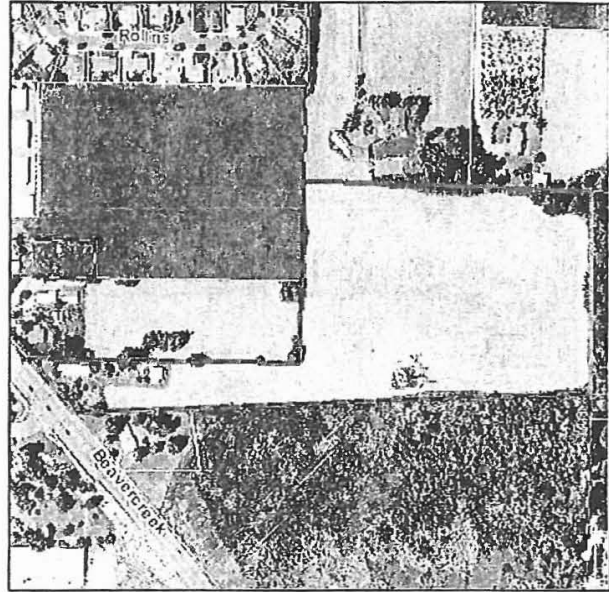
This title information has been furnished, without charge, in conformance with the guidelines approved by the State of Oregon Insurance Commissioner. The Insurance Division cautions intermediaries that this service is designed to benefit the ultimate insureds. Indiscriminate use only benefiting intermediaries will not be permitted. Said services may be discontinued. No liability is assumed for any errors in this report. Information is deemed reliable but not guaranteed.

## Oregon City Property Report

Taxlot: 3-2E-09A -00800

This report was generated by querying address: 19314 S BEAVERCREEK RD

Report generated 03/11/2011



Taxlot 3-2E-09A -00800 highlighted in blue

### Taxlot Information

Taxlot #: 3-2E-09A -00800  
Site Address: 19314 S BEAVERCREEK RD  
OREGON CITY  
OR 97045  
Parcel Acres: 11.72  
Twn/Rng/Sec: 03S 02E 9  
Ref. Tax Map: 32E09A

### Planning Designations

Zoning: COUNTY  
Zoning Description: COUNTY  
Comprehensive Plan: I  
Comp. Plan Description: INDUSTRIAL  
Subdivision: NONE  
PUD No. (if known): n/a  
Neighborhood Assn: n/a  
Urban Renewal Dist: n/a  
Historic District: n/a  
Hist. Desig. Structure Dist: n/a

### Values

As of: 2010-11-30  
Land Value (Market): \$284,147  
Building Value (Market): \$65,410  
Net Value (Market): \$349,557

### Overlay Information

In Willamette Greenway?: N  
Geologic Hazards (Steep Slope)? : N  
Slope Category (%): 0-25  
In Nat. Res. Overlay District (NROD)? : N  
In 1996 Floodplain?: N  
In Historic District?: N  
Historic Designated Structure?: N

**Disclaimer:** The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. Data errors and omissions may exist in map and report. This map is not suitable for legal, engineering, or surveying purposes. Please contact the City of Oregon City Planning Department to verify report information is complete and accurate.

To generate another property report, go to  
[http://maps.oregocity.org/imfext/viewPropertyReport/viewPropertyReport\\_Search.jsp](http://maps.oregocity.org/imfext/viewPropertyReport/viewPropertyReport_Search.jsp)

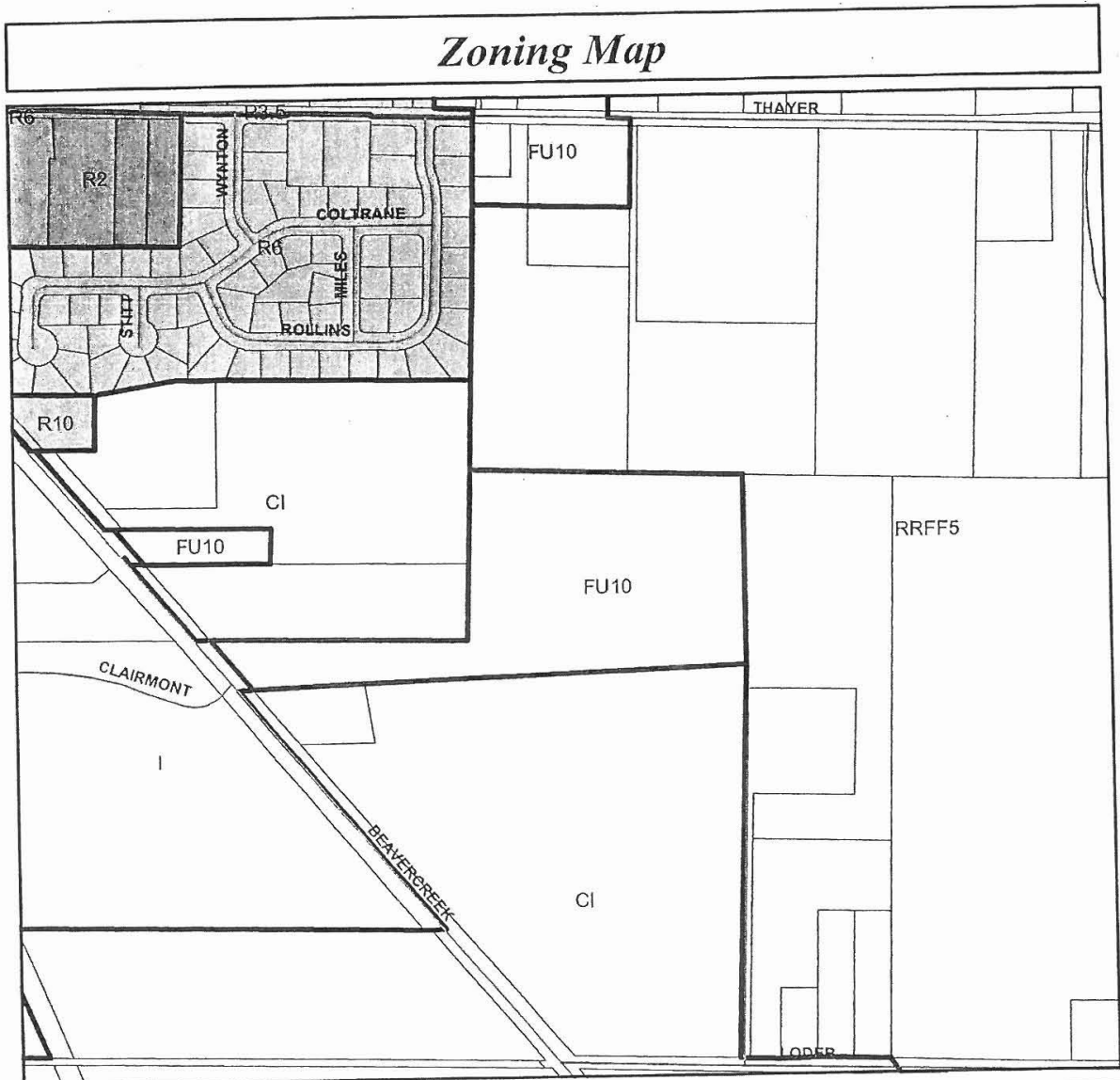
To access online mapping, go to OCWebmaps at  
<http://maps.oregocity.org>

City of Oregon City  
P.O. Box 3040  
625 Center St  
Oregon City, OR 97045  
Phone: (503) 657-0891  
Fax: (503) 657-7892  
Web: [www.oregocity.org](http://www.oregocity.org)





# Zoning Map




**Key Features**

- Tax Lots
- Streets
- Urban Growth Boundary
- Urban Growth Area
- Local Zoning

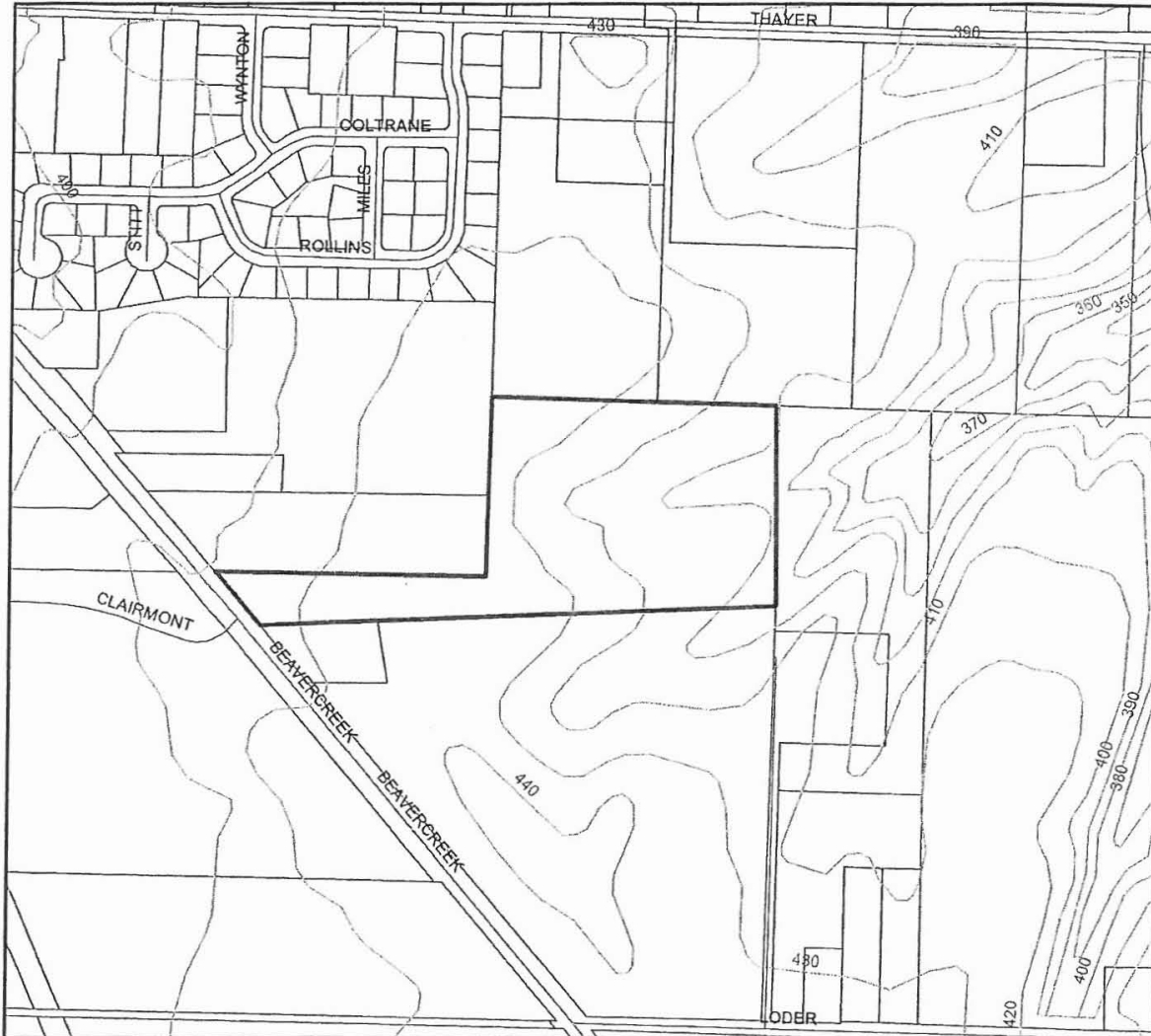
**General Zoning**

- Commercial
- Industrial
- Multi-Family Residential
- POS
- RUR
- Single Family Residential




**Subject Property:**  
 19314 S Beaver Creek Rd.  
 32E09A TL; 800  
 Oregon City, OR 97045  
 Clackamas County

# Contour Map



## Key Features

maj\_art  
TYPE

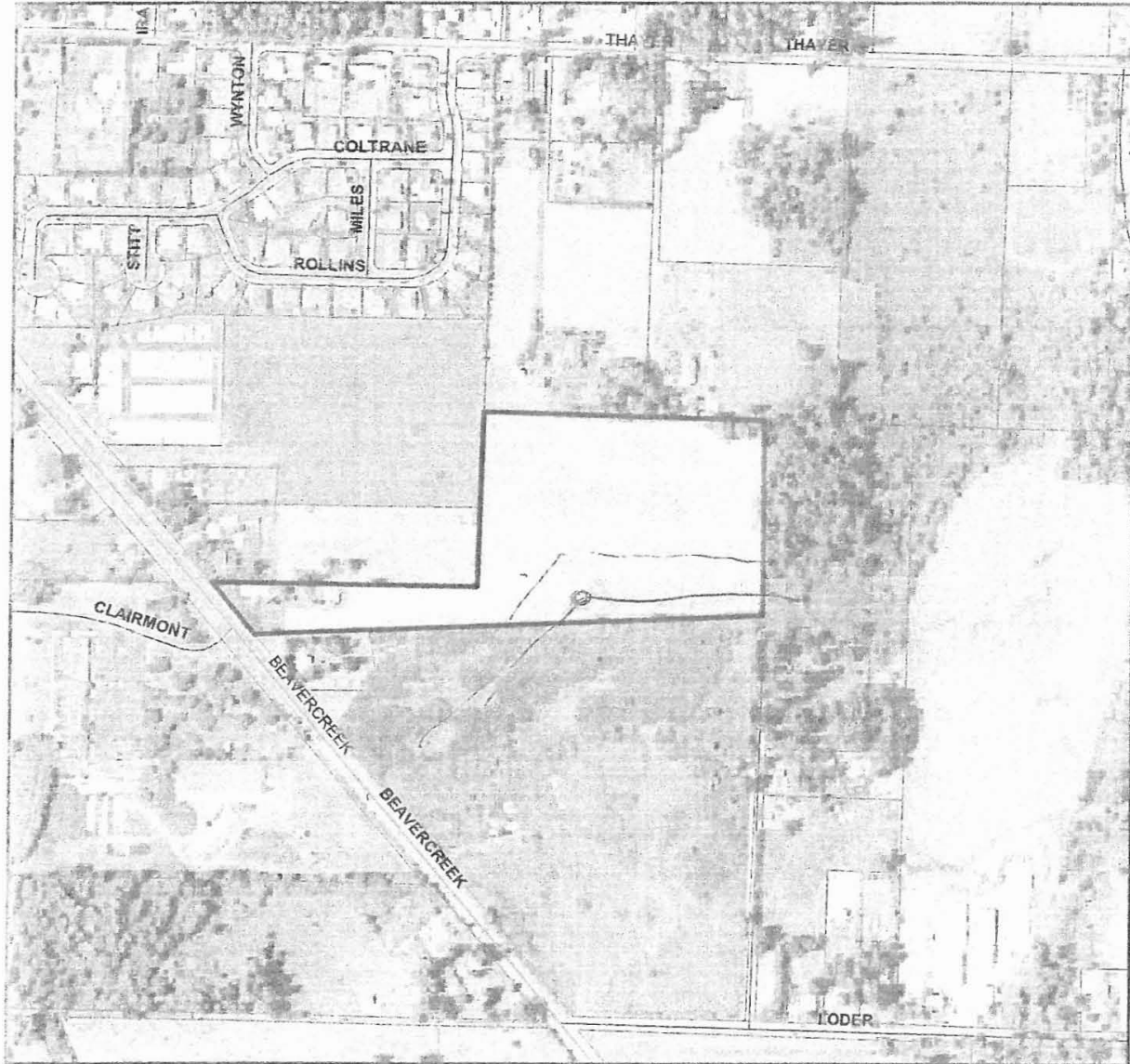
-  Freeways
-  Major Streets
-  STREETS
-  10ft Contours
-  TAXLOTS
-  Urban Growth Boundary
-  Urban Growth Area



Subject Property:

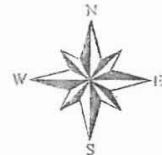
19314 S Beaver Creek Rd.  
32E09A TL; 800  
Oregon City, OR 97045  
Clackamas County

# Aerial Map



Subject Property:

19314 S Beaver Creek Rd.  
32E09A TL; 800  
Oregon City, OR 97045  
Clackamas County



Robert Price

Planning Consultant

3935 N.E. 72<sup>nd</sup> Avenue  
Portland, OR 97213-5711

503-281-1037  
rprice5956@comcast.net  
Fax 503-281-1447

### **Meeting Summary**

**What:** Meeting with Caufield Neighborhood Association representatives and Robert Price, Consultant for Hochhalter Trust Annexation Application for property located at 19314 S. Beaver creek Road in Oregon City

**When:** Tuesday, May 22, 2012 at 4:30 PM

**Where:** Home of Larry Hanlon, Chair of Caufield Neighborhood Association

**In Attendance:** Larry Hanlon, Chair of Caufield NA; Gary Davis, Secretary of Caufield NA; Robert Price, Consultant to Hochhalter Trust; Tom Sisul, P.E., Sisul Engineering

**Issues Discussed:**

1. Purpose of application – annexation of site to City of Oregon City, to be placed on November 2012 ballot;
2. Description of site – 11.93 acres gross size; constraints on site including BPA power line right of way, future streets as illustrated on Beaver creek Concept Plan, wooded area in NW corner of site; access to Beaver creek Road; current structures on the site; current use of the site;
3. Proposed zoning – Campus Industrial (CI) in keeping with designation on Beaver creek Concept Plan;
4. Potential development – approximately 180,000 sf of built development, possibly in two (2) buildings, plus on-site parking;
5. Time frame for development – unknown after voter approved annexation;
6. Beaver creek Concept Plan – discussed briefly by all in attendance;
7. Caufield NA concerns – None.

Larry Hanlon and Gary Davis reported that they would recommend approval of the proposed annexation, but would review with Mike Marmelstein, Chair of the Caufield Land Use Committee, who was unable to attend. Larry and Gary see no problems with this proposed annexation and development. Caufield NA will send a note to Pete Walter of City of Oregon City designating their approval of the proposed annexation.

**PROPERTY ANNEXATION  
19314 BEAVERCREEK ROAD  
TRANSPORTATION IMPACT STUDY**

**OREGON CITY, OREGON**

**DATE:**  
June 25, 2012

**PREPARED FOR:**  
Norma Hochhalter Trust  
Clackamas, Oregon

**PREPARED BY:**  
Justin Cole  
Todd E. Mobley, PE, PTOE



EXPIRES: 12/31/2012



321 SW 4th Ave., Suite 400 | Portland, OR 97204 | 503.248.0313 | lancasterengineering.com



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## EXECUTIVE SUMMARY

1. The property at 19314 Beaver Creek Road is proposed for annexation into the City Limits of Oregon City. The site is proposed for the Campus Industrial (CI) designation in the City, which is consistent with its Industrial comprehensive plan designation.
2. Based on the requirements of the CI zoning district, the existing BPA powerline easement that traverses the site, and the future street system within the Beaver Creek Concept Plan, two buildings totaling 170,810 square feet could be constructed on the site.
3. A reasonable worst-case assumption for the use of the site would be an office park, as described by the ITE land-use category 750, *Office Park*. Based on these trip rates, the site would generate a total of 292 trips during the morning peak hour, 218 trips during the evening peak hour, and a weekday total of 1,950 trips.
4. In the interim, access to the site will be provided via a private connection to Beaver Creek Road, forming the east leg of the existing intersection of Claymont Drive and Beaver Creek Road. With the future construction of streets within the Beaver Creek Road Concept plan area, this private approach would be reconstructed as a public street at its ultimate width and configuration.
5. With the proposed annexation approved and a reasonable worst-case development in place, it was found that mitigation would be necessary at the intersection of Claymont Drive (site access) at Beaver Creek Road. While the intersection is expected to operate satisfactorily until near the end of the planning horizon, widening of Beaver Creek Road to accommodate two through lanes in each direction will eventually be necessary. This improvement is planned even without the proposed annexation and development.
6. The subject site has been inside the City of Oregon City's Urban Growth Boundary (UGB) for many years, and the City's Comprehensive Plan and Transportation System Plan (TSP) account for urban development on the property. Because the proposed annexation and change in zoning is consistent with these plans, the Transportation Planning Rule (TPR) is satisfied.





## **PROPOSED ANNEXATION**

### ***PROPERTY DESCRIPTION***

The property at 19314 Beaver Creek Road in Oregon City, Oregon is proposed for annexation into the City Limits. The property is 11.72 acres in size and is currently within the City's Urban Growth Boundary (UGB), but is currently in unincorporated Clackamas County. The property presently has the zoning designation FU-10 in Clackamas County. This zone is for properties in excess of 10 acres that are planned for future urban development. Upon annexation into the City of Oregon City, the property is proposed to be designated CI under the City's Campus Industrial zone.

The site has a small amount of frontage on the west side of Beaver Creek Road, immediately opposite the signalized intersection of Beaver Creek Road and Claymont Drive, which is the secondary access to Clackamas Community College. It is expected that development of the site will take access to Beaver Creek Road via a fourth leg to this existing "T" shaped intersection.

The subject property is designated as "Industrial" on the current City of Oregon City Comprehensive Plan map and has had this designation for many years. The proposed annexation and change in zoning is in conformance with the comprehensive plan. Further, the property had this designation in 2001 when the current Transportation System Plan (TSP) was adopted by the City.

### ***BEAVER CREEK CONCEPT PLAN***

The subject property is part of the area that was examined for urban development in the Beaver Creek Concept Plan. This planning project was undertaken by the City of Oregon City to examine the future development of approximately 434 acres on the west side of Beaver Creek Road. The subject site is in the northern portion of the Concept Plan area.

As part of the Concept Plan process, a detailed transportation analysis was conducted. The analysis was done in 2007 and was closely coordinated with the City of Oregon City, Clackamas County, and the Oregon Department of Transportation (ODOT). While the Concept Plan itself was not adopted, the transportation analysis was complete, and represents the most reliable source for forecast future traffic volumes in the area. In addition, the plan determined likely trip distribution patterns for development in this area using the regional travel demand model.

Rather than re-create much of the prior analysis for the preparation of this transportation impact study, data from the Concept Plan was used here. This approach was discussed with and approved by the City of Oregon City's consulting transportation engineer. To meet the applicable criteria, this analysis must examine conditions at the end of the planning horizon, which was also true for the Concept Plan.

The transportation analysis for the Concept Plan analyzed a horizon year of 2027. For this report, the 2027 no-build background traffic volumes from the Concept Plan were used. These are the forecast traffic volumes that assume ongoing development and growth in Oregon City and

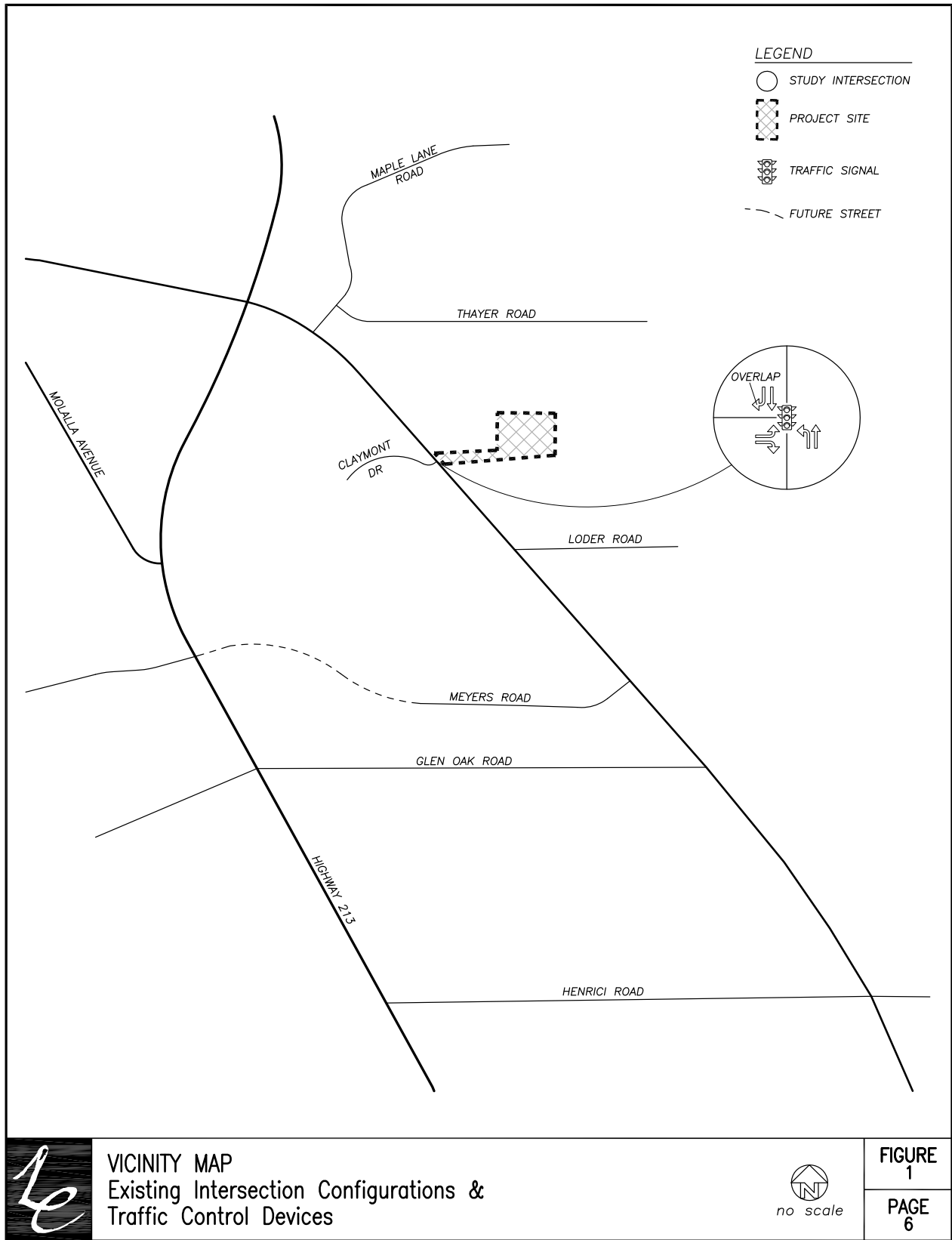


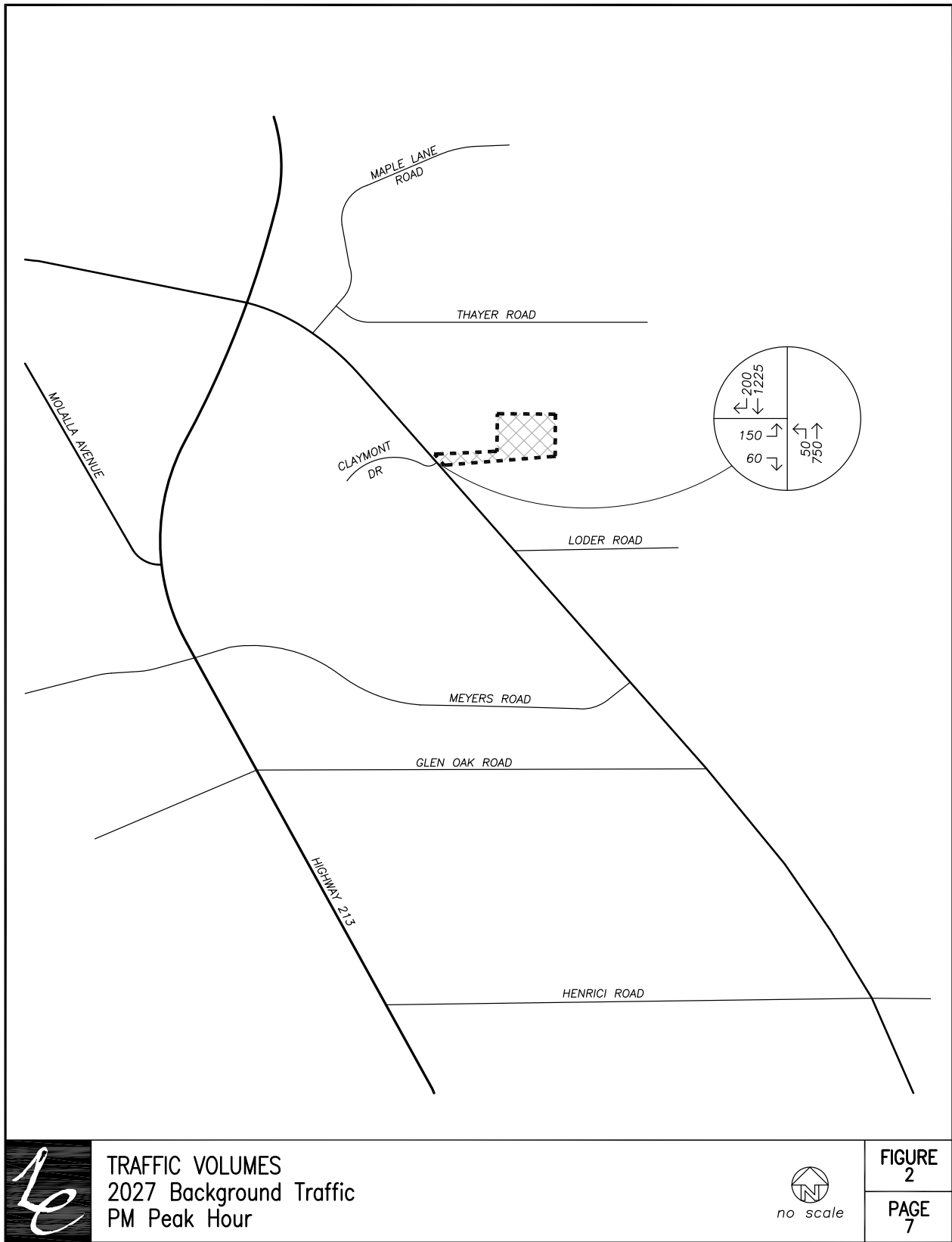
surrounding areas, but without any development within the Beavercreek Concept Plan area, hence the term “no-build”. These volumes were used as baseline traffic conditions for the subject report, before any development on the site under the CI zone was assumed.

***PROJECT STUDY AREA***

The project study area includes the intersection of Claymont Drive at Beavercreek Road, since the site will take access to this intersection via construction of a new east leg of the intersection. In the future, when the surrounding Beavercreek Concept Plan develops, additional access will be available via the internal street system.

Figure 1 on page six shows a vicinity map that includes the location of the site, the street network in the project study area, and the existing configuration of the study area intersection. Figure 2 on page seven shows the 2027 background traffic volumes during the evening peak hour.





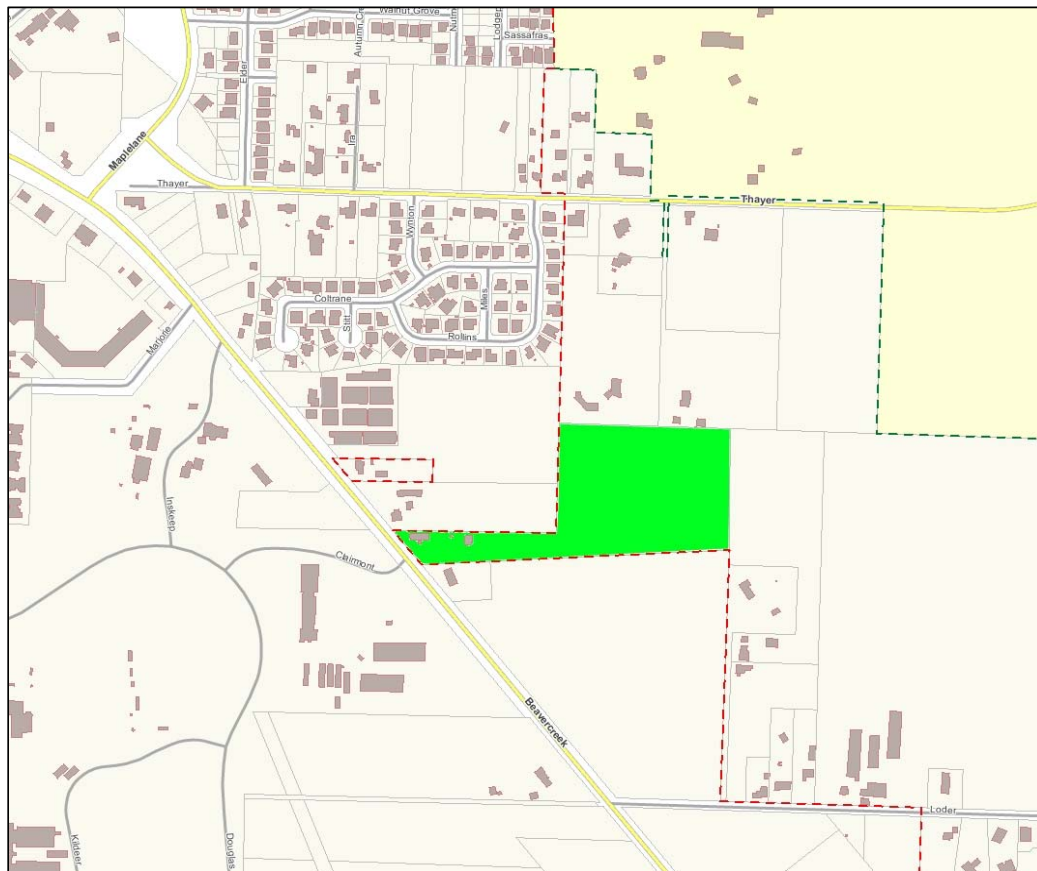


## REASONABLE WORST-CASE DEVELOPMENT

### *DEVELOPMENT POTENTIAL*

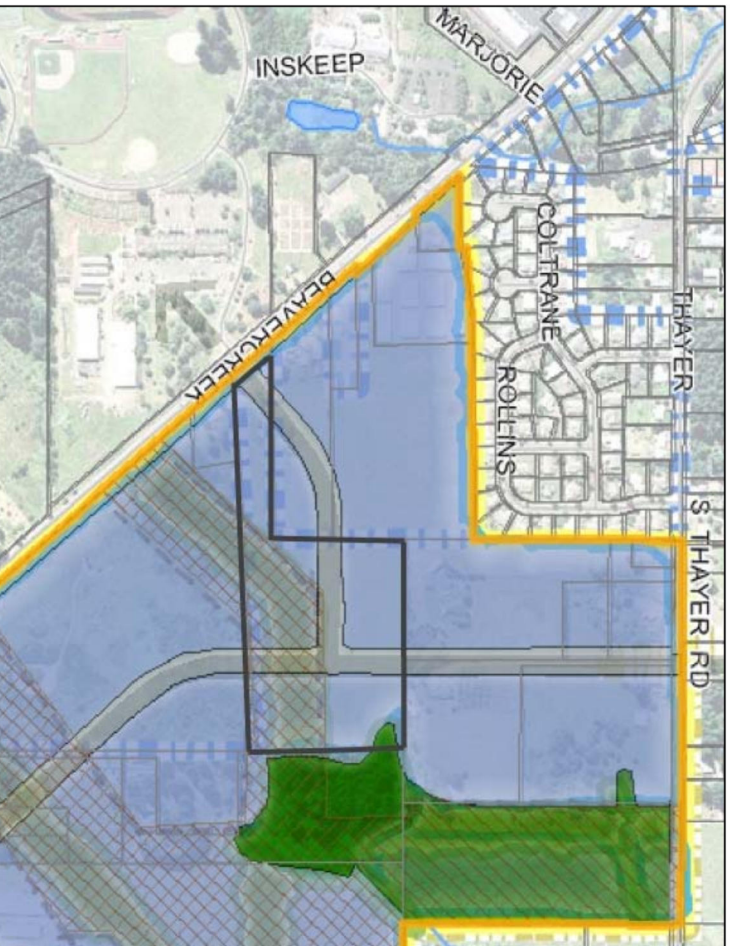
The development potential of the subject property is considerably limited by several features. First, a large BPA powerline easement traverses the site along the south property boundary. The easement is a total of 275 feet in width. In addition, the future street system within the Beaver Creek Concept Plan area bisects the site. The site has frontage on Beaver Creek Road immediately opposite the existing traffic signal at the Claymont Drive intersection, which is an ideal access location not only for this site, but for other properties in the area.

The figure below shows the site location as well as the surrounding transportation system and property lines. The site is highlighted. The dashed line around the western portion of the site is the current City Limits and the dashed line to the east is the Urban Growth Boundary.



le

The figure below is an excerpt from the final Beaver Creek Road Concept Plan map, which shows the limits of the Beaver Creek Concept Plan area, the site boundary, the powerline easement that traverses the site, and the future street alignments within the Concept Plan area.



**Beaver Creek Concept Plan Final Map**

As the figure shows, the developable portions of the site area rather limited by the powerline easement and the future street system. To further examine the level of development that could be accommodated on the site under the planned Campus Industrial (CI) zone, the City of Oregon City's zoning code was consulted.

Building requirements from the CI zone, such as a maximum 45-foot building height; 15 percent minimum landscape coverage; 1.3 to 1.6 parking spaces per 1,000 square feet of building area; and front, side, and year-yard setbacks were accounted for. In addition, the right-of-way requirements for the future streets crossing the site were taken from the Beaver Creek Concept Plan.

Based on these restrictions, it was found that in the western portion of the site, a total building area of 92,300 square feet could be constructed. On the eastern portion of the site, a building area of 78,510 square feet is possible, for a grand total of 170,810 square feet.

Initially, access to the site would be via the “flagpole” portion of the site that provides frontage on Beaver Creek Road. The fourth leg of the existing intersection with Claymont Drive would be constructed as a temporary site access if the subject site were to develop before any of the surrounding properties. Ultimately, access to the site would be provided via the street system identified in the Concept Plan, at which time a permanent access to Beaver Creek Road opposite Claymont Drive would be constructed.

**TRIP GENERATION**

Because the proposed annexation includes a change in zoning, a reasonable worst-case development was assembled for the developable areas of the site. Allowed uses within the CI zone were compared to industrial and office land-use categories in the manual, *Trip Generation*, Eighth Edition, published by the Institute of Transportation Engineers (ITE). It was determined that the reasonable worst-case category that best describes the development of the site would be land-use code 750, *Office Park*. The trip rates are based on the gross building floor area.

The trip generation calculations show that there will be a total of 292 trips generated during the morning peak hour, with 260 entering the site and 32 exiting the site. During the evening peak hour a total of 253 trips are expected with 35 entering and 218 exiting the site. A weekday total of 1,950 trips are expected.

The following table shows a summary of the trip generation from the proposed expansion. Detailed trip generation calculations are included in the appendix.

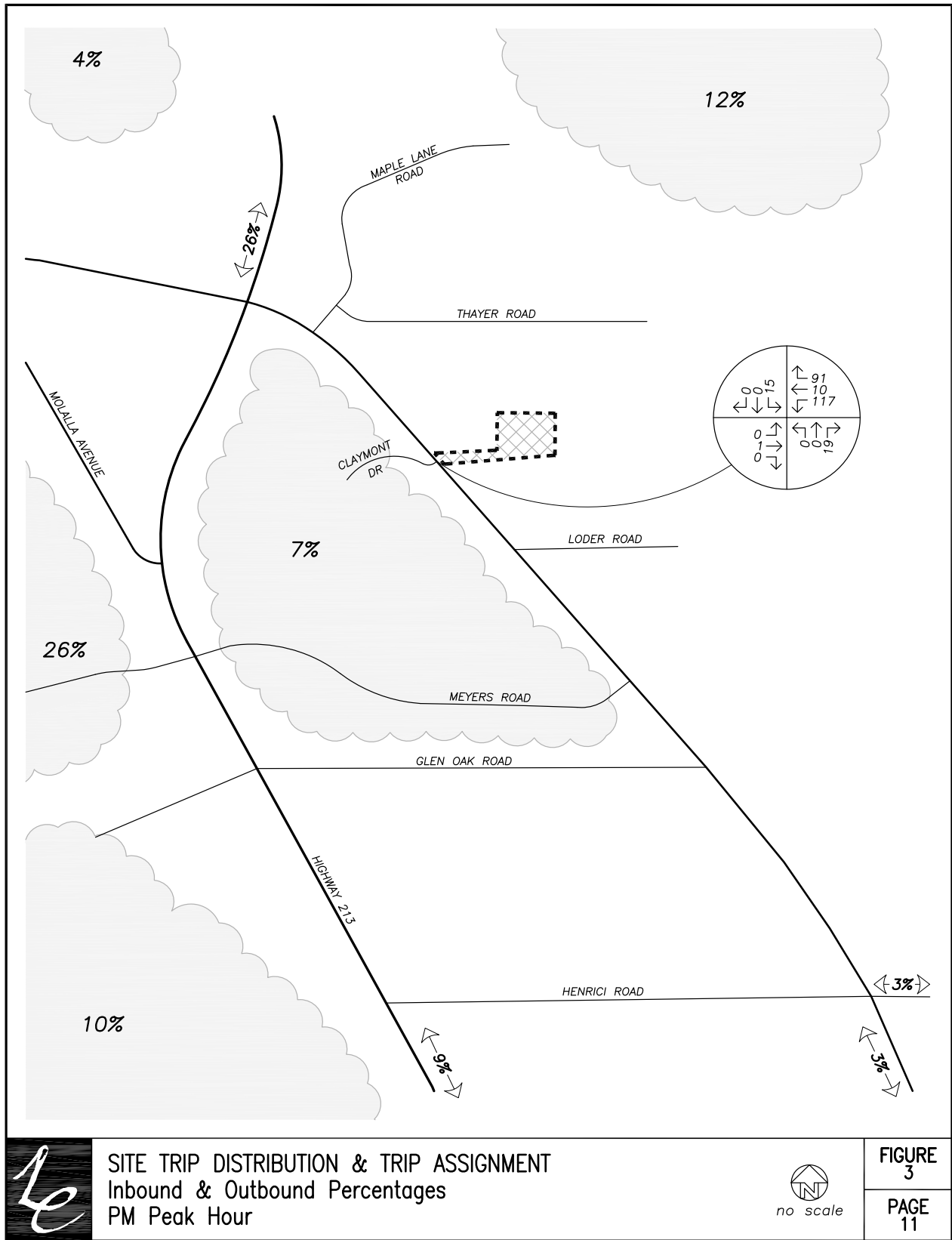
**Trip Generation Summary**

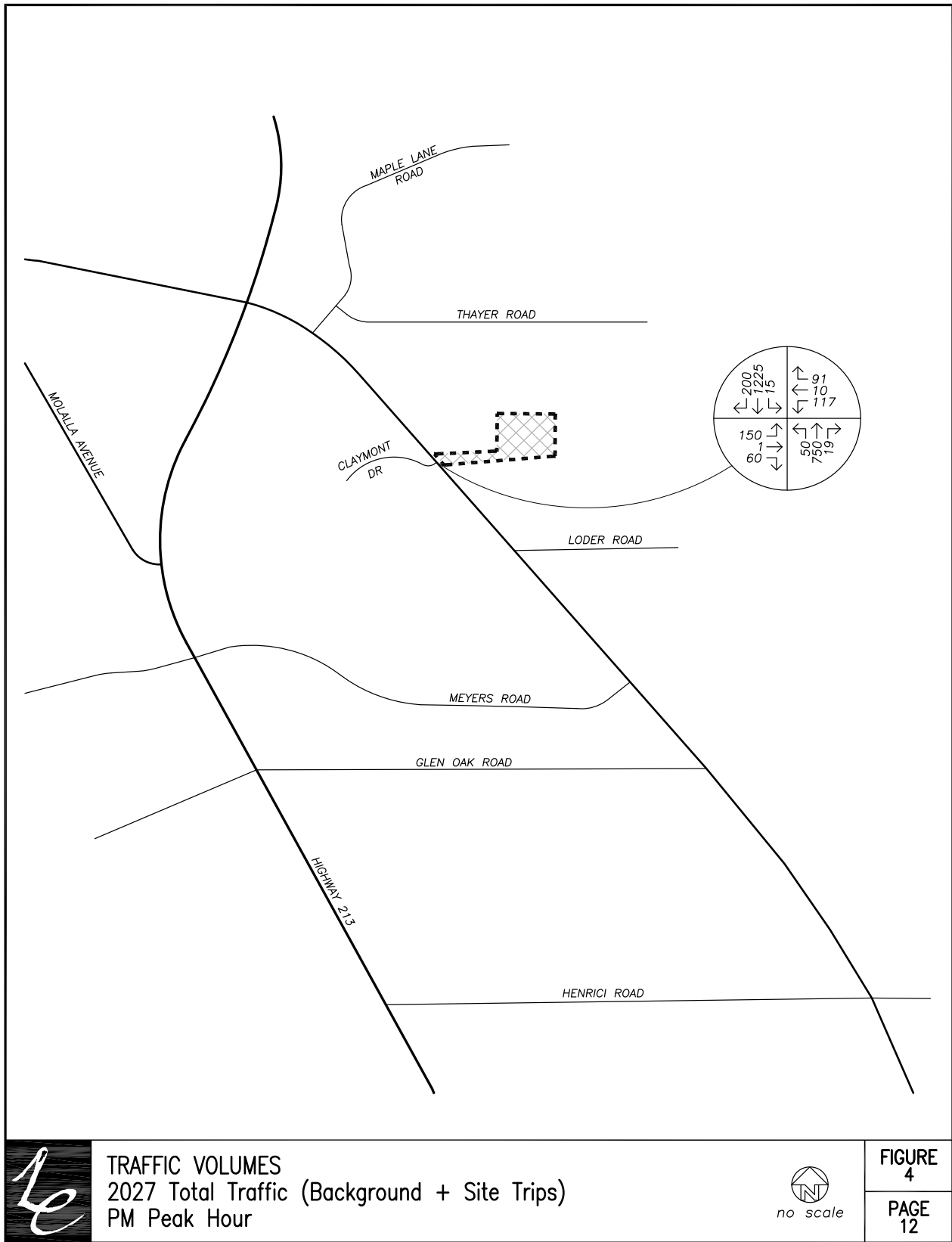
	AM Peak Hour			PM Peak Hour			Weekday
	In	Out	Total	In	Out	Total	Total
<i>Office Park West, 92,300 sf</i>	119	15	134	16	100	116	896
<i>Office Park East, 78,510 sf</i>	141	17	158	19	118	137	1,054
<b>TOTAL</b>	260	32	292	35	218	253	1,950

**TRIP DISTRIBUTION**

Site trips from the assumed development on the site were distributed to the surrounding areas of Oregon City using the same pattern that was derived in the transportation analysis for the Concept Plan. This distribution was calculated based on the regional transportation demand model. It is important to note that the distribution pattern reflects conditions in the year 2027, when additional areas of Oregon City are developed.

Figure 3 on page 11 shows the distribution and assignment of the site trips from the potential development of the site under the proposed CI zoning designation. Figure 4 on page 12 shows the sum of 2027 background traffic and site trips from the development of the site. This is referred to as “total traffic”.









## **OPERATIONAL ANALYSIS**

### PERFORMANCE STANDARDS

To examine the operation of the study area intersection, a capacity and level of service analysis was conducted. The City of Oregon City uses level of service as a performance measure. Level of service is a letter grade that is assigned based on the average delay per vehicle at an intersection. Level of service D is generally considered acceptable operation at signalized intersections and level of service E is acceptable for unsignalized locations.

As mentioned previously, the 2027 no-build scenario from the Beaver Creek Concept Plan transportation analysis was used as a starting point for this transportation impact study. The 2027 background volumes were used and resulting intersection operation is consistent with the Concept Plan. This study, consistent with the Concept Plan, assumes that Meyers Road will be extended to Highway 213 prior to 2027.

### CAPACITY & LEVEL OF SERVICE

The results of the capacity analysis show that at the intersection of Beaver Creek Road and Claymont Drive will operate satisfactorily in its current configuration through 2027. With construction of the fourth leg of the intersection to serve the site, it will operate at capacity, with a v/c ratio of 1.0. While the intersection would meet level of service standards considering only the aggregate level of service for the entire intersection, individual movements would be over capacity and have a poor level of service. As such, mitigation was identified.

As noted in the Concept Plan, the primary constraint along this section of Beaver Creek Road in 2027 will be the large volume of through traffic. The current configuration with only a single lane in each direction will not be sufficient. To mitigate the intersection operation, widening of Beaver Creek Road to accommodate two through lanes in each direction would be necessary. It is important to note that this improvement would not be needed until very near the end of the planning horizon. Near term development of the site could occur with the existing width of Beaver Creek Road.

The table below shows a summary of the results of the capacity and level of service analysis at the study area intersection. Detailed capacity analysis calculations are included in the appendix to this report.



**Capacity & Level of Service Summary**

	PM Peak Hour		
	v/c	Delay	LOS
<i>Claymont Drive at Beaver Creek Road</i>			
2027 Background	0.88	21	C
2027 Total Traffic (add east leg)	1.00	38	D
2027 Total Traffic Mitigated (widen Beaver Creek)	0.65	20	C

v/c = volume-to-capacity ratio  
 Delay = average delay per vehicle in seconds  
 LOS = Level of service

**TRANSPORTATION PLANNING RULE**

Because a change in zoning on the property is proposed, the Transportation Planning Rule (TPR) is applicable. The TPR ensures that adequate transportation facilities will be available to serve the increase in traffic associated with the proposed change in zoning. Because the subject property is within the City of Oregon City UGB and has been planned for urban development in the City's Comprehensive Plan and TSP, Section 9 of the TPR applies. The text of Section 9 is quoted below, with the response immediately following.

**660-012-0060**

(9) *Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met:*

- (a) *The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*
- (b) *The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; or*
- (c) *The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

Upon annexation, the subject site is proposed to be zoned Campus Industrial (CI), which is consistent with the Industrial designation given to the property in the Comprehensive Plan. The City of Oregon City has an acknowledged TSP that considers urban development under that Comprehensive Plan designation. Both the Beaver Creek Concept Plan and the TSP update that is currently underway consider this site for urban development. For many years, the City's planning efforts have accounted for development of this property.

Accordingly, Section 9 of the TPR quoted above is satisfied and the local government may therefore find that there is no “significant affect” and the TPR is satisfied.

#### OREGON CITY APPROVAL CRITERIA

Oregon City Municipal Code section 14.04.060 applies to property annexations. Subsection A includes two criteria that pertain to transportation. These are:

#### ***OCMC 14.04.060***

*14.04.060 – Annexation factors.*

- (A) *When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*
- 1) Adequacy of access to the site; and*
  - 3) Adequacy and availability of public facilities and services to service potential development.*

As explained previously in this report, the site has excellent opportunity for access, with frontage along Beaver Creek Road opposite the Claymont Drive intersection. The site will take access by constructing a fourth leg to this intersection. This fourth leg will remain in place and become a public street when surrounding properties develop and the street system within the Beaver Creek Concept Plan area is established.

In the near term, the intersection will operate acceptably. However, by the end of the planning horizon in 2027, Beaver Creek Road will have sufficiently high traffic volumes that two through lanes will be needed in both directions. With this improvement in place, intersection of Claymont Drive/site access at Beaver Creek Road will operate satisfactorily. It is noted that there are already two southbound lanes to the north of the intersection, although the outside line presently becomes a right-turn lane at Claymont Drive.



## CONCLUSIONS & RECOMMENDATIONS

The subject site is presently within the UGB and by inclusion in the City's Comprehensive Plan and Transportation System Plan, the City has planned for urban development on the subject property. The proposed annexation will establish a Campus Industrial zone on the property, which is consistent with the Comprehensive Plan.

Development on the property is limited by an existing BPA powerline easement and also by the planned future street system. Accounting for these two factors as well as adequate parking, landscaping, and setbacks, it is estimated that the site could accommodate 170,810 square feet of building area. This level of development would generate a total of 292 trips during the morning peak hour, 218 trips during the evening peak hour, and a weekday total of 1,950 trips.

Following the proposed annexation, development on the subject site would take access to Beaver Creek Road via a new fourth leg to the existing signalized intersection of Beaver Creek Road at Claymont Drive. The intersection will operate acceptably with this configuration until near the end of the planning period. By the planning horizon in 2027, traffic volumes on Beaver Creek Road will be sufficiently high to necessitate two through lanes in each direction. With this widening, the Claymont Drive intersection will operate acceptably through 2027.



**APPENDIX**



## LEVEL OF SERVICE

Level of service is used to describe the quality of traffic flow. Levels of service A to C are considered good, and rural roads are usually designed for level of service C. Urban streets and signalized intersections are typically designed for level of service D. Level of service E is considered to be the limit of acceptable delay. For unsignalized intersections, level of service E is generally considered acceptable. Here is a more complete description of levels of service:

*Level of service A:* Very low delay at intersections, with all traffic signal cycles clearing and no vehicles waiting through more than one signal cycle. On highways, low volume and high speeds, with speeds not restricted by other vehicles.

*Level of service B:* Operating speeds beginning to be affected by other traffic; short traffic delays at intersections. Higher average intersection delay than for level of service A resulting from more vehicles stopping.

*Level of service C:* Operating speeds and maneuverability closely controlled by other traffic; higher delays at intersections than for level of service B due to a significant number of vehicles stopping. Not all signal cycles clear the waiting vehicles. This is the recommended design standard for rural highways.

*Level of service D:* Tolerable operating speeds; long traffic delays occur at intersections. The influence of congestion is noticeable. At traffic signals many vehicles stop, and the proportion of vehicles not stopping declines. The number of signal cycle failures, for which vehicles must wait through more than one signal cycle, are noticeable. This is typically the design level for urban signalized intersections.

*Level of service E:* Restricted speeds, very long traffic delays at traffic signals, and traffic volumes near capacity. Flow is unstable so that any interruption, no matter how minor, will cause queues to form and service to deteriorate to level of service F. Traffic signal cycle failures are frequent occurrences. For unsignalized intersections, level of service E or better is generally considered acceptable.

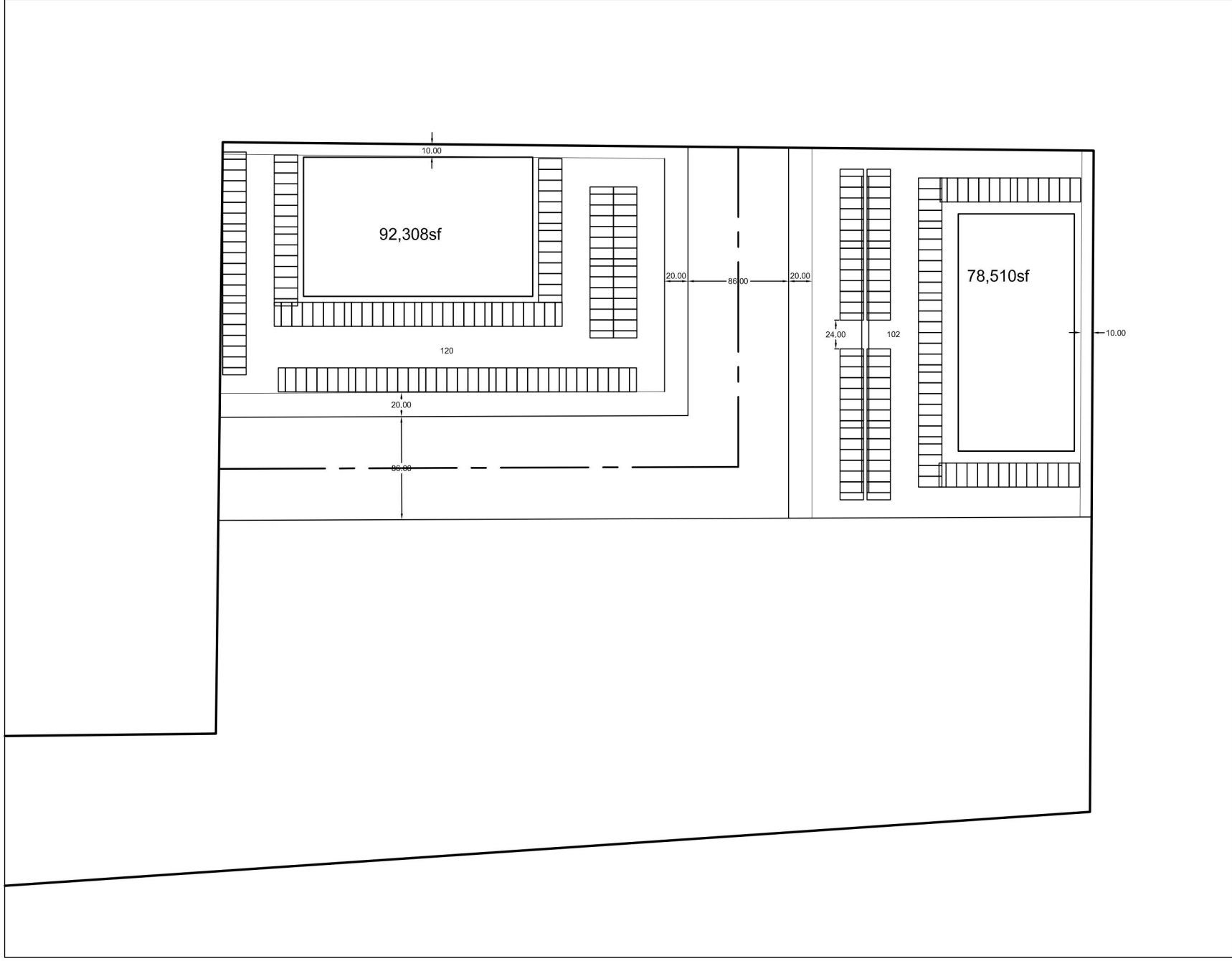
*Level of service F:* Extreme delays, resulting in long queues which may interfere with other traffic movements. There may be stoppages of long duration, and speeds may drop to zero. There may be frequent signal cycle failures. Level of service F will typically result when vehicle arrival rates are greater than capacity. It is considered unacceptable by most drivers.

*LEVEL OF SERVICE CRITERIA  
FOR SIGNALIZED INTERSECTIONS*

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (Seconds)
A	<10
B	10-20
C	20-35
D	35-55
E	55-80
F	>80

*LEVEL OF SERVICE CRITERIA  
FOR UNSIGNALIZED INTERSECTIONS*

LEVEL OF SERVICE	CONTROL DELAY PER VEHICLE (Seconds)
A	<10
B	10-15
C	15-25
D	25-35
E	35-50
F	>50







TRIP GENERATION CALCULATIONS  
Office Park West

*Land Use:* Office Park  
*Land Use Code:* 750  
*Variable:* 1000 Sq Ft Gross Floor Area  
*Variable Value:* 78.5

**AM PEAK HOUR**

*Trip Rate:* 1.71

	Enter	Exit	Total
Directional Distribution	89%	11%	
Trip Ends	<b>119</b>	<b>15</b>	<b>134</b>

**PM PEAK HOUR**

*Trip Rate:* 1.48

	Enter	Exit	Total
Directional Distribution	14%	86%	
Trip Ends	<b>16</b>	<b>100</b>	<b>116</b>

**WEEKDAY**

*Trip Rate:* 11.42

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>448</b>	<b>448</b>	<b>896</b>

**SATURDAY**

*Trip Rate:* 1.64

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>64</b>	<b>64</b>	<b>128</b>

Source: TRIP GENERATION, Eighth Edition



TRIP GENERATION CALCULATIONS  
Office Park East

*Land Use:* Office Park  
*Land Use Code:* 750  
*Variable:* 1000 Sq Ft Gross Floor Area  
*Variable Value:* 92.3

**AM PEAK HOUR**

*Trip Rate:* 1.71

	Enter	Exit	Total
Directional Distribution	89%	11%	
Trip Ends	<b>141</b>	<b>17</b>	<b>158</b>

**PM PEAK HOUR**

*Trip Rate:* 1.48

	Enter	Exit	Total
Directional Distribution	14%	86%	
Trip Ends	<b>19</b>	<b>118</b>	<b>137</b>

**WEEKDAY**

*Trip Rate:* 11.42

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>527</b>	<b>527</b>	<b>1,054</b>

**SATURDAY**

*Trip Rate:* 1.64

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	<b>76</b>	<b>76</b>	<b>152</b>

Source: TRIP GENERATION, Eighth Edition

HCM Signalized Intersection Capacity Analysis  
4: Claymont Drive & Beaver Creek Road

2027 Background  
PM Peak Hour

Movement	EBL	EBR	SET	SER	NWL	NWT
Lane Configurations						
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	0.85	1.00	0.85	1.00	1.00
Flt Protected	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (prot)	1770	1583	1863	1583	1770	1863
Flt Permitted	0.95	1.00	1.00	1.00	0.95	1.00
Satd. Flow (perm)	1770	1583	1863	1583	1770	1863
Volume (vph)	150	60	1225	200	50	750
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	150	60	1225	200	50	750
RTOR Reduction (vph)	0	50	0	59	0	0
Lane Group Flow (vph)	150	11	1225	141	50	750
Turn Type	pm+ov		Perm	Prot		
Protected Phases	4	5	6	5	2	
Permitted Phases	4		6			
Actuated Green, G (s)	13.0	17.5	70.5	70.5	4.5	79.0
Effective Green, g (s)	13.0	17.5	70.5	70.5	4.5	79.0
Actuated g/C Ratio	0.13	0.18	0.70	0.70	0.04	0.79
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	230	340	1313	1116	80	1472
v/s Ratio Prot	c0.08	0.01	c0.66	0.03	c0.40	
v/s Ratio Perm	0.03		0.13			
v/c Ratio	0.65	0.03	0.93	0.13	0.62	0.51
Uniform Delay, d1	41.4	34.2	12.7	4.8	46.9	3.7
Progression Factor	1.00	1.00	1.00	1.00	0.94	1.96
Incremental Delay, d2	6.5	0.0	13.3	0.2	13.4	1.2
Delay (s)	47.8	34.3	26.0	5.0	57.5	8.4
Level of Service	D	C	C	A	E	A
Approach Delay (s)	44.0		23.0		11.5	
Approach LOS	D		C		B	
<b>Intersection Summary</b>						
HCM Average Control Delay	21.0		HCM Level of Service		C	
HCM Volume to Capacity ratio	0.88					
Actuated Cycle Length (s)	100.0		Sum of lost time (s)		12.0	
Intersection Capacity Utilization	79.5%		ICU Level of Service		D	
Analysis Period (min)	15					
c Critical Lane Group						

HCM Signalized Intersection Capacity Analysis  
4: Beaver Creek Road & Claymont Drive

2027 Total Traffic  
PM Peak Hour

Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations	↖	↗	↘	↙	↕	↖	↗	↘	↙	↕	↖	↗
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Lane Util. Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Frt	1.00	1.00	0.85	1.00	1.00	1.00	1.00	0.85	1.00	1.00	0.86	1.00
Flt Protected	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00	0.95	1.00	1.00
Satd. Flow (prot)	1770	1863	1583	1770	1856	1856	1770	1588	1588	1770	1611	1611
Flt Permitted	0.95	1.00	1.00	0.95	1.00	1.00	0.63	1.00	1.00	0.55	1.00	1.00
Satd. Flow (perm)	1770	1863	1583	1770	1856	1856	1183	1588	1588	1026	1611	1611
Volume (vph)	15	1225	200	50	750	750	19	150	1	60	117	10
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	15	1225	200	50	750	750	19	150	1	60	117	10
RTOR Reduction (vph)	0	0	55	0	1	1	0	0	57	0	0	85
Lane Group Flow (vph)	15	1225	145	50	768	768	0	150	4	0	117	16
Turn Type	Prot	pm+ov	pm+ov	Prot	pm+ov	pm+ov	pm+pt	pm+pt	pm+pt	pm+pt	pm+pt	pm+pt
Protected Phases	1	6	7	5	2	2	7	4	4	3	8	8
Permitted Phases			6				4			8		
Actuated Green, G (s)	3.1	82.7	86.7	9.1	88.7	88.7	10.3	6.3	6.3	14.1	8.2	8.2
Effective Green, g (s)	3.1	82.7	86.7	9.1	88.7	88.7	10.3	6.3	6.3	14.1	8.2	8.2
Actuated g/C Ratio	0.03	0.69	0.72	0.08	0.74	0.74	0.09	0.05	0.05	0.12	0.07	0.07
Clearance Time (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Vehicle Extension (s)	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0	3.0
Lane Grp Cap (vph)	46	1284	1196	134	1372	1372	121	83	83	157	110	110
v/s Ratio Prot	0.01	c0.66	0.01	c0.03	c0.41	c0.41	c0.04	0.04	0.04	c0.04	0.06	0.06
v/s Ratio Perm			0.12				c0.07			0.05		
v/c Ratio	0.33	0.95	0.12	0.37	0.56	0.56	1.24	0.05	0.05	0.75	0.15	0.15
Uniform Delay, d1	57.4	16.9	5.1	52.7	7.0	7.0	54.5	54.0	54.0	50.5	52.6	52.6
Progression Factor	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Incremental Delay, d2	4.1	16.3	0.0	1.7	1.7	1.7	159.8	0.3	0.3	17.4	0.6	0.6
Delay (s)	61.5	33.2	5.1	54.5	8.6	8.6	214.3	54.3	54.3	67.9	53.2	53.2
Level of Service	E	C	A	D	A	A	F	D	D	E	D	D
Approach Delay (s)		29.6			11.4	11.4		168.0	168.0		61.1	61.1
Approach LOS		C			B	B		F	F		E	E
<b>Intersection Summary</b>												
HCM Average Control Delay			37.5									D
HCM Volume to Capacity ratio			1.00									
Actuated Cycle Length (s)			120.0							24.0		
Intersection Capacity Utilization			86.1%									E
Analysis Period (min)			15									
c Critical Lane Group												

HCM Signalized Intersection Capacity Analysis  
4: Beaver Creek Road & Claymont Drive

2027 Total Traffic - MITIGATED  
PM Peak Hour

Movement	SEL	SET	SER	NWL	NWT	NWR	NEL	NET	NER	SWL	SWT	SWR
Lane Configurations	↖	↗	↘	↙	↕	↖	↗	↘	↙	↕	↖	↗
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Lane Util. Factor	1.00	0.95		1.00	0.95		1.00	1.00		1.00	1.00	
Frt	1.00	0.98		1.00	1.00		1.00	0.85		1.00	0.86	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00		0.95	1.00	
Satd. Flow (prot)	1770	3465		1770	3526		1770	1588		1770	1611	
Flt Permitted	0.95	1.00		0.95	1.00		0.47	1.00		0.72	1.00	
Satd. Flow (perm)	1770	3465		1770	3526		877	1588		1336	1611	
Volume (vph)	15	1225	200	50	750	19	150	1	60	117	10	91
Peak-hour factor, PHF	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00	1.00
Adj. Flow (vph)	15	1225	200	50	750	19	150	1	60	117	10	91
RTOR Reduction (vph)	0	9	0	0	1	0	0	56	0	0	85	0
Lane Group Flow (vph)	15	1416	0	50	768	0	150	5	0	117	16	0
Turn Type	Prot		Prot		pm+pt		pm+pt					
Protected Phases	1	6		5	2		7	4		3	8	
Permitted Phases							4			8		
Actuated Green, G (s)	3.1	75.3		7.7	79.9		21.3	8.5		20.7	8.2	
Effective Green, g (s)	3.1	75.3		7.7	79.9		21.3	8.5		20.7	8.2	
Actuated g/C Ratio	0.03	0.63		0.06	0.67		0.18	0.07		0.17	0.07	
Clearance Time (s)	4.0	4.0		4.0	4.0		4.0	4.0		4.0	4.0	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0		3.0	3.0	
Lane Grp Cap (vph)	46	2174		114	2348		251	112		276	110	
v/s Ratio Prot	0.01	c0.41		c0.03	0.22		c0.06	0.04		0.04	c0.06	
v/s Ratio Perm							0.04			0.03		
v/c Ratio	0.33	0.65		0.44	0.33		0.60	0.05		0.42	0.15	
Uniform Delay, d1	57.4	14.1		54.1	8.6		44.4	52.0		44.0	52.6	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00		1.00	1.00	
Incremental Delay, d2	4.1	1.5		2.7	0.4		3.8	0.2		1.1	0.6	
Delay (s)	61.5	15.6		56.8	8.9		48.2	52.1		45.0	53.2	
Level of Service	E	B		E	A		D	D		D	D	
Approach Delay (s)		16.1			11.9			49.3			48.8	
Approach LOS		B			B			D			D	
<b>Intersection Summary</b>												
HCM Average Control Delay			20.1			HCM Level of Service					C	
HCM Volume to Capacity ratio			0.65									
Actuated Cycle Length (s)			120.0			Sum of lost time (s)				16.0		
Intersection Capacity Utilization			63.2%			ICU Level of Service					B	
Analysis Period (min)			15									
c Critical Lane Group												

## MEMORANDUM

**TO:** Pete Walter, City of Oregon City  
**FROM:** Todd E. Mobley, PE, PTOE  
**DATE:** June 28, 2012  
**SUBJECT:** Property Annexation – 19314 Beaver Creek Road  
Transportation Planning Rule



**LANCASTER**  
ENGINEERING

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Portland, OR 97204  
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This memorandum is written to provide additional details regarding how the proposed annexation satisfies the Transportation Planning Rule (TPR). Because the annexation is consistent with the comprehensive plan, Section 9 of the TPR applies. Please note that this is discussed in the Traffic Impact Study in the Executive Summary on page 3 and in the Transportation Planning Rule section on page 14. Still, the applicable TPR criteria are directly addressed below. Criteria are in italics, with a response immediately following each of the three applicable criteria.

660-012-0060

*Plan and Land Use Regulation Amendments*

*(9) Notwithstanding section (1) of this rule, a local government may find that an amendment to a zoning map does not significantly affect an existing or planned transportation facility if all of the following requirements are met.*

*(a) The proposed zoning is consistent with the existing comprehensive plan map designation and the amendment does not change the comprehensive plan map;*

The existing City of Oregon City comprehensive plan map shows the subject property is designated “Industrial”. The proposed zoning is Campus Industrial and is one of the City’s zoning districts that is consistent with the Industrial comprehensive plan designation. This criterion is satisfied.

*(b) The local government has an acknowledged TSP and the proposed zoning is consistent with the TSP; and*

The City of Oregon City’s current TSP is adopted and acknowledged. The TSP was adopted in 2001 (Ordinance No. 01-1009). At the time of adoption, and during the preparation of the TSP, the subject property had the Industrial comprehensive plan designation. While the TSP does not provide specific zoning designations for all properties in the City, it does consider urban growth and development of properties that are designated in the comprehensive plan. As such, the growth estimates and future traffic volumes derived in the current TSP reflect industrial development on this site. This criterion is satisfied.

*(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was*



Pete Walter  
June 28, 2012  
Page 2 of 2

*exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.*

There were no special exemptions or other provisions made affecting this property at the time of inclusion within the Urban Growth Boundary. This criterion is satisfied.

***SUMMARY & CONCLUSION***

As demonstrated in the Traffic Impact Study and in this memo, the proposed annexation and implantation of the City of Oregon City Campus Industrial zoning district complies with the TPR by satisfying all of the three criteria in Section 9. If you have any questions, please feel free to contact me directly.

Annexations to OREGON CITY - Double Majority Method, 100% Owners Method

I. *Application Process for Property Owners and Registered Voters*

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

Attached is a *Petition* form for your use. Please fill in the blanks on the first page, sign and fill in the requested information on the second page and insert or attach the legal description to the first two pages.

**Who May Sign:** An elector registered to vote in the territory to be annexed; a property owner who is the legal owner of record or, where there is a recorded land contract, the purchaser thereunder. If there is multiple ownership each signer is counted in proportion to the size of their ownership. If a corporation owns land, the corporation is considered the individual owner.

After completing the petition, have the County Assessor's Office certify the property owner signatures using the attached *Certification of Property Ownership* form. While you are at the Assessor's Office show them your legal description, buy two 1/4 Section Maps showing the property to be annexed and have them certify the map and legal description using the attached *Certification Of Legal Description And Map* form. Proceed to the County Elections Department and have them certify the signatures of the registered voters by completing the attached *Certification of Registered Voters* form. Do this even if the property is vacant. In that case they certify that there are no registered voters in the affected territory.

Step 2. Legal Description

The legal description noted above must be a metes and bounds legal description of the territory to be annexed. This description should be inserted in or attached to the Petition. In addition, one separate copy of the metes and bounds description should be submitted. (A lot, block and subdivision description may be substituted for the metes and bounds description if the area is platted and no metes and bounds description is available, and if this is acceptable to the County Assessor's Office.) If

Page 1



the legal description contains any deed or book and page references, legible copies of these must be submitted with the legal description.

Step 3. Map

As noted above you must submit two copies of the 1/4 Section map. This should be the latest County Assessor's quarter section map (or maps) which indicates the territory to be annexed. Outline the area to be annexed on the maps.

Step 4. Notice List

You must submit a list of all property owners and registered voters in the area to be annexed regardless of whether they signed the annexation petition or not. Additionally this list must include the names and addresses of all property owners within 300 feet of the outside edge of the territory to be annexed. Please submit this list on peel-off label sheets.

Step 5. Information Sheet

Complete the attached *Boundary Change Information Sheet*.

Step 6. Double Majority Work Sheet

A *Double Majority Worksheet* is attached for your convenience. This is to help verify that all double majority requirements are met.

Step 7. Submit Application To City

Submit all materials and the required filing fee (see attached schedule) to the City Manager or his designee at Oregon City City Hall, 320 Warner-Milne Rd., Oregon City, OR 97045.

**II. City Review**

Below is a summary of the steps which will be taken regarding annexations initiated by these two methods.

Step 1. Compliance Review

Submitted materials will be checked for compliance with requirements of state statutes, the Metro Code requirements and the City Code requirements.

Step 2. Public Hearing Date Set

The proposal will be set for a hearing by the Planning Commission and the City Commission. The setting of the hearing date for the City Commission must occur within 30 days of the day the proposal is judged to be complete.

Step 3. Public Hearing Notice

Notice of the public hearing by the Planning Commission and notice of the public hearing of the City Commission will be sent to service providers in the area, to the applicant, to adjacent property owners and to appropriate neighborhood or community organizations. Notice of the hearing will be posted in and/or around the territory to be annexed. The hearing will also be advertised twice in a newspaper of general circulation in the area.

Step 5. Staff Study and Report

A staff report will be prepared on each proposed boundary change. This report will cover at a minimum five items specified in the Metro Code including availability of services, compatibility with regional and local plans, etc.. The report will also cover the approval criteria laid out in the Oregon City Municipal Code. This report will be made available to the public 7 days prior to the Planning Commission hearing and 15 days prior to the City Commission hearing.

Step 6. Public Hearings

The Planning Commission will hold its public hearing. After reviewing the proposal in light of the criteria in the City Code and the Metro Code, the Planning Commission will make a recommendation on the boundary change to the City Commission.

The City Commission holds a public hearing. At the hearing the City Commission will consider 7 minimum criteria laid out in the Metro Code including compliance with urban service agreements, consistency with applicable land use plans and service availability. The City Commission

will also consider the 7 Annexation Factors contained in the City Municipal Code. At the conclusion of the public hearing the Commission determines whether the proposed annexation is consistent the Metro Code and with a positive balance of the factors in the City Code and if so schedules an annexation election.

If the Council approves the proposal and schedules it for election it must do so with an order containing findings and reasons. If there are no objections to the approval by another unit of government within 10 days then the issue proceeds to election. If the the decision is contested by a necessary party then the matter is transferred to the Metro Boundary Appeals Commission.

#### Step 7. Election

If the City Commission approves the annexation it will be scheduled for an election at one of the four regular state election dates (March, May, September and November). The applicant will be required to submit a deposit to cover any and all costs of the election. City and State required processes leading up to an election take a significant amount of time and should be allowed for in planning by the applicant.

After the election results are certified an order must be generated to officially change the boundary. The order must be sent to Secretary of State, County Recorder and County Assessor, State Revenue Department, and City Recorder. Other interested parties (such as the utilities) are notified as well. These notifications and official map changes are done by Metro. A separate fee for this operation will be collected at the time the proposed boundary change is first submitted to the City.

~~**PETITION OF OWNERS OF MAJORITY OF LAND  
AND PETITION OF A MAJORITY OF REGISTERED VOTERS**~~

N.A.

*PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY, OREGON*

TO: The City Commission of the City of Oregon City, Oregon:

We, the undersigned property owners of and/or registered voters in the area described below, hereby petition for, and give our consent to, annexation of the area to the City of Oregon City.

The property to be annexed is described as follows:

*(Insert Legal Description here OR attach it as Exhibit "A")*

Page 5

~~CERTIFICATION OF PROPERTY OWNERSHIP OF  
AT LEAST ONE-HALF LAND AREA  
(City Double Majority Method)~~

N.A.

I hereby certify that the attached petition for a proposed boundary change involving the territory described in the petition contains the names \* of at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.

NAME Mary Neigel  
TITLE Cartographer 2  
DEPARTMENT Assessment & Tax  
COUNTY OF Clackamas  
DATE 11.01.2011

- \* "Owner" means the legal owner of record or, where there is a recorded land contract which is in force, the purchaser thereunder. If there is a multiple ownership in a parcel of land each consenting owner shall be counted as a fraction to the same extent as the interest of the owner in the land bears in relation to the interest of the other owners and the same fraction shall be applied to the parcel's land mass and assessed value for purposes of the consent petition. If a corporation owns land in territory proposed to be annexed, the corporation shall be considered the individual owner of that land.





**Caufield  
Neighborhood  
Association**

Larry Hanlon, President  
503-657-6975

June 2, 2012

City of Oregon City  
Planning Department  
221 Molalla Avenue, Suite 200  
Oregon City, OR 97045

ATTENTION: Peter Walter, Associate Planner

Dear Pete,

This is to certify that the Caufield Neighborhood Association executive committee met on Tuesday, May 22, 2012, with Thomas J. Sisul of Sisul Engineering regarding the annexation request for 14362 Maplelane Road. We will inform our association at our next meeting scheduled for June 26, 2012.

At the same executive meeting, Robert Price also presented the annexation request for an 11.93 acre parcel at 19314 S Beaver creek Road listed as tax lot 3-2E-09A-00800. Our Land Use Chairman expressed concern regarding the zoning of it and others in the Beaver creek Corridor, wondering if large industrial usage was to be permitted. We will present this annexation request at our general meeting on June 26. Please inform us when hearing dates are set so those having concerns may comment if they wish.

Sincerely,

Gary K. Davis, Secretary  
Caufield Neighborhood Association

**REPLINGER & ASSOCIATES LLC**  
TRANSPORTATION ENGINEERING

June 29, 2012

Mr. Pete Walter  
City of Oregon City  
PO Box 3040  
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION IMPACT STUDY – 19314 BEAVERCREEK ROAD – AN12-03**

Dear Mr. Walter:

In response to your request, I have reviewed the materials submitted in support of the proposed annexation of the Hochhalter Property at 19314 Beaver Creek Road. The relevant materials consisted of the Transportation Impact Study (TIS) dated June 25, 2012 and a supplemental memorandum dated June 28, 2012. The TIS and memorandum were prepared under the direction of Todd E. Mobley, PE of Lancaster Engineering.

The proposed annexation is located on the east side of Beaver Creek Road near its intersection with Claymont Drive. The parcel is approximately 11.72 acres in size and is within the area considered in the Beaver Creek Concept Plan. Upon successful annexation, the property would be zoned Campus Industrial (CI). The parcel is within the urban growth boundary and its development under the industrial land use category has been assumed in previous studies including the development of the Transportation System Plan adopted in 2001 and the aforementioned Beaver Creek Concept Plan.

The TIA provides a basis upon which the annexation proposal can be evaluated for transportation impacts. It is recognized that additional transportation analyses will be required at the time of development or if the applicant elects to pursue a change of zoning.

**Comments**

1. **Study Area.** The study addresses the appropriate intersection: the intersection of Beaver Creek Road and Claymont Drive. The intersection is currently a T intersection. A new east leg that will serve the site and other nearby properties will be created when the site is developed. The study area is appropriate for the purposes of judging the impacts of the annexation.
2. **Traffic Volumes.** Because this application deals with annexation rather than a specific development proposal, the applicant used 2027 traffic volumes from the traffic analysis conducted for the Beaver Creek Concept Plan. This base accounts for general development of the area as well as growth in through traffic from the region.
3. **Trip Generation.** The TIS presents information on trip generation based upon development of a campus industrial park. The engineer used trip generation rates for an office park taken from the Institute of Transportation Engineers' *Trip Generation*. I judge this to be an appropriate basis for the estimate of traffic. The engineer describes the limitations of development on the site



including the development of a local street system and an easement for a major transmission line. He calculated that approximately 170,000 square feet of buildings could be developed on the site. I think that somewhat more development might be accommodated if some of the parking were to be located within the transmission line easement. I do not consider that this would substantially impact the total traffic or alter the conclusions of this analysis.

4. **Trip Distribution.** The trip distribution is based on the materials developed for the Beaver Creek Concept Plan and appears reasonable.
5. **Traffic Growth.** As described in 3, above, the traffic volumes were taken from the traffic analysis performed in support of the Beaver Creek Concept Plan. The 2027 background volumes account for regional growth and development in Oregon City outside of the Beaver Creek Concept Plan area. This method of accounting for traffic growth is appropriate.
6. **Analysis.** Traffic volumes were calculated for the intersection described in #1, above. The engineer calculated the level of service (LOS), delay, and volume/capacity ratio. The calculations were performed for PM peak conditions in 2027.

According to the engineer, the intersection is predicted to operate acceptably for a considerable time but near the end of the planning period widening of Beaver Creek Road by an additional lane in each direction will be necessary. This is consistent with previous planning efforts. This analysis reinforces the need to plan for additional widening of Beaver Creek Road and appropriate dedication of right of way.

At the time of development, additional analyses can be undertaken to refine the conclusions and identify the need for near-term mitigation.

7. **Turn Lanes at Site Entrance(s).** The site access will need to be addressed in connection with a specific development proposal.
8. **Crash Information.** A TIS that includes an analysis of crash information and other safety issues will be needed at the time of development.
9. **Pedestrian and Bicycle Facilities.** The description of provisions for pedestrians and bicyclists will be needed in connection with a specific development proposal.
10. **Site Plan and Access.** The TIS illustrates how the road system described in the Beaver Creek Concept Plan fits with the parcel. It describes how site access would eventually become the east leg of the intersection of Beaver Creek Road and Claymont Drive. Further information will be needed in connection with a specific development proposal.
11. **Intersection Spacing.** The TIS includes an illustration of the site using the street network shown in the Beaver Creek Concept Plan. The illustration matches the plan's expectations and appropriate intersection spacing.
12. **Sight Distance.** This need not be addressed until the time of a specific development proposal.

- 13. Consistency with the Transportation System Plan (TSP).** As indicated in the TIS, the development of the site as an industrial use had been assumed in previous planning efforts including the TSP. The street network illustrated in the TIS is consistent with the Beaver Creek Concept Plan. Further discussion about consistency with the TSP including frontage improvements is appropriately performed in connection with a specific development proposal.
- 14. Transportation Planning Rule (TPR) Conformity.** OAR 660-12-0060 describes three conditions that must be met to show how the annexation complies with the TPR. The TIS and the supplemental June 28, 2012 memorandum indicate that 1) the annexation is consistent with the Comprehensive Plan; 2) it is consistent with the adopted TSP; and 3) it is included within the urban growth boundary.
- 15. City Annexation Approval Criteria.** The TIS also addresses city annexation approval criteria including the access to the site (as summarized in 10, above) and the adequacy of public services.
- 16. Conclusions and Recommendations.** The engineer notes that industrial development of the site has long been assumed. The annexation will provide for the implementation of the local street system as describe in the Beaver Creek Concept Plan, including the east leg of the intersection of Beaver Creek Road and Claymont Drive. He concludes that traffic operations of the intersection will be adequate for a considerable time but that Beaver Creek Road will eventually need to be widened to accommodate through traffic and general growth. I concur with the conclusions of the applicant's engineer.

#### **Conclusion and Recommendations**

The annexation proposal appears to be consistent with all prior planning efforts and the analysis performed in support of the annexation indicates that the transportation needs of the applicant and the city can be met.

The analysis conducted to this point is adequate to address the impacts of annexation. Further analysis will be required in connection with a specific development proposal.

If you have any questions or need any further information concerning this review, please contact me at [replinger-associates@comcast.net](mailto:replinger-associates@comcast.net).

Sincerely,



John Replinger, PE  
Principal

Oregon City\2012\AN12-03.docx



**NOTICE OF ANNEXATION APPLICATION**

Notice Mailed to all Owners within 300 feet of the Subject Property on: June 8, 2012

COMMENT DEADLINE:	On <b>Monday, July 9, 2012, the Planning Commission will conduct a public hearing</b> at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On <b>Wednesday, August 1, 2012, the City Commission will conduct a public hearing</b> at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close hearing.
FILE NUMBER:	AN 12-03: Annexation
OWNER:	Norma Hochhalter Trust Kenneth Hochhalter, Trustee
REPRESENTATIVE/ APPLICANT:	Robert Price, Planning Consultant
REQUEST:	Annexation of approximately 11.8 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary (since 1979) and has a Comprehensive Plan designation of I - Industrial.
LOCATION:	19314 Beaver creek Road, Oregon City, OR 97045, abutting Beaver creek Road directly across from Clackamas Community College. Identified as Clackamas County Map No. 3-2E-09A, Tax Lot 800.
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568.
NEIGHBORHOOD ASSOCIATION:	Caufield
CRITERIA:	Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

The applicant and all documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:00am to 5:00pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 15 days prior to the hearing. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the Planning Commission hearing, in person or by letter, with sufficient specificity to afford the Planning Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The Planning Commission shall make a recommendation to the City Commission as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code. The City Commission shall only set for an election annexations consistent with a positive balance of the annexation factors.



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FILE NUMBER:	AN 12-03: Annexation
OWNER:	Norma Hochhalter Trust Kenneth Hochhalter, Trustee
REPRESENTATIVE/ APPLICANT:	Robert Price, Planning Consultant
REQUEST:	Annexation of approximately 11.8 acres into the City of Oregon City. The site is within the Oregon City Urban Growth Boundary (since 1979) and has a Comprehensive Plan designation of I - Industrial.
LOCATION:	19314 Beavercreek Road, Oregon City, OR 97045, abutting Beavercreek Road directly across from Clackamas Community College. Identified as Clackamas County Map No. 3-2E-09A, Tax Lot 800.
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568.
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**Community Development - Planning**

221 Molalla Ave. Suite 200 | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

**ANNEXATION APPLICATION TRANSMITTAL**  
June 8, 2012

**IN-HOUSE DISTRIBUTION OF APPLICATION**

- BUILDING OFFICIAL
- ENGINEERING MANAGER
- CITY ENGINEER / PUBLIC WORKS DIRECTOR
- TECHNICAL SERVICES (GIS)
- PARKS MANAGER
- ADDRESSING
- POLICE
- TRAFFIC ENGINEER
- CITY ATTORNEY

**MAIL-OUT DISTRIBUTION OF APPLICATION**

- OREGON CITY NEIGHBORHOOD ASSOCIATIONS
  - CIC LAND USE CHAIR \_\_\_\_\_
  - N.A. CHAIR CAUFIELD
  - N.A. LAND USE CHAIR CAUFIELD
- CLACKAMAS COUNTY TRANSPORTATION AND PLANNING
- CLACKAMAS FIRE DISTRICT #1
- OREGON CITY SCHOOL DISTRICT
- TRI-MET
- METRO
- CLACKAMAS RIVER WATER
- ODOT DIVISION REVIEW
- OTHER \_\_\_\_\_

**NOTICE OF THE APPLICATION MAILED TO**

- All Properties within 300 feet
- Hamlet of Beavercreek
- Holcomb Outlook CPO
- Central Point / Leland Road / New Era CPO

**COMMENTS DUE BY:** Comments may be submitted at any time until the close of City Commission public hearing. However, for inclusion in the staff report, please provide written comments to the reviewing planner 2 weeks prior to the planning commission hearing.

**HEARING DATE(S):** PLANNING COMMISSION: **JULY 9, 2012** / CITY COMMISSION: **AUGUST 1, 2012**

**HEARING BODY(IES):** PLANNING COMMISSION / CITY COMMISSION

**FILE # & TYPE:** AN 12-03, TYPE IV

**PLANNER:** PETE WALTER, AICP, ASSOCIATE PLANNER, (503) 496-1568

**APPLICANT:** REOBERT PRICE

**OWNER:** NORMA HOCHHALTER TRUST

**REQUEST:** Annexation of approximately 11.8 acres into the City of Oregon City (within UGB since 1979).

**COMP. PLAN DESIGNATION:** I - Industrial

**ZONING:** County - FU-10 Future Urban

**LOCATION:** 19314 S. Beavercreek Rd, Oregon City, OR 97045

**Tax Lot(s):** Clackamas County Map 3-2E-09A, Tax Lot 800.

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and insure prompt consideration of your recommendations. **Please check the appropriate spaces below.**

\_\_\_ The proposal does not conflict with our interests.

\_\_\_ The proposal conflicts with our interests for the reasons attached.

\_\_\_ The proposal would not conflict our interests if the changed noted below are included.

Signed \_\_\_\_\_

**PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.**



8805 SE Lake Road, Portland, OR 97222 • PO Box 22109, Portland, OR 97268-2109  
 Phone: 503-684-0360 Fax: 503-620-3433  
 E-mail: legals@commnewspapers.com

**AFFIDAVIT OF PUBLICATION**

State of Oregon, County of Clackamas, SS I, Charlotte Allsop, being the first duly sworn, depose and say that I am Accounting Manager of *Clackamas Review/Oregon City News and Estacada News*, a newspaper of general circulation, published at Clackamas/Oregon City and Estacada, in the aforesaid county and state, as defined by ORS 193.010 and 193.020, that

**City of Oregon City  
 Notice of Annexation Application/AN12-03  
 CLK12590**

a copy of which is hereto annexed, was published in the entire issue of said newspaper for

1 week in the following issue:

**June 13, 2012**

*Charlotte Allsop*

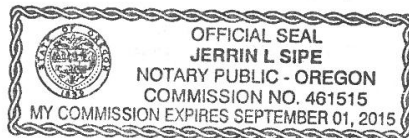
Charlotte Allsop (Accounting Manager)

Subscribed and sworn to before me this June 13, 2012.

*Jerrin L Sipe*  
 NOTARY PUBLIC FOR OREGON  
 My commission expires *Sept 1, 2015*

Acct #10048638  
 Attn: Pete Walter  
 City of Oregon City  
 PO Box 3040  
 Oregon City, OR 97045-0304

Size: 2 x 5.25"  
 Amount Due: \$124.42\*  
 \*Please remit to address above.



**NOTICE OF ANNEXATION APPLICATION**

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**STAFF CONTACT:** Pete Walter, AICP, Associate Planner, (503) 496-1568.

**NEIGHBORHOOD ASSOCIATION:** Caufield  
**CRITERIA:** Metro Code 3.09, Oregon City Municipal Code Title 14 and Subsection 17.68.025, the Land Use Chapter of the Clackamas County Comprehensive Plan, the City/County Urban Growth Boundary Management Agreement and Sections 11 and 14 of the Oregon City Comprehensive Plan.

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Publish 06/13/2012. CLK12590



## AFFIDAVIT OF POSTING OF NOTICE FOR LAND USE APPLICATIONS

**Applicant:** Robert Price

**Location:** 19314 S. Beaver Creek Road, Oregon City, OR 97045

**File Numbers:** AN 12-03: Annexation (11.75 ac)

Your application requires the posting of signs on the subject site that provides a brief description of your proposal and requests comments from the public. The signs shall be mounted on a sturdy backing (such as plywood), and posted within 10 to 15 feet of the street so they are clearly visible. The notices shall not be posted on trees or utility poles. If the weather is wet please cover the signs with clear plastic, or other clear weatherproof material. It is your responsibility to post the signs and failure to do so by the date specified will result in the automatic extension of the public comment period. **Please see attached map for sign posting locations.**

The signs shall be posted by **June 8, 2012** so that they are clearly visible along the street fronting the property. A map is enclosed distinguishing the location of where the signs should be posted. Please maintain the signs posted until after the City Commission hearings. If you have any questions please contact me at (503) 496-1568.

\_\_\_\_\_  
Pete Walter, AICP, Associate Planner  
City of Oregon City - Planning Division  
221 Molalla Avenue, Suite 200  
Oregon City, Oregon 97045

### **PLEASE SIGN AND RETURN THIS NOTICE TO THE PLANNING DIVISION**

I hereby certify that on (date) \_\_\_\_\_, I posted the required signs on the subject site in accordance with the requirements of the Oregon City Municipal Code. If there is any delay in the city's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the one-hundred-twenty-day period in a timely manner.

\_\_\_\_\_  
Applicant

\_\_\_\_\_  
Date

ANDREA J WILSON  
19326 ROLLINS ST  
OREGON CITY, OR 97045

MORRIS ROBERT C  
19330 ROLLINS ST  
OREGON CITY, OR 97045

BRETT HOWARD BRUCKER  
PO BOX 393  
OREGON CITY, OR 97045

PORTLAND GEN ELEC CO  
121 SW SALMON  
PORTLAND, OR 97204

CAROLINE E KROON  
PO BOX 2708  
OREGON CITY, OR 97045

TERRY W EMMERT  
11811 SE HWY 212  
CLACKAMAS, OR 97015-9088

CLACKAMAS CO AREA ED DIST  
19600 S MOLALLA AVE  
OREGON CITY, OR 97045

W MATHEW & KAREN G WHITE  
14865 S LODER RD  
OREGON CITY, OR 97045

CLACKAMAS COMMUNITY COLLEGE  
19600 MOLALLA AVE  
OREGON CITY, OR 97045

WALTER L COURTER  
PO BOX 3874  
PORTLAND, OR 97208

CLARK L & BARBARA D SMITH  
14800 S THAYER RD  
OREGON CITY, OR 97045

FLATCAT LLC  
208 S MERIDIAN  
NEWBERG, OR 97132

GARY J WILSON  
14871 S LODER RD  
OREGON CITY, OR 97045

HOCHHALTER NORMA P TRUSTEE  
11720 SE MARKET DR  
CLACKAMAS, OR 97015

JAMES C & TWYLA F DUNLAP  
14792 S THAYER RD  
OREGON CITY, OR 97045



*Refer to Ordinance No. 75-1020*

CLACKAMAS COUNTY - CITY OF OREGON CITY  
URBAN GROWTH MANAGEMENT AGREEMENT

This Agreement, made and entered into this 25 day of October, 1990, by and between the CITY OF OREGON CITY (CITY), a municipal corporation of the State of Oregon, and CLACKAMAS COUNTY (COUNTY), a political subdivision of the State of Oregon.

WHEREAS, ORS 190.003 to 190.030 allows units of local government to enter into agreements for performance of any or all functions and activities which such units have authority to perform; and

WHEREAS, Statewide Planning Goal 2, Land Use Planning, requires that City, County, State and Federal agency and special district plans and actions shall be consistent with the comprehensive plans of the cities and counties and regional plans adopted under ORS Chapter 197; and

WHEREAS, the Oregon Land Conservation and Development Commission (LCDC) requires each jurisdiction requesting acknowledgment of compliance to submit an agreement setting forth the means by which comprehensive planning coordination within the Regional Urban Growth Boundary will be implemented; and

WHEREAS, OAR 660-11-015 requires the responsibility for the preparation, adoption and amendment of the public facility plan to be specified within an urban growth management agreement; and

WHEREAS, CITY and COUNTY have a mutual interest in coordinated comprehensive plans, compatible land uses and coordinated planning of urban services and facilities; and

WHEREAS, CITY and COUNTY, to ensure coordination and consistent comprehensive plans, consider it mutually advantageous to establish:

1. A site-specific Urban Growth Management Boundary (UGMB) within the Regional Urban Growth Boundary (UGB) within which both CITY and COUNTY maintain an interest in comprehensive planning and development; and
2. A process for coordinating land use planning and development within the UGMB; and
3. Policies regarding comprehensive planning and development proposals within the UGMB; and
4. A process for amending the Urban Growth Management Agreement; and

PAGE 1: URBAN GROWTH MANAGEMENT AGREEMENT

WHEREAS, it is anticipated that presently unincorporated areas within the UGMB will, in the future, be annexed to CITY, and CITY and COUNTY both desire that such annexations not result in any nonconforming uses or structures.

NOW, THEREFORE, CITY AND COUNTY AGREE AS FOLLOWS:

1. Boundary

A. The Urban Growth Management Boundary (UGMB) shall include unincorporated land within the Urban Growth Boundary (UGB) and adjacent to the CITY as shown on map Attachment "A" to this Agreement. Any amendments to the Metro UGB in the area south of the Clackamas River and east of the Willamette River will automatically be reflected in the UGMB. Any such changes shall be coordinated with existing service providers.

2. Comprehensive Planning, Plan Amendments and Public Facilities Planning

A. The development of a comprehensive plan and comprehensive plan changes for the area within the UGMB shall be a coordinated CITY-COUNTY planning effort. CITY shall be responsible for preparing all legislative comprehensive plan amendments in the UGMB. COUNTY shall adopt CITY land use plan designations for all unincorporated lands within the UGMB. All quasi-judicial comprehensive plan amendments for lands zoned FU-10 within the unincorporated UGMB shall be approved by CITY prior to COUNTY adoption.

B. CITY shall be responsible for the preparation, adoption, and amendment of the public facility plan within the UGMB required by OAR Chapter 660, Division 11, Public Facilities Planning. Preparation and amendment of such public facility plan shall provide for coordination with and participation by COUNTY, County service and other special districts within the UGMB.

3. Development Proposals in Unincorporated Area

A. COUNTY's zoning shall apply to all unincorporated lands within the UGMB. COUNTY shall zone all unincorporated lands within the UGMB as Future Urbanizable (FU-10), except as otherwise provided in the Country Village Addendum attached to and made part of this Agreement. Subject to the terms of this Agreement, COUNTY shall retain responsibility and authority for all implementing regulations and land use actions on all unincorporated lands within the UGMB.

PAGE 2: URBAN GROWTH MANAGEMENT AGREEMENT

B. The provision of public facilities and services shall be consistent with the adopted public facility plan for the unincorporated UGMB. For areas zoned FU-10 within the UGMB, COUNTY shall issue no permits or otherwise authorize extension or connection of public facilities and services in violation of the FU-10 zone. Any proposed amendment to the FU-10 zone within the UGMB shall be approved by CITY prior to COUNTY adoption.

C. COUNTY shall not form any new County service districts or support the annexation of land within the unincorporated UGMB to such districts or to other service districts without CITY approval.

4. City and County Notice and Coordination

A. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, within 35 days prior to the first scheduled public hearing on all land use actions, quasi-judicial actions, proposed legislative changes to the COUNTY comprehensive plan or its implementing ordinances affecting land within the UGMB.

B. The COUNTY shall provide notification to the CITY, and an opportunity to participate, review and comment, at least 15 days prior to staff decision on applications for administrative actions as provided in the COUNTY's Zoning and Development Ordinance for applications within the UGMB.

C. The COUNTY shall notify and invite CITY staff to participate and comment in pre-application meetings on conditional use proposals or Design Review Committee meetings on development proposals within the unincorporated areas of the UGMB. These meetings shall be scheduled by the COUNTY after consultation with CITY staff. If CITY chooses to attend a pre-application meeting, the meeting shall occur at a mutually agreeable time within 10 working days following notification to CITY. In the event that a mutually agreement time cannot be achieved, or in the event CITY informs COUNTY that it does not wish to attend a pre-application meeting, such meeting shall occur at COUNTY's convenience.

D. 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 proposed annexations, capital improvement plans or extraterritorial service extensions into unincorporated areas.

E. 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 actions, proposed legislative changes to the CITY comprehensive plan or quasi-judicial actions adjacent to or in close proximity to unincorporated areas.

F. Any amendments proposed by the COUNTY or CITY to the UGMB as shown on Attachment "A" shall be reviewed by CITY and COUNTY prior to submission to METRO. If and when CITY and COUNTY find it necessary to undertake a change of the UGB, the parties shall follow the procedures and requirements set forth in state statutes and Oregon administrative rules.

G. The COUNTY shall enter all written comments of the CITY into the public record and shall consider the same in the exercise of its planning and plan implementation responsibilities. The CITY shall enter all written comments of the COUNTY into the public record and shall consider the same in its exercise of its planning and plan implementation responsibilities.

5. City Annexations

A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.

B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case-by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan. In the event the appropriate authority determines a health hazard exists within the unincorporated UGMB, needed services shall be provided to health hazard areas by service districts if determined by the Health Division that annexation to and service by CITY is not feasible.

6. Amendments to the Urban Growth Management Agreement

A. The terms of this Agreement may be amended or supplemented by mutual agreement of the parties. Any amendments or supplements shall be in writing, shall refer specifically to this Agreement, and shall be executed by the parties. The parties shall review this Agreement at each periodic review and make any necessary amendments.

7. Concurrent Adoption

A. The adoption of this Agreement shall occur concurrently with the adoption of the public facility plan referred to in Paragraph 2(B) of this Agreement and the amendments to the FU-10 zone agreed to by the parties.

IN WITNESS WHEREOF, the parties have executed this Urban Growth Management Agreement, including the Country Village Addendum attached hereto, on the date set opposite their signatures.

CITY OF OREGON CITY

By David D. Spear Date 11-7-90  
Mayor

Attest: Stan K. Elliott Date 11-7-90

CLACKAMAS COUNTY BOARD OF COMMISSIONERS

By Darleen Hooley Date 10-25-90  
Chair

By Ed Ruedge Date 10-25-90  
Commissioner

By Jude Hamerstad Date 10-25-90  
Commissioner

APPROVED AS TO FORM:  
Scott Hobbs  
County Clerk

APPROVED:  
Winston W. Kurtz  
Director, Department of Transportation and Development

CLACKAMAS COUNTY - CITY OF OREGON CITY  
URBAN GROWTH MANAGEMENT AGREEMENT  
COUNTRY VILLAGE ADDENDUM

This Addendum, known as the Country Village Addendum, shall be and is hereby made a part of the Clackamas County - City of Oregon City Urban Growth Management Agreement. All provisions of that Agreement that are not inconsistent with the terms of this Addendum shall apply with equal force to the property which is the subject of this Addendum.

WHEREAS, CITY and COUNTY have previously entered into urban growth management agreements and amendments to coordinate land use planning for the unincorporated area adjacent to the CITY and inside the Metropolitan Service District's urban growth boundary; and

WHEREAS, in 1987, COUNTY approved a 600-unit mobile home development on the Country Village property, portions of which have been developed; and

WHEREAS, in 1988, CITY initiated annexation of Country Village, which was approved by the Portland Metropolitan Area Local Government Boundary Commission but overturned following remonstrations by the resident electors; and

WHEREAS, in response to the vote against annexation to Oregon City, CITY, in keeping with its responsibilities under CITY's Public Facilities Plan, desires to clarify the provision of public facilities and services to the Country Village property; and

WHEREAS, CITY and COUNTY wish to resolve this issue in a cooperative manner.

NOW, THEREFORE, CITY AND COUNTY AGREE AS FOLLOWS:

1. Comprehensive Planning, Zoning, and Plan and Zoning Amendments.

A. The existing COUNTY zoning designations applied to the Country Village property shall continue. Any legislative or quasi-judicial zone change amendments for the Country Village property shall be approved by CITY prior to COUNTY adoption.

2. Development Proposals for the Country Village Property.

A. Subject to the terms of the COUNTY-CITY Urban Growth Management Agreement and this Addendum, COUNTY shall retain

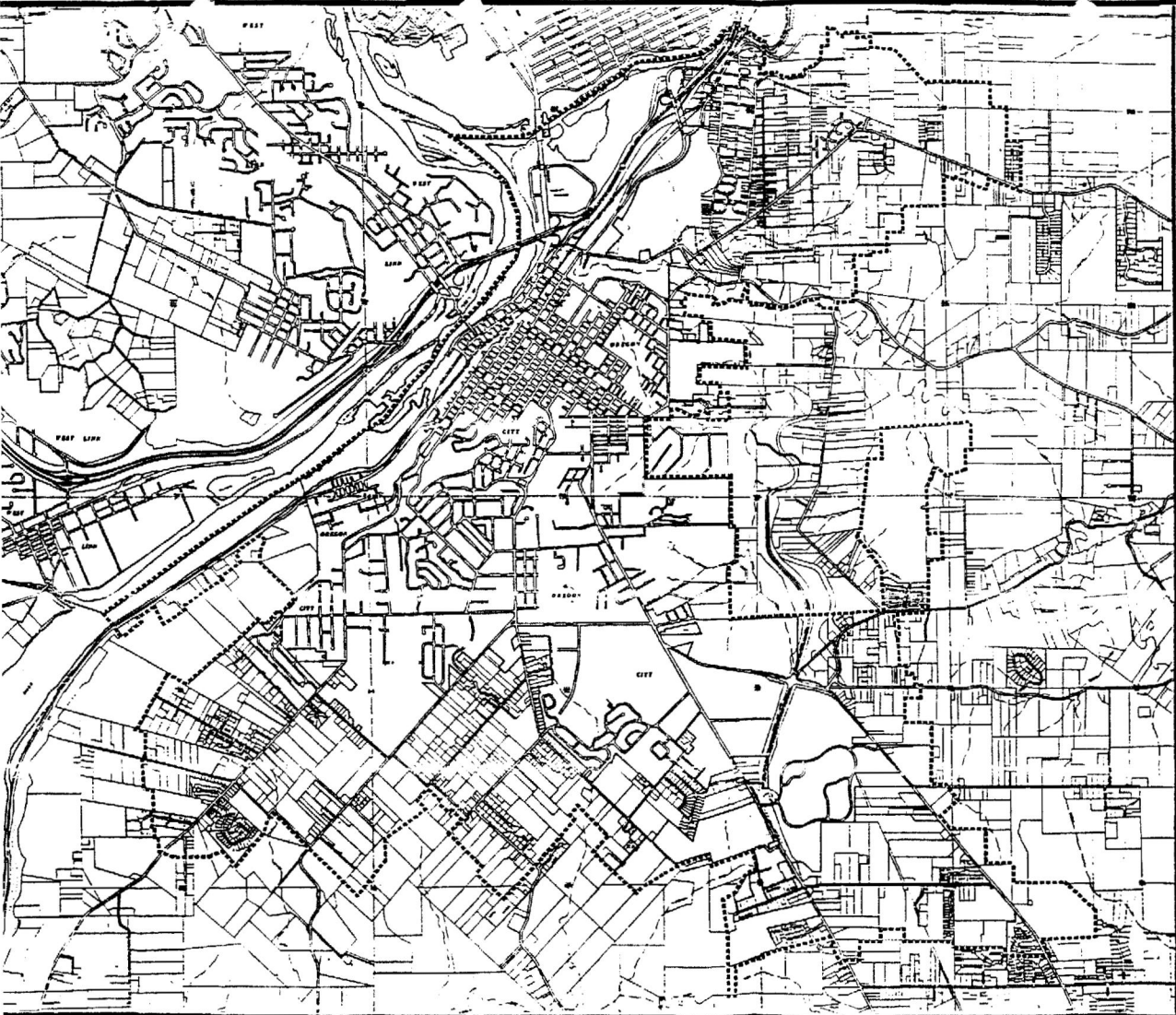
PAGE 1: COUNTRY VILLAGE ADDENDUM TO URBAN GROWTH MANAGEMENT AGREEMENT

responsibility and authority for development permitted within the Country Village property prior to its annexation to CITY.

B. Any major modification (as defined by the Clackamas County Zoning and Development Ordinance) of the development approval granted by COUNTY for provision of up to 600 mobile home units on the Country Village property, shall be approved by CITY prior to COUNTY adoption.

3. Annexation and Extraterritorial Extension of Services.

A. COUNTY and CITY agree that CITY shall be the ultimate provider of public facilities and services to the Country Village property. COUNTY shall not oppose annexation or the extraterritorial extension of services by CITY to the Country Village property.



CITY OF  
OREGON CITY  
URBAN GROWTH  
MANAGEMENT AREA

----- U.G.M.B.

EXHIBIT "A"



I HEREBY CERTIFY THAT THE FOREGOING IS A COMPLETE AND EXACT COPY OF THE ORIGINAL THEREOF.

Rebecca V. Shoemaker, Archivist  
Clerk of the Metro Council

BEFORE THE COUNCIL OF THE METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF ADOPTING )  
AN URBAN GROWTH BOUNDARY FOR )  
THE REGION )  
)  
)

ORDINANCE NO. 79-77  
Introduced by the  
Planning & Development  
Committee

Section 1: The Council finds that:

(a) The Metropolitan Service District is required by Oregon Laws 1979, chapter 402 to prepare and adopt an urban growth boundary for the District consistent with applicable statewide planning goals;

(b) The LCDC, upon acknowledgment review pursuant to ORS Chapter 197, has found that additional findings to support the urban growth boundary adopted in December, 1978, by the Columbia Region Association of Governments are required to merit acknowledgment;

(c) Sufficient evidence exists to support the boundary adopted by CRAG; and

(d) It has been determined by LCDC that it is necessary for the District to establish policies for conversion of urbanizable land to urban use beyond the requirements of Statewide Goal No. 14.

Section 2:

(a) The Metropolitan Service District Urban Growth Boundary (UGB), as indicated and described on the map attached hereto as Attachment A and by this reference incorporated herein, is adopted.

(b) Attachment A is a reduced copy of the original map of the UGB, dated 11/8/79, which original is on file at District offices. Where conflicts may exist between the original and a copy

of the UGB, the original shall control.

Section 3:

The document entitled "Urban Growth Boundary Findings," dated November 1979, a copy of which is attached hereto and by this reference incorporated herein, is hereby adopted as the Findings in support of the UGB adopted by Section 2 of this Ordinance.

Section 4:

The record of the adoption of this Ordinance and its attachments is declared to include:

(a) All evidence, testimony and other information submitted to or generated by CRAG in connection with its adoption and amendment of the CRAG Regional UGB in December, 1978, (CRAG Order No. 78-35) and supporting Findings in November, 1978, (CRAG Order No. 78-22).

(b) All evidence, testimony and other information submitted to the LCDC by the District during its UGB acknowledgment proceedings of June, 1979.

(c) All evidence, testimony and other information submitted to or generated by the District relating to this proceeding.

Section 5:

Pursuant to the 1977 Oregon Laws, chapter 665, Section 25, this ordinance supersedes CRAG Order No. 78-22 (November 16, 1978), CRAG Order No. 78-35 (December 21, 1978), and the documents adopted therein, which orders and documents are no longer of any force or effect. Previous orders of CRAG which were superseded by Order No. 78-22 and Order No. 78-35 are not revived except to the extent that

the records and findings supporting such orders have been readopted  
by Section 3 and Section 4 of this ordinance.

ADOPTED by the Council of the Metropolitan Service

District this 8th day of November, 1979.

  
\_\_\_\_\_  
Presiding Officer

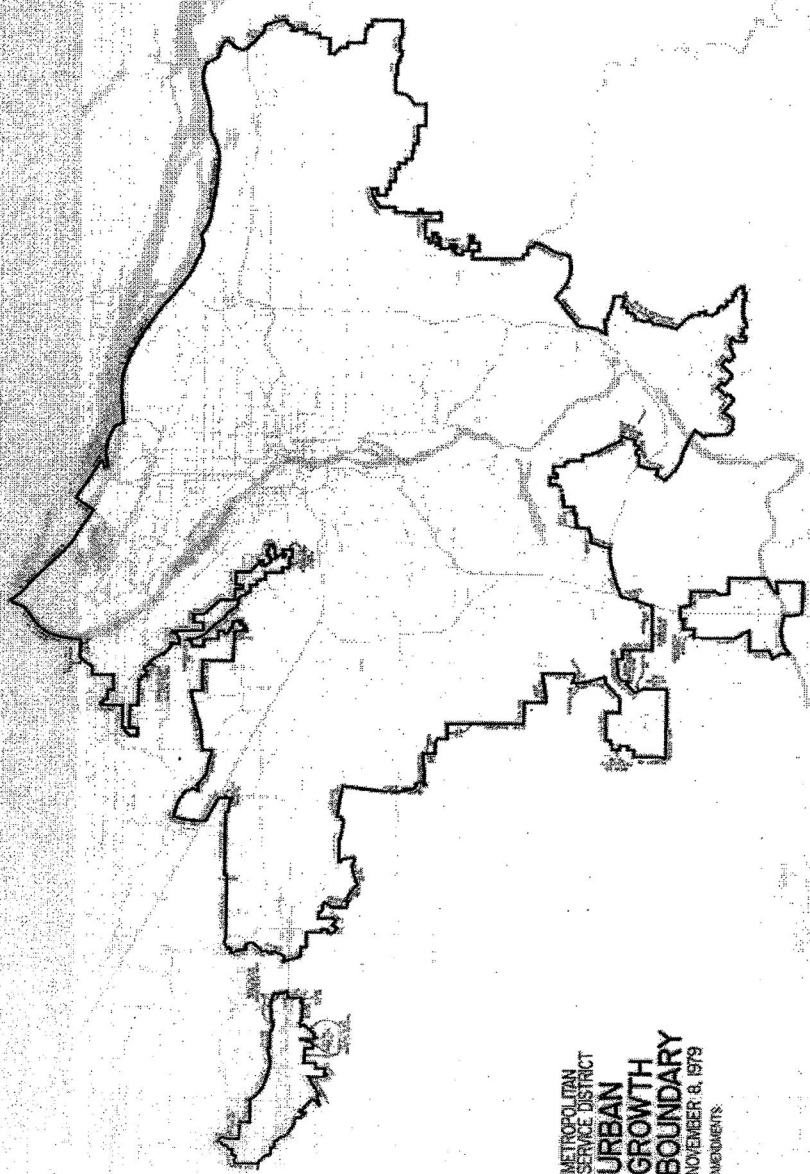
Attest:

  
\_\_\_\_\_  
Clerk of the Council

AJ/gl  
5590A  
0065A

root for jury

# 16X



**METROPOLITAN  
SERVICE DISTRICT  
URBAN  
GROWTH  
BOUNDARY**  
NOVEMBER 8, 1979  
AMENDMENTS

DATE: 11/8/79 BY: [illegible]

THIS DOCUMENT IS FREE  
IT IS NOT TO BE REPRODUCED  
FOR OTHER PURPOSES.