



Pre-Application Conference Notes

(PA 17-36, August 30, 2017)

Proposed Project: Emergency Sewer Annexation: 19405 South End Road Oregon City, OR 97045

General Information:

- Location: 19405 South End Road Oregon City, OR 97045
- Tax Map and Lot#: 3-1E-12B -01301
- Acres: 1
- Current Zoning: FU-10
- Comprehensive Plan Designation: Medium Density Residential
- Default Zone Under the Comprehensive Plan Designation: “R-5” Dwelling District

Planning Review and Application Fees:

The [fee schedule](#) is available on-line. The 2017 Planning applications and fees include-

- Annexation: \$4,342 (paid)
- Annexation Metro Mapping: \$1-5 acres = \$250
- Mailing Labels: \$16 – or provided by applicant

If Including a Zone Change:

- Zone Change: \$2,798
- Transportation Impact Analysis for Zone Change / Comp Plan Amendment: \$2,046.00

Review Process:

This application will be processed as a Type IV 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 at a series of public hearings before both the Planning Commission as well as the City Commission, whom will make a final decision. At the evidentiary hearing held before the planning commission, all issues are addressed. Review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission.

Note that applications for annexations which are unaccompanied by a zone change are not subject to Planning Commission review and are reviewed only by the City Commission.

The City is allotted up to 30 days to review the application once it is submitted for completeness purposes. If determined to be incomplete, the applicant has **180 days** to complete the application. Once determined to be complete, the applicant is entitled to a decision from the city for a decision of approval, approval with conditions or denial within **120 days** of deeming the application complete, by state law. Decisions are appealable to the Land Use Board of Appeals (LUBA).

Annexation Election

It appears that this annexation may be exempt from the voter approval requirements of OCMC 14.04, pursuant to SB 1573, which was passed by the State Legislature in 2016. In order to be exempt from voter approval the following requirements apply.

(2) Notwithstanding a contrary provision of the city charter or a city ordinance, upon receipt of a petition proposing annexation of territory submitted by all owners of land in the territory, the legislative body of the city shall annex the territory without submitting the proposal to the electors of the city if:

- (a) The territory is included within an urban growth boundary adopted by the city or Metro, as defined in ORS 197.015;*
- (b) The territory is, or upon annexation of the territory into the city will be, subject to the acknowledged comprehensive plan of the city;*
- (c) At least one lot or parcel within the territory is contiguous to the city limits or is separated from the city limits only by a public right of way or a body of water; and*
- (d) The proposal conforms to all other requirements of the city's ordinances.*

Criteria for Annexation:

Oregon City Municipal Code Chapter 14

- **OCMC 14.04.050.(E).(1-9).** The required narrative statement in response to items 7(a) through (g) must be included:
 - 7. A narrative statement explaining the conditions surrounding the proposal and addressing the factors contained in the ordinance codified in this chapter, as relevant, including:*
 - a. Statement of availability, capacity and status of existing water, sewer, drainage, transportation, park and school facilities;*
 - b. Statement of increased demand for such facilities to be generated by the proposed development, if any, at this time;*
 - c. Statement of additional facilities, if any, required to meet the increased demand and any proposed phasing of such facilities in accordance with projected demand;*
 - d. Statement outlining method and source of financing required to provide additional facilities, if any;*
 - e. Statement of overall development concept and methods by which the physical and related social environment of the site, surrounding area and community will be enhanced;*
 - f. Statement of potential physical, aesthetic, and related social effects of the proposed, or potential development on the community as a whole and on the small subcommunity or neighborhood of which it will become a part; and proposed actions to mitigate such negative effects, if any;*
 - g. Statement indicating the type and nature of any comprehensive plan text or map amendments, or zoning text or map amendments that may be required to complete the proposed development;*
- **OCMC 14.04.060 – Annexation Factors.** Narrative shall address each of the required Annexation Factors (1) through (7). *When reviewing a proposed annexation, the commission shall consider the following factors, as relevant:*
 - 1. Adequacy of access to the site;*
Comment: Address how current and future access to the site is adequate.
 - 2. Conformity of the proposal with the city's comprehensive plan;*
Comment: The applicant's narrative should show the applicable goals and policies. Staff will include the applicable goals and policies with the Code Response Template.
 - 3. Adequacy and availability of public facilities and services to service potential development;*
Comment: The applicant's narrative should show the current Oregon City public facilities plans for Water, Sewer, Stormwater and Transportation and the respective demand placed on these services by the potential development of the site.

4. *Compliance with applicable sections of ORS Ch. 222, and Metro Code Section 3.09;*

Comment: The applicant's narrative should show these criteria.

5. *Natural hazards identified by the city, such as wetlands, floodplains and steep slopes;*

Comment: The applicant's narrative should show address any natural hazards present on site.

6. *Any significant adverse effects on specially designated open space, scenic, historic or natural resource areas by*

urbanization of the subject property at time of annexation;

Comment: The applicant's narrative should address any specially designated open space, scenic, historic or natural resource areas on the site. Staff is not aware of any, although there are constraints on building in a powerline easement. We recommend contacting the County Historic Preservation staff for any cultural or historic records for the site.

7. *Lack of any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.*

Comment: The applicant's narrative should address any significant adverse effects on the economic, social and physical environment of the community by the overall impact of the annexation.

Metro Code 3.09.045.A-D (Boundary Change Criteria)

- Whether the proposed boundary change will promote the timely, orderly and economic provision of public facilities and services.
- Whether the proposed boundary change will affect the quality and quantity of urban services
- Whether the proposed boundary change would eliminate or avoid unnecessary duplication of facilities or services.

Oregon City Comprehensive Plan – Applicable Goals and Policies

- Goal 14.1.2 – Concept Plans (Address [Southend Concept Plan](#) as applicable)
- Goal 14.3 - Orderly Provision of Services to Growth Areas
- Goal 14.4 – Annexation of Lands to the city

Concept Plan Goals and Policies

- This area is within the [Southend Concept Plan](#) study area boundary regulated under Metro Title 11.

Zone Change

A Zone Change request to R-5 or R3.5 may be submitted concurrently with the annexation request or submitted separately and is a discretionary zone change processed pursuant to the criteria in OCMC 17.68. If you wish to pursue a zone change, we are available to forward you the criteria and a template. The information was not included in these notes, as it appears you will not be pursuing a zone change.

- All annexations require the applicant to also submit a zone change, except if:
 - The property does not have a zoning designation which may be applied; or
 - The property is an emergency sewer annexation
- If you do not wish to pursue a zone change with the annexation, conditions will be placed on the annexation limiting the use of the property because it would remain in a Clackamas County zoning designation. Prior to annexation, the property owner or assigns will record a covenant, to be approved by the City Attorney, which limits development of the site until such time that a zone change to a City zoning designation has been approved. The covenant shall acknowledge that development is reviewed for compliance with the Oregon City Municipal Code and Clackamas County Zoning and Development Ordinance. Further, until a zone change is approved the site use

shall not change or intensify, or receive approval of a land division or development of the site including. The restrictions would include the following:

- No change in use, or intensification of an existing use (including home occupations)
- No additions to the structures onsite (repair ok)
- No new accessory structures onsite (repair ok)
- The property is subject to the City's fence regulations
- The property is subject to the City's nuisance and animal regulations
- No development or land division of the site

Applications for annexations which are unaccompanied by a zone change are not subject to Planning Commission review and are reviewed only by the City Commission.

Transportation

Your application was reviewed by John Replinger of Replinger and Associates, a city consultant for transportation engineering. Traffic Impact Analysis is not required if the applicant is not pursuing a zone change. If a concurrent Zone Change is perused, Fees for review of the traffic analysis letter will be required pursuant to the TIA fee structure. The City's transportation consultant John Replinger has reviewed the pre-application and has the following comments;

Based on the information provided by the applicant, it appears the trip generation meets the level at which the project's transportation analysis requirements can be satisfied by submittal of a Transportation Analysis Letter (TAL).

Because the proposal includes a zone change, the applicant will also need to address the requirements of Oregon's Transportation Planning Rule. Specifically, the applicant shall address the provisions of 660-12-0060 Plan and Land Use Regulation Amendments. When a zone change is proposed, a future year analysis is required assessing the impact associated with the planning horizon specified in the city's adopted Transportation System Plan.

Your traffic engineer is welcomed to contact John Replinger at Replinger-Associates@comcast.net or at 503.719.3383.

Neighborhood Association Meeting Required

Per OCMC 17.50.055 - [Neighborhood association meeting](#). Documentation of the meeting with the applicable Neighborhood Association is required for a complete application. Staff will confirm which N.A. the annexation would be included within upon annexation. The annexation property is within the Hazelgrove Wrestling Farms Neighborhood Association boundary. See Web page <http://www.orcity.org/community/neighborhood-associations> for contact and meeting information.

Currently Hazelgrove Westling Farms is inactive and is currently supported by the South End NA. Contact them to set up a meeting.

South End Neighborhood Association

Chair: Bill McConnel, sena97045@gmail.com

Vice Chair: Gary Fergus, Interim Vice Chair fergusfamily@gmail.com

Secretary: Vacant

CIC Representative: Bill McConnel, sena97045@gmail.com

CIC Representative: Gary Fergus, fergusfamily@gmail.com

Meeting Information: August 17, 2017 and October 19, 2017

Located: Oregon City United Methodist Church, 18955 South End Road, Oregon City, 7:00PM

Other notes:

- With these notes, staff has provided a template for your responses to the applicable criteria similar to a Staff Report and electronic versions of the applicable plans, policies and approval criteria above to assist in the preparation of your application. In addition,
- We have provided notice of your proposed development to the State Historic Preservation Office (SHPO) and all affected tribes per OCMC chapter 17.62.040.H.
- All applicable System Development Charges (SDC) shall be due and payable upon building permit issuance.

Oregon City Municipal Code Criteria:

The following chapters of the Oregon City Municipal Code (OCMC) may be applicable to this proposal:

OCMC – Title 14 Annexations

OCMC 17.50 – Administrative Processes

Staff will email you a Code Response Template in MS-Word version. The sections may also be downloaded from the municipal code website.

Tri-City Service District

Your application was forwarded to Clackamas County Water Environment Services (WES). No comments were received. Questions regarding the sewer plant capacity or WES requirements should be directed to Rob Hungerford RobHun@co.clackamas.or.us or Erik Carr ECarr@co.clackamas.or.us at Tri-City Service District.

Oregon City School District

Your application was forwarded to Wes Rogers, Director of Operations for the Oregon City School District. No comments were received. Questions regarding school capacity should be directed to the school district.

Planning Division

Christina Robertson-Gardiner, Senior Planner with the Oregon City Planning Division reviewed your pre-application. Email crobertson@orc.org / Phone (503) 496-1564.

Development Services Division

See separate notes from Public Works Development Services Division.

Building Division:

Your application was transmitted to our Building Official. You may contact Mike Roberts, Building Official, at 503.496.1517 or mroberts@orc.org if you have any building related questions.

Clackamas County Fire:

Your application was transmitted to Mike Boumann, Lieutenant Deputy Fire Marshal of Clackamas County Fire District #1. No comments were returned regarding your application. You may contact Mr. Boumann at 503.742.2660 or at mike.boumann@ClackamasFire.com.

Pre-application conferences are required by Section 17.50.050 of the City Code, as follows:

A. Preapplication Conference. Prior to submitting an application for any form of permit, the applicant shall schedule and attend a preapplication conference with City staff to discuss the proposal. To schedule a preapplication conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans. The purpose of the preapplication conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the preapplication conference. Notwithstanding any

representations by City staff at a preapplication conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.

B. A preapplication conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant must schedule and attend another conference before the City will accept a permit application. The community development director may waive the preapplication requirement if, in the Director's opinion, the development does not warrant this step. In no case shall a preapplication conference be valid for more than one year.

NOTICE TO APPLICANT: A property owner may apply for any permit they wish for their property. HOWEVER, THERE ARE NO GUARANTEES THAT ANY APPLICATION WILL BE APPROVED. No decisions are made until all reports and testimony have been submitted. This form will be kept by the Community Development Department. A copy will be given to the applicant. IF the applicant does not submit an application within six (6) months from the Pre-application Conference meeting date, a NEW Pre-Application Conference will be required.