



Legislation Details (With Text)

File #:	PC 18-078	Version:	1	Name:	Remand for Historic Properties to PC on limited basis
Type:	Land Use Item	Status:			Agenda Ready
File created:	5/31/2018	In control:			Planning Commission
On agenda:	6/11/2018	Final action:			6/11/2018
Title:	Remand of Land Use Board of Appeals Court Decision for Planning Files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change Located near Beaver Creek Road and Highway 213 (Tentative Decision)				
Sponsors:	Laura Terway				
Indexes:					
Code sections:					
Attachments:	1. Commission Report, 2. Remand Staff Report, 3. Exhibit 1. Applicant's Submittal, 4. Exhibit 2. Vicinity Map, 5. Exhibit 3. Statewide Planning Goal 5, 6. Exhibit 4. Oregon City Comprehensive Plan, 7. Exhibit 5. Metro ESEE Analysis, 8. Exhibit 6. Metro's 2017 Compliance Report, 9. Exhibit 7. Natural Resources Overlay District Compliance Letter, 10. Exhibit 8. Letter from Aleta Froman-Goodrich, City Engineer, 11. Exhibit 9. Property Taxlot Reports, 12. Exhibit 10. Natural Resources Overlay District Map, 13. Exhibit 11. Flood Management Overlay District Map, 14. Exhibit 12. Historic Districts Map, 15. Exhibit 13. Willamette River Greenway Overlay District Map, 16. Exhibit 14. Oregon City Municipal Code Chapter 8.08, 17. Exhibit 15. Oregon City Municipal Code Chapter 13.12, 18. Exhibit 16. Oregon City Municipal Code Chapter 17.40, 19. Exhibit 17. Oregon City Municipal Code Chapter 17.42, 20. Exhibit 18. Oregon City Municipal Code Chapter 17.47, 21. Exhibit 19. Oregon City Municipal Code Chapter 17.48, 22. Exhibit 20. Oregon City Municipal Code Chapter 17.49, 23. Exhibit 21. 2015 Stormwater and Grading Design Standards, 24. Exhibit 22. Land Use Board of Appeals Final Opinion and Order, 25. Document on from Tomas J Sisul dated May 14, 2018, 26. Document from Michael C Robinson dated May 14, 2018, 27. Document from Stacey Reed dated May 30, 2018, 28. Documents from James Nicita dated May 14, 2018, 29. Notice of Decision from files PZ 15-01 and ZC 15-03, 30. Letter to Planning Commission from Attorney Mike Robinson Jun 4, 2018, 31. Document from Carrie Richter dated June 4, 2018, 32. Wetland Inventory, 33. Email from James Nicita, 34. Oregon City NPDES 2016-2017 Annual Report, 35. Cascade Environmental Group Clackamette Cover Water Quality and Habitat Improvement Feasibility Study, 36. Oregon City MS4 permit, 37. Oregon Department of Environmental Quality State Agency Coordination Program, 38. Article on ESA and Goal 5, 39. Metro Newell Creek Canyon Master Plan, 40. Metro Newell Creek Canyon Conservation Plan, 41. Oregon City TMDL Implementation Plan				

Date	Ver.	Action By	Action	Result
6/11/2018	1	Planning Commission	approve	Pass

Remand of Land Use Board of Appeals Court Decision for Planning Files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone Change Located near Beaver Creek Road and Highway 213 (Tentative Decision)

RECOMMENDED ACTION (Motion):

Closure of the record and a tentative recommendation of approval for files PZ 15-01 and ZC 15-03 for the limited purpose of argument and evidence related to the LUBA remand for Goal 5 with a continuation of files PZ 15-01 and ZC 15-03 for adoption of final findings.

BACKGROUND:

The City approved Planning files PZ 15-01: Comprehensive Plan Amendment and ZC 15-03: Zone

Change to amend 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 for properties located near the northeast corner of Highway 213 and Beaver Creek Road. The City's approval was appealed to the Land Use Board of Appeals (LUBA) whom remanded the decision back to the City for additional findings relating to Goal 5: Natural Resources. LUBA determined that the City must determine if the new uses allowed by the application could conflict with the Goal 5 resources and if the new uses would result in increased volume and velocity of stormwater or the possibility of increased levels of contaminants.

The LUBA decision was subsequently appealed to the court of Appeals whom affirmed LUBA's decision, and the State Supreme Court whom declined to hear the case. The City Commission then remand the application to the Planning Commission to hold a public hearing limited to the remand issues. The record is open. All parties have an opportunity to submit argument and additional evidence limited to the Goal 5 issues on remand before the Planning Commission until the record is closed.