



# EXHIBITS ENTERED INTO THE RECORD AT A HEARING



Community Development Department, 221 Molalla Avenue, Suite 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722.3789  
www.orcity.org

Hearing Date: October 9, 2017

File Number: PP 1703 2C 17-02

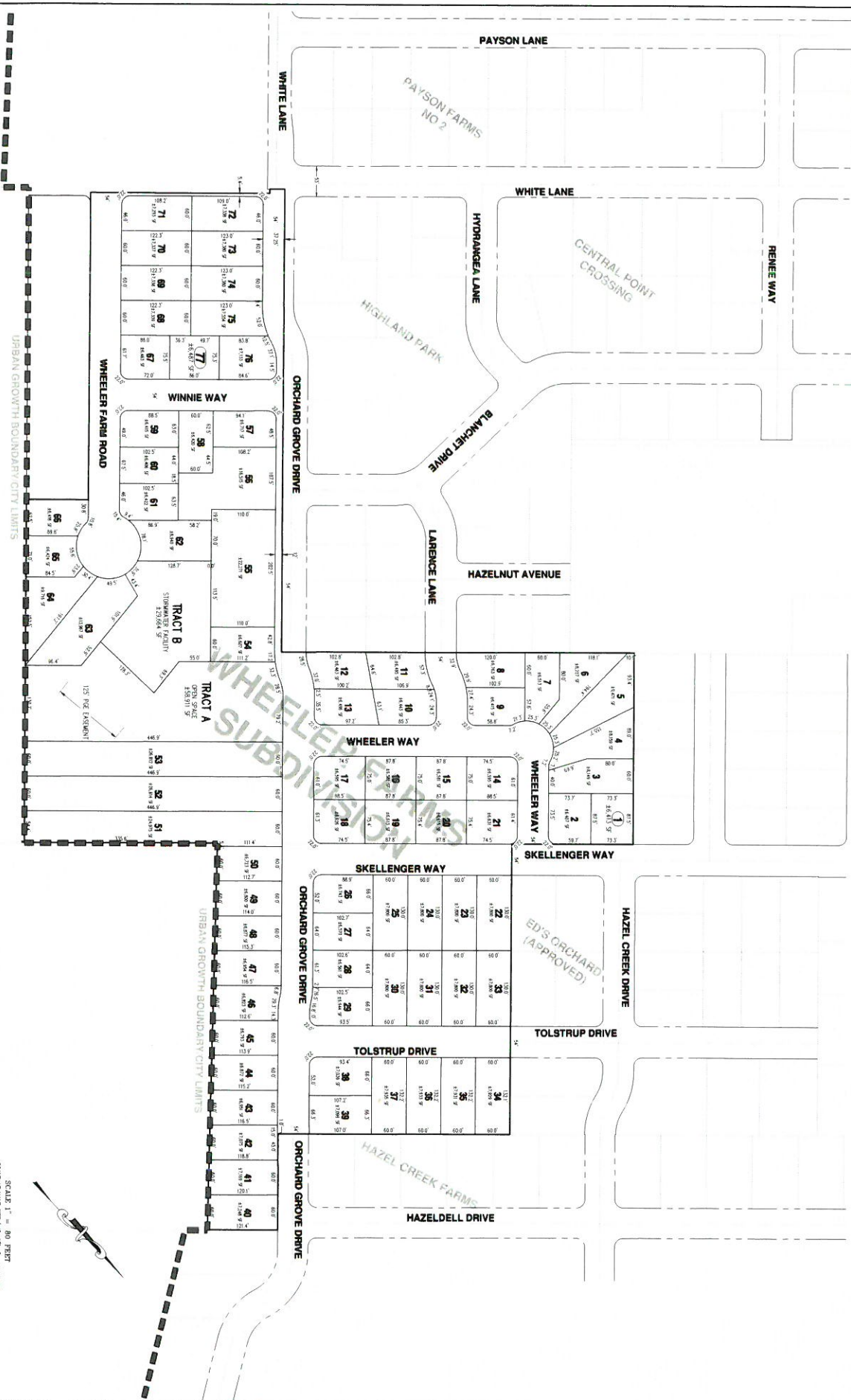
Exhibit Number:	Description of Exhibit:	Submitted By:
1	NA packet from Applicant	AKS
2	Revised Conditions of Approval	Staff
3	Public Comment	Don Wheeler
4.	Public Comment	Rick Fernandez
5	Public Comment Cards (on file)	Staff
6.	Staff's presentation	Staff
7.	Staff Memo (10-1-17)	Staff.
8.	Public Comment - Brenda Martin	- Staff



**AKS ENGINEERING & FORESTRY, LLC**  
12965 SW HERMAN RD STE 100  
TUALATIN, OR 97062  
P: 503.563.6151  
F: 503.563.6152  
aks-eng.com

**AKS**

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OUTSIDE OF URBAN GROWTH BOUNDARY

SCALE: 1" = 80 FEET  
SCALE AT MAP SIZE (10"x17") = 160 FEET  
DATE: 04/17/2017

- NOTES:
1. INFORMATION SHOWN IS BASED ON A VARIETY OF SOURCES, INCLUDING GEOGRAPHIC INFORMATION SYSTEMS (GIS), AERIAL PHOTOGRAPHY, AND FIELD SURVEY DATA. THE TAX ASSESSOR'S MAP INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY.
  2. DIMENSIONS SHOWN ARE APPROXIMATE.

**PRELIMINARY SUBDIVISION LAYOUT**

DATE: 04/17/2017  
DRAWN BY: KS  
CHECKED BY: KS  
DESIGNED BY: KS

**WHEELER FARMS**

**OREGON CITY**  
TAX LOTS 1700, 1100, 1201, 1001, 1790, 1180

**OREGON**  
CLACKAMAS CO. TAX MAPS 352E07C, 351E12D

**AKS**

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**PRELIMINARY CONSTRUCTION**

JOB NUMBER: 5621  
SHEET: 2







May 30, 2017

**Neighborhood Meeting Minutes:** Wheeler Farms Subdivision  
19566 Central Point Road, Oregon City, OR

**Meeting Date:** May 19, 2017

**Time:** 7:00 PM

**Location:** Oregon City United Methodist Church, 18955 South End Road, Oregon City, OR

The Applicant attended a South End Neighborhood Association meeting to present details to neighbors and community members in preparation for the submission of land use applications for a zone change and subdivision. Chris Goodell, with AKS Engineering & Forestry, was present. An overview of the project location, current and future zoning, lot sizes, lot configuration, public utilities, public streets, open space tracts, and recent surrounding developments was provided. The planned applications and a general process and timeframe for the land use reviews and construction permitting process were described. Sign-in sheets and business cards were provided.

Following the presentation, attendees asked questions and/or provided general comments about the project. The following topics were discussed:

- Other projects in the area
- Traffic/ construction traffic on S. Central Point Road
- Estimated price of future homes
- Growth in area over time
- Off-site intersections
- Wheeler family history (provided by Don Wheeler)

The meeting concluded at approximately 8:00 p.m.

Sincerely,

**AKS ENGINEERING & FORESTRY, LLC**



Chris Goodell, AICP, LEED<sup>AP</sup>

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**MEETING MINUTES for:**  
***South End Neighborhood Association***

<b>Meeting Date and Time:</b>	May 18, 2017 7:00pm
<b>Number of Attendees</b>	24
<b>Guest Speaker(s)</b>	Tony Konkol – City Manager Chris Goodell – AKS Engineering
<b>Topics/Planned Agenda Items</b>	<b>City Commission Goals</b> <b>Wheeler Farms Proposed Subdivision</b>

Meeting called to order at 7:00.

Mike Day, South End OCPD officer, discussed his new role with the OCPD as the Homeless Liason and told us to call him at 503-655-8211 (OCPD Non-Emergency number) if we have any questions or concerns. He also directed those interested to the articles posted on the 1<sup>st</sup> City Watch website.

The minutes of the March 17, 2017 meeting we read and approved.

Chris Goodell reviewed the proposed Wheeler Farms subdivision (23 acres, 77 lots) to the membership and took questions and concerns from those present.

Tony Konkol then discussed the progress that has been made in the city in 2016 and reviewed the goals the City Commission will be working to accomplish over the next 2 years.

Gary Fergus reported on the recent South End Road Claen-Up and reminded members that the South End Road Clean Up would be on the following dates at 8:00am in 2017

8-5-17            11-4-17

Treasurer's Report - \$574.59

With no further business to come before the association, the meeting was adjourned at 9:00pm

October 9, 2017 Planning Commission hearing

Subdivision: TP 17-03

Zone Change: ZC 17-02

Recommended Revised Conditions

Existing:

19. NROD and Geohazard overlay shall be clearly delineated on the public facilities construction plans, and on the subsequent building site plans for each affected lot. (DS)

Revised:

19. The Geohazard overlay shall be clearly delineated on the public facilities construction plans and on the subsequent building site plans for each affected lot as described in the Geotechnical Engineering Report prepared by GeoPacific Engineering, Inc. dated June 17, 2017. Per City File No. NR 17-03, no natural resources exist on the subject site.

(New)- Added by staff at the October 9, 2017 Planning Commission meeting.

31. Prior to platting, the applicant shall demonstrate that the subdivision complies with the lot width and lot depth dimensional standards of the zone.



Don Wheeler, 19898 S. White Lane, one of the sellers of the Wheeler Tree Farm property. I would like to remind the commission that my parents purchased this land in 1963 when there were only 4 homes adjoining us. Right now, there are 260 homes with zonings of R10, R8 and even smaller lots at the Payson Farms neighborhood. The Wheeler Family have never spoken against ANY of the many housing projects including the filbert orchards of both the Westling Farms across Central Point Rd and the Fensky Orchard that is now Hazel Grove. These 2 cleared orchards alone have provided homes for over 200 families. The question is WHY did we not resist? We fully understand the Portland Metro Urban Growth Boundary. By limiting growth to within the boundary lines, we realize many benefits to cities that are providing services and we create neighborhoods within our existing cities. The fact that we can all drive a quarter of a mile to the south from this subject property and will be fully in farm and open pasture land is also a huge blessing. I am far happier living with the Urban Growth Boundary than I would be living in other western cities that enjoy urban sprawl and unlimited growth consuming our limited supply of land. The Portland area is obviously a very desirable place to live and as my father came to realize that "the highest and best use of this land is for housing".

At this point I need to tell the Planning Commission that the R8 zone change that we are debating is apparently wrong. Totally unsolicited, I was told by 3 different homeowners in the property to our northeast that the petition gatherers told them

the Wheeler property was going to have lots as small as 5000 SF and that we would be building “rowhouses”. This is not true of course as this application is for R8 “Single Family Dwellings” and is designed to meet the criteria in the City code.

The Hazel Grove landowners are indeed pleased with the neighborhood they live in as it can be perceived as nearly a “Gated Community”. Due to the UGB on their east and the Tolstrup and Wheeler properties to the south, the only traffic into their neighborhood has been their own homeowners since all the streets have been dead ends. It should come as no surprise though that this situation would not last forever. Most any available land within the Portland Metro area communities is being used for new housing.

The R8 zoning change that we are requesting is very reasonable considering that 2 of the most recent home developments that touch the subject property to the west are now zoned the same. The Central Point Crossing and Highland Park neighborhoods were both recently approved by the City. As the members of the Planning Commission are aware, the Metro Regional Council encourages even greater density within the city boundaries. The R8 zoning along with the open space, the storm water facility and the existing topography of the land creates a plan that allows for variety of lot sizes for homes to be built. I believe the Lot plan before you meets all the criteria as presented by AKS Engineering and the City Staff recommendation is for approval of the zone change. All the homes that have been built to the west of us are of very high

quality and have created a nice neighborhood of family homes.

Finally, I would address the comment that we are “just trying to create as many lots as we possibly can”. The decision by the Wheeler Family to ask Rian Park Development to patrician off the Open space in this plan demonstrates that we are willing to receive less income from the sale. This area of land would accommodate at least 3 additional lots. We strongly believe in the value of open space to the nourishment of body and soul as we have experienced on this land over the last 54 years. As this Planning Commission is aware, very few projects within the City have “voluntarily” included an open space and therefore we are very unique. This park will be a benefit to the entire community for recreation and as a reminder of the history and previous use of this land.

This property is changing from the land that many in this community knew and enjoyed as “Wheeler Tree Farm” with Christmas Trees and filberts. It will now become the residence of many fine homeowners. No one is more affected by this change than our family, but we understand the big picture of land use and we request that the Oregon City Planning Commission approve the “recommended action” to R8 zoning. Thanks for your time this evening.



**Christina Robertson-Gardiner**

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**From:** Rick Fernandez <rmfpdx@mac.com>  
**Sent:** Wednesday, September 20, 2017 4:05 PM  
**To:** Christina Robertson-Gardiner  
**Cc:** r.t.r@att.net; martinpokey14@gmail.com  
**Subject:** Public comment on File No. PC 17-100 (Wheeler Farm)

Dear Ms Robertson-Gardiner:

I'd appreciate it if you would please provide our comments below regarding the above-referenced matter to the Planning Commission.

Thank you very much.

=====

Dear Commissioners:

We are writing to join our voices to our neighbors in the Hazel Creek Farm neighborhood in opposition to the proposed rezoning detailed in File No. PC 17-100. We fully endorse the concerns our neighbors, West Susan Rector and Brenda Martin, voiced in the letter to you dated 18 Sept 2017. The proposed new development relies on a zoning change that was dramatically alter the character of our neighborhood and will create large impacts that are inconsistent with the current uses and demands generated by existing development.

The staff report indicated that the proposed 77 lots "meet the dimensional and density standards of the R-8 zone." But this statement begs the question whether such a rezoning to R-8 is appropriate for this location and neighborhood. The more basic question is whether it *should* be rezoned to R-8 and nothing in the staff report provides any justification for so doing. A change in zoning is governed by **Chap. 17.68.020 - Criteria**. The criteria for a zone change listed there include, in part:

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

**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.**

Section II of staff's report states that "In the responses to Section 16.12.050, several of the planned lots are shown to be less than 8,000 square feet, but the average lot area across the project is approximately  $\pm 8,279$  square feet. This standard is met." This, however, is not an accurate description of the number of lots that fail to meet the 8,000 sf minimum size. In fact, 65 of the 77 lots do not meet even the 8,000 sf standard, and only three of the lots that are located immediately adjacent to the 10,000 sf lots of our neighborhood are close to 8,000 sf. (Overall, only seven of the lots are greater than 8,000 sf.) This is dramatically different from the case with the Ed's Orchard development, where abutting lots were kept at 10,000 sf. In any case, reliance on the average lot size is a distortion of the actual impact, which can only be characterized as an attempt to achieve a de facto R-6 rezoning under the guise of an R-8 rezoning request. An average lot size should not be found to be in compliance when there is such a dramatic disparity in relative lot sizes to quantity of nonconforming lots.

We also take issue with the misleading analysis underlying the finding that the proposed rezoning complies with Goal 10.1 of the Comp Plan. Nothing in that Goal requires that existing zones be rezoned to higher density. In reality, that Goal calls for the "preservation of a variety of housing types and lot sizes." By stating that ~24.57% of the City's existing housing is in the R-10 zone, while comparing it to the smaller numbers in R-8 and R-6 zones, this seems to create a mandate to reduce and not preserve R-10 that is nowhere found in the Plan.

Furthermore, the more dense R zones account for at least 41.38% of housing stock. By that measure, R-10 does not seem excessive. In any case, approval can only "expand the housing types and options available" by continuing to eliminate R-10 housing, which is not consistent with Goal 10.1.

The proposal also fails to comply with Goal 10.2 by doing nothing to ensure creation or preservation of affordable housing. Simply creating smaller lots will not, alone, ensure that such housing is affordable. The staff finding is not so much a finding as a toothless aspiration, rooted in the hope that smaller lots will be cheaper (they "may be a lower cost to consumers"). But nowhere provided is any evidence to support such a hope. It is far more reasonable to presume that the development is designed to maximize profits for the developer, by selling at the highest prices that the market will bear. But this is not what affordable housing means. There are no conditions or measures in any way that will retain or promote affordable housing. The developer must be thanking his lucky stars for such a free pass.

With regard to the TPR analysis, while it did not find a need for any mitigation resulting from increased traffic, as a practical matter, we have reasonable concerns that the increased density will create even more congestion, especially before the proposed roundabout can be installed at Central Point and Warner Parrot/Warner Milne. This congestion is inconsistent with the character and development in our neighborhood. Increased demand on police services is also clearly contemplated, as referenced in staff condition #24 in staff's report and recommendation, but the required \$,3500 fee per lot does little to offset legitimate neighborhood concerns about the problems that the city recognizes inevitably flow from increased density.

For the foregoing reasons, we respectfully request that the Commission disallow this increased density and preserve the current density at R-10 levels. Alternatively, if the Commission is inclined to approve, we request a condition that requires there to be a transition from R-10 to R-8 in lots adjacent to our development so that lots there are more consistent with existing housing size.

Thank you.

Rick Fernández and Henry Miller  
12090 Hazeldell Ave.  
Oregon City OR 97045

# TP 17-03, ZC 17-02

Wheeler Farms Subdivision

Planning Commission September 25, 2017





# Background

- The applicant proposed a Zone Change from R-10 to R-8 for a 77-lot subdivision (Wheeler Farms) in the City of Oregon City for the future construction of single-family detached residential homes.
- Modification
  - Block standard (26 feet)
  - Cul-de-sac- (89 feet)
- Allowance of a constrained street near Tract A to save a large tree.
- Meets the dimensional and density standards of the R-8 zone
- A voluntary 1.35-acre open space area
- An integrated on-site stormwater management system including street side vegetated filtration swales and flow control
- An approximately  $\pm 1.3$ -acre remainder property to be incorporated into the abutting Wheeler property located off-site to the southeast

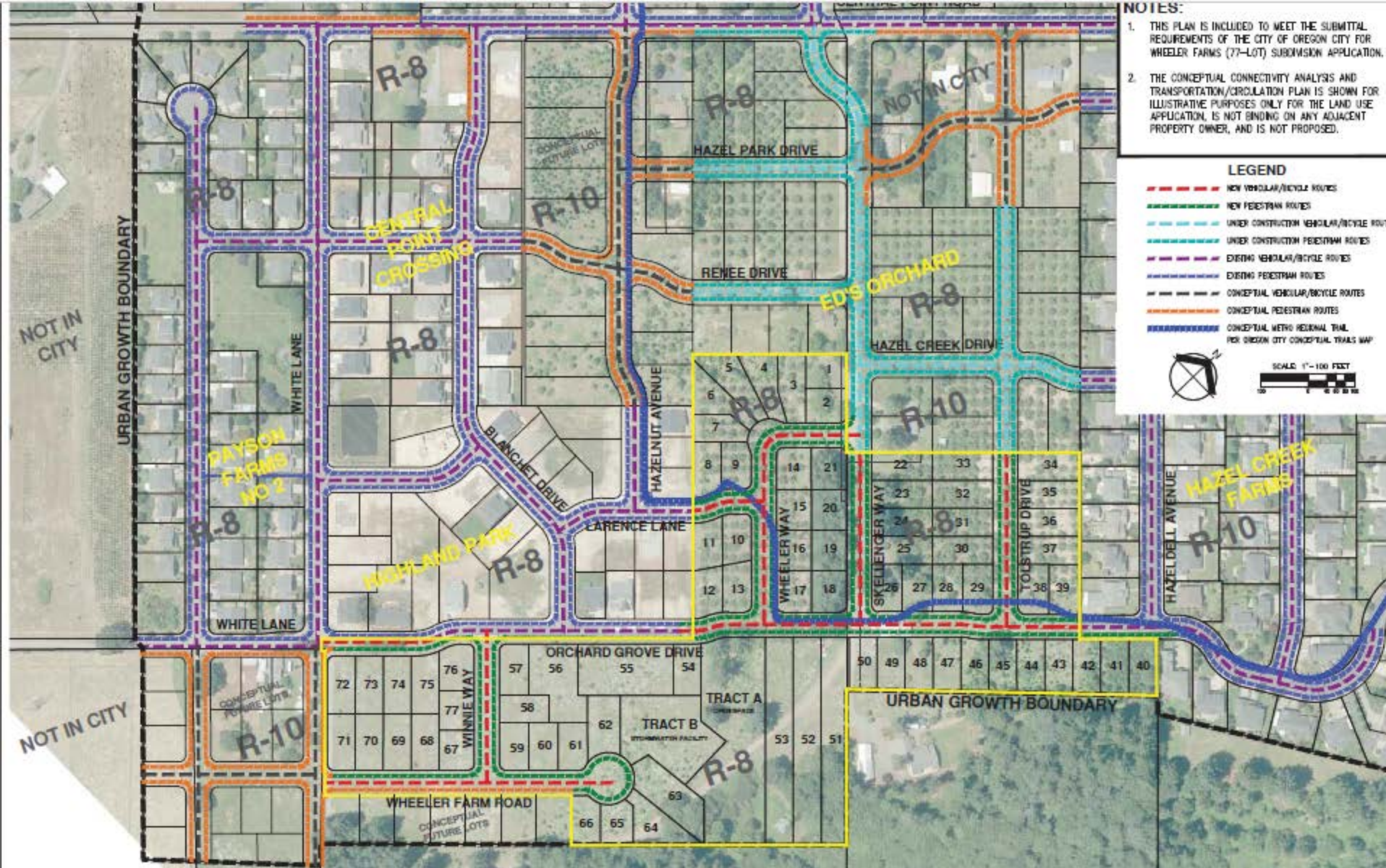
Subject Site





[illegible]





AKI  
AKI ENGINEERING & PLANNING, LLC  
1000 N. OREGON STREET, SUITE 100  
PORTLAND, OREGON 97227  
PHONE: 503.253.1234 FAX: 503.253.1235  
WWW.AKIENGINEERING.COM

**WHEELER FARMS**  
**OREGON CITY**

PRELIMINARY CONCEPTUAL  
CONNECTIVITY ANALYSIS,  
TRAFFIC, TRANSPORTATION, CIRCULATION,  
& CONCEPTUAL REDEVELOPMENT PLAN

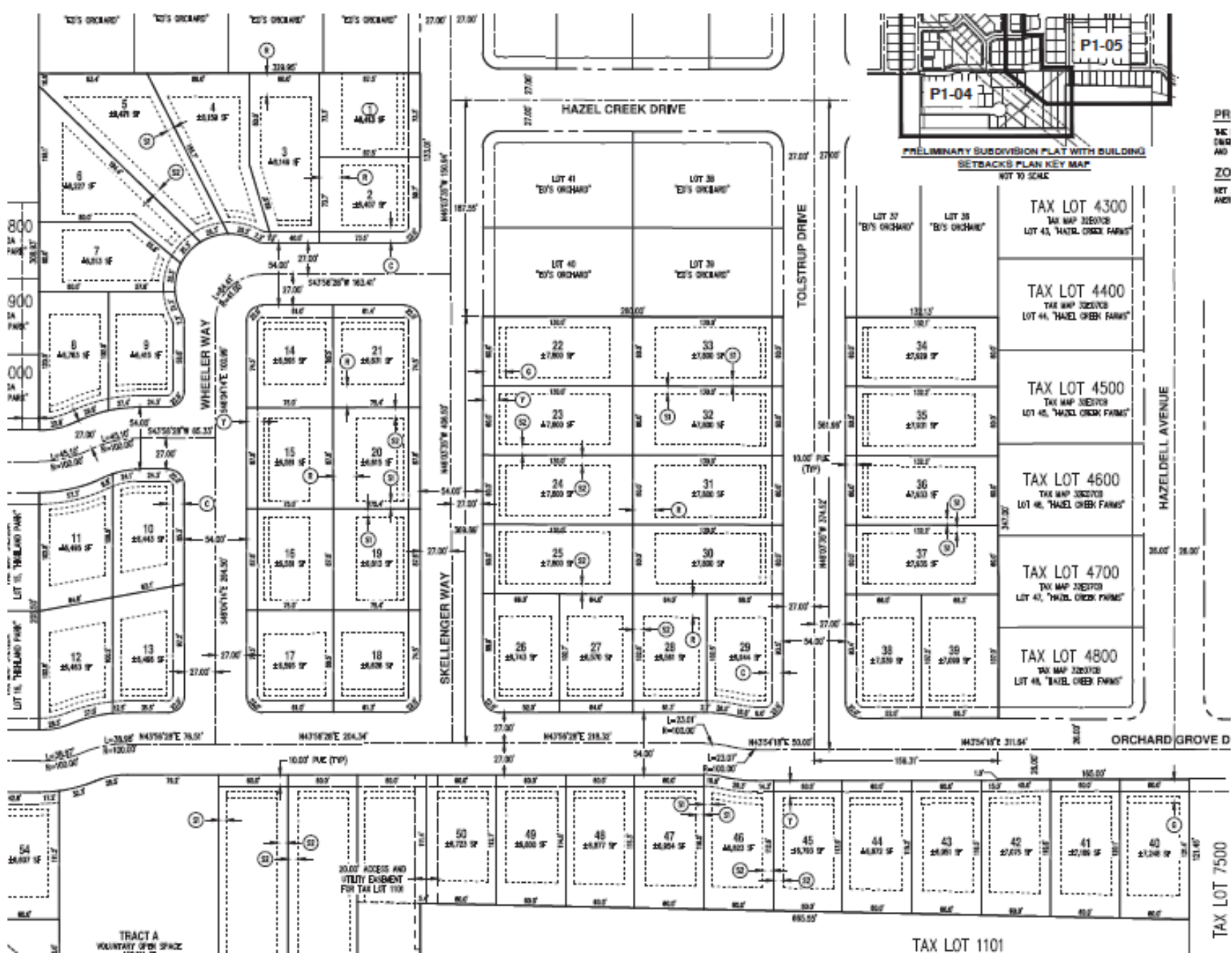
CLATSOP COUNTY TAX MAP 1-28-025

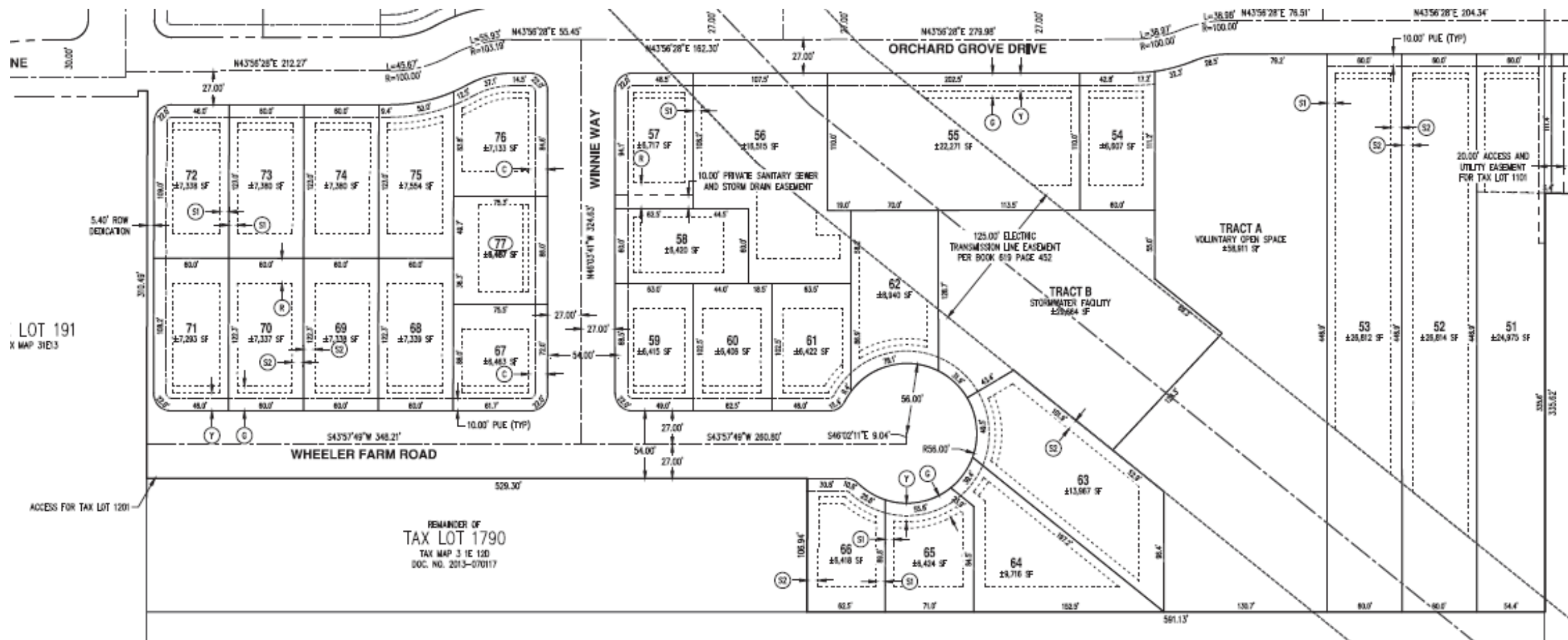
REVISION 01 06/20/2017

REVISION 02 06/20/2017



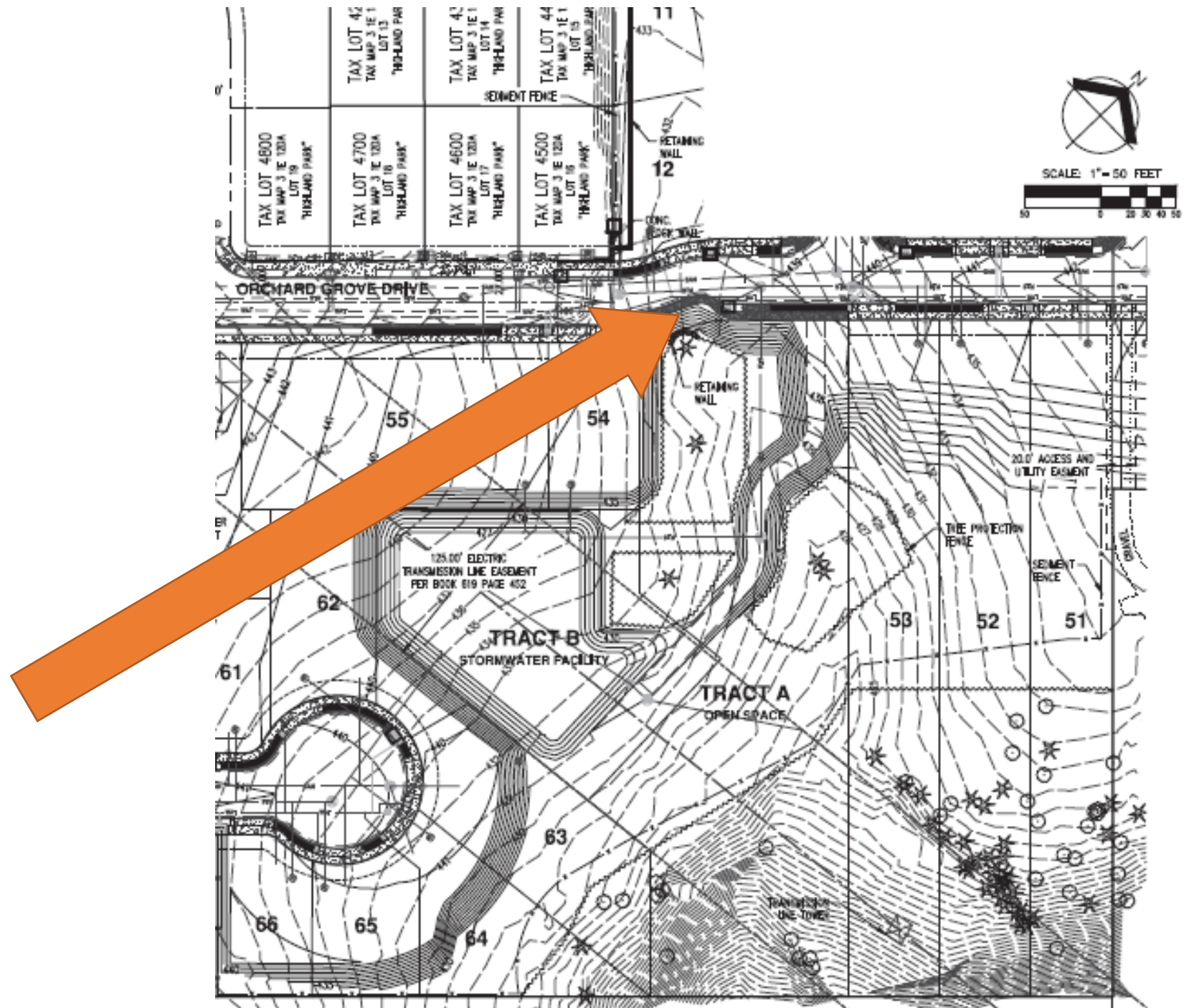
## Subject Site







Constrained Street  
Large Douglas Fir



# Public Comments received

- West Susan Rictor
  - 1<sup>st</sup> letter attached to staff report
  - 2<sup>nd</sup> letter enter into record this evening

# Criteria for Zone Change OCMC 17.68

## 17.68.020 - Criteria.

The criteria for a zone change are set forth as follows:

- A. The proposal shall be consistent with the goals and policies of the 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 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.
- 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.
- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

# Recommendation

## Approval with Revised Conditions 19

19. NROD and Geohazard overlay shall be clearly delineated on the public facilities construction plans, and on the subsequent building site plans for each affected lot. (DS)

## Revised

- COA #19. “The Geohazard overlay shall be clearly delineated on the public facilities construction plans and on the subsequent building site plans for each affected lot as described in the Geotechnical Engineering Report prepared by GeoPacific Engineering, Inc. dated June 17, 2017. Per City File No. NR 17-03, no natural resources exist on the subject site.”





## MEMORANDUM

**To:** Planning Commission  
**From:** Christina Robertson-Gardiner, Senior Planner  
 Laura Terway, Community Development Director  
 Carrie Richter, Assistant City Attorney  
**Re:** Subdivision: TP 17-03  
 Zone Change: ZC 17-02  
**Date:** October 1m 2017

### Background

On September 25, 2017 the Planning Commission opened the hearing, heard staff presentation and public comment from the applicant and neighbors on a subdivision and zone change known as Wheeler Farm. The Planning Commission kept the record open and continued the hearing to October 9, 2017 for additional public comment, deliberations and a decision. This memo is intended to generally respond to public comments and provide additional background.

### Comprehensive Plan

The Oregon City Comprehensive Plan and Plan Map were adopted on 2004 to provide long-range community goals and aspirations for community development. Comprehensive plans typically encompass large geographical areas, a broad range of topics, and cover a long-term time horizon. The Comprehensive Plan dictates public policy in terms of transportation, utilities, land use, recreation, and housing.

Along with the text, the Comprehensive Plan map creates plan use categories such as Low Density Residential, Mixed-use and Industrial. The subject site is carries with it a Comprehensive Plan designation of “LDR” Low Density Residential. Three zoning districts identified in the code implement the LDR plan designation include: R10, R-8 and R-6. Therefore, all three of these zoning designations have been deemed to be consistent with the LDR plan designation.

The Oregon City Comprehensive Plan is implemented through Oregon City Municipal Code (OCMC). The OCMC sets forth enforceable, detailed regulations regarding land use, land development, protection of natural resources, building design, traffic management, etc. For land use, OCMC Title 16 provides standards and regulations for new subdivisions and other land development; OCMC Title 17 lists specific development standards for uses of land in the city and related regulations for issues such as steep slopes, tree cover, historic review, and site design or architectural design standards. The City Commission is responsible for adopting all code through a public review process where the community agrees on the applicable standards. The community has agreed by adopting the standards that development in accordance with the applicable standards is acceptable.

### **Quasi-Judicial Land Use Process.**

The Planning Commission role in this application is quasi-judicial, meaning that its charge is to apply the facts to the existing regulations. Unlike a legislative process, where the applicable policy can be changed, all discussion and deliberation in a quasi-judicial process should be focused on applicable standards and criteria. The applicant shall demonstrate how the criteria are met by the application. An application may be denied only for failure to meet an applicable standard or criteria.

Planning Commissioners, as decision makers, are required to report any exporting ex parte contact when receiving information, discussing the land use application or visiting the site in question outside the formal public hearing. Failure to disclose such contact may result in reversal or remand of the decision. If ex parte contact does occur, the decision-maker must disclose it on the record at the hearing, describe the circumstances under which it occurred and present any new evidence introduced through that contact.

Planning staff are not decision makers and are not subject to ex parte restrictions. Communication between staff and a member of the governing body is not an ex parte communication. ORS 227.180(4). Further, communications between staff and parties to a land use proceeding are also not ex parte communications. *McKenzie v. Multnomah County*, 27 Or LUBA 523, 532 (1994). In other words, Planning Staff's role is to meet with all people such as the applicant, their consultants, neighbors, city staff who may have questions or information that can help provide the Planning Commission information for their deliberation and decision. Planning staff typically meet with interested parties throughout the land use process, including those who seek information about the application, process, or how the criteria are applied.

### **Lot Averaging**

*16.12.050 - Calculations of lot area.*

*A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.*

The project includes 77 lots for the future construction of single-family detached homes in the R-8 zoning district. As permitted above, a number of the planned lots are less than 8,000 square feet. The smallest of the future lots is approximately ±6,406 square feet, which is within the maximum 20% reduction allowed by this standard. A number of the planned lots are also larger than 8,000 square feet with the largest lot being ±26,814 square feet. The average lot area is ±8,279 square feet, which exceeds the minimum square footage requirement of the R-8 zone. Although some expressed concern about the standard or modifications such as the imposition of maximum lot size requirements to equalize lot sizes, the standard is unambiguous and non-discretionary.

### **Retaining Large Lots near Neighboring Properties**

Ensuring that comparable or cohesive lot sizes about neighboring built subdivisions is not a criteria for Subdivision or Zone Change approval. There is no known criteria which would authorize the City to require the applicant to retain larger lots near neighboring properties.

### **Traffic**

A Transportation Planning Rule (TPR) analysis has been included in the Transportation Impact Study (TIS), prepared by Lancaster Engineering. The TIS includes trip generation estimates for the existing R-10 zone and the planned R-8 zone, traffic count data, trip distribution and assignments, operational analysis, crash data analysis, and capacity analysis for the 20-year planning horizon consistent with the requirements of the State Transportation Planning Rule (OAR 660-012-060). Written findings are contained within the TPR analysis that

demonstrate that the TPR is satisfied by the application and that the development does results in a level of congestion which is allowed in the Oregon City Municipal Code. Therefore, the application is consistent with this Goal. John Replinger, the City's transportation consultant with Replinger and Associates concurs with the applicant's assertion that the requested zone change is consistent with the TPR.

### **Schools**

*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 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.*

The criteria relevant to schools is provided above. The City worked with the School District in implementing the Comprehensive Plan to ensure adequate capacity for the three implementing zoning designations. Further, the City provides notice to the School District of all applications for their review. In addition, the School District utilizes statistics on the number of homes being built and the number of lots created for forecasting purposes. The School District staff did not identify concerns with this zone change application and did not submit formal public comment. The requested zone change would allow up to an 11 additional lots onsite more than the maximum development requirement of the R-10 Zone.

### **Housing Options**

*Goal 10: Housing*

*Goal 10.1: Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

*Policy 10.1.1*

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

*Policy 10.1.3*

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

*Policy 10.1.4*

*Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.*

The above are goals and policies from the Comprehensive Plan to guide policies on housing. Since 2002, the City has implemented these policies by making land use decisions to increase density and encouraging additional housing development by increasing the size, type and location of housing options. For example, units have been created through approval of zone changes that allowed greater density as well as through the creation of a variety of housing types ranging from single-family to multi-family and care facilities.

In 2004, the City implemented new mixed use zones, including the MUC-1, MUC-2, MUD, HC, NC and C that allows for the development of housing which is limited by building height, parking standards, lot coverage, etc (though there are some restrictions in NC). While not counted as contributing to needed housing goals in the City's Housing Technical Report (2002), the capacity from the new mixed use zones, is estimated at a potential 8,000 dwelling units within the City limits. Approximately 24.57% of the City is currently within the R-10 district while only 16.95% of the City is zoned R-8 and 13.82% is zoned R-6. Therefore, the approval of this zone change will expand the housing types and options available within the City.

*Zoning in City Limits – Number of Acres:*

<b>Residential Plan Classification</b>	<b>City Zone</b>
Low-Density Residential	R10 = 1589.11 (24.57%) R8 = 1095.97 (16.95%) R6 = 893.99 (13.82%)
Medium Density Residential	R3.5 = 424.15 (6.56%) R5 0%
High-Density Residential	R2 = 262.22 (4.05%)
General Commercial	C = 160.86 (2.49%) MUD = 510.19 (7.89%) WFDD = 30.44 (0.47%)
Mixed-Use Corridor	MUC1 = 168.46 (2.6%) MUC2 = 44.66 (0.69%) I = 475.31 (7.35%) HC = 8.82 (0.14%)
Mixed-Use Employment	MUE = 156.88 (2.43%)
Industrial	GI = 220.32 (3.4%) CI = 164.66 (2.55%)
County	245.38 (3.79%)

R10 currently comprises the largest minimum lot sizes in the city and consists of the largest percentage of zoned land within the City limits. As it is a default zoning designation for the Low Density Residential Comprehensive Plan designation, it is generally applied to most properties annexed into the City.

*Established Older Neighborhoods*

Public comments referred to the comprehensive plan policy that supported protecting older established neighborhoods in reference to this zone change request. The comprehensive plan refers to existing housing stock in established older neighborhoods as of the 2004 adoption. This was written to protect established neighborhoods with houses more than 50 years old such as Rivercrest, Mcloughlin and Canemah. The subject site was annexed into the city in 2006. Hazel Creek Farms, a neighboring R-10 subdivision was developed in 2002/2003.

**Livability/Community/Existing Neighborhoods**

A concern was raised about a reduction in livability and community if the proposed subdivision is approved with an R-8 zone. No evidence has been submitted that smaller lot sizes reduce the quality or compromise the character of the neighborhood. Moreover, these are not a criteria that may be considered when evaluating a Subdivision or Zone Change approval.

**Property Value**

A concern was raised that the smaller lots associated with the Subdivision or Zone Change would diminish the value of neighboring properties. Again, there is no evidence to support this conclusion. Rather, if this is highly desirable location, as the evidence suggests, the new homes will be similarly priced and will help the



existing housing stock retain their value. Further, there is no evidence to suggest that greater density compromises housing value. Further, this is not a criteria for Subdivision or Zone Change approval.

**Conclusion**

Although it is understandable that the Planning Commission has heard testimony from neighbors who are concerned about changes resulting from the proposed development, staff has not identified any applicable land use regulations or plan policies that would prohibit the proposed zone change or subdivision.

Dear Commissioners:

I have lived in the Hazel creek Farms subdivision since 2003 when it was developed and backed up to urban growth boundary. Over the last few years I've seen this property directly behind me go from County to City, R-10 and now to possibly R-8. Myself and West Rictor have gathered over 86 signatures walking door to door from residents of Hazel Creek Farms neighborhood opposing this zoning change.

This propose new development and zoning change is very deceitful, the average person reading the letter Provided by the city proposing the zoning change simply states the request from r-10 to R-8. Clearly the average person does not know you can throw in a couple large lots and through some mathematical calculation the zone change meets r-8 zoning. The proposed plan meets the check mark for the city to approve the zoning change. When in fact 65 of the 77 lots will be less than 8,000. This clearly does not meet the goal of maintaining the existing comprehensive plan.

This change will dramatically alter the character of our neighborhood. Staff report, reports that street sizes will need to be adjusted unless the width meets the standard of OC roadway standard, but specifically points out Orchard Grove drive and Larence Lane. Please drive around the new subdivisions and look at the parking. The Staff reports that the plan is a Creation of a cohesive neighborhood with the continuation of Orchard Grove Drive & Larence Lane How is that true? The plot map showing over 65 of houses under 8,000, furthermore directly next to 12+ and 10+ square feet lots. The purposed map shows 6,000 square foot lots with set-back that are not even close to the existing homes. The driveways are set at the minimum requirements set by the city.

Just to name a few, Payson Farms No. 2, Highland Park, Central Point Crossing, and Ed's Orchard have all annexed into the City, and successfully changed the zoning from R-10 to R-8. What is the need for more zoning changes? The property located on Orchard grove drive is prime property adjacent to urban growth boundary. When has the city considered having a R10 subdivision, be a R10 subdivision (last time approved by planning commission ?)

Staff reports indicate that the lots meet the dimensions and density standards for r-8. With the approved existing subdivision currently being built central point clearly cannot handle the extra traffic. Thus making Orchard grove Drive a through street to bypass central point road.

It was my understanding the when the Wheeler Farm LLC annexed from the County to the City, that all boarding lots to urban growth would be zoned R-10. This plot map submitted by Ryan Development is a deceiving way to get a check mark from the planning commission to move forward with the zone

change.

Housing Goal 10.1: states, Provide for the planning, development and preservation of a variety of housing types and lot sizes. Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.

It appears to me that the staff report does a poor representation of what is outlined in the goals of the planning commission. Please SAVE our neighborhood where long standing Oregon City residents purchased, designed and built their dream homes and retirement homes.

Thank you.

Brenda Martin

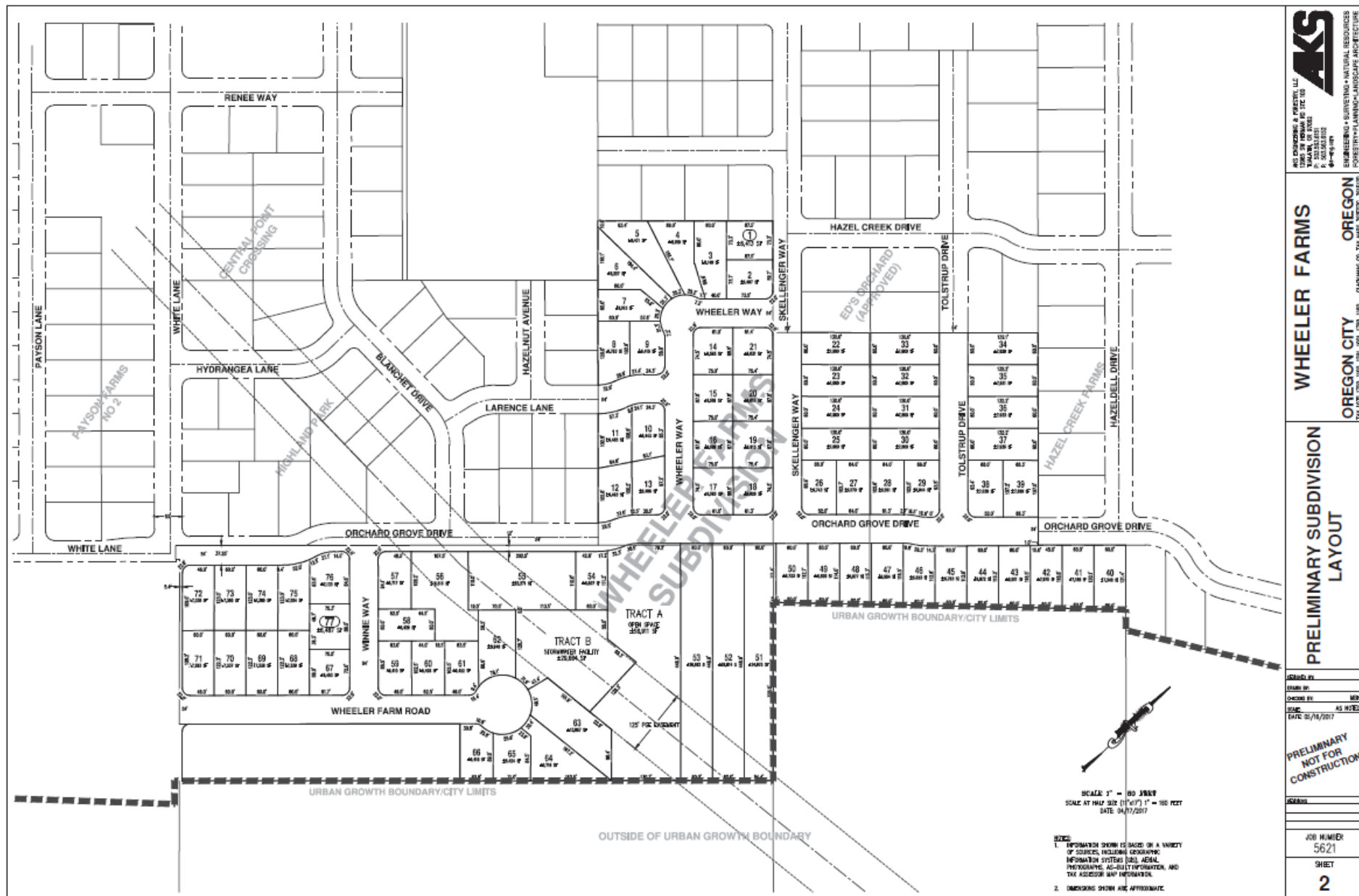


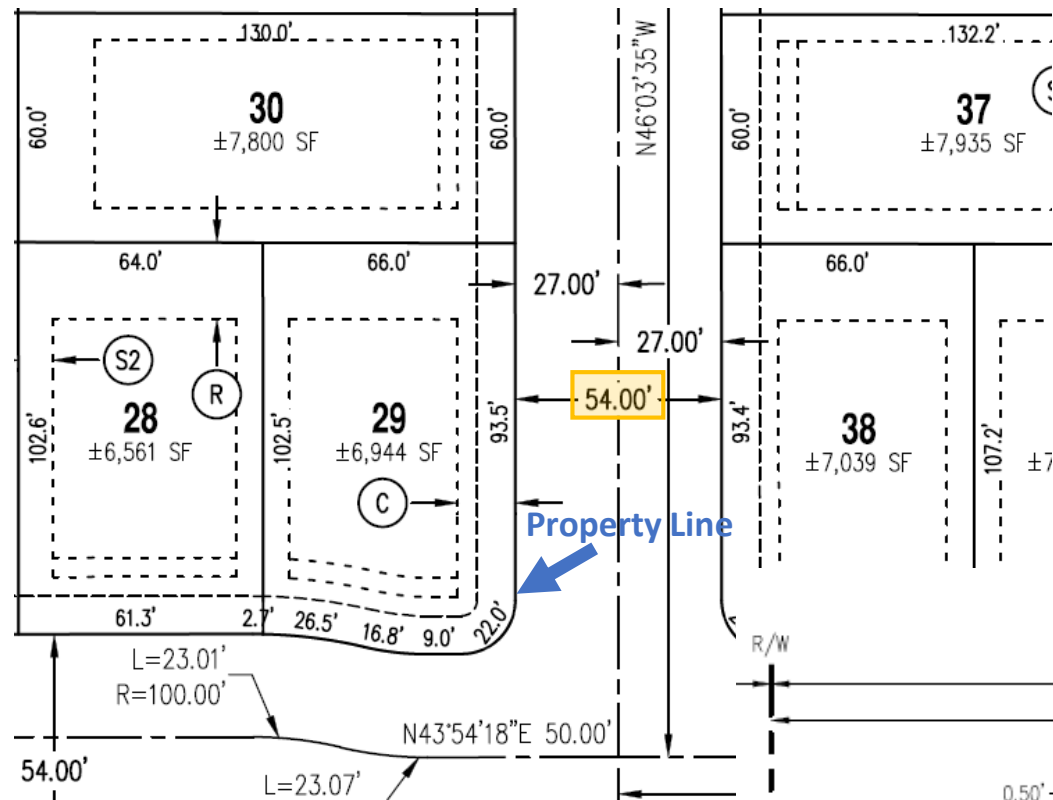
# **Wheeler Family**

## **Applications**

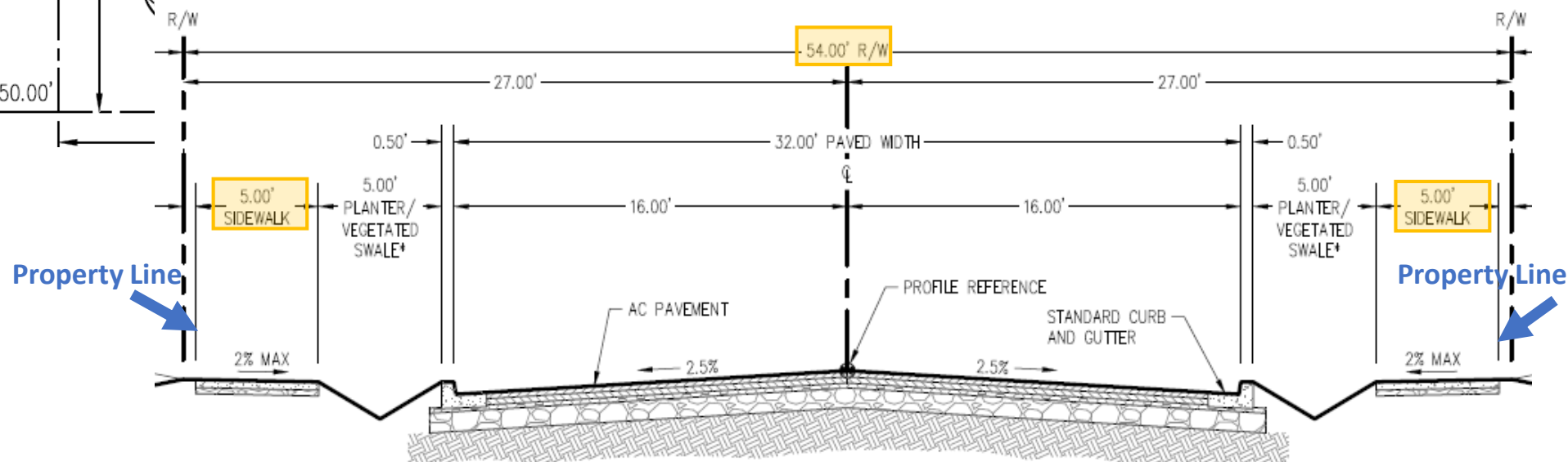
**Continued Planning Commission Hearing**  
**October 9, 2017**

City of Oregon City File Nos. TP 17-03 & ZC 17-02





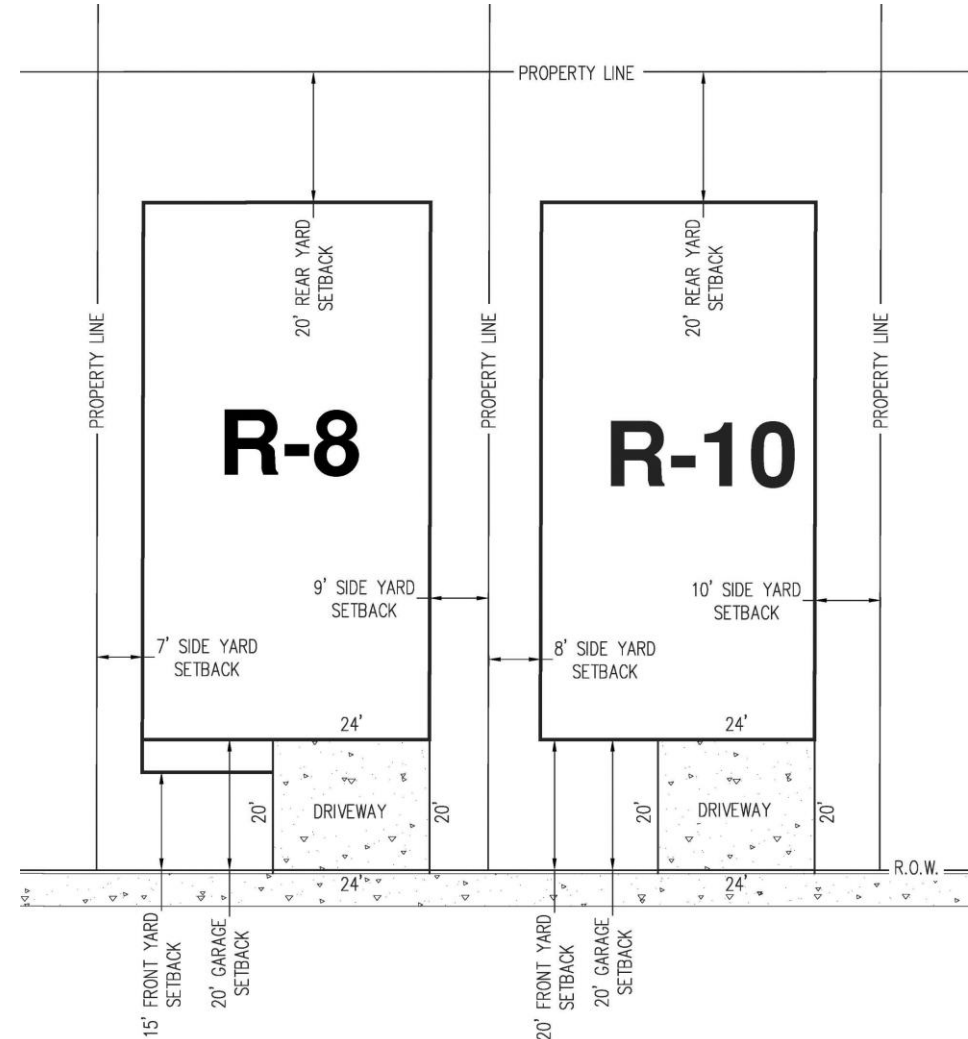
- Property line abuts the street right-of-way
- Streets are designed with a 54' wide right-of-way
- Sidewalks are located within in the right-of-way and are not included in the lot areas



**Sidewalks are Located in the Public Right-of-way**

# Front Yard / Garage Setbacks

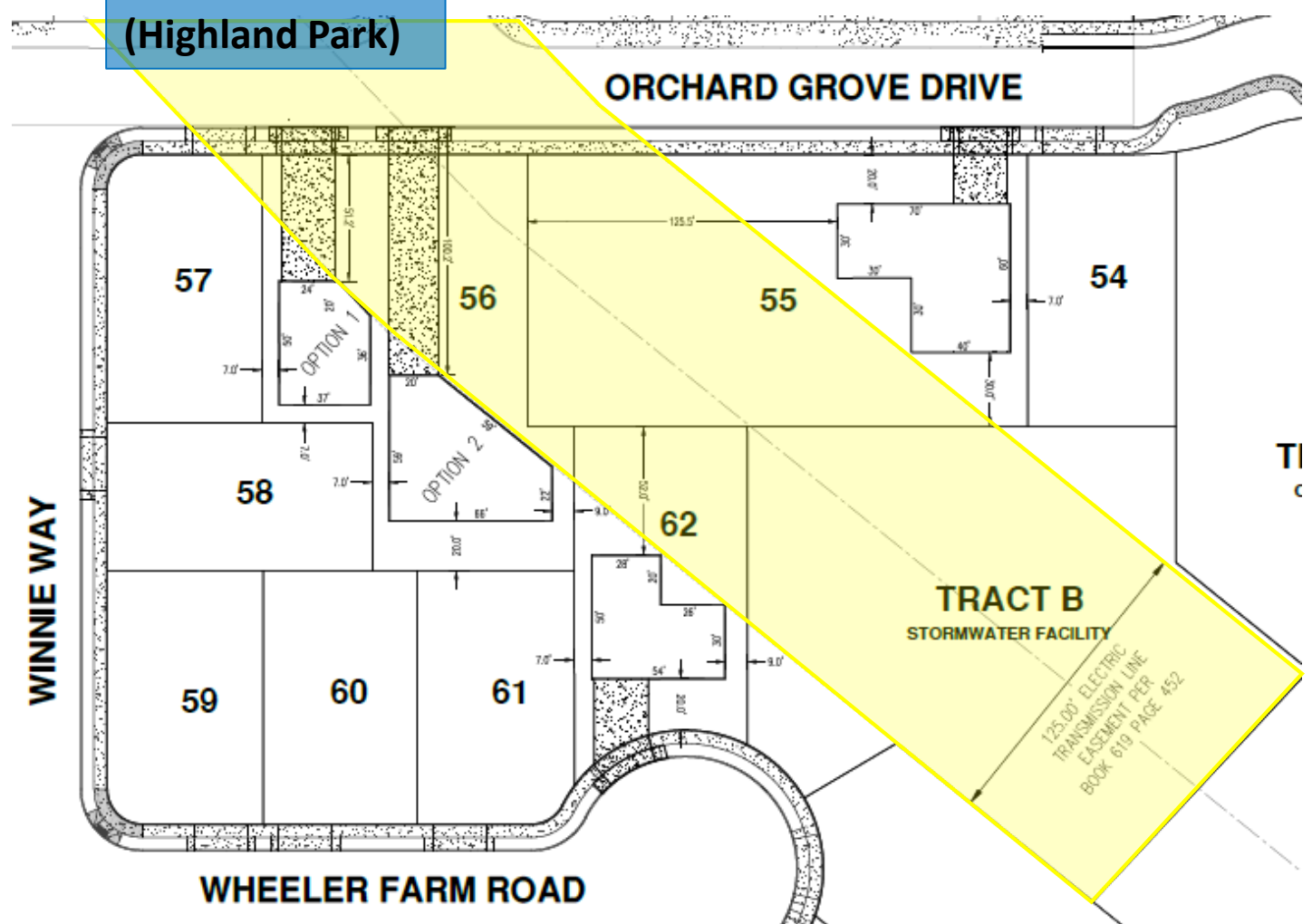
Minimum Required Setbacks			
Zoning	Front Yard Setback	Front Porch Setback	Setback to Garage
R-8	15' Minimum	10' Minimum	20' Minimum
R-10	20' Minimum	15' Minimum	20' Minimum





# Lots within the PGE Easement

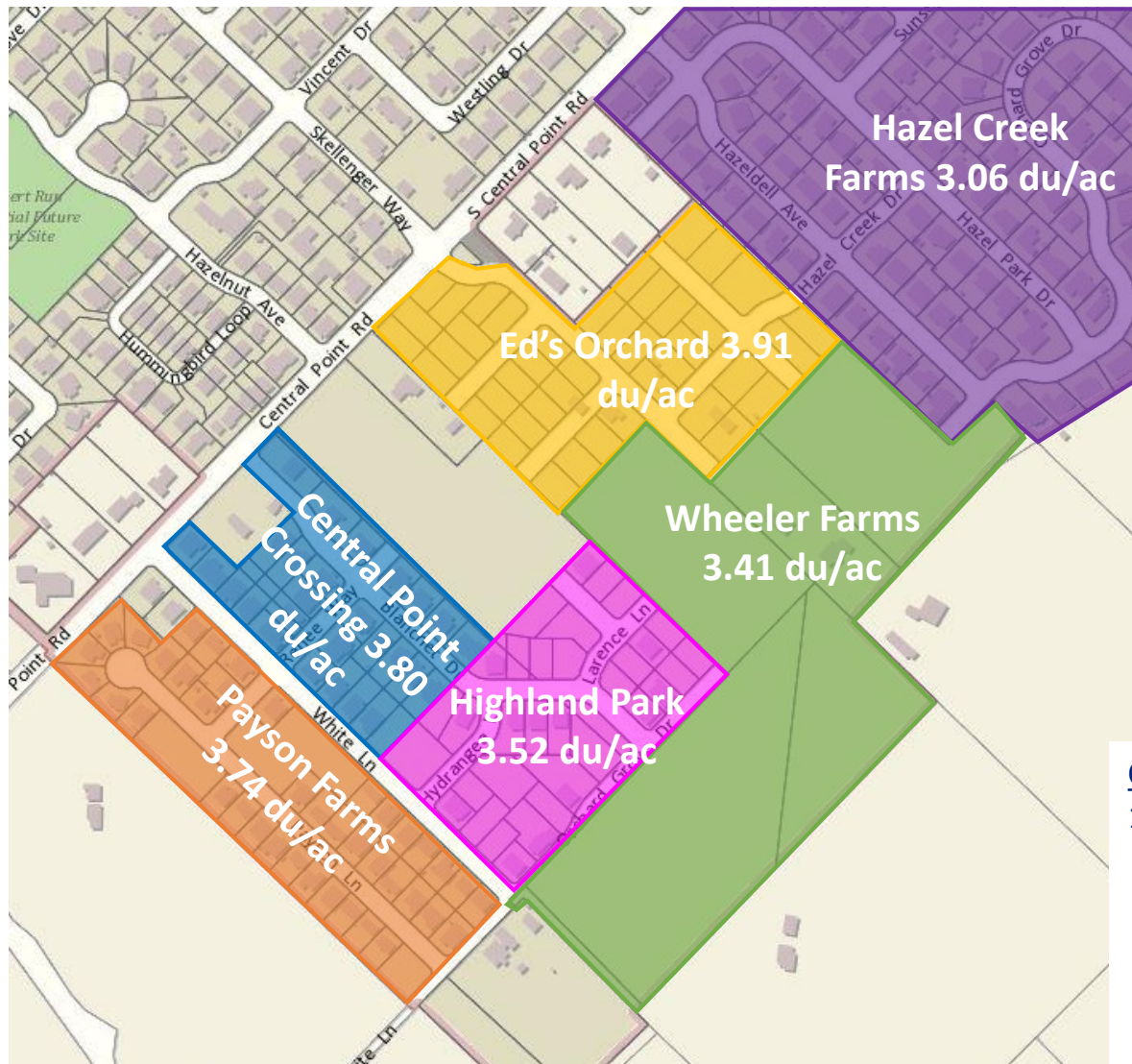
- Easement granted to PGE in 1963
- Fences are not considered structures and can be located within easement area
- Surrounding neighborhoods have fences located in easement area and have lots within the PGE easement area that have similar sizes and shapes
- Lots 55, 56, 57, and 62 (which contain portions of the PGE easement) all have building envelopes that can support 3,000 to 4,000 sq. ft. homes, which are similar in size to the adjacent Highland Park subdivision





**AKS**  
ENGINEERING & FORESTRY





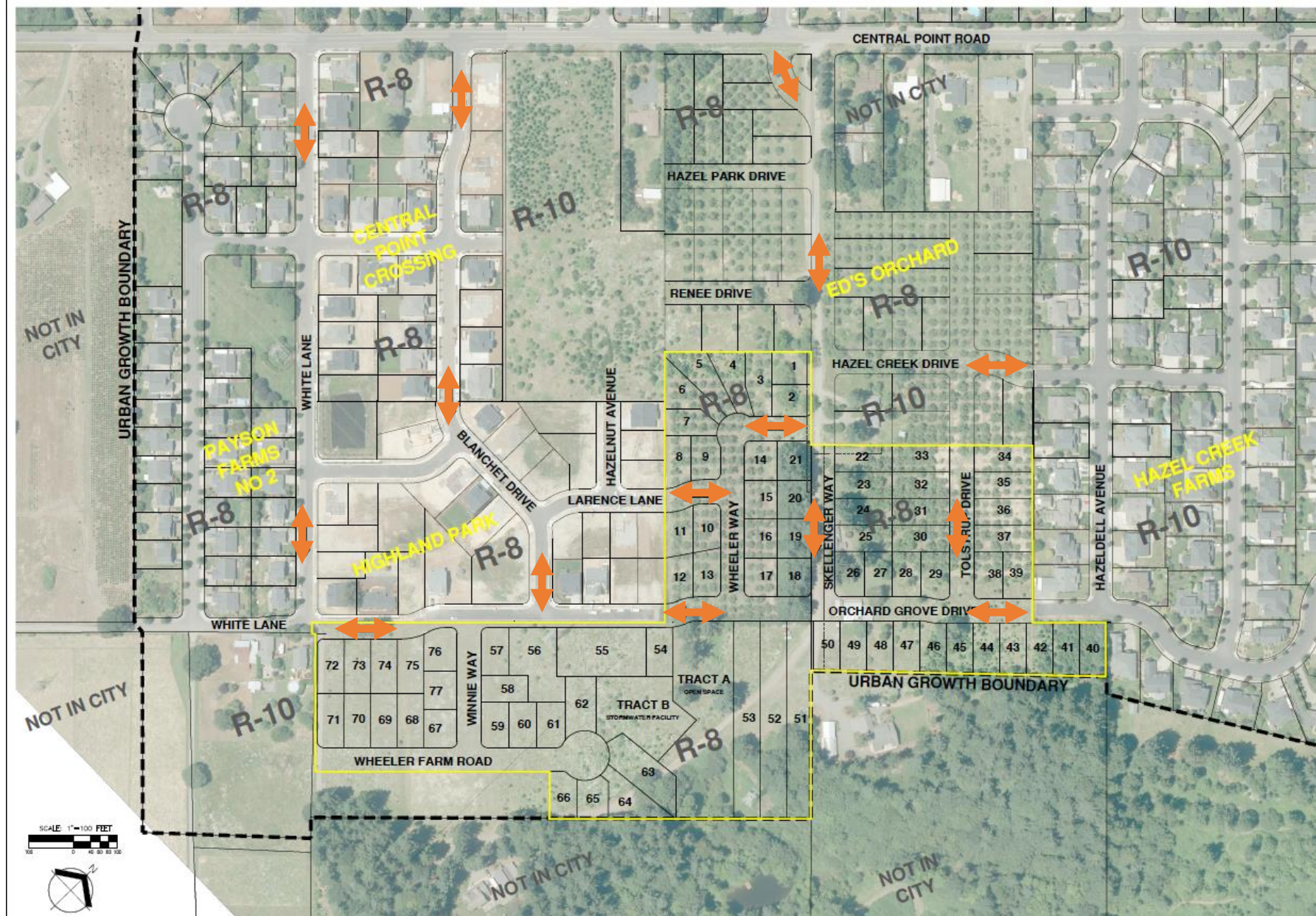
	Subdivision	Gross Density du/ac	Zoning	No. of Lots	Average Lot Size Area (SF)	Minimum Lot Size Area (SF)	Maximum Lot Size Area (SF)
1	Ed's Orchard	3.91	R-8 R-10	35 6	8,076 10,166	6,822 9,114	13,180 10,813
2	Central Point Crossing	3.80	R-8	27	8,210	7,072	12,334
3	Payson Farms No. 1 and No. 2	3.74	R-8 PUD	40	7,071	6,700	8,798
4	Highland Park	3.52	R-8	32	8,580	6,401	20,925
5	Wheeler Farms	3.41	R-8	77	8,279	6,407	26,814
6	Hazel Creek Farms	3.06	R-10	93	10,233	10,000	13,126

#### City of Oregon City Municipal Code

##### 16.12.050 - Calculations of lot area.

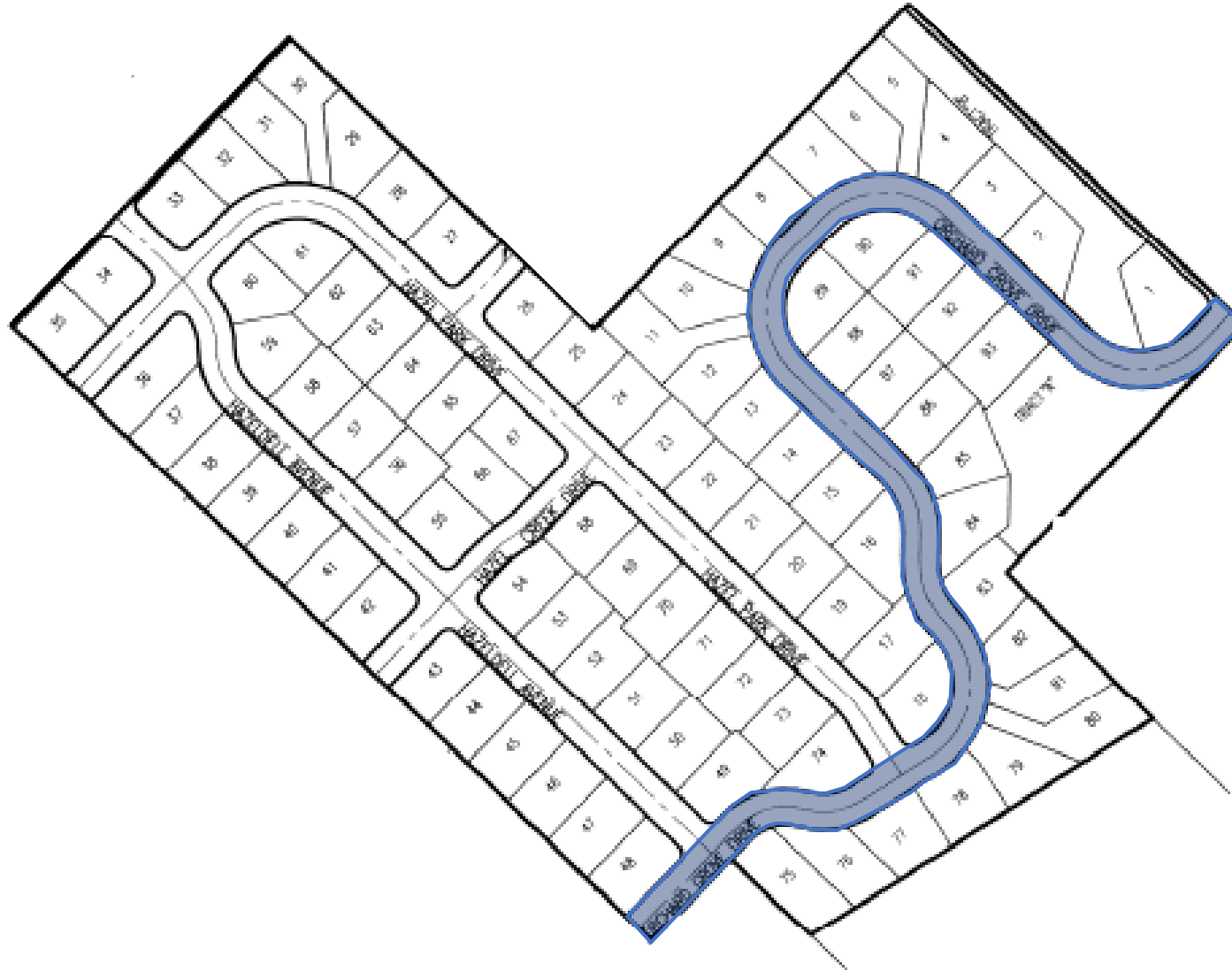
A subdivision in the R-10, R-8, R-6, R-5, or R-3.5 dwelling district may include lots that are up to twenty percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.



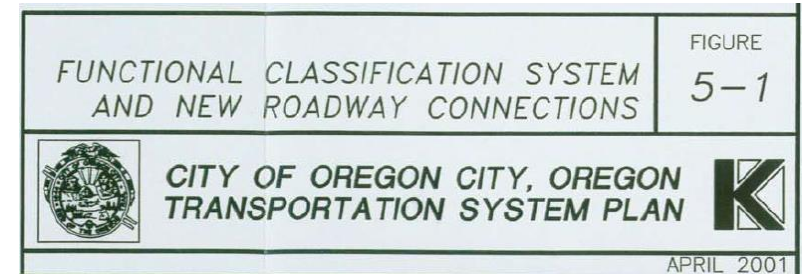
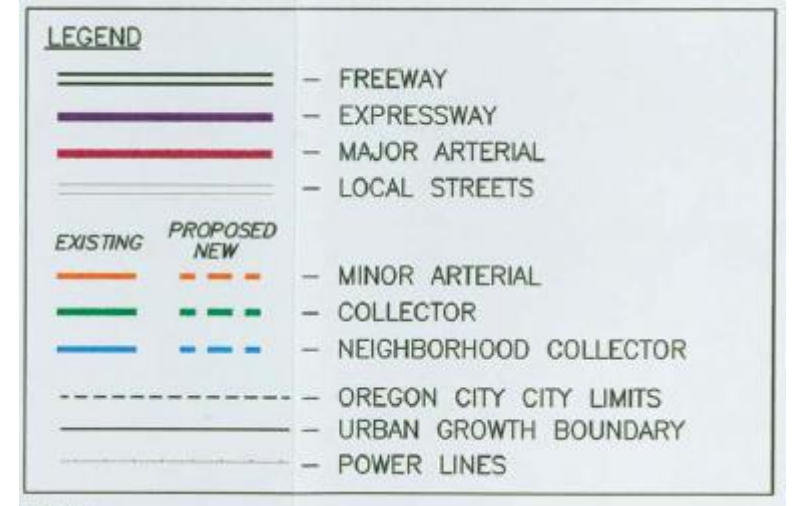


# Circulation Plan





# 2001 City of Oregon City Transportation System Plan






# Project Highlights

- Voluntary  
±1.35-acre  
(58,911 square  
feet) open space  
area (Tract "A")
- Neighborhood  
connectivity –  
disperses traffic



# Approval Criteria

-  **Consistent with City Comprehensive Plan  
(R-10 and R-8 = Low Density Residential)**
-  **Public Services and Facilities Available**
-  **Consistent with Transportation System Plan  
(Demonstrated in the Transportation Impact  
Study Confirmed by City Traffic Engineer)**