



CITY OF OREGON CITY CITY COMMISSION REGULAR MEETING AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Wednesday, September 4, 2024 at 7:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Register to provide electronic testimony (email recorderteam@orccity.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)
- Email recorderteam@orccity.org (deadline to submit written public comment via email is 3:00 PM on the day of the meeting)
- Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045

REGULAR MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

4. PUBLIC COMMENTS

Please see the public comment guidelines below.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

- 7.a. Resolution No. 24-24, Authorizing the Nomination of the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program

8. PUBLIC HEARINGS

- 8.a. Second Reading of ORD 24-1007 for GLUA-24-00004: AN-24-0001: Annexation and ZC-24-0001: Zone Change, 14389 and 14421 Maplelane Road

9. GENERAL BUSINESS

- 9.a. Park Place Concept Plan Zoning Code Amendments – Legal Issues

10. COMMUNICATIONS

City Manager

Commissioners

Mayor

- a. Mayoral Appointments to the Natural Resources Committee

11. ADJOURNMENT

ORDINANCE NOTICE

If an ordinance is noticed above in this agenda, the text of the ordinance is available online with the posted agenda packet. In addition, three copies are provided for public review in the Office of the City Recorder upon request.

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's table, and state your name and city of residence. Each speaker is given 3 minutes to speak. Representatives of neighborhood associations may be given 5 minutes to speak if requested. As a general practice, the City Commission does not engage in discussion with those making comments. Complaints shall first be addressed at the department level prior to addressing the City Commission. Electronic presentations are permitted but must 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](#) 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

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

Staff Report

To: City Commission **Agenda Date:** September 4, 2024
From: Dayna Webb, City Engineer

SUBJECT:

Item 7.a. - Resolution No. 24-24, Authorizing the Nomination of the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:

Attached is Resolution No. 24-24, a resolution authorizing staff to apply for the Metro 2028-2030 Regional Flexible Fund Allocation – Step 1A.1 New Project Bond Program. This program is a competitive program focused on transit and first/last mile safe access to transit. The City acknowledges the required 10.27% local dollar match for this application. Applications are due September 6, 2024.

BACKGROUND:

Metro is soliciting applications for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program. To be an eligible applicant for this program, projects must include at least one of the three project categories:

1. Capital Investment Grants (CIG) projects or large transit capital projects leveraging other federal funding
2. First/last mile transit and/or safe access to transit
3. Transit vehicle priority

The Oregon City Project nomination is a component of the City's McLoughlin Boulevard Enhancement Plan - to be completed and adopted by the Commission in upcoming months. This proposed project would include walking, biking and access to transit components, such as sidewalks, pedestrian crossings, parking and placemaking opportunities. Additionally, this project would include transit signal prioritization along the McLoughlin Boulevard corridor. Further discussion will be necessary to determine the best, applicable options. The separate shared use path, on the west side of McLoughlin Boulevard and the Willamette River, would not be included with this project nomination.

The schedule for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program is as follows:

Table 1. 28-30 RFFA Step 1A.1 New Project Bond – Nomination Key Dates

Activity	Date
Nomination window opens Scheduling of consultation or candidate project proposal meetings can begin prior to July 26th, but meetings will begin on July 26th.	Friday July 26, 2024
Nomination window closes	Friday September 6, 2024
Screening of nominated candidates begin Assess and verify for minimum requirements and consistency with bond principles.	Monday September 9, 2024
Screening process completed Screening for minimum requirements as outlined in the bond development guidelines in the Program Direction and in the instructions.	End of September 2024
Notifications to nominated projects on status entering the project evaluation phase. Recommendations may include shifting the candidate project nomination to the Step 2 allocation.	Friday October 4, 2024
Follow up requested project data due for submissions	Friday October 18, 2024

Staff are refining the final application to create a competitive project. Providing the appropriate improvements and upgrades, as well as balancing the cost of the project will provide a competitive edge for this application. As such, staff are requesting authorization to apply for a Metro 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program in the amount, not to exceed, \$9,000,000 where the City would be required to provide a local match of 10.27% (maximum of \$924,300) from the Transportation System Development Charge (SDC) Fund. If the grant were awarded, the City's local match would be allocated to a future budget.

OPTIONS:

1. Approve Resolution No. 24-24, Authorizing the Nomination of the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program.
2. Approve Resolution No. 24-24, Authorizing the Nomination of the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program with Amendments.
3. Deny Resolution No. 24-24, Authorizing the Nomination of the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project for the 2028-2030 Regional Flexible Fund Allocation Program – Step 1A.1 New Project Bond Program and provide further direction.

BUDGET IMPACT:

Amount \$
Fiscal Year(s): FY 2028
Funding Source(s): Transportation SDC

RESOLUTION NO. 24-24

A RESOLUTION AUTHORIZING THE NOMINATION OF THE OREGON CITY MCLOUGHLIN BOULEVARD MULTI-MODAL AND TRANSIT IMPROVEMENTS PROJECT FOR THE 2028-2030 REGIONAL FLEXIBLE FUND ALLOCATION PROGRAM

WHEREAS, Metro is soliciting projects for the 2028-2023 Regional Flexible Fund Allocation – Step 1A.1 New Project Bond Program; and

WHEREAS, the program is a competitive program with a focus on transit and first/last mile safe access to transit; and

WHEREAS, the purpose of the program is to utilize regional revenues on regional or corridor scale projects; and

WHEREAS, the purpose of the program is to advance the ability to construct projects earlier that will otherwise be allocated to other metropolitan areas; and

WHEREAS, the purpose of the program is to continue the past practice to use bonded RFFA revenues to advance transportation projects that improve equitable access to jobs and services, reduce climate impacts, and improve safe travel on the transportation system; and

WHEREAS, the City desires to participate in the program and will commit to provide the indicated dollar match should this project be awarded the requested grant funds; and

WHEREAS, Public Works supports the City's application for the 2028-2023 Regional Flexible Fund Allocation – Step 1A.a New Project Bond Program for the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. Staff is authorized to submit to Metro an application for the 2028-2023 Regional Flexible Fund Allocation – Step 1A.a New Project Bond Program for the Oregon City McLoughlin Boulevard Multi-Modal and Transit Improvements Project.

Section 2. This resolution takes effect immediately upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 4th day of September 2024.

DENYSE C. MCGRUFF, Mayor

Attested to this 4th day of September 2024:

Approved as to legal sufficiency:

Jakob S. Wiley, City Recorder

City Attorney



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	September 4, 2024
From:	Aquilla Hurd-Ravich, Community Development Director Christina Robertson-Gardiner, Senior Planner		

SUBJECT:

Item 8.a. - Second Reading of ORD 24-1007 for GLUA-24-00004: AN-24-0001: Annexation and ZC-24-0001: Zone Change, 14389 and 14421 Maplelane Road

STAFF RECOMMENDATION:

Second Reading of ORD 24-1007 for GLUA-24-00004: AN-24-0001: Annexation and ZC-24-0001: Zone Change, 14389 and 14421 Maplelane Road

EXECUTIVE SUMMARY:

The City Commission voted 4-1 to approve the proposal at its August 21, 2024, meeting and adopted the Planning Commission recommendation and findings found in the staff report as submitted.

The annexation request determines whether the city wants to bring the property within the city limits and assign a city zoning that is consistent with the Low-Density Comprehensive Plan designation. This is a Type IV City Commission decision guided by the recommendation of the Planning Commission, which held an initial hearing on July 22, 2024. Annexations are not subject to the 120-day state land use deadline, though city staff prepared a staff report and held a Planning Commission meeting within 50 days of a complete application.

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

Summary Findings

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

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

A Zone Change to R6 is reasonable and appropriate for this area, particularly as half the site is constrained by the Geohazard District, which has a reduced density of two units per acre. This will push most of the development to the flat areas abutting the road. The applicant has provided a reasonable worst-case scenario to evaluate the development of the site, which is a requirement of the Zone Change analysis. The applicant's consultant and the city-contracted transportation engineer have found that the reasonable worst-case scenario meets the Transportation Planning Rule (TPR) and is consistent with the City's Transportation System Plan. As no development is proposed with this application, this is more of an exercise to see if there would be any variation of development allowed in the R6 zone that would not meet our master plan development assumptions and methodology. In this instance, there was no conflict.

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

PLANNING COMMISSION RECOMMENDATION

At the July 22, 2024, Meeting, based on deliberations, the staff report, and the Proposed Findings and Reasons for the Decision for this annexation, the Planning Commission forwarded a recommendation for approval to the City Commission regarding how the proposal complies with the factors set forth in Section 14.04.060 (annexation) and OCMC 17.68 (Zone Change) and forwarded the following proposed findings and reasons for the decision for adoption by the City Commission.

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

- Find that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommends that the property be removed from the Clackamas River Water District
- Recommend that the City Commission concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance.
- Recommend the rezoning of the site from FU-10 to R6
- The Planning Commission forwarded the proposal without a specific comment relating to additional historic regulation and felt that was not part of their expertise or

purview. The City Commission agreed there was insufficient evidence to pursue the need for local designation for the onsite homes.

- The Planning Commission forwarded the proposal without any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city. The City Commission agreed.

BACKGROUND:

OPTIONS:

Approve the second reading of ORD 24-1007 for an Annexation and Zone Change at 14389 and 14421 Mapleland Road

BUDGET IMPACT:

The applicant paid land use application fees an annexation and zone change in conformance with the Planning Division fee schedule as of January 1, 2024.

ORDINANCE NO. 24-1007

**AN ORDINANCE APPROVING ANNEXATION AND ZONE CHANGE PROPOSAL
NO. GLUA-24-0004: AN-24-0001 AND ZC-24-0001 OF CERTAIN PROPERTY
LOCATED AT 14389 AND 14421 MAPLELANE ROAD TO THE CITY OF OREGON CITY**

AN ORDINANCE OF THE CITY OF OREGON CITY

WHEREAS, the owners of certain real property adjacent to the City of Oregon City proposed an Annexation Proposal No. GLUA-24-0004: AN-24-0001 and a Zone Change to a City zoning designation ZC-24-0001 for an approximately 1.65-acre property located at 14389 and 14421 Maplelane Road, Oregon City OR 97045, identified as 32E04C as tax lots 00300 and 00500, more fully identified in Exhibit 'A' to this Ordinance, and

WHEREAS, the City finds that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.

WHEREAS, the Zone Change would change the zoning designation from the Clackamas County designation of Future Urbanizable 10 (FU 10) to a City designation of "R-6" a Low-Density Residential District. No further development is proposed, and

WHEREAS, as the proposed annexation and zone change involves properties located within the city's urban growth boundary since 1979, all of the city's infrastructure Master Plans, including the Transportation System Plan, have accounted for the potential development load on these lots in their analyses.

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

WHEREAS, Senate Bill 1573, adopted in 2016, requires annexation of territory without a vote by the people, notwithstanding city charter and regulations to the contrary, and the City finds that the annexed area is within the urban growth boundary, will be subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; and

WHEREAS, the identified property is currently in Clackamas Fire District # 1 (CFD#1), and CFD#1 will continue to provide fire protection service to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas River Water district, and Oregon City will be responsible for Water service to the identified property when annexed; and

WHEREAS, the identified property is currently within the Clackamas County Service District for Enhanced Law Enforcement, and the Oregon City Police Department will be responsible for police services to the identified property when annexed; and

WHEREAS, the identified property is not currently within the Tri-City Service District and must petition for annexation into said District with the concurrence of the City; and

Ordinance No. 24-1007

Effective Date: _____

Page 1 of 2

WHEREAS, the City Commission concurs that the Tri-City Service District can annex the identified properties into their sewer district;

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

- Section 1. That the area further identified in the legal description attached hereto as Exhibit "A", is hereby annexed to and made a part of the City of Oregon City.
- Section 2. That the territory identified in Exhibit "A" shall hereby remain within Clackamas County Fire District # 1.
- Section 3. That the territory identified in Exhibit "A" is hereby withdrawn from Clackamas County Service District for Enhanced Law Enforcement, and henceforth, the Oregon City Police Department will be responsible for police services to the identified property.
- Section 4. That the territory identified in Exhibit "A" shall hereby withdrawn from Clackamas River Water District.
- Section 5. The City hereby concurs with and approves the annexing of the territory identified in Exhibit "A" into the Tri-City Service District by the Clackamas County Board of Commissioners to the extent allowed by law.
- Section 6. That the effective date for this annexation is the date, this ordinance is submitted to the Secretary of State, as provided in ORS 222.180.

Read for the first time at a regular meeting of the City Commission held on the _____ day of _____, 2024, and the City Commission finally enacted the foregoing ordinance this _____ day of _____, 2024.

Mayor, Denyse C. McGriff

Attested to this _____ day of _____ 2024: Approved as to legal sufficiency:

City Recorder

City Attorney

Exhibit A – Map and Legal Description of Proposed Annexation
Exhibit B – Proposed Findings, Reasons for Decision, and Conclusions

Ordinance No. 24-1007

Effective Date: _____

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EXHIBIT A

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

April 29, 2024
Page 1 of 2

ANNEXATION DESCRIPTION

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

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

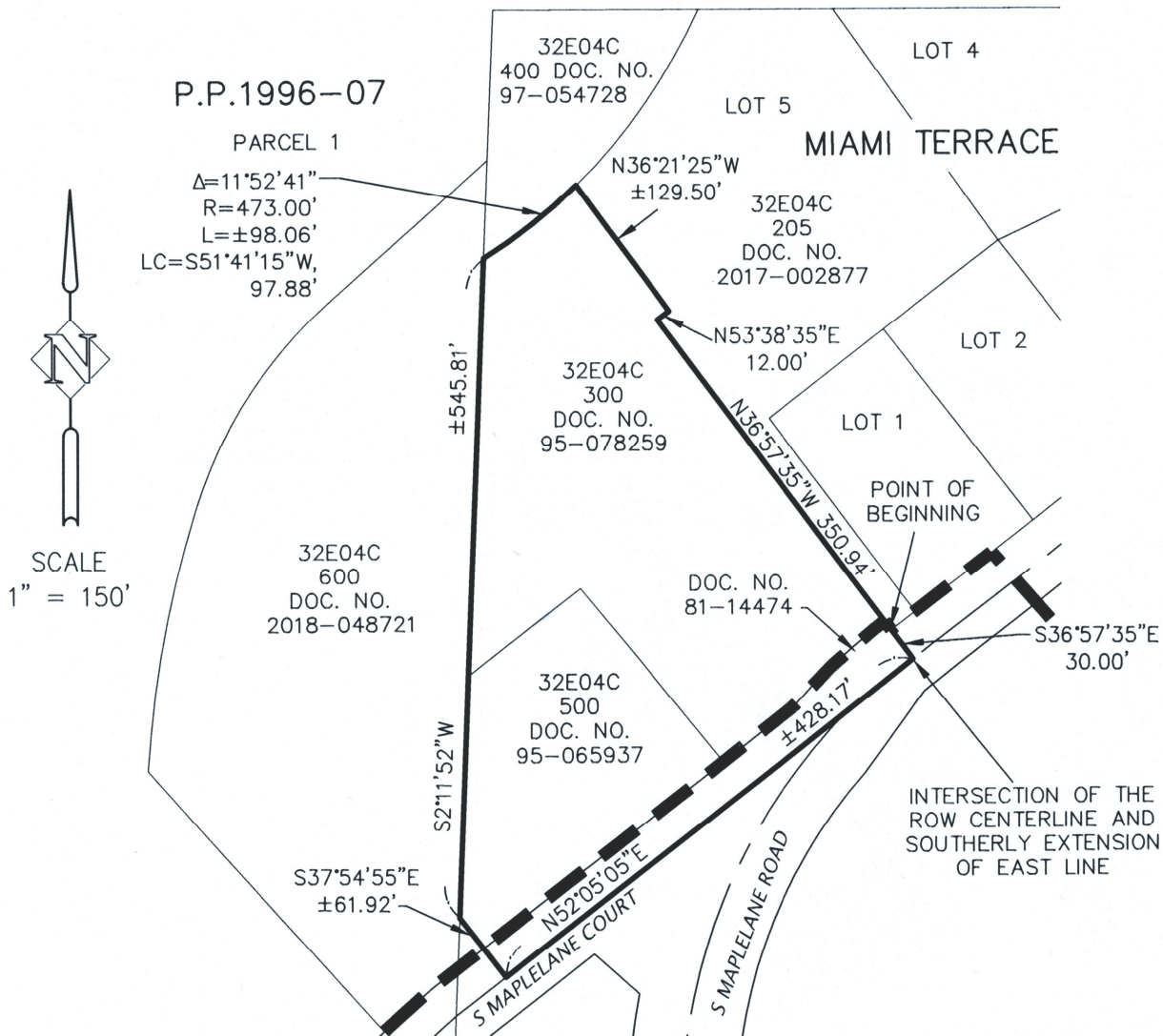
The above-described tract of land contains 135,261 Square Feet (3.1 acres), more or less.



EXPIRES 6-30-2025

EXHIBIT "A"

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



PREPARED FOR

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

LEGEND



CITY OF OREGON CITY LIMITS LINE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

[Signature] 4/29/24

OREGON
JANUARY 20, 1998
BRIAN K. HENSON
2855

EXPIRES: 6/30/2025

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



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

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

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



Type IV STAFF RECOMMENDATION

Revised

August 10, 2024

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

FILE NO: **GLUA-24-0004: AN-24-0001:** Annexation and **ZC-24-0001:** Zone Change

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

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

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

REVIEWER: Christina Robertson-Gardiner AICP, Senior Planner

CURRENT ZONING County: FU-10

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

RECOMMENDATION: Evaluate the factors set forth in Section 14.04.060 (annexation) and criteria in OCMC 17.68 (Zone Change). The Planning Commission voted 5-0 to recommend approval of this application at the July 22, 2024, Planning Commission meeting

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

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

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

Property Owners / Voters: 4

Applicant(s): Graeme Newhouse, Moehnke Properties LLC

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

REASON FOR ANNEXATION

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

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

STAFF SUMMARY

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

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

The applicant has provided a reasonable worst-case scenario to evaluate the site's development, which is a requirement of the Zone Change analysis. The applicant's consultant and the city-contracted transportation engineer have found that the reasonable worst-case scenario meets the Transportation Planning Rule (TPR) and is

consistent with the City's Transportation System Plan. As no development is proposed with this application, this is more of an exercise to see if there would be any variation of development allowed in the R6 zone that would not meet our master plan development assumptions and methodology. In this instance, there was no conflict.

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

Staff has highlighted the following items that the City Commission should consider and provide staff direction in their deliberations. The Planning Commission's direction is highlighted below.

Historic Considerations

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

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

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

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

Local historic designation in Oregon requires owner consent. If the City Commission desires to regulate these two resources through the OCMC 17.40 historic overlay, the best approach is to add a condition to the annexation or require the applicant to apply for local designation concurrently.

Planning Commission Direction: The Planning Commission voted 5-0 not to respond officially on this topic because it felt it was outside its expertise or purview.

Tree summary

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

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

Planning Commission Direction: The Planning Commission voted 4-1 not to require any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city. This was not a unanimous decision, and one Commissioner highlighted the need for a city-wide residential tree program that would have addressed the issue.

ANNEXATION PROCESS

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

SITE DETAILS

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

The project site includes two properties located at 14389 and 14421 Maplelane Road within Clackamas County. The properties are described on Clackamas County Tax Map 32E04C as tax lots 00300 (1.66 acres) and 00500 (0.84 acres). The territory in the proposed annexation contains approximately 2.5 acres and has two single-family residences with a population of 4, with a current combined estimated assessed value in 2023 of \$ 323,215 and a total value of \$917,610. In total, the properties are approximately 2.5 acres in size, located within the existing Urban Growth Boundary, zoned Future Urbanizable (FU-10) 10-acre district in Clackamas County, with a Comprehensive Plan designation of Low-Density Residential (LR) within Oregon City. The properties are located north and west of Maplelane Road near its intersection with Maplelane Court (outlined in red below).

The map shows a residential neighborhood with several streets. A specific lot, 14389, is highlighted in red and marked with a black star. This lot is situated between S Maplelane Ct to the west and south, and Whitehorse Ct to the east. The lot number 14389 is clearly visible within the red boundary. Surrounding lots are numbered, including 14439, 14440, 14441, 14442, 14443, 14444, 14445, 14446, 14447, 14448, 14449, 14450, 14451, 14452, 14453, 14454, 14455, 14456, 14457, 14458, 14459, 14460, 14461, 14462, 14463, 14464, 14465, 14466, 14467, 14468, 14469, 14470, 14471, 14472, 14473, 14474, 14475, 14476, 14477, 14478, 14479, 14480, 14481, 14482, 14483, 14484, 14485, 14486, 14487, 14488, 14489, 14490, 14491, 14492, 14493, 14494, 14495, 14496, 14497, 14498, 14499, 14500, 14501, 14502, 14503, 14504, 14505, 14506, 14507, 14508, 14509, 14510, 14511, 14512, 14513, 14514, 14515, 14516, 14517, 14518, 14519, 14520, 14521, 14522, 14523, 14524, 14525, 14526, 14527, 14528, 14529, 14530, 14531, 14532, 14533, 14534, 14535, 14536, 14537, 14538, 14539, 14540, 14541, 14542, 14543, 14544, 14545, 14546, 14547, 14548, 14549, 14550, 14551, 14552, 14553, 14554, 14555, 14556, 14557, 14558, 14559, 14560, 14561, 14562, 14563, 14564, 14565, 14566, 14567, 14568, 14569, 14570, 14571, 14572, 14573, 14574, 14575, 14576, 14577, 14578, 14579, 14580, 14581, 14582, 14583, 14584, 14585, 14586, 14587, 14588, 14589, 14590, 14591, 14592, 14593, 14594, 14595, 14596, 14597, 14598, 14599, 14600, 14601, 14602, 14603, 14604, 14605, 14606, 14607, 14608, 14609, 14610, 14611, 14612, 14613, 14614, 14615, 14616, 14617, 14618, 14619, 14620, 14621, 14622, 14623, 14624, 14625, 14626, 14627, 14628, 14629, 14630, 14631, 14632, 14633, 14634, 14635, 14636, 14637, 14638, 14639, 14640, 14641, 14642, 14643, 14644, 14645, 14646, 14647, 14648, 14649, 14650, 14651, 14652, 14653, 14654, 14655, 14656, 14657, 14658, 14659, 14660, 14661, 14662, 14663, 14664, 14665, 14666, 14667, 14668, 14669, 14670, 14671, 14672, 14673, 14674, 14675, 14676, 14677, 14678, 14679, 14680, 14681, 14682, 14683, 14684, 14685, 14686, 14687, 14688, 14689, 14690, 14691, 14692, 14693, 14694, 14695, 14696, 14697, 14698, 14699, 14700, 14701, 14702, 14703, 14704, 14705, 14706, 14707, 14708, 14709, 14710, 14711, 14712, 14713, 14714, 14715, 14716, 14717, 14718, 14719, 14720, 14721, 14722, 14723, 14724, 14725, 14726, 14727, 14728, 14729, 14730, 14731, 14732, 14733, 14734, 14735, 14736, 14737, 14738, 14739, 14740, 14741, 14742, 14743, 14744, 14745, 14746, 14747, 14748, 14749, 14750, 14751, 14752, 14753, 14754, 14755, 14756, 14757, 14758, 14759, 14760, 14761, 14762, 14763, 14764, 14765, 14766, 14767, 14768, 14769, 14770, 14771, 14772, 14773, 14774, 14775, 14776, 14777, 14778, 14779, 14780, 14781, 14782, 14783, 14784, 14785, 14786, 14787, 14788, 14789, 14790, 14791, 14792, 14793, 14794, 14795, 14796, 14797, 14798, 14799, 14800, 14801, 14802, 14803, 14804, 14805, 14806, 14807, 14808, 14809, 14810, 14811, 14812, 14813, 14814, 14815, 14816, 14817, 14818, 14819, 14820, 14821, 14822, 14823, 14824, 14825, 14826, 14827, 14828, 14829, 14830, 14831, 14832, 14833, 14834, 14835, 14836, 14837, 14838, 14839, 14840, 14841, 14842, 14843, 14844, 14845, 14846, 14847, 14848, 14849, 14850, 14851, 14852, 14853, 14854, 14855, 14856, 14857, 14858, 14859, 14860, 14861, 14862, 14863, 14864, 14865, 14866, 14867, 14868, 14869, 14870, 14871, 14872, 14873, 14874, 14875, 14876, 14877, 14878, 14879, 14880, 14881, 14882, 14883, 14884, 14885, 14886, 14887, 14888, 14889, 14890, 14891, 14892, 14893, 14894, 14895, 14896, 14897, 14898, 14899, 14900, 14901, 14902, 14903, 14904, 14905, 14906, 14907, 14908, 14909, 14910, 14911, 14912, 14913, 14914, 14915, 14916, 14917, 14918, 14919, 14920, 14921, 14922, 14923, 14924, 14925, 14926, 14927, 14928, 14929, 14930, 14931, 14932, 14933, 14934, 14935, 14936, 14937, 14938, 14939, 14940, 14941, 14942, 14943, 14944, 14945, 14946, 14947, 14948, 14949, 14950, 14951, 14952, 14953, 14954, 14955, 14956, 14957, 14958, 14959, 14960, 14961, 14962, 14963, 14964, 14965, 14966, 14967, 14968, 14969, 14970, 14971, 14972, 14973, 14974, 14975, 14976, 14977, 14978, 14979, 14980, 14981, 14982, 14983, 14984, 14985, 14986, 14987, 14988, 14989, 14990, 14991, 14992, 14993, 14994, 14995, 14996, 14997, 14998, 14999

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:

- The territory is included within the City's UGB, which has been 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.

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

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

LAND USE PLANNING

SITE CHARACTERISTICS

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

Frontage to City Limits

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

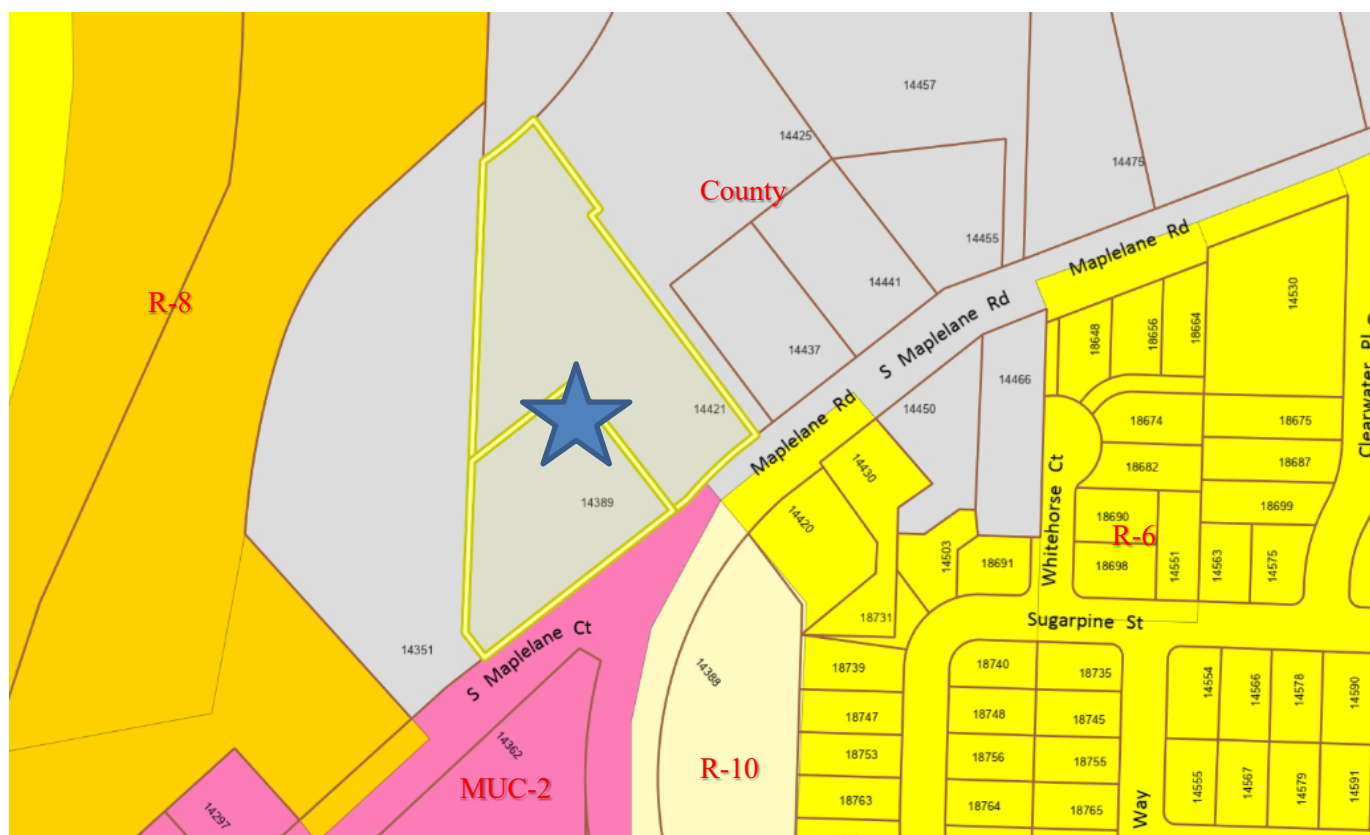


FIGURE 1. LOCATION MAP

FIGURE 3. STREET VIEW (2021)

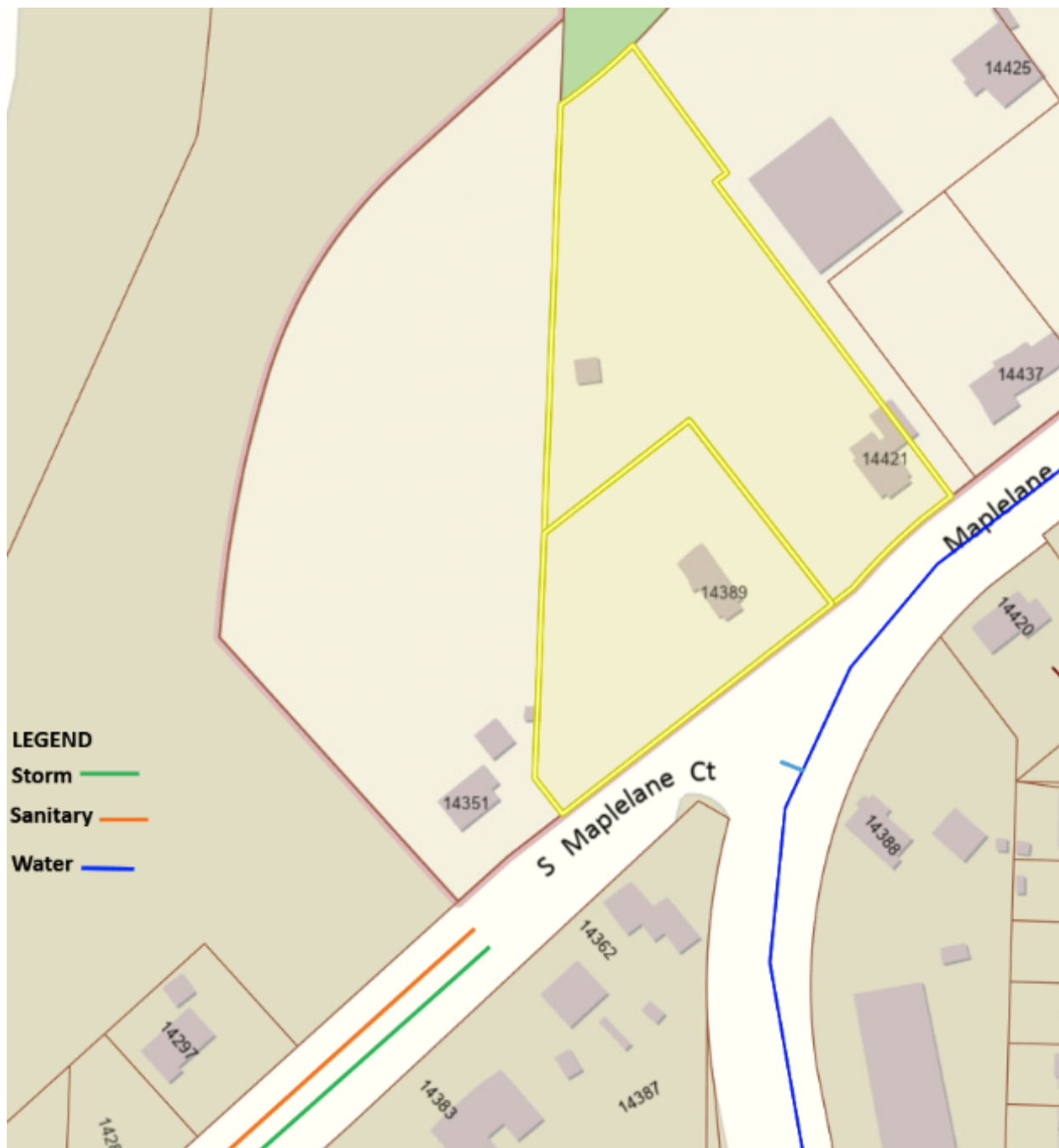


FIGURE 4. UTILITIES

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

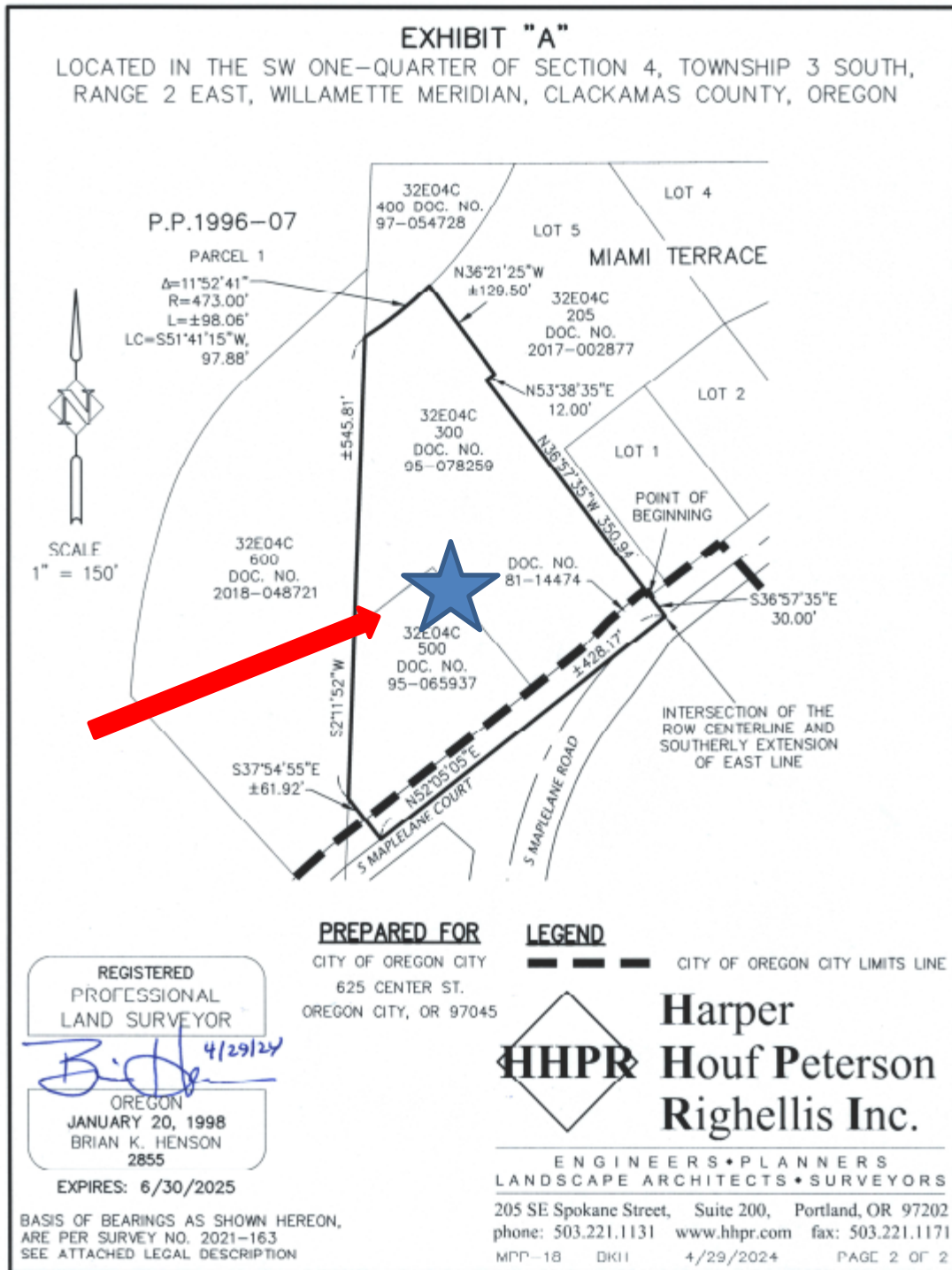


FIGURE 5. LEGAL DESCRIPTION MAP

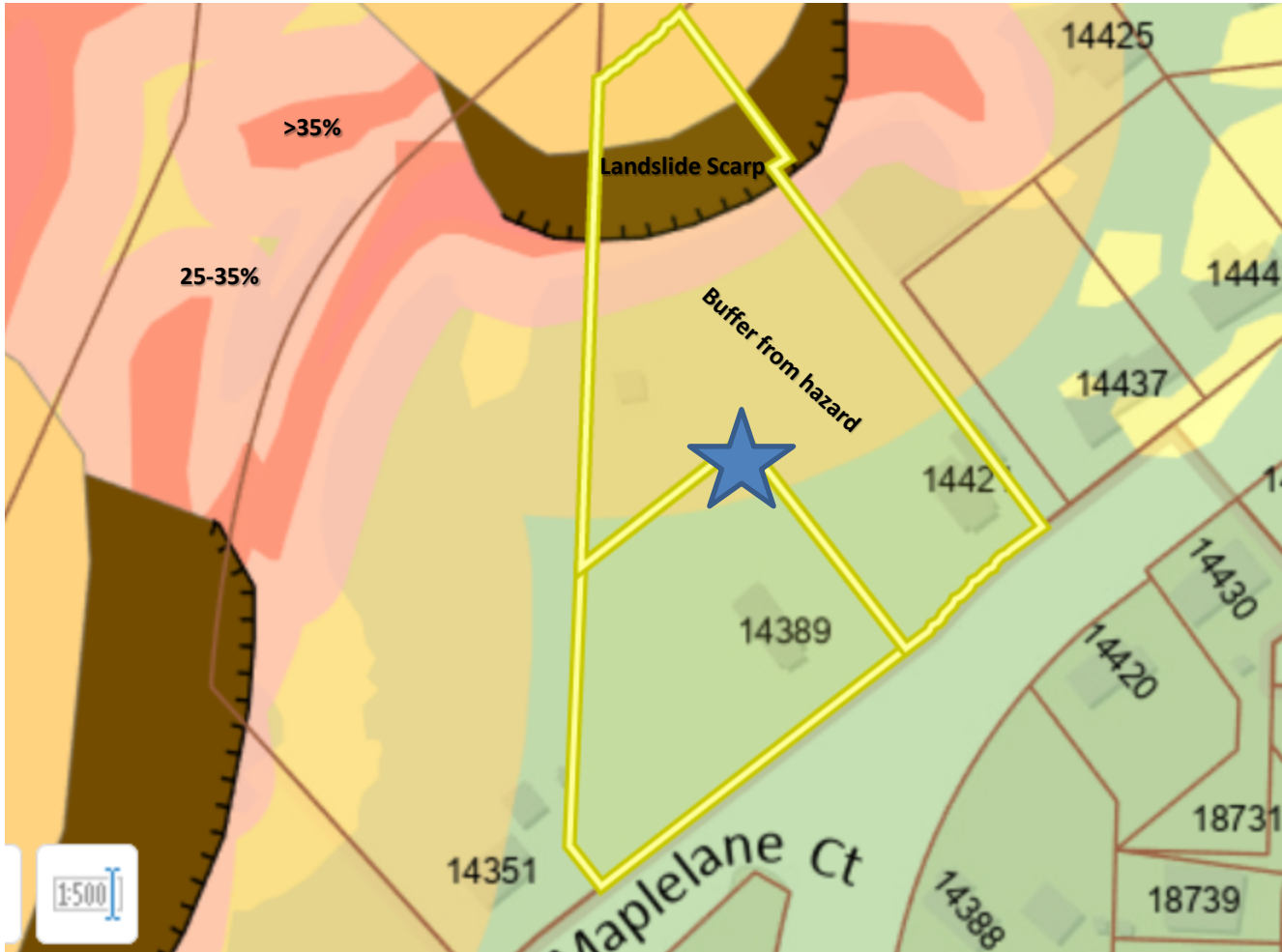


FIGURE6. GEOHAZARD DISTRICT

The Geological Hazards District required reduced density for areas located on steep slopes, landslides, and buffer areas. Additional information can be found in section 17.44 of the staff report. The existing homes are not located within the Geohazard District. All new developments will be subject to the geohazard district development requirements upon annexation.

REGIONAL PLANNING CONSIDERATIONS

General Information

This territory is inside Metro's jurisdictional boundary and inside the regional Urban Growth Boundary (UGB). This area was part of the original 1979 UGB.

Metro Boundary Change Criteria

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

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

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

Consistency with the County and urban service provider planning agreements, along with the timely, orderly, and economical 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 ten factors are not applicable at this time to this Annexation because no necessary party has contested the proposed Annexation.

Metro Regional Framework Plan

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

CLACKAMAS COUNTY PLANNING

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

The Clackamas County Comprehensive Plan is currently applicable to this area. The plan designation for this site is Medium Density Residential (MH) on the County's Oregon City Area Land Use Plan (Map 4-05). The County's zoning for the property is FU-10, Future Urban, with a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the Urban Growth Boundary to preserve the capacity of the land to fully develop once a full range of urban services is available. Lands located outside areas having sanitary sewer service available were designated Future Urbanizable.

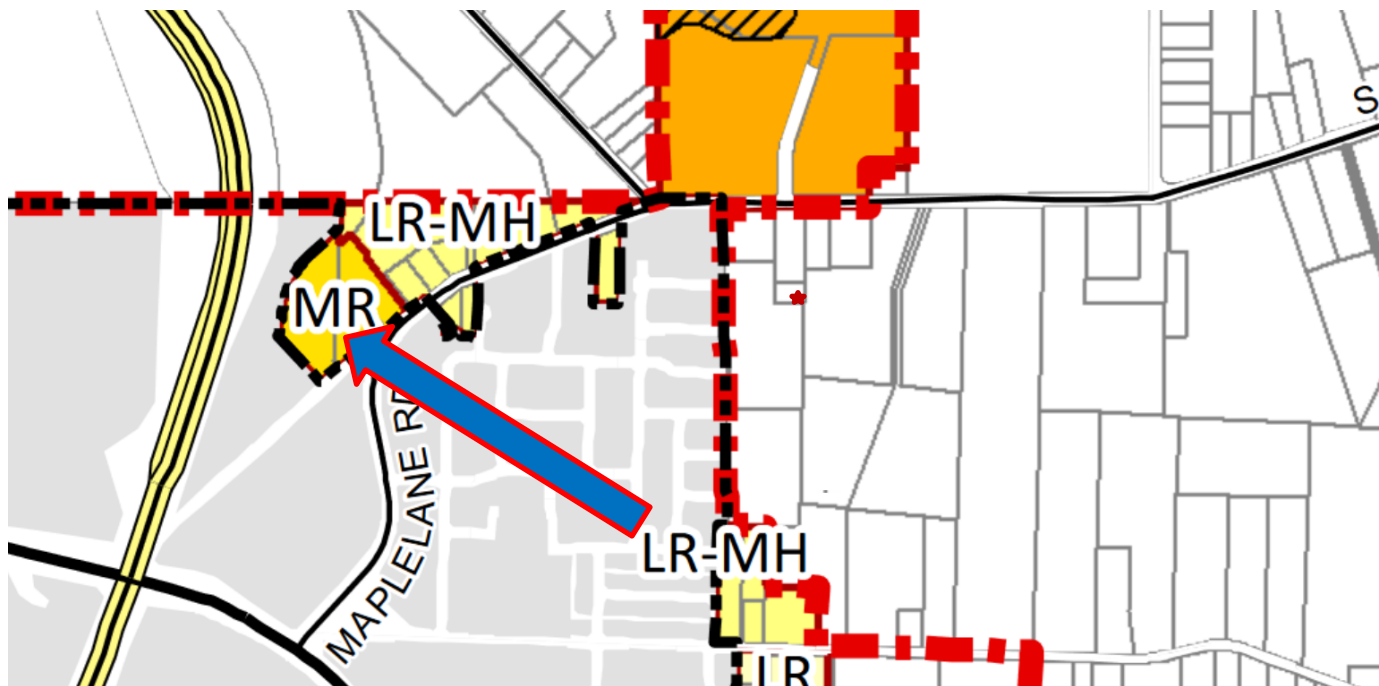


FIGURE 6. COUNTY COMPREHENSIVE PLAN DESIGNATION MR

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

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

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

Urban Growth Management Agreement

The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area that is Low Density Residential. The applicant concurrently applied to receive R-6 zoning following annexation.

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

The Agreement goes on to say:

4. City and County Notice and Coordination

* * *

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

* * *

5. City Annexations

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

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

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

* * *

NOTIFICATION TO THE COUNTY

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

ADJACENT ROAD RIGHT-OF-WAY

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

CLACKAMAS RIVER WATER

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

TRI-CITY SEWER DISTRICT

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

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

FACILITIES AND SERVICES

ORS 195 Agreements. ORS 195 requires agreements among providers of urban services. Urban services are defined as sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads, and mass transit.

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

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

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

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

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

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

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

According to ORS 222.120 (5), the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon Annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property.

Upon Annexation, the Oregon City Police Department will officially serve the property.

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

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

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

OREGON CITY COMPREHENSIVE PLAN

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

Housing Needs Analysis- HNA (2021)

The study, an ancillary document of the comprehensive plan, found that Oregon City should plan for the growth of 7,435 new dwelling units over the next 20 years. Much of the housing growth will be driven by household growth. The city will meet Metro's requirements for net density and housing mix but will have a slight shortage of land for high-density housing and an unmet need for affordable housing.

Finding: Complies The proposed annexation and zone change are consistent with the HNA, as the requested zoning provides the greatest housing opportunity within the low-density residential comprehensive plan designation.

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

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

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

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

Planning Commission Direction: The Planning Commission voted 5-0 not to respond officially on this topic because it felt it was outside its expertise or purview.

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

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

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

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

required to connect to existing public utilities and develop in a manner consistent with the urban zone applied to the property upon annexation.

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

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

Finding: Complies. The proposed annexation of the project site is contiguous with the city limits. Shown on the map below, the Oregon City limits follow the northern Maplelane Road right-of-way line, and the annexing properties are located directly adjacent to that line. There are no existing concept plans or sub-area master plans that include the project site. Abutting the project site are two county parcels, one owned by the Metropolitan Service District to the north and a private property to the west. These two parcels are connected and touch each other; thus, the annexation of the subject's land would not create an island. The City Commission provided a similar finding during the Serres Farm annexation and Zone Change review in 2016 (AN-16-0004 AND ZC-16-0001) that a small sliver connection of two county parcels was sufficient not to create an island.



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

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

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

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

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

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

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

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

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

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

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

LAND USE

This application has one residential land use type:

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

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

CITY LAND USE CLASSIFICATION

Residential Type
Low-density residential

City Zone
R-10, R-8, R-6

Medium-density residential
High-density residential

R-3.5, R-5
R-2

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

OCMC 14.04.060 - Annexation factors.

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

1. Adequacy of access to the site;

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

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

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

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

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

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

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

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

...

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Finding: Complies The only applicable criterion in ORS 222 is that annexed lands be contiguous to the City. The site is contiguous at its border with city property for about 407 feet along the property boundary. The Metro Code

criteria are set out on page 9 of this report. This report considers each factor, and the Conclusions and Reasons in the Findings and Reasons demonstrate that these criteria are satisfied.

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

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

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

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

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

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

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

Planning Commission Direction: The Planning Commission voted 5-0 not to provide an official response on this topic because it felt that it was outside its expertise or purview.

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

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

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

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

Planning Commission Direction: The Planning Commission voted 4-1 not to require any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city. This was not a unanimous decision, and one Commissioner highlighted the need for a city-wide residential tree program that would have addressed the issue.

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

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

If annexed, the property owner could apply to the City for land use permits. Any impacts on the community that result from the approval of development permits are a direct consequence of the future permit approval, not of the Annexation. Before any urban development can occur, the territory must also be annexed to the Tri-City Service District. Upon voter approval of the city annexation, the City Commission must concur with the Tri-City Service District's Annexation of the subject property in the enacting Ordinance.

Section 8 of the Ordinance states:

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

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

CHAPTER 17.44 – GEOLOGIC HAZARDS

17.44.010 – Intent and purpose.

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

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

No person shall develop land, construct, reconstruct, structurally alter, relocate or enlarge any building or structure for which a land development, sign, or building permit is required on a property that contains an area mapped

within the adopted Oregon City Geologic Hazards Overlay Zone without first obtaining permits or approvals as required by this chapter.

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

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

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

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

Additionally, the Geologic Hazards district requires a Geohazard review whenever more than 25% of a canopy is removed within the steep slope portion of Geohazard district. This regulation occurs regardless of any additional 17.41 regulations and can require tree mitigation planting/replanting. Any future development onsite will be subject to review of this chapter. No development is being proposed at this time, and specific findings for the applicability of the geohazard will occur at the time of any proposed development. These comments and findings are provided for context only.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

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

17.50.050 – Pre-application conference.

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

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

17.50.055 - Neighborhood association meeting.

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

- A. *Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

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

17.50.060 Application Requirements.

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

17.50.070 Completeness Review and 120-day Rule.

17.50.080 Complete Application--Required Information.

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

17.50.090 Public Notices.

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

17.50.100 Notice Posting Requirements.

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

17.50.130 Conditions of approval and notice of decision.

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

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

17.50.140 – Financial guarantees.

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

17.50.141 – Public improvements – Warranty

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

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

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 – INITIATION OF THE AMENDMENT.

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

A. A resolution request by the City Commission;

B. An official proposal by the Planning Commission;

C. An application to the Planning Division; or.

D. A Legislative request by the Planning Division.

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

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

17.68.020 – CRITERIA.

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

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

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

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

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

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

Finding: Complies. A Transportation Analysis Letter (TAL) was provided along with the application that indicates the

annexation and zone change will not have a significant impact on the planned function, capacity, and level of service of the transportation system serving the project site.

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

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

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

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

17.68.040 – APPROVAL BY THE COMMISSION.

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

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

17.68.050 – CONDITIONS.

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

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

PLANNING COMMISSION RECOMMENDATION

Based on the staff report and the Proposed Findings and Reasons for Decision for this annexation, The Planning Commission forwarded a recommendation for approval to the City Commission regarding how the proposal complies with the factors set forth in Section 14.04.060 (annexation) and OCMC 17.68 (Zone Change). and forwards the following proposed findings and reasons for the decision for adoption by the City Commission.

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

- Find that this Annexation is consistent with a positive balance of the factors set forth in OCMC Section 14.04.060.
- Recommends withdrawing the territory from the County Service District for Enhanced Law Enforcement as allowed by statute.
- Recommends that the property is removed from the Clackamas River Water District

- Recommend that the City Commission concur with Tri-City Service District's Annexation of the subject property in the enacting Ordinance.
- Recommend the rezoning of the site from FU-10 to R6
- **The Planning Commission forwarded the proposal without a specific comment on additional historic regulation because it felt that it was outside its expertise or purview.**
- **The Planning Commission forwarded the proposal without any additional tree regulation. They believed the parcels should be regulated like other R6 lots within the city.**

DRAFT City Commission Findings

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

PROPOSED FINDINGS, CONDITIONS AND REASONS FOR DECISION

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

1. The Metro Code calls for consistency of the Annexation with the Regional Framework Plan or any functional plan. The Commission concludes the Annexation is not inconsistent with this criterion because there were no directly applicable criteria for boundary changes found in the Regional Framework Plan, the Urban Growth Management Function Plan, or the Regional Transportation Plan.
2. Metro Code 3.09.050(d)(1) requires the Commission's findings to address consistency with applicable provisions of urban service agreements or annexation plans adopted according to ORS 195. As noted in the Findings, there are no such plans or agreements in place. Therefore, the Commission finds that there are no inconsistencies between these plans/agreements and this Annexation.
3. The Metro Code, at 3.09.050(d)(3), requires the City's decision to be consistent with any "directly applicable standards or criteria for boundary changes contained in comprehensive land use plans and public facilities plans." The County Plan also identifies the property as *Immediate Urban* lands, which should ensure the "orderly, economic provision of public facilities and services." The property owner has demonstrated that the City can provide all necessary urban services. Nothing in the County Plan speaks directly to criteria for Annexation. Therefore, the Commission finds this proposal is consistent with the applicable plan as required Metro Code 3.09.050 (d)(3).
4. The Commission concludes that the Annexation is consistent with the City Comprehensive Plan that calls for a full range of urban services to be available to accommodate new development, as noted in the Findings above. The City operates and provides a full range of urban services. Specifically, with regard to water and sewer service, the City has both of these services available to serve the area from existing improvements abutting the property.
5. With regard to storm drainage to the Newell Basin, the City has the service available in the form of regulations to protect and control stormwater management.
6. The Commission notes that the Metro Code also calls for consistency of the Annexation with urban planning area agreements. As stated in the Findings, the Oregon City-Clackamas County Urban Growth Management Agreement specifically provides for annexations by the City.
7. Metro Code 3.09.050(d)(5) states that another criterion to be addressed is "Whether the proposed change will promote or not interfere with the timely, orderly, and economic provision of public facilities and services." Based on the evidence in the Findings, the Commission concludes that the Annexation will not interfere with the timely, orderly, and economic provision of services.

8. The Oregon City Code contains provisions on annexation processing. Section 6 of the Ordinance requires that the City Commission consider seven factors if they are relevant. These factors are covered in the Findings, and on balance the Commission believes they are adequately addressed to justify approval of this Annexation.
9. The City Commission concurs with Tri-City Service District's Annexation of the subject property in the enacting City ordinance.
10. The Commission determines that the property should be withdrawn from the Clackamas County Service District for Enhanced Law Enforcement as allowed by statute since the City will provide police services upon Annexation.
11. The Commission determines that the property should not be withdrawn from the Clackamas Fire District #1.
12. The Commission determines that the property should withdraw from the Clackamas River Water District.

Exhibits:

1. Applicant's Submittal
2. Public Comment
 - a. Erik Bertram- Clackamas Water Environment Services (WES)
 - b. ODOT
 - c. Clackamas River Water (CRW)
3. Development Transportation Impact Review – DKS
4. Historic Survey Forms
5. Updated Legal Description, approved by the Department of Revenue.
6. [Housing Need Analysis- 2021 \(on file\)](#)

Maplelane Annexation
Type IV Annexation and Zone Change

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



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I. PROJECT OVERVIEW

EXISTING CONDITIONS

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



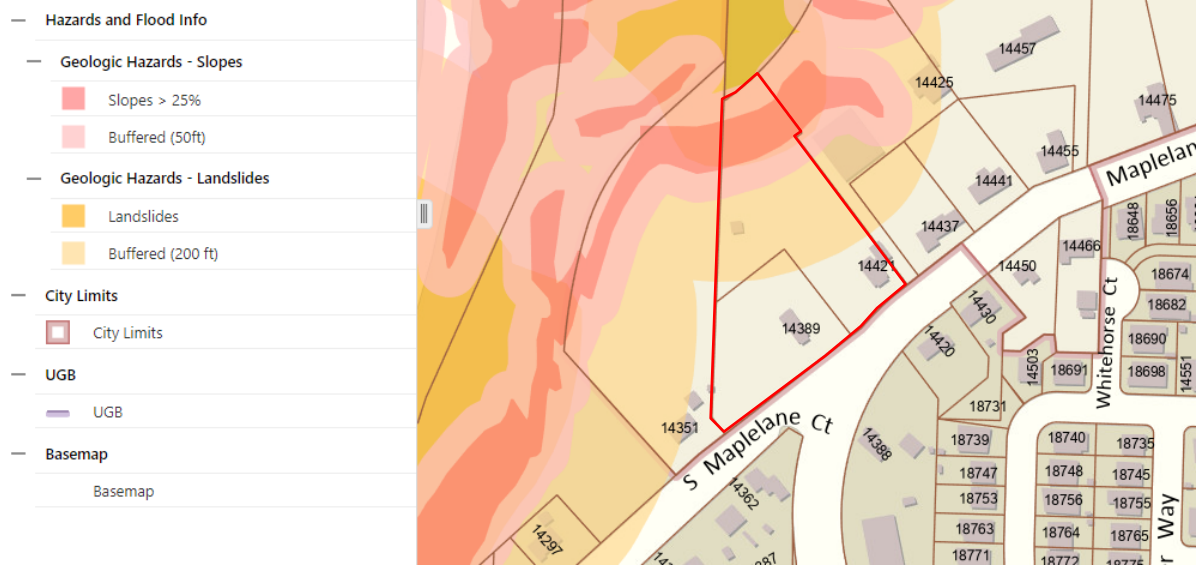
The site takes access from Maplelane Road on the south side of the properties and is bordered by residential zoning and uses. Maplelane Road is functionally classified as a “Minor Arterial” road and Maplelane Court is classified as a “Local” road within the Oregon City Transportation System Plan (TSP). There is a 12-inch stormwater main within Maplelane Court, a 12-inch ductile iron water main that runs within Maplelane Road that currently serves the property, and an 8-inch sanitary sewer main in Maplelane Road. Currently, neither of these properties are connected to public sewer.

SITE CHARACTERISTICS

The project site consists of two residential properties with a few trees around the two existing single-family houses. The project site includes two parcels, Tax Lot 3-2E-04C-00500 that does not contain any mapped geologic hazard areas, and Tax Lot 3-2E-04C-00300 that contains areas mapped as geologic hazard zones. The geologic hazard zone district is characterized by steep slopes exceeding 35 percent and their 50-foot buffers, and landslides and their 200-foot buffers. Tax Lot 00300 contains steep slopes greater than 35% on the

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

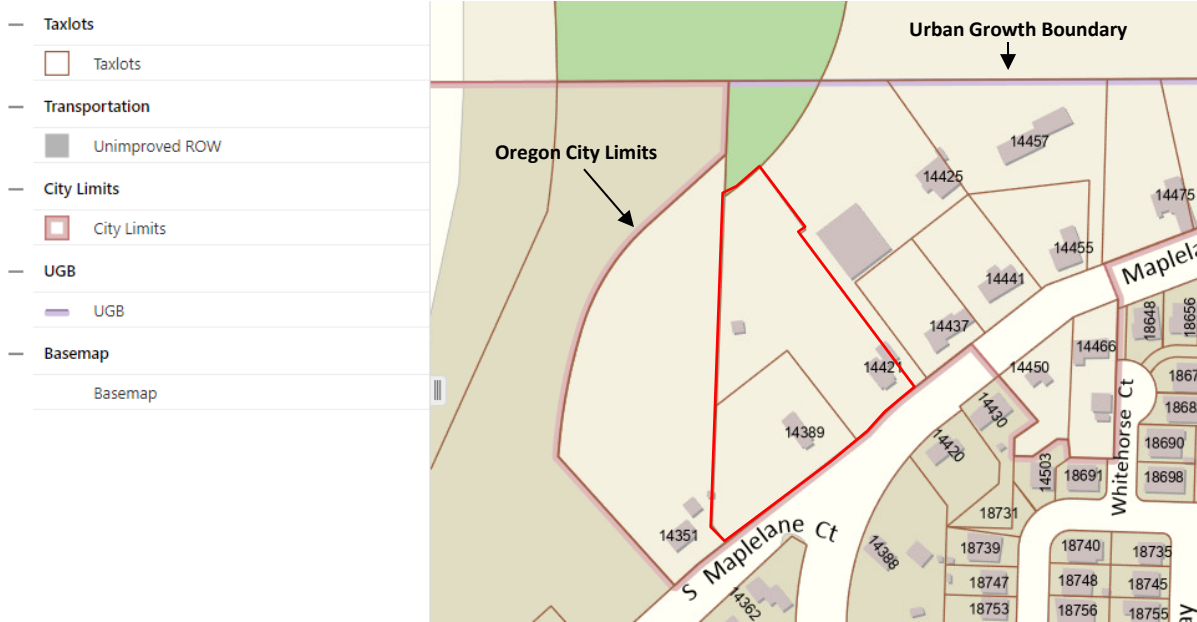
Figure 1: Geologic Hazards – Slopes and Landslides



REGIONAL PLANNING

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

Figure 2: Oregon City Limits and UGB



PROPOSAL

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

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

Reason for Annexation

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

Zone Change

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

II. RESPONSE TO APPLICABLE APPROVAL AND CODE CRITERIA

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

TITLE 14 – ANNEXATION APPROVAL FACTORS

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

14.04.060 ANNEXATION FACTORS

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

1. *Adequacy of access to the site;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ORS 195 AGREEMENTS – FACILITIES AND SERVICES

ORS 195 requires agreements among providers of urban services. Urban services are defined as: sanitary sewers, water, fire protection, parks, open space, recreation and streets, roads and mass transit.

Sanitary Sewer

Response: The City of Oregon City provides sanitary sewer service. A public 8-inch sanitary sewer main line runs along the frontage of the project site in Maplelane Road. Any future development will be required to extend an 8-inch sewer main to and through the frontage of the property. The project site will be required to separately annex into the Tri-City Service District before sanitary sewer service can be provided. The Tri-City Service District provides sewage transmission and treatment services to the cities of Oregon City, West Linn and Gladstone. Therefore, each annexation to Oregon City needs to be followed by a separate annexation of the territory to the Tri-City Service District. The City Commission must concur with Tri-City Service District's annexation of the subject site in the enacting ordinance.

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

Water

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

Stormwater

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

Fire Protection

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

Police Protection

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

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

According to ORS 222.120 (5) the City may provide in its approval ordinance for the automatic withdrawal of the territory from the District upon annexation to the City. If the territory were withdrawn from the District, the District's levy would no longer apply to the property. Upon annexation the property will be removed from Clackamas Sheriff's Enhanced Law Enforcement District and the Oregon City Police Department will officially serve the property.

Parks, Open Space and Recreation

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

Transportation

Availability and Access

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

Capacity

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

Re-Zoning and the Transportation Planning Rule

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

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

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

Plan and Land Use Regulation Amendments;

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

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

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

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

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

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

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

TITLE 17 – OREGON CITY ZONING

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

CITY LAND USE CLASSIFICATION

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

That section goes on to say:

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

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

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

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

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 PURPOSE

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

17.50.030 SUMMARY OF CITY'S DECISION-MAKING PROCESSES.

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

Table 17.50.030 – Permit Approval Process

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

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

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

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

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

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

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

17.50.040 DEVELOPMENT REVIEW IN OVERLAY DISTRICTS AND FOR EROSION CONTROL.

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

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

17.50.050 PRE-APPLICATION CONFERENCE.

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

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

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

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

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

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

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

17.50.055 NEIGHBORHOOD ASSOCIATION MEETING.

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

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

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

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

17.50.060 APPLICATION REQUIREMENTS.

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

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

17.50.070 COMPLETENESS REVIEW AND ONE HUNDRED TWENTY-DAY RULE.

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

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

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

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

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

17.50.080 COMPLETE APPLICATION—REQUIRED INFORMATION.

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

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

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

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

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

G. *All required application fees;*

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

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

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

17.50.090 – PUBLIC NOTICES.

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

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

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

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

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

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

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

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

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

17.50.100 – NOTICE POSTING REQUIREMENTS.

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

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

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

17.50.110 ASSIGNMENT OF DECISION-MAKERS.

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

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

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

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

17.50.120 QUASI-JUDICIAL HEARING PROCESS.

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

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

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

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

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

17.50.130 CONDITIONS OF APPROVAL AND NOTICE OF DECISION.

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

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

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

17.50.140 – FINANCIAL GUARANTEES.

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

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

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

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

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

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

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

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

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

17.50.141 – PUBLIC IMPROVEMENTS – WARRANTY

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

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

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

CHAPTER 17.68 – ZONING CHANGES AND COMPREHENSIVE PLAN AMENDMENTS

17.68.010 – INITIATION OF THE AMENDMENT.

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

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

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

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

17.68.020 – CRITERIA.

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

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

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

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

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

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

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

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

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

17.68.025 – ZONING FOR LAND ANNEXED INTO THE CITY.

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

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

17.68.040 – APPROVAL BY THE COMMISSION.

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

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

17.68.050 – CONDITIONS.

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

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

CHAPTER 3.09 – METRO BOUNDARY CHANGE CRITERIA

4.3.200 GENERAL REQUIREMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

REGIONAL FRAMEWORK PLAN – METRO GROWTH MANAGEMENT FUNCTIONAL PLAN

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

CLACKAMAS COUNTY PLANNING

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

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

The County Zoning on the property is FU-10. The FU-10 zone is an urban holding zone that requires a 10-acre minimum lot size. This is a holding zone to prevent the creation of small parcels in areas within the UGB to preserve the capacity of land to fully develop once a full range of urban services is available.

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

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

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

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

Urban Growth Management Agreement

Response: The City and the County have an Urban Growth Management Agreement (UGMA), which is a part of their Comprehensive Plans. The territory to be annexed falls within the Urban Growth Management Boundary (UGMB) identified for Oregon City and is subject to the agreement. The County agreed to adopt the City's Comprehensive Plan designations for this area which is Low Density Residential.

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

4. City and County Notice and Coordination

* * *

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

* * *

5. City Annexations

- A. CITY may undertake annexations in the manner provided for by law within the UGMB. CITY annexation proposals shall include adjacent road right-of-way to properties proposed for annexation. COUNTY shall not oppose such annexations.*
- B. Upon annexation, CITY shall assume jurisdiction of COUNTY roads and local access roads that are within the area annexed. As a condition of jurisdiction transfer for roads not built to CITY street standards on the date of the final decision on the annexation, COUNTY agrees to pay to CITY a sum of money equal to the cost of a two-inch asphaltic concrete overlay over the width of the then-existing pavement; however, if the width of pavement is less than 20 feet, the sum shall be calculated for an overlay 20 feet wide. The cost of asphaltic concrete overlay to be used in the calculation shall be the average of the most current asphaltic concrete overlay projects performed by each of CITY and COUNTY. Arterial roads will be considered for transfer on a case- by-case basis. Terms of transfer for arterial roads will be negotiated and agreed to by both jurisdictions.*
- C. Public sewer and water shall be provided to lands within the UGMB in the manner provided in the public facility plan . . .*

* * *

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

CLACKAMAS RIVER WATER

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

OREGON CITY COMPREHENSIVE PLAN

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

LAND USE

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

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

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

III. CONCLUSION

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



LAND USE APPLICATION FORM

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

Applicant(s)

Applicant(s) Signature:	
Applicant(s) Name Printed: G.W. Newhouse	Date: 1-28-2024
Mailing Address: 10184 Via Condo Reno NV 89511	
Phone: 9254700491	Fax: Email:

GRANT SUSTAINABLE WATER SOLUTIONS LLC

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

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

Property Owner #2

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

Representative(s)

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

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

Multiple Property Owner(s) - Additional Signatures Required

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

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

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

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

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

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

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

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

Review Fees (2024 Fee Schedule)

Annexation and Zone Change

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

Traffic Impact Analysis

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

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

I. Application Process for Property Owners and Registered Voters

PLEASE READ ALL INSTRUCTIONS BEFORE FILING A PETITION WITH THE CITY

Step 1. Petition

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

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

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

Step 2. Legal Description

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

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

Step 3. Map

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

Step 4. Notice List

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

Step 5. Information Sheet

Complete the attached *Boundary Change Information Sheet*.

Step 6. Double Majority Work Sheet

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

Step 7. Submit Application To City

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

II. City Review

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

Step 1. Compliance Review

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

Step 2. Public Hearing Date Set

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

Step 3. Public Hearing Notice

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

Step 5. Staff Study and Report

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

Step 6. Public Hearings

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

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

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

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

Step 7. Election

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

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

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

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

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

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

The property to be annexed is described as follows:

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

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

PETITION FOR ANNEXATION TO THE CITY OF OREGON CITY , OREGON

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

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

The property to be annexed is described as follows:

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

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.

[illegible]

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

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

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



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

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

CERTIFICATION OF PROPERTY OWNERSHIP OF

100% OF LAND AREA

(City 100% Ownership Method)

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



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

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

CERTIFICATION OF LEGAL DESCRIPTION AND MAP

I hereby certify that the description of the property included within the attached petition (located on Assessor's Map 32E 04C) has been checked by me and it is a true and exact description of the property under consideration, and the description corresponds to the attached map indicating the property under consideration.



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

CERTIFICATION OF REGISTERED VOTERS

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

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



NOTICE LIST

(This form is NOT the petition)

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

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

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

BOUNDARY CHANGE INFORMATION SHEET

I. EXISTING CONDITIONS IN AREA TO BE ANNEXED

- A. General location 14389 and 14421 Maplelane Road, Oregon City, OR 97045
- B. Land Area: Acres 2.5 acres or Square Miles _____
- C. General description of territory. (Include topographic features such as slopes, vegetation, drainage basins, floodplain areas, which are pertinent to this proposal).
14389 Maplelane Road does not contain any mapped geologic hazard areas.
14421 Maplelane Road contains areas mapped as geologic hazard zones, with steep slopes
greater than 35% present in the northwest third of the property and a large landslide adjacent.
- D. Describe land uses on surrounding parcels. Use tax lots as reference points.
North: Taxlot 3-2E-04C-00400 - No development.

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

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

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

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

II. REASON FOR BOUNDARY CHANGE

- A. The City Code (Section 6) and the Metro Code (3.09.050 (d) & (e)) spell out criteria for consideration (see copies attached). Please provide a narrative which addresses these criteria. With regard to the City criteria, please provide a narrative statement explaining the conditions surrounding the proposal and addressing the factors in Section 6, as relevant, including:

1. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;
2. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;
3. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;
4. Statement outlining method and source of financing required to provide additional facilities, if any;
5. Statement of overall development concept and methods by which physical and related social environment of the site, surrounding area and community will be enhanced;
6. Statement of potential physical, aesthetic and related social effects of the proposed or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;
7. Statement indicating the type and nature of any Comprehensive Plan text or map amendments or Zoning text or map amendments that may be required to complete the proposed development.

- B. Please submit 25 copies of a site plan, drawn to scale (not greater than 1" = 50') indicating:

1. The location of existing structures (if any);
2. The location of streets, sewer, water, electric and other utilities, on or adjacent to the property to be annexed.
3. The location and direction of all water features on and abutting the subject property. Approximate location of areas subject to inundation, stormwater overflow or standing water. Base flooding data showing elevations of all property subject to inundation in the event of one-hundred year flood shall be shown;
4. Natural features, such as rock outcroppings, marshes or wetlands (as delineated by the Division of State Lands) wooded areas, isolated preservable trees (trees with trunks over 6" in diameter- -as measured 4 feet above the ground) and significant areas of vegetation.
5. General land use plan indicating the types and intensities of the proposed or potential development;

III. LAND USE AND PLANNING

- A. What is the applicable County Planning Designation? Future Urbanizable
What City Planning Designation is being sought? Low Density Residential

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

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

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

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

No development is proposed at this time.

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

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

☐ Yes ☐ No

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

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

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

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

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

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

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

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

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

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

No development is proposed at this time.

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

Caufield Neighborhood Association

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

IV. SERVICES AND UTILITIES

- A. Please indicate the following:

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

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

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

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

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

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

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

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

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

City _____

Rural Fire Dist _____

County Service Dist. Clackamas Sheriff's
Enhanced Law
Enforcement District

Sanitary District _____

Hwy. Lighting Dist. _____

Water District Clackamas River Water District

Grade School Dist. _____

Drainage District _____

High School Dist. _____

Diking District _____

Library Dist. _____

Park & Rec. Dist. _____

Special Road Dist. _____

Other Dist. Supplying Water Service _____

- C. If the territory is proposed to be served by any of the above units or any other units of government please note. The properties will be removed from the above listed units.

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

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

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

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

DOUBLE MAJORITY WORK SHEET

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

PROPERTY OWNERS

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

Worksheet (continued)

REGISTERED VOTERS

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

SUMMARY

TOTAL NUMBER REGISTERED VOTERS IN THE PROPOSAL 2

NUMBER OF REGISTERED VOTERS WHO SIGNED 2

PERCENTAGE OF REGISTERED VOTERS WHO SIGNED 100%

TOTAL ACREAGE IN PROPOSAL 2.5 acres

ACREAGE SIGNED FOR 2.5 acres

PERCENTAGE OF ACREAGE SIGNED FOR 100%

EXHIBIT A

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

April 29, 2024
Page 1 of 2

ANNEXATION DESCRIPTION

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

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

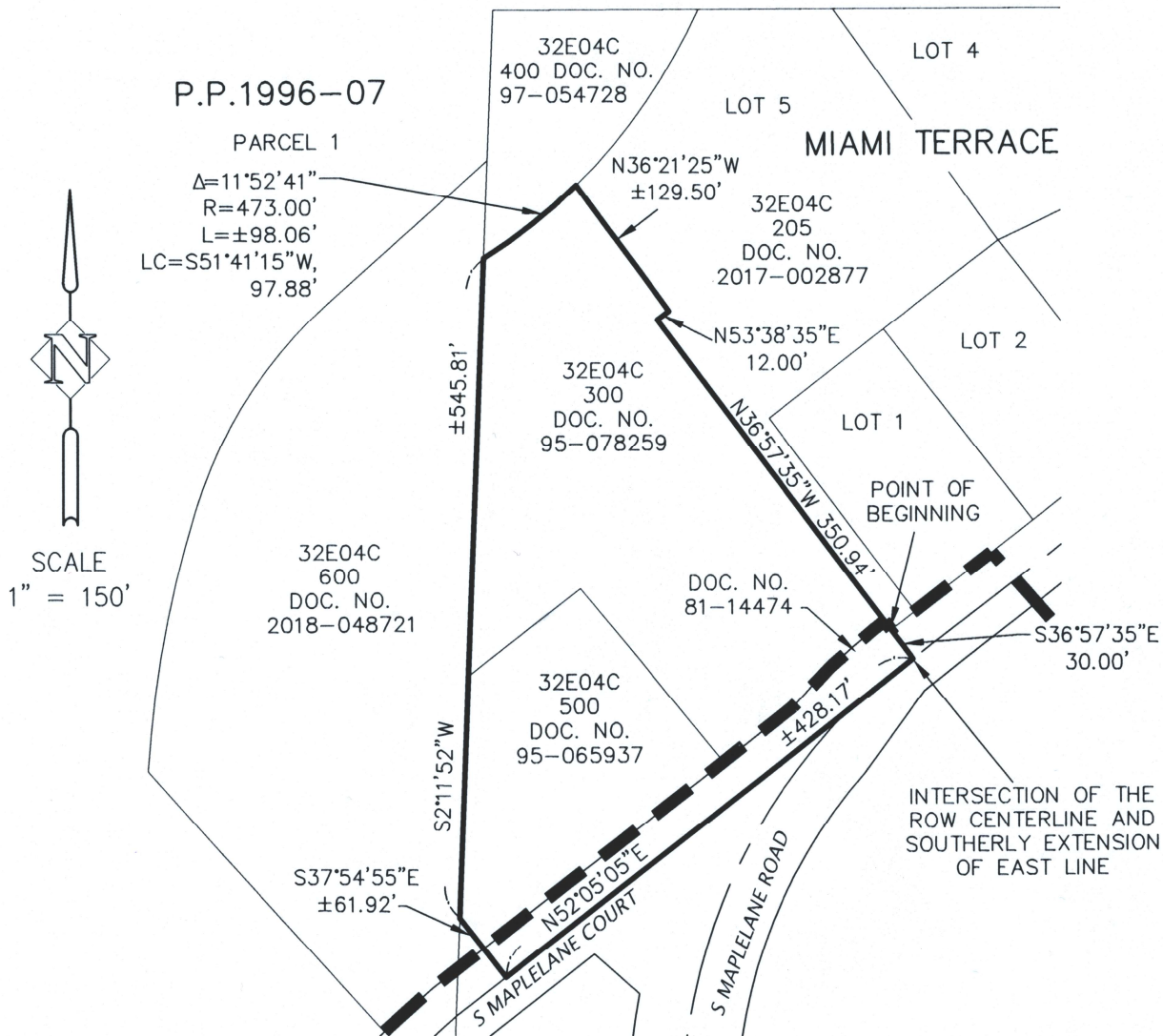
The above-described tract of land contains 135,261 Square Feet (3.1 acres), more or less.



EXPIRES 6-30-2025

EXHIBIT "A"

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



PREPARED FOR

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

LEGEND



CITY OF OREGON CITY LIMITS LINE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

Brian K. Henson 4/29/24

OREGON
JANUARY 20, 1998
BRIAN K. HENSON
2855

EXPIRES: 6/30/2025

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



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
LANDSCAPE ARCHITECTS • SURVEYORS

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

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

ARMATO JOSEPH JR & KELAINE

14455 S MAPLELANE RD
OREGON CITY, OR 97045

METRO

600 NE GRAND
PORTLAND, OR 97232

**TKACHUK OLEG & ANNA
FEDOROVNA**

14425 S MAPLELANE RD
OREGON CITY, OR 97045

BAGGETT RICHARD D

14388 MAPLELANE RD
OREGON CITY, OR 97045

METROPOLITAN SERV DISTRICT

600 NE GRAND AVE
PORTLAND, OR 97232

WELK JOSHUA J

14297 MAPLELANE CT
OREGON CITY, OR 97045

BOSCH VICTORIA

14441 S MAPLELANE RD
OREGON CITY, OR 97045

MOEHNKE PROPERTIES LLC

10256 SE 145TH AVE
HAPPY VALLEY, OR 97086

CRUMRINE IVAN R

14420 MAPLELANE RD
OREGON CITY, OR 97045

**NOLDER SALLY ROSE & BRIAN
DOUGLAS**

18739 ELDER RD
OREGON CITY, OR 97045

EDMONDS BENJAMIN

18753 ELDER RD
OREGON CITY, OR 97045

**NORTHWEST INVESTMENT
HOLDINGS LLC**

PO BOX 1152
GIG HARBOR, WA 98335

ELLISON STEVEN E

16415 SW CINNABAR CT
BEAVERTON, OR 97007

**RAGSDALE THEODORE M &
LINDA S**

14457 S MAPLELANE RD
OREGON CITY, OR 97045

FISH SHERRIE LYNN

PO BOX 2555
OREGON CITY, OR 97045

SCHRADER WILLIAM & JOAN

11806 SE SOLOMON CT
HAPPY VALLEY, OR 97086

FREITAG BROCK A & NICOLE B

18747 ELDER RD
OREGON CITY, OR 97045

SOLANO JESUS JIMENEZ

14351 S MAPLELANE CT
OREGON CITY, OR 97045

**HONEYCUTT PHYLLIS E
TRUSTEE**

17731 S HOLLY LN
OREGON CITY, OR 97045

STONE CLIFF PROPERTIES LLC

15751 S STONE CLIFF LN
OREGON CITY, OR 97045

**MAPLE OC LIMITED
PARTNERSHIP**

126 NE ALBERTA ST #202
PORTLAND, OR 97211

SUPPRESSED NAME

14503 SUGARPINE ST
OREGON CITY, OR 97045

Boundary Change Preliminary Review

DOR 3-P724-2024



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

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

May 17, 2024

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

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

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

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

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

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

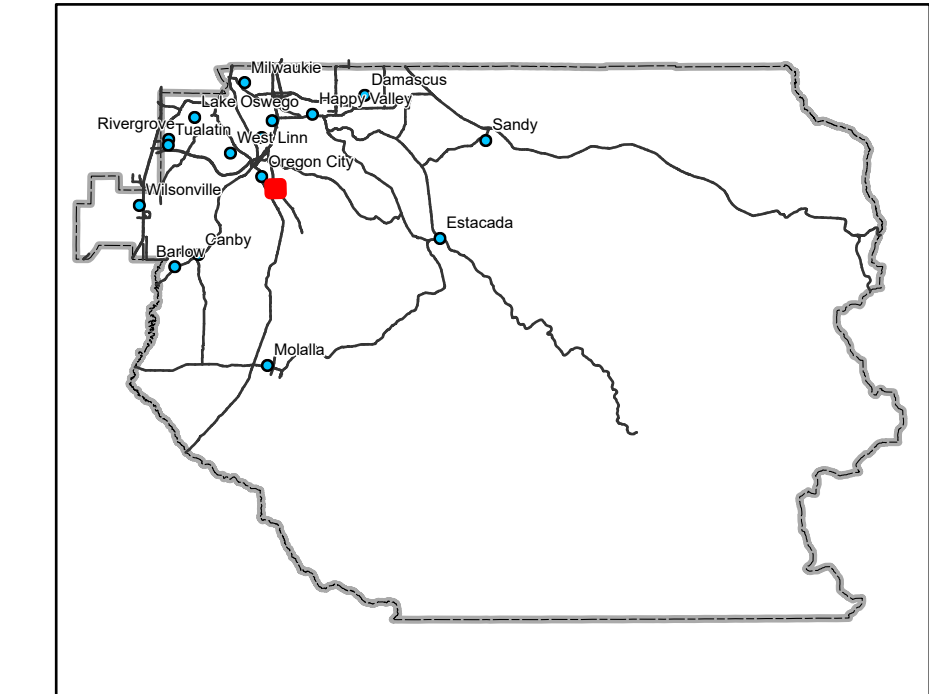
1" = 200'

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

Cancelled

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

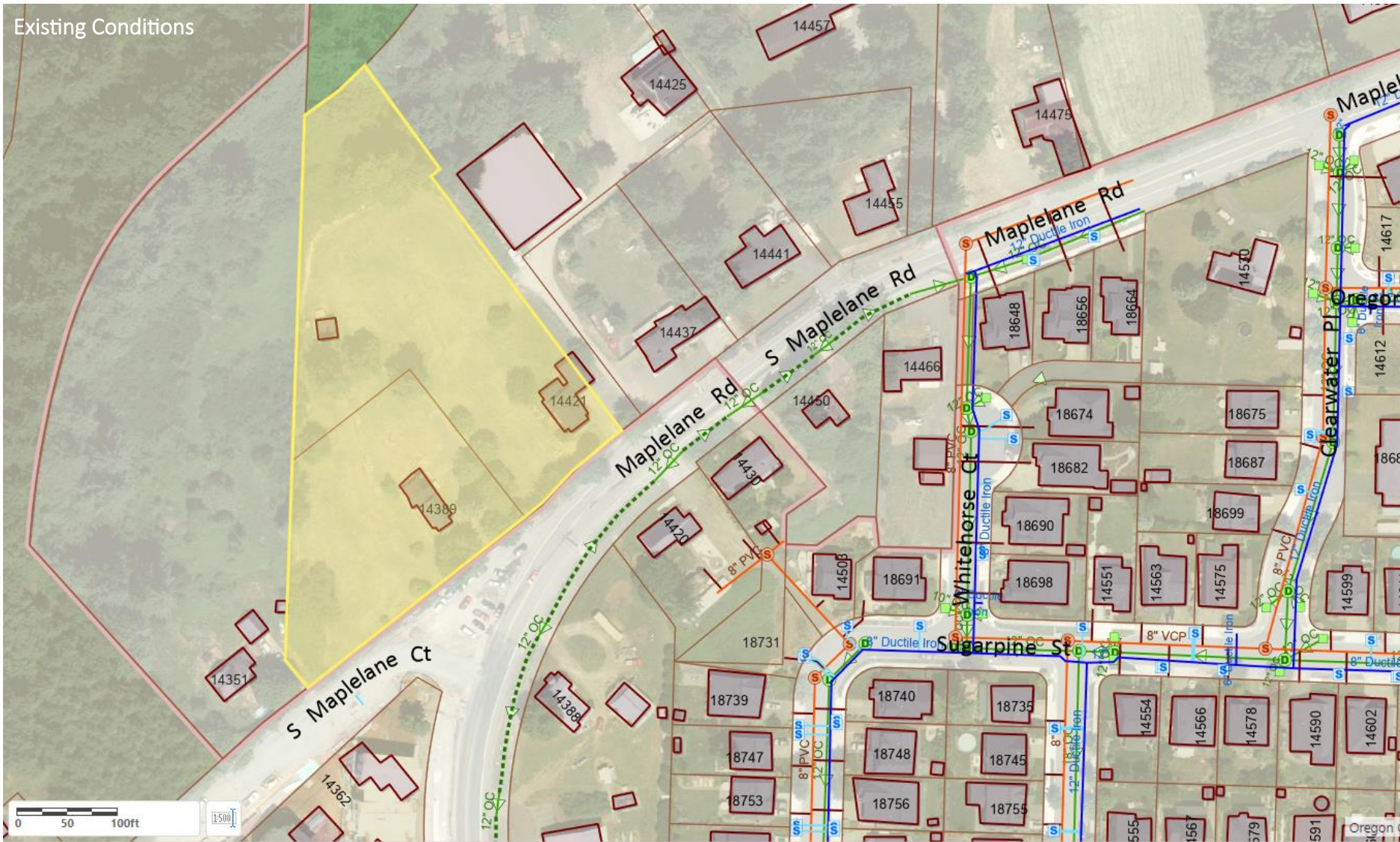
- Parcel Boundary
- Private Road ROW
- Historical Boundary
- Railroad Centerline
- Tax Code Lines
- Map Index
- Water Lines
- Land Use Zoning
- Plats
- Water
- Corner
- Section Corner
- 1/16th Line
- Govt Lot Line
- DLC Line
- Meander Line
- PLSS Section Line
- Historic Corridor 40'
- Historic Corridor 20'



THIS MAP IS FOR ASSESSMENT
PURPOSES ONLY

Maplelane Annexation Site Plan

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



Legend

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



Memorandum

To: Brad Kilby
Harper Houf Peterson Righellis Inc

From: Daniel Stumpf, PE

Date: February 13, 2024

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



Introduction

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

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

Location Description

Project Site Description

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

Vicinity Roadways

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

Table 1: Vicinity Roadway Descriptions

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

Notes: Functional Classification based on Oregon City TSP.

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



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

Trip Generation

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

Existing FU-10 Zone

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

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

Proposed R-6 Zone

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

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

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

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

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

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

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

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



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

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

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

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



Table 2: Comparative R-6 Zone Trip Generation Summary

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

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



Trip Generation Analysis

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

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

Table 3: Zone Change Trip Generation Summary

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

Transportation Planning Rule

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

660-012-0060

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



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

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

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

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

...

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

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

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

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



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

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

Conclusions

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

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

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





TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

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

Land Use: Single-Family Detached Housing

Land Use Code: 210

Land Use Subcategory: All Sites

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 2

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

AM PEAK HOUR

Trip Rate: 0.7

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

PM PEAK HOUR

Trip Rate: 0.94

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

WEEKDAY

Trip Rate: 9.43

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

SATURDAY

Trip Rate: 9.48

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

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 1

Land Use: Single-Family Detached Housing

Land Use Code: 210

Land Use Subcategory: All Sites

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 12

AM PEAK HOUR

Trip Rate: 0.7

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

PM PEAK HOUR

Trip Rate: 0.94

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

WEEKDAY

Trip Rate: 9.43

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

SATURDAY

Trip Rate: 9.48

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

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 2

Land Use: Single-Family Attached Housing

Land Use Code: 215

Land Use Subcategory: All Sites

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 30

AM PEAK HOUR

Trip Rate: 0.48

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

PM PEAK HOUR

Trip Rate: 0.57

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

WEEKDAY

Trip Rate: 7.2

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

SATURDAY

Trip Rate: 8.76

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

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 3

Land Use: Multifamily Housing (Low-Rise)

Land Use Code: 220

Land Use Subcategory: Not Close to Rail Transit

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 32

AM PEAK HOUR

Trip Rate: 0.4

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

PM PEAK HOUR

Trip Rate: 0.51

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

WEEKDAY

Trip Rate: 6.74

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

SATURDAY

Trip Rate: 4.55

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

Caution: Small Sample Size

Source: Trip Generation Manual, 11th Edition



TRIP GENERATION CALCULATIONS

Source: Trip Generation Manual, 11th Edition

Proposed R-6 Zone - Scenario 4

Land Use: Multifamily Housing (Low-Rise)

Land Use Code: 220

Land Use Subcategory: Not Close to Rail Transit

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Trip Type: Vehicle

Formula Type: Rate

Variable Quantity: 34

AM PEAK HOUR

Trip Rate: 0.4

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

PM PEAK HOUR

Trip Rate: 0.51

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

WEEKDAY

Trip Rate: 6.74

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

SATURDAY

Trip Rate: 4.55

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

Caution: Small Sample Size

Source: Trip Generation Manual, 11th Edition

CAUFIELD NEIGHBORHOOD ASSOC.

MAYOR Denyse McGriff

Featured Speaker

Jan 23, 2024 6:30 PM

MAIN MEETING LOCATION



Guest speakers and Agenda Highlights:

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

Rachel Guirsch Chair CFNA

Lisa Guirsch Vice Chair CFNA /CIC ALT

Dan Berge CFNA / CIC

CFNA WEB Oregon City sign up



Be a part of making City changes!

Re: CFNA

Dan B <orcityus@yahoo.com>

Thu 1/4/2024 3:01 PM

To: Thuy Cao <thuyc@hhpr.com>

 1 attachments (196 KB)

JAN 23 2024 Adraft.pdf;

[Email from external source]

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

Dan 503 515 5488

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

Project name – “Newhouse Annexation”

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

Thuy Cao, AICP (she/her)

Assistant Planner

HARPER HOUF PETERSON RIGHELLIS INC.

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

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

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

From: Dan B <orcityus@yahoo.com>

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

To: Thuy Cao <thuyc@hhpr.com>

Subject: Re: CFNA

[Email from external source]

Do you have a project name to use?

Dan

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

Hi Dan,

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

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

Please let me know if you have any additional questions!

Much appreciated,

Thuy Cao, AICP (she/her)

Assistant Planner

HARPER HOUF PETERSON RIGHELLIS INC.

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

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

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

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

[Email from external source]

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

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

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

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

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

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

Dan Berge 503 515 5488

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

Thank you, Dan!

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

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

Thuy Cao, AICP (she/her)
Assistant Planner

HARPER HOUF PETERSON RIGHELLIS INC.

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

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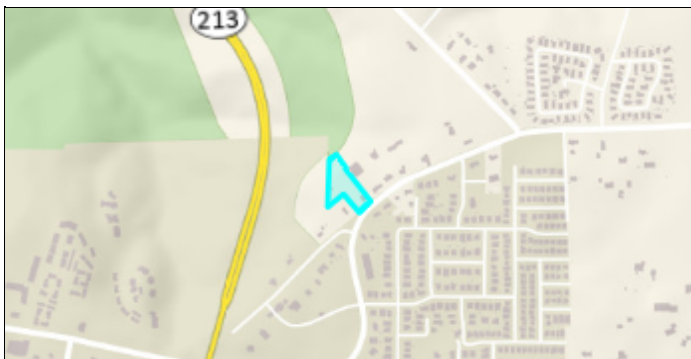
From: Dan B <orcityus@yahoo.com>
Sent: Friday, December 29, 2023 4:09 PM
To: Thuy Cao <thuyc@hhpr.com>
Subject: CFNA

[Email from external source]

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

Dan Berge 503 515 5488

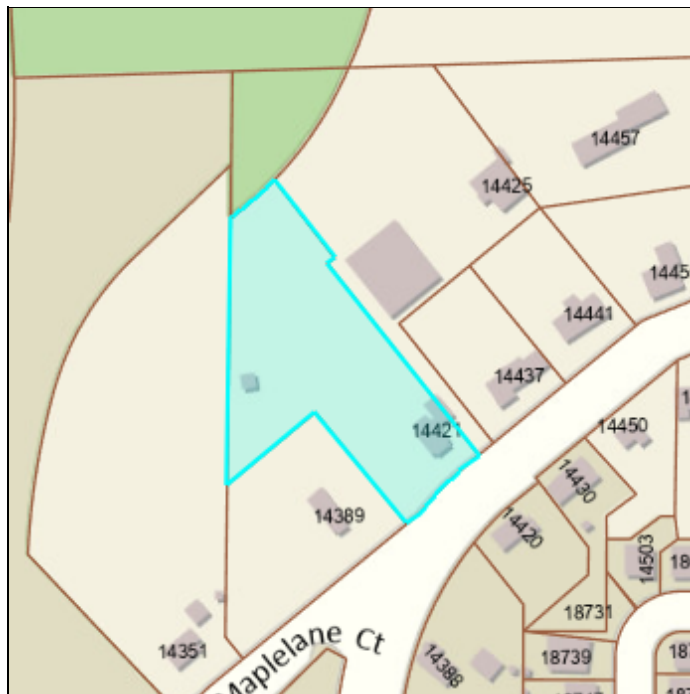
[Sent from Yahoo Mail on Android](#)



Overview Map

Taxlot Information

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



Taxlot highlighted in blue

Taxpayer Information

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

Reference Information

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

Values

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

Planning Designations

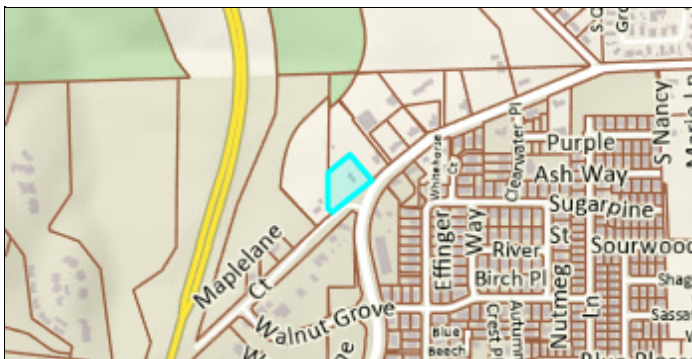
Zoning: County
 Comprehensive Plan: LR
 Subdivision: N/A
 PUD (if known):
 Partition Plat: N/A
 Neighborhood Assn: N/A
 Urban Renewal District: N/A
 Concept Plan: N/A
 Historic District: N/A
 Historic Designation: N/A
 In Willamette Greenway? N
 In Geologic Hazard? Y
 In High Water Table Area? N
 In Nat. Res. Ovl. Dist. (NROD)? N
 In 1996/FEMA 100 Yr. Floodplain? N
 In FEMA Floodway? N
 In SDC Discount Area? N
 In Thayer Pond Fee Area? N
 In Bvrck. Rd Access Plan Area? N
 In Barlow Trail Corridor? N
 In Enterprise Zone? N
 In Vertical Housing Dev. Zone? N
 In Opportunity Zone? N

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

Report generated 1/22/2024 3:37:08 PM

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

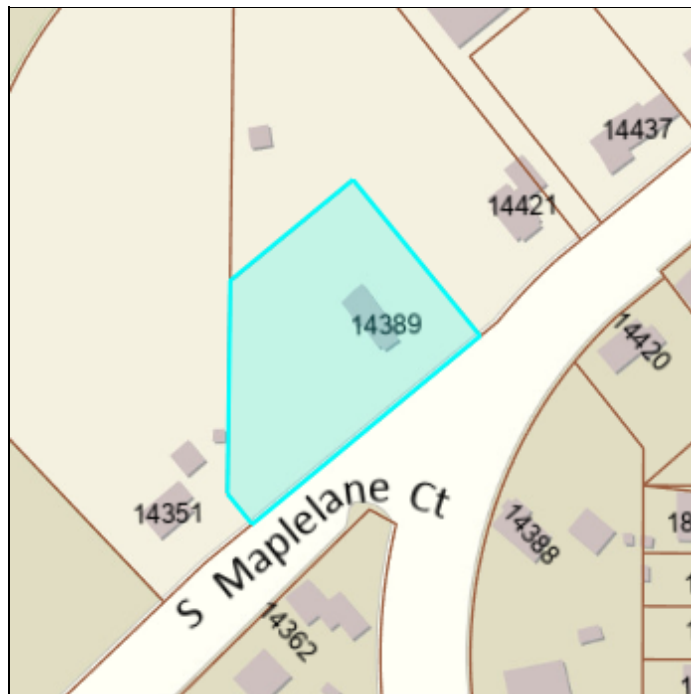




Overview Map

Taxlot Information

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



Taxlot highlighted in blue

Taxpayer Information

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

Reference Information

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

Values

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

Planning Designations

Zoning: County
 Comprehensive Plan: LR
 Subdivision: N/A
 PUD (if known):
 Partition Plat: N/A
 Neighborhood Assn: N/A
 Urban Renewal District: N/A
 Concept Plan: N/A
 Historic District: N/A
 Historic Designation: N/A
 In Willamette Greenway? N
 In Geologic Hazard? N
 In High Water Table Area? N
 In Nat. Res. Ovl. Dist. (NROD)? N
 In 1996/FEMA 100 Yr. Floodplain? N
 In FEMA Floodway? N
 In SDC Discount Area? N
 In Thayer Pond Fee Area? N
 In Bvrck. Rd Access Plan Area? N
 In Barlow Trail Corridor? N
 In Enterprise Zone? N
 In Vertical Housing Dev. Zone? N
 In Opportunity Zone? N

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

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

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



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

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

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

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

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

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

ARTICLE 5. MANAGEMENT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5.2 Restrictions on Authority of Manager.

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

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

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

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

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

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

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

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

(8) Dissolve the Company.

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

(1) Amend this Agreement;

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

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

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

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

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

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

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

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

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

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

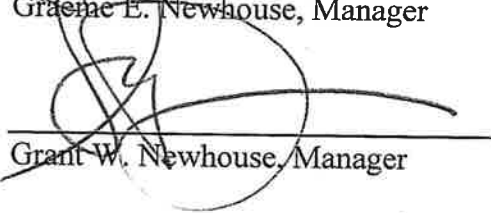
5.5 Limitation of Liability. The liability of a Manager and each Member shall be limited as set forth in this Agreement, the Act and other applicable law. A Manager or Member will not be personally liable, merely as a Manager or Member, for any debts or losses of the Company beyond the Manager or Member's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

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

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

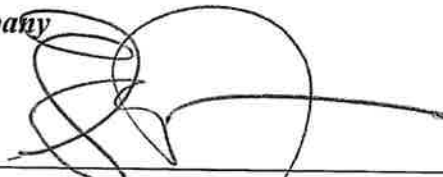
MOEHNKE PROPERTIES, LLC

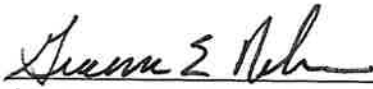
By: 
Graeme E. Newhouse, Manager

By: 
Grant W. Newhouse, Manager

Company


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


Grant W. Newhouse, Member


Graeme E. Newhouse, Member


Jacob H. Newhouse, Member


Shane G. Newhouse, Member


Charley R. Newhouse, Member

Members

06753-00001:923709

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

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

Applicant: Brad Kilby

Address: 14389 and 14421 Maplelane Road

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

Current County Zone: FU-10

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

Project Name: Annexation and potential Zone Change

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

Public Disclosure:

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

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

GENERAL COMMENTS

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

1. Annexation Election / SB 1573

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

2. Application:

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

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

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

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

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

4. Annexation Checklist

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

Your application must include the following items:

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

5. Zone Change

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

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

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

6. City Code Chapter 14 - Annexations

[OCMC 14.04.060 – Annexation Factors.](#)

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

14.04.060 Annexation factors.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9. Service Districts

Upon annexation:

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

10. Taxes

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

11. Zone Change

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

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

12. Transportation Impact Analysis

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

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

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

13. Tree Removal prior to Annexation

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

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

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

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

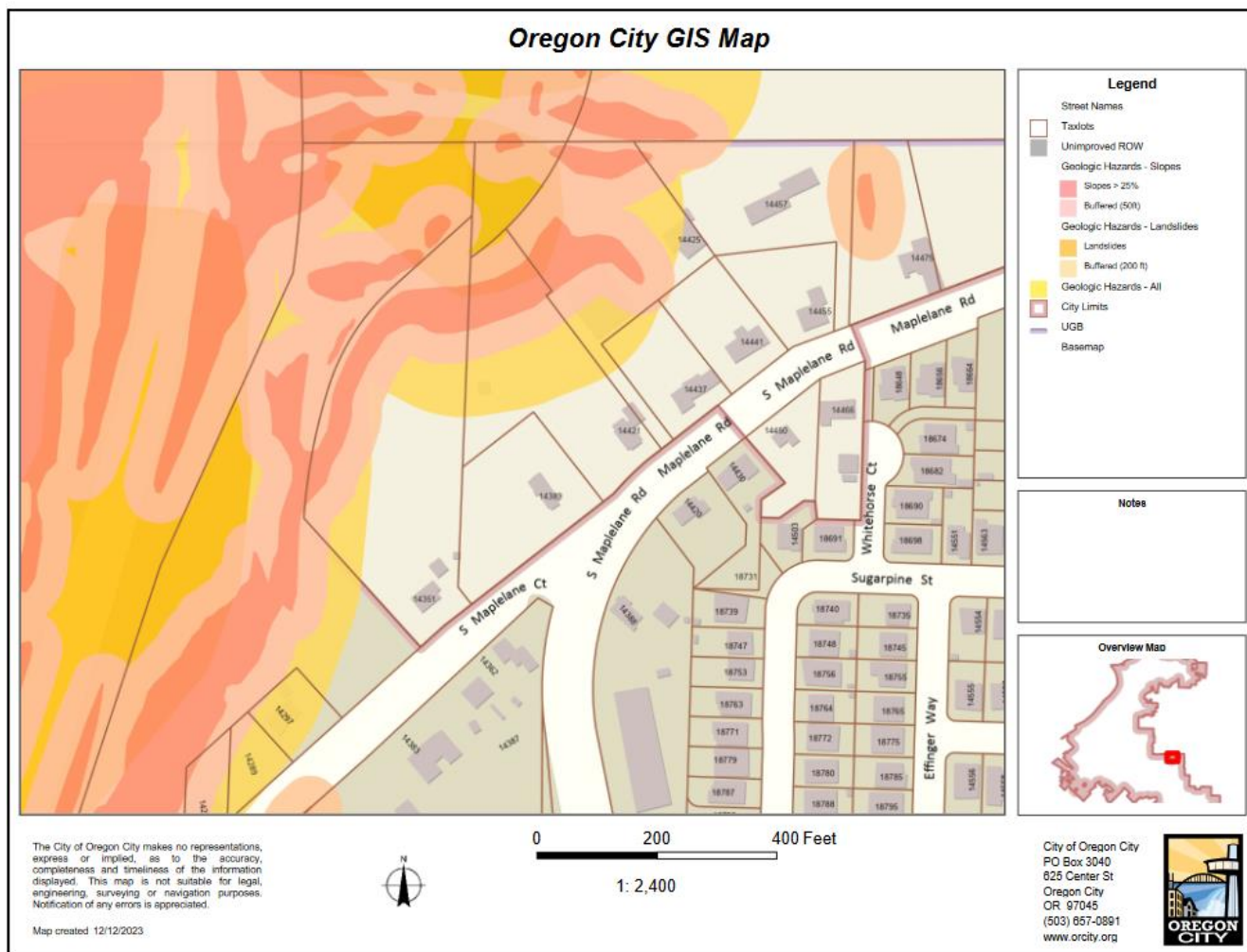
15. Neighborhood Association Meeting Required

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

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

16. Miscellaneous Comments

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



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

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

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

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

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



DEVELOPMENT SERVICES PRE-APPLICATION MEETING NOTES

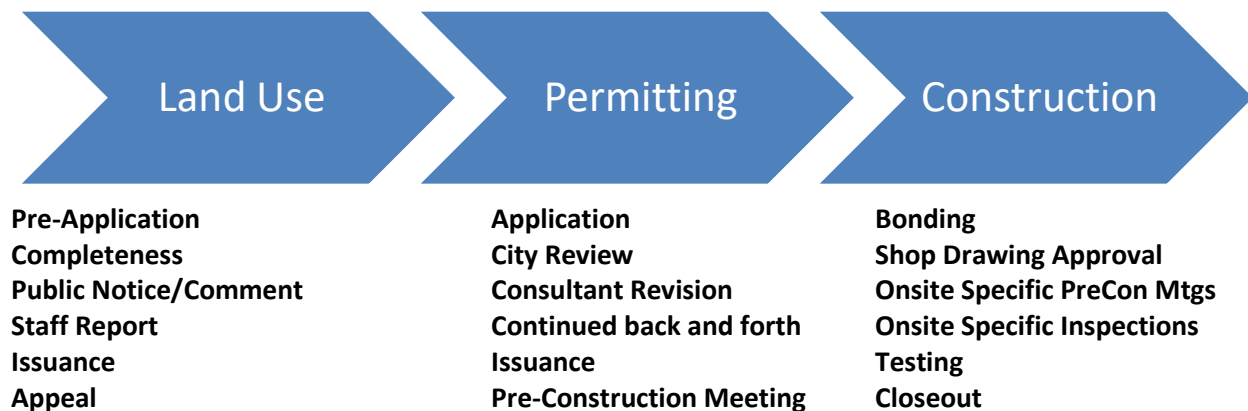
Planning Project Number: PA 23-40
Address: 14389 & 14421 Maplelane Rd
Map Number(s): 3-2E-04C
Tax Lot(s): 00300, 00500
Project Name: 14389 & 14421 Maplelane Rd Annexation
Meeting Date: December 13, 2023
Reviewer(s): Sang Pau | spau@orc.org | 971-204-4629

Public Disclosure:

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



General Comments

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

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

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

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

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

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

Streets

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

Existing Street Section on the development’s side of centerline

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

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

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

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

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

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

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

Existing Street Section on the development’s side of centerline

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

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

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

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

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

This will require approximately 5' of ROW dedication.

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

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

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

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

Stormwater

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

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

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

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

Water

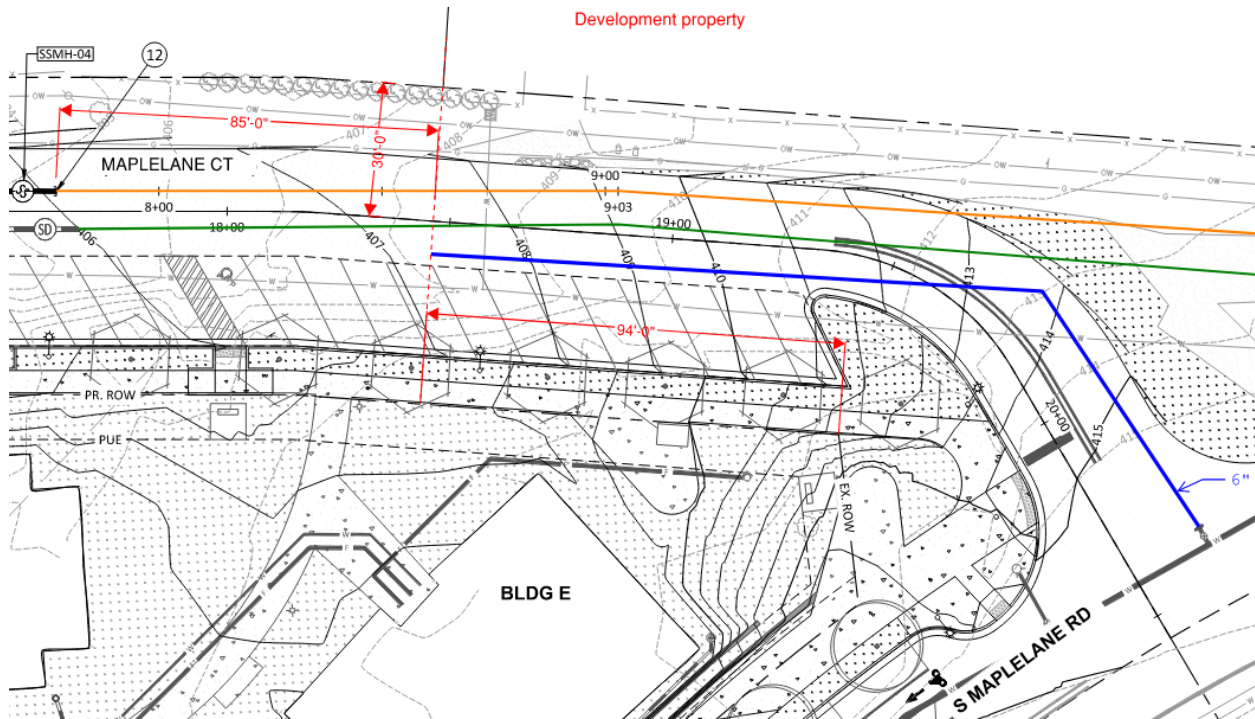
- 1. There is a 12-inch ductile iron water main that runs within Maplelane Road that the development can connect to. Future development will be required to extend a 6" main to and through the development frontage from a tee on the 12" water main located at the intersection of Maplelane Court and Maplelane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

Sanitary Sewer

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

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

The image below shows the required main extensions for sanitary sewer (orange), stormwater (green) and water (blue).



Transportation

1. The applicant will need to have a traffic engineer to provide a Transportation Impact Analysis (TIA) in conformance with the City's Guidelines for Transportation Impact Analyses available on the Oregon City website. <https://www.oregoncity.org/1164/Guidelines-for-Transportation-Impact-Ana>
2. Based on the information provided by the applicant, the proposed annexation triggers the need to submit a Transportation Impact Letter (TAL). The TAL will need to evaluate the current and proposed zoning designations for the property. For questions regarding the TIA please contact the following:

Reah Flisakowski, PE
 Direct: 503-972-1203
 Email: rlf@dkssassociates.com

*Please note the cost for the City Traffic Engineering consultant's review during the land use process will be charged at or near the time of Land Use Decision. This fee is not reimbursable if land use is denied or if the application does not proceed forward to permit.

Other

1. Access and Water Supply Plan Review by Clackamas County Fire District No.1 is required. Following instruction found at <https://clackamasfire.com/access-and-water-supply-plan-review-submittal/>.
2. All public improvements and stormwater management facilities will need inspection by the applicant's civil engineer. The City only provides inspection oversight.
3. Portions of the project reside within Geologic Hazard areas. The applicant will be required to address Chapter 17.44 of the Oregon City Municipal Code (OCMC). The City's geotechnical consultant will review development in such areas for compliance with Chapter 17.44 of the OCMC and review fees shall be borne by the developer. More information can be found at: <https://www.orcity.org/1097/Learn-About-the-Geologic-Hazards-Overlay>

The city's Geotechnical Report Review Checklist can be found at the following link:

<https://www.orcity.org/1065/Engineering-Development-Services-Checkli>

Contact the City Geotechnical Engineering consultant, Pali Consulting, at tim@pali-consulting.com for all geotechnical engineering coordination. Please see the memo from Pali Consulting for additional comments regarding the development.

*Please note the cost for the City Geotechnical Engineering consultant's review during the land use process will be charged at or near the time of Land Use Decision. This fee is not reimbursable if land use is denied or if the application does not proceed forward to permit. The City Geotechnical Engineering consultant's fees during permit review and construction will be charged and due during the permit and inspection phase of the project.

FINAL REMINDERS

1. **These notes are the best available based on the submittal and the understanding at the time of pre-application. The notes are NOT a guarantee of requirements.**
2. **Traffic Engineering Fees and Geotechnical Engineering Fees will be due at or near time of Land Use Decision**
3. **The Public Improvements (new roads, road widening, sidewalks, sewer mains, water mains, etc) MUST be completed prior to Plat.**
4. **Land Use MUST be completed prior to permit. The Land Use Approval is NOT a permit. A separate Building and Engineering Permit Submittal after land use is required when seeking a permit for construction.**
5. **Overhead utility work can cause significant delays to a project. Much of this coordination may need to start 6-12 months prior to construction.**

Supplemental Information:

- I. Documentation required before any construction plan review can begin by Public Works (which is after a land use decision has been made):
 - A. Complete Engineering Plans (Public Improvements, all stormwater facilities, site grading and erosion control)
 - B. Preliminary Cost Estimate for construction of Public Improvements, all stormwater facilities, site grading and erosion control.
 - C. Plan Review Fee
 - D. Complete Storm Water Report and Site Assessment and Planning Checklist
 - E. Geotechnical Report (if development is proposed in geohazard areas)

- II. Documentation required before any construction plan can be deemed approved by Public Works (to be able to start construction or obtain a building permit):
 - a. Inspection Fee
 - b. Final Cost Estimate of Public Improvements
 - c. Approved Engineering Plan stamped and signed by an Oregon Professional Engineer
 - d. Approved Storm Water Report stamped and signed by an Oregon Professional Engineer
 - e. DEQ Sanitary Sewer Main Permit
 - f. NPDES 1200-C Permit
 - g. 120% Performance Bond
 - h. Developer/Engineer Agreement
 - i. Non-Remonstrance Agreement
 - j. Land Division Compliance Agreement (*for improvements to be provided by home builders such as trees, sidewalks, etc.*)
 - k. R.O.W. Dedication / Deed of Dedication
 - l. PGE approved street light plan
 - m. Fee-in-lieu
 - n. Geohazard Indemnity Agreement

- III. Documentation required before Public Works will allow buildings to be permitted for construction on newly platted lots:
 - a. Engineer of Record Certificate of Completion
 - b. Completed Punchlist
 - c. 15% Warranty Guarantee
 - d. Recorded Easements
 - e. Recorded Plat
 - f. Public storm facilities - 2 Year Maintenance Bond
 - g. Private storm facilities - Maintenance Covenant and Access Easement

- IV. Possible Fees
 - a. Plan Review Fee
 - b. Inspection Fee
 - c. Erosion Control Fee
 - d. Geotechnical Review Fee
 - e. Traffic Engineering Fee

- f. Document Processing and Recording Fee
- g. Plat Fee
- h. Engineering Permit Fees and System Development Charges:
<https://www.orcity.org/1067/Engineering-Services-Fees>
For commercial and multi-family projects an SDC estimate must be requested.

Note: These listed fees were most current at the time of this pre-application meeting. Additional fees may apply beyond the pre-application meeting.

Christina Robertson-Gardiner

From: Christina Robertson-Gardiner
Sent: Friday, June 21, 2024 11:07 AM
To: Bertram, Erik
Cc: WES - Planning
Subject: RE: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

Understood. Thank you.

From: Bertram, Erik <EBertram@clackamas.us>
Sent: Friday, June 21, 2024 10:42 AM
To: Christina Robertson-Gardiner <crobertson@orccity.org>
Cc: WES - Planning <WES-Planning@clackamas.us>
Subject: RE: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Christina - Please note that these parcels will need to annex into the Tri-City Service District.

Thanks,

Erik Bertram
Phone: 503-936-3666
Clackamas Water Environment Services (WES)

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, June 21, 2024 9:22 AM
Subject: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

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

Good morning,

The Planning Division received an application for a Type IV land use decision.

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

Written comments on these Type IV Land Use Applications must be received by the Oregon City Planning Division crobertson@orcify.org no later than July 8, 2024, to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The City Commission hearing date for this application will be scheduled once the Planning Commission reaches a formal recommendation. The public record will remain open until the City Commission closes the public hearing.



Oregon City Planning Division

ocplanning@orcify.org

Planning Division - 503.722.3789

Fax 503.722.3880

[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.

Christina Robertson-Gardiner

From: Christina Robertson-Gardiner
Sent: Tuesday, July 9, 2024 11:38 AM
To: GONZALEZ-GABRIEL Melissa
Subject: RE: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

Thanks!

CRG

From: GONZALEZ-GABRIEL Melissa <Melissa.GONZALEZ-GABRIEL2@odot.oregon.gov>
Sent: Tuesday, July 9, 2024 11:26 AM
To: Christina Robertson-Gardiner <crobertson@orccity.org>
Subject: FW: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Christina,

Apologies for missing the written comment deadline for this. I had our Traffic Engineer review the traffic analysis letter submitted as part of the application and ODOT has no concerns with the application with the proposed annexation and zone change application. Therefore, no additional state review is required. Let me know if you need a formal comment letter from us.

Thank you,

Melissa Gonzalez-Gabriel (she/her)

Associate Transportation Planner, ODOT Region 1

C: (971) 337-6681

Please note: This email, related attachments and any response may be subject to public disclosure under state law.

From: Christina Robertson-Gardiner <crobertson@orccity.org>
Sent: Friday, June 21, 2024 9:22 AM
Subject: Land Use Application Transmittal- Planning Commission-City Commission GLUA-24-00004 AN-24-00001 ZC 24-00001

You don't often get email from crobertson@orccity.org. [Learn why this is important](#)

This message was sent from outside the organization. Treat attachments, links and requests with caution. Be conscious of the information you share if you respond.

Good morning,

The Planning Division received an application for a Type IV land use decision.

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Written comments on these Type IV Land Use Applications must be received by the Oregon City Planning Division crobertson@orcify.org no later than July 8, 2024, to be included in the Staff Report. Comments received after this date will be provided to the Planning Commission at the hearing. The City Commission hearing date for this application will be scheduled once the Planning Commission reaches a formal recommendation. The public record will remain open until the City Commission closes the public hearing.



Oregon City Planning Division

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

Christina Robertson-Gardiner

From: Sang Pau
Sent: Wednesday, July 17, 2024 9:15 AM
To: Christina Robertson-Gardiner
Subject: FW: 14389 and 14421 Maplelane Road Annexation

From: Clint Taylor <ctaylor@crwater.com>
Sent: Tuesday, July 16, 2024 2:22 PM
To: Sang Pau <spau@orcify.org>
Cc: Adam Bjornstedt <abjornstedt@crwater.com>; Joe Eskew <jeskew@crwater.com>; Anthony Steele <ASteele@crwater.com>
Subject: 14389 and 14421 Maplelane Road Annexation

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Sang,

The subject properties 14389 and 14421 S Maplelane Road are currently within and served by the Clackamas River Water (CRW) District service area. There are two water mains- one 12-inch Steel main in Maplelane Ct, and one 16-inch DI (Ductile Iron) main within South Maplelane Road to the southeast of the properties. CRW has no conflicts with annexation of the subject properties.

If the properties were to develop, new water connections would be accessed along the site's frontage on South Maplelane Court. Associated CRW fees and system development charges would apply to any new connections to CRW mains.

If the City desires to serve these properties at some point in the future, CRW requests that the City follow the withdrawal process as stipulated in statute.

Thank you,

Clint Taylor EIT

Engineering Associate
Clackamas River Water

Ph: 503.723.2571 | 16770 SE 82nd Drive
Mob: 503.793.8145 | Clackamas Oregon 97015-2439
| 503-722-9220
ctaylor@crwater.com | www.crwater.com

This e-mail is intended solely for the intended recipient or recipients. If this e-mail is addressed to you in error or you otherwise receive this e-mail in error, please advise the sender, do not read, print, forward or save this e-mail, and promptly delete and destroy all copies of this e-mail. This email may contain information that is confidential, proprietary or secret and should be treated as confidential by all recipients. This e-mail may also be a confidential attorney-client communication, contain attorney work product, or otherwise be privileged and exempt from disclosure. If there is a confidentiality or non-disclosure agreement or protective order covering any information contained in this e-mail, such information shall be treated as confidential and subject to restriction on disclosure and use in accordance with such agreement or order, and this notice shall constitute identification, labeling or marking of such information as confidential, proprietary or secret in accordance with such agreement or order. The term 'this e-mail' includes any and all attachments.



DATE: July 11, 2024

REQUEST: 14389/14421 S Maplelane Road Annexation Transportation Review

FILE NO: GLUA-24-00004 AN-24-00001 ZC 24-00001

REVIEWER: Reah Flisakowski, PE and Hallie Turk, EI, DKS Associates

In response to the City's request, DKS Associates has reviewed the submitted 14389/14421 S Maplelane Road Annexation Transportation Analysis Letter (TAL).¹ The general comments and listing of recommended conditions of approval are based on our review of these materials.

TRANSPORTATION ANALYSIS LETTER REVIEW

Comments:

EXISTING CONDITIONS

- The TAL focuses on the proposed annexation and rezone of two properties totaling 3.01 acres at 14389/14421 S Maplelane Road (Tax Lots 32E04C-00300 and 500) in Clackamas County, Oregon. The site is currently zoned County Future Urban 10-Acre (FU-10). After annexation, the project proposes rezoning to City Low Density Residential (R-6).

TRIP GENERATION

- The reasonable worst-case development scenario under the existing FU-10 zoning was determined to be Single-Family Detached Housing (ITE land use code 210) with two dwelling units.
- Due to the potential for different housing types with varying lot sizes under Oregon City code, four scenarios for the reasonable worst-case development scenario under the proposed R-6 zoning were considered.
 - Scenario 1: Single-Family Detached Housing (ITE code 210) with 12 dwelling units

¹ 14389/14421 S Maplelane Road Annexation Transportation Analysis Letter, February 13, 2024. Lancaster Mobley.

- Scenario 2: Single-Family Detached Housing (ITE code 210) with two dwelling units and Single-Family Attached Housing (ITE code 215) with 30 dwelling units
- Scenario 3: Single-Family Detached Housing (ITE code 210) with two dwelling units and Multifamily Housing Low-Rise (ITE code 220) with 32 dwelling units
- Scenario 4: Single-Family Detached Housing (ITE code 210) with two dwelling units and Multifamily Housing Low-Rise (ITE code 220) with 34 dwelling units
- The worst-case trip generation under the existing FU-10 zoning results in 1 a.m. peak hour trip, 2 p.m. peak hour trips, and 18 total weekday trips.
- The worst-case trip generation under the proposed R-6 zoning (Scenario 4) results in 15 a.m. peak hour trips, 19 p.m. peak hour trips, and 248 total weekday trips.
- The net change in trip generation potential is a 14-trip increase in the a.m. peak hour, 17 trip increase in the p.m. peak hour, and 230-trip increase in total weekday trips.

The trip generation estimate is reasonable.

TRANSPORTATION PLANNING RULE

- The Transportation Planning Rule (TPR) per OAR 660-012-0060 was evaluated. Based on the 230-trip increase in daily trip generation potential for the annexation and rezoning of the project site, the project will not increase average daily trips by more than 400, which will not result in the degradation of the performance of surrounding transportation facilities. Therefore, TPR requirements are satisfied.

RECOMMENDED CONDITIONS OF APPROVAL

The submitted 14389/14421 S Maplelane Road Annexation Transportation Analysis Letter (TAL) meets Oregon City requirements and TPR requirements. There are no recommended conditions of approval at this time.

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	14389 S Maplelane Rd Oregon City, Clackamas County		historic name:
assoc addresses:			current/other names:
location descr:			block/lot/tax lot:
			townshp/rng/sect/qtr sect:
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing		
prim constr date:	1920	second date:	
primary orig use:		total elig resources:	
second orig use:		NR Status:	
primary style:	Vernacular	date indiv listed:	
secondary style:		orig use comments:	
primary siding:	Cedar Shake Shingle	prim style comments:	
secondary siding:		sec style comments:	
plan type:		siding comments:	
		architect:	
		builder:	
comments/notes:			
Very good integrity			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Oregon City RLS 2011	Survey & Inventory Project		2011
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	03/18/2011	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
Refer to scanned documents links.			
RESEARCH INFORMATION			
Title Records	Census Records	Property Tax Records	Local Histories
Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Repository:	
Bibliography:			



14389

Oregon Historic Site Record

LOCATION AND PROPERTY NAME			
address:	14421 S Maplelane Rd Oregon City, Clackamas County		historic name:
assoc addresses:			current/other names:
location descr:			block/lot/tax lot:
			twنشp/rng/sect/qtr sect:
PROPERTY CHARACTERISTICS			
resource type:	Building	height (stories):	1.5
elig evaluation:	eligible/contributing		
prim constr date:	1920	second date:	
total elig resources:		total inelig resources:	
NR Status:		date indiv listed:	
primary orig use:		orig use comments:	
second orig use:			
primary style:	Vernacular	prim style comments:	
secondary style:		sec style comments:	
primary siding:	Horizontal Board	siding comments:	
secondary siding:	Cedar Shake Shingle		
plan type:		architect:	
		builder:	
comments/notes:			
GROUPINGS / ASSOCIATIONS			
Survey/Grouping Included In:	Type of Grouping	Date Listed	Date Compiled
Oregon City RLS 2011	Survey & Inventory Project		2011
SHPO INFORMATION FOR THIS PROPERTY			
NR date listed:	N/A	106 Project(s):	None
ILS survey date:		Special Assess Project(s):	None
RLS survey date:	03/18/2011	Federal Tax Project(s):	None
ARCHITECTURAL / PROPERTY DESCRIPTION			
<i>(Includes expanded description of the building/property, setting, significant landscape features, outbuildings and alterations)</i>			
Refer to scanned documents links.			
HISTORY			
<i>(Chronological, descriptive history of the property from its construction through at least the historic period - preferably to the present)</i>			
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RESEARCH INFORMATION			
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Sanborn Maps	Biographical Sources	SHPO Files	Interviews
Obituaries	Newspapers	State Archives	Historic Photographs
City Directories	Building Permits	State Library	
Local Library:		University Library:	
Historical Society:		Other Repository:	
Bibliography:			



14421

EXHIBIT A

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

April 29, 2024
Page 1 of 2

ANNEXATION DESCRIPTION

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

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

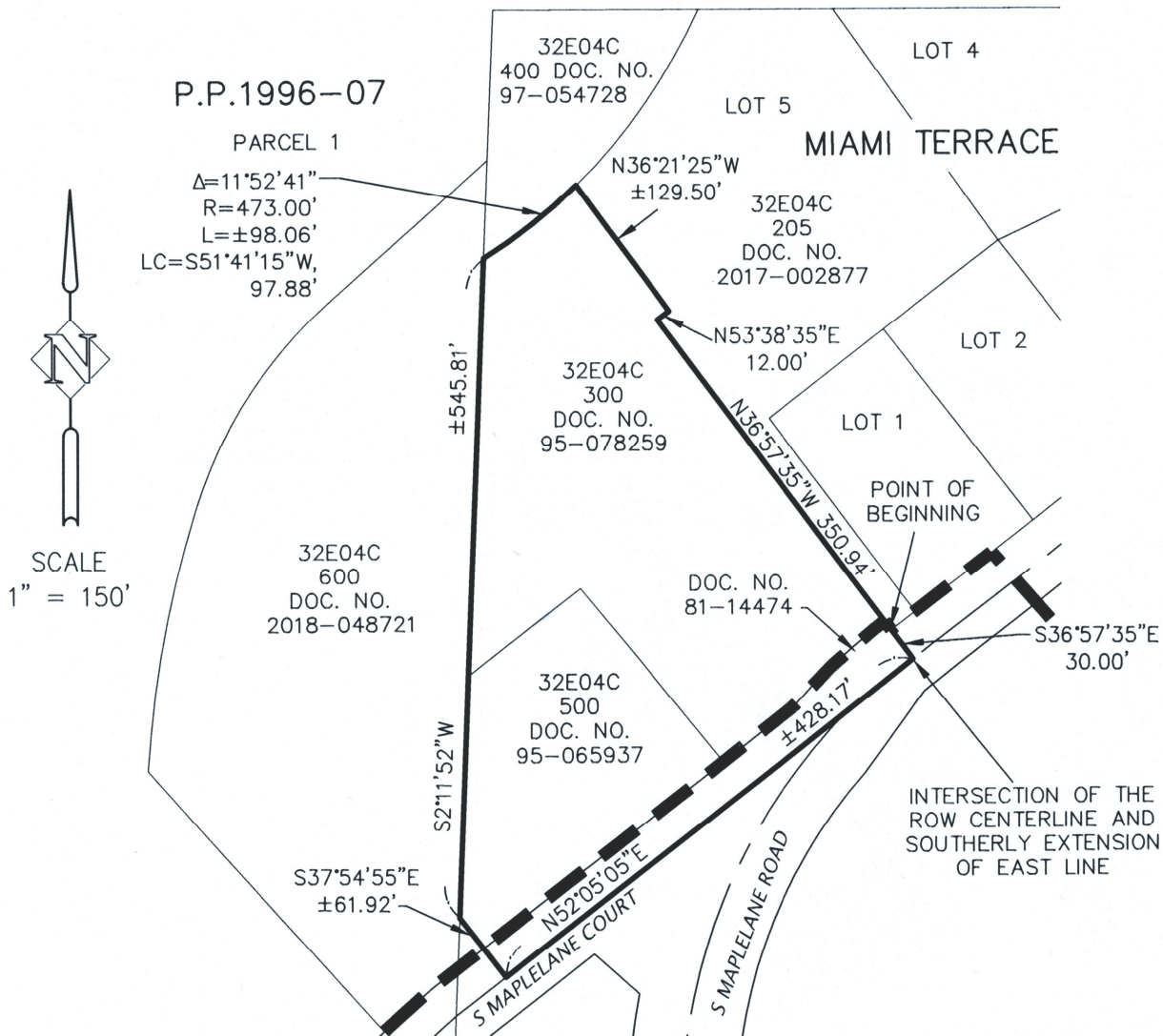
The above-described tract of land contains 135,261 Square Feet (3.1 acres), more or less.



EXPIRES 6-30-2025

EXHIBIT "A"

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



PREPARED FOR

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

LEGEND



CITY OF OREGON CITY LIMITS LINE

REGISTERED
 PROFESSIONAL
 LAND SURVEYOR

[Signature] 4/29/24

OREGON
 JANUARY 20, 1998
 BRIAN K. HENSON
 2855

EXPIRES: 6/30/2025

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



Harper
Houf Peterson
Righellis Inc.

ENGINEERS • PLANNERS
 LANDSCAPE ARCHITECTS • SURVEYORS

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

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



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** September 4, 2024
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Item 9.a. -

Park Place Concept Plan Zoning Code Amendments – Legal Issues

STAFF RECOMMENDATION:

Staff recommends the Mayor and Commissioners review the memo and receive a presentation

EXECUTIVE SUMMARY:

When the Planning Commission started reviewing the draft code for the Park Place Concept Plan area, they were presented with a memorandum that explained the land use paradigm we are operating in today. The Park Place Concept Plan was adopted in 2008, and since that time, multiple state land use regulations have changed and some regulations were in place that need to be considered with the adoption of new code.

A memo from the Deputy City Attorney is attached to this staff report that explains some of the legal issues and boundaries that must be considered when implementing the PPCP. The concept plan is just that, a concept or a big idea that expressly acknowledged the need for future study and adjustment through implementing zoning regulations. The purpose of the attached memorandum is to identify the legal limitations that may inform and influence how the City balances these various policies in a way that best achieves the PPCP plan objectives.

BACKGROUND:

OPTIONS:

This is a discussion item only and direction is not required at this time.

BUDGET IMPACT:

Amount \$

Fiscal Year(s):

Funding Source(s):

MEMORANDUM

TO: Oregon City Planning Commission
FROM: Carrie A. Richter, Deputy City Attorney
DATE: May 28, 2024
RE: Park Place Concept Plan Zoning Code Amendments – Legal Issues

The Park Place Concept Plan (PPCP) Plan sets forth a sustainable, vibrant, diverse and livable long-range plan for nearly 500 acres of rural land for urbanization within Oregon City. The PPCP responds to the steep slopes, constrained transportation connectivity and lack of affordability challenges by leaning into smaller lots and mixed-use densities, neighborhood-focused commercial areas and parks, all connected by a robust multi-model trail system and green infrastructure. That said, the PPCP is only a concept or a big idea that expressly acknowledged the need for future study and adjustment through implementing zoning regulations.

Since the PPCP was adopted, several state laws have changed, most notably laws that constrain how cities regulate housing to combat the severe shortage and significant cost of housing throughout the Metro area and the state. The purpose for this memorandum is to identify these legal limitations as they may inform and influence how the City balances these various policies in a way that best achieves the PPCP plan objectives.

Extension of Holly Lane and Swan Avenue

The PPCP and TSP call for the construction of Holly Lane from Redland Road to Holcomb Blvd as a minor arterial and Swan Lane as a collector. Generally, a new subdivision development includes roads necessary for service including frontage improvements to connect the development to the existing street infrastructure. In addition to the dedication of land and improvements necessary for onsite connectivity, where development will result in intersection failure nearby, offsite improvements are also often required. Whether off-site or on-site, the city's ability to require an applicant to give land or pay money to accommodate needed improvements (also known as "exactions") cannot exceed the level necessary to serve the development. Stated differently, the city can demand land or improvements where they are "roughly proportional" to the impacts caused by the development. *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994); *Koontz v. St. Johns River Water Management District*, 133 S. Ct. 2586 (2013).

As a result, the only way that the City will be able to exact land necessary to accommodate the full length of Holly Lane or Swan Avenue from Redland Road to Holcomb Blvd will be where: (1) the intensity of the proposed development creates intersection failures in the existing system that demand improvement of the full length of Holly Lane as prescribed by the OCMC; (2) the proposed development includes lands identified to accommodate Holly Lane such that land dedication can be

identified as an exaction, AND (3) the cost of those lands are roughly proportional to the impacts of the development proposed. Although possible, it seems unlikely that these circumstances would arise through a single development proposal. If the City concludes that PPCP requires the existence of two access points before some level of development occurs, the City may need to consider an alternative way to finance and construct these improvements.¹

Most of the land needed to improve Holly Lane and all the land needed for Swan Avenue are outside of the city limits and in unincorporated Clackamas County. Although these improvements are included within the City's Transportation System Plan (TSP) for long-range improvement, they are not identified on the County TSP at all.² In order to access most federal or state grant funds, the County TSP would need to include these improvements.³ These lands are zoned Rural Residential Farm Forest – 5 Acre (RRFF-5). A "road," including a public road, is a use that is permitted outright in that zone. Clackamas County Zoning and Development Ordinance (ZDO) 316.

State law grants a city authority to condemn land outside of its city limits for public use. ORS 223.005 and .020.⁴ Generally, once the city files a condemnation action and deposits funds with the court, it may send notice to take immediate possession. Once a court has granted an order of immediate possession, the city can proceed with permitting and constructing the necessary roads in the County. State law does provide a mechanism for the City to recover the cost of the road improvement through the creation of an improvement district that would assess benefiting landowners some proportionate share. ORS 223.387. Presumably, the County would share in the cost of construction because its residents would similarly

¹ There may be some practical reasons to defray this cost from new development. Typically, the cost of expanding urban utilities and services is placed on future development with the effect of making the future home less affordable. On the other hand, perhaps some portion of the additional connectivity or amenity costs should be borne by the city as they will benefit existing Holcomb Blvd residents in addition to those that have yet to come.

² The County anticipates updating its TSP beginning in the summer of 2024, so the timing might be ideal for the City, as well as interested County residents, including the Planning Commission members, to engage with the County on this issue.

³ During the 2024 legislative session there was much discussion about the ways in which the state can assist in financing infrastructure to reduce the cost of housing. SB 1537 authorizes the Housing and Community Services Department to make loans to local governments to sponsor infrastructure projects. HB 4134 requires the Oregon Business Development Department to create a grant program for infrastructure serving development where at least 30% of the proposed housing would be workforce housing (a household with income less than or equal to 130 percent of the county median income based on information or estimates available from the United States Census Bureau.) HB 4155 requires the Oregon Business Development Department to put compile a study whose findings are due no later than Sept. 15, 2024.

⁴ Section 36 of the City Charter contains a broad condemnation authority, which provides:

"Any necessity of taking property for the city by condemnation shall be determined by the commission and declared by a resolution of the commission describing the property and stating the uses to which it shall be devoted."

benefit from construction. An intergovernmental agreement (IGA) with the County would be the mechanism to memorialize this arrangement.

Although there a number of ways that the City could proactively assist in the development of Holly Lane and/or Swan Avenue, none of these actions will be immediate. If the City receives an application for development that does not generate impacts at levels to justify exactions in the form of land for roads or improvements, the City must nevertheless allow the development to occur.⁵

Limitations to the Regulation of Housing

As the Planning Commission is well aware, there are a number of restrictions on how the city may regulate housing. The one that we have spoken about most often comes from ORS 197A.400(1), *formerly* ORS 197.307(4). It provides: “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary.”⁶

“Clear and Objective”

The statutes do not define the term “clear and objective.” Rather, the meaning has been developed over time by LUBA and the courts. “Clear” means “easily understood” and “without obscurity or ambiguity,” and that the term “objective” means “existing independent of mind.” *Neito v. City of Talent*, ___ Or LUBA ___ (LUBA No 2020-100, Mar 10, 2021) (slip op at 9 n 6). Approval standards are not “objective” if they impose “subjective, value-laden analysis that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community.” *Rogue Valley of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999). A standard that could be interpreted “to support either of two diametrically opposed conclusions” is not clear and objective. *Roberts v. City of Cannon Beach*, 316 Or. App. 305, 312 (Or. Ct. App. 2021). Quantifiable, objectively determinable facts are “clear and objective,” although their application need not be “simplistic.” *Roberts supra* 316 n.5. These are the tests used to determine if a regulation satisfies the “clear and objective” test.

⁵ The City could also declare a moratorium but in doing so, the City would have to quickly figure out how to fund and build the required roads. To remain, a moratorium must be renewed every six months and can be extended only three times.

⁶ ORS 227.173(2) provides:

“When an ordinance establishing approval standards is required under ORS 197A.200 and 197A.400 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.”

“The Development of Housing”

The applicable criteria for subdividing land or design review for housing often evaluate elements that are supportive of or the result of new housing but are not directly related to the construction of a home itself. Examples of this might include access roads necessary to serve a new dwelling, conveyance systems to remove stormwater resulting from a new residential roof, or parkland dedication necessary to serve residents of the future home.

LUBA dealt with this question directly in the recent case, *Roberts v. City of Cannon Beach*, where a party argued that the clear and objective standards requirement does not apply to off-site vehicular access improvement obligations that were necessary to serve a new house. ___ Or LUBA ___ (LUBA No. 2023-06, April 24, 2024). Many times before LUBA has said that planned unit development (PUD) or subdivision standards related to vehicular access and circulation are subject to clear and objective standards.⁷ The difference in *Roberts* was that the regulations at issue related to off-site vehicular access that were not set forth in other standards rather than the subdivision / PUD regulations.

Although the supportive elements identified in the PPCP are not roads as they were in *Roberts*, LUBA’s approach to evaluating the text, context and legislative history of this obligation will likely be instructive for how LUBA might consider the elements of the PPCP.⁸ Finding no definition of “development of housing” in the statute, LUBA relied on dictionary definitions and context found in other statutes to conclude that “the act or process of making housing available or usable is broad and encompasses development of vehicular access necessary to develop and use a dwelling unit.” Slip op 67. LUBA went on to conclude that the intent of the legislature in this mandate was that the “clear and objective requirement be broadly applied to facilitate the development of housing.” Slip op 71. Based on this analysis, LUBA found that the city of Cannon Beach’s access improvement standards were subject to the clear and objective standards requirement.

Moving beyond the access question, LUBA went on to say that the city did not err in refusing to apply discretionary geologic hazard area standards to the access road because they were not clear and objective. This suggests that LUBA’s holding is not limited solely to road access but that it would apply to other regulations that impact housing, including steep slope regulations applicable to road construction and stormwater standards as well. An argument might be crafted that a parkland dedication

⁷ *Group B, LLC v. City of Corvallis*, 72 Or LUBA 74, 86-87, aff’d, 275 Or App 577, 366 P3d 847 (2015) (city cul-de-sac street design standard that the city had applied to deny the PUD application was unclear.); *Walter v. City of Eugene*, 73 Or LUBA 356, 357, 360-64, aff’d, 281 Or App 461, 383 P3d 1009 (2016) (a PUD standard which required “the street layout of [a] proposed PUD shall disperse motor vehicle traffic onto more than one public local street” was not “clear and objective”). *Legacy Development Group, Inc. v. City of the Dalles*, ___ Or LUBA ___ (LUBA No. 2020-099) (Feb. 24, 2021) and *Nieto v. City of Talent*, ___ Or LUBA ___ (LUBA No 2020-100, Mar. 10, 2021).

⁸ It may be of interest to note that LUBA was interpreting ORS 197.307(4), which was altered slightly when it was renumbered to ORS 197A.400 but for purposes of the term “development of housing,” the term remains unchanged.

requirement is distinguishable because it is not required for a residential home to function. The problem is that in order to remain roughly proportional, any exaction for parkland improvements must directly relate to the number of future residents tying the obligation directly to the provision of housing. It may be difficult to overcome the broad sweep of the “development of housing” phrase identified by LUBA as part of the legislative history well. For this reason, staff has identified a pro-rata share of parkland dedication or fee-in-lieu payment arrangement based on the number of individuals and number of units proposed.

Need to Amend the PPCP

ORS 197A.400(3) provides that a local government can provide an alternative discretionary process for housing review so long as the alternative does not replace the clear and objective track. Where the City got into trouble in the *Icon v. City of Oregon City* case was in not having a clear and objective track available because a condition to annexation requires the master plan review. ____ Or LUBA ____ (LUBA No. 2022-100, May 19, 2023). By amending the OCMC to implement the PPCP, the City will be providing that clear and objective track. There is no need to further amend the PPCP as it will continue to provide an alternative discretionary track for those applicants who wish to pursue it.

Middle Housing

Oregon House Bill 2001 (2019) (HB 2001) requires that “Large Cities” (defined as cities within a metropolitan service district) must allow all middle housing types in areas zoned for residential use that allow for detached single-family dwellings. Oregon City fully implemented HB 2001 with the authorization of the full range of middle housing types within all of the City’s residential districts and amending the amending middle housing design standards in Chapter 17.16 to comply with OAR 660-046, the administrative rules governing middle housing.⁹ As a result, the only way to regulate the overall density of housing is through the allowed minimum lot sizes subject to the following:

- Duplexes must be permitted on the same size lots as single-family detached, cities cannot apply maximum density standards. OAR 660-046-0120(2)
- Triplexes must be permitted on lots 5,000-SF or the same size lots as single-family detached, whichever is greater, cities cannot apply maximum density standards. OAR 660-046-0220(2)
- Quadplexes must be permitted on lots 7,000-SF or the same size lots as single-family detached, whichever is greater, cities cannot apply maximum density standards. OAR 660-046-0220(2)

⁹ Before HB 2001, the City had design standards pertaining to single-family attached and 3-4 plex residential design standards that served as the basis for the middle housing design standards as authorized by OAR 660-046-0120.

- Townhouses are an exception and can be subject to maximum density in addition to minimum lot sizes of 1,500-SF or less. Maximum density must allow four times the maximum density allowed for detached single-family dwellings in the same zone or 25 dwelling units per acre, whichever is less. OAR 660-046-0220(3)(c)
- Cottage clusters: Clusters of 4-8 cottages (or more, if city elects larger cluster sizes) must be permitted on lots 7,000-SF or the same size lots as single-family detached, whichever is greater, and cities cannot apply maximum density standards. OAR 660-046-0220(4)

These standards are fully implemented in the OCMC by the minimum lot size requirements for the Low and Medium Density Residential zones. Therefore, staff is not proposing any change or alteration to these thresholds.

Mandatory Adjustments

As of January 1, 2025, an applicant seeking to develop single or middle housing will likely be entitled to a by-right waiver¹⁰ of certain development and design standards upon request as provided in the recently enacted SB 1573.¹¹ The development standards eligible for adjustment include: side and rear yard setbacks up to 10% reduction, same lot landscaping or open area requirements up to 25% reduction, parking minimums, lot sizes (including width or depth) up to 10% reduction only where it results in a greater number of dwelling units and the density exceeds the city's minimum requirements, along with a building height increase of either one story or a 20% increase, whichever is greater. Additional development adjustments are available for multi-family or mixed use structures. The bill goes on to specify certain design standards that may be modified including: façade materials, color or pattern, detail articulation, roof forms and materials, "garage door orientation," window materials, and a 30% adjustment of the total window area. For middle housing and multi-family / mixed-use, building orientation requirements, building height transition requirements for not more than 50%, balconies and porch requirements and recesses and offsets. What is most interesting about this list as it relates to the PPCP is the way in which the waiver provision might eliminate the obligation to provide alley orientation for garage for middle housing but only to the "garage door" for single family housing. The

¹⁰ An applicant for a waiver need only "state" that the adjustment will: (1) provide housing "not otherwise feasible due to cost or delay;" (2) be necessary to "reduce the sale or rental prices;" (3) increase the number of housing units; (4) make all of the units subject to an affordable housing covenant making the homes available to moderate income households; (5) provide accessibility or visitability features; or (6) allow for a zero, limited or shared equity ownership model making them affordable to moderate income households. Section 38(2)(g).

¹¹ SB 1573 also includes an exemption process for local governments to avoid granting adjustments. The City is looking into whether it would qualify for an exemption but it unlikely to know if that is the case until late fall or early winter, at the earliest.

City should be aware that these adjustments might serve to strip the City of PPCP implementation standards, even where they are clear and objective.

Provision of Parkland

The PPCP calls for the provision of 8-10 acre community park and a 3-5 acre neighborhood park that would be connected by extensive system of off-street and on-street trails and pedestrian/bicycle connections. As with the discussion of critical road infrastructure discussed above, the City is constrained in its ability to exact park land dedication and improvements to that which is roughly proportional to the impact of development. *Dolan / Koontz supra*. In order to deal with these limitations, city staff is proposing a formula similar to the one in place for residential development within Thimble Creek. OCMC 17.62.059 requires the dedication of park land or an in-lieu fee that is based on a proportional formula based on number of individuals in each dwelling multiplied by the number of dwelling units at four acres per 1000 people. Under this approach, every new housing unit will contribute its fair share for the park. If future development is so piecemeal that it precludes dedication of the minimum PPCP required parkland, the City will have to be prepared to buy whatever remaining pieces are necessary using the funds collected in-lieu fees, either through negotiation or imminent domain, if necessary.

Some have suggested that the City should commission a survey to determine a certain location of the park and ensure protection by subjecting this legally described area to a park-only zoning designation. There are multiple problems with this approach. First, without engineering the whole development to know the location of uses along with the road accessing the park, any survey to determine the exact boundaries of the park area would be premature. More importantly, imposing a park-only zone would not only give rise to underlying landowners' right to seek relief under Measure 49 because it would reduce the fair market value of their property requiring compensation, such an approach would likely give rise to a takings claim under the 5th Amendment because it would regulate a property to the point of having little, if any, economic value. For this reason, the location of the park must float and evolve commensurate with new development making the park necessary. Again, the City is certainly free to negotiate for and purchase land to build a park in its proprietary capacity at any time.

Protecting the Neighborhood Commercial Zone

The PPCP calls for the application of the Neighborhood Commercial zone to accommodate commercial development. p. 65. The Plan also provides: "create opportunities for mixed residential and commercial uses through amendments to and application of the city's mixed use zone." p 61. Currently, uses permitted in the NC zone include those that are permitted within the Mixed Use Corridor (MUC) zone (with a smaller building footprint) including a wide range of commercial and office uses as well as live/work dwellings, housing in conjunction with commercial use or a duplex. Since housing is allowed within the NC zone, those development and design standards that would be applicable to housing, either standalone or mixed use, within this area must be clear and objective. Standards that relate to entirely non-residential uses need not be clear and objective. Parks and utilities are uses permitted outright in the

NC zone, by virtue as the cross-reference to MUC permitted uses. Whether the City would like to constrain the permitted uses within the PPCP commercial areas is a policy question but there is no legal limitation to doing so.

The suggestion has been made that the City would need to create a metes and bounds survey of the Neighborhood Commercial zone in order to create a clear and objective boundary for regulation. The bounds of the NC zone as it has been applied to annexed lands to date is depicted on the City's adopted Zoning Map. Its location is not subject to any policy-laden evaluation or discretion that would necessarily be resolved through a boundary survey. That said, if the City would like to remove any obligation to adopt or apply clear and objective regulations within the NC area, it would need to remove all opportunities for additional housing within this area which may contravene the mixed use objectives and the desire to place higher densities near the NC area as specified within the PPCP.

Green On-Site Stormwater Treatment

The PPCP calls for innovative, "green" on-site stormwater treatment methods. As staff explains in the May 7 report, in 2015, the City adopted Stormwater and Grading Design Standards that prioritize low impact development (LID) practices which mimic natural drainage systems by keeping rainwater close to where it falls and attenuate stormwater runoff. It will be up to the Planning Commission to determine if implementation of these standards are sufficient or if additional obligations should be imposed.

The suggestion has been made that, instead of these standards, the City should adopt the antidegradation standards set forth in the Department of Environmental Quality (DEQ) administrative rules to provide a clear and objective way to measure and ensure the use of green stormwater standards. OAR 340-041. These standards are lengthy but, in general, they identify water quality conditions required for categories of water bodies which are measured and regulated by DEQ. For example, DEQ has detailed tables outlining what levels of a identified chemicals must be kept below in order to protect aquatic life. Although these standards may be quantifiable and, therefore, clear and objective, they measure water quality within the river rather than at the point of discharge. Using river water quality as a basis to review municipal discharge is impractical because once stormwater reaches a river, its point of origin is difficult, if not impossible, to determine. This is why discharge from development falls within the City's municipal discharge permit (MS4). DEQ establishes municipal obligations when it comes to regulating discharge into the City's stormwater system through best management practices (BMP). The City has determined that the clear and objective implementation of BMP is best achieved through the Stormwater Standards. These Standards require that all stormwater management comply with the following development hierarchy: "Level 1 – Onsite retention of the 10-year design storm using Low Impact Development (LID) for infiltration," "Level 2 – Onsite stormwater management using LID to meet water quality and flow control standards," "Level 3 – Offsite or Regional Facilities," and finally "Level 4 Fee in Lieu." Each of these priorities are described in quantifiable detail including infiltration rates, qualifying LID facilities, offsite facility design standards and a methodology for calculating the fee-in-lieu. p 2-4 – 2-7. The Level 1 and 2 tier solutions, which is typically the way "green on-site stormwater" solutions are referenced must be used unless quantifiable physical limitations are present.

These limiting circumstances including steep slopes, low infiltration rates (less than 2.0 inches per hour), fill conditions, and high groundwater table - but expressly do not include the “financial viability of construction.” Through this prioritization scheme, new development will provide green on-site treatment in all cases except where the physical condition of the existing topography dictate another approach.

Conclusion

In summary, there are numerous legal limitations to the City’s implementation of the PPCP, particularly with respect to housing. However, the goals of providing diversity of housing types and affordability is a shared goal in both state law and the PPCP. Although this list may seem daunting, with thoughtful drafting along with a willingness to accept that the City may need to take a more active role in the provision of infrastructure and amenities, the values set forth in the PPCP can be realized.



CITY OF OREGON CITY

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Staff Report

To: City Commission **Agenda Date:** September 4, 2024
From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager

SUBJECT:

Item a. - Mayoral Appointments to the Natural Resources Committee

STAFF RECOMMENDATION:

Staff recommend the Mayor and Commissioners consider the recommendations of the Natural Resource Committee.

EXECUTIVE SUMMARY:

The Natural Resources Committee recommends the appointment of Dakota Hufford and Monica Stone to the Natural Resources Committee.

BACKGROUND:

OCMC 2.56.010. The Natural Resources Committee (NRC) consists of seven members appointed for three-year terms.

- Dakota Hufford is an Oregon City resident, entomologist and ecologist. She works as Communication and Program Coordinator for the Clackamas River Basin Council, serves on the Clackamas County Vector Control District Board of Trustees and is an active member of the Park Place Neighborhood Association.
- Monica Stone is an Oregon City resident and works for the City of Canby as Environmental Services Division Manager. She volunteers with the Oregon Water Education Foundation at Clackamas Community College and is a resident of the South End Neighborhood Association.

These appointments will bring the NRC membership back up to seven. The current members of the NRC are Samantha Wolf (Chair), Brian Kvisler (Vice Chair), Emily Lisborg, Doug Neeley and Dave Trotter.

OPTIONS:

BUDGET IMPACT: