

ORDINANCE NO. 18-1007

AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING AN ANNEXATION AND AMENDING THE OFFICIAL ZONING MAP OF OREGON CITY FROM COUNTY FU-10 FUTURE URBAN 10-ACRES TO R-10 SINGLE FAMILY DWELLING DISTRICT, R-5 DWELLING DISTRICT, AND NC NEIGHBORHOOD COMMERCIAL DISTRICT, FOR APPROXIMATELY 92 ACRES OF PROPERTY SOUTH OF HOLCOMB BOULEVARD AND NORTH OF S. LIVESAY ROAD

WHEREAS, the owners of certain real property adjacent to the City of Oregon City identified below have jointly proposed that their combined approximately 92 acres of property, more fully identified in Exhibit 'A' to this Ordinance, be annexed to the City and seeking, in conjunction, an approval for Zone Change from Clackamas County Future Urban 10-Acre (FU-10) Zone to Oregon City "R-10" Single-Family Dwelling District, "R-6" Single-Family Dwelling District and "NC" Neighborhood Commercial District including:

Address:	Tax Lot:	Acres	Owner
No Address	2-2E-27B -01000	9.69	Erickson Michael K Trustee
15110 S HOLCOMB BLVD	2-2E-27B -02000	1.45	Michael Erickson
No Address	2-2E-28D -00100	14.11	Hidden Falls Development LLC
No Address	2-2E-28D -00190	10.75	Hidden Falls Development LLC
No Address	2-2E-28D -00302	0.16	Hidden Falls Development LLC
16582 S LIVESAY RD	2-2E-28D -00400	10.43	Hidden Falls Development LLC
14631 S LIVESAY RD	2-2E-28D -00500	10.73	Hidden Falls Development LLC
16472 S LIVESAY RD	2-2E-28D -03700	6.86	Hidden Falls Development LLC
16530 S LIVESAY RD	2-2E-28D -00200	5.17	Kirk D and Michelle D Tolstrup
16644 S LIVESAY RD	2-2E-28D -00300	3.1	George Thomas
No Address	2-2E-28D -00301	1.43	George E Thomas
No Address	2-2E-28D -00303	1.77	George Thomas
14631 S LIVESAY RD	2-2E-28D -00502	9.42	Robert Tershel
No Address	2-2E-28D -03701	6.48	Redland Road LLC

; and

WHEREAS, on June 11, 2018, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted 5-1 to forward a recommendation of approval with conditions to the City Commission; and

WHEREAS, on June 20, 2018, the City Commission held a public hearing where it considered the Planning Commission recommendation, along with testimony of the applicant, opposing and interested parties; and

WHEREAS, the City finds that the proposal complies with all applicable legal requirements, as detailed in the findings set forth and adopted below; 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, is subject to an acknowledged comprehensive plan, is contiguous to the city limits and conforms with all other city requirements; thus meeting the requirements of Senate Bill 1573; and

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use Goals; and

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map and the Park Place Concept Plan by illustrating the location best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of fact that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the zoning map amendments to R-10, R-5 and NC are consistent with the acknowledged Oregon City Comprehensive Plan designations of Low Density Residential LDR; Medium Density MR and Mixed Use Corridor MUC; and

WHEREAS, the City finds that zone changes within the same comprehensive plan designation should be generally allowed upon a finding that the facilities and services are adequate as regulated in the OCMC standards and the Comprehensive Plan should be viewed and implemented as a complete package that balances the need for neighborhood compatibility and the need to encourage a variety of housing opportunities as well as increased density to support a more efficient system of infrastructure; and

WHEREAS, the City finds that the proposals for rezoning to R-10, R-5 and NC meet the City's requirements and includes appropriate conditions for compliance with the Statewide Transportation Planning Rule, OAR 660-12; and

WHEREAS, the conditions of approval require that the applicant submit a Master Plan pursuant to OCMC 17.65 that will provide more detail regarding phasing and timing of necessary public facilities and improvements to serve future development; and

WHEREAS, the proposal with conditions, will result in the timely provision of public services and facilities and, with the imposition of conditions, will have no significant unmitigated impact on the water, sewer, storm drainage, or transportation; and

WHEREAS, the proposed Annexation and Zone Change with conditions of approval complies with the requirements of the Oregon City Municipal Code; and

WHEREAS, approving the Annexation and Zone Change with conditions of approval is in compliance with the applicable Goal and Policies of the Oregon City Comprehensive Plan, the Statewide Land Use Goals and the Metro Urban Growth Management Functional Plan and is in compliance with all applicable 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 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 currently within the Oregon City School District (OCSD) and will remain in OCSD; and

WHEREAS, the identified property is currently within and served by the Clackamas River Water (CRW) District service area; and

WHEREAS, with approval of the annexation, the property should be not be withdrawn from the Clackamas River Water District at this time and remain in the District pursuant to the existing HOPP IGA with CRW; 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

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. The City hereby concurs with and supports the annexation of the territory identified in Exhibit "A" into the Tri-City Sewer Service District by the Clackamas County Board of Commissioners, to the extent allowed by law.

Section 5. That the Annexation and Zoning Map Amendment proposals, City File No. AN-17-0004 and ZC-17-0005 satisfy all of the applicable approval standards for the reasons set forth in Findings of Fact and Conclusions of Law adopted and attached as Exhibit "B."

Section 6. The City's review and approval of the Zoning Map Amendment, which was supported by the Planning Director, shall serve as the final zoning classification ministerial review as required by OCMC 17.06.030.

Section 7. 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, but the zone changes shall not be effective until the new Refinement Plan for the affected Oregon Highway intersections identified in the proposal including alternative mobility measures are adopted and acknowledged.

Read for the first time at a regular meeting of the City Commission held on the 20th day of June 2018, and the City Commission finally enacted the foregoing ordinance this 5th day of July 2018.

DAN HOLLADAY, Mayor

Attested to this 5th day of July 2018,

Approved as to legal sufficiency:

Kattie Riggs, City Recorder

City Attorney

Exhibit A - Legal Description and Map of Proposed Annexation.
Exhibit B – Findings of Fact and Conclusions of Law.