

PLANNING COMMISSION AGENDA
City Commission Chambers - City Hall
625 Center Street, Oregon City, Oregon 97045
December 14, 2009 at 7:00 p.m.

The 2009 Planning Commission agendas, including staff reports, memorandums, and minutes are available from the Oregon City Web site home page under meetings.(www.orcity.org)

1. CALL TO ORDER

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

3. ADOPTION OF PLANNING COMMISSION MINUTES

- a. August 13, 2007 Draft Planning Commission minutes

4. PLANNING COMMISSION HEARING

- a. Annexation (AN 09-01). The applicant is requesting approval of an annexation of one property (approximately 0.55 acres) that is surrounded on all four sides by properties within the City limits.
- b. Conditional Use and Site Plan and Design Review permit (CU 09-01 & SP 09-07). The applicant is requesting approval for the installation of a wireless communication facility on the roof of the Jackson Street High School.
- c. Legislative (L 08-01). Oregon City Code Amendments: 6-month update.
Staff recommends that the Planning Commission open the hearing, hear staff presentation and any public comments and continue the hearing to the January 11, 2010 Planning Commission meeting.

5. ADJOURN

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**CITY OF OREGON CITY
PLANNING COMMISSION MEETING**

August 13, 2007 7:00 PM
City Commission Chambers - City Hall
Excerpt of Minutes

Commissioners Present:

Chairperson, Tim Powell
Commissioner Daniel Lajoie
Commissioner Paul Carter Stein
Commissioner Allan Dunn
Commissioner Chris Groener

Staff Present:

Tony Konkol, Senior Planner
Pete Walter, Associate Planner
Christina Robertson-Gardiner, Associate Planner

1. CALL TO ORDER

Chair Powell called the meeting to order.

2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

There were no public comments.

3. REQUEST FOR CONTINUANCES

4. PLANNING COMMISSION HEARINGS:

L 07-01 (Legislative Hearing), Applicant: City of Oregon City. Requesting Adoption of the Park Place Concept Plan, along with Amendments to the Comprehensive Plan, Comprehensive Plan Map, and its Ancillary Documents; Zoning Map Amendments; and Adopting Amendments and Additions to the Oregon City Zoning Code Titles 16 and 17. *A link to the Park Place Concept Plan document can be viewed on the on the Oregon City Web Page (www.oregoncity.org) under "Planning Commission".*

Pete Walter, Associate Planner, reviewed the Staff Report.

An additional public hearing was scheduled for September 24 to answer any questions that might be outstanding from the Planning Commission.

Mr. Walter read into the record a memorandum from Nancy Kraushaar, Public Works Director and City Engineer, who was unable to attend the meeting due to a family engagement, but would be present at the September 24 meeting.

Ms. Kraushaar had worked closely with Kittelson & Associates on the Concept Plan and with the Clackamas County Transportation staff on the transportation study that was done. He concluded his presentation by requesting a hearing change for the Beavercreek Road Concept Plan, which had been continued to September 17.

Due to Staff scheduling conflicts, he asked that the hearing date be changed to September 24.

Staff planned to mail and email notices for the changed hearing date to all Concept Plan participants, property owners in the study area, and previous participants in the study process.

Tim Smith, Principal, SERA Architects, 338 NW 5th Ave, Portland, OR, 97209, started by giving a brief overview of the map displayed in Slide 7 of his presentation.

- The Park Place Concept Plan included a North and South Village with a total 1,460 residential units. The North Village was located on the slopes north of Redland Road with the South Village near Ogden Middle School.
- One goal was to give the sense of a town or village, so a mixture of housing types was proposed, including commercial, single-family detached, single-family attached, and multi-family units.

The plan called for approximately 40,000 sq. feet of commercial space with about 25,000 sq. feet in the North Village and about 15,000 sq. feet in the South Village.

The green connective areas denoted on the map represented habitat conservation and natural resource protection areas. Each village also had a park appropriately sized for the population.

There was a quarter-mile walking radius around the area defined as the village core, with the idea being to ensure as much density and walkability as possible within that radius.

The study area also included a hierarchy of connections, roads and trails, and public facilities, as required throughout the area.

He then discussed how the firm derived the number of students it expected to see from the Park Place area's growth and why it concluded there would not be any need for new elementary, middle or high schools.

- The firm estimated the number of students per dwelling unit for the different types of housing units, which was summarized on Page 28 of the Park Place Concept Plan.

The firm divided those different types and multiplied them by the given ratios of 0.57 students per single-family detached units, 0.21 students per single-family, and 0.19 for multi-family.

Based on those calculations, the firm determined a total of 650 students, which it broke down into 350 elementary, 150 middle and 150 high school categories. This distribution of students was based on the current distribution in Oregon City.

The firm worked closely with the school district to reach these calculations and compared those results to the capacity in the various schools throughout the study.

For elementary schools, the net future capacity was 300 students.

The Park Place enrollment figures showed 350, yielding a need for 50 students.

Since schools are built in increments of 500 students, the firm deemed both figures insufficient to justify a new elementary school.

- * For middle schools, the results showed an excess of 150 new students.

Since middle schools are built in increments of 700, there were not enough demand for a new building, though an addition to the middle school might be needed in the future.

The same held true for high schools.

Planning Commission Discussion

Commissioner Groener asked how the firm determined its capacity figures and whether those numbers came from principals' testimony.

Mr. Smith responded the school district provided the figures.

Commissioner Groener asked the meaning of the term "preferred capacity."

Mr. Smith explained the term referred to a capacity that the district would not want to grow much beyond.

Commissioner Groener asked how the figures broke down for class sizes for Oregon or nationally.

Mr. Smith responded that he would have to get such breakdowns from the district.

Commissioner Groener said he understood the figures were pretty high and that he thought it was shortsighted not to plan for a new school to absorb the additional students.

He also wanted to hear from any principals impacted by the plan.

Commissioner Groener asked if anyone from the school district was present.

Mr. Walter said the school district kicked off its Facilities Task Force meeting and expected to have a facilities plan in place by the end of the year.

- The record also contained a letter from Roger Rada about his participation in the process, as well as documentation from the City Attorney regarding the City's responsibility to plan for school facilities under the Metro Planning Process.
- The obligation to plan properly for schools had been met for the purposes of the Concept Plan and the City would continue working with the district.

Ms. Robertson-Gardiner commented that separating out the Title XI requirements of asking if the school district had enough land for school was different than asking if the school district needed to expand a certain junior high or grade school.

Part of the Title XI requirement was looking at whether the school district had enough land to meet the growth.

She said that the next phase was the long-range school facilities plan to show how to accommodate the extra students.

Commissioner Groener said the Commission must consider what buildings would go on that land using numbers that he had serious questions about.

Commissioner Groener asked if the firm had determined that the high school was already at capacity.

Mr. Smith replied he was not sure if the high school was at capacity, but the elementary school was not at capacity and the middle school was at preferred capacity.

Commissioner Groener asked which elementary school was not at capacity and if the firm studied averages per elementary or individuals.

Mr. Smith said the two elementary schools in the study area were Park Place and Holcomb and that when added together, they had additional capacity.
Ogden was at preferred capacity.

Commissioner Groener noted the City was dealing with two large concept plans for Beaver Creek and Park Place, which definitely would affect the middle schools. The City needs to be sure it knows what it's doing with the plans.

Chair Powell felt that Beaver Creek plus Park Place would likely come together for a new high school.

Commissioner Groener believed the middle school would experience the greatest impact because there was no other middle school except Gardner on the other side. He guessed those areas would likely feed into Ogden.

Mr. Smith responded he would get those answers back to the Commission.

Tom Putman, Civil Engineer, David Evans & Associates, addressed three issues that came from questions from the last meeting related to water, sanitary, and storm water infrastructure.

- When David Evans & Associates did its water infrastructure analysis, it considered what existed within the Concept Plan area and what would eventually serve the area. They found that adequate supply existed to satisfy demand based off the Concept Plan's growth projections.
Limited water infrastructure existed within the existing community, including many properties on wells and some limited Clackamas River water capacity.
The firm recommended the City expand its water system into the area under the Oregon City Public Works Department's management.
The expansion would mainly come down from the north, with an eye toward preserving the Clackamas River water's existing transmission mains serving the south and southeast areas.
- The company did a similar study for sanitary infrastructure and found that the area would be served by the TCSD. The firm met with TCSD and looked at the treatment plant capacity itself, as well as the sewer trunk main that would serve the community.
The current treatment plant was built almost to Highway 213, ensuring more than enough capacity to serve the anticipated demand.
As with the water infrastructure, the sewer would be an Oregon City collection system.
- The storm water management plan arose from the community's desire to protect and enhance the area's natural characteristics. The area had many steep slopes and three significant streams, raising challenges of how to protect those natural resources.
The firm reviewed a strategy for growing within the environment while seeking to preserve it and developing a storm water system that followed a watershed approach with a tiered management system.
Tier I would be site specific, related to buildings and properties that managed as much storm water on site as possible.
Tier II would utilize green streets that implemented storm water management in their design.
Tier III included regional facilities designed to manage larger events that might come through the system, as well as lowering runoff to reduce future events.
The storm water approach sought to mimic the topography of the community and fit it into the existing natural form.
- In summary, there was adequate existing capacity within the larger systems for water and sanitary, but there was a need for extension within the community.
The storm water system represented a change from current Code, but the desire of the community and Public Works to look for a more visionary and innovative storm water approach led the firm to make their recommendation.

Chair Powell called Kittelson & Associates' representatives to begin their presentation.

Dan Seaman, Senior Associate & Principal Planner, Kittelson & Associates, 610 SW Alder Street, Suite 700, Portland, OR, 97205, discussed ways to ensure adequate transportation services to the subject area.

- The firm used projections of traffic through the year 2027 as twenty years is the guideline from the Transportation Planning Rule.
The consultants used the Metro Model, as adopted for use in Clackamas County and customized it for the system.
- The firm worked with the City and development team to determine growth projections.
The Park Place area would generate about 2,000 net trips in all directions during the p.m. peak hours.

Another study was done to identify existing deficiencies, operations and safety of the system

The existing system operated within the standards of three jurisdictions, including the City, County, and Oregon Department of Transportation (ODOT).

Based on existing traffic counts recorded during average weekday a.m. and p.m. peak hours, the system operated acceptably.

The firm developed a capital improvement list for areas identified as having deficiencies, which resulted in \$137 to \$187 million in needed improvements.

Of that figure, about \$52 million occur as the result of the incremental growth that would happen at Park Place.

- * In the firm's opinion, these improvements would be needed, regardless of whether Park Place was developed.

Chair Powell stated that the study convinced him that the no-build volume would include Highways 213 and I-205 and that the numbers made more sense after reading the report.

Commissioner Dunn asked how close previous estimates had been on the explosion of vehicular traffic and if Mr. Seaman felt comfortable with his firm's estimates. Mistakes have been made before in predicting the highway system's future.

Mr. Seaman considered the question a reasonable one and cited his 25 years of experience in the Portland area, which provided him the ability to look in retrospect.

Projections were based on trip rates that were calibrated and reliable; however, when inputs change, such as numbers of people, higher traffic volumes could result.

Ms. Robertson-Gardiner reviewed Exhibits C and E, the Comprehensive Plan Map and zoning designations.

Revised versions of Codes R-2 and R3.5 were entered as Exhibit B.

As part of its Concept Plan process, the City would adopt a Comprehensive Plan for the area rather than the zoning map.

The Comprehensive Plan Map identified the specific zones fitting in each Comprehensive Plan designation and concept plans should tie in with actual land use and tax lots.

At the planning level, administering lots with multiple split zones was difficult, so Staff and the Community Development Department worked to move the Concept Plan map more into the reality of tax lots.

The Mixed-Used Corridor along Livesay Road/Main Street, and Donovan/Main Street, was a Mixed-Use Corridor Comprehensive Plan, but was proposed to be zoned Neighborhood Commercial in the future.

Neighborhood Commercial, in turn, would be a zone inside the Mixed-Use Corridor Comprehensive Plan designation.

The Medium Density Residential category included the existing R-3.5 and the proposed new R-5 Zone.

Low-Density Residential areas were proposed to be R-10.

This classification would identify existing single-family residential homes along Livesay Road, as well as natural resource areas along the east side of Hollow Lane, south of Redland Road, and along the canyons to the north of Livesay Road.

At the time of annexation or development, Staff proposed that the City Commission assign a zoning to the specific parcels that wanted to come in.

Areas north and south of the Livesay Road/Main Street area would be classified R-3.5, while the North Village lower density areas would be R-5.

Commissioner asked if Low Density was R-10.

Ms. Robertson-Gardiner replied yes.

Is Mixed Density R-2R?

Mixed Density would be classified as R-3.5 and R-5 and the Mixed-Used Corridor classification as Neighborhood Commercial (NC).

There were no NC zones currently in Oregon City; the category was a previous one held over by the City.

Commissioner Lajoie asked why there appeared to be a couple of areas of Low-Density Residential on the proposed map.

Ms. Robertson-Gardiner responded that when there are natural resources on a large portion of an area, Staff tried to keep the density low by starting at the lowest possible density rating.

There was no proposal to drastically redevelop that existing residential area.

Ms. Robertson-Gardiner highlighted the Code changes she saw as important to implementing the Concept Plan.

R-5 would be similar to the existing R-6 Zone, but some of the setbacks were redone to be more in line with R-3.5.

R-5 would have lot coverage of 50%, specifically allowing, as part of the Master Plan, multi-family residential units.

Two-family dwelling units and single-family attached residential units potentially could be allowed if an applicant were to go through the master plan process.

R-3.5 had no lot coverage and R-6 had 40% lot coverage.

R-3.5 could also potentially allow multi-family units through the master plan process.

Neighborhood Commercial (NC), Section H, was updated to include limited uses and prohibited uses.

Specific conditional uses could be allowed through the Conditional Use Process, such as museums and cultural facilities, outdoor markets, public utilities, religious institutions, schools and drive-through facilities.

The Main Street Concept Plan should ensure ground-floor commercial or live-work units to prevent Main Street from becoming completely a multi-family residential area.

No ground floor residential would be allowed within the first hundred feet of Donovan Road or Livesay Road unless application was made through the master plan process to have a live-work unit.

Live-work units were defined as dwellings in which a business was designed to be operated on the ground floor with visibility, signage and access from the primary street.

She reviewed Section 1752, regarding off-street parking and loading.

A proposal had been made by Angelo Eaton to allow on-street parking credits, meaning for site plan design or development review purposes, on-street parking could be counted.

She reviewed Section 8, Municipal Code Section 1744 (Exhibit J) with the following additional comments:

Ms. Kraushaar's previously mentioned memo included recommendations by GRI, the City's geotechnical consultants and put them into the current Code language, as well as studying the City of Salem's Code.

Major changes included revisions of intent and purpose statements and the addition of definitions that did not already exist.

The revisions also included citations of five areas that now fell under the City's Geologic Hazard Code. These five criteria would bring every piece of Park Place land into compliance with the proposed new Code requirements.

She stated that while not every project would have to meet every requirement, she believed the new Code would give the City a much larger toolbox to address the outstanding issues cited in her presentation.

Commissioner pointed to language on page 8 and asked whether the rules might apply in cases of economic condition.

Ms. Robertson-Gardiner replied that the actual reference was legal language carried from existing Code.

The language affected multiple parcels having common ownership. After January 1, 1999, the City could look at the entire property; if it was more than 35%, the area counted as one buildable property, for which the owner only got one house.

Chair Powell asked which Staff members were participating in the School District's Facilities Task Force.

Mr. Walter replied that he did not attend the Task Force's meeting last week, but understood that the group was waiting to finalize on the Beavercreek Road residential figures.

Chair Powell asked Mr. Walter to return with an update.

Ms. Robertson-Gardiner highlighted Item 3, Exhibit G, which covered master plans.

The implementation would work through the master plan process.

Rather than propose exhaustive design guidelines, Staff suggested working with applicants to go through the master plan process as part of annexation or zoning change requirements. If required, Staff would declare a series of fair and objective standards for site plan design review and submit them for Planning Commission approval.

Chair Powell felt those changes made sense in terms of expediting things and asked how the Code changes would actually be implemented.

Ms. Robertson-Gardiner responded that Staff would prefer to work through the process, which allowed more flexibility to applicants and greater discretion to the Commission.

The alternative was a Type II Administrative Staff review, which would require an exhaustive level of Code to implement.

- o Staff continued to consult attorneys to determine how that step would work.

Chair Powell said he liked the changes, but wanted more specifics on how they would actually work and wanted the Commission to be able to participate more.

If the project was to be developed as designed, Codes needed to be in place.

An inordinate amount of time had been spent rewriting Comprehensive Plans in the past.

Ms. Robertson-Gardiner agreed, saying that Type II and III reviews have pluses and minuses. Type II reviews offer agreed-upon standards and objectivity.

Type III reviews are more subjective

If an applicant submitted a project that did not meet accepted criteria, a Type III review could also be grounds for denial under the master plan process.

- The question Staff looks at was do sufficient policies exist in the Concept Plan, as adopted, to give the Commission and Staff direction on whether master plan applications met all goals and policies.
- On pages 4 and 5, she cited where Staff and the Project Advisory Committee (PAC) identified specific policies that were not in the Concept Plan or needed further refinement. On a Staff level, she indicated her desire to continue working closely with the consultants to provide a clear direction of goals and policies on the Concept Plan, if it went into the master plan process.

Chair Powell agreed those changes would be more beneficial.

Ms. Robertson-Gardiner briefly reviewed the ancillary documents, including the Transportation System Plan, Water and Sewer Master Plan, Parks Master Plan, and the Trails Master Plan. Initially, Staff assumed it would provide specific sections from the Concept Plan that would be adopted for each master plan.

It seemed that the process could be streamlined, where each master plan also adopted the Park Place Concept Plan in its entirety.

This would eliminate the need for citing whole subsections of the Concept Plan and would be reflected in future versions of the Code.

Commissioner Dunn suggested revisiting the language on the Natural Resources Committee's (NRC) role in Section 2.56.

- If the City would be doing geologic reviews, he asked if the Committee could review the resulting documents before they reached the Planning Commission, since the language was highly technical.

Ms. Robertson-Gardiner said she knew the NRC and City Commission were reviewing their roles, but deferred the answer to Mr. Walter.

Mr. Walter said that a background discussion with the NRC was underway before next Thursday's meeting and that one key question was if that level of review covered Type II and III items.

- Another issue regarded whether the Commission wanted the NRC to review items under its discretion or anything marked with a WR prefix for unstable slopes.
 - * If the Commission wanted to provide further direction, Staff could go before the City Commission.

Specific bylaws for the NRC state that land use applications that have the potential to affect natural resources could be reviewed and commented on by Staff.

In his opinion, the latter statement seemed convoluted and needed clarification.

Chair Powell opened the meeting for public comment and reviewed the rules of conduct.

Ralph Kiefer, Chair, Park Place Neighborhood Association Land Use Committee, introduced himself, Vice-Chair Tom Geil, and Jackie Hammond-Williams, a member of the association's Land Use and Steering Committees.

The Land Use and Steering Committee met twice in March to review the draft Concept Plan and sent the consultants a letter, which was relatively similar to the one submitted tonight, only updated with some new information.

The Committee's concerns had not changed from the three major concerns articulated in its letter on buildable land, housing density, and transportation issues.

- While pleased to see the City had gone far in revising its geologic hazard codes, he hoped those revisions would be completed through approval from the Commission before any land annexation occurred.
 - He expressed concern about the suitability for development of some land areas shown on the Concept Plan as low to medium density in North Village.
 - * He realized that Bill Burns's map of geologic hazards and recommendations for Oregon City might be completed before any development plans would be submitted to the City; however, there were some areas in North Village that should be investigated before the Commission forwarded the Concept Plan to the City Commission.
- The Planning Commission should not forward anything to the City Commission until it resolved which areas, if any, were not developable.

- The second concern, housing density, related to the area's topographic and geologic uncertainties.
He urged Oregon City to work with Metro to reduce the overall development density in the North Village area. The South Village's area had similar geologic and topographic uncertainties, which had not been studied.
- * The Committee believed that those densities should be reduced, as the area has numerous canyons and wetlands and a propensity for landslides.
He hoped Mr. Burns's mapping work could put a definitive answer to that question.

Jackie Herman-Williams, Holcomb Blvd., Member of the Park Place Neighborhood Association, cited traffic volumes, along with the accompanying noise and pollution problems, as the biggest concerns raised at the March meetings.

She felt the consultants only studied the Park Place neighborhood in drawing up any transportation plans.

- * She labeled the neighborhood as being "under siege" from the development of a large shopping center, the Cove development, a myriad of smaller developments springing up off Holcomb, as well as 700 new homes in the North Village.

She believed that when annexations occur and come to the Commission, transportation issues were discussed, but the bigger picture tended to be overlooked.

- Park Place residents felt slammed by development.

She summarized her feelings by reading the last paragraph of her letter:

"Unless and until serious and committed discussions are underway for concrete solutions to the overwhelming existing traffic problems faced by the Park Place neighborhood, we do not feel that we can support the forwarding of the Park Place Concept Plan to the City of Oregon City. It appears that neither the money nor the commitment to these solutions is currently present in either the local, county or state government, and we feel that Metro, in bringing these areas into the UGB in the first place, has put unrealistic and unbearable pressure on both the transportation and natural resource infrastructure of our neighborhood."

She concluded by urging the City to approach Metro and request a lesser density.

Laura Jensen, 14180 S Donovan Rd, said that residents' concerns about the Park Place Concept Plan were being ignored by the consulting teams and residents' opinions were not valued, which was reflected by the few modifications that had been made.

- She challenged traffic statistics, which only estimated the number of cars would rise by 550, but 1,500 new homes were proposed.
- Regarding promises of affordable housing, she recalled new homes at the Mapelane development advertised at \$265,000 which then rose to between \$350,000 and \$750,000, putting them well out of reach to low- and moderate-income residents.
- Contrary to the consultants' promises, she asserted there had not been enough public meetings and notices were hard to find.
Notices were mailed to Oregon City residents, but the area was outside the city limits, meaning the residents did not get them.
A placard at Redland and Anchor Way could not be read without stopping.
- * The project website was difficult to navigate and contained incorrect meeting dates, times and locations.
- She criticized many meetings as being too short, leaving many people with unanswered questions.
- The consultants often answered questions with jargon that was not easily understood.
- Questions remained on the Beavercreek Concept Plan, which had been discussed at many Park Place neighborhood meetings.

Residents had no idea of the timeline or if they would be forced off their properties through eminent domain.

Ms. Jensen urged Commissioners to listen to residents, as the consultants had not done, and not let the plan go forward.

Bob Nelson, 18090 S Holly Lane, stated that families buying homes or lots of land should have the confidence that the land was safe and appropriate for long-term use.

The City was surrounded by landslides -- 90% of the area around the city was landslide areas -- and the pace of development had pushed more residents into those areas.

- A number of landslides have occurred on Holly Lane, very close to the South Village, during the 1950s, as well as 1995 and 1996, which affected four homes.
- He felt the City desperately needed a good landslide ordinance and, given the sensitive soils in the area, should ensure that construction was safe.
- He asserted that many landslides commonly start from concentrated water in nearby hills. Removing the water from these areas might prevent more landslides.

He said he was out of time for this meeting, but would return in a couple weeks to reiterate his opposition about letting the Park Place Plan proceed without a thorough geologic study.

Linda Royer, Livesay Road PAC representative, asked why there were no allowances in the proposed NC Zone for home accounting, daycare, dog grooming or veterinarian businesses.

Such businesses would certainly be needed with the increased numbers of units.

To protect homes on the western end of Livesay Road during construction, she requested that the City condition access off Redland Road.

She also suggested adding some traffic control devices beyond signage to prevent Livesay from being used.

Mr. Walter said that Ms. Royer's comments came in an email and would be attached as Exhibit E.

Tom Geil, President, Trailview Homeowners Association, said he was reminded of the phrase "pulling the wool over your eyes" when he listened to the consultants.

Concerns about the 550-car figure mirrored those brought up during a meeting last spring at the Park Place School.

At that time, residents asked the consultants why they did not do any peak a.m. studies, which is when most people would actually be traveling.

- He questioned how the Park Place project would affect the preservation of wilderness, which was also something that had troubled Trailview's residents.

Instead of tearing down green areas to serve the needs of Metro, the City should do everything to preserve them, especially since many residents left behind more overdeveloped areas in the Tri-County area.

Christine Kosinski, Holly Lane, Beaver Creek Hamlet Transportation Committee

Representative, said that she and Katherine Kehoe studied enrollment figures and she believed the City had been incorrect to rule out constructing new schools, since the Oregon City Facilities Plan mandates no more than 30 students per class.

- The unofficial figures showed that Oregon City High School was at capacity, forcing the district to send new enrollees to neighboring Gladstone High School. She claimed that the school district was upset because it was losing \$8,000 to \$10,000 per student to Gladstone.
- Additionally, their research showed an average of 90% of classrooms are over the limit, with 33 students in the average class and, in one case, 38 students.

- In another example, she stated that McLoughlin Junior High School was over capacity and had to add more trailers in an area being overtaken by increasing development.
- With the new denser zoning and multi-occupant dwellings, she also feared that school capacity levels could be much higher than currently stated.
- She requested to hold the Beavercreek and Park Place plan meetings at the Pioneer Community Center, which could offer more room for participants.

Mr. Walter responded that the City would review what [venues] were available.

Chair Powell stated that since he had asked Ms. Kosinski to speak on the schools, he would give her another five minutes for her presentation.

Ms. Kosinski distributed three exhibits, starting with a map that showed strong concerns about roads in the project area.

- She called the County and found that a new traffic count was scheduled for mid-September on Maplelane and Thayer, because that intersection was beginning to fail. She requested that the City get the results as soon as they were available.
- She questioned the traffic studies done by Kittelson, and said Holly Lane could not absorb the excess of development and the 15,000 vehicle visits expected from Beavercreek.
- She expressed concerns about the Swan Road extension, which GRI had not studied for landslide concern issues.
 - * She learned the information from an exchange of emails with the company and urged the City to hire GRI to do an in-depth study to prove that Swan could actually withstand the increased traffic.

Kent Ziegler, 17650 Hidden Lake Drive, Oregon City, read a statement, entered as Exhibit H, then identified himself and his brother, Ron Ziegler, as fourth-generation Oregonians.

He said that part of their land came into the Urban Growth Boundary (UGB) during the 1980s and again in 2002-2003, when the UGB area expanded.

- He presented a three-part Park Place Master Plan proposal for the creation of numerous interpretive nature trails, an educational center, and use of sustainable building practices, whenever possible.
- With large areas being set aside for greenbelts, there appear to be large tracts of land at nearby Ogden Junior High School and Holcomb Grade School that were not being used.
 - * These large fields could be transformed into active recreation areas at a fraction of the cost to acquire prime land located in the Concept Plan, representing a large net savings for local taxpayers.
 - * Another possible choice to consider for recreational use was the large amount of flat floodplain land near the Abernathy Drainage Basin. These areas could not be built on due to their flood elevations, but might make excellent playground areas or dog runs.
 - * A vast hiking trail could also connect families in all of the nearby communities, eliminating the need for them to drive their cars.
 - * Metro targeted these areas for acquisition as part of its Parks Open Space Bond Measure, so a proactive approach should be taken to ensure that Oregon City gets its share of funds.

Oregon City Mayor Alice Norris recently stated that the municipality's severe financial challenges should inspire greater attention to environmentally sound practices.

He and his brother had taken those comments to heart by hiring consultants to draw up designs using recyclable materials for wildlife viewing benches and planting native plants

requiring minimum maintenance that serve as a magnet for birds and other types of wildlife.

The majority of the money needed to maintain an environmental learning park would be covered by homeowners' association fees.

They plan to form the Friends of the Park Place Parklands Foundation to oversee its growth.

- Along the same lines, the Zieglers hoped the Planning Commission would consider widths in right-of-ways for the new residential streets.

The present design called for the Holly Lane extension from Redland Road to Holcomb

Road to be 80 to 90 feet wide, and would potentially require major cutting and grading in certain areas, wiping out many evergreen and deciduous trees.

A more environmentally sensitive approach would be to reduce the speed limits in many of the neighborhoods being impacted by the project, making them safer for children.

Ron Ziegler, 15290 South Redland Road, stated that he and his brother wanted to create a neighborhood with a beautiful park that would inspire people to drive less frequently.

- To make his point, he showed photos of their property and the Audubon Nature Place Park, which was one concept that he and his brother hope to emulate.
- He thought a pedestrian neighborhood was a great idea, but doubted the Holly Lane extension could tolerate a 50 mph speed limit.

He called for a traffic study to figure out an appropriate speed limit [inaudible].

Catherine Kehoe, Chair, Holcomb Outlook Community Planning Organization, passed out two resolutions entered as Exhibit I.

She thanked the City and its consultants for the work they dedicated to the Concept Plan project and stated she had never seen a community more receptive to residential input than Oregon City.

- The Holcomb Outlook CPO met on July 10 to review the draft Concept Plan and concluded that some key issues could still be addressed, including transportation and housing density. She said transportation options were limited to connect many locations in the City's southern area including the Beaver Creek Road Concept Plan, Clackamas Community College, City Hall, and Oregon City High School, as well as many employment and retail and locations in the north.

- * The Swan connection was included in the plan to alleviate traffic that future development would likely generate, but the connection was never finalized, suggesting some uncertainty about its purpose and function.

The Swan connection had also been proposed to mitigate the costs associated with greatly needed traffic safety improvements to Holly Lane, but the Holcomb CPO felt the solution required further studies and analysis, as well as meeting Metro's Title XII protection of residential neighborhoods.

The organization questioned why the Swan connection should cross through a natural hazards area, where landslides were frequent and an environmental impact study had not been done.

- * Additionally, the Swan connection crossed through a natural wildlife area, a fact that was not acknowledged in the Concept Plan.

She stated that the Holcomb CPO hoped the housing density issue could be addressed and raised one additional question about the traffic volumes cited in Kittelson's report.

She asked the Commission to compare the figure of 9,200 cars, including the Swan connection, to the actual figure of 15,000 cars that she was unable to find on page 24 of the report.

In addition, she considered the report misleading because it did not take the Beaver Creek Concept Plan into consideration.

She passed out a petition signed by 60 Holly Lane residents, whose comments essentially reiterated the road safety concerns she noted in her testimony.

- Finally, regarding the school situation, Metro's planning for the UGB also included a school Concept Plan.

She said the latter document lacked a provision stating that the City and School District could work together on implementing school facilities plan if there was going to be a Comprehensive Plan.

She noted the facilities plan was different from a Concept Plan.

Chair Powell stated that the public hearing would not be closed at this time since the issue would continue on September 24.

Unknown Audience Member asked if the September 24 meeting would run until midnight and if the Commission intended to tackle the Beaver Creek and Park Place plans at the same time.

Chair Powell replied that he did not know, but did not recall any other business being ahead of both issues.

He added that, if necessary, the Commission could always carry over the hearing.

Ms. Richardson-Gardiner asked if the Commission had any direction for Staff.

Chair Powell said most of the issues had already been raised, but asked if the Commissioners had any specific questions.

Commissioner Lajoie wanted to see a representative from the School District come to a meeting to field questions about its ability to handle excess numbers of students.

Chair Powell wanted to get clarity about the usefulness of a.m. versus p.m. traffic studies and the need to do a landslide study.

Ms. Robertson-Gardiner said that Mr. Nelson's earlier testimony most likely referred to a landslide susceptibility map being prepared by Bill Burns with DOGAMI.

She expected the map to be adopted in late 2007 or early 2008, but once DOGAMI acted, the City could adopt it as part of its new geological hazards code.

Commissioner Lajoie wanted to hear testimony about concerns about specific geological areas.

Ms. Robertson-Gardiner said that Ms. Kraushaar would be available to answer those questions on September 24 and that she would bring along someone from GRI, the City's geotechnical consultant, if necessary.

Commissioner Dunn asked how the City could initiate a process to reduce housing density, as requested by several residents at the meeting.

Ms. Robertson-Gardiner replied that the City could direct those questions to Metro representative Ray Valone and receive a response by the September 24 meeting.

Chair Powell urged the Commissioners to study their notes so they could frame specific questions to ask on September 24.

He reminded the audience that the public record was still open to submit more testimony, if they so desired.

He seconded Ms. Keyhoe's comments about having so much opportunity for input and thanked everyone for their willingness to stay so long and discuss such an important topic.

5. ADJOURN PLANNING COMMISSION MEETING

The meeting adjourned at approximately 11 p.m.

Respectfully Submitted,

By Paula Pinyerd, ABC Transcription
for Laura Butler, Assistant Planner



OREGON CITY

Community Development - Planning

221 Molalla Ave. Suite 200 | Oregon City OR 97045

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

FILE NO.: AN 09-01

APPLICATION TYPE: Annexation

HEARING DATE: December 14, 2009 - 7:00 p.m., Oregon City City Hall
625 Center Street
Oregon City, OR 97045

APPLICANT: Laverne and Wayne Bauer
19921 Connie Court
Oregon City, Oregon 97045

REQUEST: The applicant is requesting approval of an annexation of one property that is surrounded on all four sides by properties within the City limits.

LOCATION: The lot is directly north of the property located at 19921 Connie Court, Road, Oregon City, Oregon 97045 and the subject site is identified as Clackamas County Map 3S-2E-9DD, tax lot 3400.

REVIEWER: Tony Konkol, Senior Planner

**COMPREHENSIVE
PLAN DESIGNATIONS:** Residential – Medium Density

ACRES: 0.55 acres

RECOMMENDATION: Recommend approval of the proposed annexation and to set the election for May 18, 2010 to the City Commission for their consideration at the January 6, 2010 public hearing.

PROPOSAL NO. AN 09-01 - CITY OF OREGON CITY - Annexation

Property Owners / Applicant: Laverne and Wayne Bauer

Proposal No. AN 09-01 was initiated by consent petition of the property owners for the purposes of annexing a property that is surrounded on all four side by properties within the city limits, also identified as a county island. The petition meets the requirement for initiation set forth in ORS 222.125 and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition).

The territory is located generally in the south east side of the City on the north side of Glen Oak Road, north of the property located at 19921 Connie Court, which is also owned by the applicants (exhibit 1). The territory in AN 09-01 contains approximately 0.55 acres, is vacant, has no access to a public right-of-way, and has an assessed value of approximately \$13,020.

REASON FOR ANNEXATION

The applicant would like to annex the existing county island they own that was not included in the City initiated island annexation process in 2001. The property was not included in the 2001 island annexation due to a mapping error. Ordinance 01-1034 (Exhibit 3) found that it was necessary to annex all areas completely surrounded by the City limits, yet in unincorporated Clackamas County, in order to make the delivery of services in the area more efficient and equitable and will resolve existing confusion concerning jurisdiction in terms of police protection and code enforcement.

LAND USE PLANNING***SITE CHARACTERISTICS***

The property is vacant and does not have any direct access to a public right-of-way. The property gently slopes down from the east to west and there are no regulated water resources or natural areas located on the property. The lot has typical residential landscaping and is developed with a garden and lawn and trees are located along the perimeter of the site.

REGIONAL PLANNING**General Information**

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB).

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final 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. The Code requires these findings and conclusions to address the following minimum criteria:

1. Consistency with directly applicable provisions in ORS 195 agreements or ORS 195 annexation plans.

This criterion requires that annexations be consistent with applicable provision of annexation plans and/or 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 2 below. There are no adopted annexation plans applicable to this property. This criterion is met.

2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.

Sanitary Sewers. The City of Oregon City provides sanitary sewer service. A public 8-inch sewer line exists in Glen Oak Road to the south of the site and Emerson Court to the north of the site. Any future development or individual home connection in the area will require the line be extended into Connie Court to serve the requested area.

The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Each city owns and maintains its own local sewage collection system. The District owns and maintains the sewage treatment plant and interceptor system. The three cities are in the District and as provided in the intergovernmental agreement between the District and the City, the District does not serve territories outside Oregon City, with one exception.

Before January 1, 1999, state statute (ORS 199) provided that when territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the district as well. That statute no longer applies in this area. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory 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.

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 is currently being expanded to increase the available capacity.

Water. The subject site is vacant and is not currently served by the Clackamas River Water District (CRW) or Oregon City. The City and CRW do have an urban service agreement for this general area. Oregon Revised Statute 222.120 (5) does not allow the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. There is an existing city 6-inch waterline in Connie Court that connects to a 16-inch water line in Glen Oak Road to the south and there is a 6-inch water line in Emerson Court that connects to an 8-inch water line in Meyers Road to the north of the site. Therefore, each annexation to Oregon City needs to be followed by a separate withdrawal of the territory from CRW.

Oregon City, with West Linn, owns the water intake and treatment plant, which the two cities operate through a joint intergovernmental entity known as the South Fork Water Board (SFWB). The ownership of the Board is presently divided with Oregon City having 50 percent and West Linn 50 percent ownership of the facilities.

The water supply for the South Fork Water Board is obtained from the Clackamas River through an intake directly north of the community of Park Place. Raw water is pumped from the intake up to a water treatment plant located within the Park Place neighborhood. The treated water then flows south through a pipeline and is

pumped to a reservoir in Oregon City for distribution to both Oregon City and West Linn. The SFWB also supplies surplus water to the Clairmont Water District portion of the Clackamas River Water District.

Both the river intake facility and the treatment plant have a capacity of twenty million gallons per day (MGD). There is an intertie with Lake Oswego's water system that allows up to five MGD to be transferred between Lake Oswego and SFWB (from either system to the other).

Stormwater. On-site stormwater drainage, water quality, and detention facilities will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area. There is an existing 12-inch storm line in Glen Oak Road to the south of the site and a 12-inch storm line in Emerson Court to the north of the site. When development is proposed for the subject site, the owner will be required to design and construct a storm water collection and a detention system to compensate for the increase in impervious area of the property.

Fire Protection. This territory is currently within Clackamas County R.F.P. D. # 1 and should remain so.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. Subtracting out the sworn officers dedicated to jail and corrections services, the County Sheriff provides approximately 0.5 officers per thousand population for local law enforcement services.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. The combination of the county-wide service and the service provided through the Enhanced Law Enforcement CSD results in a total level of service of approximately 1 officer per 1000 population. According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon annexation the Oregon City Police Department will serve the territory. Oregon City fields approximately 1.27 officers per 1000 population. The City is divided into three patrol districts with a goal of four-minute emergency response – 7-9 minutes actual -- and a twenty-minute non-emergency response times. There will be a minimal impact to police services upon annexation since the property is vacant. The applicant has not addressed the city's police service shortcomings in their proposal application.

Parks, Open Space and Recreation. The site's nearest developed park is Hillendale, approximately 2.0 miles from the proposed annexation area. The site is approximately 0.1 miles from the Oregon City High School and approximately 0.6 miles from Clackamas Community College. The City has recently purchased park property approximately 0.5 miles west of the subject site.

Transportation. Access to the site is provided from Connie Court, which intersects with Glen Oak Road, a collector street in the city's transportation system plan. Mass transit is located at Clackamas Community College, approximately 0.75 miles from the site. The applicant has not completed a traffic impact analysis (TIA) study for any future project, though the expected 3 to 4 lots that are mathematically feasible to be created on the site will have limited impacts on the transportation system.

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

3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.

The Oregon City Comprehensive Plan goals and policies are addressed below. 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 is the current applicable plan for this area. The plan designation for these properties are Residential – Low Density (LR) on the County’s Oregon City Area Land Use Plan (Map IV-5). It appears that Clackamas County has not updated the plan to accurately reflect the Comprehensive Plan that has been implemented by Oregon City. Zoning on the property is FU-10, Future Urban, and 10-acre minimum lot size. This 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. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

The *Land Use* section of the Plan, Chapter 4, identifies the territory proposed for annexation as *future urbanizable*, which are defined as:

“Future urbanizable areas are lands within the Urban Growth Boundaries but outside Immediate Urban areas. Future Urbanizable areas are planned to be served with public sewer, but are currently lacking a provider of sewer service. Future Urbanizable areas are substantially underdeveloped and will be retained in their current use to insure future availability for urban needs.

Policy 5.0 provides that land is converted from “Future Urbanizable to Immediate Urban when land is annexed to either a city or special district capable of providing public sewer.” Policy 6.0 contains guidelines that apply to annexations, such as this one, that convert Future Urbanizable to Immediate Urban land:

- a. *Capital improvement programs, sewer and water master plans, and regional public facility plans should be reviewed to insure that orderly, economic provision of public facilities and services can be provided.*
- b. *Sufficient vacant Immediate Urban land should be permitted to insure choices in the market place.*
- c. *Sufficient infilling of Immediate Urban areas should be shown to demonstrate the need for conversion of Future Urbanizable areas.*
- d. *Policies adopted in this Plan for Urban Growth Management Areas and provisions in signed Urban Growth Management Agreements should be met (see Planning Process Chapter.)*

The capital improvement programs, sewer and water master plans and regional plan were reviewed. Annexation of this property is appropriate when considering the surrounding land uses, which are all located within the city limits, and the close proximity to existing city water, storm and sanitary sewer lines, which have been designed to accommodate the proposed density on the subject site.

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB)

identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Medium Density Residential. Consequently, when property is annexed to Oregon City, it already has a City planning designation, which is R-5 single-family dwelling district.

The Agreement presumes that all the urban lands within the UGMB 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.

The required notice was provided to the County at least 20 days before the City Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. This property does not have any adjacent road rights-of-way at this location that will need to be included in the annexation to transfer the jurisdiction to Oregon City. Upon development of the subject site, public sewer and water will be provided. This criterion is met.

4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.

The Growth Management Functional Plan and Regional Framework Plan were reviewed and no directly applicable standards to this site were identified. This criterion is met.

5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.

The proposed boundary change will not interfere with the timely, orderly or economic provision of public facilities and services in the area. The 0.55 acre site is surrounded on all four sides by properties that are located in the

city and have been developed with housing units. As demonstrated below, water is available in Connie Court to the south and Emerson Court to the north, and sanitary sewer and storm sewer are available in Glen Oak Road to the south and Emerson Court to the north. This criterion is met.

6. Consistency with other applicable criteria for the boundary change in question under state and local law.

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. Those 10 factors are not applicable at this time to this annexation because no necessary party has contested the proposed annexation. This criterion is not applicable.

Oregon City Municipal Code Section 14 - Annexations

The City's Code contains provisions on annexation processing. Section 14.04.060 requires the City Commission "to consider the following factors, as relevant":

1. *Adequacy of access to the site;*

The subject site is landlocked, with no direct access to a public right-of-way. Future redevelopment of the site would require that each lot that is created would have minimum frontage on a public street. The property would be accessed from Connie Court, which intersects with Glen Oak Road, a collector street in the Oregon City Transportation System Plan. The approximately 0.55 acre site could be adequately accessed by the existing transportation system.

2. *Conformity of the proposal with the City's Comprehensive Plan;*

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to proposed annexations. The following excerpts 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 completed an annexation plan and program for this area. This annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines that currently exist in Connie Court, Glen Oak Road and Emerson Court. This annexation could help the city meet Metro target for housing.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code. They provide that the City's Comprehensive Plan designations will apply upon annexation, how zoning will be changed (either automatically or after annexation) and that annexations are to be processed according to quasi-judicial procedures.

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.

The city annexation process is set out in Chapter 14 of the Municipal Code. By requiring compliance with that code and the Metro code, the city is identifying the effects the full build-out of these annexed properties will have on public services and any benefits to the city as a whole.

Policy 14.4.1 *In order to promote compact urban form to support efficient delivery of public services, lands to be annexed must be within the City's Urban Growth Boundary, and must be contiguous to the existing City limits. Long linear extensions, such as cherry stems and flag lots, shall not be considered contiguous to City limits.*

The proposed property is a county island and is contiguous to the existing city limits. This criterion is met.

Policy 14.4.2 *Concept Plans and Sub-area Master Plans for unincorporated areas within the Urban Growth Boundary shall include an assessment of the fiscal impacts of providing public services to the area upon annexation, including the costs and benefits to the city as a whole.*

This property is not included in a Concept Plan or a Sub-area Master Plan. This criterion is met.

Policy 14.4.3 *When an annexation is requested, the Commission may require that parcels adjacent to the proposed annexation be included to:*

- a) avoid creating unincorporated islands within the city;*
- b) enable public services to be efficiently and cost-effectively extended to the entire area; or*
- c) implement a Concept Plan or Sub-area Master Plan that has been approved by the Commission.*

Staff does not recommend the inclusion of any additional properties since the annexation of the subject site will not create a county island, public services are already available and there is no existing approved Concept Plan or Sub-area Master Plan for this area.

Policy 14.4.4 *The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage*

system; the Commission may expedite the annexation of the subject property into the city, subject to any voter approvals of annexations.

A public health hazard does not exist at this time. This criterion is not applicable.

The *Public Facilities* Section of the Comprehensive Plan contains the following pertinent Goals and Policies.

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.

Policies

Policy 11.1.1 *Ensure adequate public funding for the following urban facilities and services, if feasible:*

- a. Streets and other roads and paths*
- b. Wastewater collection*
- c. Storm water management services*
- d. Police protection*
- e. Fire protection*
- f. Parks and recreation*
- g. Water distribution*
- h. Planning, zoning and subdivision regulation*

The annexation of the subject site, which is a vacant property, will not impact the existing urban services provided by the city. Any future development of this property will fall under the city planning, zoning, and land division regulations. This criterion is met.

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.*

Policies 11.1.3 and 11.1.4 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 subject site can easily be provided urban service capacity with the possible exception of staff-limited police resources.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it

requires normal extension of water and sanitary sewer from the existing utility stubs in Connie Court, Glen Oak Road or Emerson Court.

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 one home.

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.*

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 sanitary sewer is available to this property and has capacity to serve the site. This criterion is met.

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.*

The Tri-City Service District was provided notice of this annexation. The district did not respond to the notice. No response is interpreted as no opposition. 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 must initiate that Tri-City Service District annexation 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. Prior to the City issuing the final zoning designation for the property, the applicant shall provide documentation that the property has been annexed into the Tri-City Service District.

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.*

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City has an adequate water supply in the general area of this annexation in Connie Court.

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.*

Policy 11.4.4 *Maintain existing drainageways in a natural state for maximum water quality, water resource preservation, and aesthetic benefits.*

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the city (or the county stormwater management system in the event that drainage goes to the county) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This annexation will not result in any changes to the stormwater drainage. Future development will require extension and connection to the existing stormwater connections leading to downstream Glen Oak Road drainages in conformance with city stormwater design standards. This criterion is met.

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.*

Because the City is required by this policy to provide the same level of fire protection to newly annexed areas that it provides to other areas within the City, it may consider whether it will be possible to do so when it decides an annexation proposal. Clackamas County Fire District #1 will provide fire and medical services. This criterion is met.

The *Land Use* section of the City's 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 17.06.050.

CITY LAND USE CLASSIFICATION

Residential Type
Medium-density residential

City Zone
R-5, R-3.5

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>
Low Density Residential	R-10
Medium Density Residential	R-5
High Density Residential	R-2

The property has a comprehensive plan designation of Medium Residential, and upon annexation, the property will be zoned R-5 single-family dwelling district.

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

The adequacy and availability of existing public facilities and services is addressed in criterion 2 of the Metro Boundary Change section above.

The potential development is approximately 3 to 4 units. There are existing water, storm and sanitary sewer lines in Connie Court, Glen Oak Road and Emerson Court that have been appropriately sized to accommodate the future build out of the site. There are no anticipated capacity deficiencies that have been identified. Connie Court intersects Glen Oak Road, which provides access to Beaver Creek Road and Highway 213. The additional 3 to 4 homes will have a minimal impact on the city's transportation system and is not anticipated to cause an existing intersection to fail to meet the city's level of service standard. This criterion is met.

4. Compliance with applicable sections of Oregon Revised Statutes Chapter 222, and Metro Code 3.09;

The only criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its borders with city property. The Metro Code criteria are set out on page 2 of this report. This report considers each factor and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

5. Natural hazards identified by the City, such as wetlands, floodplains, and steep slopes;

There are no natural hazard identified by the City Comprehensive Plan, zoning code or overlay districts located on or adjacent to the subject site.

6. Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by urbanization of the subject property at the time of annexation;

The 0.55 acre property is surrounded on all four sides by existing homes. There are no specially designated open space, scenic, historic or natural resources area identified on or adjacent to the property that would be significantly impacted by the annexation of this property.

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

The only significant adverse effect is on the lack of police officers. The applicant has not offered a solution to this police service funding issue.

The Commission interprets the "community" as including the City of Oregon City and the lands within its urban service area. The City will obtain a small increase in property tax revenues from adding additional assessed value to its tax roll as a result of annexing the territory. The City will also obtain land use jurisdiction over the territory. Finally it will have service responsibilities including fire, police, and general administration. The City delivers police service to the unincorporated area in the course of patrolling to deliver service to the incorporated area. The increases in service responsibilities to the area that result from the annexation are insignificant, though an additional property may impact the existing response time of the Police Department.

If approved by City electors for annexation, the property owner could apply to the City for land use permits, including a subdivision. Any impacts on the community that result from approval of development permits are a direct consequence of the permit approval, not of the annexation. Before any urban development can occur, the territory must 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.

RECOMMENDATIONS

Oregon City Municipal Code section 17.04.080 states the following:

"The City Commission shall only set for an election annexations consistent with a positive balance of the factors set forth in Section 6 of this ordinance. The City Commission shall make findings in support of its decision to schedule an annexation for an election."

Based on the study and the Proposed Findings and Reasons for Decision for this annexation, the staff recommends that the City Commission:

- Set AN 09-01 for election on the May 18, 2010 ballot.
- Recommend withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommend that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance upon voter approval of the city annexation.

Exhibits:

- 1: Vicinity Map;
- 2: Applicant's Submittal (on file);
- 3: Ordinance No. 01-1034 (Excerpt);
- 4: Comments from Mrs. Johnson;
- 5: Comments from the Oregon City Chief of Police and Community Services Director; and
- 6: Comments from the Chairman of the Caufield Neighborhood Association.

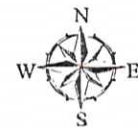
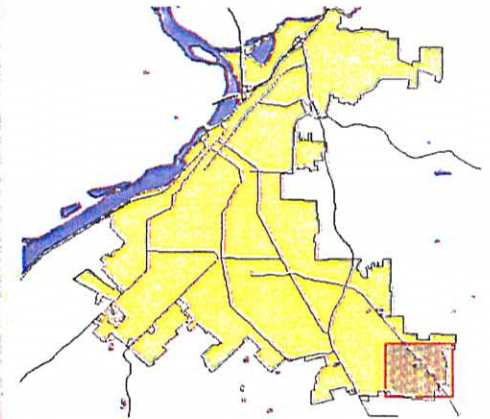
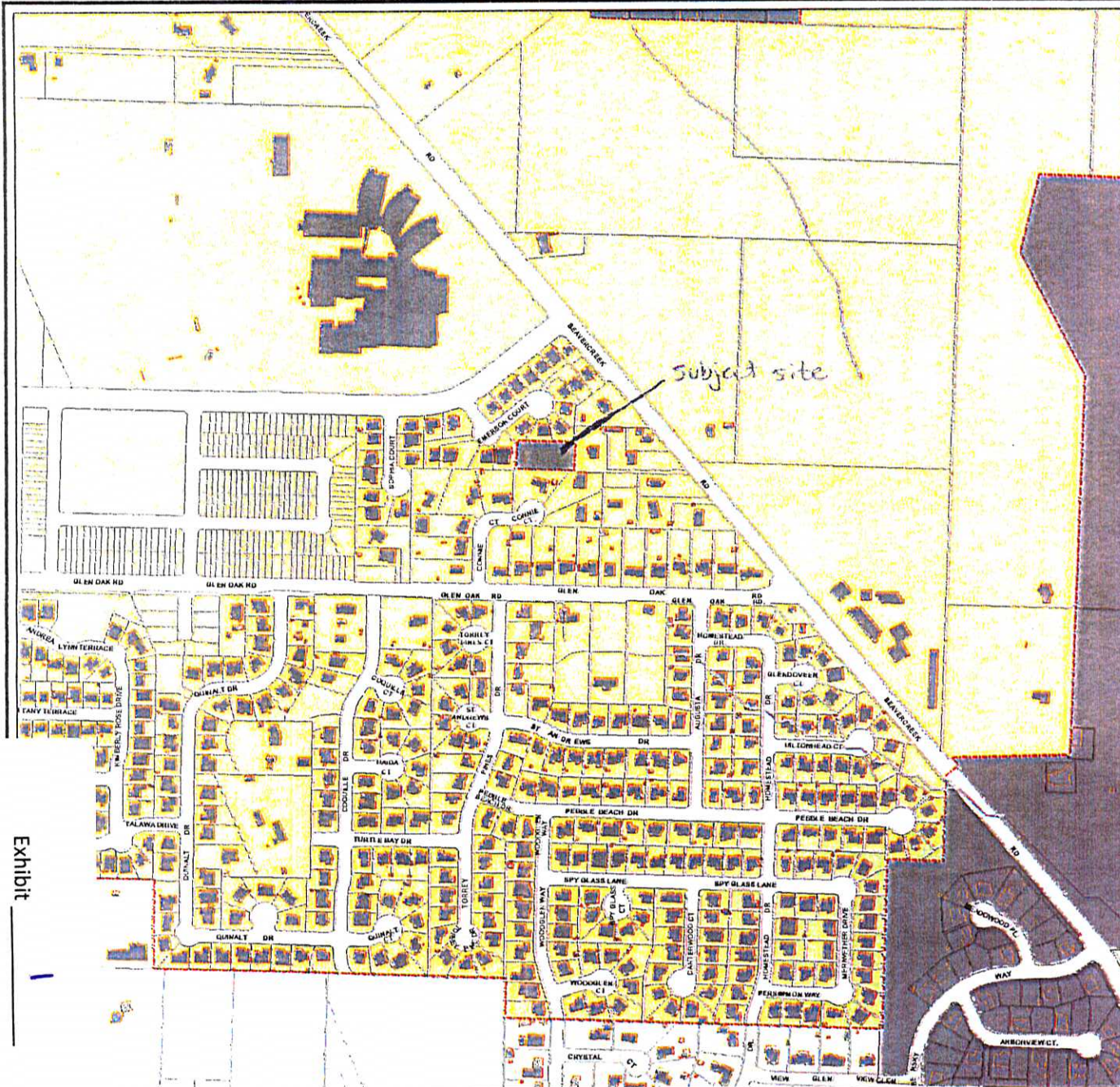
**PROPOSED FINDINGS, REASONS FOR DECISION,
AND RECOMMENDATIONS**

Based on the Findings, the Commission determined:

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 County Plan also says annexation which converts *Future Urbanizable* 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 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. Specifically with regard to water, storm and sewer service, the City has both of these services available to serve the subject site from existing improvements in Connie Court, Glen Oak Road and Emerson Court..
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 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 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 issuing the 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 not offered a financial solution to the police funding shortcomings for future new homes and businesses.

AN 09-01



City of Oregon City
P.O. Box 3040
320 Warner Milne Rd
Oregon City, OR 97045
(503) 657-0891
www.oregoncity.org

This map is not suitable for survey, engineering, legal, or navigation purposes. Errors and omissions may exist.

Map created with OCMAP 2009

11/10/2009



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

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Nonconforming Use review
- ☐ Water Resources Exemption

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition
- ☐ Minor Site Plan & Design Review
- ☐ Nonconforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision
- ☐ Minor Variance
- ☐ Water Resource Review

Type III / IV (OCMC 17.50.030.C)

- ☒ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Oregon City Municipal Code Amendment
- ☐ Variance
- ☐ Zone Change

Application Number: AN 09-01

Proposed Land Use or Activity: Annexation of county island.

Project Name: Bauer annexation Number of Lots Proposed (If Applicable): 1

Physical Address of Site: NA - vacant.

Clackamas County Map and Tax Lot Number(s): 3S-2E-9DD, tax lot 3400

Applicant(s):

Applicant(s) Signature: E. Laverne Bauer Wayne W. Bauer

Applicant(s) Name Printed: E. LAVERNE Bauer Wayne W. Bauer Date: 7-30-09

Mailing Address: 19921 S. Connie Ct. Oregon City OR 97045

Phone: 503-655-7361 Fax: _____ Email: WALABAUER@JUNO.COM

Property Owner(s):

Property Owner(s) Signature: SAME AS APPLICANT

Property Owner(s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and exhibits herewith are correct and indicate the parties willingness to comply with all

Exhibit 2

***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")

CITY OF OREGON CITY

ANNEXATION PETITION

By signing below I indicate my consent or non-consent to and support of being annexed into the City of Oregon City or not, and my consent or non-consent for having my signature (below) used or not used for any application form required for the annexation, including but not limited to the City of Oregon City's Land Use Application Form.

NOTE: This petition may be signed by qualified persons even though they may not know their property description.

[illegible]

* PO = Property Owner RV = Registered Voter

OV = Owner and Registered Voter

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 DT Storm
TITLE CARTOGRAPHER 2
DEPARTMENT Assessment & TAX
COUNTY OF Clackamas
DATE 7-30-9

- * "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 3S-2E-9DD, tax lot 3400) 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 DS Storm
TITLE CARTOGRAPHER
DEPARTMENT Assessors & TAX
COUNTY OF Clackamas
DATE 7-30-9



DESCRIPTION:

Part of Sections 9 and 10, Township 3 South, Range 2 East, of the Willamette Meridian, in Clackamas County, Oregon, described as follows:

Beginning at the Northwest corner of that tract conveyed to Wayne W. Bauer, et ux, by Deed recorded July 28, 1974, as Recorder's Fee No. 74-30289, Clackamas County Records, said corner being ^{EAST} 11 feet from the Northwest corner of Lot 6, GLEN OAKS CREST ADDITION NO. 2, a recorded plat; thence South $89^{\circ} 47' 03''$ East, along the North line of said Lot 6, and the North line of Lot 7, in said subdivision, to the Southwest corner of that tract conveyed to Stanley E. Van Wagner, et ux, by Deed recorded November 18, 1977, as Recorder's Fee No. 77-47442, Clackamas County Records; thence North $2^{\circ} 17' 20''$ East, along the West line of said Van Wagner tract, 110 feet; thence North $89^{\circ} 47' 03''$ West, parallel with the aforementioned North line of Lots 7 and 6 to a point that is North $2^{\circ} 17' 20''$ East of the point of beginning; thence South $2^{\circ} 17' 20''$ West, 110 feet to the point of beginning.





CLACKAMAS COUNTY

Property Account Summary

Account No.: 00870016 Alternate Property Number: 32E09DD03400
Account Type: Real Property
TCA: 062-084
Situs Address: NO SITUS
ADDRESS OR
Legal: Section 09 Township 3S Range 2E Quarter DD TAX LOT 03400

Parties:

Role	Name & Address
Owner	BAUER WAYNE W & E LAVERNE 19921 CONNIE CT OREGON CITY OR 97045
Taxpayer	BAUER WAYNE W & E LAVERNE 19921 CONNIE CT OREGON CITY OR 97045

Property Values:

Value Name	2008	2007	2006
AVR Total	\$13,020	\$12,641	\$12,273
TVR Total	\$13,020	\$12,641	\$12,273
Real Mkt Land	\$33,705	\$32,704	\$26,030
Real Mkt Bldg	\$0	\$0	\$0
Real Mkt Total	\$33,705	\$32,704	\$26,030

Property Characteristics:

Tax Year	Characteristic	Value
2008	Neighborhood	13081: Oregon City rural 100, 101
	Land Class Category	101: Residential land improved
	Acreage	0.56
	Change property ratio	1XX: 55.50%

Exemptions:

(End of Report)

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.

NO REGISTERED
VOTERS *AT*

NAME FLOYD THOMAS

TITLE DEPUTY CLERK

DEPARTMENT ELECTIONS

COUNTY OF CLACKAMAS

DATE 7-30-09

Floyd Thomas



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

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. General location north of 19921 Connie Crt. North of Glen Oak, South of Meyers Road

B. Land Area: Acres 0.54563 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).

Gently sloping from east to west. Vacant property. Trees located at property lines. Maintained lawn & garden. The property is land locked, there is no access to a public ROW.

D. Describe land uses on surrounding parcels. Use tax lots as reference points.

North: 3 R-6 homes

East: 1 R-3.5 parcel w/ a home on it.

South: 1 R-10 home

West: 1 R-6 home

E. Existing Land Use:

Number of single-family units 0 Number of multi-family units 0

Number commercial structures 0 Number industrial structures 0

Public facilities or other uses 0

What is the current use of the land proposed to be annexed: Vacant, used

as lawn area & garden.

F. Total current year Assessed Valuation \$ 13,020

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? FU-10
What City Planning Designation is being sought? ~~MR~~ ~~Medium Density~~

- B. What is the zoning on the territory to be served?

FU-10

What zoning designation is being sought? R-5

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

- D. Generally describe the anticipated development (building types, facilities, number of units).

None

- 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? No development proposed.

☐ 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. _____

- 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)			
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.

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

- 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.

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

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

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

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

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

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

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

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 _____

Rural Fire Dist _____

County Service Dist. _____

Sanitary District _____

Hwy. Lighting Dist. _____

Water District _____

Grade School Dist. _____

Drainage District _____

High School Dist. _____

Diking District _____

Library Dist. _____

Park & Rec. Dist. _____

Special Road Dist. _____

Other Dist. Supplying Water Service _____

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.

APPLICANT'S NAME WAYNE W & E. LAVERNE BAUER

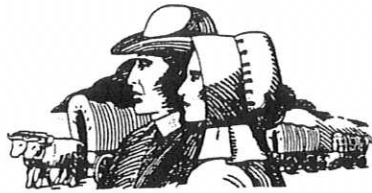
MAILING ADDRESS 19921 S. CONNIE CT
OREGON CITY OR 97045

TELEPHONE NUMBER _____ (Work)

503-655-7361 (Res.)

REPRESENTING SAME

DATE: 7-30-09



CITY OF OREGON CITY

Incorporated 1844

320 WARNER MILNE ROAD • PO BOX 3040 • OREGON CITY, OREGON 97045

TEL. 503-657-0891 FAX 503-657-7892

Re: Tri-City Service District Annexation for Sanitary Sewer Connection for Newly Annexed Properties Within the City Limits of Oregon City

To Whom It May Concern:

Tri-City Service District (TCSD) requires your property be separately annexed into their district before you can connect your property to sanitary sewer for newly annexed properties within the city limits of Oregon City. You should contact the TCSD point of contact for annexations, Don Kemp, at 503-353-4577 for further information/forms.

By my signature and date below, I acknowledge the above TCSD annexation requirement.

E. LaVerne Bauer
Applicant Signature

7-30-09
Date

ORDINANCE No. 01-1034

AN ORDINANCE ANNEXING CERTAIN PROPERTY TO THE CITY OF OREGON CITY

OREGON CITY MAKES THE FOLLOWING FINDINGS:

WHEREAS, The City of Oregon City proposed that certain properties, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City; and

WHEREAS, the City found that the proposal complied with all applicable legal requirements, as detailed in the findings attached hereto and made a part of this ordinance as Exhibit 'B'; and

WHEREAS, Chapter I, section 3 of the Oregon City Charter of 1982 requires voter approval for annexations such as the one proposed; and

WHEREAS, the annexation of the identified properties was submitted to the voters of the City of Oregon City at a special election held on November 6, 2001; and

WHEREAS, the Clackamas County Clerk has returned the official figures indicating the results of the election held on November 6, 2001; and

WHEREAS, the official figures returned by the Clackamas County Clerk indicate that a majority of the voters of the City of Oregon City voted to approve the annexation of the identified properties; and

WHEREAS, the identified properties are currently in Clackamas County Rural Fire Protection District # 1; and

WHEREAS, the identified properties are currently within the Clackamas County Service District for Enhanced Law Enforcement; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. That all areas completely surrounded by the City limits, yet in unincorporated Clackamas County, as further identified in the legal description attached hereto as Exhibit "A", are hereby annexed to and made a part of the City of Oregon City.


Section 2. That the findings attached hereto as Exhibit 'B' are hereby adopted.

Section 3. That the territory identified above is hereby withdrawn from Clackamas County Rural Fire Protection District # 1.

Section 4. That the territory identified above is hereby withdrawn from the Clackamas County Service District for Enhanced Law Enforcement.

Section 5. That the effective date for this annexation is the date this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the 5th day of Decemer2001, and the foregoing ordinance was finally enacted by the City Commission this 19th day of December 2001.


JOHN F. WILLIAMS, Jr.
Mayor

ATTESTED this 19th day of December 2001.


LEILANI BRONSON-CRELLY
City Recorder

ORDINANCE NO. 01-1034
Effective Date: January 18, 2002

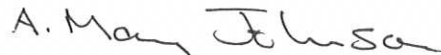
MEMO

TO: Tony Konkol, Senior Planner
FROM: Mary Johnson, Adjacent Property Owner
DATE: November 29, 2009
RE: Annexation Request, AN 09-01

I am the owner of property adjacent to tax lot 3400, Clackamas County Map 3S-2E-9DD. My property lies due east of this tax lot.

I am submitting this memo in support of the annexation referenced above. I believe it would best suit the needs of the city and the property owners to include this county island into the city boundaries.

If there are any questions, I can be contacted at 503-882-7321.



A. Mary Johnson
19921 Beaver Creek Road
Oregon City, OR 97045



OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION TRANSMITTAL

November 12th, 2009

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ DEVELOPMENT SERVICES MANAGER
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☐ JOHN REPLINGER

MAIL-OUT DISTRIBUTION

- ☒ CIC
- ☒ NEIGHBORHOOD ASSOCIATION (N.A.)
- ☒ N.A. LAND USE CHAIR
- ☐ CLACKAMAS COUNTY - JOE MAREK
- ☐ CLACKAMAS COUNTY – KEN KENT
- ☐ FIRE CHIEF
- ☐ ODOT – Division Review
- ☒ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD
- ☐ CITY ATTORNEY
- ☐ OTHER: _____

COMMENTS DUE BY: **Friday, December 4th, 2009**

HEARING DATE: December 14, 2009 – (Type IV)

HEARING BODY: Staff Review; XX Planning Commission; XX City Commission

IN REFERENCE TO

FILE # & TYPE: AN 09-01: Annexation

PLANNER: Tony Konkol, Senior Planner (503) 496.1562

APPLICANT: Mr. and Mrs. Bauer

REPRESENTATIVE: NA

REQUEST: The applicant is requesting approval to annex approximately 0.55 acres of property surrounded on all sides by properties with the city limits of Oregon City. The property is considered a "county island".

LOCATION: The property is located north of 19921 Connie Court and identified as Clackamas County Map 3S-2E-9DD, tax lot 3400.

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 ensure prompt consideration of your recommendations. **Please check the appropriate spaces below.**

- | | |
|---|--|
| <input checked="" type="checkbox"/> The proposal does not conflict with our interests. | <input type="checkbox"/> The proposal conflicts with our interests for the reasons stated below. |
| <input type="checkbox"/> The proposal would not conflict our interests if the changes noted below are included. | <input type="checkbox"/> The following items are missing and are needed for review: |

Signed

Title

M. C. Bauer
CHIEF OF POLICE

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH

Exhibit

5



OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION TRANSMITTAL

November 12th, 2009

IN-HOUSE DISTRIBUTION

- ☒ BUILDING OFFICIAL
- ☒ DEVELOPMENT SERVICES MANAGER
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE
- TRAFFIC ENGINEER**
- ☐ JOHN REPLINGER

MAIL-OUT DISTRIBUTION

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- ☒ NEIGHBORHOOD ASSOCIATION (N.A.)
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- ☐ CLACKAMAS COUNTY – KEN KENT
- ☐ FIRE CHIEF
- ☐ ODOT – Division Review
- ☒ SCHOOL DIST 62
- ☐ TRI-MET
- ☐ METRO
- ☐ OREGON CITY POSTMASTER
- ☐ DLCD
- ☐ CITY ATTORNEY
- ☐ OTHER: _____

COMMENTS DUE BY: **Friday, December 4th, 2009**

HEARING DATE: December 14, 2009 – (Type IV)

HEARING BODY: Staff Review; XX Planning Commission; XX City Commission

IN REFERENCE TO

FILE # & TYPE: AN 09-01: Annexation

PLANNER: Tony Konkol, Senior Planner (503) 496.1562


APPLICANT: Mr. and Mrs. Bauer

REPRESENTATIVE: NA

REQUEST: The applicant is requesting approval to annex approximately 0.55 acres of property surrounded on all sides by properties with the city limits of Oregon City. The property is considered a “county island”.

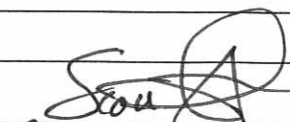
LOCATION: The property is located north of 19921 Connie Court and identified as Clackamas County Map 3S-2E-9DD, tax lot 3400.

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 ensure prompt consideration of your recommendations. **Please check the appropriate spaces below.**

- | | |
|--|--|
| <p><u> </u>  The proposal does not conflict with our interests.</p> | <p><u> </u> The proposal conflicts with our interests for the reasons stated below.</p> |
| <p><u> </u> The proposal would not conflict our interests if the changes noted below are included.</p> | <p><u> </u> The following items are missing and are needed for review:</p> |

Signed

Title


COMMUNITY SERVICES DIRECTOR

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



OREGON CITY

Community Development – Planning

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

LAND USE APPLICATION TRANSMITTAL

November 12th, 2009

IN-HOUSE DISTRIBUTION

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- ☒ DEVELOPMENT SERVICES MANAGER
- ☒ PUBLIC WORKS- OPERATIONS
- ☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR
- ☐ TECHNICAL SERVICES (GIS)
- ☒ PARKS MANAGER
- ☐ ADDRESSING
- ☒ POLICE

TRAFFIC ENGINEER

- ☐ JOHN REPLINGER

MAIL-OUT DISTRIBUTION

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- ☐ OREGON CITY POSTMASTER
- ☐ DLCD
- ☐ CITY ATTORNEY
- ☐ OTHER: _____

COMMENTS DUE BY: **Friday, December 4th, 2009**

HEARING DATE: December 14, 2009 – (Type IV)

HEARING BODY: ___Staff Review; XX Planning Commission; XX City Commission

IN REFERENCE TO

FILE # & TYPE: AN 09-01: Annexation

DRAWN BY: Tony Konkol, Senior Planner (503) 496.1562

APPLICANT: Mr. and Mrs. Bauer

REPRESENTATIVE: NA

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☒

The proposal does not conflict with our interests.

The proposal conflicts with our interests for the reasons stated below.

The proposal would not conflict our interests if the changes noted below are included.

The following items are missing and are needed for review:

Signed

Title

Michael Mennel
Chairman Land Use Committee - Astoria Precinct

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH

Exhibit

6