



NOTICE OF DECISION

Ordinance No. 16-1003

DATE OF MAILING OF NOTICE OF DECISION: April 11, 2016

FILE NUMBER: PZ 15-01: Comprehensive Plan Amendment
ZC 15-03: Zone Change

**APPLICANT/
OWNER:** Historic Properties
1300 John Adams Street, Oregon City, Oregon 97045

REPRESENTATIVE: Sisul Engineering, c/o Tom Sisul
375 Portland Avenue, Gladstone, Oregon 97027

REQUEST: The applicant proposed an amendment to the Comprehensive Plan Map from Low Density Residential and Medium Density Residential to “MUC” Mixed Use Corridor and a Zone Change from “R-3.5” Dwelling District, “R-6” Single-Family Dwelling District and “R-10” Single-Family Dwelling District to “MUC-2” Mixed-Use Corridor 2.

LOCATION: 14228, 14268, 14275, 14289, 14297, 14338 & 14362 Maplelane Ct, 14375 Maplelane Rd, 3391 Beavercreek Rd
Clackamas County Map 32E04C, Tax Lots 700, 702, 900, 1201, 1300, 1400, 1500, 1600 and Clackamas County Map 32E04CD, Tax Lots 3300, 5900, 6000

REVIEWERS: Laura Terway, AICP, Interim Planning Manager
Wendy Marshall, P.E., Development Projects Manager
Matthew Palmar, EIT, Development Engineering Associate

DECISION: On March 16, 2016 and April 6, 2016, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the City Commission voted 5-0-0 and 4-0-0 to approve with conditions the requested Amendment to the Comprehensive Plan and Zone Change. Accordingly, the City Commission adopted as its own Findings of Fact and Conclusions of Law and Conditions of Approval for File Numbers PZ 15-01 and ZC 15-03, and approved Ordinance Number 16-1003.

PROCESS: 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 must be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. 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) may appeal the planning commission denial to the city commission. If the planning commission denies the application and no appeal has been received within ten 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 appealable to the land use board of appeals (LUBA) within twenty-one days of when it becomes final. The application, decision, and supporting documents are available for inspection at the Oregon City Planning Division located at 221 Molalla Avenue, Suite 200, Oregon City, OR 97045, (503) 722-3789, between the hours of 8:30am and 3:30pm. Copies of these documents are available (for a fee) upon request.

FINAL CITY COMMISSION CONDITIONS OF APPROVAL
Files ZC 15-03 and PZ 15-01

(P) = Verify that condition of approval has been met with the Planning Division.

Prior to Issuance of a Permit associated with the Proposed Development:

1. In addition to the prohibited uses identified in OCMC 17.29.040 the following uses are prohibited on the subject site:
 - a. Museums, libraries and cultural activities
 - b. Postal Services
 - c. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoe and small appliances and equipment.
 - d. Restaurants, eating and drinking establishments without a drive through.
 - e. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores, and similar.
 - f. Ancillary drive-in or drive through facilities and
 - g. Gas stations (P)
 2. Future development on the site shall be limited to uses that in aggregate produce no more than 128 trips during the AM peak hour and no more than 168 trips during the PM peak hour. No development shall be permitted that exceeds either value. All applicants seeking to develop new or alter existing uses on the property shall submit an accounting of the trips generated through previously approved land use actions and business licenses for the entire subject site associated with the proposal and demonstrate that the proposal complies with both the maximum AM and PM peak hour trip caps. In order to keep an accurate tally of trips over time, the City will review this accounting either: (1) as part of the land use review required for the development, in cases where no business license is required; (2) as part of reviewing an application for a business license, in cases where no land use review is required; or (3) both, where a land use approval and a business license are required. (P)
 3. Prior to approval of any future development on site, the applicant shall submit a layout of the roadway and intersection configurations within and adjacent to the subject site (including the proposed new street network internal to the site, Maplelane Court, Beaver Creek Road from Highway 213 to Maplelane Road, and Maplelane Road from Beaver Creek Road to the applicant's north property boundary). The plan shall identify all transportation infrastructure as well as a phasing schedule of when the infrastructure will be installed coupled with a finance plan identifying reasonable funding sources for the infrastructure. (P)
 4. Prior to approval of any future development of the site where a traffic impact study or a traffic analysis letter is required, the applicant shall provide for the improvements identified in the Transportation System Plan (TSP) to offset the impacts resulting from development. (P)
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