

March 27, 2017

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**VIA EMAIL**

Mr. Dan Holladay, Mayor  
City of Oregon City City Commission  
625 Center Street  
Oregon City, OR 97045

**Re: City of Oregon City File Nos. AN-16-0004 and ZC-16-0001**

Dear Mayor Holladay and Members of the Oregon City City Commission:

This office represents the Applicant. I am writing on behalf of the Applicant to ask that the Oregon City City Commission follow the recommendation of its professional Planning Department staff and the Planning Commission and approve the concurrent zoning map amendment and annexation petition as requested by the Applicant. This letter does not contain new evidence.

**1. Introduction.**

In the course of the public hearings for the applications, it is easy to forget all of the planning that the City has done to assure adequate public facilities and services for this site. The City Commission should remember that this annexation and zoning map amendment come before the City Commission with a significant amount of work that has already determined how public facilities and services will be provided to the annexation site and the determination that the site should be developed for urban housing. This planning process began in 1979 when the site became part of the Portland Metropolitan Area Urban Growth Boundary (the "UGB"). Following that action, the City Council designated the site with the "Low-Density Residential" Comprehensive Plan map designation. The zoning map amendment application implements this Comprehensive Plan map designation. Further, as explained elsewhere in this letter, the City Commission has caused a number of master plans to be created that demonstrate how public facilities and services will be provided to the site. Finally, the Oregon City School District is planning to provide sufficient school facilities for students from this site. For all of these reasons, the City Commission can conclude that the proposed annexation and zoning map amendment are appropriate and represent the final stages prior to actual development of the property that has been long anticipated by the City.

## **2. Summary of Applications.**

The matter before the City Commission consists of two (2) applications:

- The zoning map amendment to R-10, “Single-Family Dwelling District”, consistent with Oregon City Municipal Code (“OCMC”) 17.68.025.A. based on the Oregon City Comprehensive Plan map designation of “Low-Density Residential”.
- Annexation of the property.

## **3. Zoning and Annexation of 35.65 acres that have been within the UGB since 1979.**

These applications allow the property to be included within the City which, in turn, leads to future urban development, subject to satisfaction of the relevant condition of approval described below.

## **4. Substantial evidence in the whole record demonstrates that the approval criteria for the applications are satisfied.**

### **A. Zoning Map Amendment.**

The zoning map amendment is mandatory and is not subject to the discretionary criteria normally applied to zoning map amendments because OCMC 17.68.025.A. provides that a zoning map amendment shall be approved concurrent with annexation, consistent with the identified Comprehensive Plan map designation. Because the R-10 zoning map designation matches the Comprehensive Plan map designation, the zoning map amendment is required to be approved concurrently with annexation. The R-10 zoning district is the least dense residential zoning district in the City.

The zoning map amendment is subject to the Oregon Transportation Planning Rule (the “TPR”) in OAR Chapter 660, Division 12. OAR 660-0012-0060(1) and (2) require that a zoning map amendment that “significantly affects” transportation facilities be mitigated to eliminate the “significant affect”. OAR 660-0012-0060(2)(e) authorizes conditions of approval to mitigate the “significant affect”. The Applicant, City staff, and ODOT agreed on Condition of Approval 14 which provides that the land to be annexed and zoned may not be subdivided for urban development under the R-10 zone until the City completes its refinement plan for transportation facilities in this area and the Applicant demonstrates satisfaction of OCMC 12.04, “Streets, Sidewalks and Public Places”. This condition assures that adequate transportation facilities will be provided and that the applicant will share a proportionate cost of such facilities.

## **B. Annexation Application.**

The annexation application is supported by substantial evidence in the whole record demonstrating that the relevant approval criteria are satisfied. The relevant approval criteria include the seven (7) factors for annexation found in OCMC 14.04.060.A.1.-7. and relevant Oregon City Comprehensive Plan (the “Plan”) policies. Further, substantial evidence in the whole record demonstrates that required public services and facilities can be provided consistent with the City’s acknowledged master plans for sanitary sewer, stormwater, and water.

The Planning Commission was concerned that the City had adequate engineering and planning staff to oversee future development of this property. Ms. Terway told the Planning Commission in response to their questions at the March 13, 2017 public hearing that the City staff was adequate to administer development of this land and other lands within the City.

The Oregon City School District testified orally and in writing at the March 13, 2017 Planning Commission hearing that school facilities would be adequate to serve the expected number of students to reside in this area when the site is expected to develop.

The Oregon Department of Transportation (“ODOT”) supports the applications. ODOT submitted a letter dated March 6, 2017 in which it supported the applications. The Applicant, City staff, and ODOT coordinated extensively on the applications. The coordination resulted in the condition of approval referenced above.

Finally, many of the issues discussed before the Planning Commission concern the subsequent land division application for this property. The Plan at Goal 14, “Urbanization”, page 118 states that land division issues are not a matter for consideration in annexation (**Exhibit 2**). Land division issues are not relevant to the approval criteria for either the zoning map amendment or for the annexation application.

## **5. Conclusion.**

For the reasons contained in the record before the City Commission, the Applicant respectfully requests that the City Commission follow the recommendation of its staff and the Planning Commission and approve the zoning map amendment and annexation petition.

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Very truly yours,



Michael C. Robinson

MCR:rsr  
Enclosures

cc: Mr. Mark Handris (via email) (w/ encls.)  
Mr. Darren Gusdorf (via email) (w/ encls.)  
Mr. Rick Givens (via email) (w/ encls.)  
Mr. Mike Ard (via email) (w/ encls.)  
Ms. Laura Terway (via email) (w/ encls.)  
Mr. Pete Walter (via email) (w/ encls.)  
Ms. Carrie Richter (via email) (w/ encls.)

17.68.025 - Zoning changes for land annexed into the city.

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

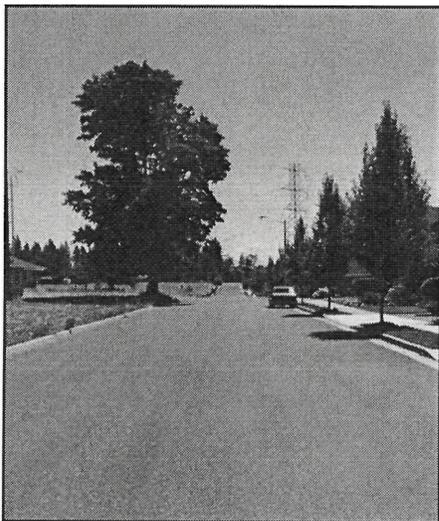
Plan Designation	Zone
Low-Density Residential	R-10
Medium-Density Residential	R-5
High-Density Residential	R-2
General Commercial	C
Industrial	CI-Campus Industrial
Mixed-Use Downtown	MUD
Mixed-Use Employment	MUE
Mixed-Use Commercial	- NC
Future Urban	FU-10

- B. Applications for these rezonings shall be reviewed pursuant to the requirements in Chapter 17.50.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009)

Title 11 requires cities to include the land within their Urban Growth Boundaries in their Comprehensive Plans prior to urbanizing that land. Title 11 intends to promote the integration of land added to the Urban Growth Boundary with existing communities by ensuring that concept plans are developed for areas proposed for urbanization or annexation. Concept plans must include a conceptual transportation plan; natural resources protection plan to protect areas with fish and wildlife habitat, water quality enhancement and mitigation and natural hazards mitigation; a conceptual public facilities and services plan for wastewater, water, storm drainage, transportation, parks, and police and fire protection; and a conceptual school plan. Metro requires Oregon City to adopt concept plans for areas added to the Urban Growth Boundary.

Once inside the Urban Growth Boundary, areas can be proposed for annexation. The Oregon City zoning code lists factors for evaluating a proposed annexation. The Planning Commission and City Commission should not consider issues related to annexations that are better suited to development reviews. The City should consider its ability to adequately provide public facilities and services to an area and leave development plans and related issues to the site development/design review process.



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

Applications for annexation, whether initiated by the City or by individuals, are based on specific criteria contained in the *City of Oregon City Municipal Code*. An annexation may not be approved because the City cannot provide public services to the area in a timely fashion, as required by state and metro regulations. Therefore, an annexation plan that identifies where and when areas might be considered for annexation can control the expansion of the city limits and services to help avoid conflicts and provide predictability for residents and developers. Other considerations are consistency with the provisions of this Comprehensive Plan and the City's public facility plans, with any plans and agreements of urban service providers, and with regional annexation criteria.

**Partnerships with Other Governments.** The City does not provide all of the urban services within the city limits. Clackamas County, the Oregon City School District, the Oregon Department of Transportation, the TriCities Sewer