



City of Oregon City

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

Meeting Agenda - Final-revised Planning Commission

Monday, January 9, 2017

7:00 PM

Commission Chambers

1. Call to Order

2. General Business

2a. 2017 Chair and Vice Chair Elections

Staff: Community Development Director Laura Terway

Attachments: [Commission Report for Election of Chair and Vice Chair](#)
[Chapter 2.24 of the Oregon City Municipal Code - Planning Commission](#)

2b. Recognition of Chair Charles Kidwell for his Years of Public Service on the Planning Commission

Staff: Community Development Director Laura Terway

3. Public Hearing

3a. AN-16-0003: Annexation of Oregon City Golf Course

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[City Attorney Memorandum](#)
[Property Owner's Request to rescind Continuance](#)
[Property Owner's Response to Oct 24 PC Concerns](#)
[Property Owner's Corrections to Oct 24 Staff Report for January 9th Hearing](#)
[AN 16-03 Oct 24 Public Notice](#)
[AN 16-03 Vicinity Map](#)

3b. AN-16-0004 / ZC-16-0001: Annexation and Zoning of 35.65 Acres (Request for Continuance)

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[Applicant's Attorney Letter 1.6.2017](#)
[Applicant's Continuance Request 12.29.2016](#)
[AN-16-0004 ZC-16-0001 Notice and Vicinity Map](#)
[ODOT Comments 12.23.2016](#)

4. Legal Training

4a. Legal Training

Staff: Community Development Director Laura Terway

Attachments: [Commission Report](#)
[July 26, 2016 Land Use Procedures Memorandum](#)

5. Communications**6. Adjournment**

Public Comments: The following guidelines are given for citizens presenting information or raising issues relevant to the City but not listed on the agenda.

- *Complete a Comment Card prior to the meeting and submit it to the staff member.*
- *When the Chair calls your name, proceed to the speaker table and state your name and city of residence into the microphone.*
- *Each speaker is given 3 minutes to speak. To assist in tracking your speaking time, refer to the timer at the dais.*
- *As a general practice, Oregon City Officers do not engage in discussion with those making comments.*

Agenda Posted at City Hall, Pioneer Community Center, Library, and City Web site(oregon-city.legistar.com).

Video Streaming & Broadcasts: The meeting is streamed live on Oregon City's Web site at www.orcity.org and is available on demand following the meeting.

ADA: City Hall is wheelchair accessible with entry ramps and handicapped parking located on the east side of the building. Hearing devices may be requested from the City staff member prior to the meeting. Disabled 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.



City of Oregon City

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

Staff Report

File Number: PC 17-005

Agenda Date: 1/9/2017

Status: Agenda Ready

To: Planning Commission

Agenda #: 3b.

From: Community Development Director Laura Terway

File Type: Planning Item

SUBJECT:

AN-16-0004 / ZC-16-0001: Annexation and Zoning of 35.65 Acres (Request for Continuance)

RECOMMENDED ACTION (Motion):

Staff recommends that the Planning Commission open the Public Hearing on January 9, 2017, not take testimony, and continue the public hearing for AN-16-0004 / ZC-16-0001 to February 13, 2017.

BACKGROUND:

The applicant requests a continuance of the Planning Commission public hearing to February 13, 2017. The applicant's letter requesting the continuance is attached, as well as a discussion of the applicant's proposal to comply with the Statewide Transportation Planning Rule (TPR). The applicant makes this request in order to facilitate further discussion between the Applicant, City staff and the Oregon Department of Transportation (ODOT) and to allow staff the time in which to prepare a staff report.

This proposal is for annexation and rezoning of property north of Holcomb Boulevard (35.65 acres) into Oregon City. The property is located at Clackamas County Map 2-2E-28A, Tax Lots 500, 580, and 590 and 2-2E-21D, Tax Lots 2100, 2190 & 2100 and is within the Oregon City Urban Growth Boundary.

With this request, the applicant has also granted an extension of 34 days to the 120-day Decision Deadline (until May 3, 2017).

January 6, 2017

Michael C. Robinson
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VIA EMAIL

Mr. Charles Kidwell, Chair
City of Oregon City Planning Commission
221 Molalla Ave, Suite 200
Oregon City, OR 97045

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

Dear Chair Kidwell and Members of the Oregon City Planning Commission:

This office represents the Applicant. As the Planning Commission knows, the Applicant has asked that the Planning Commission continue the public hearing scheduled for January 9, 2017 until February 13, 2017 at 7 p.m. As the Applicant explained in its December 29, 2016 letter, staff asked that the Applicant request the continuance and extend the 120-day period. The purpose of the continuance is to allow staff adequate time to prepare the staff report, and to allow the Applicant, staff, and the Oregon Department of Transportation (“ODOT”) to continue their discussion regarding satisfaction of the Oregon Transportation Planning Rule (the “TPR”) at OAR Chapter 660, Division 0060. While the Applicant will submit a more detailed response demonstrating how the application satisfies the TPR, it is appropriate to describe the current status of discussions between the Applicant, city staff, and ODOT.

ODOT staff attended the pre-application meeting on November 30, 2016. The Applicant explained why it believed that the zoning map amendment is subject to OAR 60-012-0060(9) and further analysis under OAR 660-012-0060(1) and (2) is not required. ODOT submitted a letter on the Applicant’s satisfaction of the TPR on December 23, 2016 asking for additional analysis. Staff met with ODOT on December 27, 2016 to discuss the letter. Staff and the Applicant are working on an appropriate response to ODOT’s questions. Further, the Applicant’s traffic engineer will coordinate with the City’s Traffic Engineer before the Applicant submits its response.

The Applicant can satisfactorily address the TPR, either through OAR 660-012-0060(9), or through OAR 660-012-0060(1) and (2) with a mitigation condition of approval under OAR 660-012-0060(2)(e). Oregon City Municipal Code 17.68.050 authorizes the Planning Commission to impose conditions of approval on zoning map amendments. Regardless of how the TPR is satisfied, the Applicant’s goal is to assure both ODOT and the City that the zoning map amendment will meet the TPR’s requirements.

Mr. Charles Kidwell, Chair
January 6, 2017
Page 2

I have asked Mr. Walter to place this letter before you at the beginning of the public hearing on January 9, and in the official Planning Department file for this application. I have copied ODOT on this letter.

Very truly yours,



Michael C. Robinson

MCR:rsr

cc: Mr. Peter Walter (via email)
Ms. Laura Terway (via email)
Ms. Carrie Richter (via email)
Mr. Mark Handris (via email)
Mr. Rick Givens (via email)
Mr. Michael Ard (via email)
Mr. Seth Brumley (via email)
Mr. Avi Tayar (via email)
Mr. John Replinger (via email)

December 29, 2016

Michael C. Robinson
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VIA EMAIL

Mr. Pete Walter
City of Oregon City
221 Molalla Ave, Suite 200
Oregon City, OR 97045

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

Dear Mr. Walter:

This office represents the Applicant. At the request of staff, the Applicant requests that the Oregon City Planning Commission continue the public hearing from January 9, 2017 until February 13, 2017, a period of thirty-four (34) days. The Applicant extends the 120-day period in ORS 227.178(1) by thirty-four (34) days, the period of the continuance. The Applicant makes this request in order to facilitate further discussion between the Applicant, City staff and the Oregon Department of Transportation ("ODOT") and to allow staff the time in which to prepare a staff report.

The Applicant requests that the Planning Commission open the public hearing on January 9, 2017, not take testimony and continue the public hearing to the date and time certain of February 13, 2017 at 7 p.m.

Please place this letter in the official Planning Department file for these Applications and before the Planning Commission at the January 9, 2017 public hearing.

Very truly yours,



Michael C. Robinson

MCR:rsr

cc: Mr. Mark Handris (via email)
Mr. Rick Givens (via email)
Ms. Laura Terway (via email)
Ms. Carrie Richter (via email)



NOTICE OF ANNEXATION AND ZONE CHANGE (Revised Notice)

Emailed to Affected Agencies, Special Districts, Utilities, and Affected Parties – December 1, 2016

(List of Recipients is on file with Planning Division)

COMMENT DEADLINE:	On Monday, January 9th, 2016 , the Planning Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045, and; On Wednesday, February 1st, 2017 , the City Commission will conduct a public hearing at 7:00 pm in the Commission Chambers at City Hall, 625 Center Street, Oregon City, Oregon 97045 on the following annexation application. Any interested party may testify at either or both of the public hearings or submit written testimony at the Planning Commission or City Commission hearings prior to the close of the hearing.
FILE NUMBER:	AN-16-0004: Annexation of 35.65 acres into Oregon City limits ZC-16-0001: Zone Change from County FU-10 to City R-10 Single Family Dwelling
APPLICANT:	Serres Family H, LLC, 15207 S Forsythe Rd, Oregon City, OR 97045
OWNER:	Same as Applicant
REPRESENTATIVE:	Rick Givens, 18680 Sunblaze Dr, Oregon City, OR 97045
REQUEST:	Annexation and Zone Change of six properties on N. side of Holcomb Blvd totaling 35.65 acres into Oregon City. (See attached map.) The subject territory is within the Oregon City Urban Growth Boundary, and has a Comprehensive Plan designation of LR – Low Density Residential. Applicant has requested zone change to R-10 Single Family Residential.
WEBPAGE:	https://www.orcity.org/planning/project/16-0004
LOCATION:	Six tax lots - No Situs Address - APN 2-2E-28A, Tax Lots 500, 580, and 590 and APN 2-2E-21D, Tax Lots 2100, 2190 & 2100 (See attached map.)
STAFF CONTACT:	Pete Walter, AICP, Associate Planner, (503) 496-1568. Email: pwalter@orcity.org
NEIGHBORHOOD ASSOC. / CPOs:	City – Park Place N.A. (Upon Annexation) County – Holcomb-Outlook CPO
CRITERIA:	Oregon City Comprehensive Plan Chapters 11 and 14, Metro Code 3.09 - <i>Local Government Boundary Changes</i> , Oregon City Municipal Code (OCMC) Title 14 - <i>Annexations</i> , OCMC 17.50 <i>Administration and Procedures</i> , OCMC 17.68 <i>Zoning Changes and Amendments</i> , OCMC 17.06 <i>Zoning District Classifications</i> , ORS 222 - <i>City Boundary Changes</i> , the Land Use Chapter of the <i>Clackamas County Comprehensive Plan</i> , and the <i>City/County Urban Growth Boundary Management Agreement (UGMA)</i> .

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 8:30am to 3:30pm Monday thru Friday. The staff report, with all the applicable approval criteria, will also be available for inspection 7 days prior to the hearings. Copies of these materials may be obtained for a reasonable cost in advance.

Please be advised that any issue that is intended to provide a basis for appeal must be raised before the close of the City Commission hearing, in person or by letter, with sufficient specificity to afford the City Commission and the parties an opportunity to respond to the issue. Failure to raise an issue with sufficient specificity will preclude any appeal on that issue. The City Commission will make a determination as to whether the application has or has not complied with the factors set forth in section 14.04.060 of the Oregon City Municipal Code.



Oregon

Kate Brown, Governor

Department of Transportation

Region 1 Headquarters
123 NW Flanders Street
Portland, Oregon 97209
(503) 731.8200
FAX (503) 731.8259

12/23/16

City of Oregon City
PO Box 3040
Oregon City, OR 97045

ODOT Case No: 7458

Subject: PA-16-57: 35.65 Acre Annexation and Zone Change
I-205/OR 213 Interchange and OR 213/Redland Rd Intersection

Attn: Pete Walter, Associate Planner

We have reviewed the applicant's proposal for the annexation of six properties on the north side of Holcomb Blvd totaling 35.65 acres into Oregon City and Zone Change from County FU-10 to City R-10 Single Family Dwelling. The site is in the vicinity of I-205 and OR 213. ODOT has an interest in assuring that the proposed zone change/comprehensive plan amendment is consistent with the identified function, capacity and performance standard for these facilities.

For zone changes and comprehensive plan amendments, local governments must make a finding that the proposed amendment complies with the Transportation Planning Rule (TPR), OAR 660-012-0060. There must be substantial evidence in the record to either make a finding of "no significant effect" on the transportation system or, if there is a significant effect, to provide assurance that the land uses to be allowed are consistent with the identified function, capacity, and performance standard of the transportation facilities.

The current Oregon City TSP identifies the OR213/Redland Rd intersection as part of the OR 213/Beavercreek Road Refinement Plan area because the intersection is not meeting the Oregon Highway Plan (OHP) mobility standards within the planning horizon. The intent of the refinement plan is to identify options to reduce congestion and explore alternative mobility targets. However, the City's current refinement plan effort only addresses the OR 213/Beavercreek intersection, and not the remainder of OR 213 in the vicinity of Redland Road. The I-205/OR 213 Interchange also does not meet OHP mobility targets, and will be addressed as part of a regional I-205 Refinement Plan or regional alternative mobility target efforts. The TSP did identify a project at Redland Road, but it is not likely to be funded and is not in the financially constrained RTP. Moreover, even with the project in place, the OR 213/Redland Road intersection will still operate above the OHP mobility standard within the planning horizon.

In situations where the highway facility is operating above the OHP mobility standard and transportation improvements to bring performance to standard are not anticipated within the planning horizon, the performance standard is to avoid further degradation. If

the proposed zone change or comprehensive plan amendment increases the volume-to-capacity ratio further, it will significantly affect the facility (OHP Action 1F6).

The applicant asserts that no significant effect exists based on compliance with OAR 660-012-0060(9). However, this section of the TPR does not apply because the TSP did not include solutions that help bring this segment of OR 213 below the OHP mobility standards, hence the need for a refinement plan. Until such time that a refinement plan that identifies funded solutions or adopts alternative mobility targets has been completed for the entire length of OR 213 the OHP standard of “no further degradation” applies. Refinement plans provide a way to resolve unfinished transportation system decisions about mode, function, and the general location and nature of improvements, per OAR 660-0012-0025 (3). In essence, the fact that a refinement plan is called for means that the TSP was not complete, and therefore not acknowledged, for the area not meeting mobility standards.

Moreover, ODOT strongly advises against deferral of compliance with section -0060 of the TPR until a future date. There is existing case law that makes it clear that TPR compliance for a zone change decision cannot be deferred until development occurs (*Willamette Oaks v. City of Eugene*, 232 Or App29 (2009)). This case is different from the adoption of a concept plan, where Comprehensive Plan and Zoning designations will be applied at a future date, at which time -0060 compliance would be addressed. This application is for an actual zone change and therefore subject to TPR, section -0060.

Therefore, in order to determine whether or not there will be a significant effect on the State transportation system, ODOT requests that the City of Oregon City require the applicant to prepare a traffic impact study (TIS) prepared by a transportation engineer registered in Oregon, and recommend reasonably likely to be funded mitigation measures to avoid degrading State Highway performance. The analysis should address the following:

1. A comparison between the land use with the highest trip generation rate allowed outright under the proposed zoning/comp plan designation and the land use with the highest trip generation rate allowed outright under the existing zoning/comprehensive plan designation (this is commonly referred to as the “reasonable worst case” traffic analysis). The analysis should utilize the current edition of Institute of Transportation Engineers (ITE) *Trip Generation* manual, unless otherwise directed. To determine the maximum amount of building square footage that could be put on the site the analyst should look at the number of parking spaces, building height, and required landscaping in the local development code.

Note: It is important that the applicant’s transportation engineer provide ODOT the opportunity to review and concur with the mix of land uses and square footage they propose to use for the “reasonable worst case” traffic analysis for both existing and proposed zoning prior to commencing the traffic analysis, particularly if the applicant

chooses to perform their analysis using a trip generation rate determined by any means other than *ITE Trip Generation*.

2. Analysis may rely on existing and planned transportation improvements in which a funding mechanism is in place including but not limited to projects identified in:
 - State Transportation Improvement Program (STIP),
 - Local/County Capital Improvement Plans (CIP),
 - Financially constrained Regional Transportation System Plan (RTP),
3. The analysis should apply the highway mobility standard (volume-to-capacity ratio) identified in the OHP over the planning horizon in the adopted Oregon City transportation system plan (OHP Action 1F2).

Prior to commencing the TIS, the applicant should contact Avi Tayar, P.E., ODOT Region 1 Traffic at 503.731.8221 to obtain ODOT concurrence with the scope of the study.

The City is undoubtedly aware that it will by no means be easy for the applicant to identify technically and financially feasible mitigation measures, since none were identified in the recently adopted TSP. At least one local project that would help divert traffic off the State Highway is outside the City boundary but not in the County's TSP, and has met with resistance from area residents.

Thank you for providing ODOT the opportunity to participate in this land use review. If you have any questions regarding this matter, please contact me at 503.731.8234.

Sincerely,



Seth Brumley
Development Review Planner

Avi Tayar, P.E., ODOT Region 1 Traffic