CITY OF OREGON CITY
PLANNING COMMISSION
AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, October 10, 2022 at 7:00 PM

This meeting will be held in person and online via Zoom; please contact ocplanning@orcity.org for the meeting link.

CALL TO ORDER

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.

PUBLIC HEARING

1. GLUA-21-00013: AN-22-0001**:** Recommendation to the City Commission of a proposed Annexation of 19024 Rose Road to the City of Oregon City

2. GLUA 22-00029 VAR-22-00004: Planning Commission Variance of the front yard setback and allowance of an accessory building in the front yard at 12200 Meadowlawn Drive

COMMUNICATIONS

Request to discuss a letter to the Transportation Advisory Committee

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments.

Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

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 at www.orcity.org 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

Staff Report

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

To: City Commission **Agenda Date:** 10/10/2022

From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:
GLUA-22-00013: AN-22-0001: Recommendation to the City Commission of a proposed Annexation of 19024 Rose Road to the City of Oregon City

STAFF RECOMMENDATION:

Recommendation of Approval with Conditions

EXECUTIVE SUMMARY:

The Applicant desires to annex the property due to a failed septic system. Annexation is required as a condition of connecting to the city sewer system. The Applicant has not requested a zone change for this application and will remain zoned FU-10, which is a city-recognized county zone. 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.

19024 S Rose Road sewer was permitted under PU-22-00016 and final inspection occurred on June 21, 2022. The site is currently being served with City sewer though the emergency sewer application process. The applicant signed an annexation agreement stating their intent to pursue an annexation land use action as a condition of receiving emergency City sewer services.

In the Fall of 2021, the City Commission provided direction to staff to process all future annexation requests through the Planning and City Commission. Previously, Emergency (septic failure) annexations were sent directly to the City Commission.

OPTIONS:

1. Approval with Conditions of GLUA-22-00013: AN-22-0001
2. Denial of GLUA-22-00013: AN-22-0001
3. Continue GLUA-22-00013: AN-22-0001 to the October 24, 2022 Planning Commission Hearing

OREGON CITY

Community Development – Planning

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

Type IV STAFF RECOMMENDATION
October 3, 2022

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NO: GLUA-21-00013: AN-22-0001

APPLICATION TYPE: Annexation (Sewer Connection)

APPLICANT: Skii Vondracek

REQUEST: Annexation of an approximately 1.9-acre property. The Applicant desires to annex the property due to a failed septic system. Annexation is required as a condition of connecting to the city sewer system. The Applicant has not requested a zone change for this application and will remain zoned FU-10, which is a city-recognized county zone. 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.

LOCATION: 19024 Rose Road,
Oregon City, OR 97045
Tax Assessor Map: 3-1E-12A TL 190
Current County Zone: FU-10

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner

RECOMMENDATION: Evaluate annexation against factors, and adopt the staff report and proposed findings, reasons for decision, and recommendations provide direction to the City Commission for final approval.

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.

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-20-0001 - CITY OF OREGON CITY - Annexation

Property Owners / Voters: 2

Applicant(s): Skii Vondracek

The proposal is a single 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

In order to address the emergency, the property has prepared to connect to the City sewer system on the condition that the owner concurrently petitions for Annexation to the City.

The Annexation of this property is required due to a failed septic system, which is a requirement to hook up to the City sewer. City sewer services are available close to the property. The sewer connection was permitted under PU-22-00016 and final inspection occurred on 6/21/2022. The site is currently being served with City sewer though the emergency sewer application process. The applicant signed an annexation agreement stating their intent to pursue an annexation land use action as a condition of receiving City sewer services.

ANNEXATION PROCESS

In the fall of 2021, the City Commission provided direction to staff to process all annexation requests through the Planning and City Commission. Previously, Emergency (septic failure) annexations were sent directly to the City Commission.

This Annexation request looks to see if the city wishes to bring the property within the city limits or wishes to deny the annexation and allow an extraterritorial sewer connection. The public works permit process to connect to available city sewer is separate from this Type IV request.

SITE DETAILS

The territory to be annexed is located at the southwestern edge of City at Rose Road, as shown in Exhibit 1. The territory contains approximately 1.9 acres, has one single-family residence with a population of 2, and an assessed value of $237,406.

The property has an Oregon City Comprehensive Plan designation of LR – Low-Density Residential. The property is part of the 1979 Urban Growth Boundary and is within the South End Concept Plan area. The applicant wishes to retain the current FU-10 zoning, requiring 10-acre minimum lots, which will serve to preclude any further development or land divisions on the subject property in advance of seeking a zone change. Any request for rezoning in the future must comply with the applicable provisions of OCMC Chapter 17.68 - Zoning Changes and Amendments. Though the Oregon City Municipal Code requires application of a City zoning designation upon Annexation, a zone change may only be initiated with a zone change application which is accompanied by a transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate

Annexation due to a failed septic system, staff finds it appropriate in this case to retain the existing Clackamas County zoning designation if the development onsite is limited.

The owner would be able to receive city services, specifically, sanitary sewer service as well as the full range of administrative and municipal services provided upon Annexation to the City. The property is within 300 feet of a city sanitary sewer system, and by Oregon Revised Statute, it has been connected to the city sewer service and must be annexed.

If in the event, the Annexation is denied by the City Commission, the Commission would need to direct city staff to allow an extraterritorial connection to city services by providing additional findings or mitigating factors for the record that show compliance with the Comprehensive Plan and specifically Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations. Facilities that serve the general public will be centrally located and accessible, preferably by multiple modes of transportation.*

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 may 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 is an emergency annexation to allow a single property to connect to the City's sanitary sewer system because of a failing septic system on site. OAR 340-071-0160 mandates that a property with a failing septic

system must connect to a sanitary sewer if it is physically and legally available. A sewerage system is deemed legally available if the system is not under a DEQ connection permit moratorium and the sewerage system owner is willing or obligated to provide sewer service. The subject site has access to sanitary sewer in front of the house, and the line is not under a DEQ connection permit moratorium. Oregon City Comprehensive Plan Policy 11.1.3- *Confine urban public facilities and services to the city limits except where allowed for safety and health reasons in accordance with state land use planning goals and regulations* directs the City to process this Annexation.

Therefore, staff believes that the sewer connection and Annexation is mandated by law. It is reasonable for the City Commission to also find that this would fall under the "*this measure would not apply to certain annexations that the city is required to undertake"* exemption above.

LAND USE PLANNING

SITE CHARACTERISTICS
The property is generally level. The applicant will connect to the City sewer main system running in Rose Road that abuts the property with a service line. The site is a residential parcel with a few scattered trees around the existing house and outbuilding. The property is in the South End Drainage Basin.

Frontage to City Limits
The abutting right-of-way of Rose Road 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 218 feet along the full frontage of the property. The property includes a home setback approximately 36 feet from Rose Road, with one accessory structure. No land division is proposed at this time.

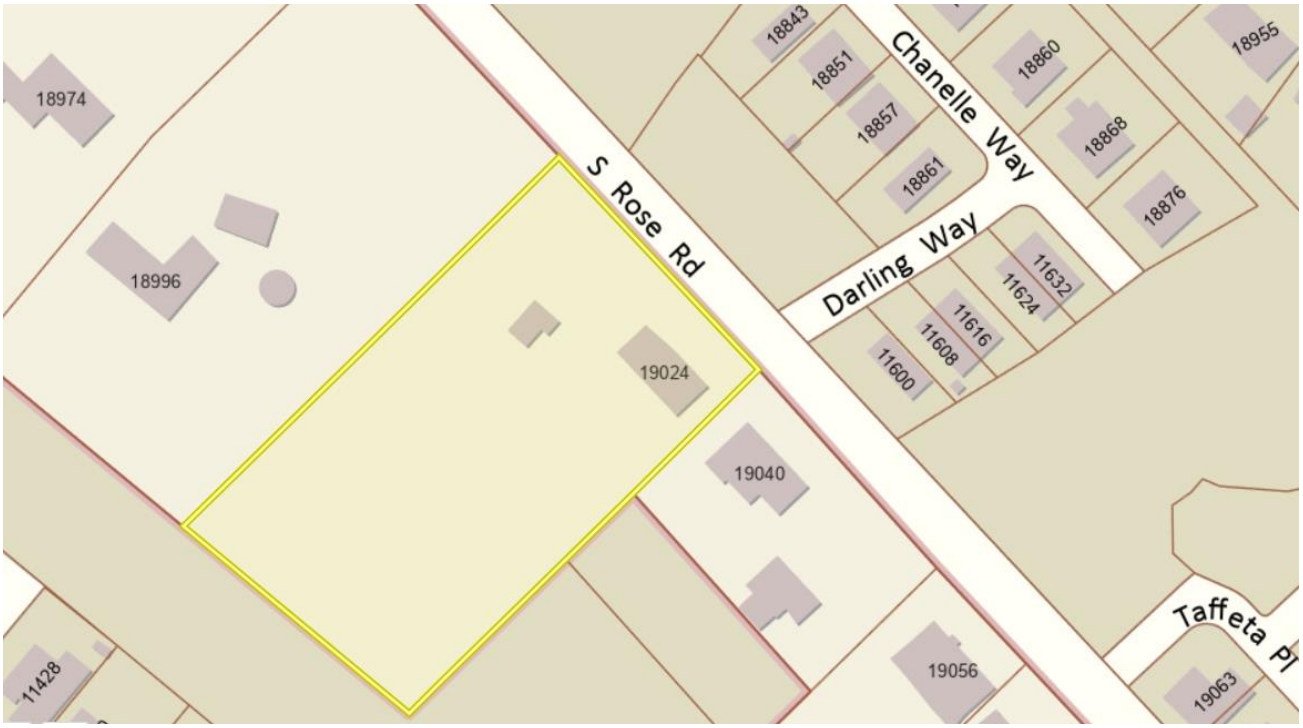

FIGURE 1. LOCATION MAP

South End Concept Plan

The site is within the adopted South End Concept Plan (SECP), which is a long-range land-use plan for the urbanization of the area within the Urban Growth Boundary for property not yet annexed. To review the South End Concept Plan, go to the following link:

- https://www.orcity.org/planning/south-end-concept-plan
- The graphic below is an excerpt from the SECP indicating possible future development of the area.

FIGURE 2. SOUTH END CONCEPT PLAN

FIGURE 3. STREET VIEW (2012)

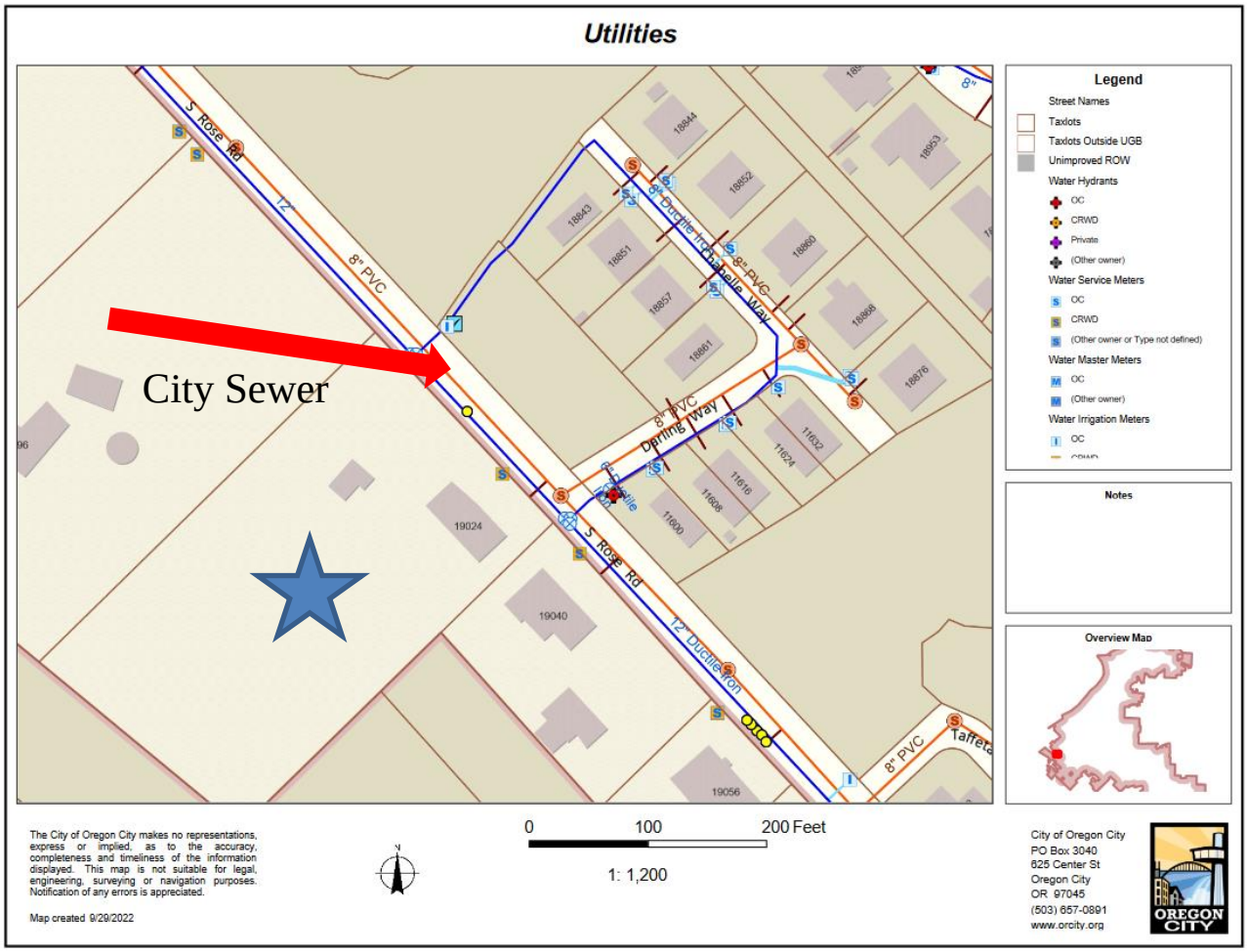

FIGURE 4. UTILITIES

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

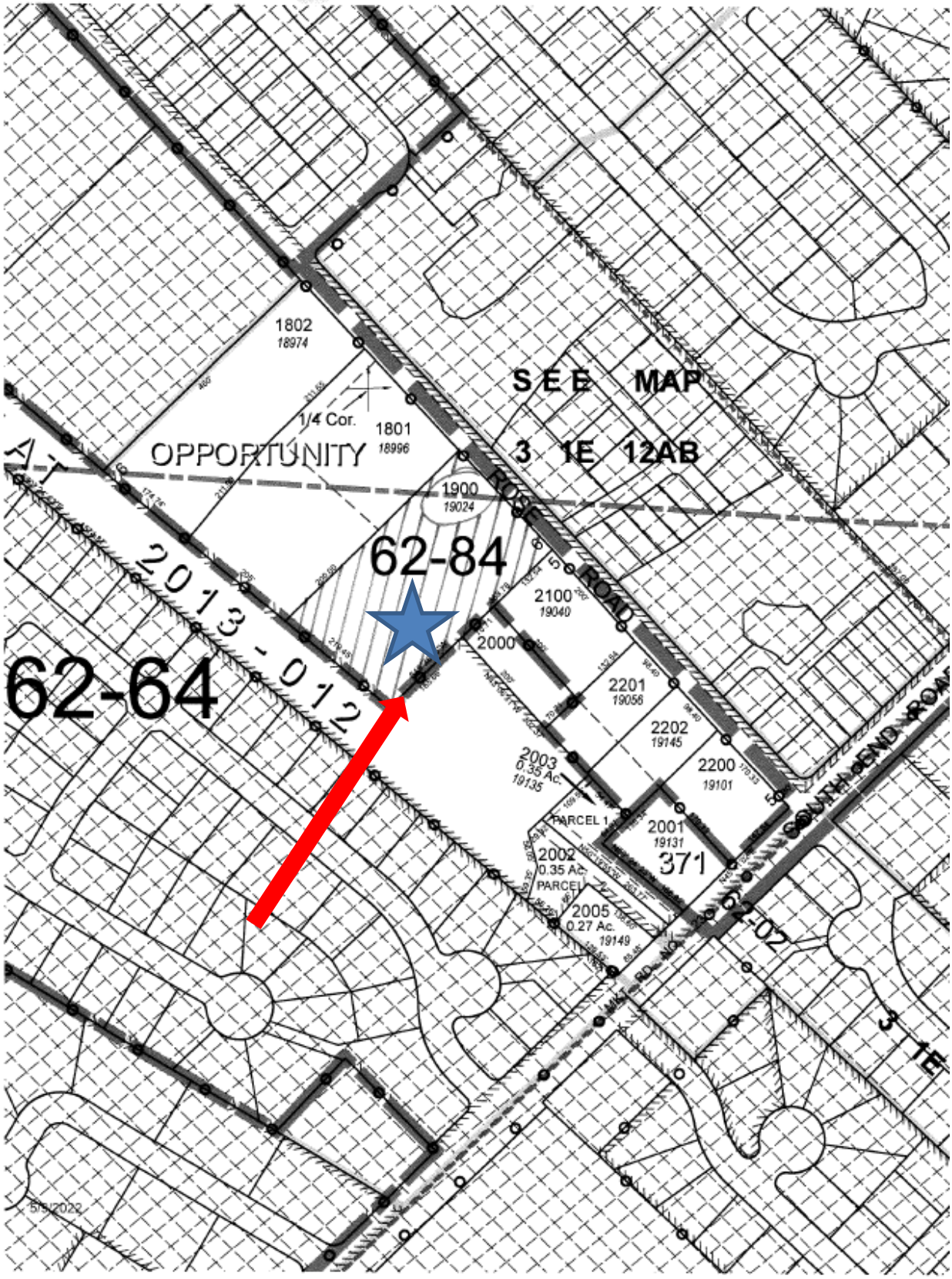

FIGURE 5. CLACKAMAS COUNTY TAX ASSESSOR MAP

FIGURE6. NATURAL RESOURCES OVERLAY DISTRICT

REGIONAL PLANNING CONSIDERATIONS

General Information

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

Metro Boundary Change Criteria

The Legislature has directed Metro to establish criteria that must be used by all cities within the Metro boundary. The Metro Code states that a final decision shall be based on substantial evidence in the record of the hearing and that the written decision must include findings of fact and conclusions from those findings. The Code requires these findings and conclusions to address the following minimum criteria:

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

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 the currently applicable plan for this area. The plan designation for this site is Low-Density Residential (LR-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.

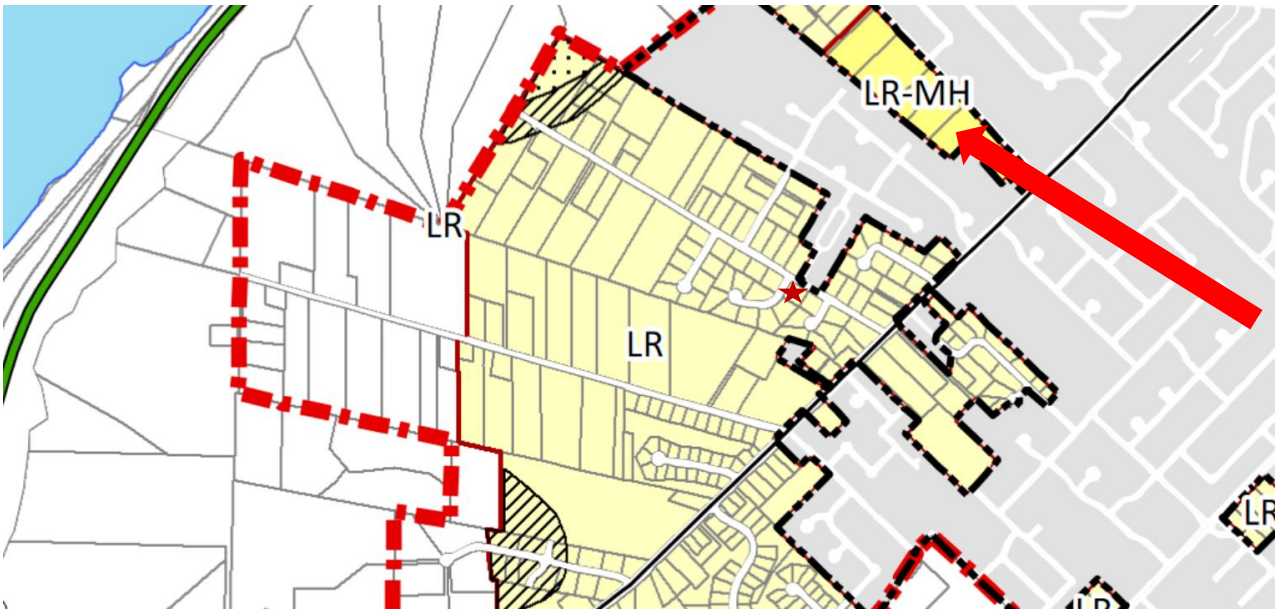

FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION LR

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. Consequently, when a property is annexed to Oregon City, it may receive a City planning designation by default, which is R-10 single-family dwelling district, provided adequate public facilities can be demonstrated.

Regarding transportation impacts, rezoning must demonstrate compliance with, or be exempted from, the mobility standards of OCMC 12.04.205 – Mobility Standards. The applicant has not applied to rezone the property and does not intend to redevelop the site at a higher density. A transportation analysis is not required until such redevelopment is proposed. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

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

4. City and County Notice and Coordination

** * **

D. The CITY shall provide notification to the COUNTY, and an opportunity to participate, review and comment, at least 20 days prior to the first public hearing on all proposed annexations . . .

** * **

5. City Annexations

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

B. Upon Annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the Annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.

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

** * **

The required notice was provided to the County at least 20 days before the City Commission hearing. The Agreement requires that adjacent road rights-of-way be included within annexations.

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 via the 8" PVC sewer main line in Rose Road which is now connected to the house via a sewer lateral at the time of writing of this report

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

Before January 1, 1999, state statute (ORS 199) provided that when the territory was annexed to a city that was wholly within a district, the territory was automatically annexed to the District as well. That statute no longer applies in this area. Therefore, each Annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance upon voter approval of the city annexation.

The Tri-City Service Water Pollution Control Plant is along Interstate 205 in Oregon City just east of the junction of the Willamette and the Clackamas Rivers. The plant had an average flow capacity of 4.4 million gallons per day (MGD) and a design peak flow capacity of 50.0 MGD and served a population of 66,500 in the year 2001. However, the facility was expanded in 2012 to increase the available average dry weather capacity to 11.9 MGD and a peak flow of 68.7 MGD. The plant is currently serving a population of 98,000 residents and has expanded solids handling capacity by 2020.

Due to the public health concern caused by a failing septic system, the City has approved access to the City sewer system. The City issued permits for the connection in August 2022.

Water. The property is currently being served by Clackamas River Water (CRW). Betty Johnson, Engineering Associate, indicates that the property should leave the Clackamas River Water District as part of the Ordinance approving the annexation.

Stormwater. No additional development has been proposed. Onsite 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. 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 Hazel Grove Park about 1 mile from the property. Any further homes constructed on the property, following annexed, re-zoning, and land division, would contribute to the Parks System Development Charge, which is currently $6,905 per Single Family Home.

Transportation. Access is provided from Rose Road, a local street that is city jurisdiction in this location. Though the Oregon City Municipal Code requires the application of a City zoning designation upon Annexation, a zone change may only be initiated with a zone change application, which is accompanied by a required transportation analysis to demonstrate compliance with applicable regulations, such as the Transportation Planning Rule (TPR). As the applicant is required to initiate Annexation due to a failed septic system, it is appropriate to retain the existing Clackamas County zoning designation if the development onsite is limited. Staff recommends that the property maintain its existing County FU-10 zoning, which will serve to preclude any further development or land divisions on the subject property in advance of a zone change.

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

This territory is designated by the Oregon City acknowledged Comprehensive Plan as LR – Low-Density Residential. Portions of the City's Comprehensive Plan have some applicability, and these are covered here.

Section 2 of the Oregon City Comprehensive Plan is entitled *Land Use*. Several Goals and Policies in this section are pertinent to the proposed annexations.

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

Goal 11.1: Provision of Public Facilities

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

Policies

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

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

Streets and other roads and paths

Rose Road is city-owned and maintained. There are currently no plans to alter or improve the roads abutting the property. The policies that govern City streets and roads are the adopted 2014 Transportation System Plan and Municipal Code Chapter 12.04 - Streets, Sidewalks, and Public Places. The City charges a pavement

maintenance utility fee (PMUF) for the upkeep of road surfaces, which will be applied to the property upon Annexation.

Wastewater collection
Upon Annexation, this one home will start paying the current stormwater utility fee. Therefore, no additional public funds will need to be spent.

Police and Fire Protection
This Annexation will immediately add one home to the City's police and fire protection coverage and withdraw the property from Clackamas County Sheriff's Enhanced Law Enforcement District. The Oregon City Police Department indicated the address is serviced by Clackamas County Sheriff's Office. Currently, any calls to Clackamas County 9-1-1 (CCOM) are dispatched to a Clackamas County Sheriff's Deputy. However, if it is a priority call and Oregon City officers are available, they would respond as they would be able to arrive much quicker than a Clackamas County Sheriff's Deputy. Once annexed, the property will be serviced by Oregon City Police Department (OCPD). OCPD has not indicted any conflicts with this Annexation.

The property is already within the Clackamas Fire District #1 and will remain in CFD#1 upon Annexation.

Water
The property is currently within the Clackamas River Water District (CRW). CRW is the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding. It is recommended that this parcel be served by the City of Oregon City (City) and withdrawn from the CRW territory by the City, in accordance with state statute as well as City and CRW requirements. Once the parcel has been withdrawn from the CRW territory, coordination efforts must be made between CRW and the City to transfer the water service connection over to the City and abandon the existing service.

Policy 11.1.1 defines what is encompassed within the term "urban facilities and services" as it pertains to Annexation. The City's plan is more inclusive in its definition of what services are considered an "urban service" than is the Metro Code. The City's Plan adds fire protection and planning, zoning, and commercial development regulation to the list of urban services that are to be considered by the Metro Code. The adequacy of these facilities and services to serve the subject property, containing a single home, is discussed in greater detail below. The Metro Code also includes mass transit in addition to streets and roads.

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

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

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

Policies 11.1.3 and 11.1.4 encourage development on sites within the City where urban facilities and services are either already available or can be provided. This policy implies that lands that cannot be

provided urban services should not be annexed. The City has the capacity to provide urban services to this existing home.

Policy 11.1.5 requires that the installation of a major urban facility or service should be coordinated with the provision of other urban facilities or services. No major urban facility or service is required here; rather, it requires a normal extension of sanitary sewer from the existing sewer main abutting the site on Rose Road.

The owner has not proposed to further divide the existing parcel at this time, and neither is re-zoning the property proposed at this time as explained elsewhere in this report.

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

Goal 11.2: Wastewater
Seek the most efficient and economic means available for constructing, operating, and maintaining the City's wastewater collection system while protecting the environment and meeting state and federal standards for sanitary sewer systems.

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

Since all new development on annexed land is required to connect to the sanitary sewer system, this policy suggests that a measure of the adequacy of the sanitary system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The City's sanitary sewer is available to this property.

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

The Tri-City Service District was provided notice of this Annexation. The District responded that it has adequate capacity to serve the Annexation. The District provides sewer collection to the Cities of West Linn, Oregon City, and Gladstone. The property owner must initiate the Tri-City Service District annexation after Annexation to the City. The City Commission should concur with Tri-City Service District's Annexation of the subject property in the Ordinance annexing the property.

Goal 11.3: Water Distribution
Seek the most efficient and economic means available for constructing, operating, and maintaining the City's water distribution system while protecting the environment and meeting state and federal standards for potable water systems.

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

Since new development on annexed lands may connect to the city water distribution system, this policy suggests that a measure of the adequacy of the water distribution system should be whether it could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. The subject lot is not already a user connected to the City water distribution system. The subject property is zoned FU-10, imposing a 10-acre minimum lot size, which will serve to preclude any further land divisions until the land is rezoned to a City zoning designation.

The property is currently being served by Clackamas River Water District (CRWD). After Annexation, the property will continue to be served by CRWD.

Goal 11.4: Stormwater Management

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

Policies

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

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

Since new development on annexed lands may connect to the city stormwater management system, this policy suggests that a measure of the adequacy of the stormwater management system should be whether the City (or the county stormwater management system in the event that drainage goes to the County) could serve the potential level of development provided for by the Comprehensive Plan and Zoning designations. New development may also have opportunities to provide further protection to preserve water quality. This Annexation will not result in any changes to the stormwater drainage. No future development would be allowed under the existing FU-10 zoning designation. Improvement of the existing stormwater connections leading to the site would be in conformance with the City's stormwater design standards.

Goal 11.9: Fire Protection

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

Policies

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

The property is already within Clackamas County Fire District #1. Fire protection and emergency services will be unaffected by this proposal. The Annexation was transmitted to Clackamas County Sheriff's Department and Oregon City Police Department for comment. OCPD already responds to priority County emergency calls for the unincorporated area in this location. Clackamas County Sheriff's Department was contacted and had no conflicts with the Annexation. Upon Annexation, the area would be removed from the Clackamas County Sheriff's Enhanced Law Enforcement District. OCPD does not anticipate any police service problems due to the Annexation of this one home.

The final section of this staff report addresses each urban service to determine whether the services are currently available or can be made available at an adequate level to serve the potential development of the property under the current planning designation and zoning that implements it.

Section 14 of the Plan is entitled *Urbanization*. Several policies in this section are pertinent to the proposed annexations. The following excerpts expand on the City's annexation philosophy and requirements.

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

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

The City has not completed an annexation plan and program for this area. The requirement to refer this Annexation to the voters has been superseded by the passage of Senate Bill 1573 as explained earlier in this report. This Annexation is still sufficiently tied directly to the City's ability to provide services efficiently with the logical extension of physical utility lines as it is adjacent to two city subdivisions that have utilities and street improvements. The proposal does not include a zone change, and as such, conditions will be placed on the Annexation limiting development until a zone change to a City designation occurs.

The following Plan annexation policies are approval criteria for annexations under Criteria 3 of the Metro Code.

***Goal 14.4*: Annexation of Lands to the City**
Annex lands to the City through a process that considers the effects on public services and the benefits to the City as a whole and ensures that development within the annexed area is consistent with the Oregon City Comprehensive Plan, City ordinances, and the City Charter.

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

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

The proposed property will be contiguous to the city limits along the front property line, No long linear extensions are proposed. The Annexation would not create any islands.

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

This property is part of the 1979 Urban Growth Boundary and was previously part of the City's existing Comprehensive Plan with a Low-Density Residential land use designation. The property has been included in all of the City's adopted public facilities master plans for sewer, water, stormwater, and transportation. No zone change is proposed at this time.

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

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

This proposed Annexation does not create an unincorporated island within the City. There is no development proposed at this time, and future development is limited as the property has proposed to retain the exiting Clackamas County zoning designation. No additional parcels are anticipated to be annexed to enable more efficient public services at this time.

Policy 14.4.4 The City may, as provided by state law, provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system; the Commission may expedite the Annexation of the subject property into the City, subject to any voter approvals of annexations.

A public health hazard existed by the nature of the failing septic system. The property owner has already connected the property to the City sewer system and obtained the proper city and county permits to complete the extension of the sewer line to the property.

LAND USE

Section 2 of 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.*

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

Residential Type	City Zone

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."

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

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

Plan Designation	Zone
Low-density residential	R-10
Medium-density residential	R-3.5
High-density residential	R-2

Although the subject property is designated Low-density residential on the City's Comprehensive Plan, this proposal does not include a request to rezone the land to R-10. As noted above, no further development or land division may occur until the land is rezoned to a City zoning designation.

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 onto Rose 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) or explain why a TPR analysis is not required;
Finding: Complies. The applicant is retaining the exiting FU 10 zoning, which would prohibit future partitioning of the site if under 10 acres . Transportation analysis would occur at the time of rezoning.

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 that one additional singe family house can be accounting 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 Parks Master Plans have all accounted for future growth on site. No parks are proposed to be onsite.

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 sire 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 is retaining the exiting FU 10 zoning, which would prohibit future partitioning of the site if under 10 acres . No future impacts are anticipated while the site is zone FU-10. Further analysis will occur at time of zone change.

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 applicant has proposed an annexation to connect to city sewer to alleviates a failed septic system that was backing up into the rear yard an caused a public health hazard. Future residential development on the parcel could occur once the site has been rezoned.

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 104 feet along the property boundary. The

Metro Code criteria are set out on page 2 of this report. This report considers each factor, and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

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 stream that will be regulated by the Natural Resources Overlay District upon annexation.

9. All historically designated and potentially eligible historic structures are identified;
Finding: Complies The site does not contain a historic resource**.**

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: No adverse effects on the identified resources are apparent. There are no overlay districts that affect the property. The property is in the South End drainage basin according to the Drainage Master Plan.

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: Complies. The rear of the property has a mapped stream that will be regulated by the Natural Resources Overlay District upon annexation.

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, including a zone change. Any impacts on the community that result from 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. The City Commission must concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance upon voter approval of the city annexation.

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.

STAFF RECOMMENDATION

Based on the study and the Proposed Findings and Reasons for Decision for this Annexation, staff recommends that the City Commission approve Planning File GLUA 20-00030: AN 20-0002 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 that the applicant record a covenant acknowledging that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance and until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site.

ANNEXATION PETITION: GLUA-21-00013: AN-22-0001
PROPOSED FINDINGS, CONDITIONS AND REASONS FOR DECISION

Based on the staff report and findings, the Planning 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 South End 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.

13. The Commission acknowledges that the site will not be rezoned by this Annexation and will retain its existing of FU-10 County Zone, which directs development to be reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. Also, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.

RECOMMENDED CONDITIONS OF APPROVAL
PLANNING FILES GLUA-21-00013: AN-22-0001

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. Prior to final Annexation, the property owner or assigns will record a covenant to be approved by the City Attorney, which limits the development of the site until such time that a zone change to a City zoning designation has been approved. The covenant shall acknowledge that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved, the site use shall not change or intensify or receive approval of a land division or development of the site including, but not limited to: no new structures or additions to existing structures. In addition, the property shall be subject to the City's overlay districts, fence regulations in OCMC 17.54.100, as well as the City's nuisance, business licensing, and animal regulations.(P)

Exhibits:

1. Annexation Application
2. Public Comment
    a. Erik Carr- Clackamas Water Environment Services (WES)
    b. Betty Johnson, Clackamas River Water (CRW)
3. Measure 3-51- May 18, 1999 voter-approved charter amendment (on file)l
4. Public Notices/ Vicinity Map (on file)

OREGON CITY
Community Development – Planning
221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Extension	☒ Annexation
❑ Lot Line Adjustment	❑ Detailed Development Review	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Geotechnical Hazards	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	❑ Minor Partition (<4 lots)	❑ Conditional Use
❑ Site Plan and Design Review	❑ Minor Site Plan & Design Review	❑ Comprehensive Plan Amendment (Text/Map)
	❑ Non-Conforming Use Review	❑ Detailed Development Plan
	❑ Site Plan and Design Review	❑ Historic Review
	❑ Subdivision (4+ lots)	❑ Municipal Code Amendment
	❑ Minor Variance	❑ Variance
	❑ Natural Resource (NROD) Review	❑ Zone Change

File Number(s): _____

Proposed Land Use or Activity: _____

_____

Project Name: _____ Number of Lots Proposed (If Applicable): N/A

Physical Address of Site: 19024 ROSE RD OREGON CITY OR 97045

Clackamas County Map and Tax Lot Number(s): MAP: 3|E12A TAX LOT: 3|E12A 01900

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: SKII VONDRACEK Date: 4/25/2022

Mailing Address: 19024 ROSE RD OREGON CITY OR 97045

Phone: 503 539 4240 Fax: N/A Email: SKII.VONDRACEK@GMAIL.COM

Property Owner(s):

Property Owner(s) Signature: _____

Property Owner(s) Name Printed: SKII VONDRACEK Date: 4/25/2022

Mailing Address: 19024 ROSE RD OREGON CITY OR 97045

Phone: 503 539 4240 Fax: N/A Email: SKII.VONDRACEK@GMAIL.COM

Representative(s):

Representative(s) Signature: _____

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

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

www.orcity.org/planning

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 peal-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 procedes 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 amout 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")

CITY OF OREGON CITY

ANNEXATION PETITION

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

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

SIGNATURE	PRINTED NAME	I AM A *			ADDRESS	PROPERTY DESCRIPTION				PRECINCT #	DATE
		PO	RV	OV		LOT #	1/4 SEC	TWNSHP	RANGE		
	SKIP VONDRACEK			X	19024 ROSE RD	1900	21 A	3	1E		

* 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 05.09.22

* "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 · 09 · 22

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

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 3 1E 12A) 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.

MAY 2022
RECEIVED
CLACKAMAS
COUNTY
ASSESSOR

NAME Mary Neigel

TITLE GIS Cartographer 2

DEPARTMENT Assessment & Tax

COUNTY OF Clackamas

DATE 05.09.22

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 9, 2022

CERTIFIED COPY OF THE ORIGINAL
SHERRY HALL, COUNTY CLERK

BY: [signature]

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)
SKIP VONDRACEK	19024 ROSE RD	
(1)		
(2)		
(3)		
(4)		
(5)		
(6)		

(7) _____

_____

(8) _____

_____

(9) _____

_____

(10) _____

_____

(11) _____

_____

(12) _____

_____

(13) _____

_____

(14) _____

_____

(15) _____

_____

(16) _____

_____

(17) _____

_____

(18) _____

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

A. General location 19024 ROSE RD OREGON CITY

B. Land Area: Acres 1.9 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).
GENERALLY FLAT AREA WITH PERRENIAL STREAM IN BACK YARD

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

North: SFR

East: SFR

South: SFR

West: SFR

E. Existing Land Use:

Number of single-family units 1 Number of multi-family units Ø

Number commercial structures Ø Number industrial structures Ø

Public facilities or other uses Ø

What is the current use of the land proposed to be annexed: SFR

F. Total current year Assessed Valuation $ 237,406

G. Total existing population 3

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 Sate Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter- - -as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

A. What is the applicable County Planning Designation? FU 10
What City Planning Designation is being sought? FU 10

B. What is the zoning on the territory to be served?
FU 10

What zoning designation is being sought? FU 10

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

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

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

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

☐ Yes ☐ No

Please describe outcome of zone change request if answer to previous questions was Yes. N/A NO CHANGE

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

☒ Yes ☐ No ☐ City has no Plan for the area.

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

☐ City Planning Commission ☒ City Planning Staff
☐ City Council ☐ City Manager

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

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

APPROVAL	PROJECT FILE #	DATE OF APPROVAL	FUTURE REQUIREMENT
Metro UGB Amendment			
City or County Plan Amendment			
Pre-Application Hearing (City or County)	✓PA 22-		
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.

N/A NO DEVELOPMENT SFR

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.

CIC - OREGON CITY

IV. SERVICES AND UTILITIES

A. Please indicate the following:

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

12 INCH DUCTILE MAIN

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

8 INCH SANITARY SEWER MAIN

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

CLACKAMAS COUNTY FIRE

N/A FOR STORM DRAINS

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

NOW

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 EXTENSION NEEDED AVAILABLE ON STREET

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

TRI CITY SEWER DISTRICT ANNEXATION TO HAPPEN CONCURRENTLY

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

City _____	Rural Fire Dist _____
County Service Dist. _____	Sanitary District _____
Hwy. Lighting Dist. _____	Water District DE ANNEX FROM CRW
Grade School Dist. _____	Drainage District _____
High School Dist. _____	Diking District _____
Library Dist. _____	Park & Rec. Dist. _____
Special Road Dist. _____	Other Dist. Supplying Water Service _____

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

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

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

APPLICANT'S NAME Skii VonDracek

MAILING ADDRESS 19024 ROSE RD

OREGON CITY OR 97045

TELEPHONE NUMBER _____ (Work)

503-539-4240 (Res.)

REPRESENTING _____

DATE: _____

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)
1900	SKIL VONDRACEK	1.9	237406	Y
TOTALS				

Worksheet (continued)

REGISTERED VOTERS

Name of Registered Voter	Address of Registered Voter	Signed Petition (Y/N)

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL _____

NUMBER OF REGISTERED VOTERS WHO SIGNED _____

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED _____

TOTAL ACREAGE IN PROPOSAL _____

ACREAGE SIGNED FOR _____

PERCENTAGE OF ACREAGE SIGNED FOR _____

OREGON CITY
Community Development – Planning
695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: 9/20/22

Land Use Application File Number: AN 22-0001

NAME: Betty Johnson

AGENCY: Clackamas River Water

EMAIL ADDRESS: bjohnson@crwater

The land use application material is referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return a copy of this form to facilitate the processing of this application and to ensure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☐	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached. (Please attach additional information)
☑	The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.

See attached Clackamas River Water requirements for the proposed emergency annexation located at 19024 Rose Rd, Oregon City.

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION

Clackamas River Water

Christina Robertson-Gardiner, Senior Planner
City of Oregon City
695 Warner Parrott Rd
Oregon City, Or 97045

EMAIL AND MAIL

September 20, 2022

RE: Proposed Emergency Annexation for:

- File No AN-22-0001: GLUA-21-00013
  19024 Rose Rd, Oregon City, Or 97045 - Tax Lot 01900 of Tax Map 3S1E12A

Dear Christina Robertson-Gardiner:

This is file notice of Clackamas River Water (CRW) having no objections to an Emergency Annexation relating to the above referenced proposed annexation. CRW is the domestic water supply district organized under ORS Chapter 264 and is therefore a necessary party to this proceeding.

It is recommended that this parcel be served by the City of Oregon City (City) and withdrawn from the CRW territory by the City, in accordance with state statute as well as City and CRW requirements.

Once the parcel has been withdrawn from the CRW territory, coordination efforts must be made between CRW and the City to transfer the water service connection over to the City and abandon the existing service. The confirmation of this understanding is the basis on which CRW will have no objection to the emergency annexation for Tax Lot 01900 of Tax Map 3S1E12A.

Please let me know if there are any additional comments or questions, and thank you for your willingness to discuss this matter.

Very truly yours,

Adam M. Bjornstedt Acting in Charge

FOR Todd Heidgerken
General Manager

From: Bertram, Erik
To: Christina Robertson-Gardiner
Subject: RE: Land Use Application Transmittal: GLUA-21-00013: AN-22-0001: Emergency Annexation
Date: Tuesday, September 20, 2022 12:11:05 PM

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.

Christina,

This property will need to annex into the Tri-City Service District (TCSD) as a condition of connecting to the public sanitary sewer system. The TCSD annexation application is processed by Clackamas Water Environment Services (WES) and is available for download on the WES website. The TCSD annexation must be submitted to WES upon approval of their annexation into the City of Oregon City. Estimated annexation fee is $645.00.

https://www.clackamas.us/wes/annexation.html

Please contact me with any questions.

Regards,

Erik Carr Bertram
WES Development Review Specialist
Phone: 503-936-3666
ebertram@clackamas.us

From: Christina Robertson-Gardiner <crobertson@orcity.org>
Sent: Monday, September 19, 2022 4:04 PM
Subject: Land Use Application Transmittal: GLUA-21-00013: AN-22-0001: Emergency Annexation

Warning: External email. Be cautious opening attachments and links.

Good morning,

The Planning Division has received an application for a Type IV Planning Commission Review. Written comments must be received by the Planning Division by 4pm 2 weeks before the first scheduled hearing to be included in the staff report. Written comments received after that date will be provided to the Commission but may not be included in the staff report.

Emergency Annexation of an approximately 1.9-acre property. The Applicant desires to annex the property due to a failed septic system. Annexation is required as a condition of connecting to the city sewer system. The Applicant has not requested a zone change for this application and will remain zoned FU-10, which is a city-recognized county zone. The proposal does not include a request for development approval or change in use.

Please review the proposal posted at the following website:
https://www.orcity.org/planning/project/glua-21-00013-22-0001-emergency-annexation

What's your Vision for Oregon City?

Christina Robertson-Gardiner, AICP, Senior Planner (she/her)
695 Warner Parrott Rd, Oregon City, OR 97045
crobertson@orcity.org
503) 496-1564 Direct
(503) 722-3789 Main

Interactive Maps and Apps
Printable Maps
Online Submittal of Land Use Applications

The City of Oregon City continues to offer services and programs in-person and online - find facility hours of operation here.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

CITY OF OREGON CITY

Staff Report

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

To: Planning Commission **Agenda Date:** 10/10/2022

From: Christina Robertson- Gardiner Senior Planner

SUBJECT:

GLUA 22-00029 VAR-22-00004 :Planning Commission Variance of the front yard setback and allowance of an accessory building in the front yard -12200 Meadowlawn Drive

STAFF RECOMMENDATION:

Approval of GLUA-22-00015 SP-22-00050 VAR-22-0002, FP 22-00002 with conditions.

EXECUTIVE SUMMARY:

The Applicant built a new 800-square-foot footprint accessory building without obtaining city approval. A Code Enforcement action was issued for the structure. The accessory building is placed about 3 feet from the front property line, with eaves extending to but not crossing the property line.

In order to retain the accessory building in its current location, the application is required to obtain a Variance to the 10-foot front yard setback (OCMC 17.08 Low-Density Residential Zone) and to allow the accessory building to be located in front of the house. (OCMC 17.54 Accessory Buildings and Uses). Both requests require a Type III Planning Commission Variance.

As this building is already constructed, if the Variance is denied, the Applicant would need to relocate the barn or move the barn 7 feet to the South and attach it to the house in order to meet the front yard setback, and once it is attached to the main house, the City would no longer consider it an accessory building.

OPTIONS:

1. Approval with Conditions of GLUA 22-00029 VAR-22-00004
2. Denial of GLUA 22-00029 VAR-22-00004
3. Continue GLUA 22-00029 VAR-22-00004 to the October 24, 2022 Planning Commission Hearing

OREGON CITY

Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

TYPE III STAFF RECOMMENDATION
October 3, 2022

A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions in order to be approved. The Planning Commission may choose to adopt the findings as recommended by staff or alter any finding as determined appropriate.

FILE NUMBER: GLUA 22-00029 VAR-22-00004

Application Submitted: 08/19/2022
Application Complete: 09/13/2022
120-Day Decision Deadline: 01/11/2023

APPLICANT/ OWNER: Sara and Dennis Bean
12200 Meadowlawn Drive
Oregon City, OR 97045

REQUEST: Planning Commission Variance of the front yard setback and allowance of an accessory building in the front yard of a Single

LOCATION: 12200 Meadowlawn Drive
Oregon City, OR 97045
32E07A 00214
Zone: Low-Density Residential R-6

REVIEWER: Christina Robertson-Gardiner, Senior Planner AICP

DECISION: Approval with Conditions.

PROCESS: 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. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the Applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record, and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. 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. The city commission decision on appeal from the planning commission is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

Recommended Conditions of Approval
Planning File GLUA 22-00029 VAR-22-00004

(P) = Verify that condition of approval has been met with the Planning Division.
(DS) = Verify that condition of approval has been met with the Development Services Division.
(B) = Verify that condition of approval has been met with the Building Division.
(F) = Verify that condition of approval has been met with Clackamas Fire Department.

1. The Applicant is required to obtain all required Building Permits for the accessory building (B).

I. BACKGROUND:

1. Existing Conditions

The subject site is zoned Low-Density Residential-R6. The lot is a 20,104 square feet flag lot gaining frontage and access off of Meadowlawn. The original house was built in 1978 and has had two City approved additions 1. A front carport extension to the original garage (BB-15-0426) and the construction of a side entry garage (BRESI-18-00072). The area was annexed to the City in 2002 during the Island annexation process.

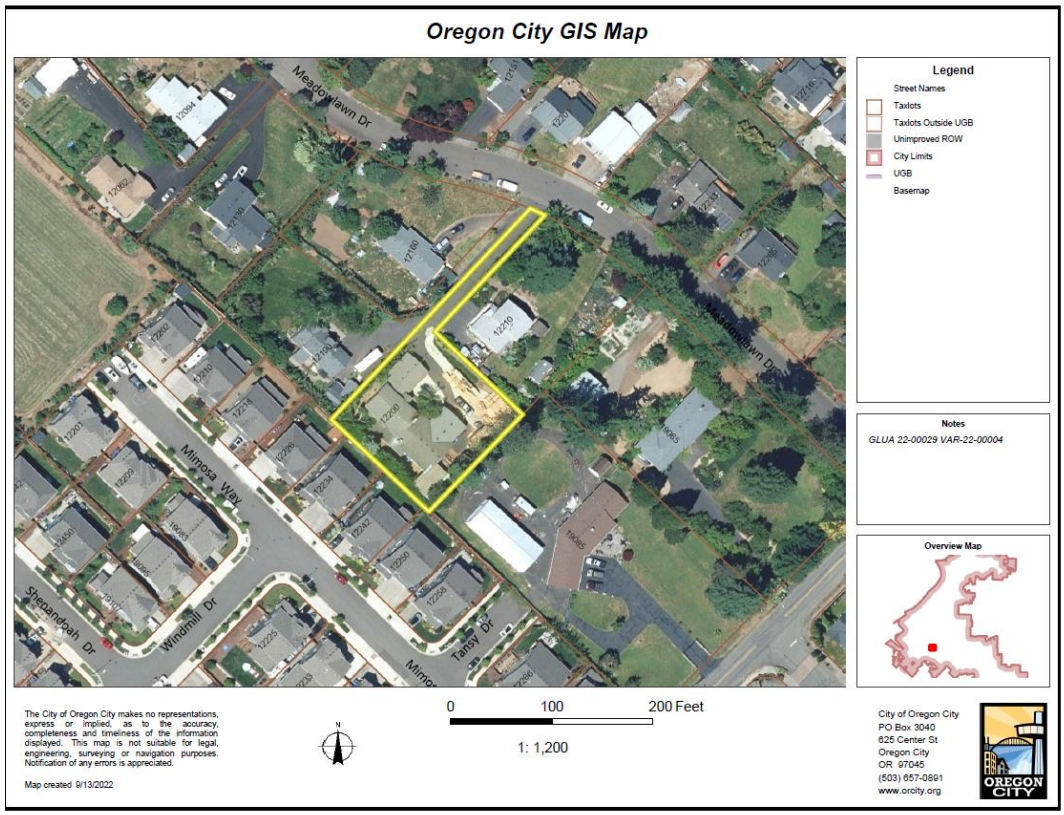

Figure 1. Vicinity Map

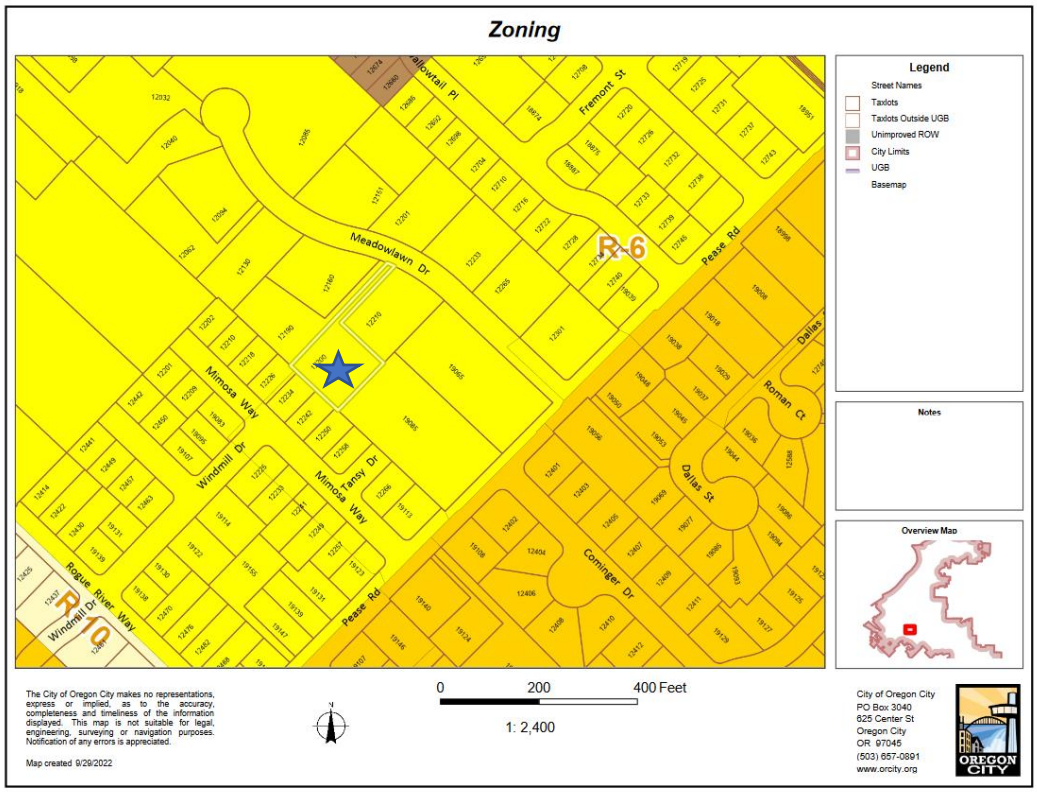

Figure 2- Zoning Map

2. Project Description

The Applicant built a new 800-square-foot footprint accessory building without obtaining city approval. A Code Enforcement action was issued for the structure. The accessory building is placed about 3 feet from the front property line, with eaves extending to but not crossing the property line.

In order to retain the accessory building in its current location, the application is required to obtain a Variance to the 10-foot front yard setback (OCMC 17.08 Low-Density Residential Zone) and to allow the accessory building to be located in front of the house. (OCMC 17.54 Accessory Buildings and Uses). Both requests require a Type III Planning Commission Variance.

As this building is already constructed, if the Variance is denied, the Applicant would need to relocate the barn or move the barn 7 feet to the South and attach it to the house in order to meet the front yard setback, and once it is attached to the main house, the City would no longer consider it an accessory building.

Front Lot Line

17.04.490 - Front lot line.

"Front lot line" means a lot line abutting a street. For corner lots, the front lot line is that with the narrowest frontage. When the lot line abutting a street is curved, the front lot line follows the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot including the width of the pole. See figure 17.04.490.

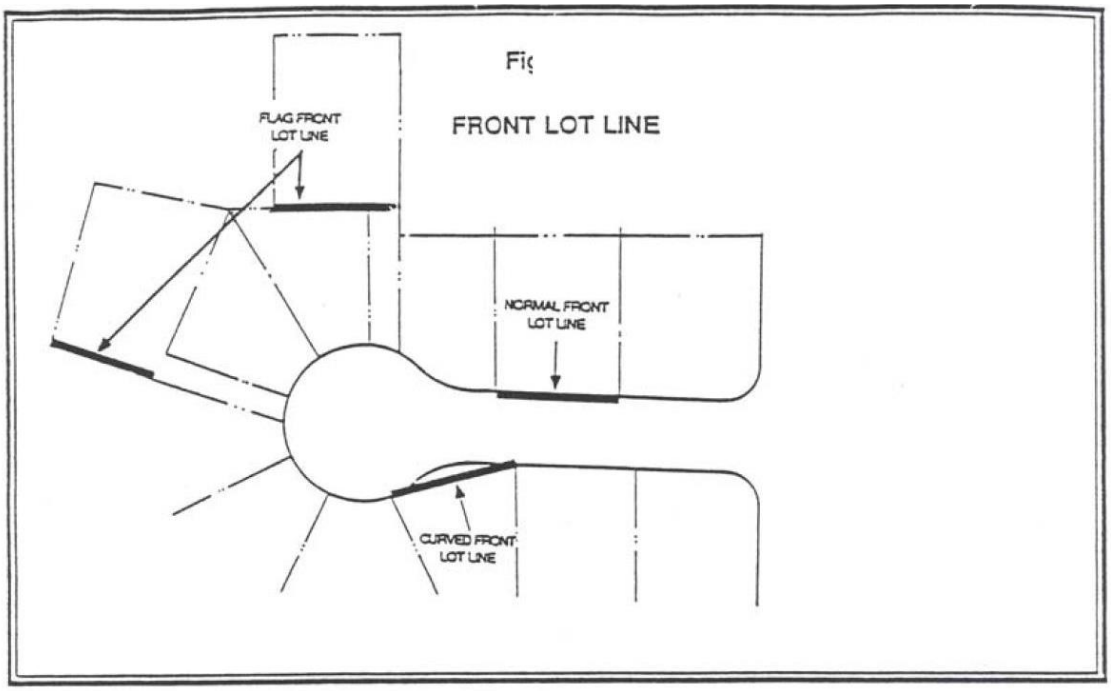

Figure 3- Front Lot Line for the Subject Property

Building Height

The gambrel roof barn design is 22 feet tall at the peak of the building (not including the cupola, which is an exempt architectural element). However, as the City measures height at the midpoint between the peak and the bottom of the eaves, according to the Applicant, the height of this style of the barn would only be 12 feet by code (see figure below) (OCMC 17.04.550).

The primary structure utilizes a low sloped 4/12 roof pitch and is 21 feet at the peak of the roof with a midpoint height of 18 feet. Based on the definition of height- the accessory building is not taller than the main house, and a Variance is not required to allow an accessory building to be taller than the house.

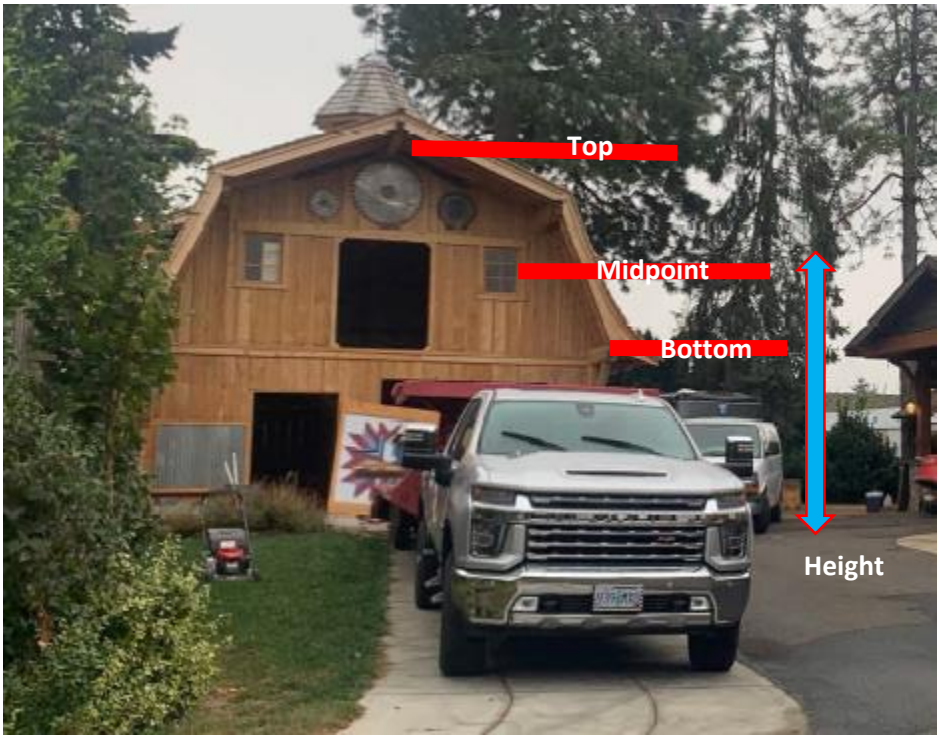

Figure 4- How to measure height (not to scale- illustrative only)

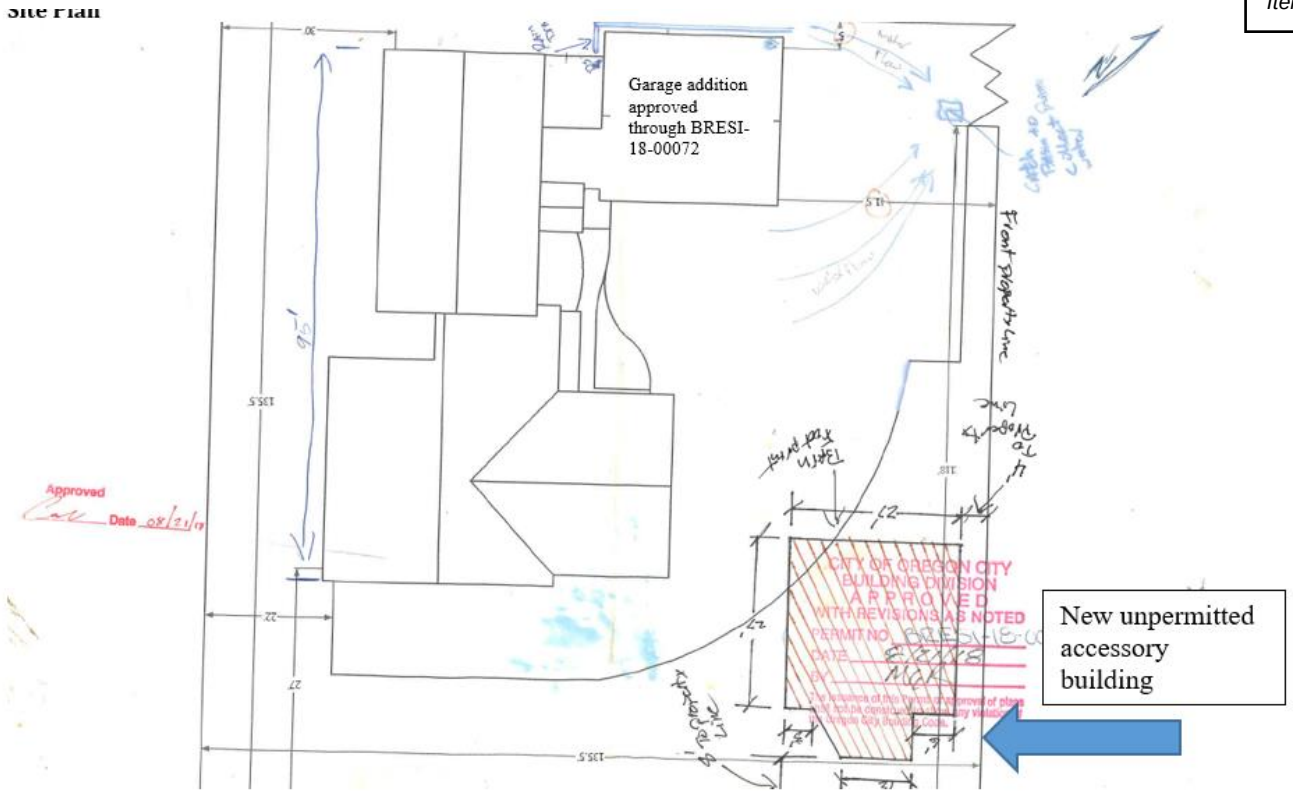

Figure 4- location of newly built accessory building. Note the Applicant utilized a previous plan created and approved for BRESI 18-00072, which reviewed a garage addition to the main house. The approved stamp is for the previous approval and not the newly built accessory building.

Photo 1- Looking South down flag driveway to house and accessory building

Photo 2- Looking SE at the accessory building from flag lot driveway

Photo 3- Looking North toward the front lot line and accessory building from the house.

Photo 4- Looking South from Meadowlawn toward the house. The accessory building is blocked from view.

Photo 5- Looking NW from Pease Road towards house and accessory building.

Figure 5- Photo Key

3. **Permits and Approvals:** The Applicant is responsible for obtaining approval and permits from each applicable governmental agency and department in Oregon City, including but not limited to the Engineering and Building Divisions.

4. **Public Comment**
Public comments submitted include (Exhibit 3):

Betty Johnson- Clackamas River Water: The proposal does not conflict with our interests.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

II. ANALYSIS AND FINDINGS:

Municipal Code Standards and Requirements: The following sections of the Oregon City Municipal Code are applicable to this land use approval:

CHAPTER 17.08 LOW DENSITY RESIDENTIAL
CHAPTER 17.50 ADMINISTRATION AND PROCEDURES
CHAPTER 17.54 ACCESORY BUILDINGS AND USES
CHAPTER 17.60 VARIANCES

CHAPTER 17.08 LOW-DENSITY RESIDENTIAL DISTRICTS

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. Internal conversions;
D. Corner duplexes;
E. Cluster housing;
F. Residential homes;
G. Parks, playgrounds, playfields and community or neighborhood centers;
H. Home occupations;
I. Family day care providers;
J. 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 onsite is permitted);
K. 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;
L. Transportation facilities.

Finding: Permitted. The application relates o an accessory building on a residential lot proposed, which are permitted uses in the zone. OCMC 17.08.020.A.

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 With ADU Cottage cluster	40%, except 45% None	40%, except 45% None	40%, except 45% 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	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	****10 feet, except **** 5 feet — Porch
Except cottage cluster	10 feet	10 feet	10 feet
Minimum interior side yard setback: All	8 feet	7 feet	5 feet
Except townhouse	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	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

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.*

Findings: Complies with Variance Approval. The 800-square-foot already built accessory building, located on a lot over 20,000 square feet, appears to be within 3 feet of the front property line. This location does not meet the front yard setbacks for the zone (10 feet). In order to retain the accessory building onsite, the Applicant is required to obtain a Planning Commission Variance to the front yard setback.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

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.

Finding: Complies as Proposed. The Applicant held a pre-application meeting on June 14, 2022 (PA-22-00026). The application was submitted within one year of the date of the pre-application conference.

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 as Proposed. The subject site is located within the Towerecrest Neighborhood Association. Towercrest Neighrbhood association indicated that they did not want to have a meeting for this request.

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.

A. Notice of Type II Applications. Once the community development director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, 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 Applicant shall provide or the City shall prepare for a fee 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. The City's Type II notice shall include the following information:
1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the Applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;
3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;
4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;
5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;
6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application;
7. 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.

Finding: Not Applicable. This application is being reviewed through the Type III procedure and is subject to the noticing requirements in Section B.

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.
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.

Finding: Complies as Proposed. Notice was posted onsite, mailed to property owners and tenants within 300 feet of the subject site, and provided to affected departments and agencies via email.

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.

Finding: Complies as Proposed. The sign was posted with land use notice signs in accordance with the requirements in this section.

17.54.010 - ACCESSORY STRUCTURES AND USES.

Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:

A .Signs. Signs shall be permitted as provided in Chapter 15.28.
B. Residential Accessory Structures, Not Including Accessory Dwellings Units. The section applies to all accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a residential use with less than five units within a zoning designation not listed above.

1.Accessory Structures with a Footprint Less than Two Hundred Square Feet:
a. Shall be located behind the front line of the primary structure;
b. Shall comply with the dimensional standards of the zoning designation including height, lot coverage and setbacks unless modified pursuant to subsection c herein; and
c. Side and rear setbacks may be reduced to not less than three feet for the accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC 17.04.550.

2.Accessory Structures with a Footprint from Two Hundred to Six Hundred Square Feet:
a. Shall be located behind the front line of the primary structure;
b.S hall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to subsection c; and
c. Side and rear setbacks may be reduced to not less than three feet for one accessory structure and its projections if the height does not exceed seventeen feet as defined in OCMC 17.04.550.

3.Accessory Structures with a Footprint Over Six Hundred Square Feet:
a.Shall not exceed more than one accessory structure with a footprint in excess of six hundred square feet per parcel;
b.The parcel shall be in excess of twenty thousand square feet;
c.The footprint shall not exceed the footprint of the primary structure;
d.Shall not exceed eight hundred square feet;
e.Shall not exceed the height of the primary structure;
f.Shall be located behind the front line of the primary structure; and
g.Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage.

Findings: Complies with Variance Approval. The 800-square-foot already built accessory building, located on over 20,000 square feet, does not meet the front yard setbacks for the R6 zone (10 feet) and is located in front of the primary structure (house) To retain the accessory building in its current

location, the Applicant is required to obtain a Planning Commission Variance to the front yard setback and to allow an accessory building in front of the primary structure.

CHAPTER 17.60 VARIANCES

17.60.020 - Variances—Procedures.
A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the Variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.
B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.
Finding: Complies as Proposed. The Applicant submitted a Type III Planning Commission Variance request. All required application materials and fees were submitted and the application was deemed complete on September 13, 2022

C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.
Finding: Complies as Proposed. The Applicant has requested a Planning Commission Variance pursuant to the Type III review procedures.

D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.
E. For the purposes of this section, minor variances shall be defined as follows:
1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
2. Variances to width, depth and frontage requirements of up to twenty percent;
3. Variances to residential yard/setback requirements of up to twenty-five percent;
4. Variances to nonresidential yard/setback requirements of up to ten percent;
5. Variances to lot area requirements of up to five percent;
6. Variance to lot coverage requirements of up to twenty-five percent;
7. Variances to the minimum required parking stalls of up to five percent; and
8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.
9. Variances to design and/or architectural standards for single-family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.
Finding: Not Applicable. In order to retain the accessory building in its current location, the Applicant is required to obtain a Planning Commission Variance to the front yard setback and to allow an accessory building in front of the primary structure. The threshold for a 25% front yard Administrative Variance is 7.5 feet, which the Applicant does not meet (3 feet). There is no threshold for an Administrative review of the accessory building in front of a primary structure.

17.60.030 - Variance—Grounds.
A variance may be granted only in the event that all of the following conditions exist:
A. That the Variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;

Finding: Complies as Conditioned. The Applicant has provided support letters from seven abutting and adjacent neighbors who indicate that the current location does not affect them and feel that it adds value and beauty to the neighborhood. The accessory building is located wholly within the subject property and doe not cross property lines. It meets the minimum height requirement of the accessory building code and, if located on a side yard, would be permitted in its current location.

B. That the request is the minimum Variance that would alleviate the hardship;
Finding: Complies as Proposed. Without relocating the building, this is the minimum Variance needed to alleviate the non-compliant status.

C. Granting the Variance will equal or exceed the purpose of the regulation to be modified.
Finding: Complies as Proposed. The purpose of front yard setbacks and accessory buildings siting standards is to ensure that there is adequate separation between the public sphere and the private sphere (setbacks) while also ensuring the houses are sited to encourage pedestrian intersection and eyes on the street by not allowing the accessory building to be placed between the sidewalk and the primary residence. However, as this is a flag lot, the orientation of the side and front lot lines and their relationship to the street and pedestrians is not very strong and does not really impact the pedestrian experience on Meadolawn.

D. Any impacts resulting from the adjustment are mitigated;
Finding: Complies as Proposed. The existing mature vegetation (Photos 1-5) blocks much of the building's impact on the abutting neighbors. If the mature vegetation were not in place, the Planning Commission would need to ask the Applicant to provide a mitigation planting plan. In this case, additional plantings are not required and would not provide any measurable level of additional mitigation to the abutting

E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
Finding: Complies as Proposed. As this building is already constructed, if the Variance is denied, the Applicant would need to relocate the barn offsite or move the barn 7 feet to the South and attach it to the house in order to meet the front yard setback, and once it is attached to the main house, the City would no longer consider it an accessory building. The quality of the design and construction of the accessory building is high and has been noted by the neighbors; moving it offsite would be impractically expensive and does not appear to be what the neighborhood wants. Moving the building back 7-feet and attaching it to the house via a breezeway or through another manner would technically meet the City's setback code but would produce an unsightly and frankly mashed-together building that, again, serves no larger city purpose other than directly meeting the underlying zoning code.

F. The Variance conforms to the comprehensive plan and the intent of the ordinance being varied.
Finding: Finding: Complies as Proposed. The proposed Variance would allow for the development of the subject site in accordance with the following Comprehensive Plan Goals and Policies.

> *Goal 2.1 Efficient Use of Land*
> *Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*
> *Policy 2.1.1*
> *Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*
>
> *Goal 2.4 Neighborhood Livability*

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Goal 10.1 Diverse Housing Opportunities
Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Policy 10.1.1
Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

Policy 10.1.3
Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.

Goal 14.2 Orderly Redevelopment of Existing City Areas
Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.

Policy 14.2.2
Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.

One of the primary goals of the 2004 Comprehensive Plan is to provide for increased livability for property owners in Oregon City. Approval would allow the Applicant to meet the intent of the zoning code and Comprehensive Plan through effective utilization of this single-family property.
The requested Variance would allow the Applicant to efficiently utilize the subject property for single-family residential use, and maintain neighborhood livability as intended by the City Code and Comprehensive Plan. The requested Variance would allow the Applicant to provide for the development of the site consistent with the Low-Density Residential designation and would meet all other R-6 zoning dimensional standards.

CONCLUSION AND RECOMMENDATION:
Based on the analysis and findings as described above, Staff recommends that the proposed Planning Commission Variance to front yard setback and accessory structure in front the primary building applications for a site located at 12200 Meadowlawn Drive, Oregon City, OR 97045 Tax Lot 32E07A 00214 meets the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends the Planning Commission approve files GLUA 22-00029 VAR-22-00004, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Applicant's Narrative and Plans
2. Public Comments
    a. Betty Johnson, CRW

OREGON CITY
Community Development – Plann
221 Molalla Ave. Suite 200 | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)	Type II (OCMC 17.50.030.B)	Type III / IV (OCMC 17.50.030.C)
❑ Compatibility Review	❑ Extension	❑ Annexation
❑ Lot Line Adjustment	❑ Detailed Development Review	❑ Code Interpretation / Similar Use
❑ Non-Conforming Use Review	❑ Geotechnical Hazards	❑ Concept Development Plan
❑ Natural Resource (NROD) Verification	❑ Minor Partition (<4 lots)	❑ Conditional Use
❑ Site Plan and Design Review	❑ Minor Site Plan & Design Review	❑ Comprehensive Plan Amendment (Text/Map)
	❑ Non-Conforming Use Review	❑ Detailed Development Plan
	❑ Site Plan and Design Review	❑ Historic Review
	❑ Subdivision (4+ lots)	❑ Municipal Code Amendment
	❑ Minor Variance	☑ Variance
	❑ Natural Resource (NROD) Review	❑ Zone Change

File Number(s): _____

Proposed Land Use or Activity: Variance, Accessory Structure

Project Name: _____ Number of Lots Proposed (If Applicable): _____

Physical Address of Site: 12200 Meadowlawn, Oregon City, OR 97045

Clackamas County Map and Tax Lot Number(s): 3 2E 07A 00214

Applicant(s):

Applicant(s) Signature: L Dennis Bean

Applicant(s) Name Printed: Sara and Dennis Bean Date: 8/18/22

Mailing Address: 12200 meadowlawn Dr. Oregon City OR 97045

Phone: 559-707-0651 Fax: _____ Email: 18sarabean@gmail.com

Property Owner(s):

Property Owner(s) Signature: L Dennis Bean

Property Owner(s) Name Printed: Sara and Dennis Bean Date: 8/18/22

Mailing Address: 12200 meadowlawn Dr. Oregon City OR 97045

Phone: 559-707-0651 Fax: _____ Email: 18sarabean@gmail.com

Representative(s):

Representative(s) Signature: N/A

Representative (s) Name Printed: _____ Date: _____

Mailing Address: _____

Phone: _____ Fax: _____ Email: _____

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

Published on *City of Oregon City* (https://www.orcity.org)

Submission information

Form: Online Submittal of Land Use Applications [1]
Submitted by Visitor (not verified)
Thu, 08/18/2022 - 4:45pm
76.105.231.12

Applicant Name(s) Sara and Dennis Bean

Applicant's Representative

Company

Mailing Address 12200 Meadowlawn Drive, Oregon City, OR 97045

Phone Number 559-707-0651

Email Address 18sarabean@gmail.com

Application Type
Variance - Planning Commission

Project Description
Accessory building. This is a storage building for a portable sawmill and wood storage. We are seeking a variance because the builiding is too close to our property line. The building is also technically in front of the house (vs behind it).
There is not enough room behind the house to build such a building. We are on a flag lot and the building does not create a visual disruption to any of our neighbors by being close to the property line or by where it is situated on the property.
We have letters of support from our neighbors including our property line neighbors. We also have photos of the building to show that it is well constructed and not an eyesore.

Project Address 12200 Meadowlawn Drive, Oregon City, OR 97045

Map and Taxlot Number 3-2E-07A -00214

Additional information
Please include any additional information about the submittal.

Application Form
ccf_000081.pdf [2]

Site Plan/ Layout
0316_001.pdf [3]

Other Application Materials
0755_001.pdf [4]

Other Application Materials (2)
gmail_-_tower_vista_meeting.pdf [5]

Other Application Materials (3)
photos.docx [6]

Other Application Materials (4)
ccf_000082.pdf [7]

Other Application Materials

Disclaimer
Select to acknowledge you read and understand the paragraph below.

Source URL: https://www.orcity.org/node/13944/submission/31987

Links
[1] https://www.orcity.org/communitydevelopment/webform/online-submittal-land-use-applications
[2] https://www.orcity.org/system/files/webform/pre-applications/ccf_000081.pdf
[3] https://www.orcity.org/system/files/webform/pre-applications/0316_001.pdf
[4] https://www.orcity.org/system/files/webform/pre-applications/0755_001.pdf
[5] https://www.orcity.org/system/files/webform/pre-applications/gmail_-_tower_vista_meeting.pdf
[6] https://www.orcity.org/system/files/webform/pre-applications/photos.docx
[7] https://www.orcity.org/system/files/webform/pre-applications/ccf_000082.pdf

Today's Date: 6/13/22

To Whom It May Concern,

I'm writing this letter regarding the barn/shed that Dennis and Sara Bean have built on their property at 12200 Meadowlawn Drive in Oregon City.

I am a close neighbor and my address is listed below. I live right next door to the Beans and my property borders their property.

I fully support this structure in my neighborhood and would like it to stay. It does not impact this neighborhood in any negative way at all. In fact, it adds to the beauty of our street and I feel that it has added to my property value.

If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

Steve Plant — 6/13/22

Name — Date

Name — Date

12210 Meadowlawn

Address

503 901 9215

Phone Number

steupla @ gmail.com

Email

Today's Date: 6/13/22

To Whom It May Concern,

I'm writing this letter regarding the barn/shed that Dennis and Sara Bean have built on their property at 12200 Meadowlawn Drive in Oregon City.

I am a close neighbor and my address is listed below. I live right next door to the Beans and my property borders their property.

I fully support this structure in my neighborhood and would like it to stay. It does not impact this neighborhood in any negative way at all. In fact, it adds to the beauty of our street and I feel that it has added to my property value.

If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

Mike Curtis Blaser — 6-13-2022

Name — Date

Marlene Judy Blaser — 6-13-2022

Name — Date

19085 Pease Rd, Oregon City, OR

Address

Phone Number

Email

Today's Date: 6/13/22

To Whom It May Concern,

I'm writing this letter regarding the barn/shed that Dennis and Sara Bean have built on their property at 12200 Meadowlawn Drive in Oregon City.

I am a neighbor and my address is listed below. I fully support this structure in my neighborhood and would like it to stay. It does not impact this neighborhood in any negative way at all. In fact, it adds to the beauty of our street and I feel that it has added to my property value.

If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

William Brown — 6/13/22
Name — Date

Jeannie Brown — 6/13/22
Name — Date

19065 Pease Rd Oregon City Oregon
Address

541 903 2452
Phone Number

Bill@cascadewest.com
Email

Today's Date: June 13, 2022

To Whom It May Concern,

I'm writing this letter regarding the barn/shed that Dennis and Sara Bean have built on their property at 12200 Meadowlawn Drive in Oregon City.

I am a neighbor and my address is listed below. I fully support this structure in my neighborhood and would like it to stay. It does not impact this neighborhood in any negative way at all. In fact, it adds to the beauty of our street and I feel that it has added to my property value.

If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

Laura Hennig — 06-13-2022
Name — Date

Rebecca Hennig Olivera — 06-13-2022
Name — Date

Allan Hennig — 06-13-2022

12160 Meadowlawn Dr.
Address

503-656-4384
Phone Number

laurajah3@gmail.com
Email

Today's Date: 6-13-22

To Whom It May Concern,

I'm writing this letter regarding the barn/shed that Dennis and Sara Bean have built on their property at 12200 Meadowlawn Drive in Oregon City.

I am a neighbor and my address is listed below. I fully support this structure in my neighborhood and would like it to stay. It does not impact this neighborhood in any negative way at all. In fact, it adds to the beauty of our street and I feel that it has added to my property value.

If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

DIRK MOULTON — Name
6-13-2022 — Date

[signature] — Name
6-13-2022 — Date

12201 S. MEADOWLAWN DR. OREGON CITY, OR 97045
Address

503-504-6868
Phone Number

DWMGCS@MSN.COM
Email

Today's Date: 6-13-22

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If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

Stephen C. Lieb — 6/13

Name — Date

Name — Date

12151 MEADOWLAWN DR

Address

503 656 3536

Phone Number

LIEBM12@COMCAST.NET.

Email

Today's Date: JUNE 13, 2022

To Whom It May Concern,

I'm writing this letter regarding the barn/shed that Dennis and Sara Bean have built on their property at 12200 Meadowlawn Drive in Oregon City.

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If you have any questions or would like to talk with me about my opinion on this structure, you can contact me using the information below.

JOHN JENSEN — JUNE 13, 2022
Name — Date

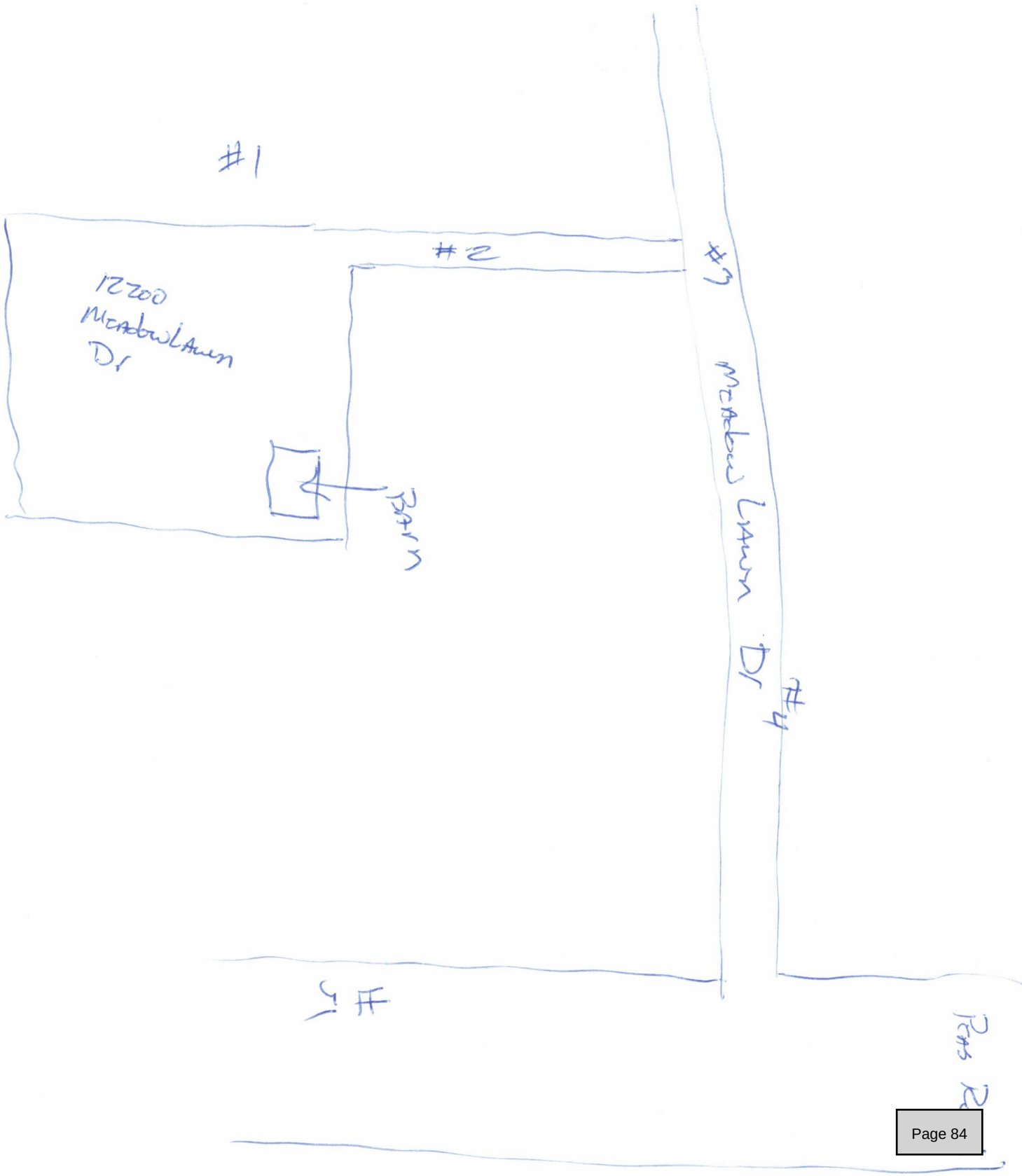
Patty Jensen — 6-13-2022
Name — Date

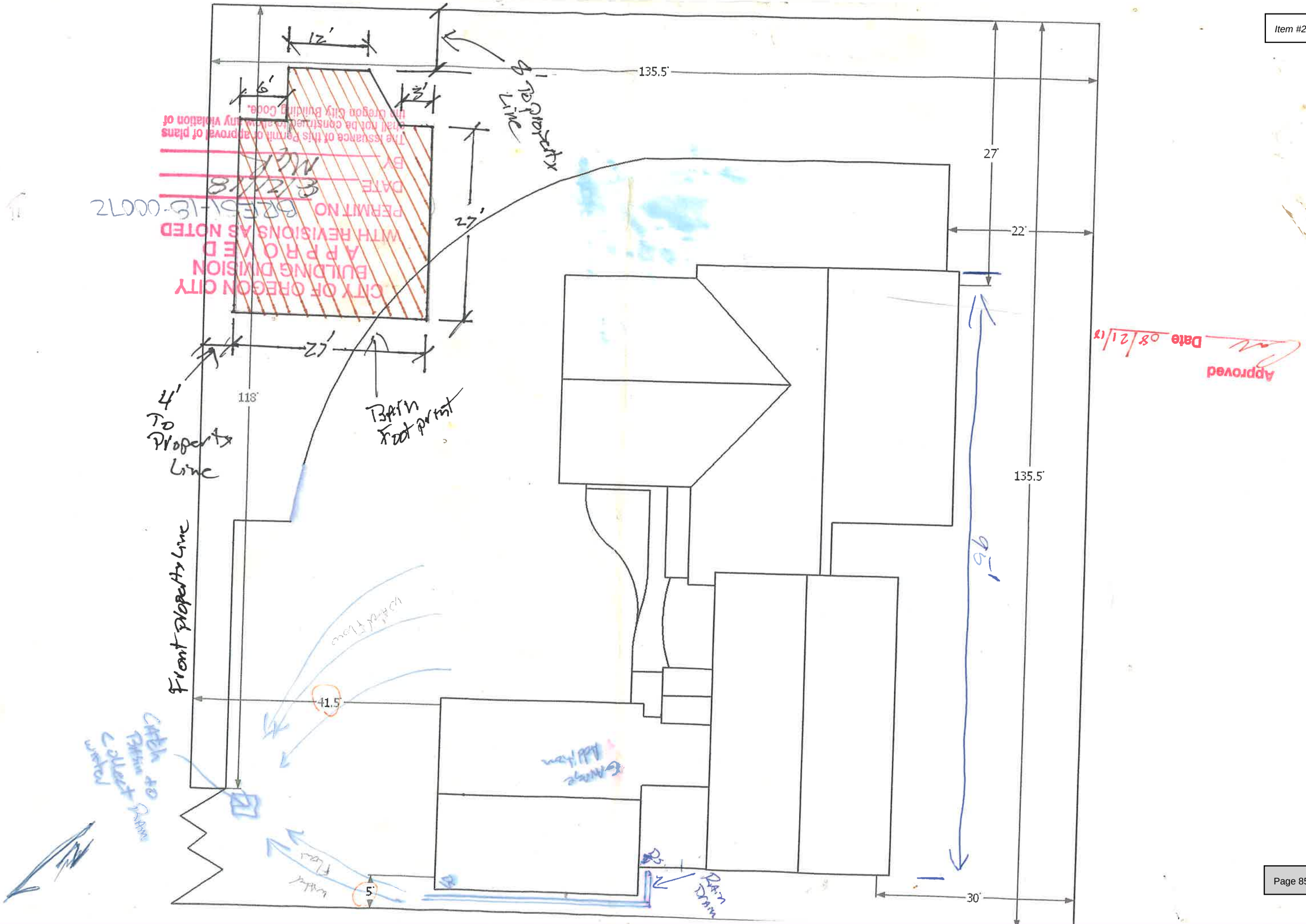
12062 MEADOWLAWN DRIVE
Address

503-780-9148
Phone Number

AKEENHUNTER@YAHOO.COM
Email

We love the barn!. It is beautiful and exciting to look at.


#1
#2
#3
#4
12200
Meadowlawn
Dr
Barn
Meadowlawn Dr


12'
6'
3'
8' To Property Line
135.5'
27'
22'
27'
27'
4' To Property Line
118'
Barn Footprint
Front Property Line
135.5'
41.5'
5'
30'
Rain Drain
Catch Basin to Collect Rain water
Garage Addition
Approved
Date 08/21/18
CITY OF OREGON CITY
BUILDING DIVISION
APPROVED
WITH REVISIONS AS NOTED
PERMIT NO BRES1-18-00072
DATE 8/2/18
BY
The issuance of this Permit or approval of plans shall not be construed to allow any violation of the Oregon City Building Code.

Tower Vista Meeting

Sara Bean <18sarabean@gmail.com> Thu, Jul 7, 2022 at 9:35 AM
To: Becky Krueger <bkrueger@equitygroup.com>

Approval from the Tower Vista neighborhood committee.

---------- Forwarded message ---------
From: **Sara Bean** <18sarabean@gmail.com>
Date: Tue, Jun 21, 2022 at 10:39 AM
Subject: Re: Tower Vista Meeting
To: Jeff Akin <jeff.t.akin@gmail.com>
Cc: Dennis Bean <dennisbean@comcast.net>

Thank you Jeff and the association ! I repeat our invitation to come by anytime to take a look.

We really appreciate the help!

Sara

> On Jun 21, 2022, at 10:18 AM, Jeff Akin <jeff.t.akin@gmail.com> wrote:
>
> Sara,
>
> Thank you for sending all of the materials on this. The Tower Vista Neighborhood Association Steering Committee via email and we have no concerns.
>
> No need to present at our upcoming NA meeting; thank you again for sharing.
>
> Jeff Akin
>
> Tower Vista Neighborhood Assoc. Chair

From: Sara Bean <18sarabean@gmail.com>
Date: Thursday, June 16, 2022 at 1:29 PM
To: Jeff Akin <jeff.t.akin@gmail.com>
Cc: Dennis Bean <dennisbean@comcast.net>
Subject: Re: Tower Vista Meeting

Hi Jeff,

I'm sending over three files. One contains the notes from our recent meeting which was two days ago with city officials. As you will see, the two issues in question are the location at the front of the property (Chapter 17.54 - f) and the setback requirement (Chapter 17.54 - g).

For Chapter 17.54 -f: In R-6 zones inside the city, accessory buildings are not allowed to be sited in front of the main structure. We are asking for a variance on this count because our lot is a flag lot, there is no suitable space to build the structure behind the house, and the building meets all conditions for a variance request - most importantly, it does not block the view of the house and cannot be seen from the street, is not an eyesore, etc.

For 17.54 - g: Our only issue here is the setback. We are fine on height and lot coverage. We are too close to the neighbor's fence/the shared property line. We are asking for a variance because we meet all conditions for a variance request. Furthermore, we have a letter of support from the neighbor whose property shares that line.

We also have letters of support from 7 neighbors, including all neighbors who share a line with our property with a direct view of the building. I have attached these letters for your steering committee to review.

Please let me know if there is anything else I can provide. I feel sure you have been through this process before with other variance requests. We were told that all we need from the board is a letter stating that you have reviewed the matter.

You are more than welcome to come out to the site to look at the property and the building. I personally think it is lovely and our neighbors seem to really like it.

Thanks so much,

Sara

IMG_6612.MOV

OREGON CITY
Community Development – Planning
695 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3789 | Fax (503) 722-3880

LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: 9/19/22

Land Use Application File Number: GLUA 22-00029 R

NAME: Betty Johnson

AGENCY: Clackamas River Water

EMAIL ADDRESS: bjohnson@crwater.com

The land use application material is referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return a copy of this form to facilitate the processing of this application and to ensure prompt consideration of your recommendations.

Please check the appropriate spaces below.

☑	The proposal does not conflict with our interests.
☐	The proposal conflicts with our interests for the reasons attached. (Please attach additional information)
☐	The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.

This development is currently within the Clackamas River Water (CRW) district boundary, however the City is currently undergoing the process of withdrawing CRW territory in accordance with state statutes as well as City and CRW requirements. The City is currently the water purveyor for this parcel.

CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION