



FILE NO.: L-17-0001

APPLICATION TYPE: Legislative

HEARING DATES: City Commission
7:00 p.m., June 7, 2017
Commission Chambers, 625 Center St, Oregon City, OR 97045

APPLICANT: Oregon City Community Development Department

REQUEST: Proposed amendments to the Oregon City Municipal Code. Supplemental Zoning Regulations and Exceptions in Chapter 17.54.010, Definitions in Chapter 17.04.743, Site Plan and Design Review in Chapter 17.62, and Hooved Animals in Chapter 6.07.

LOCATION: City-Wide

REVIEWER: Trevor Martin, Planner

RECOMMENDATION: Staff recommends approval of this application based on the satisfaction of all required criteria for a Legislative action.

PROCESS: OCMC 17.50.170.

- A. *Purpose. Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.*
- B. *Planning Commission Review.*
 1. *Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.*
 2. *The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.*

3. *Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.*
- C. *City Commission Review.*
1. *City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*
 2. *Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT TREVOR MARTIN IN THE PLANNING DIVISION OFFICE AT 722-3789.

I. PROPOSAL

The Oregon City Municipal Code currently prohibits most fabric and metal accessory buildings, known as membrane structures, when visible from the adjacent sidewalk or right-of-way. In 2016, the City received a significant number of Code Enforcement complaints about membrane structures, which led to a conversation by the City Commission to determine if the regulations should be amended. The applicable standards and associated violations were discussed at a series of City Commission meetings. With primary direction from the City Commission at a work session on December 13, 2016, staff assembled the proposed amendments to the Oregon City Municipal Code in Exhibit A, which generally include the following:

1. Currently, metal sided accessory buildings in residential zones are not allowed when visible from the adjacent right-of-way and all accessory buildings 200 square feet or greater must be constructed with the same exterior building materials as the onsite dwelling(s), or an acceptable substitute. The proposed code language will allow any exterior building material, including metal, for residential accessory structures except for membrane or fabric covered storage areas or cargo containers.
2. Currently, accessory structures must comply with the setbacks of the zoning designation, though structures with a footprint less than 200 square feet in size as well as one structure with a footprint up to 600 square feet may be placed closer to the property line if the building complies with restrictions, such as a maximum height of 14 feet. The proposed code language would:
 - a. Increase the height for the reduced setback from 14 feet to 17 feet
 - b. Remove any building separation requirements for the reduction

- c. Apply the reduced setback to the corner setback
- 3. The proposed code would allow accessory structures constructed prior to January 1, 2017 to remain which are located behind the front building line of a home but do not comply with the setback and height requirements, except as otherwise limited through an applicable overlay district. Building code regulations would apply.
- 4. Relocate code language for hooved animals to the animal chapter of the Code.
- 5. Allow temporary structures within the right-of-way.
- 6. Allow temporary structures for commercial, industrial, mixed use, multi-family, and institutional properties which include allowing:
 - a. Temporary structures up to 200 square feet for up to 3 consecutive days, 6 times per year
 - b. Temporary structures larger than 200 square feet would be allowed up to twice a year for the following timeframe:
 - i. 201-800 square feet: up to 30 consecutive days
 - ii. More than 800 square feet: up to 7 consecutive days
- 7. Clarify standards prohibiting tarps and allowing membrane or fabric covered storage areas as temporary structures.
- 8. Remove code language for firework and Christmas tree sales, and instead regulate temporary structures.

Note the propose language is likely to be amended as public comments are received and through the review process. An associated fee resolution will be presented before the City commission for the review of temporary structures.

II. FACTS

A. AREA AFFECTED: CITY WIDE

The proposed code changes will impact all properties within Oregon City.

B. PUBLIC NOTICE

Public Notice was provided more than 20 days prior to the first evidentiary hearing via email to affected agencies, neighborhood associations and Oregon City boards and committees, and published in the Oregon City News / Clackamas Review. Notice of the proposed amendment was provided to property owners in Code Enforcement for issues related to the proposed code amendment, a variety of groups and government agencies including, Metro and the Department of the Land Conservation and Development. A Measure 56 Notice was not required since the proposal does not further restrict existing allowable uses of land or rezone land. The Planning Division held a meeting with the Citizen Involvement Committee on April 3, 2017, a meeting with the Development Stakeholders Group on May 4, 2017, and a Work Session with the Planning Commission on April 10, 2017 to discuss the proposal and how the proposed changes would affect properties. No written comments were received regarding this proposal.

C. PUBLIC OUTREACH PROCESS

Staff has employed a variety of methods to engage and educate the public about the process, including:

- Presentation to the Citizen Involvement Committee,
- Work sessions with the Planning Commission, and
- Public Notices

III. DECISION-MAKING CRITERIA:

OREGON CITY MUNICIPAL CODE (OCMC)

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.010 Initiation of the amendment.

A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:

A. A resolution by the commission;

B. An official proposal by the planning commission;

C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.

All requests for amendment or change in this title shall be referred to the planning commission.

Finding: Complies as Proposed. The text amendments to the Oregon City Municipal Code and was initiated by the City Commission. Staff finds that the proposal is consistent with 17.68.010.

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

A. The proposal shall be consistent with the goals and policies of the comprehensive plan.

Statewide Planning Goals are also shown to indicate how the Oregon City Comprehensive Plan (OCCP) Goals and Policies implement the applicable Statewide Planning Goal.

STATEWIDE PLANNING GOAL 1 – CITIZEN INVOLVEMENT

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

OCCP Goal 1.1 Citizen Involvement Program

Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.

OCCP Policy 1.1.1

Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

OCCP Goal 1.2 Community and Comprehensive Planning

Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.

OCCP Policy 1.2.1

Encourage citizens to participate in appropriate government functions and land-use planning.

OCCP Policy 1.2.1

Encourage development and refinement of CIC and neighborhood association bylaws that will govern the groups' formation and operations.

OCCP Goal 1.3 Community Education

Provide education for individuals, groups, and communities to ensure effective participation in decision-making processes that affect the livability of neighborhoods.

OCCP Goal 1.4 Community Involvement

Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.

OCCP Policy 1.4.1

Notify citizens about community involvement opportunities when they occur.

Finding: Complies as Proposed. The proposed code amendments were first identified by citizens who came before the City Commission. The City Commission met to discuss this topic multiple times before providing direction to staff regarding these changes. The proposed amendments has been presented to the Citizen Involvement Committee, Development Stakeholders Group, as well as in a work session with the Planning Commission prior to the first public hearing. In addition, the proposed code amendment has been posted on the City website at <http://www.orcity.org/planning/project/1-17-01>, emailed to various entities including neighborhood associations and the Citizen Involvement Committee, and posted in a general circulation newspaper.

The following meetings, work sessions and open houses were held to provide information about the impact of the proposed code amendments and gather input from the public about the proposed regulations.

Month	Meeting	Date
April		
	Citizen Involvement Committee	April 3, 2017

	Planning Commission	April 10, 2017
May		
	Development Stakeholders Group	May 4, 2017

Staff finds that the proposal is consistent with OCCP Goals 1.1, 1.2, 1.3 and 1.4.

STATEWIDE PLANNING GOAL 2 – LAND USE PLANNING

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

OCCP Goal 2.1 Efficient Use of Land

Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.

Finding: Complies as Proposed. The proposed code amendments include opportunities to utilize property to a much greater extent including:

- Residential. Reductions for the interior corner setback for residential accessory structures in certain cases, increased building height for accessory structures with a reduced setback, allowing metal accessory structures, allowing temporary structures in the right-of-way, and general amendments to provide clarity to the Oregon City Municipal Code. The changes will provide an opportunity for some properties to construct accessory structures onsite that would not have otherwise.
- Institutional, Commercial, Industrial, Mixed Use, and Multi-Family Property: The proposed amendments will allow temporary structures within the right-of-way, temporary structures on institutional, commercial, industrial, mixed use, and multi-family property, and general amendments to provide clarity to the Oregon City Municipal Code. The result will allow land to be used more efficiently and business to operate with special events in Oregon City. Staff finds that the proposal is consistent with OCCP Goal 2.1.

OCCP Goal 2.4 Neighborhood Livability

Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.

Finding: Complies as Proposed. The proposed code amendments identified within this report will allow greater flexibility for property owners. Property owners will be able to retain existing structures which do not comply with height or setback requirements and will furthermore be provided the opportunity to construct a shed in locations where they cannot today. The changes will provide an opportunity for some properties to construct accessory structures onsite. Staff finds that the proposal is consistent with OCCP Goal 2.4.

OCCP Policy 2.4.2

Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.

Finding: Complies as Proposed. The proposed code amendments identified within this report will allow greater flexibility for property owners. Property owners will be able to retain existing structures which do not comply with height or setback requirements and will furthermore be provided the opportunity to construct a shed in locations where they cannot today. The changes will provide an opportunity for some properties to construct accessory structures onsite. Staff finds that the proposal is consistent with OCCP Policy 2.4.2.

STATEWIDE PLANNING GOAL 3: AGRICULTURAL LANDS

Finding: Complies as Proposed. The proposed amendments would not preclude the use of agricultural lands.

STATEWIDE PLANNING GOAL 4: FOREST LANDS

Finding: Complies as Proposed. The proposed amendments would not preclude the use of forest lands.

STATEWIDE PLANNING GOAL 5: NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES
Statewide Planning Goal 5 requires that open spaces and natural, scenic, and historic resources be protected.

OCCP Goal 5.3 Historic Resources

Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.

Finding: Complies as Proposed. The proposed amendments would not preclude the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City. All development within a historic district or on an individually designated property is subject to review for compliance with Chapter 17.40 of the Oregon City Municipal code and the allowance of metal residential accessory structures is prohibited, unless otherwise authorized by OCMC 17.40. Staff finds that the proposal is consistent with OCCP Goal 5.3.

Policy 5.3.1

Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.

Finding: Complies as Proposed. The proposed amendments would not preclude the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City. All development within a historic district or on an individually designated property is subject to review for compliance with Chapter 17.40 of the Oregon City Municipal code and the allowance of metal residential accessory structures is prohibited, unless otherwise authorized by OCMC 17.40. Staff finds that the proposal is consistent with OCCP policy 5.3.1.

STATEWIDE PLANNING GOAL 6: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

Finding: Complies as Proposed. The proposed amendments will not affect natural hazards overlay districts. All development within the overlay districts is subject to a more restrictive review. The overlay districts,

such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. Staff finds that the proposal is consistent with OCCP Goal 6.

STATEWIDE PLANNING GOAL 7: AREAS SUBJECT TO NATURAL HAZARDS

To protect people and property from natural hazards.

OCCP Goal 7.1 Natural Hazards

Protect life and reduce property loss from the destruction associated with natural hazards

Finding: Complies as Proposed. The proposed amendments will not affect natural hazards overlay districts. All development within the overlay districts is subject to a more restrictive review. The overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. Staff finds that the proposal is consistent with OCCP Goal 7.1.

STATEWIDE PLANNING GOAL 8: RECREATIONAL NEEDS

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Finding: Complies as Proposed. The proposed amendments will allow facilities to more easily host temporary events, such as those for recreation. Staff finds that the proposal is consistent with OCCP Goal 8.

STATEWIDE GOAL 9: ECONOMIC DEVELOPMENT

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

OCCP Policy 9.2.1

Seek input from local businesses when making decisions that will have a significant economic impact on them.

Finding: Complies as Proposed. The proposal has been sent to the Chamber of Commerce, as well as the Development Stakeholder Group, which consists of the public and members of the development community, for comments. Staff finds that the proposal is consistent with OCCP Policy 9.2.1.

OCCP Policy 9.2.2

Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.

Finding: Complies as Proposed. The proposed amendments will codify the allowance of temporary structures within the right-of-way as well as on institutional, commercial, industrial, mixed use, and multi-family property, which will allow business as well as special event providers the opportunity for additional venues to operate their business in Oregon City. Staff finds that the proposal is consistent with OCCP Policy 9.2.2.

OCCP Policy 9.2.3

Simplify, streamline, and continuously improve the permitting and development review process.

Finding: Complies as Proposed. The proposed amendments will codify the allowance of temporary structures within the right-of-way as well as on institutional, commercial, industrial, mixed use, and multi-family property. Staff finds that the proposal is consistent with OCCP Policy 9.2.3.

STATEWIDE PLANNING GOAL 10: HOUSING

To provide for the housing needs of citizens of the state.

OCCP Policy 10.1.2

Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.

Finding: Complies as Proposed. The allowance of metal structures on residential properties as well as allowing existing structures (located behind the front line of the home), and reducing the corner side setback for accessory structures in certain cases, will provide residences a greater opportunity for homeowners to use their property as they see fit. This could result in additional investment into the housing stock. Staff finds that the proposal is consistent with OCCP Policy 10.1.2

OCCP Policy 10.1.4

Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

Finding: Complies as Proposed. The proposed code amendments include reductions to the interior corner setback as well as allowing for increased height for single and two-family residential structures 3 feet from the property line. The changes will provide an opportunity for some properties to construct accessory structures onsite. The structures may accommodate accessory dwelling units which would result in a greater opportunity for housing opportunities throughout the city. Staff finds that the proposal is consistent with OCCP Policy 10.1.4

OCCP Policy 10.1.7

Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

Finding: Complies as Proposed. The proposed code amendments include reductions to the interior corner setback as well as allowing for increased height for single and two-family residential structures 3 feet from the property line, in certain cases. The changes will provide an opportunity for some properties to construct accessory structures onsite. The structures may accommodate accessory dwelling units which would result in a greater opportunity for housing opportunities throughout the city.

In addition, the allowance of metal structures on these properties as well as allowing existing structures (located behind the front line of the home) will provide residences a greater opportunity to use their property as they see fit. Staff finds that the proposal is consistent with OCCP Policy 10.1.7.

OCCP Goal 10.1 Diverse Housing Opportunities

Provide for the planning, development and preservation of a variety of housing types and lot sizes.

Finding: Complies as Proposed. The proposed code amendments include reductions to the interior corner setback as well as allowing for increased height for residential structures 3 feet from the property line. The changes will provide an opportunity for some properties to construct accessory structures onsite. The structures may accommodate accessory dwelling units which would result in a greater opportunity for housing opportunities throughout the city.

STATEWIDE PLANNING GOAL 11: PUBLIC FACILITIES AND SERVICES

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

OCCP Goal 11.4 Stormwater Management

Seek the most efficient and economical means available for constructing, operating, and maintaining the City's stormwater management system while protecting the environment and meeting regional, state, and federal standards for protection and restoration of water resources and fish and wildlife habitat.

Finding: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on institutional, commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the impact of the structures on public facilities is already accounted for in the public facilities forecast models. Staff finds that the proposal is consistent with OCCP Goal 11.4.

STATEWIDE PLANNING GOAL 12: TRANSPORTATION

To provide and encourage a safe, convenient and economic transportation system.

Finding: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the transportation impact of the structures associated with the code amendments is already accounted for in the transportation forecast models and thus does not alter the long term planned function or capacity of the transportation system. Staff finds that the proposal is consistent with OCCP Goal 12.

B. *That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

Finding: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the impact of the structures on public facilities is already accounted for in the public facilities forecast models. Staff finds that the proposal is consistent with OCCP Goal 12.B.

C. *The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

Finding: Complies as Proposed. The proposal would allow metal accessory structures for residential properties, temporary structures in the right-of-way, and temporary structures on commercial, industrial, mixed use, and multi-family property. Because the zoning designation currently allows structures, the transportation impact of the structures associated with the code amendments is already accounted for in the transportation forecast models and thus does not alter the long term planned function or capacity of the transportation system. Staff finds that the proposal is consistent with OCCP Goal 12.C.

D. *Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

Finding: The Oregon City Comprehensive Plan addresses the Statewide Planning Goals, as shown above under the findings for Criterion A.

IV. RECOMMENDATION

Staff recommends that the Planning Commission recommend approval of the Municipal Code text amendments, to the City Commission as included in the Exhibits for their consideration.

V. EXHIBITS

- A. Proposed Amendments to the Oregon City Municipal Code

DRAFT

AMENDMENTS TO THE OREGON CITY MUNICIPAL CODE (OCMC)

May 25, 2017

Each proposed amendment below identifies if the proposed changes include modifying existing portions of the code, a replacement of a section, or a new section. Removal of language is ~~struck out~~ and new language is underlined.

The Following Amendments Apply to Definitions in OCMC Chapter 17.04.

17.04.010 – Accessory Building or Accessory Structure

"Accessory building", or "accessory structure" means a detached building or structure subordinate in size and use, but located on the same lot as, a principal building.

17.04.743 - Membrane or fabric covered storage area. [Amend Existing Definition]

A metal sided cargo container or an area covered by a tarp or tensioned metal or fabric membrane or that is either attached to a rigid framework, natural feature or some other structure that is used for storage. It is not intended to include the weather proofing of a vehicle, boat or other individual item by a tarp or other type of covering as long as the covering is attached directly to and covers only the particular item.

17.04.177 - Cargo Container [New Definition]

A standardized, reusable vessel that is or appears to be: (1) originally, specifically or formerly designed for or used in the packing, shipping, movement or transportation of freight, articles, goods or commodities, or (2) designed for being mounted or moved on a rail car, or (3) designed for or capable of being mounted on a chassis or bogie for movement by truck trailer or loaded on a ship.

17.04.1271 – Temporary Structure [New Definition]

A temporary structure permitted in Chapter 17.62 or 17.54.010 of the Oregon City Municipal Code, excluding mobile vendors.

17.04.766 – Mobile Vendor [New Definition]

A vendor or seller of merchandise, food, services, etc. from a motorized or towed vehicle including a wheeled trailer capable of being towed by a vehicle.

The Following Amendments Apply to Accessory Structures and Uses in OCMC Chapter 17.54.

17.54.010 - Accessory Structures and Uses. [Replace Existing Section]

Accessory structures and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following standards:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Residential Accessory Structures including Accessory Dwellings Units. The section applies to accessory structures within the R-10, R-8, R-6, R-5 and R-3.5 zoning districts and accessory structures on properties with a primary use as a single or two-family dwelling but within a zoning designation not listed above.
 - 1. Accessory Structures with a Footprint Less than Two Hundred (200) Square Feet:
 - a. Shall be located behind the front line of the primary structure; and
 - b. Shall comply with the dimensional standards of the zoning designation including height and setbacks unless modified pursuant to (c); and
 - c. Side and rear setbacks may be reduced to not less than three (3) feet for the accessory structure and its projections if the height does not exceed seventeen (17) feet as defined in section 17.04.550.
 - 2. Accessory Structures with a Footprint from Two Hundred to Six Hundred Square Feet:
 - a. Shall be located behind the front line of the primary structure; and
 - b. Shall comply with the dimensional standards of the zoning designation, including height, setbacks, and lot coverage unless modified pursuant to (c); and
 - c. Side and rear setbacks may be reduced to not less than three (3) feet for one accessory structure and its projections if the height does not exceed seventeen (17) feet as defined in section 17.04.550.
 - 3. Accessory Structures with a Footprint Over Six Hundred Square Feet.
 - a. Shall not exceed more than one accessory structure with a footprint in excess of six hundred (600) square feet per parcel; and
 - b. The parcel shall be in excess of twenty thousand (20,000) square feet; and
 - c. The footprint shall not exceed the footprint of the primary structure; and
 - d. Shall not exceed eight hundred square feet (800); and
 - e. Shall not exceed the height of the primary structure; and
 - f. Shall be located behind the front line of the primary structure; and
 - g. Shall comply with the dimensional standards of the zoning designation including height, setbacks, and lot coverage.
 - 4. Prohibited:
 - a. Cargo containers
 - b. Membrane and fabric covered storage areas visible from the adjacent right-of-way.
 - c. Metal structures within a historic district, or on an individually designated historic property, unless otherwise authorized by OCMC Chapter 17.40.
 - 5. An accessory structure housing a hooved animal shall be located a minimum of twenty-five (25) feet from any property line.
 - 6. Accessory structures constructed prior to January 1, 2017 which are located behind the front building line of the primary structure are exempt from the setback and height requirements in this chapter, except as otherwise limited through an applicable overlay district.

7. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard setback requirements for the principal structure. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the Building Official.

C. Temporary Structures in the Right-of-Way

This section applies to temporary structures associated with permitted events in the right-of-way. Temporary structures:

1. May be constructed of any building material; and
2. Shall comply with all provisions of the Americans with Disabilities Act; and
3. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62.

~~17.54.010 – Accessory buildings and uses. [Existing Section]~~

~~Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:~~

~~A. Signs. Signs shall be permitted as provided in Chapter 15.28.~~

~~B. Accessory Buildings Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory buildings and uses:~~

- ~~1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet (measured from the average grade on the front of the structure to the midpoint of the roof). No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure. A building permit is required for accessory buildings over ten feet in height (measured from the interior floor to the midpoint of the roof) or over two hundred square feet in size.~~
- ~~2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:
 - ~~a. Are detached and separated from other structures by at least three feet;~~
 - ~~b. Do not exceed a height of fourteen feet;~~~~
- ~~3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
 - ~~a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
 - ~~b. The lot must be in excess of twenty thousand square feet.~~~~

- c. ~~The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.~~
- d. ~~The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.~~
- 4. ~~Membrane or Fabric Covered Storage Area. All membrane and fabric structures:~~
 - a. ~~Shall be located behind the front building line of the primary structure.~~
 - b. ~~Shall not be visible from the abutting right-of-way when viewed at pedestrian level.~~
 - c. ~~Exceptions to these standards may be made by the community development director for temporary storage of materials as long as the membrane or fabric covered storage area is removed within ten days, is not erected for more than twenty days in one calendar year and is not seen as a nuisance to the city.~~
 - d. ~~This section shall be effective on January 1, 2011. This section shall apply to all membrane or fabric covered storage areas in place before, on, or after the effective date of this section.~~
 - e. ~~This prohibition does not apply to membrane covered areas displayed for garden or other active outdoor uses.~~
- C. ~~Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.~~
- D. ~~Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height or a suitable alternative such as a locked or electric cover, approved by the building official.~~

17.54.060 – Seasonal sales. [Delete Existing Section]

The following standards shall apply to seasonal outdoor sales which are limited to:

- A. ~~Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5. A business license shall be required pursuant to Title 5 of this code.~~
 - B. ~~Christmas Tree and Wreath Sales. The annual season for Christmas tree and wreath sales shall commence no sooner than the day after Thanksgiving and shall continue no later than December 26.~~
- ~~A business license shall be required pursuant to Title 5 of this code.~~

The Following Amendment Applies to Hooved Animals

6.07 Hooved Animals [New Chapter - Relocated from OCMC Chapter 17.54.010.C]

6.07.030 – Hooved Animals

One horse or other domestic hoofed animal is permitted for each twenty thousand square feet of lot area and in compliance with Chapter 17.54.010 and all other the requirements of the Oregon City Municipal Code.

The Following Amendments Apply to Temporary Structures in Commercial, Industrial, Mixed Use, Multi-Family, and Institutional Districts

17.62.035 - Minor site plan and design review. [Amend Existing Section]

This section provides for a minor site plan and design review process. Minor Site Plan Review is a Type I or Type II decision, as described in OCMC Section 17.62.035(A), subject to administrative proceedings described in OCMC Section 17.50 and may be utilized as the appropriate review process only when authorized by the community development director. The purpose of this type of review is to expedite design review standards for uses and activities that require only a minimal amount of review, typical of minor modifications and/or changes to existing uses or buildings.

A. Type I Minor Site Plan and Design Review.

1. Applicability. Type I applications involve no discretion. The Type I process is not applicable for:
 - a. Any activity which is included with or initiates actions that require Type II-IV review.
 - b. Any use which is not permitted outright, unless otherwise noted.
 - c. Any proposal in which nonconforming upgrades are required under Chapter 17.58.
 - d. Any proposal in which modifications are proposed under Section 17.62.015.
2. The following projects may be processed as a Type I application.
 - a. Addition or removal of up to two hundred square feet to a commercial, institutional, or multifamily structure in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding new drive thru). Increases of more than two hundred square feet in a twelve-month period shall be processed as Type II.
 - b. Addition or removal of up to one thousand square feet to an industrial use in which no increases are required to off-street parking. This includes a new ancillary structure, addition to an existing structure, or new interior space (excluding ancillary retail and office). Increases of more than one thousand square feet in a twelve-month period shall be processed as Type II.
 - c. Temporary Structures, excluding mobile vendors.
 - d.f. Removal, replacement or addition of awnings, or architectural projections to existing structures.
 - e.t. Addition, modification, or relocation of refuse enclosure.
 - f.m. Changes to amount, location, or design of bicycle parking.
 - g.p. Installation of mechanical equipment.
 - h.i. Repaving of previously approved parking lots with no change to striping.
 - j.e. Replacement of exterior building materials.
 - j.d. Addition of windows and doors, relocation of windows and doors in which transparency levels remain unchanged, or removal of windows and doors provided minimum transparency requirements are still met.
 - k.e. Addition or alteration of parapets or rooflines.
 - l.g. Modification of building entrances.
 - m.h. Addition to or alteration of a legal nonconforming single or two-family dwelling.
 - n.j. Change to parking lot circulation or layout, excluding driveway modifications.
 - o.k. Removal or relocation of vehicle parking stalls provided total parking remains between approved minimum and maximum with no new reductions other than through the downtown parking district.
 - p.l. Adoption of shared parking agreements.

- ~~qn.~~ Changes to landscaping that do not require stormwater quality and quantity treatment under OCMC Chapter 13.12.
 - ~~ro.~~ New or changes to existing pedestrian accessways, walkways or plazas.
 - ~~sq.~~ Installation of or alterations to ADA accessibility site elements.
 - ~~tf.~~ Modification of a fence, hedge, or wall, or addition of a fence, hedge or wall at least twenty feet away from a public right-of-way.
 - ~~us.~~ Addition of or alterations to outdoor lighting.
3. Submittal requirements. A Type I application shall include:
 - a. A narrative describing the project.
 - b. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - c. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - d. A completed application form.
 - e. Any other information determined necessary by the Community Development Director.
- B. Type II Minor Site Plan and Design Review.
1. Type II Minor site plan and design review applies to the following uses and activities unless those uses and activities qualify for Type I review per Section 17.62.035(A):
 - a. Modification of an office, commercial, industrial, institutional, public or multi-family structure for the purpose of enhancing the aesthetics of the building and not increasing the interior usable space (for example covered walkways or entryways, addition of unoccupied features such as clock tower, etc.).
 - b. Modification to parking lot layout and landscaping, or the addition of up to five parking spaces.
 - c. A maximum addition of up to one thousand square feet to a commercial, office, institutional, public, multi-family, or industrial building provided that the addition is not more than thirty-five percent of the original building square footage.
 - d. Other land uses and activities may be added if the community development director makes written findings that the activity/use will not increase off-site impacts and is consistent with the type and/or scale of activities/uses listed above.
 2. Application. The application for the Type II minor site plan and design review shall contain the following elements:
 - a. The submittal requirements of Chapter 17.50.
 - b. A narrative explaining all aspects of the proposal in detail and addressing each of the criteria listed in Section 17.62.035(C) below.
 - c. Site plan drawings showing existing conditions/uses and proposed conditions/uses.
 - d. Architectural drawings, including building elevations and envelopes, if architectural work is proposed.
 - e. Additional submittal material may be required by the community development director on a case-by-case basis.
 3. Development Standards for Type II Minor Site Plan and Design Review.
 - a. All development shall comply with Section 17.62.050(1—7 and 8—15 and 20—22) when deemed applicable by the community development director. Other sections may apply, as directed by the community development director when applicable, in order to show compliance with this chapter, such as the commercial and institutional standards of Section 17.62.055.

17.62.050.A.23 Temporary Structures [New Section]

Temporary structures are permitted pursuant to the following standards:

- A. For Structures up to 200 Square Feet:
 - a. Shall not be on a property for more than three (3) consecutive days; and
 - b. Shall not be on a property more than six (6) times per year; and
 - c. Shall comply with the dimensional standards of the zoning designation; and
 - d. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - e. Shall not disturb ingress or egress to the site; and
 - f. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
- B. Temporary structures larger than 200 square feet may be permitted up to two (2) times per year; and
 - a. Structure larger than 200 square feet up to 800 Square Feet
 - i. Shall not be on a property for more than thirty (30) consecutive days;
 - ii. Shall comply with the dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
 - b. Structures Larger Than 800 Square Feet
 - i. Shall not be on a property for more than seven (7) consecutive days;
 - ii. Shall comply with the dimensional standards of the zoning designation;
 - iii. Shall be sited so as to leave the minimum number of parking spaces for the primary uses as required by OCMC 17.52 or as otherwise specified in a land use approval;
 - iv. Shall not disturb ingress or egress to the site; and
 - v. Shall be exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23, 17.62.050.A.21.
- C. Government owned properties are exempt from all sections of Chapter 12.04, 12.08, 17.52 and 17.62 except 17.62.050.A.23.C, 17.62.050.A.21 and the dimensional standards of the zoning designation.

17.62.050.A.21 Building Materials [Amend Existing Section]

- a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:
 - i. Brick.
 - ii. Basalt stone or basalt veneer.
 - iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
 - iv. Board and baton siding.
 - a. Other materials subject to approval by the community development director.
 - vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.
 - vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

- b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.
- i. Vinyl or plywood siding (including T-111 or similar plywood).
 - ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
 - iii. Corrugated fiberglass.
 - iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
 - v. Crushed colored rock/crushed tumbled glass.
 - vi. Non-corrugated and highly reflective sheet metal.
 - vii. Tarps, except for the protection of outside storage.
- c. Special material standards: The following materials are allowed if they comply with the requirements found below:
1. Concrete block. When used for the front façade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than 3 feet above the finished grade level adjacent to the foundation wall.
 2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level) except when used for a temporary structure.
 3. Exterior Insulation and Finish System (EIFS) and similar troweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
 4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.
 5. Membrane or fabric covered storage areas are permitted as temporary structures, excluding the use of tarps.