



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

**Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, July 22, 2024 at 7:00 PM**

Ways to participate in this public meeting:

- *Attend in person, location listed above. Please see the public comment guidelines below.*
- *Register to provide electronic testimony (email ocplanning@orcify.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email ocplanning@orcify.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

1. CONVENE MEETING AND ROLL CALL

2. APPROVAL OF MINUTES

2.a. Approval of July 8, 2024 Minutes.

3. PUBLIC COMMENTS

Please see the public comment guidelines below.

4. PRESENTATIONS

4.a. Presentation from Dayna Webb, City Engineer, reviewing the Transportation System Plan prioritization process

5. PUBLIC HEARINGS

5.a. GLUA-24-00004: AN-24-0001: Annexation and ZC-24-0001: Zone Change, 14389 and 14421 Maplelane Road

6. DISCUSSION ITEMS

6.a. Park Place Concept Plan Code Refinement - Continued Discussion

7. COMMUNICATIONS

8. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the [Oregon City's website](#) and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY PLANNING COMMISSION MINUTES

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, July 8, 2024 at 7:00 PM

CALL TO ORDER AND ROLL CALL

Chair Stoll called the meeting to order at 7:00 PM.

Present: 7 – Chair Stoll, Vice Chair Paul Espe, Commissioner Dirk Schlagenhauser, Commissioner Bob La Salle, Commissioner Daphney Wuest, Commissioner Karla Laws, Commissioner Brandon Dole

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Planning Manager Pete Walter, Deputy City Attorney Carrie Richter

MEETING MINUTES

1. Meeting Minutes for Approval: June 24, 2024.

A motion was made by Commissioner Espe, seconded by Commissioner Dole to approve the meeting minutes.

The motion carried by the following vote: Yea: 7 - Commissioner LaSalle, Commissioner Laws, Commissioner Dole, Commissioner Schlagenhauser, Commissioner Wuest, Vice Chair Espe and Chair Stoll

A comment was made about the meeting minutes being different from what they were getting but that they are well done.

PUBLIC COMMENT

None

DISCUSSION

2. Park Place Concept Plan Code Refinement continuation

Planning Manager, Pete Walter, introduced the chapter revisions to be discussed: 16.12.026 – Street Design – Alleys, 17.08 – Low Density Residential Districts, and 17.62.061/16.08.043 – Additional public park, trail and open space requirements in Park Place Concept Plan Area.

Section 16.12.026- Street Design- Alleys has had a lot of feedback from developers and

the neighborhood association. Due to Natural Resources Overlay and Geologic Hazards Overlay districts, having the Alleys in some areas is difficult for developers but the neighborhood wants to hold onto the standards because of the overall standards established. Adding a modification option for properties with an overlay has been suggested as a change to the code.

The table for dimensional standards in 17.078.040 was updated to be more readable and to outline the new minimum separation between existing dwelling units abutting the PPCP boundary and new dwelling units.

There was some discussion about alleys, setbacks and people parking vehicles in the alley which affects the alley's effectiveness. Some of it would be dependent on the lot depth.

The minimum lot size section which states the standards are not eligible for modification or variance was questioned by Deputy City Attorney Richter. Due to overlays, could they be modified or varied through a Master Plan was the question. Planning Manager Walter suggested maybe going through a Type 3 process would be a possible way to allow some modification. Discussion followed with the Commission.

CD Director Hurd-Ravich asked the Commission about repeating changes made here to this low-density code to the medium density code where applicable, and the Commission was agreeable.

Section 17.62.061/16.08.043 – Additional public park, trail and open space requirements are new sections of code, so no red-lines. Questions were raised about wording regarding the minimum park size for the north village and why in the south village the code said there could be a park less than the City's 3 acre minimum.

Planning Manager Walter indicated that the Trails Dedication requirements will need more work. We used another city's standards as a place to start. Probably need additional language but need to have more flexibility. Commissioners talked about connectivity to other trails and materials used for trails. There will be more conversation with the Parks Department, and we may need to leave this at a higher level as trail land may be acquired piecemeal and so the trail would not get constructed until the pieces were in place. The Commission requested an emailed version of the Parks Master Plan.

Planning Manager Walter transitioned to discussing the results of the Johnson Economic Report which was shared briefly at the last meeting. He provided a summary of the out-takes of those results. They also provided suggested economic impacts of the Design Standard requirements. We need to consider this report but also balance it with the vision of the future. Consensus was to not remove the Neighborhood Commercial code but maybe allow more flexibility in residential use and enhanced home occupation.

Upcoming Steps: At the next meeting, there will be a presentation from City Engineer, Dayna Webb, about TSP projects and how items are prioritized. There will be a review of the code changes recommended so far by the Planning Commission and there will be more to review on the Trail code after the staff receives input from the Parks Department.

COMMUNICATIONS

Next meeting is July 22nd.

Reminder of the Volunteer event on July 31st at 6:30 p.m. at the Pioneer Center.

ADJOURNMENT

Chair Stoll adjourned the meeting at 8:35 p.m.



CITY OF OREGON CITY

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

To: Planning Commission **Agenda Date:** July 22, 2024
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Presentation from Dayna Webb, City Engineer, reviewing the Transportation System Plan prioritization process

STAFF RECOMMENDATION:

There is no action to take on this presentation.

EXECUTIVE SUMMARY:

At the June 10th Planning Commission meeting, staff presented a memo addressing the 11 key elements identified in the Park Place Concept Plan. The first element is:

1. *Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)*

The extensions of Holly Lane and Swan Avenue are adopted in the 2013 Transportation System Plan (TSP). Holly Lane is adopted as Planned Minor Arterial and Swan Avenue is shown as a Planned Collector. Minor Arterial Roadways are intended to serve local traffic traveling to and from major arterial roadways. This classification provides greater accessibility to neighborhoods, often connecting to major activity generators and provide efficient through movement for local traffic. A Collector Roadway connects neighborhoods to minor arterial roadways.

Holly Lane is an adopted TSP project that connects Redland Rd to Holcomb Blvd. It is identified as project #D48 Holly Lane North Extension and described as a residential minor arterial with newly created street connections to Cattle Drive and Journey Drive. The funding priority is listed as "Long-term". Swan Avenue extension is also an adopted TSP project connecting Livesay Rd to Redland Rd and Redland to Morton Rd. These projects are identified as #D49 and #D50 and described as residential collectors. The funding priority is also "Long-term".

Long-term projects are those that are "likely to be implemented beyond 10 years from the adoption of [the TSP]. These projects are important for the development of the transportation network, but unlikely to be funded in the next 10 years ". (TSP p63 Volume II 2 of 2)

The Planning Commission discussed the possibility of changing the priority from "long term" to "short term". Ms. Webb will discuss what went into setting the priorities when the TSP

was developed in 2013.

BACKGROUND:

NEXT STEPS:

OPTIONS:



CITY OF OREGON CITY

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

To: Planning Commission **Agenda Date:** July 22, 2024
From: Christina Robertson-Gardiner, Senior Planner

SUBJECT:

GLUA-24-00004: AN-24-0001: Annexation and **ZC-24-0001:** Zone Change, 14389 and 14421 Mapleglane Road

STAFF RECOMMENDATION:

Staff recommends the Planning Commission evaluate the factors outlined in OCMC 14.04.060 (annexation) and approval criteria in OCMC 17.68 (Zone Change) and provide a recommendation to the City Commission.

EXECUTIVE SUMMARY:

The proposed annexation and zone change are for properties located within the city's urban growth boundary since 1979. All of the City's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analysis. Utilities are available or can be easily made available during development. The site is directly adjacent to two recently approved and currently being constructed multi-family projects.

A Zone Change to R6 is reasonable and appropriate for this area, particularly as half the site is constrained by the Geohazard District, which has a reduced density of two units per acre. This will push most of the development to the flat areas abutting the road.

The applicant has provided a reasonable worst-case scenario to evaluate the development of the site, which is a requirement of the Zone Change analysis. The applicant's consultant and the city-contracted transportation engineer have found that the reasonable worst-case scenario meets the Transportation Planning Rule (TPR) and is consistent with the City's Transportation System Plan. As no development is proposed with this application, this is more of an exercise to see if there would be any variation of development allowed in the R6 zone that would not meet our master plan development assumptions and methodology. In this instance, there was no conflict.

With the introduction of Middle Housing options in the City's low-density zoning districts, the differences between R6, R8, and R10 are less pronounced. In many cases, the same cluster housing or quadplex development could be approved in any of the zones. Therefore, the requested zone change to R6 is reasonable and appropriate considering the surrounding area and limits of the geohazard district.

Staff has highlighted the following items that the Planning Commission and the City

Commission should consider and provide staff direction in their deliberations. Staff recommends the Planning Commission provide a recommendation to the City Commission on the approach to historic considerations and trees.

Historic Considerations

Both 14389 and 14421 Maplelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4. Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could choose to add a condition or additional requirements that address this topic. These could vary from:

1. Requesting additional information from the applicant and an updated survey information that provides additional background information, and current historic status from a qualified historic preservation professional.
2. Request official comment and guidance for the Historic Review Board, or
3. Require either a portion (only the resource along with a small buffer) or the full taxlots to be designated a local Oregon City landmark as a condition of annexation.

Alternatively, the City Commission could utilize this information as it balances the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

Staff is requesting the Planning Commission provide a recommendation to the City Commission on this matter.

Tree Summary

The site has a fair number of mature trees along the street frontage, although many of them have been topped and were poorly pruned over the years. Residentially zoned properties not undergoing development review are not generally subject to OCMC 17.41 Tree protection, preservation, removal and replanting standards. Prior to any development onsite, The City Commission could choose to require the site to be subject to OCMC 17.41, which regulates the removal of trees over 6 inches in the caliper that are not dead, diseased, or dying. Trees can be removed through this regulated process but must be replaced with mitigation trees or a fee in lieu. Once the property is developed, this condition would met, and the property would be treated as any other low-density, residentially zoned land.

Please note that the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting.

Staff is requesting the Planning Commission provide a recommendation to the City

Commission on this matter.

BACKGROUND:

ANNEXATION PROCESS

The annexation request is to determine if the city wants to bring the property within the city limits and assign a city zoning that is consistent with the Low-Density Comprehensive Plan designation. This is a Type IV City Commission decision guided by the recommendation of the Planning Commission. A City Commission hearing date will be scheduled once the Planning Commission provides its recommendation to the City Commission. Annexations are not subject to the 120-day state land use deadline, though city staff has prepared a staff report and scheduled a Planning Commission meeting within 50 days of a complete application.

SITE DETAILS

The project site includes two properties located at 14389 and 14421 Maplelane Road within Clackamas County. The properties are described on Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres). Total assessed value of \$237,406. In total, the properties are approximately 2.5 acres in size, located within the existing Urban Growth Boundary, zoned Future Urbanizable (FU-10) 10 acre district in Clackamas County, with a Comprehensive Plan designation of Low Density Residential (LR) within Oregon City. The properties are located north and west of Maplelane Road near its intersection with Maplelane Court (outlined in red below).

NEXT STEPS:

OPTIONS:

1. Recommend approval of the proposal with the submitted conditions
2. Recommend approval of the proposal with modified conditions and provide revised findings and recommendations
3. Deny the proposal and provide revised findings.
4. Continue the hearing and request more information.



Type IV STAFF RECOMMENDATION

July 15, 2024

The following staff report includes a preliminary analysis of the applicable approval criteria. All applicable criteria must be met or met with conditions in order to be approved. The Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NO: **GLUA-24-00004: AN-24-0001:** Annexation and **ZC-24-0001:** Zone Change

APPLICANT/ Moehnke Properties LLC
Attn: Graeme Newhouse
10256 SE 145th Ave.
Happy Valley, OR 97086

REPRESENTATIVE: Thuy Cao, AICP
Harper Houf Peterson Righellis Inc
205 SE Spokane Street, Suite 200
Portland, OR 97202

PROPOSAL: Annexation and Zone Change of an approximately 2.5 acre property. The Applicant has requested a Zone Change from County FU-10 to City R-6 Dwelling District. The proposal does not include a request for development approval or change in use. The subject territory is within the Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low Density Residential. No development is proposed with this application.

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner

CURRENT ZONING County: FU-10

LOCATION: 14389 and 14421 Mapl_LANE Road, Oregon City OR 97045
Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres)

RECOMMENDATION: Evaluate the factors set forth in Section 14.04.060 (annexation) and criteria in OCMC 17.68 (Zone Change) and provide a recommendation to the City Commission.

PROCESS: Pursuant to OCMC Chapter 14.04. *City Boundary Changes and Extension of Services*, the procedure for review of annexations is governed by State Law and Oregon City Code Chapter 14.04. The procedure for a zone change is outlined in Oregon City Code Chapter 17.50 and 17.68.

The public hearing process is governed by OCMC 14.04 and 17.50. The Applicant and all documents submitted by or on behalf of the Applicant are available for inspection at no cost at the Oregon City Planning Division, 221 Molalla Avenue, Oregon City, Oregon 97045, from 8:30 am to 3:30 pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection seven days before the hearing. Copies of these materials may be obtained for a reasonable cost in advance. The Annexation was initiated as a result of a public health hazard, and as a result, City policy is to forward these annexations directly to the City Commission without a Planning Commission recommendation. Therefore, the City Commission will open the record and consider testimony to determine whether the application has or has not complied with the factors outlined in section 14.04.060 and 17.68.020 of the Oregon City Municipal Code. The City Commission decision is appealable to LUBA within 21 days of issuance of the Notice of Decision.

PROPOSAL NO. AN-240001 & ZC 24-00001 - CITY OF OREGON CITY – Annexation & Zone Change

Property Owners / Voters: 4

Applicant(s): Graeme Newhouse, Moehnke Properties LLC

The proposal is a two tax lot annexation initiated by a consent petition of 100% of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 and Metro Code 3.09.040(a).

REASON FOR ANNEXATION

The applicant is requesting an Annexation and Zone Change of an approximately 2.5-acre property (two tax lots). The Applicant has additionally requested a Zone Change from County FU-10 to City R-6 Dwelling District. The proposal does not include a request for development approval or change in use at this time. The subject territory is within the 1979 Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low-Density Residential. No development is proposed with this application. The properties are family-owned, were included within the initial urban growth boundary for the City of Oregon City, and have been waiting for urban growth and services to arrive for some time.

Once the site is annexed and Re-zoned, the applicant could choose to submit a development proposal or continue with the existing uses onsite. Unlike many previous applications, this request is unrelated to a failed septic system.

STAFF SUMMARY

The proposed annexation and zone change are for properties located within the city's urban growth boundary since 1979. All of the City's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analysis. Utilities are available or can be easily made available during development. The site is directly adjacent to two recently approved and currently being constructed multi-family projects.

A Zone Change to R6 is reasonable and appropriate for this area, particularly as half the site is constrained by the Geohazard District, which has a reduced density of two units per acre. This will push most of the development to the flat areas abutting the road.

The applicant has provided a reasonable worst-case scenario to evaluate the development of the site, which is a requirement of the Zone Change analysis. The applicant's consultant and the city-contracted transportation engineer have found that the reasonable worst-case scenario meets the Transportation Planning Rule (TPR) and is consistent with the City's Transportation System Plan. As no development is proposed with this application, this is

more of an exercise to see if there would be any variation of development allowed in the R6 zone that would not meet our master plan development assumptions and methodology. In this instance, there was no conflict.

With the introduction of Middle Housing options in the City's low-density zoning districts, the differences between R6, R8, and R10 are less pronounced. In many cases, the same cluster housing or quadplex development could be approved in any of the zones. Therefore, the requested zone change to R6 is reasonable and appropriate considering the surrounding area and limits of the geohazard district.

Staff has highlighted the following items that the Planning Commission and the City Commission should consider and provide staff direction in their deliberations. Staff recommends the Planning Commission provide a recommendation to the City Commission on the approach to historic considerations and trees.

Historic Considerations

Both 14389 and 14421 Mapelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4. Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could choose to add a condition or additional requirements that address this topic. These could vary from:

1. Requesting additional information from the applicant and an updated survey information that provides additional background information, and current historic status from a qualified historic preservation professional.
2. Request official comment and guidance for the Historic Review Board, or
3. Require either a portion (only the resource along with a small buffer) or the full taxlots to be designated a local Oregon City landmark as a condition of annexation.

Alternatively, the City Commission could utilize this information to balance the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

Local historic designation in Oregon requires owner consent. If the City Commission desires to regulate these two resources through OCMC 1.7.40 historic overlay, adding a condition to the annexation is the best approach. Staff will also reach out to the city's assistant attorney, Carie Richter, to see if the recent LUBA (Land Use Board of Appeals) cases regarding clear and objective standards for houses could impact this approach, and will provide an update at the July 22 hearing.

Staff is requesting the Planning Commission provide a recommendation to the City Commission on this matter.

Tree summary

The site has a fair number of mature trees along the street frontage, although many of them have been topped and were poorly pruned over the years. Residentially zoned properties not undergoing development review are not generally subject to OCMC 17.41 *Tree protection, preservation, removal, and replanting standards*. Prior to any development onsite, The City Commission could choose to require the site be subject to OCMC 17.41, which regulates the removal of trees over 6 inches in the caliper that are not dead, diseased, or dying until development is proposed onsite. Trees can be removed through this regulated process but must be replaced with mitigation trees or a fee in lieu. Once the property is developed, this condition would met, and the property would be treated as any other low-density, residentially zoned land.

Please note that the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope area of the Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting.

Staff is requesting that the Planning Commission provide a recommendation to the City Commission on this matter.

ANNEXATION PROCESS

The annexation request is to determine if the city wants to bring the property within the city limits and assign a city zoning that is consistent with the Low-Density Comprehensive Plan designation. This is a Type IV City Commission decision, guided by the recommendation of the Planning Commission. A City Commission hearing date will be scheduled once the Planning Commission provides its recommendation to the City Commission. Annexations are not subject to the 120-day state land use deadline, though city staff has prepared a staff report and scheduled a Planning Commission meeting within 50 days of a complete application.

SITE DETAILS

The two-tax lot annexation proposal is initiated by consent petitions of a double majority of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition.)

The project site includes two properties located at 14389 and 14421 Mapelane Road within Clackamas County. The properties are described on Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres). The territory in the proposed annexation contains approximately 2.5 acres, has two single-family residences with a population of 4 with a current combined estimated assessed value in 2023 of \$917,600.00. In total, the properties are approximately 2.5 acres in size, located within the existing Urban Growth Boundary, zoned Future Urbanizable (FU-10) 10 acre district in Clackamas County, with a Comprehensive Plan designation of Low Density Residential (LR) within Oregon City. The properties are located north and west of Mapelane Road near its intersection with Mapelane Court (outlined in red below).



SB 1573

If the City Commission determines that the proposed Annexation should be approved, the City Commission is required by the Charter to submit the Annexation to the electors of the City. However, the passage of SB 1573 requires that the City annex the territory without submitting the proposal to the electors of the City if:

(a) The territory is included within an urban growth boundary adopted by the City or Metro, as defined in ORS 197.015;

(b) The territory is, or upon Annexation of the territory into the City will be, subject to the acknowledged comprehensive plan of the City;

(c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and

(d) The proposal conforms to all other requirements of the City's ordinances.

The territory is included within the City's UGB adopted by the City and Metro. The territory has a Comprehensive Plan Designation of Low-Density Residential pursuant to the acknowledged Oregon City Comprehensive Plan. The territory is contiguous to the City Limits. As demonstrated in this report, the proposal can meet the City's applicable ordinances.

Thus, the proposal meets items (a) through (d), with the conditions of approval, and the City would annex the territory without submitting the proposal to the electors of the City.

Measure 3-51- May 18, 1999 Voter-Approved Annexation Charter Amendment

The City Commission sent a measure to voters in 1999 to adopt a charter amendment that required all annexations be sent to the voters and indicated that *"this measure would not apply to certain annexations that the city is required to undertake, such as annexations to abate public health hazards pursuant to ORS 222.900."*

This Annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

LAND USE PLANNING***SITE CHARACTERISTICS***

The project site consists of two residential properties with a few trees around the two existing single-family houses. The project site includes two parcels, Tax Lot 3-2E-04C-00500 does not contain any mapped geologic hazard areas, and Tax Lot 3-2E-04C-00300 contains areas mapped as geologic hazard zones. The geologic hazard zone district is characterized by steep slopes exceeding 25 percent and their 50-foot buffers, and landslides and their 200-foot buffers. Tax Lot 00300 contains steep slopes greater than 25% on the northwest portion of the property, with buffers extending further southeast. Geologic mapping shows a documented landslide adjacent northwest of the steep slopes area with the landslide buffer extending to the southeast, covering about two-thirds of the lot

Frontage to City Limits

The abutting right-of-way of Maple Lane/Maple Lane Court is already within the City and will not need to be annexed as part of this approval, and if approved, will make the property contiguous to the City Limit for approximately 401 feet along the full frontage of the property. The property includes two homes setback approximately 30-40 feet from the Road, with one accessory structure. No land division is proposed at this time.

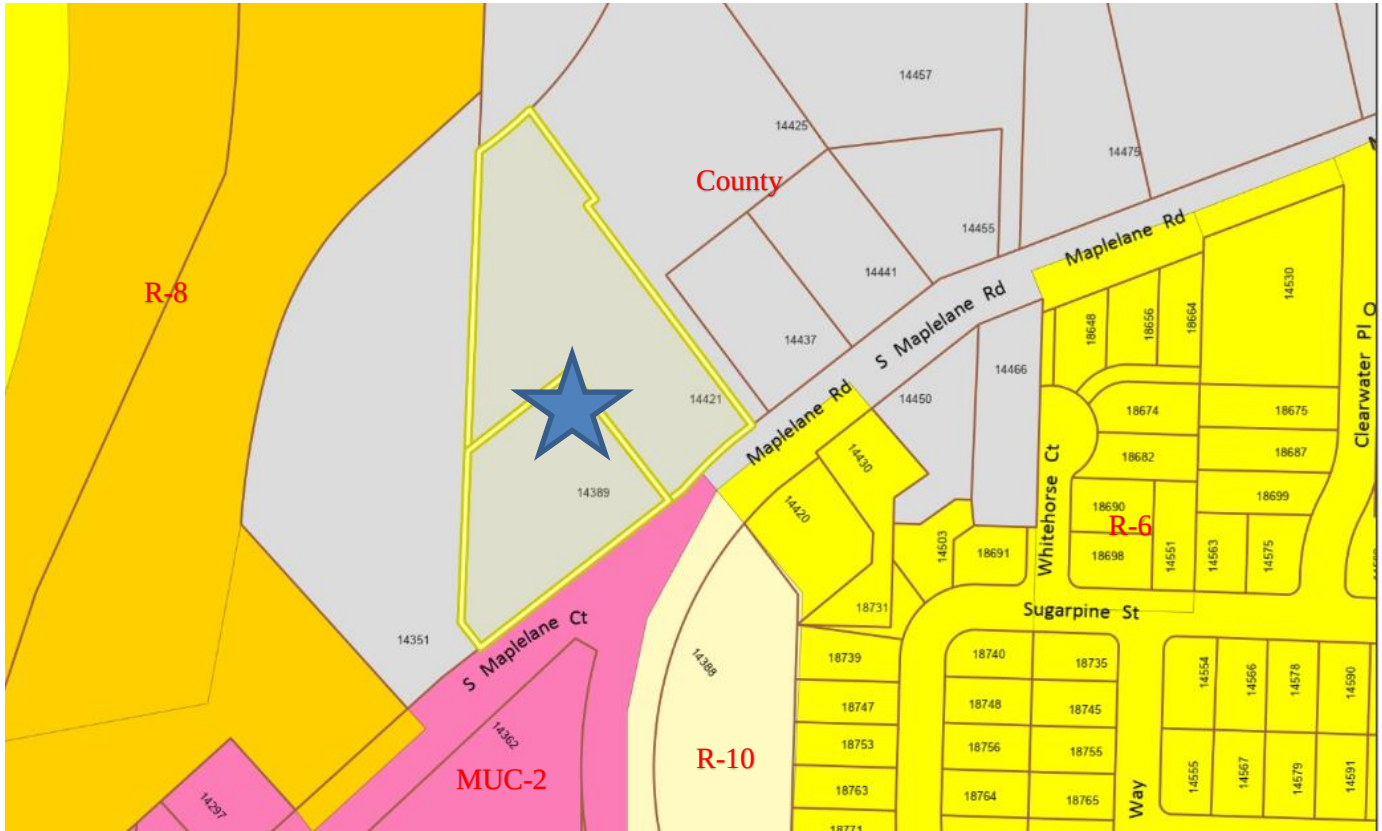


FIGURE 1. LOCATION MAP



14389 MAPLELANE ROAD



14421 MAPLELANE ROAD

FIGURE 3. STREET VIEW (2021)

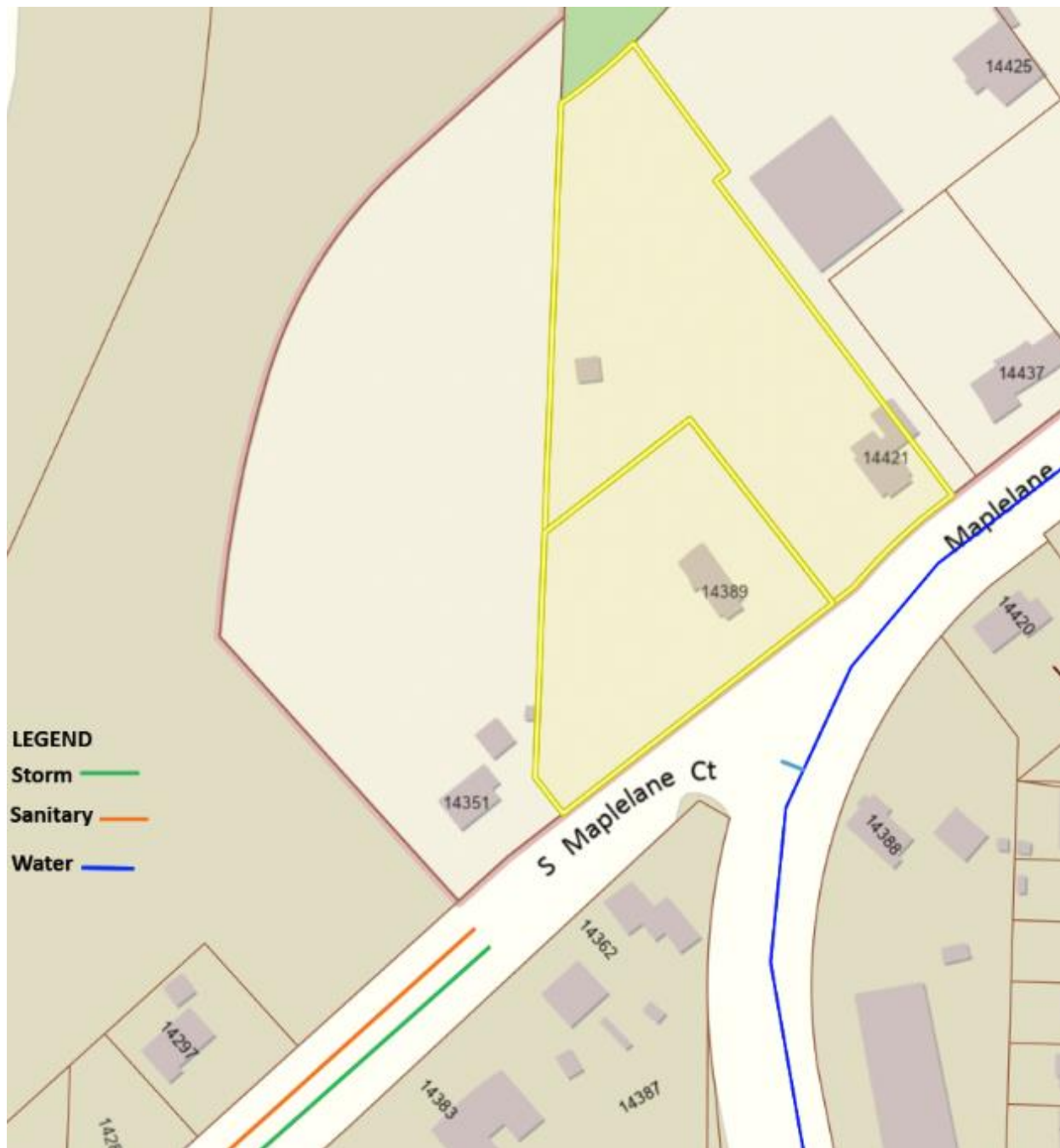


FIGURE 4. UTILITIES

The figure above indicates the location of Oregon City sewer, and water utilities near the property.

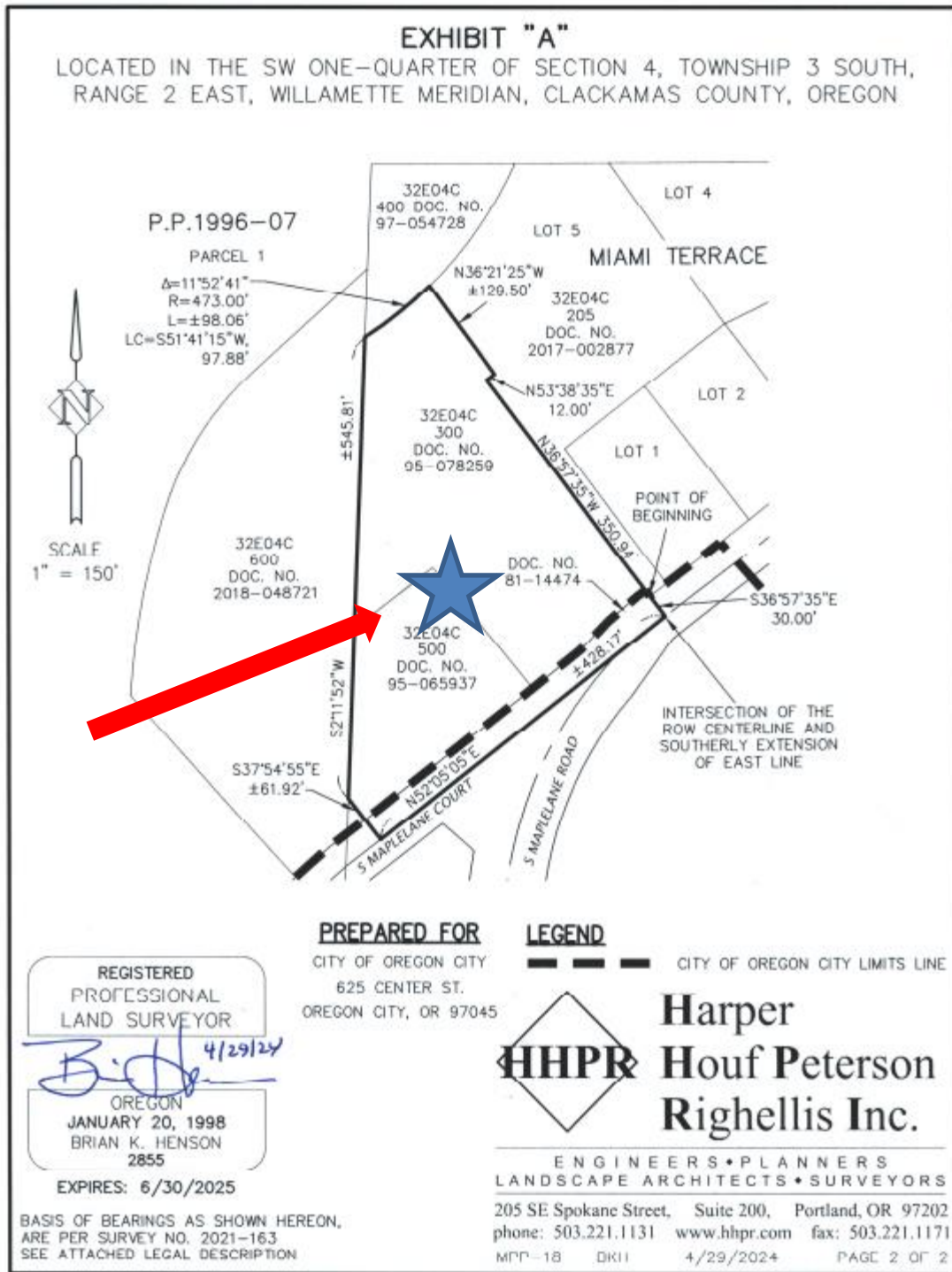


FIGURE 5. LEGAL DESCRIPTION MAP

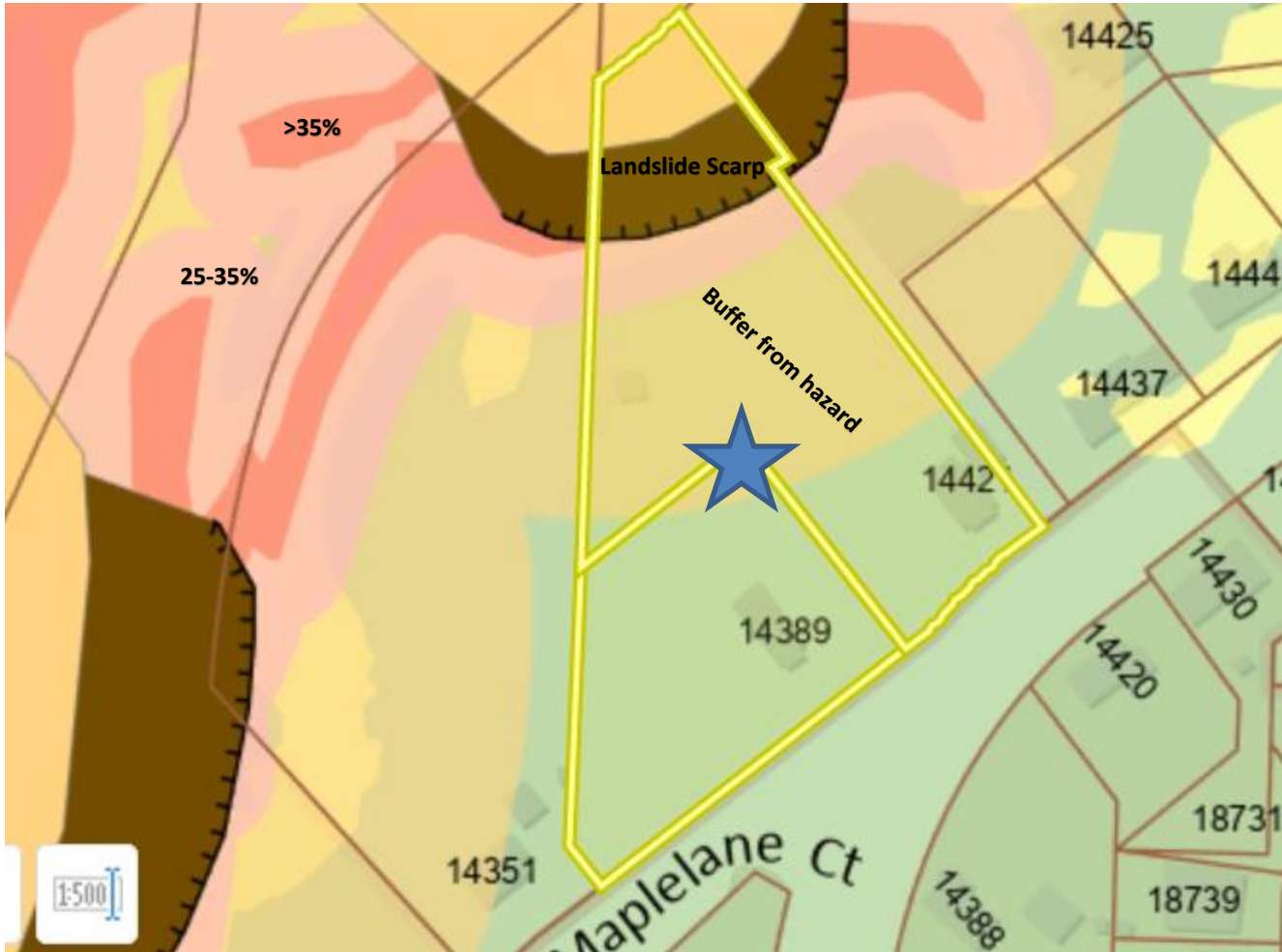


FIGURE6. GEOHAZARD DISTRICT

The Geological Hazards District required reduced density for areas located on steep slopes, landslides, and buffer areas. Additional information can be found in section 17.44 of the staff report. The existing homes are not located within the Geohazard District.

REGIONAL PLANNING CONSIDERATIONS

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). This area was part of the original 1979 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.
2. Consistency with directly applicable provisions of urban planning area agreements between the annexing entity and a necessary party.

3. Consistency with directly applicable standards for boundary changes contained in Comprehensive land use plans and public facility plans.
4. Consistency with directly applicable standards for boundary changes contained in the Regional framework or any functional plans.
5. Whether the proposed boundary change will promote or not interfere with the timely, orderly and economic provision of public facilities and services.
6. Consistency with other applicable criteria for the boundary change in question under state and local law.

Consistency with the County and urban service provider planning agreements along with the timely, orderly, and economic provision of public services as required by the Metro Code are discussed in greater detail below.

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.

Metro Regional Framework Plan

The law that requires Metro to adopt criteria for boundary changes and specifically states that those criteria shall include " . . . compliance with adopted regional urban growth goals and objectives, functional plans . . . and the regional framework plan of the District [Metro]." Metro's Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

The Metro Code states that the Commission's decision on this boundary change should be ". . . consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

The Clackamas County Comprehensive Plan is currently applicable to this area. The plan designation for this site is Low-Density Residential (MH) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of the 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.

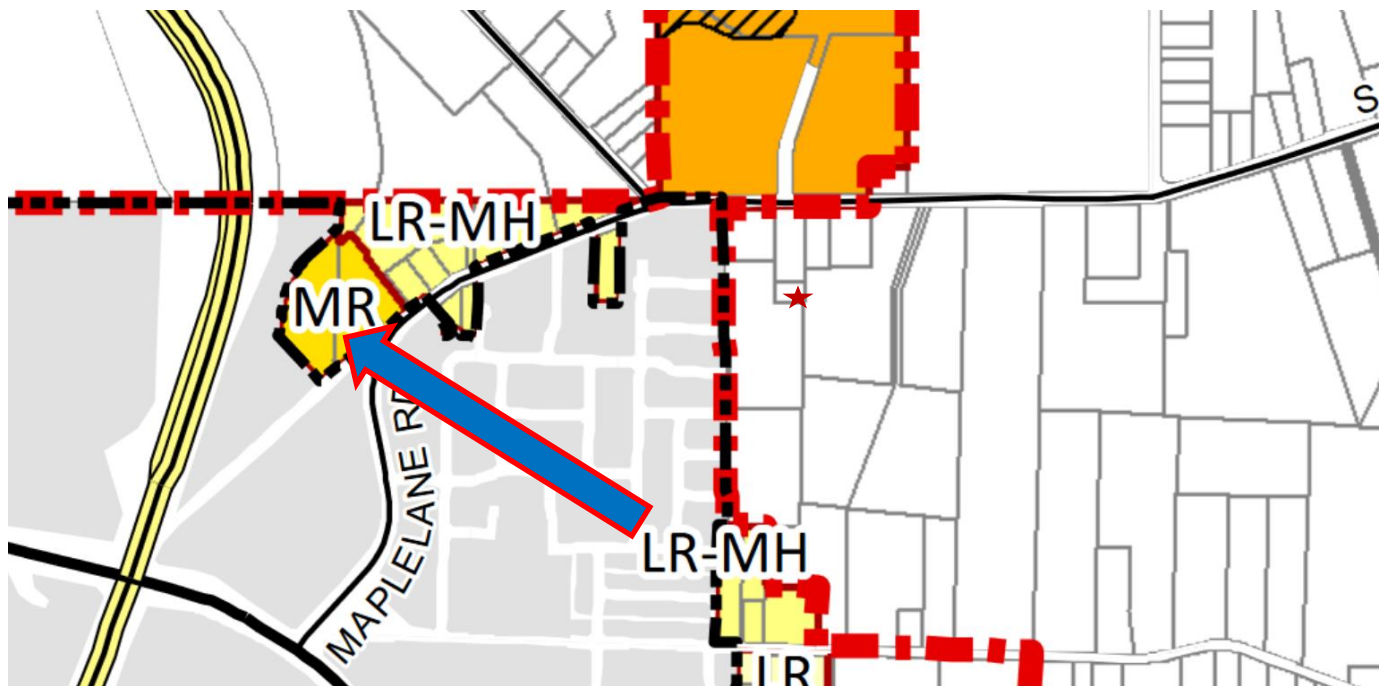


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION MR

Clackamas County Zoning and Development Ordinance (ZDO) section 316 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

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

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development."

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 Low Density Residential. The applicant concurrently applied to receive R-6 zoning following annexation.

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 . . .*

* * *

NOTIFICATION TO THE COUNTY

The required notice was provided to the County at least 20 days before the City Commission hearing.

ADJACENT ROAD RIGHT-OF-WAY

Finding: Complies as proposed. The subject properties abut Maplelane Road and Maplelane Court and the entire width of the rights-of-way abutting the property are under Oregon City jurisdiction.

CLACKAMAS RIVER WATER

Finding: Complies as proposed. This territory is currently within the Clackamas River Water District (CRW). Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation. This annexation area will be withdrawn from the CRW district upon approval of the annexation. However, the existing houses shall remain served by CRW until redevelopment of the properties.

TRI-CITY SEWER DISTRICT

Finding: Complies with conditions. The property is not within the Tri City Service District (TCSD) and will be required to annex into TCSD to receive sanitary sewer service. Upon annexation approval, the applicant shall commence the process to annex into TCSD.

Staff recommends that the City Commission concur with Tri-City Service District's annexation of the subject property in the enacting ordinance.

FACILITIES AND SERVICES

ORS 195 Agreements. 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.

Sanitary Sewers. The City of Oregon City provides sanitary sewer service for the area via an 8-inch sanitary sewer main in Maplelane Court. Future development will be required to extend an 8" sewer main to and through the frontage of the development property.

Water. The property is currently being served by Clackamas River Water (CRW). The properties must leave the Clackamas River Water District as part of the Ordinance approving the annexation. The City of Oregon City provides water service for the area via a 12-inch ductile iron water main that runs within Maplelane Road that can serve the

properties. Future development will be required to extend a 6" main to and through the development frontage from a tee on the 12" water main located at the intersection of Maplelane Court and Maplelane Road.

Stormwater. The City of Oregon City provides storm sewer service for the area via a 12" stormwater main within Maplelane Court. Future development will be required to extend a 12" stormwater line to and through the frontage of the development property.

Fire Protection. This territory is currently within Clackamas Fire District #1, which serves portions of Clackamas County as well as Oregon City. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory is automatically withdrawn from the District upon approval of the Annexation. Staff recommends that the territory **not** be withdrawn from CFD#1.

Police Protection. The Clackamas County Sheriff's Department currently serves the territory. The proposed Annexation was forwarded for comment to the Sheriff's Department as well as the Oregon City Police Department. Neither entity indicated that there is inadequate capacity to serve the property.

The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police Department already occasionally responds to County emergency calls for the unincorporated area. The impact on police services upon Annexation will be negligible. Clackamas County Sheriff's Department was contacted and did not indicate any conflicts with the Annexation.

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 officially serve the property.

Parks, Open Space, and Recreation. The nearest city park is Tyrone S. Woods Memorial Park about 1.25 mile from the property. Any future homes constructed on the property, following annexation, re-zoning, and land division, would contribute to the Parks System Development Charge, which is currently \$7,912 per single-family or middle housing dwelling unit.

Transportation. Access is provided via Maplelane Court, a local street that is under Oregon City jurisdiction. The applicant submitted a Transportation Impact Letter (TAL) written by Landcaster Mobley (traffic engineer that conducted a transportation study in conformance with the City's Guidelines for Transportation Impact Analyses). The TAL provided addresses the potential traffic impacts associated with the proposed annexation and subsequent rezone of two properties, located at 14389/14421 S Maplelane Road. DKS Associates (Oregon City's Transportation Consultant) has reviewed the TAL submitted and concluded that it meets Oregon City requirements and TPR requirements. The reasonable worst-case development scenario under the existing FU-10 zoning was determined to be Single-Family Detached Housing (ITE land use code 210) with two dwelling units. The Transportation Planning Rule (TPR) per OAR 660-012-0060 was evaluated. Based on the 230-trip increase in daily trip generation potential for the annexation and rezoning of the project site, the project will not increase average daily trips by more than 400, which will not result in the degradation of the performance of surrounding transportation facilities. Therefore, TPR requirements are satisfied. There are no recommended conditions of approval at this time.

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

OREGON CITY COMPREHENSIVE PLAN

The Oregon City acknowledged Comprehensive Plan designates this territory as LR—Low-Density Residential. Portions of the City's Comprehensive Plan have some applicability, and these are covered here.

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

STRATEGY 2.4.A Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

Finding: Direction Needed. Both 14389 and 14421 Maplelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4. Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could choose to add a condition or additional requirements that address this topic. Alternatively, the City Commission could utilize this information as it balances the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

POLICY 5.4 Annex lands to the city through a process that considers the effects on public services and the benefits to the city as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

Finding: Complies The two properties are currently located within the City's Urban Growth Boundary and the annexation of lands within the project site is consistent with the Oregon City Comprehensive Plan, ordinances, and the City Charter.

STRATEGY 5.4.A Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

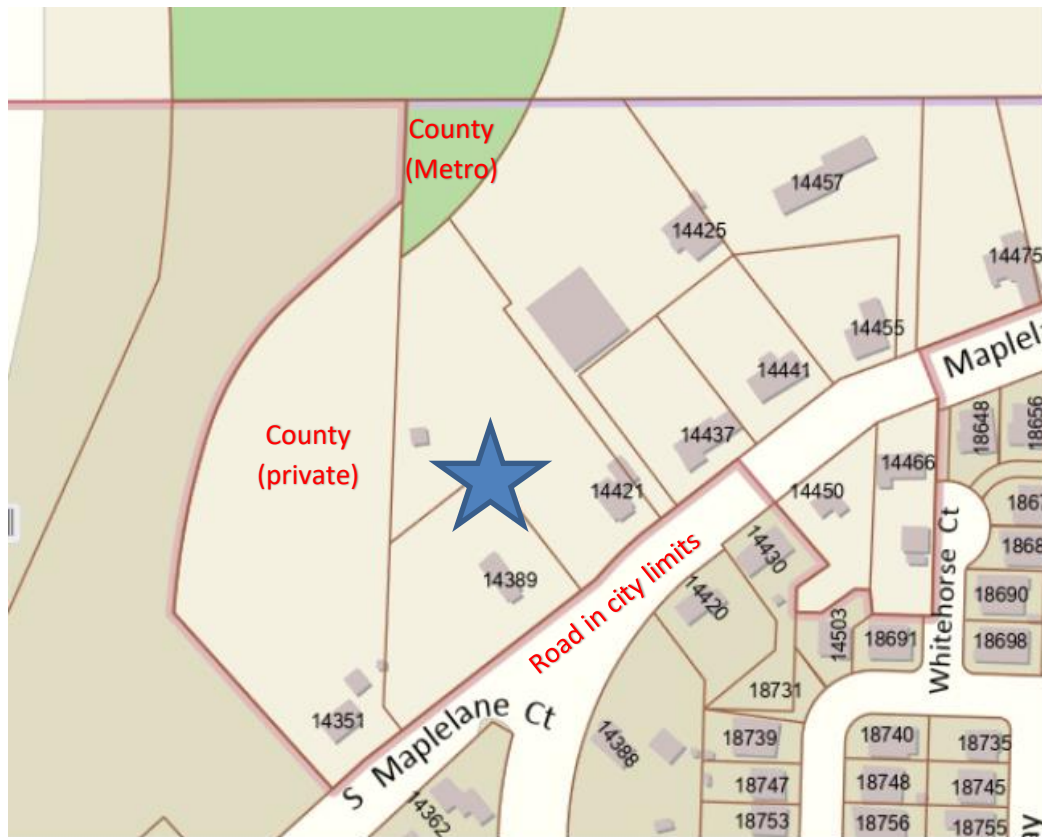
Finding: Complies The project site includes two properties that are both currently within the City's Urban Growth Boundary and are contiguous with the city limits. Utilities and services are close to the property lines and will help to facilitate development of the area that is consistent with the Oregon City Comprehensive Plan and related development regulations. Currently, no development is proposed on the project site. New development will be required to connect to existing public utilities and develop consistent with the urban zone applied to the property upon annexation.

STRATEGY 5.4.B Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:

- i. avoid creating unincorporated islands within the city;*
- ii. enable public services to be efficiently and cost-effectively extended to the entire area; or*
- iii. implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

Finding: Complies. The proposed annexation of the project site is contiguous with the city limits. Shown on the map below, the Oregon City limits follow the northern Maplelane Road right-of-way line, and the annexing properties are located directly adjacent to that line. There are no existing concept plans or sub-area master plans that include the project site. Abutting the project site are two county parcels, one owned by the Metropolitan

Service District to the north and a private property to the west. These two parcels are connected and touch each other, and thus, the annexation of the subject's land would not create an island. The City Commission provided a similar finding during the Serres Farm annexation and Zone Change review in 2016 (AN-16-0004 AND ZC-16-0001) that a small sliver connection of two county parcels was sufficient not to create an island.



STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

Finding: Complies There are no existing public health hazards or concerns for a failing septic tank sewage system connected to the project site. This strategy does not apply to this request

STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

Finding: Complies There are no existing public health hazards or concerns for a failing septic tank sewage system connected to the project site. This strategy does not apply to this request.

POLICY 4.4 Coordinate infrastructure to support the equitable development of “Climate-Friendly Areas,” as defined by DLCD

STRATEGY 4.4.C Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

Finding: Complies The Comprehensive Plan designation for the project site is Low Density Residential (LR), which permits the City zoning of R-6, R-8, or R-10. The proposal is requesting a Zone Change to R-6 which is a low density residential district with a minimum lot size of 6,000 square feet. The project site would be required to develop with

permitted uses within the low-density residential zones and comply with the development standards adopted by the City once annexed into the City.

POLICY 5.1 *Ensure the Urban Growth Boundary conforms to Title 11 of the Code of the Metropolitan Service District and provides sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.*

Finding: Complies The City's approved UGB conforms with Title 11 of the Code of the Metropolitan Service District for housing programs. The properties are currently located within the City's UGB and the proposed annexation and accompanying zone change to R-6 will accommodate future infill development of additional residential urban land needs.

STRATEGY 5.1.A *Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.*

Finding: Complies The properties are not subject to a current or prior concept plan. The properties are located within the original UGB adopted for the City. They are adjacent to existing public utilities, and the nearby neighborhoods are already provided with public services, so annexation of these properties would be orderly and efficient as it pertains to providing public services to the site. It should be noted that the property is not proposed to be developed at this time. Future development of the property would require the extension of public utilities in accordance with local laws. The cost of those extensions are paid for by the developer with few exceptions.

LAND USE

This application has one residential land use type:

1. *Low-Density Residential [LR]: Areas in the LR category are primarily for single-family and middle housing.*

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

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

The applicant has submitted for a Zone Change to R6 and has submitted the needed Transportation Analysis Letter to meet the Oregon Transportation Planning Rule and response to the Zone Change criteria in 17.68 later in this report.

OCMC 14.04.060 - Annexation factors.

A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:

1. *Adequacy of access to the site;*

Finding: The site access is discussed below in the Facilities and Services section. The site has direct access to Maple Lane Road, and the existing access is adequate.

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

Finding: As demonstrated in that section of the staff report, the City's Comprehensive Plan is satisfied.

3. *Adequacy and availability of the following public facilities and services to serve potential development at time of development:*

a. Transportation. The urbanization of the site is accounted for in the transportation system plan. The application demonstrates that the annexation is consistent with the transportation planning rule (TPR)

Finding: Complies. A Transportation Analysis Letter (TAL) was provided along with the application that indicates the annexation and zone change will not have a significant impact on the planned function, capacity and level of service of the transportation system serving the project site. The Transportation Planning Rule (TPR) per OAR 660-012-0060 was evaluated. Based on the 230-trip increase in daily trip generation potential for the annexation and rezoning of the project site, the project will not increase average daily trips by more than 400, which will not result in the degradation of the performance of surrounding transportation facilities. Therefore, TPR requirements are satisfied. There are no recommended conditions of approval at this time.

Oregon Department of Transportation (ODOT) defines a threshold at which a project would "significantly affect" a transportation facility in relation to mobility targets. This threshold is detailed in the Oregon Highway Plan (OHP) Action 1F.5, with the relevant sections quoted below:

If an amendment subject to OAR 660-012-0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.

...

In applying "avoid further degradation" for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause "further degradation" of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

b. Sewer. The urbanization of the site is accounted for in the sewer master plan;

c. Water. The urbanization of the site is accounted for in the water master plan;

d. Stormwater. The urbanization of the site is accounted for in the stormwater master plan;

Finding: Complies The stormwater, water, and sanitary Master Plans have all accounted for future growth on site.

e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;

Finding: Complies. The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon Annexation. The police department has not indicated the site cannot be accounted for within the Oregon City Public Safety service area.

f. Parks. The urbanization of the site is accounted for in the parks and recreation master plan; and

Finding: Complies The Park Master Plans have all accounted for future growth on site. No parks are proposed to be built on site.

g. Schools. The urbanization of the site is analyzed for school capacity in a concept plan or in a school forecast approved by Oregon City School District.

Finding: Complies the site is already within the Oregon City School District Boundary.

4. Demonstration of how the impacts of future development to city public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to city standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The city commission reserves the right to enter into a development agreement with the Applicant that governs the extent and timing of infrastructure improvements.

Finding: Complies. The Applicant has shown that needed infrastructure is available or can be made available as part of a development proposal. Systems Development fees for any development will proportionally contribute to the future city's capital improvement plans (CIP). The impact on city facilities has been evaluated and found to be consistent with the various adopted master plans' methodology and development assumptions.

5. Annexations over five acres shall obtain master plan approval at a public hearing before the planning commission prior to or concurrent with a land division or site plan and design review application. The master plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.

Finding: No Applicable. The site is less than 5 acres.

6. The annexation is in the best interest of the city. Generally, the commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:

- a. It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or
- b. It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern; or
- c. It provides needed routes for utility and transportation networks.

Finding: Complies. The proposed annexation and zone change are for properties located within the city's urban growth boundary since 1979. All of the City's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analysis. Utilities are available or can be easily made available during development. The site is directly adjacent to two recently approved and currently being constructed multi-family projects. The new residential zoning will provide for additional housing units for the city once developed.

7. Compliance with applicable sections of ORS 222, and Metro Code Section 3.09, including a demonstration that the proposed annexation is timely, orderly, and efficient;

Finding: Complies The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 407 feet along the property boundary. The Metro Code criteria are set out on page 9 of this report. This report considers each factor, and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

8. All natural hazards identified by the city, such as wetlands, floodplains, steep slopes and landslides, including those mapped and unmapped by the city, County, state or other government agencies are identified;

Finding: Complies. The rear of the property has a mapped geohazard area that will be regulated by the Geohazard District upon annexation.

9. All historically designated, and potentially eligible historic structures are identified;

Finding: Direction needed Both 14389 and 14421 Mapelane Road were listed as potentially contributing resources/buildings (EC) as part of the city's 2011 citywide historic reconnaissance survey of properties over 50 years old located within the Urban Growth Boundary. The high-level survey forms are attached as Exhibit 4.

Reconnaissance-level survey forms provide a first-level review to flag properties for further research and provide background information to communities for planning purposes.

Clackamas County has not individually designated these resources, and they are not currently a protected resource. The City Commission could choose to add a condition or additional requirements that address this topic. These could vary from:

1. Requesting additional information from the applicant and an updated survey information that provides additional background information, and current historic status from a qualified historic preservation professional.
2. Request official comment and guidance from the Historic Review Board, or
3. Require either a portion (only the resource along with a small buffer) or the full taxlots to be designated a local Oregon City landmark as a condition of annexation.

Alternatively, the City Commission could utilize this information as it balances the other annexation factors to determine the city's priorities and provide additional findings in its deliberations.

10. Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the comprehensive plan by urbanization of the subject property at time of annexation can be avoided or mitigated;

Finding: Direction needed. Based on the direction of the above criteria, a condition of approval could be added to address or mitigate any impacts.

11. The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the city, excluding properties under farm or forest tax deferment or farm or forest practices as defined under ORS 30.930. Annexations which demonstrate efforts to avoid significant site grading or tree removal will be viewed more favorably than those upon which such activities have occurred.

Finding: Direction needed Based on the direction of the above criteria, a condition of approval could be added to address or mitigate any impacts. The site has a fair number of mature trees along the street frontage, although many of them have been topped and were poorly pruned over the years. Residentially zoned properties not undergoing development review are not generally subject to OCMC 17.41 *Tree protection, preservation, removal and replanting standards*. Prior to any development onsite, The City Commission could choose to require the site to be subject to OCMC 17.41, which regulates the removal of trees over 6 inches in the caliper that are not dead, diseased, or dying. Trees can be removed through this regulated process but must be replaced with mitigation trees or a fee in lieu. Once the property is developed, this condition would be met, and the property would be treated as any other low-density, residentially zoned land.

Please note that the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope area of the Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting.

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 already occasionally 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.

If annexed, the property owner could apply to the City for land use permits. Any impacts on the community that result from the approval of development permits are a direct consequence of the future permit approval, not of

the Annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. Upon voter approval of the city annexation, the City Commission must concur with the Tri-City Service District's Annexation of the subject property in the enacting Ordinance.

Section 8 of the Ordinance states:

"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."

As analyzed earlier in this report, the requirement to refer this Annexation to the voters has been superseded by the passage of Senate Bill 1573, which exempts certain annexations from a voter approval requirement provided specific criteria have been met.

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.010 – Intent and purpose.

A. To ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce the risk of private and public losses;
B. To establish standards and requirements for the use of lands within geologic hazard areas;
C. To provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas;
D. To mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided, the geologic hazards regulations are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code.

17.44.025 - When required; regulated activities; permit and approval requirements.

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

The requirements of this chapter are in addition to other provisions of the Oregon City Municipal Code. Where the provisions of this chapter conflict with other provisions of the Oregon City Municipal Code, the provisions that are the more restrictive of regulated development activity shall govern.

Finding: Applicable. The property contains areas of mapped Geologic Hazards Overlay Zone as adopted by Oregon City. The City was not provided with specific topographic information to evaluate the size of such areas, which generally occurs at the time of development. However, based on the city's GIS topographic and geohazard layer, it appears that the geohazard district and density reduction constrain about half the site (58,000 square feet).

- For those areas containing mapped landslide or buffer zone, the density shall not exceed two dwelling units per acre (approximately 58,000 square-feet of the development site).
- For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre (these areas are overlapped and match the mapped landslide and buffer zone).
- For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district (approximately 58,000 square-feet of the development site).

For those areas with slopes over thirty-five percent between grade breaks, any new development shall be prohibited except where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone. Only a portion of the site is located in this section, and its final location is subject to a development topographic survey.

Additionally, the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope portion of Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting. Any future development onsite will be subject to review of this chapter.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.050 – Pre-application conference.

- A Pre-application Conference.*** *Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
 - 1.*** *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2.*** *At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3.*** *The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B.*** *A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed*

significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: Complies. A pre-application meeting (PA-23-00040) was held on December 13, 2023 to review the proposed annexation and potential zone change. Pre-application meeting notes were provided, and all relevant land use requirements have been acknowledged and addressed as part of this application narrative. Please see Attachment 010 and 011 of the applicant's submittal.

17.50.055 - Neighborhood association meeting.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.*
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: Complies A meeting was requested with the Caufield Neighborhood Association and scheduled for January 23, 2024, where the proposed annexation was presented virtually. A copy of the meeting notice was provided to the

chair of the citizen involvement committee, and a copy of the agenda and the email confirmation from the Caufield Neighborhood Association is provided as part of this application (see Attachment 007 of the applicant's submittal)

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative. The applicant has provided full-size and two reduced size sets of plans to accompany the submittal items.

17.50.070 Completeness Review and 120-day Rule.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. This land use application was submitted/paid on April 16, 2024. The application was deemed incomplete on May 13, 2024 and after the submittal of additional information, the application was deemed complete on June 2, 2024. As this application is in conjunction with an annexation which is not subject to the 120 rule- no 120-day decision date is applicable for this file.

17.50.090 Public Notices.

Finding: Complies as Proposed. Staff provided public notice within 300 feet of the site via mail, the site was posted with multiple land use notices, and posted on the Oregon City website. Staff provided email transmittal of the application and notice to affected agencies and Neighborhood Associations.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. The site was posted with a sign longer than the minimum requirement.

17.50.130 Conditions of approval and notice of decision.

A. All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.

Finding: Complies- the City Commission may place conditions upon this application as appropriate to the approval criteria. As this application is for a residential zone property- any condition shall be clear and objective and are required to be proportional; to the proposal.

17.50.140 – Financial guarantees.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

17.50.141 – Public improvements – Warranty

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

Finding: Not Applicable- No development is proposed at this time.

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 – INITIATION OF THE AMENDMENT.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*

D. A Legislative request by the Planning Division.

All requests for amendment or change in this title shall be referred to the Planning Commission.

Finding: Complies. The proposed zone change requires an amendment to the zoning map and has been initiated by the property owners through an application to the Planning Division.

17.68.020 – CRITERIA.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;

Finding: Complies. The project site has the Comprehensive Plan designation of LR (Low Density Residential), which permits the City zoning of R-6, R-8, and R-10. The proposed annexation into Oregon City Limits and zone change to R-6 is consistent with the applicable goals and policies of the City of Oregon City's Comprehensive Plan.

B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or plan amendment, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone or plan amendment;

Finding: Complies. The project site has access to adjacent public utility lines, nearby public facilities, and services. There is an existing water main and sanitary sewer main that runs within Maplelane Road, and a stormwater main within Maplelane Court. The properties are also currently served by Clackamas Fire District #1 and the Oregon City School District and will have access to police service under the Oregon City Police Department. All public facilities and services are available to support the proposed zone change to R-6 which permits low density residential development. There is no development proposed at this time. **See findings under Urban Growth Management Agreement for more information.**

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

Finding: Complies. A Transportation Analysis Letter (TAL) was provided along with the application that indicates the annexation and zone change will not have a significant impact on the planned function, capacity, and level of service of the transportation system serving the project site.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Response: The subject properties are designated as Low Density Residential (LR) under the Oregon City's acknowledged Comprehensive Plan that is compliant with the Statewide Planning Goals. The proposal complies with the goals and policies of the comprehensive plan designation.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: Complies. Upon annexation, both properties associated with the project site are requesting a Zone Change from County zoning of FU-10 (Future Urbanizable 10-acre lot) to Oregon City's zoning of R-6 (Low-Density Residential 6,000 square foot minimum lot size) zoning. The proposed Zone Change complies with the zoning designations for Low Density Residential (LR) Comprehensive Plan Classification as identified in Table 17.06.030. The most recently adopted comprehensive plan OC2040 was acknowledged by Department of Land Conservation and Development (DLCD) as complying with statewide planning goals.

17.68.040 – APPROVAL BY THE COMMISSION.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: Complies. The subject properties are currently located within the existing UGB. The proposed zone changes to the R-6 zoning district are consistent with the Oregon City Comprehensive Plan designation of Low-Density Residential (LR) for both properties and comply with the criteria of OCMC 17.68.020.

17.68.050 – CONDITIONS.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Finding: Complies The proposed zone changes from the FU-10 zoning district to the City's low-density residential R-6 zoning district is consistent with the Oregon City Comprehensive Plan designation of Low Density Residential (LR) for both properties. The City Commission may choose to add conditions to this application that are proportional to the request and are consistent with the goals and strategies of the Commission through the adopted comprehensive plan.

STAFF RECOMMENDATION

Based on the staff report and the Proposed Findings and Reasons for Decision for this annexation, Staff recommends that the Planning Commission make a recommendation to the City Commission regarding how the proposal has complies with the factors set forth in Section 14.04.060 (annexation) and OCMC 17.68 (Zone Change). Staff has prepared draft findings and stands ready to adjust them as needed.

If the Planning Commission sends forward a positive recommendation, including a recommendation on the items highlighted by staff (historical considerations and trees), then staff further recommends that the Planning Commission forward the following proposed findings and reasons for the decision for adoption by the City Commission.

Planning File **GLUA-24-00004: AN-24-0001:** Annexation and **ZC-24-0001:** Zone Change and adopt as its own this Staff Report and Exhibits and;

- Find that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommends that the property is removed from the Clackamas River Water District
- Recommend that the City Commission concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance.
- Recommend the rezoning of the site from FU-10 to R6
- Provide the City Commission with a recommendation pertaining to additional historic or tree regulations on-site.

DRAFT City Commission Findings

ANNEXATION PETITION: GLUA-24-00004: AN-24-0001: Annexation and **ZC-24-0001:** Zone Change

PROPOSED FINDINGS, CONDITIONS AND REASONS FOR DECISION

Based on the staff report and findings, the City Commission finds the following:

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 according to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, 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 identifies the property as *Immediate Urban* lands, which 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 and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.
5. With regard to storm drainage to the Newell Basin, the City has the service available in the form of regulations to protect and control stormwater management.
6. 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.
7. 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.
8. 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.
9. The City Commission concurs with Tri-City Service District's Annexation of the subject property in the enacting City ordinance.
10. 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.
11. The Commission determines that the property should not be withdrawn from the Clackamas Fire District #1.
12. The Commission determines that the property should withdrawn from the Clackamas River Water District.

Exhibits:

1. Applicant's Submittal
2. Public Comment
 - a. Erik Bertram- Clackamas Water Environment Services (WES)
 - b. ODOT
3. Development Transportation Impact Review – DKS
4. Historic Survey Forms
5. Updated Legal Description, approved by the Department of Revenue.

Maplelane Annexation
Type IV Annexation and Zone Change

Applicant/Owner:	Moehnke Properties LLC Attn: Graeme Newhouse 10256 SE 145 th Ave. Happy Valley, OR 97086
Planner:	Thuy Cao, AICP Harper Houf Peterson Righellis Inc. 205 SE Spokane Street, Suite 200 Portland, OR 97202 thuyc@hhpr.com (503) 221-1131
Site Location:	14389 and 14421 Maplelane Road
Tax Lot Number:	Clackamas County Tax Map 32E04C Parcel numbers 00300 and 00500
Site Area:	2.5 acres total
County Zoning:	Future Urbanizable (FU-10) 10 Acre District
Oregon City Comprehensive Plan:	Low Density Residential (LR)
Summary of Request:	The applicant is requesting to annex the subject site into the Oregon City limits with a zone change to R-6. There is no design review or site plan review included with this application.
Date:	March 15, 2024



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I. PROJECT OVERVIEW

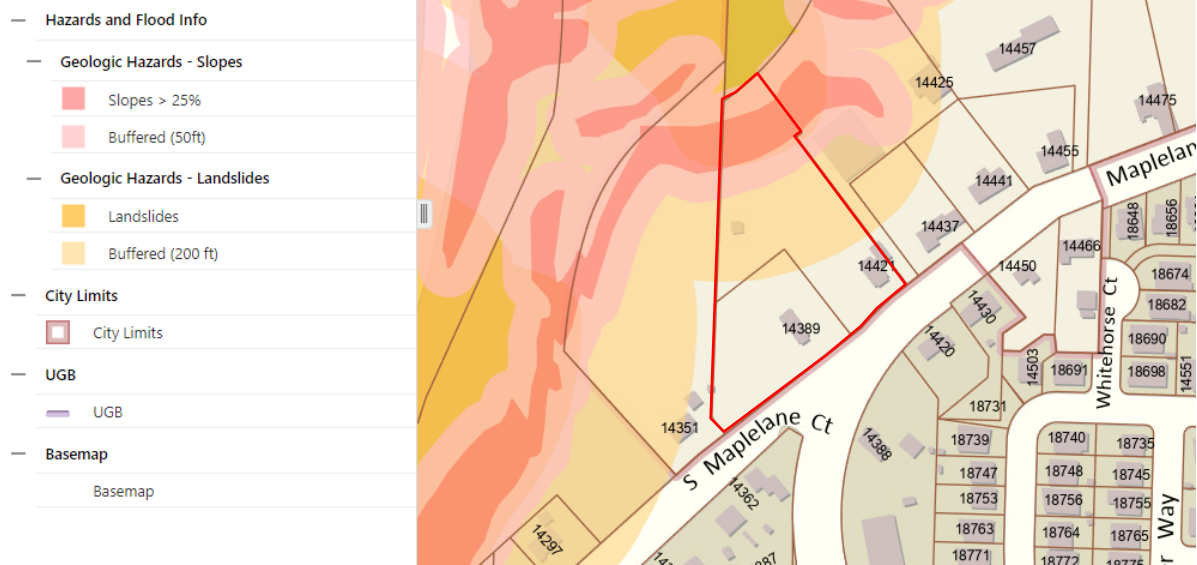
EXISTING CONDITIONS

The project site includes two properties located at 14389 and 14421 Maplelane Road within Clackamas County. The properties are described on Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres). In total, the properties are approximately 2.5 acres in size, located within the existing Urban Growth Boundary, zoned Future Urbanizable (FU-10) 10 acre district in Clackamas County, with a Comprehensive Plan designation of Low Density Residential (LR) within Oregon City. The properties are located north and west of Maplelane Road near its intersection with Maplelane Court (outlined in red below).



northwest portion of the property, with buffers extending further southeast. Geologic mapping shows a documented landslide adjacent northwest of the steep slopes area with the landslide buffer extending to the southeast, covering about two-thirds of the lot (see Figure 1 below).

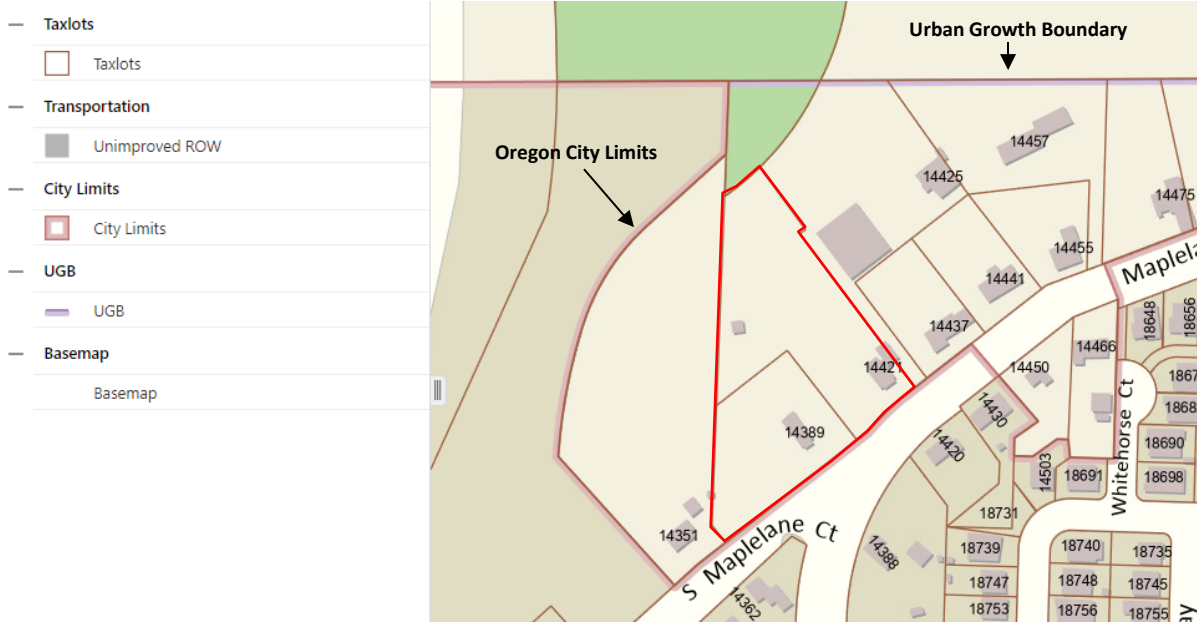
Figure 1: Geologic Hazards – Slopes and Landslides



REGIONAL PLANNING

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). See Figure 2 below for both Oregon City limits and the UGB.

Figure 2: Oregon City Limits and UGB



PROPOSAL

The property owners are requesting annexation of the properties located at 14389 and 14421 Maplelane Road into the Oregon City limits and a zone change to Low Density Residential R-6. The proposed zoning is consistent with the City's existing Comprehensive Plan designation for the property. No development is proposed at this time.

The two-tax lot annexation proposal is initiated by consent petitions of a double majority of the property owners and registered voters. The petition meets the requirement for initiation set forth in ORS 222.170 (2) (double majority annexation law) and Metro Code 3.09.040 (a) (Metro's minimum requirements for a petition). The territory to be annexed is located generally in the northeastern area of the City near the intersection of Maplelane Road and Maplelane Court, north of Beaver Creek Road. The territory in the proposed annexation contains approximately 2.5 acres, has two single-family residences with a population of 4 with a current estimated assessed value in 2023 of \$917,600.00 (See Attachment).

Reason for Annexation

The owner requests to be able to receive city services, including specifically, sanitary sewer connection, water system connection, and storm water services, as well as the full range of administrative and municipal services provided upon annexation to the City. The properties are family-owned, were included within the initial urban growth boundary for the City of Oregon City and have been waiting for urban growth and services to arrive for some time.

Zone Change

The applicant has submitted a concurrent application to rezone the property to R-6 (Low Density Residential). Code responses for the Zone Change request are provided within this narrative beginning on page 28.

II. RESPONSE TO APPLICABLE APPROVAL AND CODE CRITERIA

Note: Responses to all applicable development standards are included below. Sections that are not applicable or do not require a response may be omitted from the narrative text.

TITLE 14 – ANNEXATION APPROVAL FACTORS

The City's Code contains provisions on annexation processing. Section 6 of Chapter 14 requires the City Commission "to consider the following factors, as relevant":

14.04.060 ANNEXATION FACTORS

- A. When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:*

- 1. Adequacy of access to the site;*

Response: The subject site has existing direct access from Maplelane Road. Future access may be taken from Maplelane Road or Maplelane Court, which are both under Oregon City jurisdiction.

- 2. Consistency of the proposal with the city's adopted comprehensive plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;*

Response: The subject site is currently located within the City's Urban Growth Boundary and the annexation of lands within the project site is consistent with the Oregon City Comprehensive Plan, ordinances, and the City Charter. As described under the *Oregon City Comprehensive Plan* section below, the applicable Goals and Policies of the Oregon City Comprehensive Plan have been provided and addressed within the narrative to illustrate that this request is consistent with the City's adopted and acknowledged Comprehensive Plan.

- 3. Adequacy and availability of the following public facilities and services to serve potential development at time of development:*
- a. Transportation. The urbanization of the site is accounted for in the transportation system plan. The application demonstrates that the annexation is consistent with the transportation planning rule (TPR) or explain why a TPR analysis is not required;*
 - b. Sewer. The urbanization of the site is accounted for in the sewer master plan;*
 - c. Water. The urbanization of the site is accounted for in the water master plan;*
 - d. Stormwater. The urbanization of the site is accounted for in the stormwater master plan;*
 - e. Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;*
 - f. Parks. The urbanization of the site is accounted for in the parks and recreation master plan; and*
 - g. Schools. The urbanization of the site is analyzed for school capacity in a concept plan or in a school forecast approved by Oregon City School District.*

Response: As described under the *ORS 195 Agreements – Facilities and Services* section starting on page 8 within the narrative, adequate public facilities and services are available to support the potential future development of the subject site.

4. *Demonstration of how the impacts of future development to city public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to city standards and specifications, payment of system development charges, etc. Funding for the mitigation must be identified. The city commission reserves the right to enter into a development agreement with the applicant that governs the extent and timing of infrastructure improvements.*

Response: Facilities and services are already located near the properties and available to support the potential future development of the subject site. If the annexed properties are developed in the future, the development would be required to extend public utilities to and through the frontage of the subject site. There is no development proposed at this time.

5. *Annexations over five acres shall obtain master plan approval at a public hearing before the planning commission prior to or concurrent with a land division or site plan and design review application. The master plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.*

Response: The subject site consists of two lots and is approximately 2.5 acres in size. The annexation request is not for a property over five acres and is not required to obtain master plan approval. This standard is not applicable.

6. *The annexation is in the best interest of the city. Generally, the commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:*
 - a. *It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or*
 - b. *It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern; or*
 - c. *It provides needed routes for utility and transportation networks.*

Response: The annexation meets all three of the criteria listed above. It would provide land for future development of additional housing consistent with the Oregon City Comprehensive Plan. The properties are contiguous with the city limits: and they do not preclude additional needed routes for future utility extensions.

7. *Compliance with applicable sections of ORS 222, and Metro Code Section 3.09 including a demonstration that the proposed annexation is timely, orderly, and efficient;*

Response: The applicable sections of ORS 222 provide several options for annexing land into a City. One of the requirements is for properties being annexed to be contiguous to the proposed city limits. The annexation of the subject site meets ORS 222 as it is already within the adopted UGB, subject to and is compliant with the adopted and acknowledged Oregon City Comprehensive Plan, and is contiguous with the existing city limits (see image on page 4 of this narrative. As described under the *Metro Boundary Change Criteria – Chapter 3.09* section, the

narrative demonstrates that the proposed annexation is consistent with the applicable boundary change criteria.

8. *All natural hazards identified by the city, such as wetlands, floodplains, steep slopes and landslides, including those mapped and unmapped by the city, county, state or other government agencies are identified;*

Response: The subject site has identified Geologic Hazard areas within a portion of the project site. These hazard areas have been identified and mapped by the City. There is no development proposed with this annexation. Future development will be required to comply with the provisions of Chapter 17.44 Geologic Hazards of the Oregon City Municipal Code.

9. *All historically designated and potentially eligible historic structures are identified;*

Response: There are no historically designated or potentially eligible historic structures identified on the subject site, this standard is not applicable.

10. *Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the comprehensive plan by urbanization of the subject site at time of annexation can be avoided or mitigated;*

Response: The annexation of the subject site is not expected to have any adverse impacts on the economic, social, and/or physical environment of the community. There are no historic resources identified within the project site and the annexation will have no effect on the mapped geologic hazard areas. The site is located within the City's existing UGB, was one of the original properties included within the UGB and has been planned for inclusion into the City since the establishment of the UGB.

11. *The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the city, excluding properties under farm or forest tax deferment or farm or forest practices as defined under ORS 30.930. Annexations which demonstrate efforts to avoid significant site grading or tree removal will be viewed more favorably than those upon which such activities have occurred.*

Response: The annexation does not propose any development of the subject site at this time, which avoids site grading and tree removals. The subject site is requesting a concurrent zone change from Clackamas County's Future Urbanizable (FU-10) zoning to Oregon City's Low Density Residential (R-6) zoning. This low-density zoning district permits 6,000 square foot minimum size lots and future development of these lots would be required to comply with the City's adopted land use regulations that address site grading, tree preservation, and Chapter 17.44 of the Oregon City Municipal Code that provides standards for development within Geologic Hazard areas.

ORS 195 AGREEMENTS – FACILITIES AND SERVICES

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.

Sanitary Sewer

Response: The City of Oregon City provides sanitary sewer service. A public 8-inch sanitary sewer main line runs along the frontage of the project site in Maplelane Road. Any future development will be required to extend an 8-inch sewer main to and through the frontage of the property. The project site will be required to separately annex into the Tri-City Service District before sanitary sewer service can be provided. The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. 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 site in the enacting ordinance.

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

Water

Response: The water service provider for this territory is Clackamas River Water. The properties within the project site will be removed from the Clackamas River Water District upon annexation. There is currently a 12-inch ductile iron water main that runs within Maplelane Road. Any future development will be required to extend a 6-inch main to and through the development frontage from the 12-inch water main located at the intersection of Maplelane Court and Maplelane Road.

Stormwater

Response: No additional development has been proposed. On-site stormwater drainage or discharge to a city or county facility will be required upon future development. Any future development would have to convey site stormwater runoff to the appropriate stormwater system in the area.

Fire Protection

Response: This territory is currently within Clackamas County Fire District #1 which serves portions of Clackamas County as well as Oregon City. Oregon Revised Statute 222.120 (5) allows the City to specify that the territory be automatically withdrawn from the District upon approval of the annexation.

Police Protection

Response: The Clackamas County Sheriff's Department currently serves the territory. The area to be annexed lies within the Clackamas County Service District for Enhanced Law Enforcement, which provides additional police protection to the area. Due to the location being surrounded by Oregon City, Oregon City Police

Department already responds to County emergency calls for the unincorporated area north of Maplelane Road. The impact to police services upon annexation will be negligible.

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 property will be removed from Clackamas Sheriff's Enhanced Law Enforcement District and the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation

Response: The project site's nearest developed park is Barclay Hills City Park about 1.02 miles from the proposed annexation area. If development is proposed following annexation of the property the applicant is responsible for paying Parks System Development Charges.

Transportation

Availability and Access

Response: Safe access to the site is currently available on Maplelane Road. Future access to any newly-created lots could be taken from Maplelane Road or Maplelane Court, which are both under Oregon City jurisdiction.

Capacity

Response: The annexation, if approved, would not create any impact on the transportation system. No impact would occur unless or until the property proposed to be annexed was developed in the future.

Re-Zoning and the Transportation Planning Rule

Response: The applicant has submitted a Transportation Analysis Letter (TAL) that indicates compliance with the Transportation Planning Rule. The applicant seeks to annex to the City and change the properties' zone from FU-10 to R-6 consistent with the LR Comprehensive Plan designation.

According to the submitted TAL, the applicant's Traffic Engineer concluded that the proposed annexation and subsequent zone change could result in a net increase of 14 AM peak hour trips, 17 PM peak hour trips, and 230 average weekday trips when the property is developed. The proposed zone change will not have a significant effect on the surrounding transportation system as defined under the Transportation Planning Rule. The transportation impacts attributable to the proposed annexation, zone change and subsequent development of the subject site are anticipated to be nominal and are not expected to cause any significant operational or safety issues on the nearby transportation facilities. Accordingly, the applicant's Traffic Engineer recommends no mitigation in association with the proposed zone change to R-6. Further, they indicate that the proposed annexation and subsequent zone change will not impact or alter the functional classification of any existing or planned facility and satisfies the Transportation Planning Rule. (See Attachment 006)

The new TPR regulations in Section 9 provide that under OAR 660-012-0060

Plan and Land Use Regulation Amendments;

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

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

Response: The existing City of Oregon City comprehensive plan map shows the subject site is designated “LR”. The proposed zoning is R-6 and is one of the City’s zoning districts that is consistent with the low-density comprehensive plan designation.

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

Response: The City of Oregon City’s current TSP is adopted and acknowledged. The parcels’ frontage appears to lack sidewalks, but otherwise appears consistent with city standards and the TSP. In connection with the annexation and rezoning or the development of the parcel, the frontage of both parcels can be brought into compliance with city standards for a minor arterial street.

(c) The area subject to the zoning map amendment was not exempted from this rule at the time of an urban growth boundary amendment as permitted in OAR 660-024-0020(1)(d), or the area was exempted from this rule but the local government has a subsequently acknowledged TSP amendment that accounted for urbanization of the area.

Response: To the applicant’s knowledge, there were no special exemptions or other provisions made affecting this property at the time of inclusion within the Urban Growth Boundary.

TITLE 17 – OREGON CITY ZONING

The Oregon City Code requires the City Planning Department to review the final zoning designation within sixty days of annexation, utilizing the chart below and some guidelines laid out in Section 17.06.030.

CITY LAND USE CLASSIFICATION

<u>Residential Type</u>	<u>City Zone</u>
Low-density residential	R-10, R-8, R-6
Medium-density residential	R-3.5, R-5
High-density residential	R-2

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.”

17.68.025 ZONE CHANGES FOR LAND ANNEXED INTO THE CITY, SAYS:

Upon annexation into the city, the property shall be rezoned from county zoning to the corresponding city zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Response: The subject site is designated Low Density Residential (LR) on the City's Comprehensive Plan which corresponds to three different zones including, R-10, R-8, and R-6. The owners are requesting to rezone the land to R-6 which is consistent with the Comprehensive Plan Designation of Low Density Residential. A concurrent requirement for rezoning is to show compliance with the Statewide Transportation Planning Rule (TPR). The applicant has included a Traffic Analysis Letter (TAL) that also provides an analysis of the impact of the proposed rezoning for compliance with the Transportation Planning Rule (TPR). Please see Attachment 006.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 PURPOSE

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.030 SUMMARY OF CITY'S DECISION-MAKING PROCESSES.

The following decision-making processes chart shall control the City's review of the indicated permits:

Table 17.50.030 – Permit Approval Process

Permit Type	I	II	III	IV	Expedited Land Division
<i>Annexation</i>				X	
<i>Compatibility review for communication facilities</i>	X				
<i>Compatibility review for the Willamette Greenway Overlay District</i>			X		
<i>Code Interpretation</i>			X		
<i>Master plan/planned unit development - General Development plan</i>			X		
<i>Master plan/planned unit development - General Development plan amendment</i>	X	X	X		

Conditional use (excluding shelters)			X		
Conditional use for a shelter				X	
Detailed development plan*	X	X	X		
Expedited land division		X(modified)			X
Extension	X				
Final plat	X				
Geologic hazards		X			
Historic review	X		X		
Live/Work dwelling review		X			
Lot line adjustment and abandonment	X				
Manufactured home park review (new or modification)	X				
Middle housing land division		X(modified)			X
Minor partition		X			
Modifications of residential design standards		X			
Natural resource overlay district exemption	X				
Natural resource overlay district review		X	X		
Nonconforming use, structure and lots review	X	X			
Placement of a single manufactured home on existing space or lot within a park	X				
Plan or code amendment					X
Residential design standards review for single-family detached, duplexes, triplexes, quadplexes, townhouses, cottage clusters and accessory dwelling units (uses minor site plan and design review)	X				
Revocation					X
Site plan and design review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	

**If any provision or element of the master plan/planned unit development requires a deferred Type III procedure, the detailed development plan shall be processed through a Type III procedure.*

- A. *Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the applicant. The Community Development Director's decision is final and not appealable by any party through the normal city land use process.*

- B. *Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the land use board of appeals (LUBA) within twenty-one days of when it becomes final.*
- C. *Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.*
- D. *Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.*
- E. *Expedited land divisions and middle housing land divisions are subject to the requirements of OCMC 16.24. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380.*

- F. Decisions, completeness reviews, appeals, and notices in this chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.*

Response: *The applicant and owners have been made aware of these procedures and will comply with their responsibilities as necessary.*

17.50.040 DEVELOPMENT REVIEW IN OVERLAY DISTRICTS AND FOR EROSION CONTROL.

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

Response: The City's map indicates that this project site is subject to geologic hazards and within Geologic Hazard Overlay. No development is proposed at this time, consistency with the approval criteria will be provided at the time of future development.

17.50.050 PRE-APPLICATION CONFERENCE.

- A. Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

Response: A pre-application conference with City staff was held on December 13, 2023, to discuss the proposed annexation and potential zone change. Staff provided pre-application notes after the conclusion of the meeting and information for the Caufield Neighborhood Association contact. The pre-app notes are attached as Attachment 010 and 011 to this submittal.

- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development*

Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.

Response: The application is filed within the six-month period since the date of the pre-application conference December 13, 2023.

- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Response: A pre-application meeting (PA-23-00040) was held on December 13, 2023 to review the proposed annexation and potential zone change. Pre-application meeting notes were provided and all relevant land use requirements have been acknowledged and addressed as part of this application narrative. Please see Attachment 010 and 011.

17.50.055 NEIGHBORHOOD ASSOCIATION MEETING.

Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.*
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*

- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Response: A meeting was requested with the Caufield Neighborhood Association and scheduled for January 23, 2024, where the proposed annexation was presented virtually. A copy of the meeting notice was provided to the chair of the citizen involvement committee, and a copy of the agenda and the email confirmation from the Caufield Neighborhood Association is provided as part of this application (see Attachment 007).

17.50.060 APPLICATION REQUIREMENTS.

A permit application may only be initiated by the record property owner or contract purchaser, the City Commission or Planning Commission. If there is more than one record owner, then the City will not complete a Type II—IV application without signed authorization from all record owners. All permit applications shall be submitted on the form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

Response: The request for annexation has been initiated by the record property owner and all applications submitted has signed authorization from the record owner. The application submittal materials sufficiently demonstrate the proposed annexation's compliance with all applicable approval criteria. This includes all necessary documentation required based on the City of Oregon City's comments within the pre-application conference notes.

17.50.070 COMPLETENESS REVIEW AND ONE HUNDRED TWENTY-DAY RULE.

- A. *Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.*
- B. *The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.*

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:

- 1. All the missing information;*
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
 - 3. Written notice from the applicant that none of the missing information will be provided.*
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:*
- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*

- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Response: The requested annexation does not require any amendments to the City's comprehensive plan or land use regulations. The subject properties are currently designated as Low Density Residential (LR) under the Oregon City Comprehensive Plan, and the proposed zone change request to the R-6 zoning district is consistent with the LR Comprehensive Plan designation.

17.50.080 COMPLETE APPLICATION—REQUIRED INFORMATION.

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the applicant shall submit the following:

- A. *One copy of a completed application form that includes the following information:*
 - 1. *An accurate address and tax map and location of all properties that are the subject of the application;*
 - 2. *Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);*
- B. *A complete list of the permit approvals sought by the applicant;*
- C. *A complete and detailed narrative description of the proposed development;*
- D. *A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;*
- E. *One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.*

One paper copy of all application materials shall be submitted for Type I applications;

F. *For all Type II—IV applications, the following is required:*

1. *An electronic copy of all materials.*
2. *Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
3. *Documentation indicating there are no liens favoring the City on the subject site.*
4. *A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
5. *A current preliminary title report or trio for the subject property(ies);*

G. *All required application fees;*

H. *Annexation agreements, traffic or technical studies (if applicable);*

I. *Additional documentation, as needed and identified by the Community Development Director.*

Response: The project complies with the above submittal requirements. All applicable materials have been submitted with the completed application. An Annexation Petition Worksheet was completed along with the Code Response Template that responds to all approval criteria. Additional related applications have been submitted along with the request for annexation, including the Zone Change application, Transportation Analysis Letter, and Tri-City Sewer District annexation form.

17.50.090 – PUBLIC NOTICES.

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

B. *Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:*

1. *The time, date and location of the public hearing;*

2. *Street address or other easily understood location of the subject property and city-assigned planning file number;*
3. *A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*
4. *A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
5. *A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;*
6. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
7. *A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
8. *The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

Response: The request for annexation and zone change required a Type IV Quasi-Judicial Application and review. A notice list of all property owners within 300 feet of the project site has been provided by City staff for the Notice of Type IV Application.

C. *Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or comprehensive plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:*

1. *The time, date and location of the public hearing;*
2. *The City-assigned planning file number and title of the proposal;*
3. *A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;*

4. *A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and*
5. *The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.*

Response: The request for annexation and zone change is classified as a Type IV Application that requires a quasi-judicial review. The proposal does not require any amendments to the City's land use regulations or comprehensive plan. This standard is for a legislative proposal and is not applicable.

17.50.100 – NOTICE POSTING REQUIREMENTS.

Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.

- A. *City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.*
- B. *Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.*

Response: Notices will be posted on the frontage of each subject property in compliance with the notice posting requirements of this chapter.

17.50.110 ASSIGNMENT OF DECISION-MAKERS.

The following City entity or official shall decide the following types of applications:

- A. *Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.*
- B. *Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.*

- C. *Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.*
- D. *Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.*
- E. *Expedited Land Division (ELD). The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.*

Response: The proposal is a request for annexation and zone change of two adjacent properties and requires a Type IV Application. The Planning Commission is the initial decision-making body for a Type IV review, and if the proposal is recommended for approval, the City Commission will make the final decision on the request. The owner acknowledges the process and authority of decision-making for a Type IV Application.

17.50.120 QUASI-JUDICIAL HEARING PROCESS.

All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. *Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.*
- B. *Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.*
- C. *Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*
- D. *The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts*

as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*
- 1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
 - 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
 - 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;*
 - 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;*
 - 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and*
 - 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.*
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

Response: The proposal is a request for annexation and zone change of two adjacent properties and requires a quasi-judicial hearing process with a Type IV Decision. The owner acknowledges the quasi-judicial hearing process for a Type IV Application.

17.50.130 CONDITIONS OF APPROVAL AND NOTICE OF DECISION.

- A. All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.*

- B. *Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.*
- C. *Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:*
1. *The file number and date of decision;*
 2. *The name of the applicant, owner and appellant (if different);*
 3. *The street address or other easily understood location of the subject property;*
 4. *A brief summary of the decision, and if an approval, a description of the permit approved;*
 5. *A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
 6. *The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*
- D. *Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.*

Response: There is no new development proposed at this time. The owner acknowledges that conditions of approval may be applied to satisfy specific regulations if it cannot be demonstrated that the proposed application is consistent with those requirements.

17.50.140 – FINANCIAL GUARANTEES.

When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.

- A. *Form of Guarantee. Guarantees shall be in a form approved by the City attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by*

the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.

B. Performance Guarantees. *A permittee shall be required to provide a performance guarantee as follows.*

- 1. After Final Approved Design by the City. The City may request the permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.*
- 2. Before Complete Design Approval and Established Engineered Cost Estimate. The City may request a permittee to submit a performance guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer.*

C. Release of Guarantee. *The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*

D. Fee-in-lieu. *When conditions of approval or the City engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid, contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City attorney.*

Response: The owner is requesting the annexation and zone change of two lots within the subject site, both of which may be served by nearby public facilities and services. Improvements may be required upon permit

approval of future development, however, there is no new development proposed at this time. This standard is not applicable to the request for annexation and zone change.

17.50.141 – PUBLIC IMPROVEMENTS – WARRANTY

All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.

- A. Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City attorney. The guarantee shall be filed with the City engineer.*
- C. Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two-year maintenance period), and shall be supported by a verified engineering estimate and approved by the City engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two-year warranty period.*

Response: The owner is requesting the annexation and zone change of two lots within the subject site, both of which may be served by nearby public facilities and services. Improvements may be required upon permit approval of future development, however, there is no new development proposed at this time. This standard is not applicable to the request for annexation and zone change.

CHAPTER 17.68 – ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 – INITIATION OF THE AMENDMENT.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the Comprehensive Plan map, may be initiated by:

- A. A resolution request by the City Commission;*
- B. An official proposal by the Planning Commission;*
- C. An application to the Planning Division; or.*
- D. A Legislative request by the Planning Division.*

All requests for amendment or change in this title shall be referred to the Planning Commission.

Response: The proposed zone change requires an amendment to the zoning map and has been initiated by the property owners through an application to the Planning Division.

17.68.020 – CRITERIA.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

- A. The proposal shall be consistent with the applicable goals and policies of the comprehensive plan;*

Response: The project site has the Comprehensive Plan designation of LR (Low Density Residential), which permits the City zoning of R-6, R-8, and R-10. The proposed annexation into Oregon City Limits and zone change to R-6 is consistent with the applicable goals and policies of the City of Oregon City's Comprehensive Plan.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or plan amendment, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone or plan amendment;*

Response: The project site has access to adjacent public utility lines, nearby public facilities, and services. There is an existing water main and sanitary sewer main that runs within Maplelane Road, and a stormwater main within Maplelane court. The properties are also currently served by Clackamas Fire District #1 and the Oregon City School District and will have access to police service under the Oregon City Police Department. All public facilities and services are available to support the proposed zone change to R-6 which permits low density residential development. There is no development proposed at this time.

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

Response: A Transportation Analysis Letter (TAL) is provided along with the application that indicates the annexation and zone change will not have a significant impact on the planned function, capacity and level of service of the transportation system serving the project site (see Attachment 006).

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Response: The subject properties are designated as Low Density Residential (LR) under the Oregon City's acknowledged Comprehensive Plan that is compliant with the Statewide Planning Goals. The proposal complies with the goals and policies of the comprehensive plan designation.

17.68.025 – ZONING FOR LAND ANNEXED INTO THE CITY.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Response: Upon annexation, both properties associated with the project site are requesting a Zone Change from County zoning of FU-10 (Future Urbanizable 10-acre lot) to Oregon City's zoning of R-6 (Low-Density Residential 6,000 square foot minimum lot size) zoning. The proposed Zone Change complies with the zoning designations for Low Density Residential (LR) Comprehensive Plan Classification as identified in Table 17.06.030.

17.68.040 – APPROVAL BY THE COMMISSION.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Response: The subject properties are currently located within the existing UGB. The proposed zone changes to the R-6 zoning district is consistent with the Oregon City Comprehensive Plan designation of Low Density Residential (LR) for both properties and complies with the criteria of OCMC 17.68.020.

17.68.050 – CONDITIONS.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Response: The proposed zone changes from the FU-10 zoning district to the City's low-density residential R-6 zoning district is consistent with the Oregon City Comprehensive Plan designation of Low Density Residential (LR) for both properties. The owner acknowledges that conditions and additional requirements may be applied for approval of the zone change.

CHAPTER 3.09 – METRO BOUNDARY CHANGE CRITERIA

4.3.200 GENERAL REQUIREMENTS

Response: *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.

Response: These properties are located within the existing Urban Growth Boundary. Consistent with the City's Urban Growth Management Agreement (UGMA) with Clackamas County, urban services to these properties would be provided by the City of Oregon City upon annexation into the City Limits. The subject property will also separately annex into the Tri-City Service District.

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

Response: Consistent with the City's Urban Growth Management Agreement (UGMA) with Clackamas County, urban services to these properties would be provided by the City of Oregon City upon annexation into the City Limits. Separate annexation into the Metro boundary will be applied for upon approval of annexation into the City.

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

Response: Consistency with the Comprehensive Plan standards for boundary changes have been addressed within this document. The property is within the Urban Growth Boundary where public utilities and services are expected to be provided upon annexation. Future development on any of these properties will be required to comply with the required extensions consistent with the public facility plans.

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

Response: This narrative and accompanying documentation demonstrates that the proposed annexation can be consistent with the applicable standards from the Regional framework plan. The subject site is currently within the City's UGB, which has been previously considered in the City's adopted and acknowledged Comprehensive Plan. The proposed annexation is located near existing and accessible public utilities and services for potential future connections.

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

Response: As discussed in the narrative, the property is located next to urbanized properties that are already served by public facilities and services. Utilities are nearby within Maple Lane Road and Maple Lane Court. The proposed annexation into Oregon City limits will allow the subject properties to access City utilities and services upon development.

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

Response: As demonstrated by this narrative and the supporting documentation provided along with the application, the proposal is consistent with the applicable annexation requirements.

REGIONAL FRAMEWORK PLAN – METRO GROWTH MANAGEMENT FUNCTIONAL PLAN

Response: The law that requires Metro to adopt criteria for boundary changes specifically states that those criteria shall include "... compliance with adopted regional urban growth goals and objectives, functional plans ... and the regional framework plan of the district [Metro]." The Growth Management Functional Plan was reviewed and found not to contain any criteria directly applicable to boundary changes. The Regional Framework Plan was also reviewed and found not to contain specific criteria applicable to boundary changes.

CLACKAMAS COUNTY PLANNING

Response: The Metro Code states that the Commission's decision on this boundary change should be "... consistent with specific directly applicable standards or criteria for boundary changes contained in comprehensive land use plans, public facility plans, . . ."

The Clackamas County Comprehensive Plan is the currently applicable plan for this area. The plan designation for this site is Low Density Residential (LR) on the County's Oregon City Area Land Use Plan (Map IV-5).

The County Zoning on the property is FU-10. The FU-10 zone is an urban holding zone that requires a 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.

Clackamas County Zoning and Development Ordinance (ZDO) section 314.02 provides that the Future Urban 10-Acre District is applied to those areas designated as Future Urban by Chapter 4 of the Clackamas County Comprehensive Plan.

Chapter 4 identifies the territory proposed for annexation as *future urban*, which are defined as:

"Future urban areas are lands within urban growth boundaries but outside immediate urban areas. Future urban areas are planned to be provided with public facilities, but currently lack providers of those facilities. Future urban areas are substantially underdeveloped and will be retained in their current use to

ensure future availability for urban needs. Future urban areas are planned for urban uses but zoned for large-lot, limited development.

Urban Growth Management Agreement

Response: 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 which is Low Density Residential.

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 . . .*

* * *

Response: The applicant understands that the City will provide the required notice to the County at least 20 days before the Planning Commission hearing. The agreement requires that adjacent road rights-of-way be included within annexations. Any portion of the existing rights-of-way that are not already located within the City have been included with this request.

CLACKAMAS RIVER WATER

Response: The tax lots in question are currently CRW water customers. The existing waterline in Maplelane Road is a CRW 12-inch ductile iron waterline and currently serves the property. The property will be removed from the Clackamas River Water District upon annexation. A concurrent request has been submitted with this application.

OREGON CITY COMPREHENSIVE PLAN

POLICY 5.4 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.

Response: The two properties are currently located within the City's Urban Growth Boundary and the annexation of lands within the project site is consistent with the Oregon City Comprehensive Plan, ordinances, and the City Charter.

STRATEGY 5.4.A Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

Response: The project site includes two properties that are both currently within the City's Urban Growth Boundary and are contiguous with the city limits. Utilities and services are close to the property lines and will help to facilitate development of the area that is consistent with the Oregon City Comprehensive Plan and related development regulations. Currently, no development is proposed on the project site. New development will be required to connect to existing public utilities and develop consistent with the urban zone applied to the property upon annexation.

STRATEGY 5.4.B Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:

- i. avoid creating unincorporated islands within the city;***
- ii. enable public services to be efficiently and cost-effectively extended to the entire area; or***
- iii. implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.***

Response: The proposed annexation of the project site is contiguous with the city limits. Shown on the map below, the Oregon City limits follows the northern Maplelane Road right-of-way line and the annexing properties are located directly adjacent to that line. Abutting the project site to the north is owned by the Metropolitan Service District. There are no existing concept plans or sub-area master plans that includes the project site (see map from Figure 2 below).



STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

Response: There are no existing public health hazards or concerns for a failing septic tank sewage system connected to the project site. This strategy does not apply to this request.

POLICY 4.4 Coordinate infrastructure to support the equitable development of “Climate-Friendly Areas,” as defined by DLCD

STRATEGY 4.4.C Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

Response: The Comprehensive Plan designation for the project site is Low Density Residential (LR), which permits the City zoning of R-6, R-8, or R-10. The proposal is requesting a Zone Change to R-6 which is a low-density residential district with a minimum lot size of 6,000 square feet. The project site would be required to develop with permitted uses within the low-density residential zones and comply with the development standards adopted by the City once annexed into the City.

POLICY 5.1 Ensure the Urban Growth Boundary conforms to Title 11 of the Code of the Metropolitan Service District and provides sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.

Response: The City's approved UGB conforms with Title 11 of the Code of the Metropolitan Service District for housing programs. The properties are currently located within the City's UGB and the proposed annexation and accompanying zone change to R-6 will accommodate future infill development of additional residential urban land needs.

STRATEGY 5.1.A Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.

Response: The properties are not subject to a current or prior concept plan. The properties are located within the original UGB adopted for the City. They are adjacent to existing public utilities, and the nearby neighborhoods are already provided with public services, so annexation of these properties would be orderly and efficient as it pertains to providing public services to the site. It should be noted that the property is not proposed to be developed at this time. Future development of the property would require the extension of public utilities in accordance with local laws. The cost of those extensions are paid for by the developer with few exceptions.

LAND USE

The City's Comprehensive Plan identifies land use types. This application has one residential land use type:

1. *Low Density Residential [LR]: Areas in the LR category are primarily for single-family detached homes.*

Response: Low Density Residential zones includes the R-10, R-8, and R-6 districts. The proposed zone change is to the R-6 district. Any future development would be required to comply with the allowed uses of the property. With the passage of and implementation of Oregon HB 2001, there are in fact other residential land use types allowed in all single-family zones including, duplexes, triplexes, quadplexes, row homes, and cottages. These same uses are already allowed in any of the low-density residential zones.

III. CONCLUSION

This summary of request and supplemental attachments demonstrates compliance with applicable approval criteria and code standards for a Type IV Annexation and Zone Change in the City of Oregon City. The owners have petitioned the City to be annexed into the Oregon City limits; therefore, the applicant respectfully requests that the City approve the application.



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A) ☐ Compatibility Review ☐ WRG ☐ Comm. Fac ☐ Lot Line Adjustment ☐ Non-Conforming Use Review ☐ Natural Resource (NROD) ☐ Verification ☐ Minor Site Plan & Design Review ☐ Extension of Approval ☐ Historic Review – Remodel ☐ Detailed Dev. Plan (DDP)	Type II (OCMC 17.50.030.B) ☐ Master Plan / PUD / GDP or Amendment ☐ Detailed Development Plan (DDP) ☐ Floodplain Review ☐ Geologic Hazard Overlay ☐ Minor Partition (<4 lots) ☐ Minor Site Plan & Design Review ☐ Non-Conforming Use Review ☐ Site Plan and Design Review / DDP ☐ Subdivision (4+ lots) ☐ Minor Variance ☐ Natural Resource (NROD) Review ☐ Public Improvement Modification ☐ Willamette Greenway ELD Process (OCMC 17.50.030.E) ☐ Expedited Land Division	Type III / IV (OCMC 17.50.030.C & D.) ☒ Annexation ☐ Code Interpretation / Similar Use ☐ Master Plan / PUD / GDP Amendment ☐ Conditional Use ☐ Comprehensive Plan / Legislative Amendment (Code / Map) ☐ Detailed Development Plan DDP ☐ Historic Review ☐ Municipal Code Amendment ☐ Parking Adjustment ☐ Variance ☐ Sign Variance ☐ Natural Resource (NROD) Review ☒ Zone Change (Text/Map) ☐ Willamette Greenway Legislative Action (OCMC 17.50.170) ☐ Legislative
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File Number(s): PA-23-00040	Application Date: 3/15/24
Project Name: Annexation and Zone Change	
Proposed Land Use or Activity: Low Density Residential	# of Lots Proposed (If Applicable):
Physical Address(es) of Site: 14389 and 14421 Maplelane Road	
Clackamas County Map and Tax Lot Number(s): Clackamas County Tax Map 32E04C and Tax Lot Numbers 00300 and 00500	

Applicant(s)

Applicant(s) Signature: <i>[Signature]</i>	
Applicant(s) Name Printed: <i>G.W. Newhouse</i>	Date: <i>1-28-2024</i>
Mailing Address: <i>10184 Via Condo Reno NV 89511</i>	
Phone: <i>9254700491</i>	Fax: _____ Email: <i>GRANT@SUSTAINABLEWATER SOLUTIONS LLC</i>

Property Owner(s) – See reverse for more than two Owners

Property Owner #1 <i>William Newhouse</i>	
Property Owner#1 Signature: _____	
Property Owner#1 Name Printed: <i>William Newhouse</i>	Date: <i>1-28-2024</i>
Mailing Address: <i>10184 Via Condo Reno NV 89511</i>	
Ownership Address: _____	
Phone: _____	Fax: _____ Email: _____

Property Owner #2

Property Owner#2 Signature: <i>[Signature]</i>	
Property Owner#2 Name Printed: <i>Graeme Newhouse</i>	
Property Owner#2 Name Printed: <i>10256 SE 145th Ave</i>	Date: <i>3/11/2024</i>
Mailing Address: <i>Happy Valley OR</i>	
Ownership Address: _____	
Phone: <i>503-314-6070</i>	Fax: _____ Email: <i>moehnkeproperties LLC</i>

Representative(s)

Representative(s) Signature: <i>[Signature]</i>	
Representative(s) Name Printed: <i>Thuy Cao, AICP (HHPR Inc.)</i>	Date: <i>3/15/24</i>
Mailing Address: <i>205 SE Spokane Street, Suite 200, Portland, OR 97202</i>	
Phone: <i>(503)221-1131 ext. 154</i>	Fax: <i>(503)221-1171</i> Email: <i>thuycao@hhpr.com</i>

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

Multiple Property Owner(s) - Additional Signatures Required

Property Owner #3		
Property Owner#3 Signature		
Property Owner#3 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #4		
Property Owner#4 Signature		
Property Owner#4 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #5		
Property Owner#5 Signature		
Property Owner#5 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #6		
Property Owner#6 Signature		
Property Owner#6 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #7		
Property Owner#7 Signature		
Property Owner#7 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #8		
Property Owner#8 Signature		
Property Owner#8 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #9		
Property Owner#9 Signature		
Property Owner#9 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Property Owner #10		
Property Owner#10 Signature		
Property Owner#10 Name Printed:		Date:
Mailing Address:		
Ownership Address:		
Phone:	Fax:	Email:

Review Fees (2024 Fee Schedule)

Annexation and Zone Change

Annexation:	\$5,834
Mailing Labels:	\$21
Metro Mapping Fees (1-5 acres):	\$250
Annexation Survey, Map and Legal Description & Dept. of Revenue Processing (if needed):	\$1,349
Zone Change:	\$3,701

Traffic Impact Analysis

Zone Change:	\$2,706
TPR Analysis Letter:	\$621
Development Services Fees: (See Public Works)	TBD

Total:	\$14,482
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Annexations to OREGON CITY - Double Majority Method, 100% Owners Method

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

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

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

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

Step 2. Legal Description

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

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

Step 3. Map

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

Step 4. Notice List

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

Step 5. Information Sheet

Complete the attached *Boundary Change Information Sheet*.

Step 6. Double Majority Work Sheet

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

Step 7. Submit Application To City

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

II. City Review

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

Step 1. Compliance Review

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

Step 2. Public Hearing Date Set

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

Step 3. Public Hearing Notice

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

Step 5. Staff Study and Report

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

Step 6. Public Hearings

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

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

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

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

Step 7. Election

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

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

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

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")

***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")

ANNEXATION PETITION

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

[illegible]

* PO = Property Owner
RV = Registered Voter
OV = Owner and Registered Voter

**CERTIFICATION OF PROPERTY OWNERSHIP OF
AT LEAST ONE-HALF LAND AREA
(City Double Majority 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 at least one-half of the land area within the annexation area described in the petition, as shown on the last available complete assessment roll.



NAME Mary Neigel
TITLE GIS Cartographer 2
DEPARTMENT Assessment + Tax
COUNTY OF Clackamas
DATE 05.21.24

- * "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 PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

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



NAME Mary Neigel
TITLE GIS Cartographer 2
DEPARTMENT Assessment + Tax
COUNTY OF Clackamas
DATE 05.21.24

- * "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 32E 04C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



NAME Mary Neigel
TITLE GIS Cartographer 2
DEPARTMENT Assessment & Tax
COUNTY OF Clackamas
DATE 05.21.24

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.

NAME Tiffany Clark
TITLE Deputy Clerk
DEPARTMENT Elections
COUNTY OF Clackamas
DATE May 29, 2024



NOTICE LIST

(This form is NOT the petition)

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

NAME OF OWNER/VOTER	ADDRESS	PROPERTY DESIGNATION (Indicate tax lot, section number, Township and Range)
(1) Moehnke Properties LLC	10256 SE 145th Ave., Happy Valley, OR 97086	
Taxlot Number: 32E04C 00300 Sec/Twn/Rng: 4 3S 2E		
(2) Marissa McGinnis	14489 S Maple Lane Rd., Oregon City, OR 97045	
Taxlot Number: 32E04C 00300 Sec/Twn/Rng: 4 3S 2E		
(3) Dale Ervin	14489 S Maple Lane Rd., Oregon City, OR 97045	
Taxlot Number: 32E04C 00300 Sec/Twn/Rng: 4 3S 2E		
(4) Armato Joseph Jr & Kelaine	14455 S Maplelane Rd., Oregon City, OR 97045	
(5) Baggett Richard D	14388 Maplelane Rd., Oregon City, OR 97045	
(6) Bosch Victoria	14441 S Maplelane Rd., Oregon City, OR 97045	
(7) Crumrine Ivan R	14420 Maplelane Rd., Oregon City, OR 97045	
(8) Edmonds Benjamin	18753 Elder Rd., Oregon City, OR 97045	
(9) Ellison Steven E	16415 SW Cinnabar Ct., Beaverton, OR 97007	

- (10) Fish Sherrie Lynn PO Box 2555, Oregon City, OR 97045
- (11) Freitag Brock A & Nicole B 18747 Elder Rd., Oregon City, OR 97045
- (12) Honeycutt Phyllis E Trustee 17731 S Holly Ln., Oregon City, OR 97045
- (13) Maple OC Limited Partnership 126 NE Alberta St., #202, Portland, OR 97211
- (14) Metropolitan Serv District 600 NE Grand Ave., Portland, OR 97232
- (15) Nolder Sally Rose & Brian Douglas 18739 Elder Rd., Oregon City, OR 97045
- (16) Northwest Investment Holdings LLC PO Box 1152 Gig Harbor, WA 98335
- (17) Ragsdale Theodore M & Linda S 14457 S Maplelane Rd., Oregon City, OR 97045
- (18) Schrader William & Joan 11806 SE Solomon Ct., Happy Valley, OR 97086
- (19) Solano Jesus Jimenez 14351 S Maplelane Ct., Oregon City, OR 97045
- (20) Stone Cliff Properties LLC 15751 S Stone Cliff Ln., Oregon City, OR 97045
- (21) Suppressed Name 14503 Sugarpine St., Oregon City, OR 97045
- (22) Tkachuk Oleg & Anna Fedorovna 14425 S Maplelane Rd., Oregon City, OR 97045
- (23) Welk Joshua J 14297 Maplelane Ct., Oregon City, OR 97045
- (24) _____
- (25) _____
- (26) _____
- (27) _____
- (28) _____
- (29) _____
- (30) _____
- (31) _____
- (32) _____

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location 14389 and 14421 Maplelane Road, Oregon City, OR 97045
- B. Land Area: Acres 2.5 acres 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).
14389 Maplelane Road does not contain any mapped geologic hazard areas.
14421 Maplelane Road contains areas mapped as geologic hazard zones, with steep slopes
greater than 35% present in the northwest third of the property and a large landslide adjacent.
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
North: Taxlot 3-2E-04C-00400 - No development.

East: Taxlot 3-2E-04C-00205 - Low Density Residential existing development.

South: Taxlot 3-2E-04C-01800 - Low Density Residential existing development.
Taxlot 3-2E-04C-01700 - Low Density Residential existing development.
West: Taxlot 3-2E-04C-00600 - Low Density Residential existing development.

- E. Existing Land Use:
Number of single-family units 2 total Number of multi-family units _____
Number commercial structures _____ Number industrial structures _____
Public facilities or other uses _____
What is the current use of the land proposed to be annexed: Low Density Residential

- F. Total current year Assessed Valuation \$ Latest 12/27/2023 - \$323,215
- G. Total existing population _____

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? Future Urbanizable
What City Planning Designation is being sought? Low Density Residential

- B. What is the zoning on the territory to be served?
Future Urbanizable (FU-10) 10 Acre District

What zoning designation is being sought? Low Density Residential (R-6)

- C. Is the subject territory to be developed at this time? No development is proposed.

- D. Generally describe the anticipated development (building types, facilities, number of units).
No development is proposed at this time.

- E. Can the proposed development be accomplished under current county zoning? N/A
☐ Yes ☐ No

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

☐ Yes ☐ No

Please describe outcome of zone change request if answer to previous questions was Yes. N/A

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

☐ 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) N/A

☐ 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: N/A

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.

No development is proposed at this time.

- 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.

Caufield Neighborhood Association

Rachel Bea Guirsch, Chair CFNA Email: rbg1980@yahoo.com

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

- Location and size of nearest water line which can serve the subject area.
There is a 12-inch ductile iron water main that runs within Maplelane Road that the development can connect to.
- Location and size of nearest sewer line which can serve the subject area.
An 8-inch sanitary sewer main is located in Maplelane Road.

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

There is a 12-inch stormwater main within Maplelane Court and the property will remain in Clackamas Fire District #1 with the nearest fire station (Station 16) 0.75 miles away.

4. The time at which services can be reasonably provided by the city or district. Utilities and County services are currently available to the property. City facilities are within 100 feet of the property.

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

No development is proposed at this time, however, costs will be evaluated when the property is sold or developed. As with most projects, the cost of those extensions fall to the property owner/developer.

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

Properties are in close proximity to existing urban services provided within the City.

- 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. Clackamas Sheriff's Enhanced Law Enforcement District

Sanitary District _____

Hwy. Lighting Dist. _____

Water District Clackamas River 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. The properties will be removed from the above listed units.

- 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.

The subject site is currently served by the government units listed above.

APPLICANT'S NAME	Thuy Cao, AICP (HHPR, Inc.)
MAILING ADDRESS	205 SE Spokane Street
	Suite 200
	Portland, OR 97202
TELEPHONE NUMBER	(503)221-1131 (Work)
	(Res.)
REPRESENTING	Moehnke Properties LLC
DATE:	January 26, 2024

DOUBLE MAJORITY WORK SHEET

Please list all properties/registered voters included in the proposal. (If needed, use separate sheet for additional listings).

PROPERTY OWNERS

Property Designation (Tax Lot #s)	Name of Owner	Acres	Assessed Value	Signed Petition (Y/N)
3-2E-04C-00500	Moehnke Properties LLC	0.84	\$142,421	Y
3-2E-04C-00300	Moehnke Properties LLC	1.66	\$180,794	Y
TOTALS		2.5	323,215	

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)
Marissa McGinnis	14489 S Maple Lane Rd., Oregon City	Y
Dale Ervin	14489 S Maple Lane Rd., Oregon City	Y

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 2

NUMBER OF REGISTERED VOTERS WHO SIGNED 2

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 100%

TOTAL ACREAGE IN PROPOSAL 2.5 acres

ACREAGE SIGNED FOR 2.5 acres

PERCENTAGE OF ACREAGE SIGNED FOR 100%

EXHIBIT A

Tax Lots 3 2E 04C-300 & 500
14389 & 14421 S Maplelane Rd
Oregon City, 97045

April 29, 2024
Page 1 of 2

ANNEXATION DESCRIPTION

Being all those properties described in Document Number's 95-078259 and 95-065937, Clackamas County Deed records and a portion of S Maplelane Court right-of-way located in the Southwest One-Quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

Beginning at the Southwest corner of Lot 5, Plat of "Miami Terrace", Clackamas County Survey Records; thence North $36^{\circ}57'35''$ West, along the west line of said Lot 5 and the east line of Document Number 95-078259, 350.94 feet to an angle point; thence North $53^{\circ}38'35''$ East, along said east line and west line, 12.00 feet to an angle point; thence North $36^{\circ}21'25''$ West, along said east line and west line, 129.50 feet, more or less, to a point on the southerly line of Document Number 97-054728, Clackamas County Deed Records and the beginning of a 473.00 foot radius non-tangent curve to the right having a central angle of $11^{\circ}52'41''$; thence along said southerly line and the arc of said non-tangent curve to the right (the long chord of which bears South $51^{\circ}41'15''$ West, 97.88') 98.06 feet, more or less, to the northwest corner of Document Number 95-078259, Clackamas County Deed Records; thence South $2^{\circ}11'52''$ West, along west line of Document Number's 95-078259 and 95-065937, 545.81 feet, more or less, to an angle point; thence South $37^{\circ}54'55''$ East, along the west line of Document Number 95-065937, 61.92 feet, more or less, to a point on the centerline of S Maplelane Court (County Road No. 398); thence North $52^{\circ}05'05''$ East, along said centerline, 428.17 feet, more or less, to the intersection of the centerline of S Maplelane Court with the southerly extension of the east line of that property described in said Document Number 95-078259, Clackamas County Deed Records, also being the west line of the Plat of "Miami Terrace"; thence North $36^{\circ}57'35''$ West, 30.00 feet to the **Point of Beginning**.

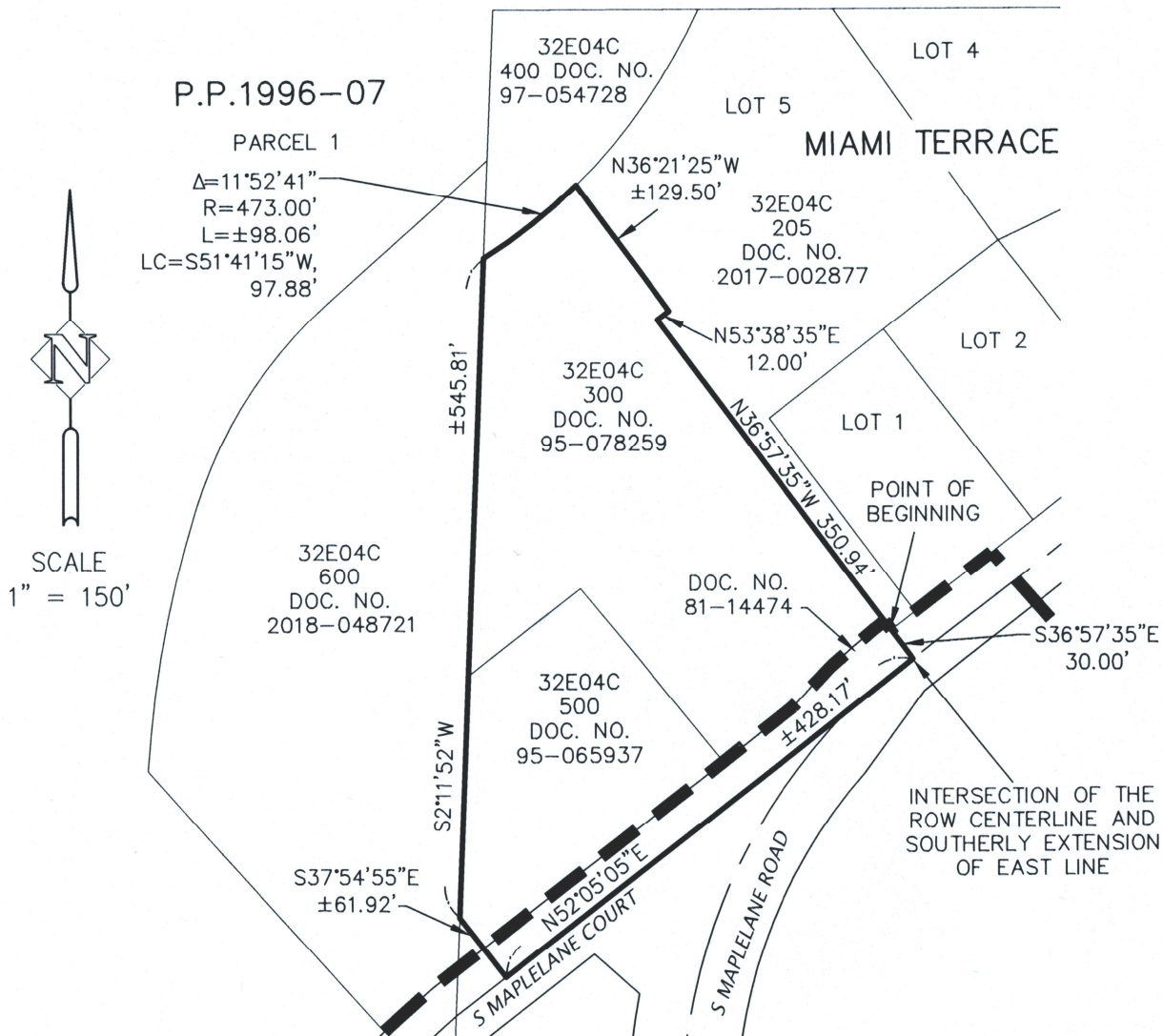
The above-described tract of land contains 135,261 Square Feet (3.1 acres), more or less.



EXPIRES 6-30-2025

EXHIBIT "A"

LOCATED IN THE SW ONE-QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



PREPARED FOR

CITY OF OREGON CITY
 625 CENTER ST.
 OREGON CITY, OR 97045

LEGEND



CITY OF OREGON CITY LIMITS LINE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 4/29/24

OREGON
 JANUARY 20, 1998
 BRIAN K. HENSON
 2855

EXPIRES: 6/30/2025

BASIS OF BEARINGS AS SHOWN HEREON,
 ARE PER SURVEY NO. 2021-163
 SEE ATTACHED LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

MPP-18 BKH 4/29/2024 PAGE 2 OF 2

ARMATO JOSEPH JR & KELAINE 14455 S MAPLELANE RD OREGON CITY, OR 97045	METRO 600 NE GRAND PORTLAND, OR 97232	TKACHUK OLEG & ANNA FEDOROVNA 14425 S MAPLELANE RD OREGON CITY, OR 97045
BAGGETT RICHARD D 14388 MAPLELANE RD OREGON CITY, OR 97045	METROPOLITAN SERV DISTRICT 600 NE GRAND AVE PORTLAND, OR 97232	WELK JOSHUA J 14297 MAPLELANE CT OREGON CITY, OR 97045
BOSCH VICTORIA 14441 S MAPLELANE RD OREGON CITY, OR 97045	MOEHNKE PROPERTIES LLC 10256 SE 145TH AVE HAPPY VALLEY, OR 97086	
CRUMRINE IVAN R 14420 MAPLELANE RD OREGON CITY, OR 97045	NOLDER SALLY ROSE & BRIAN DOUGLAS 18739 ELDER RD OREGON CITY, OR 97045	
EDMONDS BENJAMIN 18753 ELDER RD OREGON CITY, OR 97045	NORTHWEST INVESTMENT HOLDINGS LLC PO BOX 1152 GIG HARBOR, WA 98335	
ELLISON STEVEN E 16415 SW CINNABAR CT BEAVERTON, OR 97007	RAGSDALE THEODORE M & LINDA S 14457 S MAPLELANE RD OREGON CITY, OR 97045	
FISH SHERRIE LYNN PO BOX 2555 OREGON CITY, OR 97045	SCHRADER WILLIAM & JOAN 11806 SE SOLOMON CT HAPPY VALLEY, OR 97086	
FREITAG BROCK A & NICOLE B 18747 ELDER RD OREGON CITY, OR 97045	SOLANO JESUS JIMENEZ 14351 S MAPLELANE CT OREGON CITY, OR 97045	
HONEYCUTT PHYLLIS E TRUSTEE 17731 S HOLLY LN OREGON CITY, OR 97045	STONE CLIFF PROPERTIES LLC 15751 S STONE CLIFF LN OREGON CITY, OR 97045	
MAPLE OC LIMITED PARTNERSHIP 126 NE ALBERTA ST #202 PORTLAND, OR 97211	SUPPRESSED NAME 14503 SUGARPINE ST OREGON CITY, OR 97045	

Boundary Change Preliminary Review

DOR 3-P724-2024



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Oregon City
Community Development Div.
PO Box 3040
Oregon City OR 97045

May 17, 2024

Documents received: 4/24/2024, 4/30/2024
From: Christina Robertson-Gardi

This letter is to inform you that the Description and Map for your planned --Annex to the City of Oregon City ((AN-24-00001) (14389 & 14421 S Maplelane Rd)) in Clackamas County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Clackamas County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

Typo on the Exhibit A map--- Bearing in the last course of description is a NW direction but the map has N36°57'35"E.

Please use the Revised description and Revised Exhibit map dated 4-29-2024 in the Final packet.

If you have any questions please contact Elise Bruch, Elise.A.Bruch@dor.oregon.gov

S.W.1/4 SEC.04 T.3S. R.2E. W. M.
CLACKAMAS COUNTY

1" = 200'

D. L. C.
WASHINGTON WILLIAMS NO. 56
J. G. SWAFFORD UNRECORDED

Cancelled

1100
200
1202
801
301
1601
805
2101
1301
701
2201
1000
1701
1803
2203
2204
1201E1
809
1200
810
2202
2100
1802
2000
2002
1500
1600

- Parcel Boundary

Private Road ROW

Historical Boundary

Railroad Centerline

Tax Code Lines

Map Index

Water Lines

Land Use Zoning

Plats

Water

Corner

Section Corner

1/16th Line

Govt Lot Line

DLC Line

Meander Line

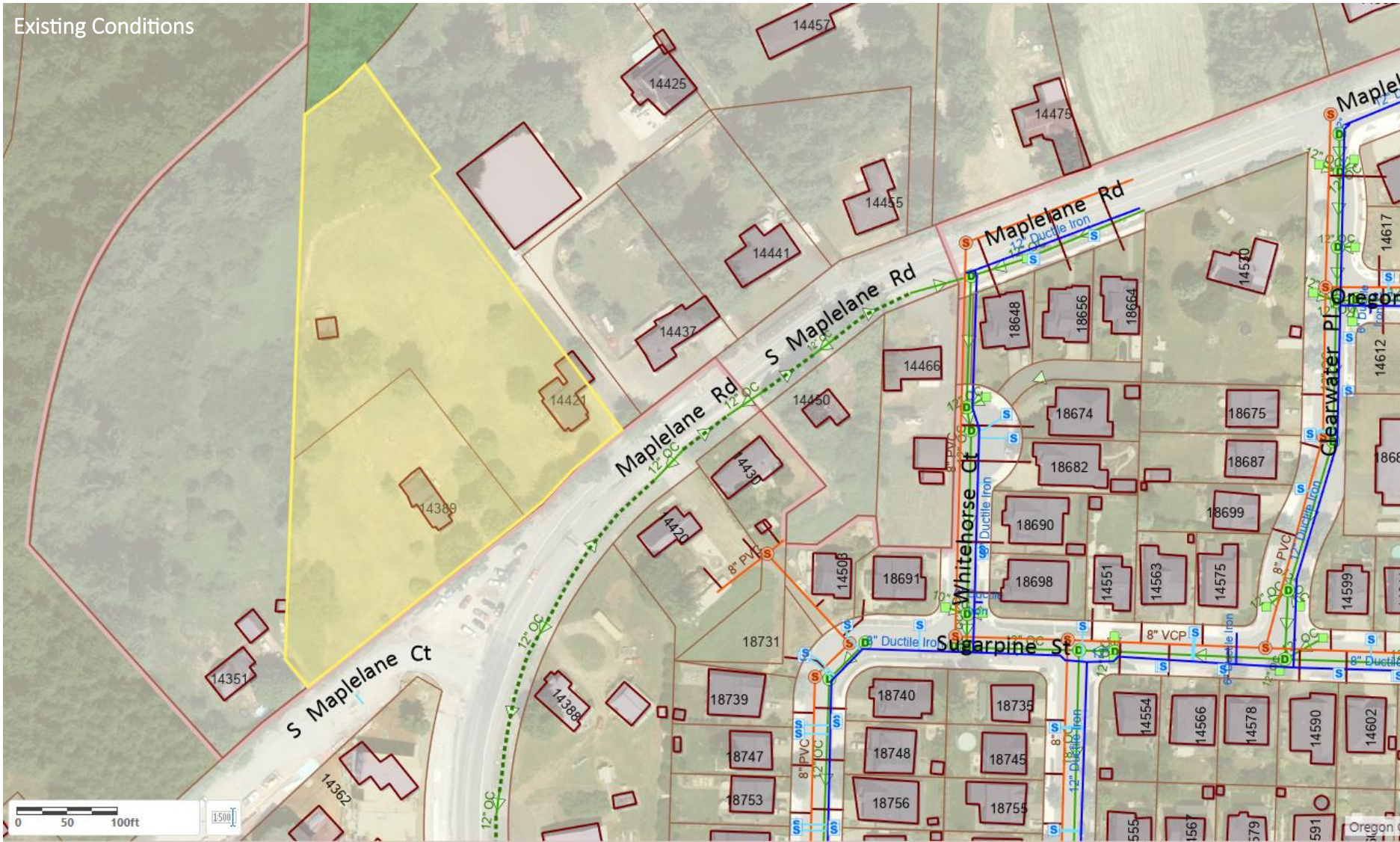
PLSS Section Line

Historic Corridor 40'

Historic Corridor 20'
-
-
- THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY
- 3 2E 04C
- Print Date: 7/19/2023
- Page 103 of 208

Maplelane Annexation Site Plan

No new development is proposed as part of the annexation request.



Legend

- | | | | |
|-------------------|--------------------------|--------------------------|--------------------------|
| Building Outlines | Utilities - Water | Utilities - Sewer | Utilities - Storm |
| Taxlots | Service Meters - OC | Structures (City Owned) | Manhole |
| City Limits | Pipes - OC | Gravity Line | Inlet |
| | Water - Service Taps | Active Laterals | Pipe |
| | | | Ditch |
| | | | Flow Arrows |



Memorandum

To: Brad Kilby
Harper Houf Peterson Righellis Inc

From: Daniel Stumpf, PE

Date: February 13, 2024

Subject: 14389/14421 S Mapelane Road Annexation
Transportation Analysis Letter



Introduction

This Transportation Analysis Letter (TAL) addresses the potential traffic impacts associated with the proposed annexation and subsequent rezone of two properties, located at 14389/14421 S Mapelane Road in currently unincorporated Clackamas County, Oregon, near the east city limits of Oregon City. The site is currently zoned County *Future Urban 10-Acre* (FU-10) and following annexation will be rezoned to City *Low Density Residential* (R-6).

The purpose of this memorandum is to determine whether the transportation system within the vicinity of the site is capable of safely and efficiently supporting the proposed annexation and subsequent rezone, and to determine any mitigation that may be necessary to do so. Detailed trip generation calculations are included in the appendix to this report.

Location Description

Project Site Description

The subject site is located northwest of S Mapelane Road, southwest of S Holly Lane, and east of Trails End Highway (OR-213) in currently unincorporated Clackamas County, Oregon. The site consists of two properties (tax lot 32E04C-00300 and 500) which encompass an approximate total of 3.01 acres. Approximately 1.30 acres of the project site (approximately 56,800 square feet of area) is located within a historical landslide area and associated buffer zone. Both parcels are currently zoned County FU-10 and are surrounded by residential uses to the south and east, and undeveloped/forested land to the north and west.

Vicinity Roadways

The project is located adjacent to S Mapelane Road. Table 1 provides a description of this roadway near the immediate site vicinity.

Table 1: Vicinity Roadway Descriptions

Street Name	Jurisdiction	Functional Classification	Speed (MPH)	On-Street Parking	Curbs & Sidewalks	Bicycle Lanes
S Maplelane Road	Oregon City/ Clackamas County	Minor Arterial	25/40	Not Permitted	Partial Both Sides	Partial Both Sides

Notes: Functional Classification based on Oregon City TSP.

Figure 1 below presents an aerial image of the nearby vicinity with the project site outlined in yellow.



Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Trip Generation

The project site is currently zoned County FU-10 and is proposed to be rezoned to City R-6 following annexation of the site into Oregon City limits. To determine the potential impacts of the proposed rezone, reasonable worst-case development scenarios for the existing and proposed zones were determined utilizing data from the most traffic-intensive uses permitted within each zone.

Existing FU-10 Zone

To determine a reasonable worst-case development scenario under the existing zoning, Clackamas County Zoning and Development Ordinance (ZDO) Section 316 was referenced and compared to land uses provided in the *Trip Generation Manual*¹. Based on an assessment of permitted uses under the FU-10 zone, data from land use code 210, *Single-Family Detached Housing*, was used to estimate the existing zone's trip generation potential based on the number of dwelling units.

The project site consists of two separate tax lots, where one lot is approximately 0.84 acres, and the other is approximately 2.17 acres. According to ZDO Tables 316-1 and 316-2, the minimum lot size for an FU-10 zone is 10 acres and the maximum number of single-family houses permitted for development on each lot is one house. Therefore, the reasonable worst-case development scenario under the existing zoning may include the development of two single-family detached houses.

Proposed R-6 Zone

To determine a reasonable worst-case development scenario under the proposed zoning, Oregon City Municipal Code Section 17.08 – *Low Density Residential Districts* was referenced. Land uses outright permitted within the zone were compared to land uses provided in the *Trip Generation Manual*. Based on this assessment, data from land use codes 210, *Single-Family Detached Housing*, 215, *Single-Family Attached Housing*, and 220, *Multifamily Housing (Low-Rise)*, were referenced to estimate the proposed zone's trip generation potential based on the number of dwelling units.

Per *Table 17.08.040 – Dimensional Standards*, the following minimum lot sizes per residential use type were considered:

- Single-Family Detached, Duplex, and Triplex: 6,000 square feet per lot.
- Quadplex and Cottage Cluster: 7,000 square feet per lot.
- Townhouse: 1,500 square feet per lot.

Per *Table 17.08.050 – Density Standards*, the following dwelling unit density standards were considered:

- Maximum Net Density (excluding Townhouses): 7.3 dwelling units per acre, noting duplexes, triplexes, and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density.
- Maximum Net Density (Townhouses only): 25 dwelling units per acre.
- Cottage clusters are exempt from maximum net density standards.

Since the dwelling unit density standards are based on net acreage of the project site rather than the total acreage, reductions to the developable area of the 3.01-acre site were made. These reductions and assumptions made include the following:

- Approximately 1.30 acres of the project site (approximately 56,800 square feet) is located within a historical landslide area and associated buffer zone. Based on correspondence with Oregon City staff, a maximum of two dwelling units may be developed within the buffer zone. It is assumed these two dwellings could be single-family detached houses.

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 11th Edition, 2021.



- It is assumed that any potentially developed residential lots would occupy approximately 80% of the remaining 1.71 acres (74,600 square feet) of developable area within the R-6 zone while the remaining 20% of space would be dedicated to public open space, right-of-way dedications/improvements, etc. Therefore, approximately 1.37 net acres of the site (approximately 59,700 square feet) was considered as developable residential lot space.

Given the aforementioned maximum density standards, four potential reasonable worst-case scenarios were considered:

- Scenario 1: The development of 12 single-family detached houses, each house on 6,000 square foot lots. Data from land use code 210 was used.
- Scenario 2: The development of 2 single-family detached houses and 10 triplexes (30 dwelling units), each on 6,000 square foot lots. Data from land use codes 210 and 215 was used.
- Scenario 3: The development of 2 single-family detached houses and 8 quadplexes (32 dwelling units), each quadplex on 7,000 square foot lots. Note the limiting factor on the number of quadplexes that could be developed on-site is the minimum lot size standard and not the maximum allowed density standard. Data from land use codes 210 and 220 was used.
- Scenario 4: The development of 2 single-family detached houses and 34 townhouses, each townhouse on 1,500 square foot lots. Data from land use codes 210 and 220 was used.

Table 2 presents a comparative trip generation analysis for four potential reasonable worst-case development scenarios.



Table 2: Comparative R-6 Zone Trip Generation Summary

ITE Code		Variable	AM Peak Hour			PM Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
Scenario 1 - Single-Family Detached Houses									
Single-Family Detached Housing	210	12 units	2	6	8	7	4	11	114
Scenario 2 - SFRs + Triplexes									
Single-Family Detached Housing	210	2 units	0	1	1	1	1	2	18
Single-Family Attached Housing	215	30 units	4	10	14	10	7	17	216
Total Trips			4	11	15	11	8	19	234
Scenario 3 - SFRs + Quadplexes									
Single-Family Detached Housing	210	2 units	0	1	1	1	1	2	18
Multifamily Housing (Low-Rise)	220	32 units	3	10	13	10	6	16	216
Total Trips			3	11	14	11	7	18	234
Scenario 4 - SFRs + Townhouses									
Single-Family Detached Housing	210	2 units	0	1	1	1	1	2	18
Multifamily Housing (Low-Rise)	220	34 units	3	11	14	11	6	17	230
Total Trips			3	12	15	12	7	19	248

Based on the above comparative analysis, Scenario 4 provides a reasonable estimate of the highest trip generation potential of the site. Therefore, the reasonable worst-case development scenario of the project site under the proposed City R-6 zone may include the development of 2 single-family detached houses and 34 townhouses.



Trip Generation Analysis

The trip generation calculations show that under the existing FU-10 zone, the site could reasonably generate up to 1 AM peak hour trip, 2 PM peak hour trips, and 18 average weekday trips. Under the proposed R-6 zone, the site could reasonably generate up to 15 AM peak hour trips, 19 PM peak hour trips, and 248 average weekday trips. Accordingly, the net change in the trip generation potential of the site after the proposed zone change is projected to increase by 14 AM peak hour trips, 17 PM peak hour trips, and 230 average weekday trips.

The trip generation estimates are summarized in Table 3. Detailed trip generation calculations are included as an attachment to this memorandum.

Table 3: Zone Change Trip Generation Summary

ITE Code		Size	AM Peak Hour			PM Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
Existing FU-10 Zone									
Single-Family Detached Housing	210	2 units	0	1	1	1	1	2	18
Proposed R-6 Zone									
Single-Family Detached Housing	210	2 units	0	1	1	1	1	2	18
Multifamily Housing (Low-Rise)	220	34 units	3	11	14	11	6	17	230
Total Trips			3	12	15	12	7	19	248
Net Change In Site Trip Generation Potential									
Net Change in Trip Generation			3	11	14	11	6	17	230

Transportation Planning Rule

Given the proposed annexation includes a change in zoning of the project site, the Transportation Planning Rule (TPR) needs to be evaluated. The TPR is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted directly in italics below, with responses following.

660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*



- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- (b) *Change standards implementing a functional classification system; or*
- (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*
 - (A) *Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
 - (C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

Subsections (a) and (b) are not triggered since the proposed annexation and subsequent zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

Regarding subsection (c), the Oregon Department of Transportation (ODOT) defines a threshold at which a project would "significantly affect" a transportation facility in relation to mobility targets. This threshold is detailed in the Oregon Highway Plan (OHP) Action 1F.5, with the relevant sections quoted below:

If an amendment subject to OAR 660-012-0060 increases the volume to capacity ratio further, or degrades the performance of a facility so that it does not meet an adopted mobility target at the planning horizon, it will significantly affect the facility unless it falls within the thresholds listed below for a small increase in traffic.

...

In applying "avoid further degradation" for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause "further degradation" of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- *Any proposed amendment that does not increase the average daily trips by more than 400.*

As described in the *Trip Generation* section, the projected daily increase in the traffic intensity of the site that could result from the proposed zone change will be 230 daily trips. This daily trip generation estimate is within



the 400-trip impact threshold that is considered a “small increase” in traffic impacts by ODOT. Therefore, the zone change and potential development that could occur on-site will not cause further degradation of the nearby transportation facilities.

Based on the above review and evaluation of the TPR, the proposed annexation and subsequent zone change will not impact or alter the functional classification of any existing or planned facility, the proposal does not include a change to any functional classification standards, and will not result in the degradation of the performance of any existing or planned transportation facility below acceptable agency standards. Accordingly, the TPR is satisfied.

Conclusions

The trip generation calculations show that under the existing FU-10 zone, the site could reasonably generate up to 1 AM peak hour trip, 2 PM peak hour trips, and 18 average weekday trips. Under the proposed R-6 zone, the site could reasonably generate up to 15 AM peak hour trips, 19 PM peak hour trips, and 248 average weekday trips. Accordingly, the net change in the trip generation potential of the site after the proposed zone change is projected to increase by 14 AM peak hour trips, 17 PM peak hour trips, and 230 average weekday trips.

The proposed annexation and subsequent zone change will not impact or alter the functional classification of any existing or planned facility, the proposal does not include a change to any functional classification standards, and will not result in the degradation of the performance of any existing or planned transportation facility below acceptable agency standards. Accordingly, the Transportation Planning Rule is satisfied.

If you have any questions or concerns regarding this analysis or need further assistance, please don't hesitate to contact us.





TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Existing FU-10 Zone & R-6 Zone for Scenarios 2, 3, & 4

Land Use: Single-Family Detached Housing

Land Use Code: 210

Land Use Subcategory: All Sites

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 2

WARNING: Variable Quantity is less than Minimum Survey Size for Peak Hours

AM PEAK HOUR

Trip Rate: 0.7

	Enter	Exit	Total
Directional Split	25%	75%	
Trip Ends	0	1	1

PM PEAK HOUR

Trip Rate: 0.94

	Enter	Exit	Total
Directional Split	63%	37%	
Trip Ends	1	1	2

WEEKDAY

Trip Rate: 9.43

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	9	9	18

SATURDAY

Trip Rate: 9.48

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	9	9	18

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 1

Land Use: Single-Family Detached Housing

Land Use Code: 210

Land Use Subcategory: All Sites

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 12

AM PEAK HOUR

Trip Rate: 0.7

	Enter	Exit	Total
Directional Split	25%	75%	
Trip Ends	2	6	8

PM PEAK HOUR

Trip Rate: 0.94

	Enter	Exit	Total
Directional Split	63%	37%	
Trip Ends	7	4	11

WEEKDAY

Trip Rate: 9.43

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	57	57	114

SATURDAY

Trip Rate: 9.48

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	57	57	114

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 2

Land Use: Single-Family Attached Housing

Land Use Code: 215

Land Use Subcategory: All Sites

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 30

AM PEAK HOUR

Trip Rate: 0.48

	Enter	Exit	Total
Directional Split	25%	75%	
Trip Ends	4	10	14

PM PEAK HOUR

Trip Rate: 0.57

	Enter	Exit	Total
Directional Split	59%	41%	
Trip Ends	10	7	17

WEEKDAY

Trip Rate: 7.2

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	108	108	216

SATURDAY

Trip Rate: 8.76

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	131	131	262

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 3

Land Use: Multifamily Housing (Low-Rise)

Land Use Code: 220

Land Use Subcategory: Not Close to Rail Transit

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 32

AM PEAK HOUR

Trip Rate: 0.4

	Enter	Exit	Total
Directional Split	24%	76%	
Trip Ends	3	10	13

PM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Split	63%	37%	
Trip Ends	10	6	16

WEEKDAY

Trip Rate: 6.74

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	108	108	216

SATURDAY

Trip Rate: 4.55

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	73	73	146

Caution: Small Sample Size

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 4

Land Use: Multifamily Housing (Low-Rise)

Land Use Code: 220

Land Use Subcategory: Not Close to Rail Transit

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 34

AM PEAK HOUR

Trip Rate: 0.4

	Enter	Exit	Total
Directional Split	24%	76%	
Trip Ends	3	11	14

PM PEAK HOUR

Trip Rate: 0.51

	Enter	Exit	Total
Directional Split	63%	37%	
Trip Ends	11	6	17

WEEKDAY

Trip Rate: 6.74

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	115	115	230

SATURDAY

Trip Rate: 4.55

	Enter	Exit	Total
Directional Split	50%	50%	
Trip Ends	77	77	154

Caution: Small Sample Size

Source: Trip Generation Manual, 11th Edition

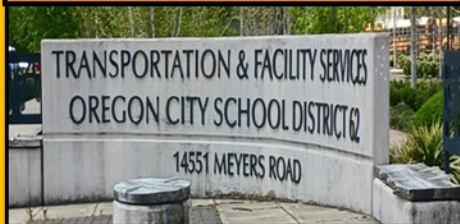
CAUFIELD NEIGHBORHOOD ASSOC.

MAYOR Denyse McGriff

Featured Speaker

Jan 23, 2024 6:30 PM

MAIN MEETING LOCATION



Guest speakers and Agenda Highlights:

CFNA WEB [Oregon City sign up](#)

- Alan Farmer Oregon City police Speaker Q&A
- Denyse McGriff Mayor Speaker Q&A
- Thuy Cao, AICP Annexation into the City Limits 14421, 14389 Maple Lane



Rachel Guirsch Chair CFNA

Lisa Guirsch Vice Chair CFNA /CIC ALT

Dan Berge CFNA / CIC

Be a part of making City changes!

Re: CFNA

Dan B <orcityus@yahoo.com>

Thu 1/4/2024 3:01 PM

To:Thuy Cao <thuyc@hhpr.com>

 1 attachments (196 KB)

JAN 23 2024 Adraft.pdf;

[Email from external source]

I can give you 10 minutes if you need it.
Hoping you can do it is 5 minutes with Q&A 10 minutes.

Dan 503 515 5488

On Thursday, January 4, 2024 at 01:58:54 PM GMT-8, Thuy Cao <thuyc@hhpr.com> wrote:

Project name – “Newhouse Annexation”

I also wanted to see if you had further information regarding posting notices on-site?

Thuy Cao, AICP (she/her)

Assistant Planner

HARPER HOUF PETERSON RIGHELLIS INC.

205 SE Spokane Street | Suite 200 | Portland, OR | 97202

p: 503.221.1131 | f: 503.221.1171 | thuyc@hhpr.com

CIVIL ENGINEERS :: STRUCTURAL ENGINEERS :: PLANNERS :: LANDSCAPE ARCHITECTS :: SURVEYORS

From: Dan B <orcityus@yahoo.com>

Sent: Thursday, January 4, 2024 1:42 PM

To: Thuy Cao <thuyc@hhpr.com>

Subject: Re: CFNA

[Email from external source]

Do you have a project name to use?

Dan

On Thursday, January 4, 2024 at 01:16:09 PM GMT-8, Thuy Cao <thuyc@hhpr.com> wrote:

Hi Dan,

See below for responses to your questions in **blue**.

I believe we'll need about 15 minutes total to present the project and field any questions that may come up.

Please let me know if you have any additional questions!

Much appreciated,

Thuy Cao, AICP (she/her)

Assistant Planner

HARPER HOUF PETERSON RIGHELLIS INC.

205 SE Spokane Street | Suite 200 | Portland, OR | 97202

p: 503.221.1131 | f: 503.221.1171 | thuyc@hhpr.com

CIVIL ENGINEERS :: STRUCTURAL ENGINEERS :: PLANNERS :: LANDSCAPE ARCHITECTS :: SURVEYORS

From: Dan B <orcitus@yahoo.com>
Sent: Friday, December 29, 2023 6:39 PM
To: Thuy Cao <thuyc@hhpr.com>
Subject: Re: CFNA

[Email from external source]

Are these the property listed in reports attached? **Yes, those are the correct properties.**

Do you have a traffic study? **This project is for annexation into the City and transportation analysis associated with this development proposal can be satisfied by submittal of a Transportation Analysis Letter (TAL) when trip generation characteristics are low or have no change from the proposal. There are no expected changes in traffic generation with the annexation.**

What type of housing do you propose and lot sizes? **At this point, they are considering a single-family product as that is what would be permitted with any of the corresponding zones upon annexation. They are not asking it to be zoned for multi-family.**

What are you going to do about the Geo problems? **The property is located within the Geologic Hazards Overlay District. Any future development of the property would be limited due to the geohazard area, but this annexation does not include any development at this time.**

Other big questions is how to access Maple lane. **Current access to the property is taken from Maplelane Road from the front property line. Access would be further discussed after annexation if and when development of the property is proposed.**

Do you still want to be on January 2024 meeting if so please get me as much information that you can by January 5? **Yes, please schedule us for the January 23rd Neighborhood Association meeting.**

Dan Berge 503 515 5488

On Friday, December 29, 2023 at 04:37:49 PM GMT-8, Thuy Cao <thuyc@hhpr.com> wrote:

Thank you, Dan!

Attached is a memo with our project description, which is annexation of both properties at 14389 and 14421 Maplelane Road for sewer connection and a potential zone change.

Please let me know if you have any further questions. Have a happy new year!

Thuy Cao, AICP (she/her)
Assistant Planner

HARPER HOUF PETERSON RIGHELLIS INC.

205 SE Spokane Street | Suite 200 | Portland, OR | 97202
p: 503.221.1131 | f: 503.221.1171 | thuyc@hhpr.com

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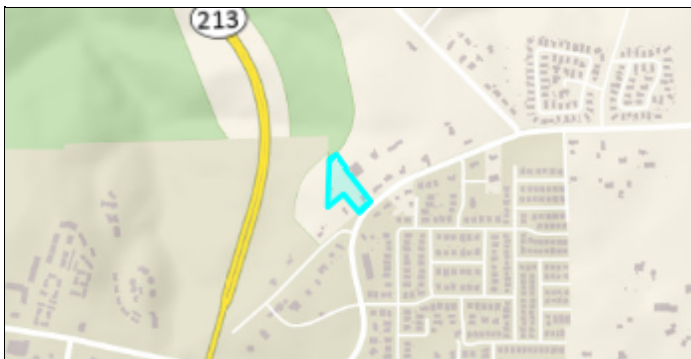
From: Dan B <orcityus@yahoo.com>
Sent: Friday, December 29, 2023 4:09 PM
To: Thuy Cao <thuyc@hhpr.com>
Subject: CFNA

[Email from external source]

Send me a brief description of what you're doing. We will fit you in if you are on a quick timeline.

Dan Berge 503 515 5488

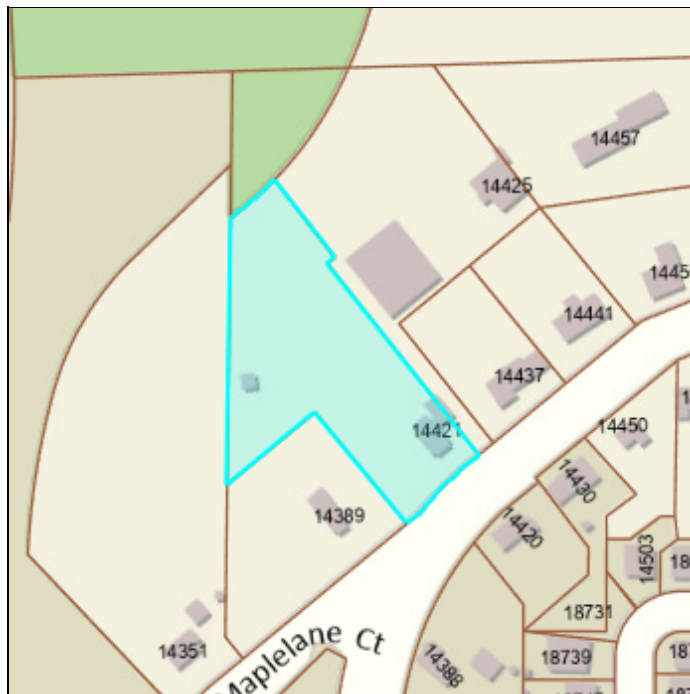
[Sent from Yahoo Mail on Android](#)



Overview Map

Taxlot Information

APN: 3-2E-04C -00300 In City? N
 Alt ID: 00842226 In UGB? Y
 Site Address: 14421 S MAPLELANE RD
 OREGON CITY, OR 97045
 Year Built: 1920



Taxlot highlighted in blue

Taxpayer Information

Taxpayer: Please contact the City of Oregon City
 Address: for taxpayer information

Reference Information

Parcel Area (GIS - acres): 1.66
 Parcel Area (GIS - sq. ft.): 72,373
 Twn/Rng/Sec: 3S 2E 4
 Tax Map Reference: 32E04C (03_3s2e04c)

Values

Import Date: 12/27/2023
 Land Value (Mkt): \$402,057
 Building Value (Mkt): \$118,730
 Total Value (Mkt): \$520,787
 Note: the values about are Market, NOT Assessed values.
 Assessed Value: \$180,794
 Exempt Amount: \$0

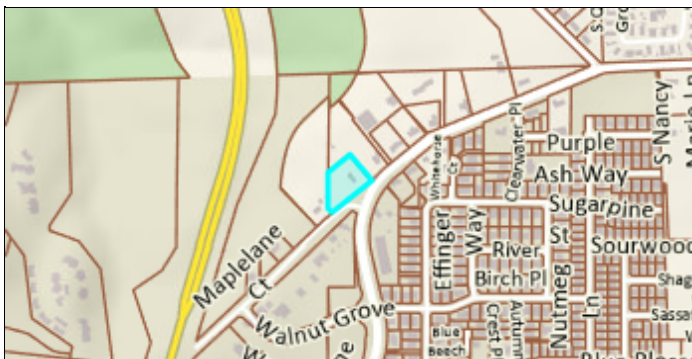
Planning Designations

Zoning: County
 Comprehensive Plan: LR
 Subdivision: N/A
 PUD (if known):
 Partition Plat: N/A
 Neighborhood Assn: N/A
 Urban Renewal District: N/A
 Concept Plan: N/A
 Historic District: N/A
 Historic Designation: N/A

In Willamette Greenway? N
 In Geologic Hazard? Y
 In High Water Table Area? N
 In Nat. Res. Ovl. Dist. (NROD)? N
 In 1996/FEMA 100 Yr. Floodplain? N
 In FEMA Floodway? N
 In SDC Discount Area? N
 In Thayer Pond Fee Area? N
 In Bvrck. Rd Access Plan Area? N
 In Barlow Trail Corridor? N
 In Enterprise Zone? N
 In Vertical Housing Dev. Zone? N
 In Opportunity Zone? N

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.





Overview Map

Taxlot Information

APN: 3-2E-04C -00500 In City? N
 Alt ID: 00842244 In UGB? Y
 Site Address: 14389 S MAPLELANE RD
 OREGON CITY, OR 97045
 Year Built: 1920



Taxlot highlighted in blue

Taxpayer Information

Taxpayer: Please contact the City of Oregon City
 Address: for taxpayer information

Reference Information

Parcel Area (GIS - acres): 0.99
 Parcel Area (GIS - sq. ft.): 43,102
 Twn/Rng/Sec: 3S 2E 4
 Tax Map Reference: 32E04C (03_3s2e04c)

Values

Import Date: 12/27/2023
 Land Value (Mkt): \$302,263
 Building Value (Mkt): \$94,550
 Total Value (Mkt): \$396,813
 Note: the values about are Market, NOT Assessed values.
 Assessed Value: \$142,421
 Exempt Amount: \$0

Planning Designations

Zoning: County
 Comprehensive Plan: LR
 Subdivision: N/A
 PUD (if known):
 Partition Plat: N/A
 Neighborhood Assn: N/A
 Urban Renewal District: N/A
 Concept Plan: N/A
 Historic District: N/A
 Historic Designation: N/A

In Willamette Greenway? N
 In Geologic Hazard? N
 In High Water Table Area? N
 In Nat. Res. Ovl. Dist. (NROD)? N
 In 1996/FEMA 100 Yr. Floodplain? N
 In FEMA Floodway? N
 In SDC Discount Area? N
 In Thayer Pond Fee Area? N
 In Bvrck. Rd Access Plan Area? N
 In Barlow Trail Corridor? N
 In Enterprise Zone? N
 In Vertical Housing Dev. Zone? N
 In Opportunity Zone? N

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.

Report generated 1/22/2024 3:35:15 PM

City of Oregon City
 P.O. Box 3040
 625 Center St
 Oregon City, OR 97045
 (503) 657-0891
 www.oregocity.org



**LIMITED LIABILITY COMPANY OPERATING AGREEMENT
FOR
MOEHNKE PROPERTIES, LLC**

made on the actual date of distribution. Neither the Company nor any Manager shall incur any liability for making distributions in accordance with the provisions of the preceding sentence, whether or not the Company, the Manager, or the Member has knowledge or notice of any Transfer or purported Transfer of ownership of any interest in the Company. Notwithstanding any provision above to the contrary, gain or loss of the Company realized in connection with a sale or other disposition of any of the assets of the Company shall be allocated solely to the Persons owning interests in the Company as of the date such sale or other disposition occurs.

4.10 Adjustments to Capital Accounts. The manner in which Capital Accounts are to be maintained pursuant to this Agreement is intended to comply with the requirements of Section 704(b) of the Code and the Regulations promulgated thereunder. If in the opinion of the Company's accountant, the manner in which Capital Accounts are to be maintained pursuant to the provisions of this Agreement should be modified in order to comply with Section 704(b) of the Code and the Regulations thereunder, then notwithstanding anything to the contrary contained in this Agreement, the method in which Capital Accounts are maintained shall be so modified; provided, however, that any change in the manner of maintaining Capital Accounts shall not materially alter the economic agreement between or among the Members.

4.11 Rights to Distributions. No Member shall have the right or power to demand or receive a distribution in a form other than cash, and no Member shall be required or compelled to accept a distribution of any asset in kind to the extent that the interest distributed would exceed the Member's pro rata share of operating or liquidating distributions, as the case may be. No Member shall have the right to receive any interest on any distribution or other amount payable to the Member by the Company. Notwithstanding anything contained in this Agreement or the Articles to the contrary, no distribution shall be made to a Member in violation of ORS 63.229.

4.12 Liquidating Distributions. If the Company is dissolved and its business and affairs are wound up, distributions shall be made pursuant to Section 8.3.

4.13 Amounts Withheld. All amounts withheld pursuant to the Code or any provision of any state or local tax law with respect to any payment, distribution or allocation to the Members shall be treated as amounts distributed to the Members pursuant to this Article 4 for all purposes under this Agreement. The Company is authorized to withhold from distributions, or with respect to allocations, and to pay over to any federal, state or local government any amounts required to be so withheld pursuant to the Code or any provisions of any other federal, state, or local law and shall allocate any such amounts to the Members with respect to which such amount was withheld.

ARTICLE 5. MANAGEMENT

5.1 Manager. The ordinary and usual business and affairs of the Company shall be managed by the Manager. In performing his or her duties as a Manager, a Manager shall owe the Company and the Members the fiduciary duties of loyalty, good faith, fair dealing,

and full disclosure. In addition, a Manager shall discharge his or her duties to the Company and to the Members with the care of an ordinarily prudent person in a like position would exercise under similar circumstances and in a manner the Manager reasonably believes to be in the best interests of the Company and the Members. There shall be one or more Managers who need not be Member(s) of the Company. The initial Managers shall be Graeme E. Newhouse and Grant W. Newhouse. With respect to any decision in which multiple managers do not agree or if such Managers are in deadlock, then such matter shall be determined by the vote of a Majority of the Members.

5.1.1 Term of Manager. No Manager shall have any contractual right to such position. The Manager shall serve until the earliest of (i) the resignation, adjudicated incompetency, or death of such Manager; or (ii) the removal of the Manager in accordance with paragraph 5.1.2. Any replacement Manager shall be elected by a Majority of the Members. Additional Managers may be elected by a Majority of the Members, but only with the consent of the existing Managers. The resignation or removal of a Manager who is also a Member shall not affect such Manager's rights as a Member.

5.1.2 Removal of Manager. Any Manager may be removed by the affirmative vote of a Majority of the Members.

5.1.3 Authority of Manager. Only the Manager and agents of the Company authorized by the Manager shall have the authority to bind the Company. A Member shall have no right or authority to bind the Company unless such Member is a Manager or is otherwise authorized by the Manager to bind the Company. Each Member shall indemnify the Company for any costs or damages incurred by the Company as a result of the unauthorized action of such Member. Subject to paragraphs 5.1.4 and 5.2, the Manager has the power, on behalf of the Company, to do all things necessary or convenient to carry out the business and affairs of the Company, including, without limitation:

- (a) The institution, prosecution, and defense of any proceeding in the Company's name;
- (b) The purchase, receipt, lease or other acquisition, ownership, holding, improvement, use and other dealing with, Property, wherever located;
- (c) The sale, conveyance, mortgage, pledge, lease, exchange, and other disposition of Property;
- (d) The entering into contracts and guaranties; incurring of liabilities; borrowing of money, issuance of notes, bonds, and other obligations; and the securing of any of its obligations by mortgage or pledge of any of its Property or income;
- (e) The lending of money, investment and reinvestment of the Company's funds, and receipt and holding of Property as security for repayment, including, without limitation, the loaning of money to, and otherwise helping, Members, officers, employees, and agents;

(f) The conduct of the Company's business, the establishment of Company offices, and the exercise of the powers of the Company within or without the State;

(g) The appointment of employees and agents of the Company, the defining of their duties, the establishment of their compensation; provided, however, the Managers shall take all reasonable measures to ensure that all agents and independent contractors to be hired by the Company are reasonably insured by reputable insurance companies, and, to the extent required by applicable law, licensed and bonded.

(h) The payment of pensions and establishment of pension plans, pension trusts, profit sharing plans, and benefit and incentive plans for all or any of the current or former Members, employees, and agents of the Company;

(i) The making of donations to the public welfare or for religious, charitable, scientific, literary, or educational purposes;

(j) The payment or donation, or any other act that furthers the business and affairs of the Company;

(k) The payment of compensation, or additional compensation to any or all Members, and employees on account of services previously rendered to the limited liability company, whether or not an agreement to pay such compensation was made before such services were rendered;

(l) The purchase of insurance on the life of any of its Members or employees for the benefit of the Company;

(m) The participation in partnership agreements, joint ventures, or other associations of any kind with any person or persons; and

(n) The indemnification of Members or any other Person.

5.1.4 Actions of the Manager. The Manager has the power to bind the Company as provided in the Act, the Articles of Organization, and this Agreement.

5.1.5 Compensation of Manager. The Manager: (i) shall be reimbursed for all reasonable expenses incurred in managing the Company within thirty (30) days after written request submitted to each Manager of the Company; and (ii) shall be entitled to compensation, in an amount to be determined from time to time by the affirmative vote of a Majority of the Members.

5.1.6 Right to Delegate. The Manager may delegate some or all managerial duties and/or responsibilities hereunder to one or more persons, which the Manager reasonably believes to be competent to perform such duties, and/or responsibilities. Without limiting the generality of the foregoing, if the Manager shall hire any tradesperson or contractor to perform services on behalf of the Company, then any such person shall: (i) submit a written bid or proposal to the Company describing the services to be performed and the costs of all such services and/or materials to be provided in connection with such services; (ii) hold any necessary

business license in the location in which such services are to be performed; (iii) if a professional license is required to perform such services, then such person shall possess such license at the time the services are to be performed, together with any requirements associated with such license, such as insurance and bond requirements; and (iv) if the services are of a nature that a permit is required (e.g. a construction project), then such services shall not commence until all legally required permits shall be issued by the applicable governmental instrumentalities. If the services hereinabove referenced (and related material costs) are for a total cost of less than \$1,000.00, then the Company need only obtain a single bid for such services. However, if such services (and related material costs) exceed \$1,000.00, then the Company shall obtain three (3) bids for such services, and the Manager shall select the lowest cost bid provided such bid and the person submitting such bid shall be in compliance with the terms of this Paragraph.

5.1.7 Manager as Member's Attorney-in-Fact. The signature of any Manager shall be necessary and sufficient to convey title to any Property of the Company or to execute any contracts, promissory notes, trust deeds, mortgages, or other instruments of hypothecation or obligation on behalf of the Company, and all of the Members agree that a copy of this Agreement may be shown to the appropriate parties in order to confirm the same, and further agree that the signature of any Manager shall be sufficient to execute any "statement of Company" or other documents necessary to effectuate this or any other provision of this Agreement. All of the Members do hereby appoint the Manager as their attorney-in-fact for the execution of any or all of the documents described in this paragraph.

5.1.8 Manager's Standard of Care. In performing his or her duties as a Manager, the Manager shall owe the Company and the Members fiduciary duties of loyalty, good faith, fair dealing, and full disclosure. In addition, the Manager shall discharge his or her duties to the Company and to the Members with the care of an ordinarily prudent person in a like position would exercise under similar circumstances and in a manner the Manager reasonably believes to be in the best interests of the Company and the Members. Except as otherwise provided by law, the Articles or this Agreement, a Manager shall not be personally liable, merely as a Manager, for any debts or losses of the Company, and shall not be liable to the Company or the Members for monetary damages or otherwise for conduct undertaken as a Manager. In discharging the duties of a Manager, a Manager shall be fully protected in relying in good faith upon the records required to be maintained by the Company and upon such information, opinions, reports or statements by any of its other Members, or agents, or by any other person, as to matters which the Manager reasonably believes are within such other person's professional or expert competence and who has been selected with reasonable care by or on behalf of the Company, including information, opinions, reports or statements as to the value and amount of the assets, liabilities, profits or losses of the Company or any other facts pertinent to the existence and amount of assets from which distributions to Members might properly be paid.

5.1.9 The Manager shall be required to devote only such time, effort and activity to the conduct of the business of the Company as may be reasonable in order to insure the efficient operation and management of the Company.

5.2 Restrictions on Authority of Manager.

5.2.1 Approval by Majority of Members. Notwithstanding any other provisions of this Agreement to the contrary, without the affirmative vote of a Majority of the Members, the Manager shall not, whether in the ordinary course of the Company's business or otherwise, have the power or authority to do, perform or authorize any the following:

(1) Make any payment, contract, or commitment, in an amount in excess of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) in any single transaction or series of related transactions;

(2) Borrow money, pledge the assets or credit of the Company, or otherwise incur indebtedness in the name of or on behalf of the Company in an amount in excess of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) in any single transaction or series of related transactions;

(3) Undertake any obligation or commitment to purchase, lease, rent, or otherwise acquire any capital expenditure in the name of or on behalf of the Company in an amount in excess of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) in any single transaction or series of related transactions;

(4) Compromise any claim by or against the company in an amount in excess of FIVE THOUSAND AND NO/100 DOLLARS (\$5,000.00) in any single transaction or series of related transactions;

(5) Admit an Additional Member or a Substitute Member to the Company;

(6) Mortgage, pledge, or otherwise encumber or grant a security interest in Company Property;

(7) Merge the Company with any other Entity; or

(8) Dissolve the Company.

5.2.2 Approval of All Members. Notwithstanding any other provision in this Agreement to the contrary, without the affirmative vote of all of the Members, the Manager shall not have the authority to do, perform or authorize any of the following:

(1) Amend this Agreement;

(2) Knowingly do any act in contravention of this Agreement or without the consent of the Members as required by this Agreement;

(3) Knowingly do any act that would make it impossible to carry on the ordinary business of the Company, except as otherwise provided in this Agreement;

(4) Possess Property owned by the Company, or assign rights in specific Property, for other than a Company purpose; or

(5) Knowingly perform any act that would subject any Member to personal liability in any jurisdiction.

5.3 Indemnification. To the fullest extent provided or allowed by the laws of Oregon, the Company shall indemnify the Manager and the Members from and against all costs, losses, liabilities, damages, claims and expenses (including, without limitation, attorneys' fees and costs as incurred on trial and on appeal) incurred in their capacity as a Manager or Member, including, without limitation, claims arising from any such Manager or Member's actions or inactions taken or omitted as a Manager or Member in furtherance of the business or affairs of the Company; provided that the foregoing shall not eliminate or limit a Manager or Member's liability for:

(a) Any breach of a Manager or Member's duty of loyalty to the Company or the other Members as described in this Agreement;

(b) Acts or omissions not in good faith, which involve intentional misconduct or a knowing violation of law;

(c) Any unlawful distribution under the Act, as provided in ORS 63.235; or

(d) Any transaction not expressly undertaken in accordance with this Agreement involving an actual or potential conflict of interest between a Manager or Member and the Company from which the Manager or Member derives an improper personal benefit.

5.4 Contribution. If any Member is required by law to pay more than his or her proportionate share (based on relative Ownership Interests) of any debt, liability or other obligation of the Company, such Member shall be entitled to contribution from the other Members proportionate to their Ownership Interests. If liability is imposed upon any of the Members in connection with the execution of any instrument on behalf of the Company or in connection with any liabilities of the Company, in addition to any other right under this Agreement to which such Member may be entitled, the Members, and each of them, jointly and severally, agree to indemnify and hold any of the Members against whom liability is so imposed harmless from any liability, including attorney fees, in excess of that Member's proportionate share (based on relative Ownership Interests) of such liability.

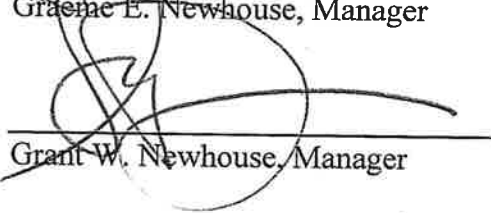
5.5 Limitation of Liability. The liability of a Manager and each Member shall be limited as set forth in this Agreement, the Act and other applicable law. A Manager or Member will not be personally liable, merely as a Manager or Member, for any debts or losses of the Company beyond the Manager or Member's respective Contributions, except as otherwise provided by law. A failure to observe any formalities or requirements of this Agreement, the Articles of Organization, or the Act shall not be grounds for imposing personal liability on the Manager or Members for liabilities of the Company.

5.6 Execution of Instruments. Whenever it may be necessary or desirable for the Members to join in the execution of instruments, each Member shall cooperate in executing all such instruments authorized hereunder when requested to personally sign the same, but in the event a Member neglects or refuses to sign any such instruments, such Member shall be bound thereby to the same extent as if such Member had signed the same.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first above written.

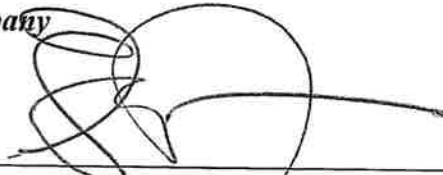
MOEHNKE PROPERTIES, LLC

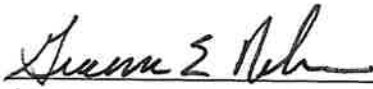
By: 
Graeme E. Newhouse, Manager

By: 
Grant W. Newhouse, Manager

Company


William Newhouse, Trustee of the
Newhouse Revocable Living Trust dated
May 8, 2006, as amended, Member


Grant W. Newhouse, Member


Graeme E. Newhouse, Member


Jacob H. Newhouse, Member

Shane G. Newhouse, Member


Charley R. Newhouse, Member

Members

06753-00001:923709

PRE-APPLICATION MEETING NOTES**Date of Meeting: December 13, 2023**

File Number: **PA-23-00040** – Annexation for Sewer Connection with potential Zone Change

Applicant: Brad Kilby

Address: 14389 and 14421 Maplelane Road

Tax Assessor Map: Clackamas County Tax Map 32E04C as parcel numbers 00300 (1.66 ac) and 00500 (0.84 ac)

Current County Zone: FU-10

City Comprehensive Plan: LR – Low Density Residential (R6, R8, R10)

Project Name: Annexation and potential Zone Change

Staff: Christina Robertson, AICP, Senior Planner
Email: crobertson@orccity.org Ph: (503) 496-1564
Sang Pau, PE Project Engineer
Email spau@orccity.org Ph: 971-204-4629
Josh Wheeler, PE, Assistant City Engineer,
Email: jwheeler@orccity.org Ph: 971.322.9745 Cell

Public Disclosure:

The information provided shows the possible impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal (City Code [17.50.050](#)). Omissions or failures by staff to recite to an applicant all relevant applicable land use requirements may occur, either as a result of a limited pre-application submittal or staff's interpretation of the codes at that time.

All pre-application conference related communications, including these notes, are informational only. They do not substitute for a public hearing and no land use decision is rendered at the pre-application conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

GENERAL COMMENTS

Annexations are discretionary approvals of the City Commission, which are subject to the criteria in [Chapter 14.04 – City Boundary Changes and Extension of Services](#). Annexation petitions are reviewed and recommended for approval by the Planning Commission to the City Commission. Following City Commission approval, some annexations may be subject to approval of the voters of the City of Oregon City.

1. Annexation Election / SB 1573

Note: Passage of a new state law in 2016 ([SB 1573](#)) has removed the voter approval requirement for annexations that are within the UGB, have a comprehensive plan designation, are contiguous to city limits, and otherwise comply with the city's comprehensive plan.

2. Application:

The applicant is wholly responsible for providing a complete application. Staff will provide checklists, examples and templates to assist you with the application process. *If you are unfamiliar with the process, staff recommends that you have your application for annexation prepared by a qualified professional who is familiar with the annexation process in Oregon, such as a land use planner, land use attorney, or engineer.*

3. Tri-City Service District (TCSD) – Clackamas Water Environment Services

The applicant will be required to separately annex into Tri-City Service District (TCSD) before sanitary sewer service can be provided. The property is not currently located in the TCSD service area. The map below shows the current TCSD service area (light blue) in relation to the property. The TCSD annexation application can be found on the Development Services page of the Water Environment Services website:

<https://www.clackamas.us/wes/development.html> . Please have the applicant contact WES if they have any questions regarding annexation.

Erik Bertram, Development Review Specialist
Clackamas County - Water Environment Services
150 Beaver Creek Road #430
Oregon City, OR 97045
Email: EBertram@co.clackamas.or.us
(p): 503-742-4571

4. Annexation Checklist

- See [Annexation Checklist](#) (23 KB)

Your application must include the following items:

-  [Land Use Application Form](#) (Fillable pdf)
- Annexation Petition Worksheet: <https://or-oregoncity.civicplus.com/DocumentCenter/View/11905/Annexation-Petition-Worksheet>
- A completed narrative that responds to the applicable approval criteria: Staff will provide you with a Code Response Template for all approval criteria.

5. Zone Change

Although not required in order to annex and receive sewer service, if the applicant requests a zone change, a separate zone change application will be required pursuant to OCMC [Chapter 17.68 - Zoning Changes and Amendments](#).

- Zone Changes are required to include a Transportation Analysis Letter that demonstrates how the proposed zone change will comply with OAR 660-12 Transportation Planning Rule.

- The property has a Comprehensive Plan Designation of LR – Low Density Residential. The city zone district that would apply is [Low Density Residential](#). Note that R-10, R-8, and R-6 zoning district designations are all low-density zones that may be considered under the LR Comprehensive Plan designation.
- If you request zoning that is not a part of the Low-Density Residential Comprehensive Plan Designation, it will require a Comprehensive Plan map amendment.
- As the city generally does not approve of spot zoning, staff, and the city commission would most likely be looking at the area north of Maple Lane within the UGB as a part of this analysis. This would be much more complicated and potentially not approved by the City Commission.

6. City Code Chapter 14 - Annexations

[OCMC 14.04.060 – Annexation Factors.](#)

Narrative shall address each of the required Annexation Factors (1) through (7). *When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*

14.04.060 Annexation factors.

- A. *When reviewing a proposed annexation, the commission shall consider the following factors, as relevant and approve an annexation only when it finds that on balance these factors are satisfied:*
 1. *Adequacy of access to the site;*
 2. *Consistency of the proposal with the city's adopted comprehensive plan, including but not limited to goals and policies for urbanization, housing, cultural, historic and natural resources, infrastructure, and provision of public infrastructure and community services;*
 3. *Adequacy and availability of the following public facilities and services to serve potential development at time of development:*
 - a. *Transportation. The urbanization of the site is accounted for in the transportation system plan. The application demonstrates that the annexation is consistent with the transportation planning rule (TPR) or explain why a TPR analysis is not required;*
 - b. *Sewer. The urbanization of the site is accounted for in the sewer master plan;*
 - c. *Water. The urbanization of the site is accounted for in the water master plan;*
 - d. *Stormwater. The urbanization of the site is accounted for in the stormwater master plan;*
 - e. *Police, Fire, and Emergency Services. Police, fire, and emergency services can adequately serve the site;*
 - f. *Parks. The urbanization of the site is accounted for in the parks and recreation master plan; and*
 - g. *Schools. The urbanization of the site is analyzed for school capacity in a concept plan or in a school forecast approved by Oregon City School District.*
 4. *Demonstration of how the impacts of future development to city public facilities and services will be mitigated. Mitigation may include on-site or off-site infrastructure or improvements to existing infrastructure to city standards and specifications, payment of system development charges, etc.*

Funding for the mitigation must be identified. The city commission reserves the right to enter into a development agreement with the applicant that governs the extent and timing of infrastructure improvements.

5. *Annexations over five acres shall obtain master plan approval at a public hearing before the planning commission prior to or concurrent with a land division or site plan and design review application. The master plan will identify the details of development including the overall impact of development on the city infrastructure and mitigating improvements.*
6. *The annexation is in the best interest of the city. Generally, the commission may consider the annexation is in the best interest of the city if it meets two or more of the following criteria:*
 - a. *It provides a needed solution for existing problems, resulting from insufficient sanitation, water service, or other urban service-related problems; or*
 - b. *It provides land for development to meet urban needs including jobs and/or housing in an orderly and logical growth pattern; or*
 - c. *It provides needed routes for utility and transportation networks.*
7. *Compliance with applicable sections of ORS 222, and Metro Code Section 3.09 including a demonstration that the proposed annexation is timely, orderly, and efficient;*
8. *All natural hazards identified by the city, such as wetlands, floodplains, steep slopes and landslides, including those mapped and unmapped by the city, county, state or other government agencies are identified;*
9. *All historically designated and potentially eligible historic structures are identified;*
10. *Any significant adverse impacts on the economic, social and physical environment of the community or on specially designated open space, scenic, historic or natural resource areas identified in the comprehensive plan by urbanization of the subject property at time of annexation can be avoided or mitigated;*
11. *The extent to which the proposed annexation territory includes preservation of natural features, landforms and significant tree canopy since the date when the annexation application was filed with the city, excluding properties under farm or forest tax deferment or farm or forest practices as defined under ORS 30.930. Annexations which demonstrate efforts to avoid significant site grading or tree removal will be viewed more favorably than those upon which such activities have occurred*

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

[Metro Code Chapter 3.09](#) applies to boundary changes within the boundaries of Metro or of urban reserves designated by Metro and any annexation of territory to the Metro boundary. This annexation is defined as an “Expedited Decision” under Metro Code 3.09.045, subject to the criteria therein.

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

8. [Oregon City Comprehensive Plan](#) – Applicable Goals and Policies

POLICY 5.4 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.

STRATEGY 5.4.A Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

STRATEGY 5.4.B Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:

- i. avoid creating unincorporated islands within the city;*
- ii. enable public services to be efficiently and cost-effectively extended to the entire area; or*
- iii. implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.*

STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

POLICY 4.4 Coordinate infrastructure to support the equitable development of "Climate-Friendly Areas," as defined by DLCD

STRATEGY 4.4.C Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

POLICY 5.1 Ensure the Urban Growth Boundary conforms to Title 11 of the Code of the Metropolitan Service District and provides sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.

STRATEGY 5.1.A Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.

9. Service Districts

Upon annexation:

- Property will **remain** in Clackamas Fire District #1.
- Property will **remain** in Oregon City School District.
- Property must **annex separately** into the Tri-City Sewer Service District (See form provided)
- Property will receive all City of Oregon City Municipal Services, including OCPD (Police)
- Property will be **removed** from the Clackamas River Water District upon annexation.
- Property will be **removed** from Clackamas Sheriff's Enhanced Law Enforcement District.

10. Taxes

Contact Clackamas Tax Assessor office regarding changes to tax rates. Deanna Medikan (503) 655-8671 Ext. 7617.

11. Zone Change

A Zone Change request to R-6 Low Density District may be submitted concurrently with the annexation request or submitted separately and is a discretionary zone change processed pursuant to the criteria in OCMC 17.68.

- The annexation area is part of the original 1979 Urban Growth Boundary (UGB)
- Comprehensive Plan Designation is Low Density Residential – LR.
- Pursuant to [OCMC 17.68.025 - Zoning changes for land annexed into the city](#).

12. Transportation Impact Analysis

The applicant will need to have a traffic engineer conduct a transportation study in conformance with the City's [Guidelines for Transportation Impact Analyses](#) available on the Oregon City website.

Based on the information provided by the applicant, it appears the transportation analysis associated with this development proposal can be satisfied by submittal of a Transportation Analysis Letter (TAL). This option is available when specific criteria are met. These include a determination that the development generates 24 or fewer AM and PM peak hour trips and fewer than 250 daily trips. Details for a TAL can be found in Section 3.1 of the Guidelines. It is the applicant's responsibility to verify the trip generation characteristics of the proposed development.

For questions regarding the Transportation Impact Analysis contact Josh Wheeler, Assistant City Engineer, at jwheeler@orc.org.

13. Tree Removal prior to Annexation

Tree removal prior to application for annexation is not subject to compliance with tree protection and mitigation standards in OCMC 17.41, however, the applicant is encouraged to preserve significant trees and stands of trees. Planning staff can provide guidance on a variety of ways to incorporate existing trees into your future project.

14. Review Fees (2023 Fee Schedule) please check back for 2024 fees

Annexation:	\$5,502.00
Mailing Labels:	\$18.00
Metro Mapping Fees (1-5 acres):	\$250.00
Annexation Survey, Map and Legal Description & Dept. of Revenue Processing (if needed)	\$1,130.00

Zone Change:	\$3,545.00
Traffic Impact Analysis:	
Zone Change/ TPR Analysis Letter	See Public Works Notes
Development Services Fees:	See Public Works Notes

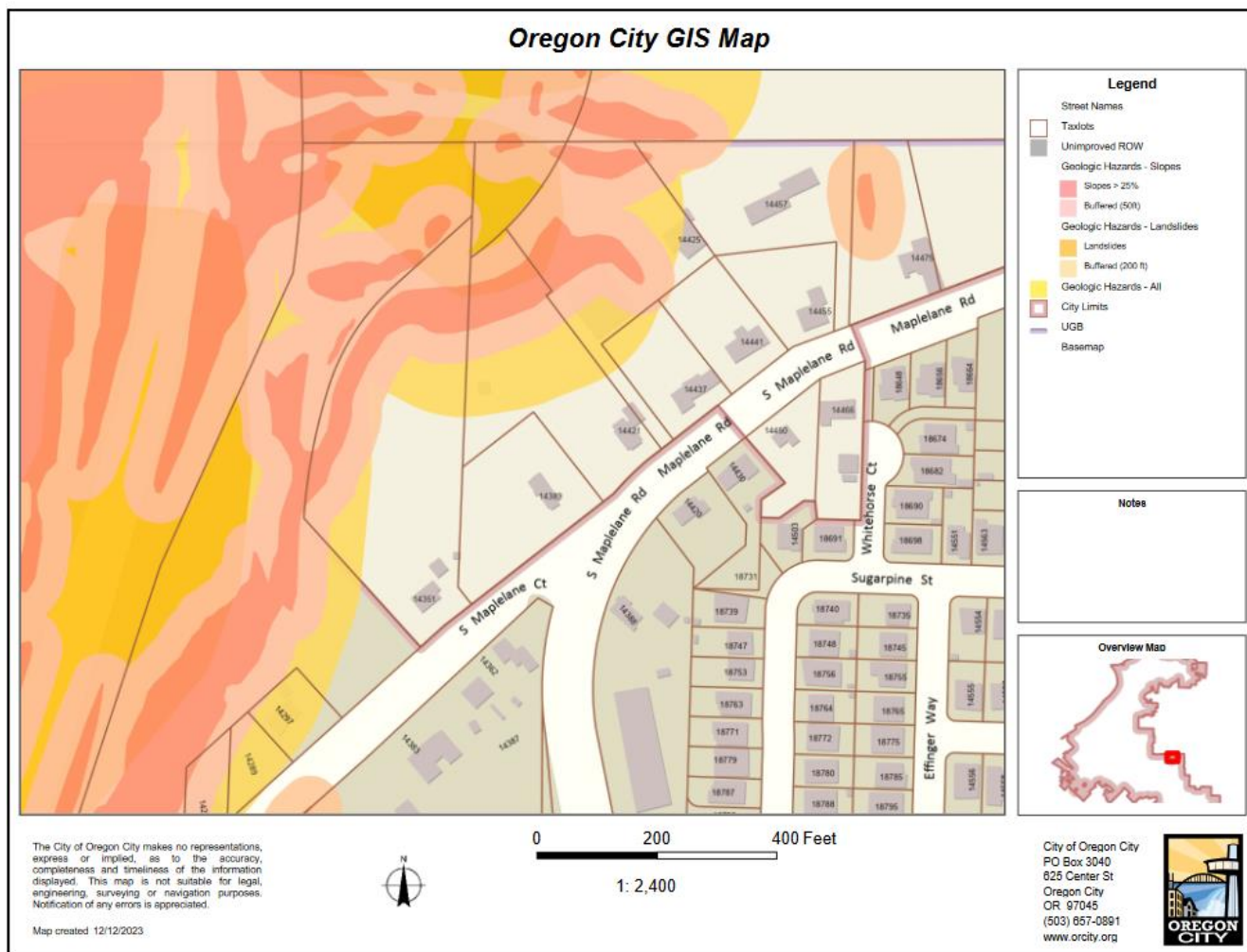
15. Neighborhood Association Meeting Required

Per OCMC 17.50.055 - [Neighborhood association meeting](#). Documentation of the meeting with the applicable Neighborhood Association is required for a complete application. The annexation property will become part of is the **Caufield Neighborhood Association** boundary, which is currently inactive .

- A Meeting with the CIC also meets NA meeting requirements for inactive areas.

16. Miscellaneous Comments

You are located within the [Geologic Hazards Overlay District](#) , which may impact the amount of land available for development on the subject parcels. Please refer to Development Services notes for further details.



Staff will provide you with a Code Response template like a Staff Report and electronic versions of the applicable plans, policies and approval criteria above to assist in the preparation of your application.

These pre-application conference notes were prepared in accordance with OCMC [17.50.050 - Preapplication conference](#).

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected

neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the city will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.



DEVELOPMENT SERVICES PRE-APPLICATION MEETING NOTES

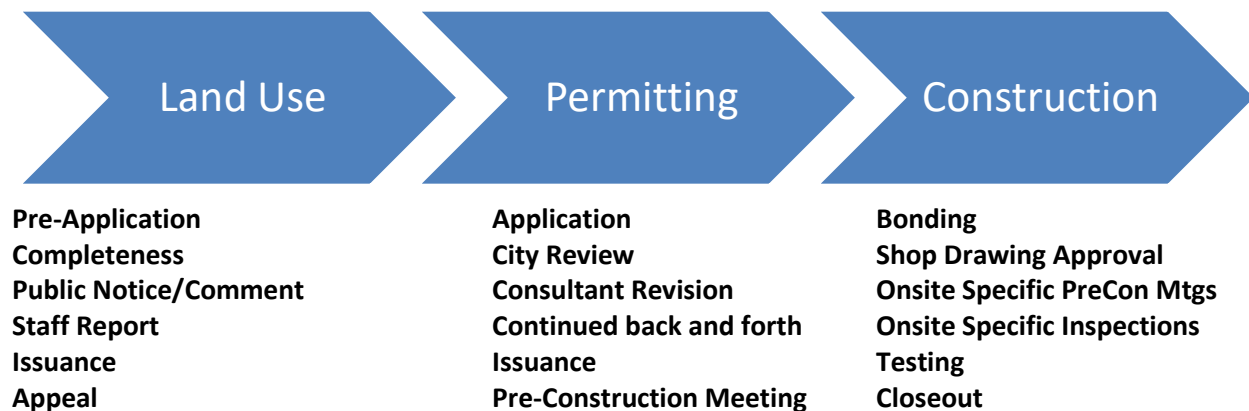
Planning Project Number: PA 23-40
Address: 14389 & 14421 Maplelane Rd
Map Number(s): 3-2E-04C
Tax Lot(s): 00300, 00500
Project Name: 14389 & 14421 Maplelane Rd Annexation
Meeting Date: December 13, 2023
Reviewer(s): Sang Pau | spau@orc.org | 971-204-4629

Public Disclosure:

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The Development Process: <https://www.orcity.org/1105/Land-Use>



General Comments

1. A complete land use application will typically include a preliminary stormwater report and preliminary construction plans showing all required improvements (E.G., roads, sidewalks, sewer,

water, stormwater facilities, grading, and erosion control). The application should also include a narrative responding to all sections of the Oregon City Municipal Code (OCMC) applicable to the proposed development. See provided checklists at <https://www.orcity.org/1065/Engineering-Development-Services-Checkli>

2. The City will issue a Staff Report in response to the contents of the application package provided by the applicant.
3. Conditions of approval contained in the Staff Report will dictate what is needed after the land use decision is issued (providing the appropriate documents E.G., construction plans, reports, etc.).
4. All applicable annexation application fees shall be due and payable upon building permit issuance. An annexation application will need to be completed, found on the City's website.
5. The applicant is responsible for applying to the County to annex into the Tri-City Service District. The application can be found at <http://www.clackamas.us/wes/annexation.html>.

Annexation does not trigger any public infrastructure improvements. Future development of annexed properties will trigger public infrastructure improvements. The following notes are applicable for future development of annexed properties.

1. All public improvements must be bonded with a 120% performance guarantee prior to the beginning of construction. Public improvements are defined as public utility extensions and roadway improvements within existing right-of-way. Public improvements may also be on private property in certain circumstances. This bond is released at the end of the construction period assuming everything is constructed as agreed upon.
2. All newly constructed public improvements shall be maintained for a two-year period following their acceptance of construction with a 15% maintenance guarantee. Newly constructed public improvements consist of those improvements within existing right of way and those that were constructed on private land to be deeded for City ownership following approval of a plat. This bond is released at the end of the maintenance period (typically 2 years).
3. PLEASE NOTE: A property is NOT allowed to plat until all public improvements have been completed to the satisfaction of the City.
4. PLEASE NOTE: Once the land use decision is made, permits need to be sought to be able to start construction. This process may take many months after the land use decision is made. The applicant will need to submit separately to Public Works/Engineering and Building.
5. PLEASE NOTE: All permits from Public Works, including an erosion control permit, must be obtained prior to any work beginning on the site and in the right-of-way (ROW).
6. All applicable System Development Charges (SDC) shall be due and payable upon building permit issuance unless deferment is requested, and a financing agreement is executed. The applicant will need to complete a SDC request form, found on the City's website.
<https://www.orcity.org/868/System-Development-Charges-SDCs>

SDC credits, reductions, and reimbursements are solely determined by the Director of Public Works and shall follow the process listed in City Code 13.20.040 and 13.20.050.

Streets

1. Maplelane Court is functionally classified as a “Local” road and the development property is zoned “Residential”. The following tables show the existing road section and the maximum street section required by the city code for this type of road.

Existing Street Section on the development’s side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes
Local	Residential	30’	13’	None	None	None	None	None	(1) 13’

Maximum Street Section city code may require on the development’s side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes
Local	Residential	27’	16’	0.5’	5’	5.5’	Shared	Shared	(1) 16’

2. If the annexed properties are developed to a subdivision, a new local street may be needed to serve each subdivision lot and have the following components:

Road Classification	Zoning	R.O.W. width	Road Width	Public Access (per side)	Sidewalk (per side)	Landscape Strip & Curb (per side)	Bike Lane	Street parking	Travel Lanes (per side)
Local	Residential	54’	32’	0.5’	5’	5.5’	Shared	Shared	(1) 16’

City code requirement for street spacing states that the maximum block spacing between streets is five hundred thirty feet and the minimum block spacing between streets is one hundred fifty feet as measured between the right-of-way centerlines.

3. Maplelane Road is functionally classified as a “Minor Arterial” road and the development property is zoned “Residential”. The following tables show the existing road section and the maximum street section required by the city code for this type of road.

Existing Street Section on the development’s side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane/ shoulder	Travel Lanes	Median
Major Arterial	Residential	39’	21’	None	None	None	10’	(1) 12’	None

Maximum Street Section city code may require on the development’s side of centerline

Road Classification	Zoning	R.O.W. width	Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Street parking	Travel Lanes	½ of a Median
Major Arterial	Residential	50’	34’	0.5’	5’	10.50’	6’	7’	(1) 12’ (1) 6’ (half of center lane)	3’

4. Based on the development pattern and future needs of the area, the following may be accepted on the subject property side of the existing road way centerline for Maplelane Road.

Road Width	Public Access	Sidewalk	Landscape Strip & Curb	Bike Lane	Lanes
24'	0.5'	5'	10.50'	6'	(1) 12' (Travel), 6' (half of center turn lane)

This will require approximately 5' of ROW dedication.

5. However, the applicant must request a reduction to the standard improvements, ROW dedication and other deviations from the City's street design standards through the modification process outlined in Section 16.12.013 of the Oregon City Municipal Code.
6. One street tree is required for every thirty-five feet of property frontage.
7. A curb ramp will be required at the intersection of Maplelane Court and Maplelane Road. Additional curb ramps will be required for any new intersections created with the development of the annexed properties.
8. Existing driveways will need to be closed along Maplelane Road and all access will need to be consolidated via a new local street.
9. If the development has a dead-end road, a fire truck turn-around meeting the requirements of and be approved by Clackamas County Fire District No.1 will be required. The city will not accept any permanent dead-ends in the form of a hammerhead, it must be a cul-de-sac.
10. The development will be required to provide a 10-foot-wide Public Utility Easement (PUE) along all property lines fronting existing or proposed ROW.
11. Street lighting will be required along all new and existing street frontages.
- 12. Any deviations from standards required within Table 16.12.016 of the Oregon City Municipal Code, such as elimination of typical street components, or reduction to the size of these components (drive lanes, sidewalks, bike lanes, landscaping, ROW dedication, etc.), requires a written request through the modification process outlined in Section 16.12.013 of the Oregon City Municipal Code. Proposed modifications may require additional evidence and analysis for review.**

Private Utilities (Gas, Electric, Telephone, Telecommunication, Cable, Fiberoptic, Etc.)

1. Existing overhead utilities are required to be relocated underground unless deemed infeasible by utility providers (coordination with overhead utility provider(s) is required). All new service lines are required to be placed underground.

2. All new utilities shall be placed on private property within a 10 foot utility easement or other area as agreed upon by Engineering. This may cause a shift in the location of the building footprint.
3. The applicant should be aware that utility coordination with these entities can be costly and substantially affect timelines. Early discussion with the utility company is imperative for a timely project. The City does not provide coordination with these utilities. Staff may provide suggestions or guidance for utility locations such as relocation of poles, but the design is ultimately up to the applicant's consultant and the private utility. However, the city must approve the design.

Stormwater

1. The Oregon City Stormwater and Grading Design Standards can be found online at:
<https://www.orcity.org/1227/Stormwater-Grading-Design-Standards>
2. Projects within the General Thresholds (Section 1.2.1) of the Stormwater and Grading Design Standard are subject to the requirements of the City's Stormwater and Grading Design Standards. The project will likely trigger Part A (see below) of the General Thresholds.
 - A. Development activities that result in 5,000 square feet of new or replaced impervious surface, cumulative over a 5-year period.
 - B. Development activities that will result in the **creation of more than 500 square feet of new impervious surface within a Natural Resource Overlay District (NROD)** (as defined by Oregon City Municipal Code [OCMC] 17.49), cumulative over a 5-year period.
 - C. Development activities that will **disturb 1,000 square feet of existing impervious surface within a Natural Resource Overlay District (NROD)** (as defined by Oregon City Municipal Code [OCMC] 17.49), cumulative over a 5-year period.

New or replaced impervious surface, includes surfaces associated with required frontage improvements.

3. Where compliance with the Stormwater and Grading Design Standards is required, applicants must submit a completed Site Assessment and Planning Checklist (and other items as described in Section 9.1.1 of the Stormwater and Grading Design Standards) as part of the land use application review process. At a minimum, to receive Completeness Approval, the applicant should submit a preliminary stormwater report addressing the following items from Section 9.1.1 of the City's Stormwater and Grading Design Standards.
 - A. Stormwater management strategy
 - B. A site plan showing an adequately sized stormwater facility based on Stormwater Best Management Practices (BMP) Sizing Tool or sized using the Engineered Method (as defined by City's Stormwater and Grading Design Standards).

- C. A geotechnical report or a Natural Resource Conservation Service (NRCS) soils report documenting onsite infiltration and soil conditions in support of a proposed stormwater management strategy.
 - D. Downstream analysis which extends to the distance where the project site contributes less than 15 percent of the cumulative tributary drainage area or 1,500 feet downstream of the approved point of discharge, whichever is greater, as required by Chapter 5 of the Stormwater and Grading Design Standards.
- 4. There is a 12" stormwater main within Maplelane Court. The development will be required to extend a 12" stormwater line to and through the frontage of the proposed development.
 - 5. If the annexed properties are developed to a subdivision, a 12" stormwater main extension may be needed to serve each subdivision lot.

Water

- 1. There is a 12-inch ductile iron water main that runs within Maplelane Road that the development can connect to. Future development will be required to extend a 6" main to and through the development frontage from a tee on the 12" water main located at the intersection of Maplelane Court and Maplelane Road.
- 2. If the annexed properties are developed to a subdivision, a 6" water main extension will be needed to serve each subdivision lot. This main shall create a loop (no dead-ends) unless the water main can be ultimately looped via an extension through adjacent developable properties in the future.

Sanitary Sewer

- 1. An 8-inch sanitary sewer main in Maplelane Road. The development will be required to extend an 8" sewer main to and through the frontage of the development property.

If the annexed properties are developed to a subdivision, an 8" sanitary sewer main extension will be needed to serve each subdivision lot.

The site plan for BLDG E shows a proposed development property (outlined in red) and various easements and road layouts. Key features include:

- Maplelane Ct:** A road running horizontally across the top of the site, with stationing 8+00, 8+03, 9+00, 9+03, 12+00, and 13+00. It is labeled with "SSMH-04" and "12".
- PR. ROW:** Private Right of Way, indicated by a dashed line.
- PUE:** Public Utility Easement, indicated by a dashed line.
- EX ROW:** Easement Right of Way, indicated by a dashed line.
- S Maplelane Rd:** A road running horizontally across the bottom of the site, with stationing 20+00 and 20+03.
- BLDG E:** The existing building footprint, shown as a large rectangular structure.
- Proposed Development Property:** Outlined in red, showing a large rectangular area.
- Easements:** Various easements are shown, including a 30'-0" easement (indicated by a red arrow) and a 94'-0" easement (indicated by a red arrow).
- Other Features:** The plan includes numerous contour lines, spot elevations, and other site details.

1. The applicant will need to have a traffic engineer to provide a Transportation Impact Analysis (TIA) in conformance with the City's Guidelines for Transportation Impact Analyses available on the Oregon City website. <https://www.orcity.org/1164/Guidelines-for-Transportation-Impact-Ana>
2. Based on the information provided by the applicant, the proposed annexation triggers the need to submit a Transportation Impact Letter (TAL). The TAL will need to evaluate the current and proposed zoning designations for the property. For questions regarding the TIA please contact the following:

*Please note the cost for the City Traffic Engineering consultant's review during the land use process will be charged at or near the time of Land Use Decision. This fee is not reimbursable if land use is denied or if the application does not proceed forward to permit.

Other

1. Access and Water Supply Plan Review by Clackamas County Fire District No.1 is required. Following instruction found at <https://clackamasfire.com/access-and-water-supply-plan-review-submittal/>.
2. All public improvements and stormwater management facilities will need inspection by the applicant's civil engineer. The City only provides inspection oversight.
3. Portions of the project reside within Geologic Hazard areas. The applicant will be required to address Chapter 17.44 of the Oregon City Municipal Code (OCMC). The City's geotechnical consultant will review development in such areas for compliance with Chapter 17.44 of the OCMC and review fees shall be borne by the developer. More information can be found at: <https://www.orcity.org/1097/Learn-About-the-Geologic-Hazards-Overlay>

The city's Geotechnical Report Review Checklist can be found at the following link:

<https://www.orcity.org/1065/Engineering-Development-Services-Checkli>

Contact the City Geotechnical Engineering consultant, Pali Consulting, at tim@pali-consulting.com for all geotechnical engineering coordination. Please see the memo from Pali Consulting for additional comments regarding the development.

*Please note the cost for the City Geotechnical Engineering consultant's review during the land use process will be charged at or near the time of Land Use Decision. This fee is not reimbursable if land use is denied or if the application does not proceed forward to permit. The City Geotechnical Engineering consultant's fees during permit review and construction will be charged and due during the permit and inspection phase of the project.

FINAL REMINDERS

1. **These notes are the best available based on the submittal and the understanding at the time of pre-application. The notes are NOT a guarantee of requirements.**
2. **Traffic Engineering Fees and Geotechnical Engineering Fees will be due at or near time of Land Use Decision**
3. **The Public Improvements (new roads, road widening, sidewalks, sewer mains, water mains, etc) MUST be completed prior to Plat.**
4. **Land Use MUST be completed prior to permit. The Land Use Approval is NOT a permit. A separate Building and Engineering Permit Submittal after land use is required when seeking a permit for construction.**
5. **Overhead utility work can cause significant delays to a project. Much of this coordination may need to start 6-12 months prior to construction.**

Supplemental Information:

- I. Documentation required before any construction plan review can begin by Public Works (which is after a land use decision has been made):
 - A. Complete Engineering Plans (Public Improvements, all stormwater facilities, site grading and erosion control)
 - B. Preliminary Cost Estimate for construction of Public Improvements, all stormwater facilities, site grading and erosion control.
 - C. Plan Review Fee
 - D. Complete Storm Water Report and Site Assessment and Planning Checklist
 - E. Geotechnical Report (if development is proposed in geohazard areas)

- II. Documentation required before any construction plan can be deemed approved by Public Works (to be able to start construction or obtain a building permit):
 - a. Inspection Fee
 - b. Final Cost Estimate of Public Improvements
 - c. Approved Engineering Plan stamped and signed by an Oregon Professional Engineer
 - d. Approved Storm Water Report stamped and signed by an Oregon Professional Engineer
 - e. DEQ Sanitary Sewer Main Permit
 - f. NPDES 1200-C Permit
 - g. 120% Performance Bond
 - h. Developer/Engineer Agreement
 - i. Non-Remonstrance Agreement
 - j. Land Division Compliance Agreement (*for improvements to be provided by home builders such as trees, sidewalks, etc.*)
 - k. R.O.W. Dedication / Deed of Dedication
 - l. PGE approved street light plan
 - m. Fee-in-lieu
 - n. Geohazard Indemnity Agreement

- III. Documentation required before Public Works will allow buildings to be permitted for construction on newly platted lots:
 - a. Engineer of Record Certificate of Completion
 - b. Completed Punchlist
 - c. 15% Warranty Guarantee
 - d. Recorded Easements
 - e. Recorded Plat
 - f. Public storm facilities - 2 Year Maintenance Bond
 - g. Private storm facilities - Maintenance Covenant and Access Easement

- IV. Possible Fees
 - a. Plan Review Fee
 - b. Inspection Fee
 - c. Erosion Control Fee
 - d. Geotechnical Review Fee
 - e. Traffic Engineering Fee

- f. Document Processing and Recording Fee
- g. Plat Fee
- h. Engineering Permit Fees and System Development Charges:
<https://www.orcity.org/1067/Engineering-Services-Fees>
For commercial and multi-family projects an SDC estimate must be requested.

Note: These listed fees were most current at the time of this pre-application meeting. Additional fees may apply beyond the pre-application meeting.

Christina Robertson-Gardiner

From: Christina Robertson-Gardiner
Sent: Friday, June 21, 2024 11:07 AM
To: Bertram, Erik
Cc: WES - Planning
Subject: RE: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

Understood. Thank you.

From: Bertram, Erik <EBertram@clackamas.us>
Sent: Friday, June 21, 2024 10:42 AM
To: Christina Robertson-Gardiner <crobertson@orccity.org>
Cc: WES - Planning <WES-Planning@clackamas.us>
Subject: RE: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Christina - Please note that these parcels will need to annex into the Tri-City Service District.

Thanks,

Erik Bertram
Phone: 503-936-3666
Clackamas Water Environment Services (WES)

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, June 21, 2024 9:22 AM
Subject: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

Warning: External email. Be cautious opening attachments and links.

Good morning,

The Planning Division received an application for a Type IV land use decision.

Annexation and Zone Change of an approximately 2.5 acre property. The Applicant has requested a Zone Change from County FU-10 to City R-6 Dwelling District. The proposal does not include a request for development approval or change in use. The subject territory is within the Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low Density Residential. No development is proposed with this application

Written comments on these Type IV Land Use Applications must be received by the Oregon City Planning Division crobertson@orcify.org no later than July 8, 2024, to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The City Commission hearing date for this application will be scheduled once the Planning Commission reaches a formal recommendation. The public record will remain open until the City Commission closes the public hearing.



Oregon City Planning Division

ocplanning@orcify.org

Planning Division - 503.722.3789

Fax 503.722.3880

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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

Christina Robertson-Gardiner

From: Christina Robertson-Gardiner
Sent: Tuesday, July 9, 2024 11:38 AM
To: GONZALEZ-GABRIEL Melissa
Subject: RE: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

Thanks!

CRG

From: GONZALEZ-GABRIEL Melissa <Melissa.GONZALEZ-GABRIEL2@odot.oregon.gov>
Sent: Tuesday, July 9, 2024 11:26 AM
To: Christina Robertson-Gardiner <crobertson@orccity.org>
Subject: FW: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Christina,

Apologies for missing the written comment deadline for this. I had our Traffic Engineer review the traffic analysis letter submitted as part of the application and ODOT has no concerns with the application with the proposed annexation and zone change application. Therefore, no additional state review is required. Let me know if you need a formal comment letter from us.

Thank you,

Melissa Gonzalez-Gabriel (she/her)

Associate Transportation Planner, ODOT Region 1

C: (971) 337-6681

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, June 21, 2024 9:22 AM
Subject: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

You don't often get email from crobertson@orccity.org. [Learn why this is important](#)

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning,

The Planning Division received an application for a Type IV land use decision.

Annexation and Zone Change of an approximately 2.5 acre property. The Applicant has requested a Zone Change from County FU-10 to City R-6 Dwelling District. The proposal does not include a request for development approval or change in use. The subject territory is within the Oregon City Urban Growth Boundary and has Comprehensive Plan designations of LR – Low Density Residential. No development is proposed with this application

Written comments on these Type IV Land Use Applications must be received by the Oregon City Planning Division crobertson@orcify.org no later than July 8, 2024, to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The City Commission hearing date for this application will be scheduled once the Planning Commission reaches a formal recommendation. The public record will remain open until the City Commission closes the public hearing.



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PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.



DATE: July 11, 2024

REQUEST: 14389/14421 S Maplelane Road Annexation Transportation Review

FILE NO: GLUA-24-00004 AN-24-00001 ZC 24-00001

REVIEWER: Reah Flisakowski, PE and Hallie Turk, EI, DKS Associates

In response to the City's request, DKS Associates has reviewed the submitted 14389/14421 S Maplelane Road Annexation Transportation Analysis Letter (TAL).¹ The general comments and listing of recommended conditions of approval are based on our review of these materials.

TRANSPORTATION ANALYSIS LETTER REVIEW

Comments:

EXISTING CONDITIONS

- The TAL focuses on the proposed annexation and rezone of two properties totaling 3.01 acres at 14389/14421 S Maplelane Road (Tax Lots 32E04C-00300 and 500) in Clackamas County, Oregon. The site is currently zoned County Future Urban 10-Acre (FU-10). After annexation, the project proposes rezoning to City Low Density Residential (R-6).

TRIP GENERATION

- The reasonable worst-case development scenario under the existing FU-10 zoning was determined to be Single-Family Detached Housing (ITE land use code 210) with two dwelling units.
- Due to the potential for different housing types with varying lot sizes under Oregon City code, four scenarios for the reasonable worst-case development scenario under the proposed R-6 zoning were considered.
 - Scenario 1: Single-Family Detached Housing (ITE code 210) with 12 dwelling units

¹ 14389/14421 S Maplelane Road Annexation Transportation Analysis Letter, February 13, 2024. Lancaster Mobley.

- Scenario 2: Single-Family Detached Housing (ITE code 210) with two dwelling units and Single-Family Attached Housing (ITE code 215) with 30 dwelling units
- Scenario 3: Single-Family Detached Housing (ITE code 210) with two dwelling units and Multifamily Housing Low-Rise (ITE code 220) with 32 dwelling units
- Scenario 4: Single-Family Detached Housing (ITE code 210) with two dwelling units and Multifamily Housing Low-Rise (ITE code 220) with 34 dwelling units
- The worst-case trip generation under the existing FU-10 zoning results in 1 a.m. peak hour trip, 2 p.m. peak hour trips, and 18 total weekday trips.
- The worst-case trip generation under the proposed R-6 zoning (Scenario 4) results in 15 a.m. peak hour trips, 19 p.m. peak hour trips, and 248 total weekday trips.
- The net change in trip generation potential is a 14-trip increase in the a.m. peak hour, 17 trip increase in the p.m. peak hour, and 230-trip increase in total weekday trips.

The trip generation estimate is reasonable.

TRANSPORTATION PLANNING RULE

- The Transportation Planning Rule (TPR) per OAR 660-012-0060 was evaluated. Based on the 230-trip increase in daily trip generation potential for the annexation and rezoning of the project site, the project will not increase average daily trips by more than 400, which will not result in the degradation of the performance of surrounding transportation facilities. Therefore, TPR requirements are satisfied.

RECOMMENDED CONDITIONS OF APPROVAL

The submitted 14389/14421 S Maplelane Road Annexation Transportation Analysis Letter (TAL) meets Oregon City requirements and TPR requirements. There are no recommended conditions of approval at this time.

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	14389 S Maplelane Rd Oregon City, Clackamas County		historic name:
assoc addresses:			current/other names:
location descr:			block/lot/tax lot:
			townshp/rng/sect/qtr sect:
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing		
prim constr date:	1920	second date:	
total elig resources:		total inelig resources:	
NR Status:		date indiv listed:	
primary orig use:		orig use comments:	
second orig use:			
primary style:	Vernacular	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Cedar Shake Shingle	siding comments:	
secondary siding:			
plan type:		architect:	
		builder:	
comments/notes:			
Very good integrity			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Oregon City RLS 2011	Survey & Inventory Project		2011
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	03/18/2011	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Repository:	
Bibliography:			



14389

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	14421 S Maplelane Rd Oregon City, Clackamas County		historic name:
assoc addresses:			current/other names:
location descr:			block/lot/tax lot:
			twtnshp/rng/sect/qtr sect:
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing		
prim constr date:	1920	second date:	
total elig resources:		total inelig resources:	
NR Status:		date indiv listed:	
primary orig use:		orig use comments:	
second orig use:			
primary style:	Vernacular	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:	Cedar Shake Shingle		
plan type:		architect:	
		builder:	
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Oregon City RLS 2011	Survey & Inventory Project		2011
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	03/18/2011	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
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Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Repository:	
Bibliography:			



Boundary Change Preliminary Review

DOR 3-P724-2024



Cadastral Information Systems Unit
PO Box 14380
Salem, OR 97309-5075
fax 503-945-8737
boundary.changes@dor.oregon.gov

City of Oregon City
Community Development Div.
PO Box 3040
Oregon City OR 97045

May 17, 2024

Documents received: 4/24/2024, 4/30/2024
From: Christina Robertson-Gardi

This letter is to inform you that the Description and Map for your planned --Annex to the City of Oregon City ((AN-24-00001) (14389 & 14421 S Maplelane Rd)) in Clackamas County have been reviewed per your request. They MEET the requirements of ORS 308.225 for use with an Order, Ordinance, or Resolution which must be submitted to the Clackamas County Assessor and the Department of Revenue in final approved form before March 31 of the year in which the change will become effective.

Typo on the Exhibit A map--- Bearing in the last course of description is a NW direction but the map has N36°57'35"E.

Please use the Revised description and Revised Exhibit map dated 4-29-2024 in the Final packet.

If you have any questions please contact Elise Bruch, Elise.A.Bruch@dor.oregon.gov

EXHIBIT A

Tax Lots 3 2E 04C-300 & 500
14389 & 14421 S Maplelane Rd
Oregon City, 97045

April 29, 2024
Page 1 of 2

ANNEXATION DESCRIPTION

Being all those properties described in Document Number's 95-078259 and 95-065937, Clackamas County Deed records and a portion of S Maplelane Court right-of-way located in the Southwest One-Quarter of Section 4, Township 3 South, Range 2 East of the Willamette Meridian, Clackamas County, Oregon, and being more particularly described as follows:

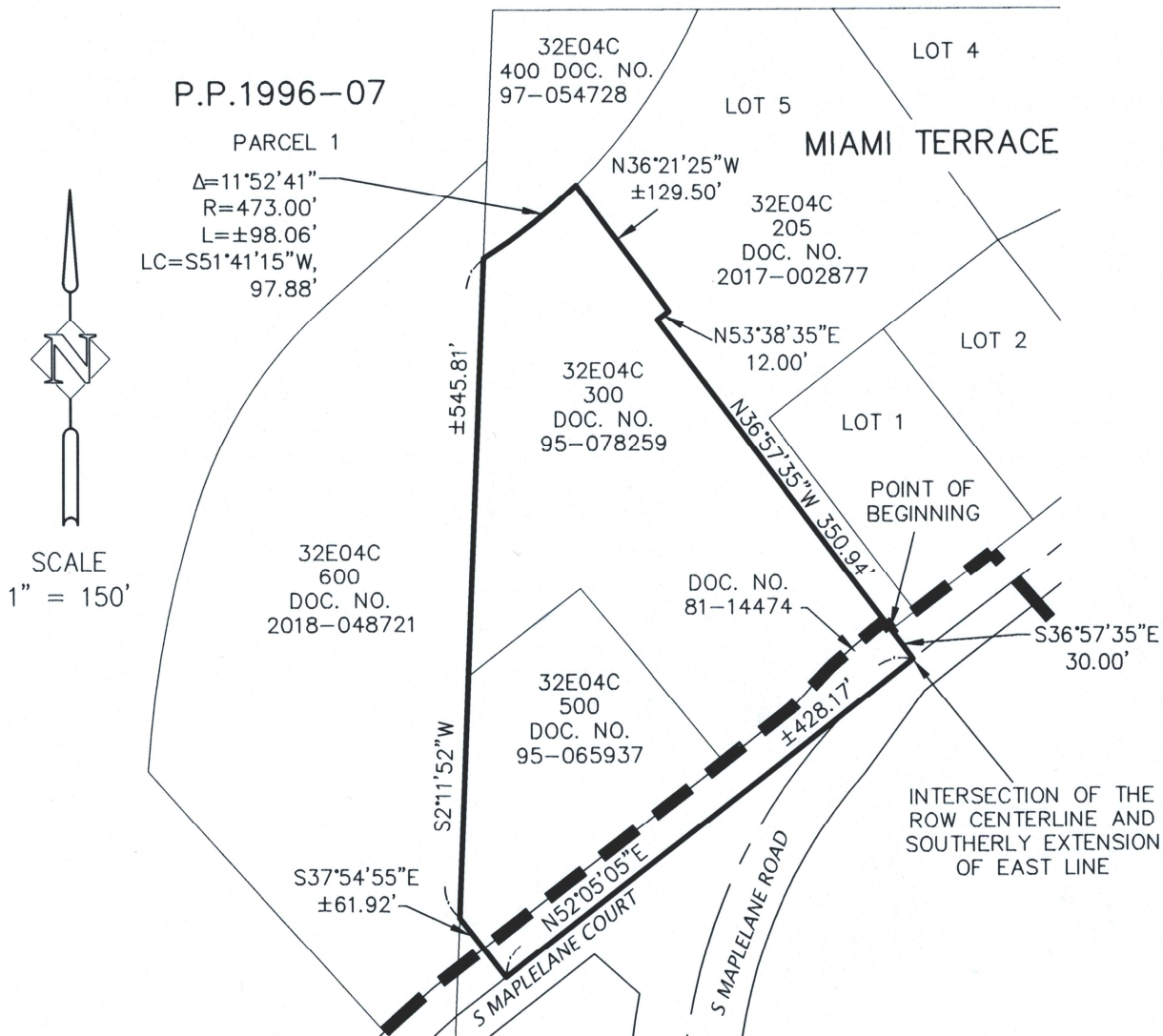
Beginning at the Southwest corner of Lot 5, Plat of "Miami Terrace", Clackamas County Survey Records; thence North $36^{\circ}57'35''$ West, along the west line of said Lot 5 and the east line of Document Number 95-078259, 350.94 feet to an angle point; thence North $53^{\circ}38'35''$ East, along said east line and west line, 12.00 feet to an angle point; thence North $36^{\circ}21'25''$ West, along said east line and west line, 129.50 feet, more or less, to a point on the southerly line of Document Number 97-054728, Clackamas County Deed Records and the beginning of a 473.00 foot radius non-tangent curve to the right having a central angle of $11^{\circ}52'41''$; thence along said southerly line and the arc of said non-tangent curve to the right (the long chord of which bears South $51^{\circ}41'15''$ West, 97.88') 98.06 feet, more or less, to the northwest corner of Document Number 95-078259, Clackamas County Deed Records; thence South $2^{\circ}11'52''$ West, along west line of Document Number's 95-078259 and 95-065937, 545.81 feet, more or less, to an angle point; thence South $37^{\circ}54'55''$ East, along the west line of Document Number 95-065937, 61.92 feet, more or less, to a point on the centerline of S Maplelane Court (County Road No. 398); thence North $52^{\circ}05'05''$ East, along said centerline, 428.17 feet, more or less, to the intersection of the centerline of S Maplelane Court with the southerly extension of the east line of that property described in said Document Number 95-078259, Clackamas County Deed Records, also being the west line of the Plat of "Miami Terrace"; thence North $36^{\circ}57'35''$ West, 30.00 feet to the **Point of Beginning**.

The above-described tract of land contains 135,261 Square Feet (3.1 acres), more or less.



EXHIBIT "A"

LOCATED IN THE SW ONE-QUARTER OF SECTION 4, TOWNSHIP 3 SOUTH,
RANGE 2 EAST, WILLAMETTE MERIDIAN, CLACKAMAS COUNTY, OREGON



PREPARED FOR

CITY OF OREGON CITY
 625 CENTER ST.
 OREGON CITY, OR 97045

LEGEND



CITY OF OREGON CITY LIMITS LINE

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

Brian K. Henson 4/29/24

OREGON
 JANUARY 20, 1998
 BRIAN K. HENSON
 2855

EXPIRES: 6/30/2025

BASIS OF BEARINGS AS SHOWN HEREON,
 ARE PER SURVEY NO. 2021-163
 SEE ATTACHED LEGAL DESCRIPTION



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

205 SE Spokane Street, Suite 200, Portland, OR 97202
 phone: 503.221.1131 www.hhpr.com fax: 503.221.1171

MPP-18 BKH 4/29/2024 PAGE 2 OF 2



CITY OF OREGON CITY

625 Center Street
Oregon City, OR 97045
503-657-0891

Staff Report

To:	Planning Commission	Agenda Date:	July 22, 2024
From:	Pete Walter, Planning Manager		

SUBJECT:

Park Place Concept Plan Code Refinement - Continued Discussion

STAFF RECOMMENDATION:

The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At the time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since then, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some of the areas in code that need refining 16 years after the initial adoption of the concept plan. Staff presented all the relevant code sections at the previous three Planning Commission meetings on June 10, June 24, and July 8th. At this meeting we will review a majority of the changes and edits as a result of the Planning Commission's feedback and direction. Staff will bring back two more sections for review at the next meeting in August.

EXECUTIVE SUMMARY:

At the 7/22/2024 meeting, staff will present updated drafts of the following OCMC chapters regulating residential development based on Planning Commission revisions.

- 16.12.026 - Street Design - Alleys
- 17.04 - Definitions (new)
- 17.08 - Low Density Residential Districts
- 17.10 - Medium Density Residential Districts
- 17.21 - Residential Design Standards - Park Place Concept Plan Area
- 17.65 - Master Plans and Planned Unit Developments

The draft code sections, with explanation boxes, are attached to this report. These chapters have previously been reviewed by the Planning Commission and the purpose of this review is to ensure staff captured the comments and feedback accurately before moving into the legislative hearings.

This project came about as the result of a General Development Plan (aka master plan) application that was denied by the City Commission for various reasons but overall the decision was that the application did not properly implement the principle Key Elements of the PPCP. When the PPCP was adopted in 2008, the Oregon City Municipal Code (OCMC) was amended to implement the concept plan. The PPCP was implemented through Legislative File 08-01 which updated, revised, and added new code sections to OCMC, and adopted Comprehensive Plan designations for areas within the concept plan. Land in the

North Village which has annexed to the City has a zoning designation of Neighborhood Commercial (NC), R-5 (Medium Density Residential), and R-10 (Low Density Residential). In 2008, OCMC 17.10 was amended to add a new R-5 zone district to allow for greater diversity of housing types. The existing Neighborhood Commercial zone district in OCMC 17.24 was refined to increase the number of permitted uses, restrict the size of stand-alone commercial buildings, and allow live-work units. Multi-family is allowed in Neighborhood Commercial, but it cannot be more than 50% of the building square footage on-site. The PPCP was built principally on 11 Key elements:

- Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
- Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
- Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
- An area for a new civic institution, such as a library or community center
- A mix of housing types and ranges of affordability
- An extensive system of off-street and on-street trails and pedestrian/bicycle connections
- Innovative, “green” on-site stormwater treatment methods
- Protected sensitive areas, including drainages and steep slopes
- Streets and buildings oriented for solar access
- The use of green edges to define neighborhoods and buffer developments
- Integration of parks and open spaces into existing and future neighborhoods

In 2008 some of these key elements were codified, some were implemented through design standards, while others were envisioned to be implemented by future zone changes. Following the adoption of the PPCP, multiple infrastructure master plans were updated and adopted and these plans accounted for growth and new development in Park Place, for example, the 2013 Transportation System Plan and the 2020 Stormwater and Grading Design Standards. However, since 2008 the land use paradigm in Oregon has shifted and multiple new regulations apply. For example, HB 2001 Middle Housing mandates were adopted by the City in 2022 allowing duplex, triplex, quadplex, townhomes, and cottage clusters on lots in single family zones. In 2017 Senate Bill 1051 changed the application of clear and objectives standards to apply to all housing development and not just needed housing. Discretionary standards are no longer applicable to any housing development regardless of the classification of “needed” housing. (Needed housing means housing by affordability level, as described in ORS 184.453 (4), type, characteristics and location that is necessary to accommodate the city’s allocated housing need over the 20-year planning period in effect when the city’s housing capacity is determined. 197A.018). Most recently, in 2024 SB 1537 requires jurisdictions to grant “mandatory adjustments” if a development meets certain thresholds. Taking most of these changes into account since 2008, staff has endeavored to propose revised code that will more completely implement the 11 Key Elements while remaining clear and objective. Staff has identified multiple OCMC chapters and sections that need to be revised through this code refinement process:

- 17.04 Definitions
- 17.10 Medium Density Residential Districts (R-5 and R-3.5)
- 17.21 Residential Standards- Park Place Concept Plan
- 17.24 Neighborhood Commercial
- 17.62 Site Plan and Design Review
- 16.08 Land Divisions
- 16.12.026 Street Standards- Alleys
- 17.65 Master Plans

Process Overview

This process is a typical legislative process. The Planning Commission will review proposed code revisions. Staff will bring the proposals back to City Commission for a check-in before beginning the legislative hearings. Additionally, we will make a presentation to the Citizen Involvement Committee and Park Place Neighborhood Association prior to beginning legislative hearings. At the conclusion of the code review, staff will return to the Planning Commission with amended chapters that reflect your feedback and direction.

- Planning Commission Code Review: Spring/Summer
- City Commission Work Session check-in: Summer
- Citizen Involvement Committee and PPNA Presentations: Summer
- Planning Commission legislative hearings: Summer/Fall
- City Commission adoption hearings: Fall 2024

BACKGROUND:

At this time, staff recommends Planning Commission consider the information and presentation and provide direction as staff proceeds with code refinements.

NEXT STEPS:

Staff will bring back chapter 17.24 Neighborhood Commercial and 17.62 Site Plan and Design Review with an emphasis on open space and trails for your review at the next meeting.

OPTIONS:

Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.010 Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

17.08.020 Permitted uses.

Permitted uses in the R-10, R-8 and R-6 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Residential homes;
- I. Parks, playgrounds, playfields and community or neighborhood centers;
- J. Home occupations;
- K. Family day care providers;
- L. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- M. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- N. Transportation facilities.

17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.08.030 Reserved.

Editor's note(s)—Ord. No. 22-1001, § 1(Exh. A), adopted June 1, 2022, repealed § 17.08.030, which pertained to master plans and derived from Ord. No. 18-1009, adopted July 3, 2019.

17.08.035 Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

17.08.040 Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹			
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet	25 feet
Maximum building lot coverage, <u>except</u>	40%,	40%,	40%,
With ADU	except 45%	except 45%	except 45%
Cottage cluster	None	None	None
Minimum lot width: All	65 feet	60 feet	50 feet
Except townhouse	20 feet	20 feet	20 feet
Minimum lot depth: All	80 feet	75 feet	70 feet
Except townhouse	75 feet	75 feet	70 feet

Minimum front yard setback: All, except	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	10 feet, except 5 feet — Porch
Except cottage <u>Cottage cluster</u>	10 feet	10 feet	10 feet
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
Minimum interior side yard setback: All, except	8 feet	7 feet	5 feet
Except townhouse <u>Townhouse</u>	0 feet (attached)/8 feet (side)	0 feet (attached)/7 feet (side)	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	10 feet	10 feet	10 feet
Minimum rear yard setback <u>for principal dwelling, except</u>	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>ADU</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, except	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley
<u>From alley</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

Explanation:

The proposed addition to Table 17.08.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

Also, the table is slightly modified to show the required rear yard setbacks more clearly for porches, ADUs and cottage clusters, though no changes are proposed to these setbacks.

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

PPCP Key Element:

10. The use of green edges to define neighborhoods and buffer developments.

17.08.045 Exceptions to setbacks.

- A. Projections from Buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through Lot Setbacks. Through lots having a frontage on two streets shall provide the required front yard [setback](#) on each street. The required rear yard [setback](#) is not necessary.

Explanation:

The word "setback" is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

PPCP Key Element:

N/A. This revision is added for greater clarity to the existing code section only.

17.08.050 Density standards.

- A. Density standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density: All	3.5 du/acre	4.4 du/acre	5.8 du/acre
Except cottage clusters	4 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density: All	4.4 du/acre	5.4 du/acre	7.3 du/acre
Except townhouses	17.4 du/acre	21.6 du/acre	25 du/acre

- B. Exceptions.
 - 1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.
 - 2. Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.

3. Cottage clusters are exempt from maximum net density standards.

17.08.055 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the Low Density Residential District within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-10 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
 1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size for residential uses shall be a minimum of ten thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be ten thousand square feet for quadplexes and cottage clusters.
 3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.

Explanation:

Previously this section had the following sentence: “the minimum lot sizes specified herein shall not be eligible for variance or adjustment”.

The Planning Commission supported allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

10. The use of green edges to define neighborhoods and buffer developments.

4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
 - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
 - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the

northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or

c. Provide a combination of new landscaping and screening to include:

i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and

ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.

6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Explanation:

The additional standards for the Park Place Concept Plan area within the R-10 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The "Northern Perimeter" of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

Item 3 above was added to reflect the Planning Commission's support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

10. The use of green edges to define neighborhoods and buffer developments.

Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.010 Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.

17.10.020 Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Manufactured home parks or subdivisions in the R-3.5 district only;
- I. Multi-family residential in the R-3.5 district only, subject to the applicable standards in Site Plan and Design Review in Chapter 17.62.
- ~~H~~J. Residential homes;
- ~~J~~K. Parks, playgrounds, playfields and community or neighborhood centers;
- ~~K~~L. Home occupations;
- ~~L~~M. Family day care providers;
- ~~M~~N. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- ~~N~~O. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~O~~P. Transportation facilities.

Explanation:

Section 17.10.020- is proposed to be amended to permit multi-family development in the R-3.5 zone instead of the current requirement for a Type III master plan in section 17.10.030, which will go away. Multi-family development in any zone requires a Type II Site Plan and Design Review process subject to standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

~~17.10.030 Master plans.~~

~~The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.~~

~~A. Multi-family residential.~~

~~{Ord. No. 18-1009, § 1(Exh. A), 7-3-2019}~~

Explanation:

This section is proposed to be removed since it requires a discretionary review process for needed housing. Instead of master plan review, multi-family development is proposed to be a permitted use in the R-3.5 zone. Multi-family development in any zone requires a Type II land use approval process and is subject to the Site Plan and Design Review standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

17.10.035 Prohibited uses.

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

17.10.040 Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹		
Single-family detached and duplex	5,000 square feet	3,500 square feet
Triplex	5,000 square feet	5,000 square feet
Quadplex and cottage cluster	7,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet
Maximum building lot coverage		
Single-family detached and duplex	50%	55%
With ADU	60%	65%
Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All, except	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet

Minimum front yard setback <u>All,</u> <u>except</u>	10 feet, except	5 feet, except
<u>Porch</u>	5 feet —Porch	0 feet —Porch
Minimum interior side yard setback: <u>All, except</u>	5 feet, except	5 feet, except
<u>All, except</u>	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)
Townhouse	<u>0 feet (attached)/5 feet (side)</u>	<u>0 feet (attached)/5 feet (side)</u>
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback, <u>except</u>	20 feet, except	20 feet, except
<u>Porch</u>	15 feet —Porch	15 feet —Porch
<u>ADU</u>	10 feet —ADU, cottage cluster	10 feet—Cottage cluster 5 feet —ADU
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, <u>except</u>	20 feet from ROW, except	20 feet from ROW, except
<u>From alley</u>	5 feet from alley	5 feet from alley
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

Explanation:

The proposed addition to Table 17.10.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

PPCP Key Concept:

10. The use of green edges to define neighborhoods and buffer developments.

17.10.045 Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard setback on each street. The required rear yard setback is not necessary.

Explanation:

The word “setback” is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

PPCP Key Element:

N/A. This revision is added for greater clarity to the existing code section only.

17.10.050 Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	7.0 du/acre	10 du/acre
• <u>All, except</u>	<u>7.0 du/acre</u>	<u>10 du/acre</u>
• <u>Multi-family</u>		<u>17.4 du/ac</u>
Maximum net density		
• All, except	8.7 du/acre	12.4 du/acre
• Townhouse	25 du/acre	25 du/acre
• Multi-family		21.8 du/acre
<i>Affordable Housing Bonus</i>		26.2 du/acre

Explanation:

Table 17.10.050 would be amended to apply minimum and maximum density for multifamily development when proposed within the R-3.5 zone district. These are the same densities specified for multi-family development in the R-2 zone district. Multi-family residential is proposed as a permitted use subject to clear and objective standards, rather than through the discretionary master plan process which is the current code requirement under subsection 17.10.030 above, which is proposed to be removed. Applicants who wish to construct multi-family development within the Medium Density District would first need to apply for a zone change to R-3.5 zone through a Type IV process.

21.8 du/acre is a typical density for multi-family development.

An affordable housing bonus is offered within the R-3.5 zone district, similar to the high-density residential district elsewhere in the city.

PPCP Key Element Implemented:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

- B. Exceptions.

1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density, and also for the purposes of calculating minimum housing diversity.
3. Cottage clusters are exempt from maximum net density standards.
4. Multi-family residential development shall comply with the applicable Site Plan and Design Review standards in OCMC 17.62.
5. Affordable housing density bonus. Multi-family residential projects in the R-3.5 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than eighty percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the community development director.

Explanation:

(4) above cross references the Site Plan and Design Review chapter 17.62. Multi-family development, which is five units or more on a single parcel, must comply with the applicable standards of this chapter, which includes 17.62.050 – General Standards, 17.62.055 building standards and 17.62.057 – open space requirements for multi-family development, through a Type II process.

(5) allows for density bonus for qualifying affordable projects. As specified, the determination of “area median income” would be made at the time of development review.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

17.10.060 Conversion of existing duplexes.

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

17.10.070 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
 1. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.

2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
4. Within the forty-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet along the southern property line, whichever is greater; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.
5. An alternative southern perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

17.10.080 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
 1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size for residential uses shall be a minimum of five thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
 3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.
 4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.

5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
- a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
 - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
 - c. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.
6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Explanation:

The additional standards for the Park Place Concept Plan area within the R-5 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The "Northern Perimeter" of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

Item 3 above was added to reflect the Planning Commission's support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

- 5. *A mix of housing types and ranges of affordability.*
- 10. *The use of green edges to define neighborhoods and buffer developments.*

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010 Purpose.

The ~~intent of this chapter is~~ standards of this section are intended to ensure new residential development implements the goals and policies of the Park Place Concept Plan area, promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; ensure diversity of housing types, and promote an integrated character in the Park Place Concept Plan area. Specifically, the standards shall:

- A. Provide clear and objectives standards for residential development.
- B. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods in Oregon City;
- C. Provide variety and visual interest in the exterior design of residential buildings;
- D. Provide for a variety of lot sizes and housing types for a range of households and age groups;
- E. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
- F. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
- G. Improve the compatibility of new residential development with the residential character of surrounding neighborhoods. ~~and the historic architectural styles of Oregon City.~~

~~Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.~~

Explanation:

The purpose statement in section 17.21.010 is amended to remove the references to discretionary historical review guidelines and architectural styles, and to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

As stated before, this revision removes the references to, as well as the pictures of architectural styles subject to discretionary interpretation to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

The purpose statement ties the code standards to the adopted PPCP, which is part of the city's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

~~(Ord. No. 08-1014, §§ 1-3 (Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019)~~

Explanation:

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

The purpose statement ties the code standards to the adopted PPCP, which is part of the city's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.

17.21.020- Applicability.

- A. These standards apply to all new residential construction within the Medium and Low Density Residential Districts within the adopted boundaries of the Park Place Concept Plan area. Additions of more than 50% of the existing gross floor area for homes existing prior to the adoption of this chapter in the Park Place Concept Plan area are subject to this section.
- B. These standards are applicable in addition to the following residential design standards. In the event of conflicting standards, this Chapter shall control.
 - 1. Single-family detached and duplex residential units shall comply with the applicable standards in OCMC Chapter 17.14.
 - 2. Townhouses, triplexes, quadplexes, and cottage clusters in any zone shall comply with the applicable standards in OCMC Chapter 17.16.

3. Accessory dwelling units, live/work dwellings, and manufactured home parks shall comply with the applicable standards in OCMC Chapter 17.20.

C. These standards do not apply to multi-family development, live-work units, or mixed-use development.

~~A. This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.~~

~~Residential plans that conform to the following standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.~~

Explanation:

Clarifies that the standards of Chapter 17.21 are in addition to existing residential design standards. Housing designs are typically reviewed at the time of building permit review. If there is a conflict, the more restrictive or higher standard prevails. This supports architectural integrity and variety in residential neighborhoods.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

17.21.025 Modifications that will better meet design standards.

A. Residential plans that conform to the following standards may be approved as a Type I Decision or with a building permit application. Residential plans that require approval of an exemption or modification may be approved as a Type II Land Use decision at time of land division, or through a Type II modification to prior to building permit application.

B. Modifications that will better meet design standards. An applicant may propose modified residential designs and housing mixes that differ from these standards through a Type II review process at the time of land division or building permit application. Modifications that are denied through Type II design review may be requested as a Planning Commission variance process pursuant to Chapter 17.60, or as a master plan adjustment pursuant to OCMC 17.65.070, if applicable.

1. Criteria for modification to the standards:

- i. The modification will result in a development that better meets the applicable design standard or housing diversity standard.
- ii. The modification or modifications are consistent with the purpose and intent of this Chapter as discussed in section 17.21.010 above.

Explanation:

This section clarifies and relocates to one place in the chapter the process by which an applicant may seek modifications to the design standards. Previously the process for modifications was restated in multiple subsections which was unnecessary and redundant. An applicant has the option of requesting the modification(s) at the time of land division or prior to a building permit, but in either case, the process requires a Type II decision with public notice and comment, and which may be appealed by persons with standing.

PPCP Key Element:

N/A. This revision is for process clarification only. It does not affect any standards.

17.21.030 - ~~Roof design.~~

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary roofs and masses.
- ~~B. Flat roofs and shed roofs are not permitted except on accessory structures and for carports.~~
- ~~C. Other primary roof forms may be proposed through the Type II modification process per Section 17.21.025.~~
- ~~CB. Solar Access. Primary roof designs shall also comply with the solar access requirements of section 17.21.100–Solar Access Standards.~~

~~Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.~~

Explanation:

Various roof forms (including flat, hipped, gambrel, etc.) are permitted for single-family detached and duplex structures throughout Oregon City pursuant to OCMC Chapter 17.20. Requiring a traditional roof and minimum roof pitch for principal dwellings within the Park Place Concept Plan area promotes compatibility of new residential construction with existing architectural styles.

The exemption section will be deleted and replaced by subsection 17.21.025 – *Review Process* above.

The proposed cross-referenced Solar Access section has been deleted based on the Planning Commission's decision to remove that entire section of code.

Some Planning Commissioners supported allowing alternative roof forms. Staff has added this as a possible modification subject to Type II review.

17.21.040 - ~~Modulation and m~~Massing.

New residences shall have a massing ~~and footprint~~ that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area which is accomplished by regulating the overall building footprint.

- ~~A. A.~~ Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- ~~B. Porches, additions and attached garages with separate rooflines may also be used to satisfy the massing requirements above.~~

Explanation:

Removed discretionary language from the previous requirements. The Planning Commission supported allowing porches, additions and attached garages with separate rooflines to meet the massing requirement.

17.21.050 – Porches and entries.

- A. Each residence shall contain a front porch with a front door that faces the street that is ~~a minimum of twenty four inches above average grade with skirting and is~~ at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. ~~Porch railings are required.~~ The front porch shall be covered.

Explanation:

Planning Commission supported removing the requirement for a 24" raised front porch and railings, citing unreasonable additional cost and to allow builder greater flexibility. The requirements for a minimum size of the porch and the requirement that it be covered remain. ~~P~~Planning commission supported deferring to the building code regarding whether porch railings are required but did not support requiring railings for aesthetic / architectural reasons only.

- ~~B. Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.~~
- ~~B.~~ All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- ~~D.~~ Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk that is a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

17.21.060 – Architectural details.

- A. Residences shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Residences ~~must~~shall achieve the equivalent of five points worth of architectural details.

- ~~1. A.~~ Stonework detailing on columns or across foundation.
- ~~2. B.~~ Brick or stonework covering more than ten percent of the front facade.
- ~~3. C.~~ Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
- ~~4. D.~~ Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
- ~~5. E.~~ Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.

6. ~~F.~~ Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
7. ~~G.~~ Decorative shingle design covering ten percent of the facade.

17.21.070 Approved siding materials.

A. Approved siding materials include the following.

1. ~~A.~~ Brick.
2. ~~B.~~ Basalt stone or basalt veneer.
3. ~~C.~~ ~~Narrow horizontal~~ Horizontal plank, lap or tongue and groove siding, (wood or composite) siding (five inches wide or less); wider siding will be considered where there is a historic precedent.
4. ~~D.~~ Vertical panel Board and batten siding (wood or composite).
5. Shingle or shake siding and panels (wood or composite).

~~Both smooth or textured siding is acceptable but shall not be permitted together on the same building.~~

~~E. Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.~~

Explanation:

Removed discretionary language from the previous requirements. Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost.

Explanation:

~~Removed discretionary language from the previous requirements.~~ Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost and need for greater flexibility. Staff has added the three typical siding types (horizontal plank, vertical panel, and shingle / shake).
Removed discretionary language from the previous requirements.

17.21.080 - Windows.

- ~~A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must~~shall provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- ~~B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.~~
- ~~C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.~~

~~(Ord. No. 08-1014, §§ 1-3 (Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019)~~

Explanation:

Removed discretionary language from the previous requirements for windows.

17.21.090-17.21.090 – Garages Orientation and Accessory Structures.

- A. ~~A-Garages and carports are not a requirement, however, the orientation of these structures is subject to the following standards. Garages must-shall be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area.~~
- B. Modification to Garage Orientation standard permitted for existing topographic or geologic conditions. Pursuant to OCMC 16.12.033, an applicant may request modification of the alley requirement due to the presence of the following overlay districts if the decision maker determines that the requested modification would minimize disturbance to sensitive natural resources and steeply sloped or unstable sites in the following situations:
1. New residential development located wholly or partially within the Natural Resources Overlay District regulated by OCMC 17.49; and
 2. New residential development located wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44.F4.
 3. Mitigation. Any modification that allows a front-loaded garage onto a public street shall comply with the applicable standards in OCMC 17.20.
 4. Front loaded garages are not permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street. Front loaded garages shall not be proposed when abutting a public street that abuts a public park.

Explanation:

This revision creates a new, clear and objective standard to offer a modification to the garage orientation standard within sensitive NROD habitat areas and geologic hazards overlay districts.

Detached, side oriented or rear loaded garages may not be practicable in these areas due to the additional grading, cut and fill and impervious surfaces that may be required and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

This modification would be allowed as of this public improvement standard as part of a land division or other land use application.

PPCP Key Element:

8. Protected sensitive areas, including drainages and steep slopes.

17.21.095 - Accessory Structures

- A. Detached Accessory structures over 200 square feet in size shall be designed consistent with the primary residence as follows:
1. Exterior siding materials visible from the street shall match the principal exterior siding material and reveal on the principal dwelling.

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2. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.

3. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.

- . Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.

Explanation:

This set of standards for larger accessory structures includes clear and objective criteria from the city's existing standards for Accessory Dwelling Units. This standard would not allow pre-ordered engineered steel buildings, aka "pole barns", which are permitted elsewhere in the city.

17.21.100 – Solar Access Standards

A. Siting Requirements: All residential structures shall be designed and constructed in compliance with the following solar siting requirements:

B. All new residential units shall have a roof surface that meets all the following criteria:

1. Is oriented within 30 degrees of a true east-west direction;
2. Is not sloped towards true north; and
3. Includes a minimum of 100 square feet of un-shaded roof area per unit.

Explanation:

Planning Commission does not support adding a requirement for solar access and siting due to difficulty of administration and not wishing to limit homeowners' options for solar power equipment placement. Subsequently this proposed section is no longer included.

Formerly, supplemental zoning regulations in the City's code (OCMC Section 17.54.070) established solar access standards (maximum shade point heights and maximum shade height on solar features) for single family residential development. The code was incredibly complex to implement, monitor and enforce. Instead, if solar access standards are desired to maximize passive solar heating and simplify solar array placement for homes and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be simpler. The sample solar orientation regulation language is adapted from the Oregon Department of Energy and Boulder, Colorado. Staff will be reviewing home designs for compliance with this standard at the time of building permit review.

17.21.105 – Park Place Concept Plan Housing Diversity Standards

A. Purpose

1. To promote a more diverse community through the provision of a variety of housing types.
2. To discourage developments that are dominated by a single type of home or dwelling unit with a narrow range of price points and densities.
3. To encourage "neighborhood-oriented" residential developments that incorporate a variety of housing types, including duplex, tri-plex, quad-plex, cottage clusters, live-work units, townhomes, apartments, and single-family dwelling units in a range of sizes.

B. Applicability of Standards:

1. These standards apply at the time of an application for a subdivision or partition.

2. The standards of this section shall not apply to:

a. Residential developments that have been approved with modifications per subsection 17.21.025.(B).

b. Any housing units proposed within the Neighborhood Commercial zone (NC).

C. Residential development parcels, including parcels part of a phased development, shall provide a minimum mix of housing, based on the size of the development as required in Table 17.21.105:

TABLE 17.21.105:

<u>Minimum Required Housing Diversity within the Park Place Concept Plan Area</u>	
<u>Net Developable Area*</u>	<u>Required Minimum % of Middle Housing**</u>
<u>0—2 Acres</u>	<u>1 housing type</u>
<u>2 to 10 Acres</u>	<u>15%</u>
<u>10 to 30 Acres</u>	<u>20%</u>
<u>30 Acres+</u>	<u>25%</u>

*The Development Site is based on the Net Developable Area and may comprise multiple parcels or properties. See Definition in OCMC 17.04.810, "Net developable area".

**See Definition in OCMC 17.04.752, "Middle housing" means duplexes, triplexes, quadplexes, townhouses and cottage clusters.

Explanation:

Staff reviewed codes that mandate housing diversity from Salem, Wilsonville, and other cities. These codes vary widely in their complexity and ease of administration. Wilsonville has a long history or fairly complex PUD and design review approval for large scale residential subdivisions that is nothing like Oregon City. The above table is like what the City of Salem has used. Rather than dictate various housing types, it requires a minimum percentage of all units be middle housing and leaves the decision of what kind of middle housing to the developer or builder. Staff feels that this provides the right balance of regulation with the realities of market driven housing development.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

(NOTE – THE FOLLOWING IS NOT PROPOSED CODE LANGUAGE)

POSSIBLE ALTERNATIVE HOUSING DIVERSITY IDEAS:

1. Adopt Vertical Housing Development Zone into the code, like Milwaukie: <https://ecode360.com/43855435> (Milwaukie's is in Title 3 – Finance).

2. Develop a set of pre-approved housing designs which have reduced review fees if used by builders.

3. Incentivize Middle Housing through scaled SDCs.

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Chapter 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS¹

17.65.010 Purpose and intent.

~~It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, chapter. This chapter intends to foster the growth of major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments while identifying and proportionally mitigating the impacts of such growth on surrounding properties and public infrastructure while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure through a phased development process. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents.~~

~~The Master Plan or Planned Unit Development process is designed to facilitate a streamlined and flexible review discretionary review -process for major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments. This chapter intends to foster the growth of these types of developments, while identifying and proportionally mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents.~~

~~major developments. This process supports innovative and creative land development approaches and provides long-term assurance for the planning and execution of larger developments, and in a phased manner address .To achieve this, the Master Plan process is structured in a way that allows the applicant to address larger development requirements, such as infrastructure and transportation capacity adequacy ,through a phased implementation, and reserve the capacity of the infrastructure and transportation system before incurring final design costs.~~

~~The process may also provide greater certainty for larger institutional, commercial and residential developments by granting longer term approval for phased development (up to twenty years), a process for adjustments to development standards, and the choice to rely on the land use regulations in effect on the date its general development plan application was initially submitted for the duration of the approved master plan and subsequent phases.~~

~~The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs.~~

~~The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable~~

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.65 in its entirety to read as herein set out. Former Chapter 17.65, §§ 17.65.010—17.65.090, pertained to master plans, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010 and Ord. No. 13-1003, adopted July 17, 2013.

~~and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.~~

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

Explanation:

Section has been edited for greater clarity.

17.65.020 What is included in a master plan or planned unit development.

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

17.65.030 Applicability of the master plan or planned unit development regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.
- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision requiring master planning for a development.

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- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
 - D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.
 - E. Pursuant to OAR 660-008-0015, the master plan and planned unit development review process and approval criteria are discretionary. The city has adopted separate clear and objective approval standards and procedures for residential development applications that are entitled to be through a Type I or Type II process.

Explanation:

ORS 197A.400(3) provides that a local government can provide an alternative discretionary process for housing review so long as the alternative does not replace the clear and objective track. By amending the OCMC to implement the PPCP, the City will be providing that clear and objective track. There is no need to further amend the PPCP as it will continue to provide an alternative discretionary track for those applicants who wish to pursue it.

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

17.65.040 Procedure.

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.
- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved, unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.
- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62, Site Plan and Design Review is not required.
- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.
- E. Relationship to Other Reviews. It is the express policy of the city that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.
- F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.050 General development plan.

A. Existing Conditions Submittal Requirements.

1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
 - a. Current uses of and development on the site;
 - b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
 - c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;
 - d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
 - e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;
 - f. Existing utilization of the site;
 - g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:
 - i. Physical characteristics;
 - ii. Ownership patterns;
 - iii. Building inventory;
 - iv. Vehicle/bicycle parking;
 - v. Landscaping/usable open space;
 - vi. FAR/lot coverage;
 - vii. Natural resources that appear on the city's adopted Goal 5 inventory;
 - viii. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;
 - ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
 - x. Geologic hazards pursuant to OCMC 17.44.
 - h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
 - i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
 - ii. Transit routes, facilities and availability;
 - iii. Alternative modes utilization, including shuttle buses and carpool programs; and
 - iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
 - i. Infrastructure facilities and capacity, including the following items:

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- i. Water;
 - ii. Sanitary sewer;
 - iii. Stormwater management; and
 - iv. Easements.

2. Maps and Plans.

- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
 - i. Date, north point, and scale of drawing.
 - ii. Identification of the drawing as an existing conditions site plan.
 - iii. Proposed development boundary.
 - iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
 - v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
- b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.
- c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches by eleven in size, and black and white reproducible.

B. Proposed Development Submittal Requirements.

- 1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
 - a. The proposed duration of the general development plan.
 - b. The proposed development boundary. May also reference submitted maps or diagrams.
 - c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
 - d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
 - e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.
 - f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
 - i. Transportation impacts as prescribed in subsection g below;
 - ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

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- iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.
 - iv. Neighborhood livability impacts;
 - v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
 - g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.
 - h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:
 - i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
 - ii. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
 - i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
 - i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
 - ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
 - iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
 - j. For residential and mixed-use projects:
 - i. Proposed minimum lot area, width, frontage and yard requirements.

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- ii. Proposed project density in number of units per acre.
 - iii. Proposed residential types and number of each.
2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:
- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
 - b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
 - c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
 - d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
 - e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
- C. Approval Criteria for a General Development Plan. The planning commission may approve an application for general development plan only upon finding that the following approval criteria are met or can be met though conditions of approval:
- 1. The proposed general development plan is consistent with the purposes of OCMC 17.65.
 - 2. Development shall demonstrate compliance with the following chapters of the OCMC if applicable:
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 17.62, if applicable, and 16.08, if applicable 17.54 – Supplemental Zoning Regulations and Exceptions
 - g) 17.62 – Site Plan and Design Review.

Explanation:

This section is revised to reference updated chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. However, they are listed for clarity.

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed as demonstrated at the time of Detailed Development Plan approval.
4. The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of the following applicable-overlay districts, if applicable:
 - a) OCMC Chapter 17.40 – Historic Overlay District
 - b) OCMC Chapter 17.42 – Flood Management Overlay District
 - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
 - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
 - e) OCMC Chapter 17.49 – Natural Resource Overlay District

Explanation:

This section is revised to reference updated overlay district chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. Chapters are bullet listed for clarity.

5. The proposed general development plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.
6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.
7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.
8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.
 - a. Required open space shall be located either on-site or off-site within one-quarter mile of the development.
 - b. Minimum required open space shall be one hundred square feet per residential unit in the development.
 - c. The open space area may be in private ownership or proposed for public dedication, at the city's discretion whether to accept.
 - d. The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird

watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.

- e. Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.
 - f. Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.
9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.65.060 Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.
3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

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- B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
 2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
 3. The detailed development plan ~~conforms with the base zone standards, applicable residential design standards, and applicable standards shall demonstrate compliance with the following chapters of the OCMC if applicable:~~
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 17.52 – Off-Street Parking and Loading
 - g) 17.54 – Supplemental Zoning Regulations and Exceptions
 - h) 17.62 – Site Plan and Design Review.
 4. ~~The proposed general development plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of the following overlay districts, if applicable:~~
 - a) OCMC Chapter 17.40 – Historic Overlay District
 - b) OCMC Chapter 17.42 – Flood Management Overlay District
 - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
 - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
 - e) OCMC Chapter 17.49 – Natural Resource Overlay District
- ~~contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.~~
- ~~{Ord. No. 18-1009, § 1(Exh. A), 7-3-2019}~~

Explanation:

This section is revised to reference updated chapters of the code that may apply to a Detailed Development Plan, which is required prior to any development. Development cannot proceed unless a Detailed Development Plan is approved. Chapters are bullet listed for clarity.

17.65.070 Adjustments to development standards.

- A. Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties

and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.

- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
 - 1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
 - 2. Site plan and design standards.
 - 3. Residential design standards.
 - 4. Increase in allowed maximum residential density of up to ten percent.
 - 5. Standards for land division approval.
 - 6. Additional uses allowed with residential projects, or residential component of projects:
 - a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.
 - b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.
 - c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.
 - d. Common public and private open space including trails.
 - e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.
- D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
 - 2. To any regulation that contains the word "prohibited";
 - 3. As an exception to a threshold review, such as a Type III review process; and
 - 4. Minimum density for residential sites may not be reduced.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met:
 - 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
 - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
 - 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

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4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
 5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.80 Amendments to approved plans.

- A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
 1. A proposed expansion of the approved boundary;
 2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
 3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
 4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
 5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
 6. A increase/decrease greater than ten percent in the amount of approved or required parking; and
 7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
 1. Accessory uses and structures that meet applicable development regulations;
 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
 3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

17.65.090 Regulations that apply.

An applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)

16.12.026 Same—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker.

Pursuant to OCMC 16.12.0313, an applicant may request modification of the alley requirement in one or more of the following situations:

1. New residential development located wholly or partially within the Natural Resources Overlay District (NROD) regulated by OCMC 17.49 where the requested modification will minimize disturbance to sensitive natural resources protected by the NROD.
2. New residential development wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44 where the requested modification will minimize disturbance to steeply sloped or unstable sites within the Geologic Hazards Overlay District.
3. New residential development within the Park Place Concept Plan perimeter transition area required per OCMC 17.08.055(C) and OCMC 17.10.080.(C) and the requested modification is necessary to allow the perimeter transition.
4. Where the alley requirement would preclude ~~or a~~ block layout with two tiers of lots with consistent lot depths per OCMC 16.12.030.

All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the city engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Explanation:

This revision creates a new, clear and objective standard to offer a modification of the alley requirements within sensitive NROD habitat areas and geologic hazards overlay districts.

Public alley access may not be feasible nor practicable in these areas due to the additional grading, cut and fill and impervious surfaces that alleys require and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

A third modification has been added to exclude development abutting the PPCP boundaries from the alley service requirement, since including an alley at the rear of these abutting lots will defeat the purpose of the green buffer concept, as well as the requirement for blocks with two tiers of lots of consistent depths per OCMC 16.12.030.

Through a Type II process, an applicant may request modification of this public improvement standard as part of a land division or other land use application.

PPCP Key Element:

8. Protected sensitive areas, including drainages and steep slopes.

New Zoning Code Definitions

Note: This list includes new definitions to implement the Park Place Concept Plan and other definitions for words added to the code over time that are not currently defined. Some existing definitions require renumbering to fit the new definitions into the code in alphabetical order. The renumbered definitions are included at the end.

New Definitions

17.04.091 - Architecturally significant façade

“Architecturally significant façade” means the exterior wall(s) or elevation(s) of a structure that contains the greatest number and most detailed elements of architectural design, detail, materials or craftsmanship compared to the other walls or elevations of the structure as viewed from a public area, street or vantage point. The architecturally significant façade of a building is the most familiar and recognizable part of the building, and includes windows, materials, entryways, sheltering elements and other features of interest that are not found on or found to a lesser extent on the other exterior walls or elevations of the structure.

17.04.124 - Awning

“Awning” means a roof-like structure of fabric, metal or other materials stretched or connected over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.

17.04.175 - Canopy

“Canopy” means a roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from rain and weather. Entrance canopies shall be attached to the building and may be supported from the ground up or cantilevered out from the wall of a building using structural support integral to the building.

17.04.271 - Cupola

“Cupola” means a relatively small, most often dome-like, tall structure on top of a building. Often used to provide a lookout or to admit light and air, it usually crowns a larger roof or dome.

17.04.287 – Dedication

“Dedication” means the intentional appropriation or conveyance by an owner or developer of private land for public use, and the acceptance of land for such use by the City over the public function for which it will be used. Dedications for roads, parks, utilities, or other public uses often are made conditions for approval of a development by the City.

17.04.317 - Distribution

“Distribution” means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

17.04.345 - Eco-roof.

"Eco-roof" or "green roof" means a lightweight vegetated roof system consisting of waterproofing material, a growing medium, and specially selected plants. An eco-roof or green roof is one of various stormwater low impact development techniques intended to reduce runoff, improve water and air quality, provide wildlife habitat, and save energy. See also Low Impact Development. Eco-roofs may also be used on constrained urban sites in lieu of traditional landscaping.

17.04.503 - Gazebo

“Gazebo” means a type of open sided accessory structure consisting of pillars or posts supporting an enclosed roof system, which offers full protection from the elements. The sides are fully open to allow airflow.

17.04.537 - Green roof.

See “Eco-roof” as defined in OCMC 17.04.345.

17.04.609 - Kennel

"Kennel" means any premises where five or more dogs, cats, or other small animals are kept for board, propagation, training or sale.

or;

Existing definition in OCMC 6.04.020 - “Kennel” means the owner or keeper of four or more dogs which have permanent canine teeth shall be considered as the owner or keeper of a kennel.

17.04.742.010 - Massing, architectural

“Massing” or “architectural massing” means the perceived three-dimensional form of a building as influenced by size, scale, and shape, not just its outline from a single perspective. Massing influences the sense of space which the building encloses and helps to define both the interior space and the exterior shape of the building. The creation of massing, and changes to it, may be additive (accumulating or repeating masses) or subtractive (creating spaces or voids in a mass by removing parts of it). Massing can also be significantly altered by the materials used for the building's exterior, as transparent, reflective, or layered materials are perceived differently. See also “primary massing” and “secondary massing”.

17.04.742.020 – Massing, primary

“Primary massing” means the principal or dominant architectural massing of a structure due its greater size, scale or shape. See “massing, architectural”.

17.04.742.030 - Secondary massing

“Secondary massing” means the less dominant massing of a structure due its lesser size, scale or shape when compared to the primary massing. See “massing, architectural”.

17.04.912 – Pergola

“Pergola” means a type of open sided accessory structure consisting of pillars or posts supporting a partially open roof system. A pergola may be attached to a primary structure or detached.

17.04.967 - Plaza

“Plaza” means an area generally open to the public on a controlled basis and used for passive recreational activities, events and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians. A plaza area is wholly or partly enclosed by a building or buildings and has openings to the sky.

17.04.941 - Portico

“Portico” means a covered porch or roofed structure leading to the entrance of a building, or extended with a roof structure over a walkway, supported by columns or enclosed by walls.

17.04.952 - Primary entrance

“Primary entrance” means the principal pedestrian entry to a structure closest to the public street and the one which is dominant on the building façade due to its size, architectural detail and design.

17.04.1063.010 – Roof

“Roof” means a permanently attached structural covering over any portion of a building or structure including horizontal projections beyond the walls or supports of the building or structure, but excluding roof structures, decorative and functional elements specifically exempted from the building height measurement under definition 17.04.550 “Height of Building”.

17.04.1063.020 - Roof, flat

“Flat roof” means a roof which is not pitched and the surface of which is parallel to the ground.

17.04.1063.030 – Roof, gable

“Gable roof” or “gabled roof” means a roof which slopes from both sides of a ridge.

17.04.1063.040 - Roof, gambrel

“Gambrel roof” means a usually symmetrical gable roof with two slopes on each side.

17.04.1063.050 - Roof, hipped

“Hipped roof” means a roof with slopes on all four sides, continuous from peak to eaves.

17.04.1063.060 - Roof, mansard

“Mansard roof” means a steep, dual-pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

17.04.1063.070 – Roof, pitch

“Roof pitch” means the steepness of a roof expressed as a ratio of inch(es) rise per horizontal foot (or their metric equivalent), or as the angle in degrees its surface deviates from the horizontal. A flat roof has a pitch of zero in either instance; all other roofs are pitched.

17.04.1063.080 - Roof, primary

“primary roof” means the portion of a building’s roof structure that most contributes to the mass of a building due to its predominance in height, width, length, bulk, or volume of area covered.

17.04. 1063.080 - Roof, secondary

“Secondary roof” means a roof that is subordinate to the primary roof of a structure due to its lesser contribution to the mass of a building. See “Primary roof”.

17.04.1161 - Special Event Permit

“Special event permit” means a permit issued by the Public Works Department or by the Parks and Recreation Department for events that are proposed on public property, or which have the potential to impact public property and rights-of-way.

17.04.1473 - Warehouse

“Warehouse” means a facility or facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

17.04.1497 – Wholesale, wholesaler

“Wholesale” or Wholesaler” means the selling and/or distributing of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, other than a consumer. This means an entity that buys and sells at wholesale.

Renumbered Definitions

~~17.04.175~~ 17.04.173 - Camouflage.

~~17.04.742~~ 17.04.741.100 - Medical marijuana dispensary.