



Frequently Asked Questions

www.southendconceptplan.org

1. **Why are we planning for future development in South End?**

Planning for future development within the Urban Growth Boundary (UGB) is an Oregon value and regional requirement. Since 1973, Oregon has maintained a strong statewide program for land use planning to protect farm/forest land and help create livable communities. The foundation of that program is a set of 19 Statewide Planning Goals. The statewide goals are achieved through local city and county comprehensive planning. State law requires each city and county to adopt a comprehensive plan and the zoning and land-division ordinances needed to put the plan into effect.

Additionally, local comprehensive plans must be consistent with the Statewide Planning Goals. Plans are reviewed for such consistency by the state’s Land Conservation and Development Commission (LCDC). When LCDC officially approves a local government’s plan, the plan is said to be *acknowledged*. It then becomes the controlling document for land use in the area covered by that plan. Plans may be re-examined at any time.

Title 11 of the [Metro Urban Growth Management Functional Plan](#) helps implement statewide land use Goal 14, Urbanization. Title 11 requires long-range planning to ensure that areas brought into the UGB are urbanized efficiently and become or contribute to mixed-use, walkable, transit-friendly communities. This long-range plan, known as a “Concept Plan” guides future development and helps ensure efficient services are provided when development occurs.

In the case of the South End of Oregon City, Metro reviewed ninety-four (94) study areas throughout the region with the 2002 UGB expansion of approximately 18,600 acres. Three areas surrounding Oregon City were included in that expansion – Beavercreek, Park Place and South End. A Concept Plan is legally required for these areas (24, 25 and 26 and part of area 32 (South End), but not required or prepared for the original 1980 UGB area near South End Road. However, the city chose to include this area in the planning process to ensure adequate planning was in place before development occurs.

The South End Concept Plan process is managed by the city planning division, with guidance from interested citizens, affected Neighborhood Associations and community organizations, and agencies like Metro, Clackamas County, the Oregon Department of Transportation and others.

2. **Who is driving the development process?**

The actual process of development is driven by willing property owners and sellers. Once the Concept Plan is adopted, the development process can begin. This process includes multiple elements: an application for annexation, annexation vote by the voters of Oregon City, application of an Oregon City zoning designation and the development review process (land division and site planning). Each element is a separate process subject to review and approval with the opportunity for public comment through at the Planning Commission and City Commission.

The timing and location of improvements required through the development process is difficult to predict since it depends on individual private owners interest in annexing and developing their property. The Concept Plan serves as a guide for these improvements if and when they occur. The following illustration shows how these processes relate to one another.

South End Planning and Development Process

South End Concept Plan



Concept planning is required by Oregon City's Comprehensive Plan. The Concept Plan will guide future development to ensure the orderly and efficient conversion of land from rural to more urban uses.

City Initiates

Annexations

Each annexation is initiated by the property owner(s).

Each annexation requires approval by a majority of Oregon City voters.

Zoning

Zoning is assigned once **each** property is annexed.

Development Review (1-2 years)

An application for **each** development (e.g. subdivision, site plan etc.) is submitted to the Planning Division, publicly noticed, reviewed for compliance with city standards.

Development is approved, denied, or approved with conditions.

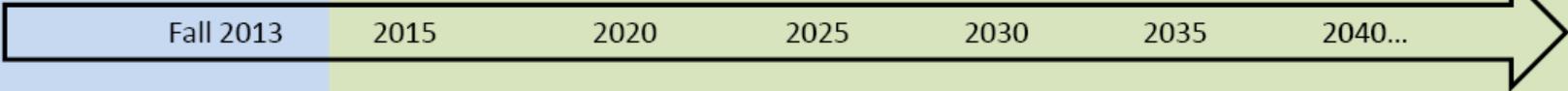
Allows for appeal.

Building Construction

Applications may be submitted for building permits.

Building permits are good for 180 days once issued.

Owner Initiates - The above process repeats for each new property



Timing of annexation and development varies based on owner desires and market conditions

3. *Why was this area brought into the Urban Growth Boundary?*

For details on how Metro determines how and when to expand the Urban Growth Boundary (UGB), please see Metro's web site at www.oregonmetro.gov. Click <http://www.oregonmetro.gov/index.cfm/go/by.web/id=280>. In the case of South End Oregon City, Metro reviewed ninety-four (94) study areas throughout the region with the 2002 UGB expansion of approximately 18,600 acres. Three areas surrounding Oregon City were included in that expansion – Beaver Creek, Park Place and South End. A Concept Plan is legally required for these areas (24, 25 and 26 and part of area 32 (South End), but not required or prepared for the original 1980 UGB area near South End Road. However, the city chose to include this area in the planning process to ensure adequate planning was in place before development occurs.

4. *Will the area develop as shown on the Concept Plan map?*

The Concept Plan is a conceptual roadmap for the future urbanization of the South End area. It functions as part of the Oregon City Comprehensive Plan, which is the governing land use document for Oregon City. When complete, the Concept Plan will include recommended comprehensive plan designations (e.g. Residential, Commercial, Public, Institutional, etc.) for the South End area. Following annexation, specific zoning districts will be applied for each comprehensive plan designation to regulate the allowable land uses and buildings. Future annexation and development applications will be reviewed against these designations for consistency.

The timing and location of development and subsequent improvements will be determined by property owners through the development process. The Concept Plan does provide a general framework for which areas may develop or not develop, and the locations of open space, trails, parks and streets.

5. *How much development needs to be planned for or accommodated in the South End Concept Plan?*

Oregon City is required to comply with federal, state and regional – Metro - standards when determining the density of future development in concept plan areas. The density of residential land must comply with Metro's minimum average requirement of 10 dwelling units per net residential acre for the 2002 UGB expansion area. The number of net residential acres is calculated by subtracting land that is considered non-developable (publicly-owned, easements, environmentally constrained or designated for schools, parks or future roads) from the total study area. The required number of housing units does not have to be distributed evenly over the study area. This requirement does not apply to those lands brought into the UGB in the 1980s.

6. *What is the process for annexation and who votes on annexation approval?*

Annexation usually occurs over a long period of time by a series of incremental annexations initiated by property owners and approved by voters of Oregon City. Annexation types are listed below:

- A. The most common method is a double majority annexation. In a double majority annexation, the applicant obtains consent from the owners of more than half the land area being annexed and from more than half the registered voters in the City. If not enough property owners choose to sign the petition or not enough voters approve the annexation, the land will not be approved for annexation into the City limits.
- B. The City Commission may initiate annexation but it would also have to be approved by the owners of more than half the land area being annexed and from more than half the registered voters in the City.

- C. An island annexation permits the City to initiate annexation as long as it is entirely surrounded by a city, since providing county services to areas that are entirely surrounded by the city is inefficient. This is still subject to voter approval.

The process of annexation begins when an applicant submits an application to the City with a list of property owner signatures. The application is then heard by the Planning Commission and City Commission through a series of public hearings. Each public hearing includes a notification process including posting signs on the property, publishing in the paper and mailing notices to nearby property owners and applicable agencies. After the public hearings, the City Commission decides if the proposed annexation should be forwarded to the voters of the City. The proposal must be approved by more than half the voters for successful annexation. Before a property is annexed, the applicant must demonstrate that urban services can be accommodated and the area is compatible with the Oregon City Comprehensive Plan. Annexation law is complex and you may want to check with an attorney if you have specific questions.

7. *Why don't people in this area get to vote on annexation?*

The Oregon City charter does not include a provision for County residents to vote on annexation. The state already has double and triple majority rules governing annexation (see earlier under Question 6). Oregon City voters pay for city-wide services through their property taxes. When new property is annexed to the city, the City provides new urban services to the annexed property, which is paid for through property taxes shared by city residents. Oregon City voters instituted a charter provision to assure that Oregon City voters would have the final say on approval of annexation by the City Commission.

8. *How will this plan impact my property values and taxes?*

For detailed questions regarding property values and taxes, please contact the [Clackamas Assessor's Office](#). They have an excellent website with links and FAQ's. You can also email your questions to PropertyTaxInfo@co.clackamas.or.us or call the office at 503-655-8671.

Generally speaking, adoption of the Concept Plan by itself will not affect property taxes. Future annexation and development of property will affect assessed property values and associated taxes. Oregon City tax rates will be applied when properties are annexed into the City. Annexed properties receive a more complete set of urban services (sewer, water, sidewalks and streets) and improved police protection. That difference in service level is the reason for the variation in County versus City tax rates.

For South End properties on farm or forest deferral, even if annexed, the property value for tax purposes does not change until the zoning and land use both change with the use conforming to the zoning. This means if a property stays in farming with a farm deferral even if it is within the City, the same farm-deferral rates apply.

Most tree farm properties and properties with existing Farm/Forest tax deferral status in the South End area will not see any change to their assessed, taxable value until the property is platted for development or the use changes to conform to the zoning. Owners in this situation should talk to Tony Hunter at Clackamas County (503-655-8671, Ext. 7671) to understand the implications for their property.

9. *How will new infrastructure be paid for/who will pay?*

New infrastructure is paid for in a variety of ways:

Developer Improvements: Exactions, Dedications and Conditions of Approval. In general, the developer is responsible for paying the costs of or actually constructing public infrastructure improvements necessary to serve the property at the time of development. These requirements include assessments, exactions, dedications, charges, fees and any other conditions of development approval imposed by Oregon City on development. This includes private on-site

improvements, public improvements directly abutting the property) sidewalks, sewer, water, storm water, curbs, gutters, street trees, road widening, etc. to city standards. When the properties are sold to new owners following redevelopment, the developer usually passes along the cost of the development in the price of the home. Also, the abutting property owner becomes liable and responsible for the maintenance of certain public improvements abutting their land, including sidewalks, street trees, etc.

System Development Charges. In addition to the methods above, Oregon City assesses system development charges (SDC) on development to pay for new connections or increased size connections on the city's sewer, water, stormwater drainage, parks and transportation systems. SDCs are intended to pay for the cost of constructing or providing capacity in these city systems sufficient to accommodate new development. SDCs are imposed in addition to any assessments, exactions, dedications, charges, fees and any other conditions of development approval. SDCs are assessed at the time of building permit application and are due and payable when a building permit is issued.

Capital Improvement Projects. The Oregon City Public Works Department has a Capital Improvement Program (CIP) and Plan that provides direction for the planning, design, and construction management of water, sanitary sewer, stormwater, and transportation projects. These projects are funded by the various City operations funds, SDC funds, and grants and other funds from federal and state governments. The public works Capital Improvement team follows the various CIPs found in the Water Master Plan, the Sanitary Sewer Master Plan, the Drainage Master Plan, and the Transportation System Plan.

When a concept plan is adopted, the SDC schedule and applicable street, sewer, water and stormwater standards and fees will be revised to reflect the cost estimate in the concept plan. This is intended to help ensure the cost of more urban development is adequately reflected and recovered through the various programs and not left to be born by area residents alone.

Other Financing Methods

The South End Oregon City Concept Plan team will also look at other innovative public financing strategies to finance schools, streets, water, sewer and storm drainage improvements. As a part of the Concept Plan, the potential impact of development will be analyzed to estimate the capital improvements necessary to support quality future development.

- 10. *What about future roads in South End?*** South End Road is expected to remain the primary transportation route in the study area. It will likely need to be improved to provide capacity and safety associated with future growth. A connector route, and a good local network, would provide the community with options to get around in different ways and reduce reliance on South End Road.

The current Citywide Transportation System Plan (TSP) draft update envisions a collector road know as the Deer Lane / Parrish Road extension to prevent congestion and reduce overuse of local streets. The extension of Parrish Road also will provide east-west travel options via Central Point Road. This new collector-capacity road in the area would ensure travel options for cars, buses, bikes, pedestrians and delivery trucks. The primary intent of such a connection is convenience; the ability to access everyday needs within a distance that can reduce the length of car trips for shopping, business, medical services and recreation. It would provide a convenient connection between residents in South End and existing and future services located in the Hilltop, Berry Hill and Downtown areas. The connection would also serve land uses on either side of South End Road and those located on the new collector.

It is fortunate that the timing of the current update of the TSP coincides with the Concept Plan process for South End. The additional transportation analysis that occurs as part of the Concept Plan process will help determine cost and benefit of upgrading the existing transportation system to meet the

transportation needs of the eventual “buildout” (i.e. complete redevelopment) of residential and appropriately scaled commercial development in South End.

11. Will the Concept Plan include a new road from South End down the bluffs to Highway 99?

The Canemah Bluff area and potential connection to 99E is outside of the scope of this study. There are no current City plans or budget for a road in this area. It is not listed as future project in the Transportation System Plan update currently underway. There are a number of reasons why a new road connecting South End to Highway 99 through Canemah Bluffs will not be studied as part of the Concept Plan.

Jurisdiction. The bluffs are outside Oregon City’s urban growth boundary (UGB) and therefore outside of the South End Concept Plan study area. Budgets for the Concept Plan and Transportation System Plan (TSP) update do not provide funds to study a road connection that is not within Oregon City’s jurisdiction. Such a study would, if pursued in the future, require thorough scoping and support with joint input from a variety of governmental agencies, including Clackamas County, the Oregon Department of Transportation, Metro and others.

Environment. The Canemah Bluffs area is owned by Metro and contains valuable environmental habitat. The area in question is also a Metro priority acquisition area for regional habitat protection, who while supportive of the concept planning effort has expressed concern about the potential impact of roads, trails and other development both within and outside of the UGB on the long term ecology of the area. Today, this ecology represents an important and unfragmented habitat area supporting a variety of plant and animal habitat important to the city, county and larger region. New roads in this area, if constructed, would require significant environmental mitigation to overcome the impacts of fragmentation.

Geology/Engineering. The area in question is a known active landslide area, with slopes in excess of 25%. It is generally considered inadvisable to construct roads, especially large roads, in such areas, since the construction of new roads in such areas typically requires large amounts of excavation (cuts and fills), which in turn require significant engineering to assure they are stable.

Cost. Due to the geologic/engineering challenges listed above, such a road would be very expensive to build. City leaders believe that such funds would be better used to make improvements to South End Road and other community improvements.

This Concept Plan process will determine whether an improved/expanded South End Road will be able to accommodate future traffic/transportation needs without having to building an entirely new road. It will likely make more sense from jurisdictional, fiscal, engineering and environmental standpoints to upgrade the existing transportation network, rather than construct an entirely new road within a geologic hazard area and environmentally sensitive habitat, outside a UGB.

12. How about jobs in South End?

Metro’s Urban Growth Boundary (UGB) was expanded in 2002 primarily to serve residential land use needs according to Metro’s Functional Management Plan urbanization chapter, Title 11, rather than to meet employment land needs according to Metro’s Title 4 for industrial lands. The Urban Growth Functional Management Plan does not envision the South End area as a primary employment or industrial area. Beaver Creek Road and Hwy 213 are the main areas designated for future employment and industrial development due to their proximity to these existing arterial roads.

Existing commercial activities which are legally established will be permitted to continue, as will existing farm and forest uses. Per Oregon City code, farms, commercial or truck gardening and horticultural nurseries are permitted on lots larger than twenty thousand square feet in single family residential zones. Home businesses (“home occupations”) are already a permitted land use in all

residential zones in Oregon City. Live-work type dwelling units also may provide local employment opportunities.

Certain secondary types of employment would likely be generated by development in the area in the short and long term, including construction and retail employment. Additionally, the area may benefit from appropriately scaled shopping areas such as neighborhood corner stores, cafes, bars and restaurants that fit in with area neighborhoods. Such land uses would provide additional employment opportunities.

13. *Are commercial developments or multifamily housing projects a requirement of the Concept Plan? What if the community doesn't want any?*

Metro is not requiring a commercial center, although the Oregon City community may want the amenities and services they provide, if appropriately located and scaled. Statewide Land Use Goal 10, Housing, requires diversity among housing types to accommodate all members of the community. Metro Title 11 requires that the Concept Plan provide zoning designations sufficient to assure a diversity of housing types are available.

14. *Will we have to pay to put in sidewalks?*

Following annexation, if an owner decides to develop their property, Oregon City requires developers to upgrade streets and sidewalks to city standards through the application of conditions of approval. This does not occur if an owner is making a small addition to an existing house or putting up a new accessory structure, only to land use actions that create new lots (division of land), or new commercial structures.

15. *How will property rights be respected as part of this process?*

- A. Extensive notice will continue to be provided throughout the process.
- B. Oregon City is responsible for developing a plan to guide future development. However, Oregon City generally will not initiate annexation, rather letting it be initiated by property owners.
- C. There is a legal process for the City to “take” property for public purposes, though it is a policy of the City to avoid doing so. If the property is taken for public purposes, property rights are constitutionally protected. Governing rules and regulations require the fair market value be determined and paid to the property owner. Exact property value is determined by rigorous state regulations.

16. *What about loss of lifestyle? [farm, horses, ATVs]*

The Concept Plan is a general guidance document for future development within the UGB. It is Oregon City's fervent hope that the Plan actually improves people's lifestyles over time. Nothing in the Concept Plan should affect the lifestyle of current residents. Nothing in the plan will force a property owner to annex, develop, or change the activities that they enjoy doing. If a property owner decides to initiate annexation into the city, any lawfully established farm and forest uses may continue indefinitely until the owner decides to discontinue the use. Activities like riding ATV's on personal property is not something that is regulated by land use laws unless it is a commercial activity taking place on a residential property, which would typically be prohibited unless it is a lawfully established and continuing use.

17. *Are the private open spaces going to become open to the public?*

Oregon City has no plans or intention to assume public ownership of privately owned and maintained open spaces within the study area. Any future discussion of such an activity would need to be done through mutual agreement of the City and the applicable Homeowners Association. It would need to take into account the City's existing maintenance obligations. The potential for a connected trail system throughout the study area would benefit from public access in certain locations that are currently private, but the concept plan cannot force such action, only provide recommendations.

18. Will we be required to hook up to sewer? If so, what will it cost?

Concept Plans do not require anyone to connect to sewer. The South End Concept Plan will not be able to provide this level of specificity. However, sewer hookups would be required under the following circumstances:

- If the property is developed following annexation.
- If the existing septic system on a property fails and cannot be repaired or replaced, and the property is located within 300 feet of an existing city sewer and can practicably connect to city sewer, sewer hook up and annexation to the city is required.
- Oregon City does not provide extraterritorial sewer services, meaning that if an owner hooks to city sewer, they will sign a binding agreement to complete the annexation process.
- If the state or county declares that a public health emergency exists and mandates that Oregon City annex property and provide sewer services, in which property owners will be required to pay Oregon City for the cost of sewer extensions. A variety of payment plans may be put into place to allow the cost of hook up to be paid off through installments.
- The cost of sewer hookup depends on a variety of factors, including the cost of extending the mains, the number of properties hooking up, the method of financing, etc.

19. How will the City notify people about this planning process in the future? How can we ensure that we have adequate notification and opportunities to participate?

- A. All information created throughout the process will be posted on the website www.southendconceptplan.org
- B. Community Conversations – schedule a discussion in your area
- C. Community meetings (open houses, workshops, charrettes) are open to the community
- D. Flyers in utility bills
- E. Direct mail
- F. Email distribution list
- G. Social media: Facebook and Twitter
- H. Interactive online forums and surveys
- I. Newspaper articles
- J. Trailnews articles
- K. Public comments and questions may additionally be entered on the website
- L. Community Advisory Team meetings open to the public (dates/times posted on the website)
- M. Technical Advisory Team meetings open to the public (dates/times posted on the website)
- N. Public hearings (tentatively for August/September 2013)

We hope this information has been useful. Further questions and comments should be directed to the City of Oregon City project manager:

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Thank you for your Participation!