



Legislation Text

File #: PC 17-092, Version: 1

Request for City Commission Review of the Parker Knoll Subdivision

RECOMMENDED ACTION (Motion):

Staff recommends the City Commission review the Parker Knoll Subdivision (Planning file TP 17-02).

BACKGROUND:

The Oregon City Planning Division received an application from Icon Construction for a subdivision located at 19510 Leland Road, Oregon City, OR 97045 and identified as Clackamas County Map 3-2E-07D, Tax Lots 600, 601, 700, 701, 501, and 401. The subject site is adjacent to Wesley Lynn Park along its northeast and southeast borders.

The proposal includes subdividing the subject site into 11 lots to accommodate single-family residences along an extension of Reddaway Avenue. The applicant proposed to utilize an existing easement to accommodate a portion of the roadway on the Wesley Lynn Park site. The easement area has twice been the subject of election proposals that would have allowed locating a roadway, drainage and utilities necessary to support the development on park land. As those elections both were narrowly defeated, the applicant has revised the design to include a public road within a portion of the easement as well as a concrete path, both within and outside of the easement area, which they believe is authorized by the easement and does not require voter approval.

As a large component of the project entails answering the question of whether voter approval is required for the redesigned project, staff and the applicant are asking that the City Commission call up the subdivision application and review the proposal in a comprehensive manner, effectively deciding if the subdivision complies with the development standards in the Oregon City Municipal Code and answering the if voter approval is required by the Charter.

By calling up the review, the public would be invited to participate in a *de novo* decision making process where new evidence may be submitted both in writing and in person before the City Commission. Though the subdivision application has already been noticed to the public, if the City Commission decides to call-up the matter, notice of the change would be posted on the project site, posted on the City's website, posted in the paper, mailed to nearby property owners, and emailed to a variety of agencies and citizens. This process would allow the public more time to comment on the application. Staff would provide written findings to the City Commission for their consideration and the City Commission's decision would be appealable to the Land Use Board of Appeals (LUBA). This process would not include participation from the Planning Commission, although a subdivision is reviewed through a Type II process that would not include the Planning Commission in any event. Further, staff believes that the City Commission is the most appropriate body to interpret City Charter requirements.