

BEFORE THE COUNCIL OF THE
METROPOLITAN SERVICE DISTRICT

FOR THE PURPOSE OF RECOMMENDING A) RESOLUTION NO. 80-156
CONTINUANCE OF THE CITY OF)
OREGON CITY'S REQUEST FOR ACKNOWL-) Introduced by the Regional
EDGMENT OF COMPLIANCE WITH THE) Planning Committee
LCDC GOALS)

WHEREAS, Metro is the designated planning coordination body under ORS 197.765; and

WHEREAS, Under ORS 197.255 the Council is required to advise LCDC and local jurisdictions preparing comprehensive plans whether or not such plans are in conformity with the Statewide Planning Goals; and

WHEREAS, The city of Oregon City is now requesting that LCDC acknowledge its Comprehensive Plan as complying with the Statewide Planning Goals; and

WHEREAS, LCDC Goal #2 requires that local land use plans be consistent with regional plans; and

WHEREAS, Oregon City's Comprehensive Plan has been evaluated for compliance with LCDC goals and regional plans adopted by CRAG or Metro prior to May, 1980, in accordance with the criteria and procedures contained in the "Metro Plan Review Manual" as summarized in the staff report attached as Exhibit "A" and "B"; and

WHEREAS, Metro finds that Oregon City's Comprehensive Plan does not comply with the "General Requirements" and Goals #2, #6, #7, #9, #10, #11 and #14; now, therefore,

BE IT RESOLVED,

1. That the Metro Council recommends to LCDC that Oregon City's request for compliance acknowledgment be continued to correct

deficiencies under the "General Requirements" and Goals #2, #6, #7, #9, #10, #11 and #14, as identified in Exhibit "A."

2. That the Executive Officer forward copies of this Resolution and Staff Report attached hereto as Exhibits "A" and "B" to LCDC, city of Oregon City and to the appropriate agencies.

3. That, subsequent to adoption by the Council of any goals and objectives or functional plans after May, 1980, the Council will again review Oregon City's plan for consistency with regional plans and notify the city of Oregon City of any changes that may be needed at that time.

ADOPTED by the Council of the Metropolitan Service District this 26th day of June, 1980.



Presiding Officer

MB:gl
8288/118

A G E N D A M A N A G E M E N T S U M M A R Y

APPROVED BY THE METRO COUNCIL

TO: Metro Council
 FROM: Executive Officer
 SUBJECT: Recommending a Continuance of

Res 80-156

THIS 26th DAY OF June 1980

Cynthia M. Wickman

Request for Acknowledgment of Compliance with the LCDC Goals

I. RECOMMENDATIONS:

- A. ACTION REQUESTED: Adoption of the attached Resolution recommending that LCDC grant a continuance of the city of Oregon City's request for compliance. The Council should act on this item at its June 26 meeting in order to ensure that its recommendation is considered by LCDC (see background).
- B. POLICY IMPACT: This is the second Metro acknowledgment recommendation that gives special attention to regional compliance issues consistent with the regional criteria and procedures contained in the Metro Plan Review Manual. In regard to other goal requirements, the Metro draft plan review is heavily relied upon.
- C. BUDGET IMPACT: None

II. ANALYSIS:

- A. BACKGROUND: The Oregon City plan became effective on March 13, 1980. The plan was submitted to LCDC for acknowledgment consideration in April, 1980. LCDC's hearing on the City's request for acknowledgment is scheduled for July 10-11, 1980.

Metro conducted a draft review of Oregon City's plan in May, 1979, and identified a number of deficiencies (see Exhibit "B"). Most of these deficiencies have been corrected in subsequent amendments to the plan.

Metro's acknowledgment review of the Oregon City plan has identified a few remaining deficiencies which need correction before compliance acknowledgment by LCDC. These deficiencies are identified in Exhibit "A" under "General Requirements," Goal #2 (Land Use Planning), Goal #6 (Air, Water and Land Resources Quality), Goal #7 (Lands Subject to Natural Hazards), Goal #9 (Economy of the State), Goal #10 (Housing), Goal #11 (Public Facilities and Services) and Goal #14 (Urbanization). Most of the deficiencies center on the need to either adopt policies or amend existing policies. To meet the regional requirements under Goal #10, an increased number of multi-family housing units will need to be allocated or a justification

presented to show why more multi-family units cannot be accommodated. Adoption of adequate "opening language" and major changes required under Goal #14 complete the list of corrections needed before compliance with the Statewide Planning Goals can be acknowledged.

LCDC's comment deadline on the Oregon City plan is June 2. Metro has notified DLCD of our anticipated late reply.

- B. ALTERNATIVES CONSIDERED: Metro staff did not find any issues which warranted serious consideration of an alternative recommendation (i.e., for denial or a continuance).
- C. CONCLUSION: Metro's recommendation for a continuance will support local planning efforts while protecting regional interests.

MB:bk
8287/118
6/26/80

OREGON CITY ACKNOWLEDGMENT REVIEWIntroduction

Oregon City is located in the northwest urban area of Clackamas County just south and southeast of the confluence of the Willamette and Clackamas Rivers. Oregon City was the seat of the first provincial government (1843-49), capital of the Oregon Territory (1849-50) and first incorporated town west of the Rocky Mountains (1844). Today the City has a good mix of residential, commercial and industrial development with many of the 1840-1850 built homes still remaining.

The Oregon City plan sets out policy and land use designations for land within the city limits only and is, therefore, a "complementary" plan.

Metro's acknowledgment review report is in two parts: 1) a draft review of the City's plan and implementing ordinances prepared in May, 1979, and 2) a final plan review focusing on issues of regional significance.

Metro's Draft Review of Oregon City's plan identified several plan deficiencies under the State Goals. A copy of this draft review is incorporated herein. It is recommended that the DLCD focus its review on the adequacy of Oregon City's final submittal regarding the subjects of draft plan deficiencies not covered in Part Two of our report.

Issues of regional significance were identified by 1) utilizing the Metro Plan Review Manual where regional issues (criteria) are italicized on the Plan Review Checklist Worksheets; and 2) an abbreviated version of Metro's December, 1979, document titled, "A Process for Defining the Regional Role in the Portland Metropolitan Area."

Metro recommends Oregon City's request for acknowledgment be continued to correct deficiencies of regional concern identified under "General Requirements," Goal #2 (Land Use Planning), Goal #6 (Air, Water and Land Resources Quality), Goal #7 (Areas Subject to Natural Hazards), Goal #9 (Economy of the State), Goal #10 (Housing), Goal #11 (Public Facilities and Services) and Goal #14 (Urbanization). Other deficiencies identified by the DLCD should be added to the continuance requirements.

Oregon City is to be commended for the quality of their plan. The plan is well organized, contains some innovative techniques and represents a remarkable effort to preserve the historic quality of the City.

General Requirements

With the exception of the requirement to include adequate "opening language" in the plan, all general requirements have been included in the comprehensive plan package submitted for acknowledgment.

Amendment to the Oregon City plan may be considered twice a year upon citizen request and at any time deemed necessary based on a continuous technical review of the plan by the planning staff. The plan and zoning ordinance does not provide for a "reopening" for amendments that consider compliance with Goals and Objectives and plans adopted by Metro.

The City has developed a population projection for its Urban Planning Area (UPA). For lands within the city limits, the plan will accommodate a population of approximately 16,800 which is consistent with Metro's "208" projections.

Conclusion: The City has not adequately satisfied the general requirements. In order to comply, the City must:

Include adequate "opening language" in the plan.

Goal #1 Citizen Participation

Oregon City established a Citizen Involvement Committee (CCI) in December, 1977. The Citizen Involvement Program (CIP) is enhanced by the participation of eight Neighborhood Associations.

An extensive Citizen Involvement Program Evaluation was conducted and adopted by the City Commission in March, 1980.

No Goal #1 violation complaints have been received by Metro regarding the City's Citizen Involvement Program.

Conclusion: The City complies with all regional requirements under Goal #1.

Goal #2 Land Use Planning

There is an inconsistent format utilized throughout the plan. Under some elements of the plan, "Goals" and "Policies" have been adopted (e.g., Housing). Within other elements there are no goals or policies, but rather a "Summary of Recommendations" and in some cases (e.g., Public Facilities), "Recommendations" are not even included. This lack of specific policies (or appropriate labeling) in the plan have been noted under the respective goals of this review.

Zoning Map and Plan Map land use designations are consistent for all residential categories. A few parcels will need to be upzoned for lands planned Limited Office. There are parcels of land along the periphery of the City zoned R-10 but undesignated on the Plan Map. The City has indicated that these R-10 parcels are designated Low Density Residential (conversation with Cathy Galbraith, Planning Director, 5-28-80), which is a consistent designation.

The City and Clackamas County have signed an "Urban Growth Management Agreement" (UGMA) with a "Dual Interest Area" (DIA) boundary consistent with Metro's recently amended Urban Growth Boundary (UGB). The County plan applies to unincorporated lands in the DIA. With the exception of County roads, Oregon City will provide public facilities and services to the DIA upon annexation. The City recognizes that Clackamas County will take a lead role in the proposed Tri-City Sewage System.

Finally, the "Overlay Districts" (Historic, Floodplain, Unstable Slopes and Park Acquisition) included in the City's Zoning Ordinance reference a "special Oregon City Zoning Map" which delineates the district's boundaries. This "special" map has not been included in the plan package submitted for acknowledgment.

Conclusion: The City does not comply with the regional requirements under Goal #2. In order to comply, the City must:

1. Adopt and/or label appropriately ultimate policy choices as required under the respective goals in this review.
2. Develop and adopt a "special Oregon City Zoning Map" which delineates the "Overlay District" boundaries.

Goal #3 Agricultural Lands

Conclusion: Not applicable.

Goal #4 Forest Lands

Metro's "Draft Review" of the City's plan indicated the City complies with all Goal #4 requirements.

Conclusion: The City complies with all regional requirements under Goal #4.

Goal #5 Open Space, Scenic and Historic Areas and Natural Resources

Four mineral and aggregate resource sites have been identified in the plan consistent with the Oregon Department of Geology and Mineral Industries (ODGMI) Study, 1978. Two sites are located outside the city limits, one is mostly mined and designated as a park site and the fourth site (i.e., Willamette Sand and Gravel at Clackamette Lake) is presently being mined. Hence, there is not a need to adopt policy or implementing measures that will protect aggregate resources for extraction purposes. The following plan policies relate to these resources:

- "1. Impacts of extractive activities on surrounding uses should be minimized by use of conditional use permit.
- "2. Problems of noise, dust, traffic and negative visual impacts should be controlled before the applicant is granted a conditional use.

- "3. Upon exhaustion of the resource, the land-owner should be responsible for restoration of the site.
- "4. Plans for re-use of the site should be submitted with the conditional use application, and must be consistent with Comprehensive Plan land use policies."

(Comprehensive Plan, p. F-14-16)

The above policies provide adequate protection to the impacts of the extraction activity and ensure proper site re-use. Extraction activities, including sand and gravel quarries and surface mining, are permitted as a conditional use within those zones respective to the identified aggregate resource sites.

"The Urban Outdoors" study by CRAG, 1971, identified two regional bikeway/trail routes passing through Oregon City. The City's plan does not include a bikeway plan. The "Clackamas County Comprehensive Plan," October, 1979, (Map V-4) does contain a bikeway plan for Oregon City consistent with "The Urban Outdoors." Since the County has jurisdiction over Leland Road and the State has jurisdiction over Main Street, both of which are designated for bikeway development, acknowledgment of the County's plan is adequate to meet Oregon City's requirement to provide bikeways consistent with 'The Urban Outdoors.'

Conclusion: The City complies with the regional requirements under Goal #5.

Goal #6 Air, Water and Land Resources Quality

The Oregon City plan includes a good discussion on air pollution. Publishers Paper Co and Rossman's Landfill (locate just outside the City) are the area's major direct air pollution sources. While the overall inventory and analysis is good, it does not reflect the more recent findings contained within the "State Implementation Plan" (SIP), Metro, 1979. This latter deficiency should be dealt with as a plan update item.

The plan contains a "Summary of Recommendations" which address the need for coordination with regional, State and federal agencies on controlling air and water pollution (CP, p. F-26, item #1), but lacks specific policy to this effect (i.e., Metro sample language).

Oregon City's plan contains a discussion on the water quality of the Willamette and Clackamas Rivers and the Newell and Abernethy Creeks. A U.S. Geological Survey study on the effects of urban storm runoff is slated for completion in 1980. This study should provide a better definition of the water quality problems in the area and lend direction to possible ameliorative actions. As noted above, the plan contains a "Summary of Recommendations," one of which speaks to

the need to coordinate with affected agencies on air and water quality. This, however, is not adequate to meet Metro's requirement of cities to recognize and assume their responsibilities with regard to Metro's "Waste Treatment Management Component" and "208."

Metro's role in solid waste management is recognized in the plan. It also discusses the Rossman's Landfill site (outside city limits) and proposed resource recovery plan at Publishers Paper Co. The plan contains no policies on solid waste which indicates that Oregon City supports the Metro "Procedures for Siting Sanitary Landfill," and will participate in these procedures as appropriate.

Conclusion: The City does not comply with the regional requirements under Goal #6. In order to comply, the City must:

Adopt policy (i.e., Metro sample language) which recognizes the City's responsibilities in the areas of air and water quality and solid waste management and commits the City to cooperate with Metro on these matters.

Goal #7 Areas Subject to Natural Hazards

All known natural hazards, except wetlands/high groundwater, have been identified and discussed in the plan. Maps which locate areas of potential landslides, weak foundation soils and erosion are noted as being on file at City Hall. The Floodplain and Seismic Condition Maps are included in the plan.

The following "recommendations" have been included which are pertinent to hazards:

- "10. Avoid developments in known areas of natural disasters and hazards without appropriate safeguards.
- "11. Require special development standards for construction of buildings and roadways in areas evidencing weak foundation soils, in order to eliminate future damages.
- "12. Require maintenance of existing vegetation or revegetation for excavation and road slopes, for those areas designated as landslide-prone or having moderate to severe erosion potential.
- "13. Enact a flood plain ordinance as required by federal regulation.
- "14. Investigate commissioning a geological survey of the City in the near future.
- "15. Investigate the adoption of an earthquake building code at a future date."

(Comprehensive Plan, p. G-26)

Implementation measures for protection from natural hazards are incorporated within the Subdivision and Zoning Ordinances. Section 9-10-5,C, of the Subdivision Ordinance requires all major partition and subdivision applicants to submit a "Development Impact Statement (DIS)." This written statement must address a number of conditions which may affect development to include: geologic conditions, vegetation, atmospheric conditions, school capacity, the economic situation, transportation system capacity and land use.

The Zoning Ordinance, Sections 11-3-18 and 11-3-19, includes a Flood Plain and Unstable Slopes overlay districts, respectively. All building permits and subdivisions are subject to approval according to flood plain district standards. An "Engineering Geology" or "Soils Engineering" report is required for all development in the Unstable Slopes District.

The above mentioned overlay districts are adequate to implement policy regarding stream flooding and steep slopes. The requirement of an overall DIS, which requires a geologic condition survey and analysis for proposed subdivisions and major partitions is sufficient to provide protection from hazards other than flooding and steep slopes. The exception to the above, however, is that minor partitions and development on lots of record are not protected from potential hazards through the DIS process.

Finally, Metro finds that the application of the DIS requirement for lands not subject to natural hazards runs counter to the intent of Goal #7 (i.e., to identify hazard areas and apply appropriate safeguards), adds unnecessarily to the costs of development and is, therefore, inappropriate.

Conclusion: The City does not comply with the regional requirements under Goal #7. In order to comply, the City must:

1. Inventory lands subject to hazards from high groundwater (Wetlands) or include a disclaimer statement if these hazards do not exist within the City.
2. Adopt mandatory policies for development in known hazard areas.
3. Amend Zoning Ordinance, Section 9-10-5, 6-2, which requires a "Development Impact Statement" calling for the assessment of Hydrologic and Geologic considerations, to be applied only to those lands identified as subject to natural hazards.
4. Adopt implementing measures (e.g., Chapter 70 of the UBC) which will provide adequate protection from natural hazards for minor partitions and development on lots of record.

Goal #8 Recreation

Oregon City has an extensive park system. Existing facilities have been inventoried and new park sites proposed. Clackamette Park is identified as a regional facility consisting of 21.8 acres, located at the confluence of the Clackamas and Willamette Rivers.

The City has not adopted a bikeway plan. Consistency with the "Urban Outdoors" is discussed under Goal #5 of this review and found to be adequate.

Again, the plan contains a number of "Recommendations" regarding future courses of action, yet does not contain policy statements (i.e., "ultimate policy choices"). Since Clackamette Park is under public ownership and developed as a park, Metro finds that the regional interests are protected without adopted recreation policies.

Future park sites are protected, on an interim basis prior to acquisition, through a "Park Acquisition Overlay Zone."

Conclusion: The City complies with all regional requirements under Goal #8.

Goal #9 Economy of the State

The City's commercially and industrially developed lands total 203 acres. The plan designates 317 acres for commercial development and 312 acres for industrial development for a total 629 acres planned for economic development.

Land needs are based on employment needs and commercial ratio standards (i.e., acres/people). In the "Summary of Recommendations and Demand Factor Strategies for Economic Development," the need to consider air quality constraints for new industrial development is recognized.

"(3) Industrial and commercial operations shall meet local, regional, State and Federal water and air quality standards, where these can be shown to be economically feasible. This places limitations on the types of new industry that can locate in the City and some limitations on pollution emittance by existing firms." (CP, p. D-19), emphasis added.

The above statement, however, should be mandatory even if it cannot be "shown to be economically feasible." Requirements to meet State and federal standards are not conditioned by economic feasibility.

The economic element is implemented mainly through the Zoning Ordinance.

Conclusion: The City does not comply with the regional requirements under Goal #9. In order to comply, the City must:

Amend policy (i.e., recommendation #3) to be mandatory and delete: "where these can be shown to be economically feasible."

Goal #10 Housing

The Oregon City plan presents a good local housing needs analysis indicating a need for more housing for households earning incomes less than \$5,000 and over \$25,000 per year. An assessment of the City's role in meeting regional housing needs was not included.

However, Oregon City's regional housing needs are defined, as per the Metro "UGB Findings," (i.e., guidelines for single family/multi-family split and housing densities), a portion of the December 10, 1979, LCDC report on acknowledging Metro's UGB (pp. 12-14), and the year 2000 population projections (i.e., Metro "208" population projections). Therefore, the City's housing needs have been adequately defined to address regional concerns.

The City shows an anticipated year 2000 population of 23,000 - 34,000 within Oregon City's Urban Planning Area (UPA) and a city limits plan holding capacity of about 16,800 population.

Oregon City is a participant in the Areawide Housing Opportunity Plan (AHOP).

The buildable lands inventory (p. C-11) identifies total buildable acres but does not indicate the total acres within each constraint category (e.g., steep slopes, floodplain, etc). The buildable acres have been allocated within six residential zones. Four zones (R-10, R-8, R-6 and MCR) allow outright single family housing on minimum lot sizes ranging from 10,000 - 4,000 square feet per unit. The RD-4 and RA-2 allow outright multi-family development (R4-4 is limited to duplexes and single family housing). Mobile homes are allowed as a conditional use, under clear and objective standards, in the RA-2 and commercial districts at a density not to exceed eight units per gross acre or about six units per net acre (UNA).

The MCR District allows as a conditional use, duplexes on 8,000 square foot lots and the opportunity to convert existing units to multiplexes for occupancy by senior citizens only, at a minimum of 400 square feet of usable floor space per unit.

While it is highly questionable whether or not mobile homes (at 6 UNA) can effectively compete for land with multi-family housing (at about 19 UNA) or commercial developments, Metro finds that the opportunities for moderating the cost of housing (which includes participation in the AHOP, high density single family lots and the opportunity to convert existing single family units to multi-family) are adequate to meet Goal #10 without the provision for mobile

homes. However, the City has adopted the following policy regarding mobile homes and is, therefore, required under Goal #2 to provide adequate implementing measures to carry out this policy.

"9. The City shall continue to provide for mobile homes by adopting a mobile home ordinance allowing mobile homes in designated areas." (p. C-18)

The provision for mobile homes in the City's Zoning Ordinance (i.e., allowed in the RA-2 and commercial districts) is not adequate to implement the above policy.

Single Family/Multi-Family Ratio

	<u>Existing Units</u>	<u>Planned New Construction</u>	<u>Build-Out</u>
SF	3,683* (71%)	740 (56%)	4,423 (68%)
MF	1,496 (29%)	591** (44%)	2,087 (32%)
<u>Total</u>	<u>5,179 (100%)</u>	<u>1,331 (100%)</u>	<u>6,510 (100%)</u>

*includes 226 mobile homes

**includes a revision to the plan text (p. C-11): The MCR District will accommodate a total of 48 multi-family units (conversation with Cathy Galbraith, Planning Director, 6/5/80).

(Source: Comprehensive Plan, pp. C-8 and C-11)

As indicated above, Oregon City's plan will not meet the regional expectations (as established in the Metro "UGB Findings") of a 50/50 single family/multi-family (SF/MF) new construction ratio.

The City's plan for new construction will result in single family densities at 5.40 UNA, multi-family at 14.41 UNA and an overall density of 7.48 UNA. These densities are well in excess of the guidelines as set out in the "UGB Findings."

Due to the lack of adequate sewage treatment facilities, DEQ is not allowing any further sewer hook-ups and, therefore, a moratorium on all new residential development exists.

Overall, the housing policies (p. C-17-18) appear adequate; however, Policy #1 is inconsistent with present policy:

"The City shall duly consider cooperating with the Clackamas County Housing Authority and the Metropolitan Service District in carrying out the MSD Areawide Housing Opportunity Plan."

Since Oregon City is already a participant in the AHOP, the "duly consider" language in Policy #1 above is inappropriate and should be revised in the first update of the plan.

As discussed under Goal #7 of this review, Oregon City requires major partition and subdivision applicants to submit a "Development

Impact Statement" (DIS). The intent of the DIS is to assess the impact of proposed developments on schools, the transportation system, economic base, vegetation and animal life, the geology and hydrology conditions of the area and other land uses. On its face, one would assume that the above factors were considered in detail at the time the comprehensive plan (i.e., land use plan map) was developed. Therefore, another assessment of these same factors at the time of development not only appears inappropriate, but adds unnecessarily to the cost of housing.

Clackamas County has adopted a similar requirement but varies by requiring a "Preliminary Environment Assessment Statement" upon which the need for a more detailed "Impact Statement" is determined. If a "Preliminary Environment Assessment" approach is adopted by Oregon City, the costs of this requirement to the development of housing could be substantially reduced.

Finally, Section 11-3-5, McLoughlin Conditional Residential District (RC-4) and Section 11-9-5 Design Review-Building Structures of the Zoning Ordinance lack clear and objective criteria for approval of requests for development.

For development within the RC-4 district,

"Applicants must prove in addition to the requirements of Chapter 11-6 (Conditional Use) that the change will mitigate to the greatest extent possible adverse effects to the existing environment. The factors to be considered by the Planning Commission in making this determination shall include: traffic, topograph, building scale, materials, other characteristics similar to nearby dwellings, and other issues raised in public testimony." Emphasis added.

All development in the RA-2, Multi-family Dwelling District must be approved subject to Section 11-9, Design Review, which contains the following vague and discretionary standards:

"Building structures shall be consistent with the surrounding area and shall be aesthetically pleasing. All exterior surfaces of structures shall present a finished appearance. This review of structure shall be determined by the advisory opinions of appropriate experts designated by the City from the design fields of architecture, landscaping and urban planning." (11-9-5, Building Structures), emphasis added.

Conclusion: The City does not comply with the regional requirements under Goal #10. In order to comply, the City must:

1. Develop a more detailed buildable lands inventory which identifies the total constrained acres per hazard category (e.g., total acres constrained due to steep slopes).

2. Amend the plan to provide for a minimum 50/50 single family/multi-family new construction housing mix or justify why this mix cannot be obtained (e.g., pre-commitment to single family, or low density multi-family development as justified by small lot sizes) and/or how this mix can be met through redevelopment (e.g., single family unit conversion to multi-family units in the MCR District).
3. Amend the Zoning Ordinance to provide adequately for mobile homes (e.g., allow for mobile homes in single family zones) or delete the mobile home policy and ordinance provision.
4. Eliminate the requirement for a DIS or amend the DIS requirement in such a manner as to ensure it will not substantially add to the cost of housing.
5. Amend Sections 11-3-5 (RC-4 District) and 11-9-5 (Building Structures) of the Oregon City Zoning Ordinance so as to establish clear and objective approval standards.

Goal #11 Public Facilities and Services

The plan includes an adequate description of sewer, water and storm drainage system capacities and needs. Sewer and storm drainage problems are addressed in "The Sewerage Facilities Plan," Volume One for the Tri-City Area, December, 1972. This plan calls for a Tri-City (Oregon City, West Linn and Gladstone) sewerage treatment system. DEQ has ordered a moratorium on all new development in Oregon City due to insufficient treatment capacity. In addition to implementing the Tri-City plan, storm drainage is addressed in the Subdivision Ordinance through the requirement to complete a "Development Impact Statement" (Section 9-10-5). Implementation of the "Water System Study," 1966, for Oregon City and South Fork Water Board's Water Supply Study," 1974, (neither of which has been submitted with the comprehensive plan package) are stated to be adequate to meet future water supply needs.

Solid waste disposal problems of the region are discussed with specific reference to the Oregon City Rossman's Landfill site and the proposed resource recovery plant involving Metro and Publishers Paper Co. The proposed resource recovery plant site is located east of I-205 and zoned Heavy Industrial District (M-2). "Plants or facilities engaged in resource recovery as defined in Section 8-4-2 (G)" (City Code Chapter 4) are permitted as a conditional use in the M-2 zone. As stated under Goal #10, the conditional use standards are clear and objective.

The plan lacks policies on the provision of public facilities and services.

Conclusion: The City does not comply with the regional requirements under Goal #11. In order to comply, the City must:

Adopt policy on the provision of sewer, water, storm drainage and solid waste, adequate to meet Metro's "208" and solid waste coordination language requirements (re: "Sample Language" Metro Plan Review Manual, Section III-D).

Goal #12 Transportation

The City has completed almost all the required inventories and identified needed transportation improvements through an analysis of transportation needs and issues. The proposed Oregon City Bypass will have a significant positive impact on traffic congestion problems in the Oregon City area. A number of goals and objectives are included in the plan which address all modes of transportation. As noted under Goals #5 and #8, the City has not developed a bikeway plan. However, Clackamas County has designated bikeway routes within the City consistent with regional plans.

Conclusion: The City complies with the regional requirements under Goal #12.

Goal #13 Energy Conservation

The plan contains a good inventory of existing energy use and potential new energy sources. Conservation methods considered center on Land Use, Transportation and Structures. Energy policies for structures are established through guidelines, with specific policies on energy conservation contained within other elements of the plan (e.g., transportation).

Conclusion: The City complies with the regional requirements under Goal #13.

Goal #14 Urbanization

Portions of Oregon City's eastern city limits are coterminous with the Metro UGB and, therefore, Oregon City must recognize and be consistent with the regional UGB (i.e., located on the Plan Map). A "proposed" UGB is located on Figure 1, p. G-4, but is inconsistent with the newly amended Metro UGB for this area. The City has recognized the need to work through the Metro UGB amendment process on matters affecting the Boundary in the "Urban Growth Management Agreement" with the County.

Nearly all unincorporated lands in the Oregon City/Clackamas County "Dual Interest Area" (DIA) are designated "Future Urbanizable" by the County and the City concurs with this designation. Upon annexation to the City (Zoning Ordinance, Section 11-2-5), lands automatically become zoned "R-10" or if another specific designation is requested and accepted by the City Commission, this latter designation is applied to the subject parcel. As an initial point of clarification, an automatic R-10 zone change is illegal without a

quasi-judicial hearing. The assumed intent of this section of the Zoning Ordinance is to hold the annexation hearing and zone change hearing simultaneously. However, the City Commission can only make a recommendation to the Portland Metropolitan Area Local Government Boundary Commission on all annexation requests. A simultaneous hearing, therefore, is illegal as the subject parcel would still be under the jurisdiction of the County at the time of the City Commission hearing on an annexation request.

Any change of zone from a County zone designation must be consistent with the County's plan land use designation or otherwise, all Statewide Planning Goals must be applied to the subject zone change request.

Since the majority of lands outside the City are designated "future urban" on the County's plan and an "immediate urban" designation would be applied to lands upon annexation to the City, the four conversion factors of Goal #14 must be addressed.

The Boundary Commission staff (Denise Won, personal conversation, 5-28-80) has indicated that the Commission does make findings of fact which address the four conversion factors at the time of the annexation hearing. Therefore, since the Boundary Commission has the responsibility to address the conversion factors of Goal #14 at the time annexation, and the City is submitting a "complementary" plan and all land within the City is considered ready for urban development, except for current limitations of a sewer, policies for the conversion of urbanizable lands to urban are not required in the Oregon City plan.

The situation in Oregon City, however, is complicated because a sewer moratorium exists in the City and septic tanks are permitted on an interim basis until sewers are available. To ensure an "Orderly, economic provision of public facilities and services" (Goal #14, conversion factor #1), the Boundary Commission would only allow annexation to the City and the subject land to be served by septic tanks if the City has adequate protection in their plan and implementing measures to ensure that interim development on septic tanks will not preclude development at ultimate planned densities when sewers are available. While the plan text references the City's intent to provide such safeguards for future development (see quote below) plan policy and implementing measures are not adequate.

"...the City would allow urbanization upon annexation and provide the other urban services, except sewers, as long as conditions are placed upon development which facilitate the future provision of sewers and desired land uses (i.e., higher densities). Initial development, in most cases, would not be as dense as that permitted with full services. This development by annexation would insure contiguous rather than "leap frog" development and assure the provision of all urban services for urban areas." (p. G-2)

Finally, before Clackamas County's plan can be implemented for unincorporated lands around Oregon City, upzoning from the present "Future Urban," 10 acre minimum lot size designation to urban level densities will have to take place. Since this upzoning will take place only after annexation to Oregon City, the City's zone change approval standards must be clear and objective. The City's approval standards which follow, are vague and discretionary and therefore must be amended.

GENERAL

"Whenever public necessity and the general welfare require, the Commission may on its own motion or by petition or on recommendation of the Planning Commission, or Board of Adjustment, after public notice and public hearing, amend, supplement, or change the regulations or the districts of this Title or the Comprehensive Plan herein established." (Zoning Ordinance, Section 11-12-1), emphasis added.

AMENDMENT BY THE COMMISSION

"If the Planning Commission approves such request or petition for an amendment, supplement or change, it shall automatically forward its findings and recommendations to the Commission for action thereon by that body. In granting a change in zoning classification of any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest, in the nature of, but not limited to those listed in 11-6-1. (Conditional Use)...." (Zoning Ordinance, Section 11-12-4), emphasis added.

Conclusion: The City does not comply with the regional requirements under Goal #14. In order to comply, the City must:

1. Reference the regional UGB on Oregon City's Plan Map.
2. Delete or amend Figure 1, p. 6-4 to be consistent with Metro's UGB.
3. Amend Section 11-2-5 to clarify the City's role in annexation requests and the need for a quasi-judicial hearing on all zone change requests.
4. Adopt policies and implementing measures adequate to ensure that interim development on septic tanks will not preclude development at ultimate planned densities when sewers are available or delete the provision whereby septic tanks are permitted.
5. Adopt clear and objective approval standards for zone changes involving newly annexed lands.

Goal #15 Willamette River Greenway

There are no issues of regional significance identified under Goal #15.

Conclusion: The City complies with all regional requirements under Goal #15.

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