Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
10/8/2018	Testimony regarding Lot Size Averaging	PC has provided direction.	PC has provided direction.	16.08.065	See current code.
10/8/2018	Comments regarding VRBOs	Requested PC Direction	See PC Policy Advisement Letter	N/A	See PC Policy Advisement Letter, address in later review if CC directs.
10/8/2018	Boise Court Case Various Zoning Comments Clack. Co. Housing Bond	Comments lack specificity to address.	No direction given.	N/A	N/A
9/20/18	Email in support of changes for Manufactured Home Parks	N/A	N/A	OCMC 17.20	Yes. See Code.
9/17/2018	Memo from HSCCC with recommended code language for Overnight Warming Shelters	All up to 10 beds with CU in residential zones Conditional use in MUC, MUD for more than 10 beds.	Residential Zones - As recommended MUC – Permitted MUD – Conditional except in Downtown Design District	See uses by zone.	PC has provided direction.
9/10/18	ADUs: Require minimum parking	Don't require off-street parking	Retain existing standard to require 1 space for ADU, on or off-street	OCMC 17.20.010.D.7	Planning Commission's recommended changes reflected in 10/1/18 draft code amendments.
9/10/2018	Public vs. Private Streets	Accept private streets provided they are built to city standard in TSP and there is public access.		OCMC 16.12 / 12.04	The code allows flexibility to allow both public and private streets without distinguishing a difference in design and requiring public access in both cases.
9/10/18	Internal Conversion parking	Don't require off-street parking	Possibly no parking or possibly one space per two units, rounded up, of off-street parking.	OCMC 17.20.030	Asking for final direction by the Planning Commission at the 9/24/18 meeting.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/18	3-4 Plex parking	Don't require off-street parking	Require one space per two units, rounded up, off-street parking.	OCMC 17.16.060.B	Planning Commission's recommended changes reflected in 10/1/18 draft code amendments.
9/10/18	Cluster Development parking	1 space per unit	1 space per unit	OCMC 17.20.20.J.1	Yes. See code amendments with new parking standard.
9/10/18	Master Plan / PUD Applicability	Require for residential development of 200+ units Remove requirement for institutional use over 10 acres	Remove requirement for residential over a certain size Keep 10 acres min. for institutional Allow minor site plan and design reviews on institutional land w/o a master plan.	OCMC 17.65.030	Yes. See code amendments with revised applicability section.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/18	Clairmont MHP Possible sale of Manufactured Home Park raised by residents	Permitted use in R-3.5 zone. New MHPS remain a Conditional Use	Recommended reviewing Chapter 15.52	OCMC 17.20.050 and 15.52	Yes. • Residents have met with CD Director and discussed requirements. • No closure has been discussed at this time, only transfer of park ownership. • Yes. See latest code amendments. • Proposal to make existing MHPs a permitted use will relieve re-development pressure by allowing parks to continue and expand through a Type II review process. • Rent increases are beyond the scope of this project. • Manufactured Home Park Closure requirements in Chapter 15.52 are in place. • Redevelopment of existing parks has not happened, even under the more restrictive code provisions currently in place.
9/10/2018	45' MUD Building Height for Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets; and Property within one hundred feet of single-family detached or detached units.	Remove height restriction.	Retain height restriction, except change limitation "within 100 feet of" to "Adjacent to".	17.34.060.D	Planning Commission's recommended changes reflected in 10/1/18 draft code amendments.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/2018	PC Comment Size of additions for Internal Conversions	800 sf PAT recommended 800 SF as that is the maximum size of an ADU.	• Discuss options • Reduce allowable addition size to between 300 – 500 sf to retain scale of existing building	OCMC 17.20.030.D	Asking for final direction by the Planning Commission at the 9/24/18 meeting.
9/10/18	Owner Occupancy for ADUs	Don't Require	Maintain owner occupancy requirement	17.20.010.D.6	Planning Commission's recommended changes reflected in 10/1/18 draft code amendments.
9/10/18	Tree Mitigation Fee should allow for 150% inflation to cover time lag between the fee payment and the planting date.	n/a	Increase tree mitigation fee.	Fee Sheet	Staff will include a 150% increase to the tree mitigation fee in a proposed fee schedule.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/18	Lot Size Averaging (PC Comment) • Restrict lot averaging to a maximum 10% reduction for a maximum of 25% of lots. • Don't allow land in alleys to count towards the averaging. (Since we took out the mandatory alley requirements, I think this will be less of a practical concern going forward.) • Add language to prohibit any lots below the minimum lot size around the perimeter of the site abutting residential property, to reduce potential impacts to neighbors.	• Allow up to 20% smaller lots but restrict to lots for Single Family Detached	• Restrict lot averaging to a maximum 10% reduction for a maximum of 25% of lots.	16.08.070	Planning Commission's recommended changes reflected in 10/1/18 draft code amendments.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/2018	Manufactured Home Parks – Concern: Redevelopment Pressure Rent Increase Closure	See proposed code.	See proposed code	OCMC 17.10/ 17.20	Yes. See latest code amendments. • Proposal to make existing MHPs a permitted use will relieve re-development pressure by allowing parks to continue and expand through a Type II review process. • Rent increases are beyond city's regulatory authority • Manufactured Home Park Closure requirements in Chapter 15.52 are in place. • Redevelopment of existing parks has not happened, even under the more restrictive code provisions currently in place.
9/10/2018	PC Comment Size of additions for Internal Conversions	800 sf PAT recommended 800 SF as that is the maximum size of an ADU.	• Discuss options • Reduce allowable addition size to between 300 – 500 sf to retain scale of existing building	OCMC 17.20.030.D	Asking for final direction by the Planning Commission at the 9/24/18 meeting.
9/10/2018	Public Comment on Shelters - Encourage as permitted use in MUC and MUD zone. Challenges include obtaining permission to operate. Would be helpful not to have to ask permission year after year.	Staff recommendation to allow Shelters as permitted use in the MUC, MUD zones and Conditional Use for up to 10 beds in residential zones.	Conditional Use in MUC, MUD and for up to 10 beds in residential zones.	OCMC 17.29, 17.34	Yes, Planning Commission recommendation will be reflected in the 10/1/18 draft.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/2018 7/23/2018	PC Comment: Additional Policies and incentives are needed beyond the zoning code to truly create Equitable Housing options, however the scope of this review is limited to the zoning code.	PAT scope of work limited to zoning code, however, PC may send forward specific recommendation to deal with these components Adopt zoning code amendments now, continue to work on these items in the future.	Commissioner Espe comments: Charge SDCs for Demolition of older homes Preserve older housing Supporting existing housing through other means, including: Financing: SDC waivers / deferral Property Tax Exemptions Urban renewal capital project funds City housing bond measures.	Various code and policies would be affected.	Asking for final direction by the Planning Commission at the 9/24/18 meeting. Suggestion to provide policy direction to City Commission. See letter from Commissioner Espe for topics.
9/10/2018	Public Comment: Allow residential use in Campus Industrial zone	No change recommended from staff. Allowing residential uses in CI would conflict with the purpose of this zone, which is for regional employment, light industrial and institutional development. Concern may conflict with other requirements to retain industrial land.	No change recommended.	17.37.020	Retain existing uses which do not include residential in the CI district.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
8/27/2018	PGE Comments on Tree Cutting. PGE would like to remove hazardous and volunteer trees without a permit. PGE would like to coordinate review of proposed street tree plans during the development review process. Request that PGE dam be included in the utilities section of permitted uses for the Willamette Falls Downtown District in Chapter 17.35.	Staff does recommend waiving any street tree permitting requirements for Franchise Utilities operating within easements or in the Public Right-of-way. Staff agrees that coordinated review of street tree plans would be beneficial.		12.08 17.35	Staff is reviewing request in more detail. Street Tree permits are free and help the city maintain tree canopy. Planning and Public Works staff will coordinate with PGE on review of street tree plans. PGE dam is zoned GI and the dam is already a permitted use.
8/27/2018	Public Comment: Potential conflict with the historic districts	No recommendation to change existing historic review process.		OCMC 17.40	Yes. Existing guidelines for new construction under OCMC 17.40 pre-empt other regulations and regulate design. The historic overlay district regulates the exterior look of development and will continue to do so.
8/27/2018	Public Comment: Should not allow fences in Natural Resource Overlay District	Staff recommended allowing fences which comply with certain requirements as identified by the NRC in the vegetated corridor.		OCMC 17.49	See latest NROD code changes regarding fences.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
8/27/2018	Concern for Type I process for approval of 3-4 plexes	Type I review for new structures. New lots are subject to Type II land division.		Proposed OCMC 17.16	Yes. The proposed language includes clear and objective standards and thus a Type I approval process.
8/27/2018	Public Comment: General support for all amendment proposed including multi-family design standards, and no parking requirements. Market will provide parking. Recommendation for further measures to address SDCs, tax abatement.				Yes. Recommendation for further measures to be considered in policy advisory letter to the City Commission.
8/22/2018	PC Comment: Tri-City Sewer Plant. Does additional demand take away from other cities capacity?	Wallace Engineering analyzed additional demand and found would not exceed projections in in the existing Public Utility master plans.			• See Wallace Engineering Memo. • See also Email from TCSD confirming that this will not reduce capacity for other cities.
8/17/2018	Public Comment: Allow manufactured homes and parks as option for cluster housing			OCMC 17.10, 17.20	Yes. Cluster Housing standards do not preclude manufactured homes.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
8/17/2018	Support for year-round Shelter provisions.	Staff recommendation to allow Shelters as permitted use in the MUC, MUD zones and Conditional Use for up to 10 beds in residential zones.	Conditional Use in MUC, MUD and for up to 10 beds in residential zones.	OCMC 17.29, 17.34	Yes, Planning Commission recommendation will be reflected in the 10/1/18 draft.
8/17/2018	Support for code amendments.				
8/17/2018	Public Comment: Support for year-round Shelter provisions.	Staff recommendation to allow Shelters as permitted use in the MUC, MUD zones and Conditional Use for up to 10 beds in residential zones.	Conditional Use in MUC, MUD and for up to 10 beds in residential zones.	OCMC 17.29, 17.34	Yes, Planning Commission recommendation will be reflected in the 10/1/18 draft.
8/13/2018	Public Comment In support of Master Plan PUDs	PAT recommends adding residential components for greater design flexibility and improved standards.	PC suggested additional applicability for		Yes. The Master Plan language has been amended to replicate PUD standards and the title of the chapter has been changed to reflect the shared review standards and process.
8/13/2018	Public Comment Overlay codes in effect for homes on the local historic inventory			OCMC 17.40 and Guidelines for New Construction in Historic Districts (Existing)	Yes. No changes proposed to OCMC 17.40. See latest code amendments.
8/13/2018	Public Comment Codes should be applied citywide				Yes. See latest code amendments. The missing middle strategies are implemented across the zoning designations.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
8/27/2018	Public Comment Protection of neighborhoods in Metro 3.07				Yes. City is not required by Metro to add density to single family neighborhoods. Additional findings for the protection of neighborhoods and the retention of the character and people within the neighborhood are provided in the staff report.
8/13/2018	PC Comment: What is the impetus for project, Comprehensive Plan Goals and Policies?				Yes. See proposed legislative findings and latest code amendments.
8/13/2018	Public Comment: South End Road Traffic, Maintenance, Jurisdiction.	Staff: County road maintenance is not a topic of consideration with these amendments. SECP and TSP govern transportation.	Review Urban Growth Management Agreement (UGMA) for guidance on acceptance of roads.		Yes. The scope of this project does not include a review of the UGMA nor the process of transferring roads. Planning Commission may provide policy direction to the City Commission on this topic. South End Concept Plan and Transportation System Plan are adopted.
8/13/20118	PC Comment: Underutilized property behind OC Shopping Center, Berry Hill Shopping Center. Use of Commercial properties for affordable housing.	n/a			Yes. The project does not include development of any property by the city. The code amendments allow clear guidance to property owners.
7/23/2018	Public Comment: Concern about Cottage Home approval by Historic Review Board	Cluster Housing recommendations		17.20	Yes. This project amends cottage home standards as identified in OCMC 17.20.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/23/2018	PC Comment: Street Tree Mitigation Fee is too low and should be a last resort, the priority should be on planting. Mitigation Fee should reflect true cost of planting.	Staff: The proposed language includes tree mitigation fund if mitigation trees cannot be located onsite.		17.41. Fee schedule.	Yes. See latest code amendments. Staff will include a 150% increase to the tree mitigation fee in a proposed fee schedule.
7/23/2018	Public Comment: HOA restrictions on ADUs				Staff will add language to next round of amendments that prohibits CC&R's from limiting housing options.
7/23/2018	Public Comment Allow Single Family detached smaller homes in R2			Proposed OCMC 17.12 / 17.20	Yes. Smaller detached units could be proposed as part of a cluster development in R2, or as an ADU to a pre-existing SFD.
7/23/2018	Public / PC Comment Fire code On street parking	N/A. Code amendments do not conflicts with the fire code.			Yes. See Fire Code attachments from CFD#1.
7/23/2018	Public Comment: Concern about Roosevelt Street nuisance issues as well as not allowing group facilities in residential neighborhoods.	The scope of the project does not include revisions to the nuisance code. The regulations for group facilities are subject to state and fair-housing laws which pre-empt local zoning. The zoning code may not regulate what constitutes a family.			Yes. No changes are proposed for the nuisance code.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/23/2018 and later.	Public Comment: Fort Kennedy Vision Statement on Tiny Houses	Currently tiny houses would need to meet code standards for either an ADU, single-family dwelling or cottage cluster and all building code and public facilities hook up requirements. PAT recommendation is to address tiny houses when State building code is updated to address them.			Yes. The proposed amendments include a variety of opportunities to construct tiny homes with foundations. The proposal does not address recreational vehicles and their associated standards.
7/23/2018	Public Comment Are there industry standards for unit types?	Building code requirements govern occupancy and life safety standards.			Yes.
7/23/2018	Does this amendment allow cargo containers to be used as living units / ADUs?	Cargo Containers as Accessory Structures not a permitted use. Cargo containers as a principal dwelling that are modified to meet residential design standards would be OK.			Yes.
7/23/2018	Concern for Minimum off-street parking for Multi-family housing and ADUs.	Require one space per unit.			Yes.
7/23/2018	Is there a cited source for the PSU ADU Survey?	Yes, there is. Click here			Yes.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/23/2018	Public comment: Request to postpone code adoption until after City Commission elections in November	No recommendation	N/A	N/A	The Planning Commission has had multiple hearings on the proposed amendments. Though a tentative schedule is provided, the amendments will go before the City Commission once the Planning Commission has completed their review.
7/23/2018	Short term rentals in ADUs. Don't want to see ADUs used as a commercial use.	Bed and Breakfasts remain a conditional use Short Term rental defined under Bed and Breakfast or Boardinghouse.	Same as PAT.	OCMC 17.04.145 See all R zones.	Yes. No change is proposed to this standard.
7/23/2018	Short Term Rental (aka. "Vacation Rental") policy	No PAT recommendation. Staff: Rentals less than 30 days in a residential zone require a conditional use.			Yes. No change is proposed to this standard.
7/23/2018	PC Comment: Number of ADUs per dwelling	1 per dwelling			Yes. The proposed amendments retain 1 ADU per detached single-family home.
7/18/2018	Public Comment: Better cell phone coverage is need if additional housing is being added.	A full review of the standards was not completed associated with this project.		OCMC 17.80	Yes. City does not have a role in reviewing communication facilities, though no changes to the standards are proposed.
7/9/2018	Public Comment: Signs for home occupations do not allow freestanding signs.	A full review of the standards was not completed associated with this project.		OCMC 15.28.	No changes to the standards are proposed.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/9/2018	PC Comment: Mobile Vending Food Carts	Permit in WFDD Other employment zones (CI, MUE, and GI)up to 5 hours with special use permit.		OCMC 17.35	Yes. Separated definitions for food carts and other mobile vendors. Asking for final direction about allowing in other zones the 9/24/18 meeting.
7/9/2018	3-4 plexes in medium density zones / Design and Parking	See code – Type I review			See later comments.
7/9/2018 and 9/10/2018	PC Comment Size of additions for Internal Conversions	800 sf PAT recommended 800 SF as that is the maximum size of an ADU.	• Discuss options Reduce allowable addition size to between 300 – 500 sf to retain scale of existing building	OCMC 17.20.030.D	Asking for final direction by the Planning Commission at the 9/24/18 meeting.
7/9/2018	PC Comment: Code should not be adopted citywide but should be applied selectively by neighborhood	PAT and staff recommendation was to apply city-wide. Development shall still be required to comply with applicable overlay districts.			Yes, the proposed amendments apply city-wide.
7/9/2018	PC Comment: Housing Needs Analysis (HNA) timing, HNA should be done first	The project reviews the housing tools available to property owners with no guarantee of if or how much they will be employed. HNA is not necessary in order to adopt code, since it does not involve zoning map amendments and is applicable citywide.			Yes. The City is working with Clackamas County on a county-wide (including some cities) project to assess the housing needs and buildable land.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/9/2018	Public Comment: Fences blocking sightlines in Canemah	Staff recommendation: Proposed amendments to the fence requirements are proposed. No changes to the sight distance requirements in 10.32 are proposed.		17.54.100 OCMC 10.32	Yes. Public Works Dept. is monitoring conditions.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/9/2018	Public Comment Tree Removal in Annexation Areas: • Retain current policies which do not penalize or regulate tree cutting in annexation areas until zoning is applied, (unless otherwise regulated by County Zoning). • Recommend to CC adoption of policies that discourage tree cutting prior to annexation and require mitigation if it occurs prior to annexation. • Annexation is at discretion of City Commission. • County code allows tree cutting under their zoning • Strengthen / Update UGMA with Clackamas County	Staff Recommendation: Consider tree removal standards though a separate process to include all instances in which trees are regulated, beyond annexation. City cannot regulate outside of our jurisdiction. • A stated policy adopted by resolution of the City Commission similar to Lake Oswego is one possibility, which has a three-year waiting period for annexation if trees are cut.		OCMC 17.41 17.20 17.49 17.44	Asking for final direction about allowing in other zones the 9/24/18 meeting.

Oregon City Planning Commission
Hearing Date: 10-8-18
File Number: 3a LEG 18-01
Exhibit: 1

To the Planning Committee,

I am very sad to say that I recently found out that the information originally given to me by the city regarding rules and regulations regarding VRBO was in error and has resulted in hours of wasted time and work and caused a real difficult situation. When I spoke with many people at the City of Oregon City, the planning department and other offices it was suggested that I send these questions and concerns to your committee. I also sent these concerns to Pete Walter, as I was told he was on the committee regarding affordable housing.

I am requesting the city to reevaluate the classification and fees for short term rentals in Oregon City. I am talking about vacations rentals that are in residences in single family dwelling zones. The current requirements make it next to impossible for this type of short term rental to exist in Oregon City. It is cost prohibitive.

I have spoken with many residents in our community who had no idea that renting a room out of their home requires a conditional use permit, just like a hotel or bed and breakfast. Getting this permit is a lengthy process that costs $3957.00.

When I first contacted the city regarding the requirements for renting part of a home as a short term (vacation) rental, I was told that it would **not** be considered the same as a bed and breakfast or a hotel as we are not conducting retail business out of our home and because it was also our place of residence. I was informed that it would be looked at no differently than if we rented a room in our home out to a longer term renter. So I went ahead and assisted my sister in setting up a VRBO rental in a small apartment located in a portion of the lower level of their home. It has been actively listed for about 6 months, and we've had a few guests. Gross revenue to date is just over $700. So unless it is the objective of this committee to not allow VRBO's and Airbnb's in our city, the requirements need to be reevaluated. No one making such a small amount is going to be able to or interested in paying for the required permit.

In my sister's case, she and her husband renovated part of the lower level of their home to be able to accommodate a future caregiver to come in and assist them with the upkeep of the home and to care for them as well. They spent a significant portion of their savings to build this unit. They did not include a range so that they didn't have a full kitchen because it would have added a $16,000.00 duel occupancy permit charge on to the construction.

They are not interested in renting the apartment out on a month to month lease as they want to have the apartment available for their own children, who visit from another state. They decided to try to recoup some of the expense of the apartment by renting it out on VRBO as a short term vacation rental. At that point we understood that they would need to pay the county 6% lodging tax, the city 6% lodging tax and the state 1.8% lodging tax, a total of 13.8% in lodging taxes.

They would also need to report the rental income on their taxes. All of this is understandable. But now we hear that we need to pay for a conditional use permit costing $3957.00 and embark in a long involved process with the planning committee. These requirements gave us no choice but to shut down the short term vacation rental. It is no longer an option for most of us, even those who already have it.

I would also like to suggest that you committee members go online to your own city web page and research for yourself the requirements for short term vacation rentals. You'll find out for yourself how hard it is to even get this information regarding vrbo's, lodging tax and so forth. I was assisting the Clackamas County finance department in coming up with a county ordinance that would require VRBO, and Homeaway to collect the county tax for them, as right now they don't have one. It was during this time that the county and I both looked through the city's web page and could not find this information. I searched the topics of short term vacation rental, lodging tax and renting your home.

I have now spoken through social media with other residents who have VRBO's and Airbnb's in our area who had no idea about the city's requirements and do not have the permit and did not know about needing one and are quite surprised about this requirement; in fact some don't believe it. Most of them did not want to write anything or come in with me today because they don't want to make the city aware of their rentals . Many of them had also checked with the city months and in some cases years ago. And most of them, like us, were not informed correctly, or the understandings have now changed, or whatever, but they are not making enough to pay the current fees.

Grouping short term vacation rentals in family owned homes with larger business such as hotels and bed and breakfasts is devastating to the small time entrepreneur and will end up hurting our local community. The city will lose the 6% lodging tax as they discover more and more VRBO's that are not complying and end up shutting them down because they don't have the conditional land use permit. Stores, restaurants and private little shops in our community will lose revenue as we turn away potential vacation renters looking for a place to stay for a weekend. We personally have already canceled and given refunds to people who were looking forward to coming and exploring our neighborhoods and all that Oregon City has to offer. It also will affect our income, which we try to spend in our local community, at our theaters, restaurants, stores and small businesses. For these reasons we ask that the planning commission take a new look at the requirements for small short term vacation rentals and consider dropping the conditional land use permit requirement. I do not believe this will negatively affect the affordable housing shortage in our area as most of these rooms are not available as a full time rentals.

Thank you in advance for taking the time to reevaluate this matter.
Debbie Dew 503 807-1110

Home Builders Association
of Metropolitan Portland

October 8th, 2018

Denyse McGriff, Chair
Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

Subject: Oregon City Municipal Code Section 16.08.065– Lot size reduction.

Dear Chair McGriff and Commissioners:

The HBA of Metropolitan Portland appreciates the opportunity to comment on the proposed Equitable Housing Code Amendments, specifically the portion dealing with lot size reduction.

We would like to express our support for keeping the lot size averaging code language as is, without any of the proposed modifications included in the staff report. The Lot size averaging provision of the Oregon City community development code is an extremely useful tool to maximize the efficiency of developable land within a given development.

It is also worth noting that in the summary of proposed draft amendments document, the lot size reduction amendment language changes are described as "Section renumbered, various language and grammar revisions, changes for clarity and consistency". We find that summary of the code amendment and its explanatory statement to be inaccurate. Additionally, the Equitable Housing Advisory Committee convened for this code update did not request that this code change be made as part of their recommendation to the Planning Commission and the City Commission, and the Oregon City commission did not request that this code change be made. The Oregon City Commission already voted against adopting this particular code change earlier in 2018.

Our region is experiencing a housing affordability crisis because there is a severe shortage of homes of all types and price points. Altering the code in a way that will cost buildable land that is perfectly serviceable by existing infrastructure, within a city's urban growth boundary, and help that city meet their density standards does not present itself as good public policy.

The HBA cannot support code changes that take housing options off of the table, and we ask that you do not adopt the amendments in section 16.08.065. We appreciate your consideration of the above noted items.

Respectfully,

James Adkins
Home Builders Association of Metropolitan Portland

Home Builders Association of Metro Portland
15555 SW Bangy Rd., Ste. 301
Lake Oswego, OR97035
503-684-1880 • Fax 503-684-0588

From: Andrew Cramer
Sent: Thursday, September 20, 2018 11:51 AM
To: Pete Walter
Subject: Request for Review - Oregon City Planning Commission

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Planning Commission;

I would like to respectfully submit an amendment to the proposed code revisions currently under review. One of the principal intents of this code revision is to remove the barriers for affordable housing development within Oregon City. Manufactured Housing remains one of the last, and most affordable, sources for low and limited income families. Manufactured housing parks offer opportunities for stabilized housing, home ownership, and long term affordable living that no other housing type can match. I believe it is in the best interest of Oregon City to facilitate, where possible, the development of new manufactured housing parks and, more importantly, provide methods for existing parks in the city to add more affordable housing opportunities. In order to facilitate these expansions, it is recommended that, for any expansion of an existing manufactured housing park, the following standards be adopted:
"For existing manufactured housing parks within the zone seeking to expand capacity, the expansion plan must include the following:
A) Clearly marked site plan showing the currently used open spaces in the property
B) A project narrative and supporting site plan(s) detailing how the existing designated open space will not be reduced or removed as part of the expansion "

I believe that the use of specific language for manufactured housing, rather than arbitrary open space designations applicable to new construction standards, will facilitate the careful and deliberate addition of new affordable housing within Oregon City. Without the proposed amendment, none of the existing manufactured housing parks in Oregon City will be able to increase density which will severely limit affordable housing in Oregon City where it is already dangerously ill served.
"

Laura Terway

From: Paul Edgar <pauloedgar@q.com>
Sent: Tuesday, September 25, 2018 4:59 PM
To: Laura Terway; Pete Walter
Cc: guttmcg@msn.com
Subject: Equitable Housing Code Revisions in Oregon City, dreaming out loud and this requires any and all ideas from everyone

I want to put into writing, with on the record more comments about what needs to be included into revisions into OCMC codes to achieve the Equitable Housing goals for Oregon City and our region.

First, I am very concerned with the difference of and between subsidized housing and affordable housing within the Equitable Housing equation.

We cannot in Oregon City afford to create the amount of affordable units suggested as needed in our Portland Region of in access of 45,000 units and within that, some proportionate share on the part of Oregon City.

We do not have the geography and/or the tax base to stuff in a high density development into our existing neighborhoods and I believe that many of the changes proposed to our codes to be applied across the board will cause more harm than good. We are not Portland nor do we live in Multnomah or Washington Counties. We are talking about Oregon City.

These changes to our Planning Codes can have a destructive side to many of the global changes that will happen to our existing neighborhoods with in-appropriate infill and density, that can negatively effect our city. Metro chapter 3.07 suggests that no decision should be made to increase densities that negatively effect neighborhoods. What is done must be targeted, to places where there are limited negative infrastructure problems with all utilities and access.

Transportation and parking implications cannot be looked over, with the critical needs for access to public transit having a very high weight value. Each of these dwelling unit is going to have on average between 10 and 12 incidents of travel generated daily and only 1% of those trips are now being taken care of regionally with public transit.

Lyft and Uber get more people to where they need to go globally and the current trend is transit ridership is falling like a rock.

Motor vehicle use, has never been higher and more affordable. More people without the necessary incomes to justify owning a car now have one and use it, creating this much higher incidents of travel on our roads.

People with limited income go to the stores more often and this also creates a need for neighborhood markets and when it is not available options and access to affordably.

We need code revisions that can lead to new locations, where we can help create affordable housing within Planned and Clustered Developments, where every aspect can be optimized. Where we have the capacity in our parks, schools, college, jobs, roads, trails, parking, and reasonable access to health care and to the grocery stores.

We may well need to have the ability to flip zoning, to enable this ability to create these "Planned and Clustered Developments" into undeveloped area's. We have one those areas/opportunities around Clackamas Community College, that are currently zoned industrial or commercial/industrial or campus industrial and these lands could have "Greater Use Potential" for affordable housing. (What needs to be done to make that happen?)

As I have said many times, we have to look at how we can make things happen with the least amount of harm in providing something, that we can all afford. "Afford" is an important word, and "to me it is allowing people to reach their Full Potential" where they can provide for themselves and their families.

We have as a society the responsibility to do something more than provide a hand-out, we need to provide a hand-up and this is not simple!

This world we live in is not perfect in the eyes of everyone, but we cannot provide housing that in real cost is greater than $250,000 per dwelling unit on average. We as society cannot provide housing that in real cost is greater than $150,000 per dwelling unit on average. **Any housing that is in these ranges of greater than $150,000 real cost requires for it to be subsidizes at a levels that cannot be sustained.**

We need reasonable housing units that can be spartan in features and in the size of these housing units, but can be created in the max of $100,000 but closer to $50,000 range.

Just think about Manufactured Housing, Cottage Housing and Tiny Houses, all in Planned Communities within Clusters.

We need affordable land (a place for government help), and access to; all utilities, parks, schools, college, jobs, roads, trails, parking, and reasonable access to health care and to the grocery stores.

We just have this large group of the working poor or limited income families in the 60% to 80% of the medium income levels where the cost of renting living space is equal to 60% of there gross income. This then also calls for the need for semi-permanent "family housing", often two (2) adults and one (1) or two (2) children with access to our schools and colleges and greater then average incidents of travel generated.

Sustainability of the financial implications in this equation is a very big deal and Equitable Housing paid for off of the backs of those with incomes greater than the medium average income levels are not sustainable in how the funds are made available to create these subsidizes.

It is therefore my opinion is that we need to create new codified codes within these Equitable Housing Revision effort, that are like a manufactured home parks, and we can get examples of those codes from other cities. This is to create new model of affordable housing communities that does not exist in Oregon City's codes. These communities need to have high densities that can be like R-1 or R-1.5 in lot size, with less space/area dedicated to interior roads and more to walking paths, gazebo's and green space. Effort's should be made limit the needs and space for cars and reemphasize the need for Transit. Community rooms, centralized laundry capability should be part of the design.

One of the greatest additional needs is access to educational betterment and that requires day care, schools, colleges and skill training. Creating housing intermixed with employment opportunities is a win - win.

Creating these communities in clusters, opens the to centralizing services with greater efficiencies and the ability to target problem areas with more talent, at less cost.

This is where we put together a plan that allows people who want something better, the ability to get their priorities together and live very affordably, take care of their families, gain new skills and create new opportunities to move on to better places.

Why not have Oregon City figure this out and create case study and example, of how it. We can be do it and show the way in our region.

Others like Johnson City is doing better than any other City in Clackamas County in providing affordable housing with housing ownership on leased lot spaces. Private developers created that model and incorporated that into a city.

Paul Edgar

TO: Oregon City Planning Commission

FROM: Homeless Solutions Coalition of Clackamas County
Co-Founders, Dan Fowler and Nancy Ide

DATE: September 17, 2018

SUBJECT: Proposed Code Amendment related to Shelters

During the winters of 2016-17 and 2017-18, the City Commission approved emergency resolutions to temporarily waive code requirements to allow emergency warming shelters for homeless people in Oregon City. The warming shelters provided life-saving measures during very cold nights, providing relief, safety, and security for Clackamas County citizens who found themselves homeless. Homelessness remains a concern in our community, and there has been increased activity to help find solutions to the crisis. The Homeless Solutions Coalition of Clackamas County (HSCCC) is working diligently to address the impacts and the service needs to help folks get off the street and into sustainable, independent living.

However, just as the crisis did not happen overnight, neither do solutions come easily. To ease the burden of the emergency resolution process and to aid the planning for the warming shelter service providers in Oregon City, HSCCC is asking the Planning Commission to allow shelters as a permitted use in the MUC and MUD zone districts. This would allow the warming shelters to operate again this coming winter as in the past two years.

If the Planning Commission votes to recommend that the shelters be a conditional use in the code, then the HSCCC proposes the amendment below so the warming shelters can continue to operate this winter, providing safety and security to our vulnerable residents.

Thank you for your consideration.

AMENDMENT:

Overnight warming shelters are permitted for tax lots 2-2E-31AA-02200, 2-2E-31AA-02300, and 2-2E-29CC-03800 from November 1 – April 30 of each year. Shelter providers are required to hold a public meeting or open house prior to the opening of the warming shelter to hear the neighborhood concerns, and to provide 24-hour contact information for the duration of the event.

September 19, 2018

Dear Chair McGriff and Oregon City Planning Commissioners:

Please accept these comments on behalf of the Downtown Oregon City Association Board of Directors. Thank you for all of the hard work that the commission has been doing to consider these complex issues. DOCA is in support of more equitable housing options in our community, however most of the proposed amendments that affect the district are within the "other clean-up" category.

Most of our comments are based on an August draft and thus might be slightly out of date.

1. Transitional Shelters should not be allowed in the design district overlay area of MUD.
2. Parking not in conjunction with a primary lot use should be allowed in MUD. DOCA has identified parking lots that are willing to serve as part of a pilot nights and weekends parking program. One is a parking lot that serves a professional office building and the other is a tax lot that is only used as for lease parking. Both are not used on nights and weekends and there availability for nights and weekends parking will greatly alleviate current parking constraints with minimal infrastructure investment.
3. We are supportive of making the landscape standard clearer and more objective but would like to better understand why 5% was chosen. This may detract from the zero lot line nature of our historic core when infill construction occurs.
4. Building standards should prioritize our historic district's small town character.
5. Minimum space requirements for multi-family open space could be met by nearby parks or public space thus allowing infill construction to follow the same regular form that is exhibited by downtown's existing historic buildings.

We will be studying any changes that were made to the code package since August for comment at your proposed October 9 hearing.

Sincerely,

Jonathan Stone
Executive Director

2018 Board

President
Carol Pauli

Vice President
Don Scott

Treasurer
Zach Stokes

Secretary
Yvette Kirwin

Board Members
Michael Brand *(non-voting)*
Kelly Dilbeck
Bradly Forkner
Gene Gligorea
Nancy Ide *(non-voting)*
Mike Mitchell
Craig Morrow
Erik Orton
Brian Slack
Andy Spicer

Executive Director
Jonathan Stone

Downtown Oregon City Association is a 501(c)(3) non-profit that leads revitalization efforts of Oregon City's 172-year-old downtown.

From: Chicoine, Lynne
To: Pete Walter; Carr, Erik
Subject: RE: OC Planning Commission question on TCSD capacity
Date: Monday, September 17, 2018 2:07:19 PM
Attachments: image004.png

Hello Pete –

It's an interesting question and the short answer is no, the additional demand doesn't take away from the other cities' shares, because we don't allocate capacities to member cities. It would be very difficult to do so as we can't/don't segregate flows/loads by city. Further, unit process capacities at TC WRRF are defined by different parameters that occur under different conditions. There is no one number that defines TC WRRF capacity, or cities' contributions.

Thanks –

Lynne

Lynne Chicoine, PE
WES Capital Program Manager

150 Beavercreek Road
Oregon City, OR 97045
Direct: 503.742.4559
Mobile: 503.953.2587

From: Pete Walter [mailto:pwalter@orcity.org]
Sent: Monday, September 17, 2018 9:38 AM
To: Carr, Erik <ECarr@co.clackamas.or.us>; Chicoine, Lynne <LChicoine@co.clackamas.or.us>
Subject: OC Planning Commission question on TCSD capacity

Good morning Erik and Lynne,

Thanks for the letter that you prepared in response to the housing code amendments. We entered this into the record, and one of the planning commissioners specifically asked us to clarify whether the other cities that were part of TCSD would have any objections. In other words, does this additional demand take away from other city's share of the plant capacity? I don't know how the

capacity is allocated within the district, but please could you respond?

Thanks,

Pete Walter

Pete Walter, AICP, Planner
Oregon City Planning Division
Community Development Department
We Moved! 698 Warner Parrott Rd, Oregon City, OR 97045 (Map)
Phone: (503) 496-1568
Planning Division Website: www.orcity.org/planning
Check out the Equitable Housing Project
Mapping Tools: OCWebMap and other Useful Maps

West Coast Mobile Home Parks, Inc.

Richard Delaney -- CA BRE# 00781389
Suzanne Michaelson -- CA BRE# 01056851
Hazel Bautista

August 29, 2018

Shirley Truesdell
13531 Clairmont Way #133
Oregon City, OR 97045

Notice of Owner's Interest in Selling Park Served by First Class Mail

Dear Shirley and all others:

This is your notification ("Notice") that pursuant to City of Oregon City ordinance 15.52.060 as well as ORS 90.842 the owner is providing you with the following information:

1. The Owner has received an unsolicited offer and is considering selling the Park;
2. The Owner of the park is Clairmont Manufactured Housing Park LLC. The representative authorized to negotiate a sale of the manufactured home park is Richard Delaney. The owners representative can be reached at 31 Airport Blvd. Suite G, South San Francisco CA 94080, 650-589-8757.
3. The Park tenants, through a tenants committee, have an opportunity to compete to purchase the Park;
4. In order to compete to purchase the Park, Per ORS 90.842 within ten (10)days ("Ten Day Period") commencing on the fourth calendar day following the above Date of Mailing of this Notice, the tenants must form, or identify, a tenants' committee, for the purpose of purchasing the Park, and notifying the Owner in writing of the following information.
    a. The tenants' interest in competing to purchase the Park; and
    b. The name and contact information of the representative of the tenants' committee with whom the Owner may communicate about the purchase.

    The Oregon City ordinance has a different time frame than ORS 90.842. It is unclear if the State law or the City ordinance prevails.
5. An authorized representative to the tenants' committee may request certain financial information described in ORS 90.844 from Owner within the Ten Day Period. Such requests should be made to Richard Delaney, the agent of the Owner, at the address below and should be made in writing.
6. Information about purchasing a manufactured dwelling park is available from the Office of Manufactured Dwelling Park Community Relations of the Housing and Community Services Department. (http://www.oregon.gov/OHCS/pages/index.aspx), and they, as well as the City of Oregon City, have been provided with a copy of this Notice.

Note: Pursuant to ORS 90.846(4), following issuance of this Notice, Owner may list the Park for sale and/or solicit, seek, and negotiate with potential purchasers, other than the tenants, or an entity formed by, or associated with them.

Sincerely,

Richard Delaney
Agent for, Clairmont Manufactured Housing Park, LLC

31 Airport Blvd, Suite G, South San Francisco, CA 94080
(650) 589-8757 Facsimile (650) 589-7453
www.westcoastmobilehomeparks.com

ENTERED INTO THE RECORD
DATE RECEIVED: 9/10/18
SUBMITTED BY: D. Soderson
SUBJECT: Public Comment

Clairmont Park Homeowners Co-op - September 2, 2018 - From Don Leith #93 - Co-op President

Extremely important - read this letter carefully!

What is the Clairmont Park Homeowners Cooperative? It is an organization that has existed here in the park for over 10 years. Its express purpose is to save our homes from development by real estate speculators. This can be accomplished by joining the growing ranks of manufactured home parks that have become **R**esident **O**wned **C**ommunities. Otherwise referred to as ROCs.

A little history. If you did not live here in 2007, here is what happened. We woke up one day and discovered that the park was for sale. And we were all in danger of losing our homes so that high dollar condominiums could be built. As park residents we did two things. First we lobbied the Oregon City Council to pass an ordinance giving us some compensation for our homes if the park were to sell. You would get $7,500 if you owned a singlewide and $15,000 if you owned a doublewide. Otherwise, because these older homes usually can't be moved, they would be bulldozed and we would get nothing. The Oregon City law offers higher payouts to home owners than the minimum set by the state of Oregon.

The second thing we did was create the Clairmont Park Homeowners Cooperative. The Co-op is organized under a law providing the legal framework for us to own and operate the park ourselves as a non-profit corporation. This has the advantage of stabilizing the space rent and making the homes more valuable over time because each member actually owns a share of the entire park. And you will never lose your home to real estate development. In the end the deal did not proceed because the real estate market collapsed in 2008.

The Co-op has been notified that the owners of the Park have received an unsolicited offer to purchase the park and are considering selling Clairmont. But do not panic or lose hope.

The Day has come! Even though the park has not been for sale we have continued to keep the Co-op together as a legal entity for just such a day as this. We do not yet know for sure if the park is being sold for re-development or not. But chances are good that re-development is in the works. We will find out soon. But we have a plan to purchase the park as a non-profit corporation.

Here is where you come in. If you joined the Co-op back 10 years ago you are still a member. If you have moved into the park in more recent times, you can become a voting member of the Co-op for $15 per home. **We strongly urge you to do so!** We will have an open house at the park clubhouse where you can join and have your questions answered on Sunday, September 9, from 1 to 4 p.m.

We can save our homes. We need your support.

ENTERED INTO THE RECORD
DATE RECEIVED: 9/10/18
SUBMITTED BY: D. Sorenson
SUBJECT: Public Comment

ENTERED INTO THE RECORD
DATE RECEIVED: 9/10/18
SUBMITTED BY: Eugene Zaharie
SUBJECT: Housing / Item 3a. / /

9-10-18

HOW TO SPEAK (WRITE) TO CITY/COUNTY OFFICIALS:

1.) SPEAK (WRITE) CLEARLY.
2.) IDENTIFY YOURSELF AND WHERE YOU LIVE
3.) DO NOT USE PROFANITY OR AGITATE
4.) SMILE AND THANK THE LEADER OF THE MEETING FOR THE OPPORTUNITY TO ENGAGE THOSE PRESENT.
5.) BE BRIEF AND CONCISE.

MY NAME IS EUGENE ZAHARIE. I LIVE IN MILWAUKIE, OR. I VOTE REGULARLY. I'm SMILING

AS I WRITE THIS. THANK YOU FOR ALLOWING ME TO SUBMIT THIS STATEMENT RE: WARMING SHELTERS.

TO THE MAYOR AND DIRECTOR OF Oregon CITY ZONING OFFICE, PLEASE REMOVE ANY CODE RESTRICTIONS, ZONING BARRIERS, INSTITUTIONAL HURDLES OR OTHER impediments THAT DISALLOW WARMING SHELTERS TO OPERATE.

WARMLY YOURS,
EUGENE ZAHARIE

August 27, 2018, Planning Commission Work Session

Written comments from Nancy Ide, Co-founder of Homeless Solutions Coalition of Clackamas County.

Good evening. My name is Nancy Ide, and I am speaking this evening with my hat on as co-founder of the Homeless Solutions Coalition of Clackamas County. The Coalition has a vision to provide compassionate and respectful solutions to those who are homeless through community partnership.

Tonight I would like to speak specifically to one area of the code amendments you are considering – the area of transitional housing or shelters for our community members who are on the low-or no-income spectrum. These folks are people like you and I who are residents of Clackamas County, but due to their unfortunate circumstances, cannot find stable housing in our city or county.

https://www.facebook.com/ClackamasCounty/videos/2116653238409113/

Recently, a video was prepared by Clackamas County and Vahid Brown, the County's Housing and Policy Coordinator spoke to help dispel myths about who the homeless are in our region. I'd like to read the comments from Vahid Brown.

Vahid: I've worked with people in our community who haven't had stable housing for years, and [they include] every type of person from every walk of life. One of the big myths you hear, particularly on the West Coast, is what's called the Magnet Myth. It's the idea that the West Coast's weather is nice, the people are friendly, the communities are welcoming, and there's an abundance of services. So, [the myth says], people come to Clackamas County from outside the region or state to be homeless here. The County did a survey two years ago on the Springwater Trail and got very solid data on homelessness in the County. We asked them:

- where they lived before they were homeless; and
- how long they lived in Oregon.

Exhibit A.

ENTERED INTO THE RECORD
DATE RECEIVED: 8/27/18
SUBMITTED BY: Nancy Ide
SUBJECT: 3a. Equitable Housing + Code Attendants

The overwhelming majority of them - 90% - were Oregonians for more than ten years. I asked them where they were last housed before camping on the Trail, and they would point to an apartment complex a few blocks from where we were. Not in every case, but two-thirds of them identified their last housing as the neighborhood in which they were currently camping. This is common across the West Coast. People lose their housing and they stay in the community they know.

That's where they have their networks, where they know the lay of the land. It makes sense.

Many people who were at working-class incomes are experiencing homelessness in our community. Not everyone has a mental illness or a substance-abuse disorder. Substance-abuse is consistent across the [overall] population, regardless of their housing status. Substance abuse disorders don't discriminate, but [affect] people all age brackets, including parents with children. For instance, this year, 65% of the head start children in our free preschools, the 3-5 year old children, are homeless. That's 2 out of 3 children. <u>THAT</u> is what homelessness looks like in Clackamas County. We're talking about OUR neighbors – <u>ALL</u> types of folks.

The [homeless] people that reinforce the <u>stereotype</u> are the folks that are most visible because you see them on the sidewalk going through a mental health crisis. But [those individuals] represent a <u>tiny fraction</u> of the overall community of people who are struggling to maintain stable housing in our community.

Those are words from Vahid Brown and I'd like to publicly thank him for his tireless, hands-on work in our region helping the homeless find housing.

I chose to use Mr. Brown's words today because of his conclusions that the homeless people in our county are mostly local residents who came upon hard times.

As a city, it is our obligation to not be selective, but to provide housing opportunities to all income brackets in our community. The other proposed code amendments you are considering are addressing a variety of equitable housing options without a conditional use, but the missing piece is housing for our homeless and low-income residents. I encourage you to recommend codes that permit shelters in the MUC and MUD zone districts without a conditional use. I also encourage you to use specific federal language for housing to help applicants secure grant funding for building transitional housing. The phrase "transitional shelter" is old school, and the federal government is simply saying "shelter" to define a variety of housing options for homeless and low-income persons. Once a person is housed, the County is doing its part by providing a variety of services to promote good health and well-being, and Clackamas Community College is ready and waiting with workforce training to help transition the homeless into a sustainable, independent living environment.

Please help provide the missing piece in our Oregon City community by permitting shelters without a conditional use.

Thank you.

My name is Robin Schmidt. I'm the Executive Director of The Father's Heart Street Ministry in Oregon City. I want to thank you for this opportunity and for all that you are doing on behalf of the most vulnerable in our community. I am impressed with your desire to find and implement solutions for them. In the last two years of my directing, I have seen so much support from the local community. I have heard countless times the appreciation for us being available to those in need. The community seems to appreciate a place that they can contribute to the needs of others, not only with their item and financial donations, but many times they bring people in need for services. There seems to be an underlying compassion that runs through Oregon City and it's citizens. We are so glad to be a part of this community.

The Father's Heart is a Day Center for those experiencing homelessness and those on the verge of losing their homes. We also have served for many years as an emergency warming shelter for up to 49 people when the weather is freezing or below. Because of Oregon City granting emergency resolutions, we have been able to offer a safe, caring place for people to receive a warm meal and a warm place to lay their head. We also help keep people from filling emergency rooms in the hospital by preventing them from sickness. You could honestly say that we save lives.

The people served in the emergency shelter many times are also fighting physical health issues, disabilities, mental health on top of dealing with severe weather. They come to us many times with soaked wet clothes and or shoes. We are able to offer them dry clothes and shoes, hand and feet warmers, a warm meal and a supervised, safe night of rest. We are also able to refer people to our Day Center for receiving much needed services.

Sometimes people are brought to us by people in the community that see someone in distress, also police officers and sometimes even some are released to us from the local hospital because they have no place to go but us. We are grateful for the privilege of serving the community by caring for those in great need in severe weather.

Those that come to our Day Center are not only able to receive meals, but also showers with a clothing exchange, computer access, access to a phone and use us as their mailing address. We also have weekly services from Clackamas county

Exhibit B.

ENTERED INTO THE RECORD
DATE RECEIVED: 8/27/18
SUBMITTED BY: Robin Schmidt
SUBJECT: 3a.
Equitable Housing

housing, weekly veterans representatives and monthly foot care and Medical care.

In the last month alone, we have seen clients advocated for and supported in court, transported to appointments, 3 people find affordable housing, with one moving in to her new home tomorrow! We have given out numerous bus tickets to those just starting employment, many sleeping bags for those waiting to get inside. We had one guest come back to thank us for being available in his great time of need and sharing with us that he has been sober for on year, working and living in his own home. Another guest in his late 80's and a veteran wrote me a note to thank us for the "good program" we have at TFh.

Day or night, The Father's Heart greatly respects our neighborhood and community at large. We have strict guidelines for appropriate behavior inside as well as outside on our property. Guests that come in for emergency shelter must be able to comply to our guidelines to stay as a guest. Every night the guidelines are gone over with all guests to make sure that peace is maintained for all. This means being considerate while outside on our property. There are designated areas for smoking and visiting outside and no one is allowed outside after 10pm.

It is made clear that those that can't comply will be asked to leave or sometimes trespassed. This however, is not something that occurs often. We have found that people are too appreciative of the emergency shelter to jeopardize their stay.

The Father's Heart encourages you to change the current terminology of "emergency resolution" to "permitted use". In the past, the cold weather comes earlier than the passing of an emergency resolution. Last year, I actually opened the shelter at midnight of the day the resolution was passed. I couldn't live another night telling people as soon as the resolution passes we can open. So, at midnight I drove over to the transit center and the nearby streets and told people we were open. The simple fact is that we cannot operate at night without funding. We couldn't receive funding from the county until the city passed an emergency resolution.

Changing the code to "permitted use" would also allow us the necessary time to prepare and schedule volunteers and staffing for the operation of the emergency

warming shelter. In years previous, we have had to tell volunteers that we hope to be operating by a certain date, but that is only if the resolution is passed. As you can see, a permitted use would help us greatly for scheduling with confidence the volunteers that want to serve.

The Father's Heart is only interested in maintaining a well serving Day Center and providing an emergency warming shelter in extreme weather. We are honored to be in Oregon City.

Thank you for your time. I'd now like to introduce Jim McGuire, a former guest of The Father's Heart Day Center as well as the emergency warming shelter.

This isn't my first time coming before you. But I hope it's my last. And frankly, I don't know what all our advocating, picketing, letter writing, meeting taking has done. Getting local meetings was met with a mere shoulder shrug and an aloof response. Getting county, state officials involved was useless.

I came here before to advocate on behalf of my neighborhood. We were a great little place. Kids laughing and riding their bikes in the street, families standing on corners chatting, front yard BBQs. Now, our street has lost 7 kids. We have 5 rental house and one on the way. Our children aren't allowed to play outside without supervision. This, this is what you all created. Now, I don't feel safe walking my dog at dark. I walk along Human excrement in our alleys. I have to make sure I look ahead to ensure my children don't see sexual acts in the alleys. "Neighbors" come home clearly under the influence, blaring music and screaming profanity. Again. I say, this, this is what you all created. You didn't hear the pleas of my street. But maybe you'll acknowledge that will not be an isolated incident if you do not change your codes. And take notes for the upcoming proposed changes.

~~I come here to ask that you own what you are creating~~. It is your job to plan for growth. And each and every one of you should be putting the desires of the community first. We can choose to be a town, known for the jail, the courthouse, the homeless, the transitional houses for criminals, sexual offenders and addicts. OR you can create a city for young professionals. A place where families can come, put down roots and grow. You can cultivate a city known for its unique location, amazing locally owned businesses and our historical preservation ~~of this country~~. But it's up to you to make a choice. As much as we'd like to say we can have it all, we simply can't. Families don't want to raise their children around felons. Families want to feel safe walking their neighborhood.

So, when I hear a complaint I ask for 2 possible solutions.

Options. Stop transitional homes. Stop ADUs. Focus on the very flawed codes we currently have and make rules so that tax paying, voting citizen are the ones who get to drive the direction of their neighborhoods. ~~How can tighter regulations~~ à la twelve Utah

OR Re-write the code so neighborhoods can be involved. Focus on making clear rules that are defined so that we don't have homes filled with felons, addicts, and sex offenders with no consequence and with no oversight. The ADUs need clear

ITEMS ENTERED INTO RECORD
FILE: LEG-18-00001
DATE: 8-27-2018
EXHIBIT: C
SUBMITTED BY: Jennifer Ostrick

defined rules so that we don't have sheds as "ADUs". Owners of the property must be held accountable. There must be a system in place that examines the integrity of the area where these multi-living dwellings will occur and actually stop the development if it negativity impacts that area. A simple, "the code is the code, or my hands are tied" are simply unacceptable. outcomes.

This isn't just a "my street concern". And if you are naiive enough to think that this won't impact you, then I can't speak to that. What I can say is I run all over this town. My last run I found 5 needles. When I ran around CCC I had to literally run around 3 homeless people.

I keep hearing we are worried to become the next Portland. But Portland has a vibe to "embrace all". When you move to Portland, you have a sense of what you are getting. From food carts, to people sleeping in your yard. Oregon City does not. Oregon City is tore into so many parts that what defines us has been lost. Rules aren't made for those who follow them. They are made for those who try to get around them. I don't fear Portland, I fear that we will become the next Gothum city.

Now I need to go home. Lock my doors, arm my security system and put my children to bed.

From: Paul Edgar
Sent: Tuesday, August 28, 2018 11:04 AM
To: Pete Walter; Laura Terway; guttmcg@msn.com
Cc: Rocky Smith - Home; Damon Mabee; Mike Mitchell; Brain Shaw - OC Commissioner
Subject: Metro's Chapter 3.07, "Urban Growth Management Functional Plan" & "Regional Functional Plan Requirements" with 2018 updates

---

It is my belief that Metro's Chapter 3.07 Urban Growth Management Functional Plan should be reviewed for compliance and direction as it states in 3.07.010 Purpose:

"Any city of county determination not to incorporate all required functional plan polices into comprehensive plans shall be subject to conflict resolution and mediation processes included within RUGGO, Goal I provisions, prior to final adoption of inconsistent policies or actions".

Last night before the Planning Commission 8/27/18, I referenced Title 7 - Housing Choices & Title 12 - Protection of Residential Neighborhoods - 3.07.1220, Residential Density.

Title 3.07.1220 Residential Density - "Metro shall not require any city or county to authorize an increase in the residential density of a single family neighborhood in an area mapped solely as Neighborhood."

There is significant guidance found in virtually all of the Titled Sections that directly applies to the current considerations, efforts and actions to update Oregon City's Equitable - Affordable Housing with new policies and code revisions.

My personal comments are that the great middle of the housing needs are mostly driven by the conditions of the Marketplace and the lack of new lands found within the identified Urban Growth Boundary. We should be very careful prescribing new infill with inconsistent density requirements in established neighborhoods that adversely and negatively destroy the character and culture that holds a neighborhood together.

Found in Title 3.07.760 - "Recommendations to Implement other Affordable Housing Strategies" are table 3.07-720 on Five-Year Voluntary Affordable Housing Production Goals. There are lists by "Jurisdiction" of "Needed new housing units for households earning less that 30% of the median household income and Needed new housing units for households earning 30 - 50% of the median household incomes."

How we address the creating of code revisions for housing people below the 30% of the median household incomes is of the highest priority and it is to me the one lost group of housing.

My personal belief that this can happen best in Planned Communities within Cluster Housing Concepts, where efforts are to have primary access to transit and education with very small lots.

Exhibit D. Paul Edgar
File: LEG-18-00001
Planning Commission
9.27.2018

We as society and tax payers cannot afford the so called affordable housing high rise projects, that are to the most part subsidized with significant tax payer funded efforts to reduce the costs that are now approaching $250,000 plus per dwelling unit. There is also cost that we will pay as a society where the next generation is brought up in environments where there are elevators and no trees, green grass, parks and fresh air.

Please review the many outstanding Senior Housing Communities and ideas can be picked up.

We should review how we can re-purpose Industrial and CI lands on all side of Clackamas Community College, that have sat idle and transfer some of those lands their zoning to other places and thus open the door to Greater Need Process of Review, that could solve the problems with the opportunity to locate housing, where NIMBY and other neighborhood reactions are minimized. The key to these open lands is that they satisfy the critical transit and education/re-education and job skills building components with the highest weight values. There are many and multiple tears/levels of very low cost housing that needs to be addressed and each can be considered a stepping stone to the next level.

When market costs of housing and income levels do not match and people are forced to the street or to their cars. The proposed housing on the upper floors of possible housing between McLoughlin Blvd and Main Street in those new allowable floors (re-setting the height Standard to 75-Ft.) would not be affordable - equitable housing to anyone 30% below the median average income. Most everything being suggested within these revisions that seems to get talked about is for people above the median average income or on the higher ends of income. To me we are losing track of what this whole revision process is and should be all about.

Please make this information part of the record of these hearings and available to all members of the Oregon City Planning Commission.

https://www.oregonmetro.gov/sites/default/files/2018/04/16/urban-growth-management-functional-plan-04162018.pdf

Thank You,

Paul Edgar, Canemah Neighborhood Resident

From: Karla Laws
To: Laura Tierney; Pete Walter
Subject: Roosevelt
Date: Monday, August 27, 2018 11:00:52 PM

Late afternoon to evening activities of homeless & transitional house at 523 in the past few days on Roosevelt. Totally My neighbor and my household witnesses sexually acts, unsafe shouting/cussing, possible drug dealings, indecent exposure. My children do not feel safe and see inappropriate things. In the upper middle shed photo doing sexual activities just trying to walk to their car from their own porch. The person living in the shed will not leave. No bathroom facilities. If codes become more lenient, I don't see how this will improve.

Please share w who you see fit. Please keep my identity & contact anonymous for the protection of my family.

& tonight at 10:03pm. Shed being occupied illegally with no bathroom facility. Ppl from 523 occupy this shed frequently, at least 3 different ladies overnight. Seen ppl homeless and high go in here too on a regular basis.

Exhibit E. Karla Laws
File: LEG-18-00001
Planning Commission
9.27.2018

Karla Laws

Sent from my iPhone

Fort Kennedy Vision Statement

On Tiny Houses in a Cluster

"Our direction is to enable All Veterans to move forward in their lives after military service. We will provide transitional housing, shelter for homeless service men and woman. To ensure All Veterans receive the support through employment, family counseling, and help with well-deserved benefits. We will work with all Veteran Agencies in the community, we will achieve a much needed 'Hand Up, not a Hand Out' for our Homeless Veterans."

We would like to comment on affordable housing, with efforts to create transition shelters/housing and very low cost (affordable) housing, **where we can move more people/families, affordably off of our streets.**

The focus of Fort Kennedy has been initially on creating encampments, with Transitional Shelters and Semi-Permanent Housing (Tiny Houses) for our Homeless Veterans.

Fort Kennedy currently operates a Veteran specific day center, at 7600 Johnson Creek Road on the second floor of a building within space provided by Crosspoint Northwest. We subsequently allocate space for non-profits; Gold Star Wives, Vietnam Veterans Post 392, and PTSD foundation of America and even the VA.

Our Veterans and non-Veterans and how we (as society) address these conditions and various reasons and core causes of the lack of housing and subsequent homelessness, there will always be an open wounds.

Our seniors and the working poor find their ability to find Housing is equally a problem/opportunity, which needs to be addressed positively and overlaps the greater needs of society.

We have significant segment of people without adequate housing that have Mental Health Issues, many of our Veterans also have the additional problem of PTSD and those problems can be compounded, where a lot are addicted and/or self-medicate and that results in additional major problems/opportunities.

We have look to all transitional opportunities to move people from being dependent within society, to where they are self-supporting, that includes addressing all educational opportunities including job training.

We also need to talk about the "Not In My Back Yard" (NIMBY) issues, of where and how we create/locate - locations, for the full spectrum of people priced out of housing opportunities, including opening up the UGB.

Paul Edgar, Board Member of Fort Kennedy, 501(c) (3)

To provide everyone a better idea of what a 20-unit planned community built in a cluster for Homeless Veterans - Housing, could be using an Oregon City company might cost, we gathered following information.

ITEMS ENTERED INTO RECORD
FILE: LEG-18-00001
DATE: 8-27-2018

EXHIBIT: F
SUBMITTED BY: Paul Edgar

Better Built Barns, 13781 S. Forsythe Rd. (Just off Clackamas River Drive.) in Oregon City to provide Fort Kennedy a quote on Affordable Tiny Houses.

We asked them to spec-out a 10' x 20' units (200 sq. ft.) in their Country Barn style, with 9' base walls and a loft. (Floor to ceiling interior peak, would be approximately 13' high, which provides a lot of cube.)

We asked for them to upgrade these structures where these Tiny House Units would be built on Post and Beam, but with 2' x 6' Construction and with a pressure treated material for the floor structures.

The Gambrel Roof rafter would be 4' in height to the initial curb, then would then go up an additional 2' to the peak, providing a floor to ceiling height of approximately 13' and also have one 5' wide dormer, and built with addition of vents, roofing pre-engineered for Solar Panels.

Each of these Tiny Housing units would have two 3.0' man doors, four 3' x 3' windows for legal egress, and two 2' x 2' windows.

Each Tiny Housing unit would have an 8' x 10' sleeping loft and below it 8' x 10' walled in room (Handicap accessible bedroom, or have two bunk-beds.)

The preliminary estimated cost is based on building 20 of these Tiny House units (all material and labor) at one site. The cost would be $8,500 per structure or $170,000 in total. (This would be achieved as a result of, gaining a 10% volume discount, by building all structures at one location)

There would be no plumbing, electrical and/or wall heating units, but that could be easily added after the fact, hopefully by donation.

They would be ready for standard insulation and hard board interior walls possibly over that of sheet-rock, to prevent damage.

This same Tiny House units could be designed to where they could have an 8' x 10' kick-out on the back side, if there was a need for a future bathroom and/or micro kitchen. (This would make the structures 280 Sq. Ft. and add $3,000 more and would open the door to SDC Fees and other Impact Fees being assessed.)

Each of these Tiny House structures could easily sleep up to four (4) people comfortably and more in emergency conditions.

What we are attempting is to build are Affordable Housing Units on Post and Beam, which are in a size, which is below a size (200 Sq. Ft.) of what requires Building Permits and is additionally not assessed with SDC or other Impact Fees.

To make this vision complete, we see a need for a central commissary building that becomes the kitchen - meeting space, with toilets and showers. This building should be envisioned, as part of creating an effective planned community.

Centralizing outreach efforts, where effective peer-to-peer intervention can take place, in combination with counseling, we can transition Homeless Veterans into a sustainable life and will prevent suicides.

Testimony for Planning Commission consideration of the Equitable Housing Code Amendments- LEG-18-00001 on 8/27/2018

- My name is Nikolai Ursin
    - Served as a member of the Technical Advisory Team for the Equitable Housing Strategy
    - Here on behalf of NHA, one of the largest non-profit housing organizations in the state
    - Roughly 2000 units in 15 Oregon counties, with nearly a third of our portfolio located in Clackamas County
    - Was before Commission in March discussing Pleasant Ave Veterans Housing
        - Narrowly approved by this body in a last minute 5/2 vote that was almost held up due to factors that may no longer applicable to future projects if the package before you is passed into code.
        - I'm here today to say that that is a good thing, and here's why:

- The need for housing is clear
    - The last point in time homeless count found more than 2000 people living in the streets/shelters/cars in Clackamas County. These include veterans, children, the disabled, and hard working families that just fell into difficult times due to the loss of work, illness, or other factors outside of their control.
    - The cost of market rate housing is now out of reach for many who call this community home, where the median home value is now at $410,000 and the average rent for a 2-bedroom unit is $1230.
    - For a family earning minimum wage or several dollars an hour higher, this rent is far out of reach.
    - This imbalance causes all sorts of problems, from family instability, to greater traffic caused by folks who now must live far from their places of employment simply to keep a roof over their head.
    - It's for these reasons this process got underway.
- Overly prescriptive code can get in the way of innovative development
    - Pleasant Avenue Veterans Housing was designed to produce the most housing for the least cost. It was unadorned, but still elegant. The design reduced material waste, thereby reducing its carbon footprint. It was a model we hoped to prove here and take to other areas of the state to

Exhibit G. Nikolai Ursin
File: LEG-18-00001
Planning Commission
9.27.2018

replicate, but then we discussed our effort with planning staff and found that it couldn't be done.
    - Articulation and modulation, ground floor building height, maximum façade width. These were all adjusted, at great cost of funding and time, and we still couldn't get our project through land use review without variances.
    - I am thrilled that the code revisions take this into account, and provide a more predictable path for those wishing to build needed housing for the community.
- Parking is not free
    - While we did not dispute the parking requirements through a variance request for our project, these did come with a price-tag.
    - Offstreet parking costs roughly $10k per space to build, not taking into account circulation requirements. Structured parking can range between $25-50K depending on if it is underground.
    - These are not absorbed by the developer in market rate buildings. Rather, they are passed along to the renter/owner. If the city wants to have housing that is equitable, parking is something you have to consider.
    - If there's a market for parking, the market will provide it.
    - It makes sense that in a city with such topographic challenges, the market would provide parking, and I suspect most new development provides plenty of parking for buyers
    - However, times are changing. Self driving cars, electric bikes and scooters, and other technologies may reshape transporation in ways we can barely imagine.
    - I'd hope this commission wouldn't get in the way of the market and its ability to experiment in ways to most efficiently build what Oregon City buyers/renters demand.
- Finally, I want to applaud the city for this inclusive and participatory process
    - The code amendments before you were thoughtfully and thoroughly considered.
    - Your expert staff and excellent consultants took city code and made it interesting and relevant.
    - The eventual recommendation was supported by the majority of those who participated in the various committees, and I have a feeling there were many involved who wish the community could do even more to bring about equitable housing for Oregon City residents.

    - After what I hope is unanimous approval of this package of code amendments, I'd welcome review of System Development Charges and Tax abatement programs that further reduce the cost of developing needed housing. In addition, I'd encourage the city to look for ways to provide further investments in housing through dedicated Construction Excise Taxes, Tax Increment Financing, and your city's support of Measure 26-199, the regional affordable housing bond that will be on the ballot this November.
    - All of these together can truly address the housing crisis facing our communities, so that hardworking families are able to afford a safe and stable place to live in Oregon City.
- Thank you and I'd welcome any questions you may have.

From:	Nikolai Ursin
To:	Pete Walter
Subject:	Planning CommissionTestimony_08272018
Date:	Thursday, August 30, 2018 10:10:17 AM
Attachments:	Planning CommissionTestimony_08272018.docx

Hey Pete,

Per your request, attached is a written version of the testimony I provided during this week's planning commission meeting. Hope the rest of the meeting went alright. It's really a shame that they seemed so adverse to reducing parking requirements. Everyone seems afraid to experience Portland's challenges, which are so different than what might take place in Oregon City. As far as I can tell, it's going to be a long long time before housing built in Oregon City resembles the scale of Portland's typical development. They're regulating for something that won't happen. And it especially won't happen if so much parking is required...

Anyway, let me know if there's more I can do to help.

Cheers!
Nikolai

To: Oregon City Planning Commission and City Planning Commission
From: Robert J. Zimmer, Ph.D.; member of Project Advisory Team, Oregon City Equitable Housing Project
Date: August 17, 2018
Re: Feedback on Equitable Housing Project Recommendations

In June 2016, I made a major investment in Oregon City by purchasing Mt. Pleasant, a 68 space manufactured housing community. It was in terrible condition because the previous owners at one time were in the process of closing the park, in order to redevelop it for single-family, detached housing, i.e. "highest and best use". At its nadir, the park was half empty and in a state of serious disrepair causing unsafe living conditions for the residents.

To date, I have invested over $400,000 in improvements including repairing and sealing the streets, installing 13 exterior light poles with boring for 6 poles, repairing walkways, landscaping the entrance and installing new mailboxes, with overhead cedar shelters. With these improvements, residents are beginning to show real pride of ownership by remodeling and cleaning up their own homes.

As a park owner with 16 years' experience in manufactured housing, I was invited to join the Project Advisory Team (PAT) of the Oregon City Equitable Housing Project lead by Pete Walter. Having read the report, I support fully the proposed zoning code changes to promote more equitable housing options to current and prospective residents. I think the recommended code and regulatory changes are fair, reasonable, practical and creative solutions to a very complex, multidimensional, burgeoning problem.

Though I have owned and managed apartments in California for forty years, I will focus my suggestions on manufactured housing parks, which provide the most affordable home ownership options. Prospective buyers can purchase a 3 bedroom, 2 bath resale home with carport and shed for $60,000-$80,000 in Oregon City. With monthly space rent under $600, utilities about $100, and low vehicle tax rate versus property tax rate, home ownership is comparatively cheap and affordable. The problem is that they sell quickly because of the dearth of homes available on the market, i.e. demand far exceeds supply.

With a total inventory of approximately 1,000 manufactured homes in Oregon City, the supply is extremely tight, and all parks are at full capacity. There is no available space in Oregon City to place a newly purchased home unless an existing house is demolished.

The solution is to encourage developers to build more manufactured housing communities in Oregon City. Three specific recommendations pertaining to manufactured homes are:

1. Stipulate in the report that manufactured home communities are permitted in R-2 High Density Zones, if they meet design standards.
2. Remove square footage requirements so as to allow "tiny homes" or park models with less than a 400' square footprint.
3. Allow manufactured homes to be included as another option for cluster housing. (Cumberland MHP is a 7 space park in S.E. Portland.)

My last recommendation deals with warming shelters or transitional housing. As part of their mission, churches and other not-for-profit organizations are doing an amazing job assisting individuals and families who are struggling in their daily lives. Increasing shelter capacity and allowing shelters to operate year round is imperative. Also, Southern California shelters open up their doors when the "wind-chill" temperature hits 32 degrees.

To achieve increased development of affordable housing units for current and future Oregon City residents requires the Oregon City Planning Commission to approve the creative, compassionate and pragmatic changes recommended in the Project Advisory Team's report. Crises demand bold leadership at the highest levels, and affordable housing in Oregon City is a crisis.

July 23, 2018

Members of the Oregon City Planning Commission:

As the landowners of 545 Holmes Lane we are affected by the zoning changes proposed under the Equitable Housing grant and would like to share our thoughts about the proposed changes.

We support the goals of "Diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities" that the city has embraced. We also value our neighborhood and the lifestyle gained through a piece of property that originally was a portion of the Holmes Land claim. It is our thought that placing apartments *only* on the land at 535 and 545 Holmes Lane diminishes the historical importance of the history directly across the street. The Rose Farm is an important piece of the history of Oregon City and the surrounding area should enhance and reflect that history. We feel that small, single family homes in this area would enhance the pioneer spirit of the city.

We attended the focus group meeting when R-2 zoning was discussed and felt that the members were open to a wide variety of housing types in the zone but we also felt that they were deeply swayed by a photo of very ugly single family homes on small lots. Two photos were presented and one was very well received while the second was not well received at all. It is our belief that with the correct zoning requirements, single family housing could fit well on 2000 square foot lots.

If Oregon City is to provide affordable housing choices for all, then the possibility of home ownership is the ultimate goal. We believe that smaller homes, which fit the density requirement offers a greater opportunity to meet the goals then larger facilities where rent is the only possibility and the renter receives nothing in return for their monthly payments.

Please consider including single family housing in the R2 zone or at least in the Holmes Lane properties.

Thank you for your consideration.

Chris and Barb Streeter

545 Holmes Lane, Oregon City, Oregon 97045

Fort Kennedy Vision Statement

On Tiny Houses

We would like to comment on affordable housing, with efforts to create transition shelters/housing and very low cost (affordable) housing, **where we can move more people/families, affordably off of our streets.**

The focus of Fort Kennedy has been initially on creating encampments, with Transitional Shelters and Semi-Permanent Housing (Tiny Houses) for our Homeless Veterans.

We have Veterans and non-Veterans and how we (as society) attempt to create conditions, that address various reasons and core causes of the lack of housing and homelessness, there will always be an open wound.

Senior Housing is equally a problem/opportunity, which needs to be addressed positively.

We have significant segment of people without adequate housing that have Mental Health Issues, many with PTSD and a lot who are addicted and self-medicate and that is a major problem/opportunity.

We have look to all transitional opportunities to move people from being dependent on society, to where they are self-supporting, that includes addressing all educational opportunities including job training.

We would also like to talk about the "Not In My Back Yard" (NIMBY) issue, of where and how we create/locate - locations, for the full spectrum of people priced out of housing opportunities, including opening up the UGB.

Paul Edgar, Board Member of Fort Kennedy, 501(c) (3)

To give everyone a better idea of what a 20-unit planned community for Homeless Veterans - Housing, using this Oregon City company might cost, We gathered following information.

Better Built Barns, 13781 S. Forsythe Rd. Oregon City provide me a quote on these Tiny Houses.

We asked them to spec-out a 10' x 20' units (200 sq. ft.) in their Country Barn style, with 7' base walls. (Floor to ceiling peak, would be approximately 13' high, providing a lot of cube.)

We asked for it to be upgraded where these Tiny House Units would be built on Post and Beam, with 2' x 6' Construction and with a pressure treated material for the floors.

The roof would be 4' in height above the walls, to the initial bend and would then go up an additional 2' to the peak, providing a floor to ceiling height of 13′ and have one 5' wide dormer, and in addition to 4 roof vents.

Each of these Tiny Housing units would have two 3.0' man doors, four 3' x 3' windows, and two 2' x 2' windows.

Each housing unit would have an 8' x 10' sleeping loft and below it 8' x 10' walled in room (Handicap accessible bedroom, or have two bunk-beds.)

The preliminary estimated cost is based on building 20 of these Tiny House units (all material and labor) at one site. The cost would be $8,500 per structure or $170,000 in total. (This would be achieved as a result of, gaining a 10% volume discount, by building all structures at one location)

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They would be ready for standard insulation and hard board interior walls possibly over sheet-rock, to prevent damage.

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Each of these Tiny House structures could easily sleep up to four (4) people comfortably and more in emergency conditions.

What we are attempting to build are Post and Beam Structures, which are in a size, which is below a size (200 Sq. Ft.) of what requires Building Permits and is additionally assessed with SDC Fees or other Impact Fees.

To make this vision complete, we see a need for a central commissary, kitchen, meeting space, toilets and showers. This building should be envisioned, as part of creating an effective planned community.

Centralizing outreach efforts, where effective peer-to-peer intervention can take place, in combination with counseling, we can transition Homeless Veterans into a sustainable life and will prevent suicides.

Pete Walter

From: Debbie Chelson <dchelson@gmail.com>
Sent: Wednesday, July 18, 2018 1:47 PM
To: Pete Walter
Subject: Sufficient Cell Phone Towers for Proposed Growth Plans

Dear Mr. Walter –

I've just reviewed the proposals for amendments to the Oregon City Municipal Code as posted at https://www.orcity.org/planning/housing-and-other-development-and-zoning-code-amendments.

I'm in agreement that we need a variety of affordable housing options, but am concerned that the city also ensures sufficient cell phone towers for this growth. As it is, there are many low or spotty signal strength areas, particularly in the residential neighborhoods. As we add more people to the area I think we must plan for an abundance of cell coverage. This is not only important for the day-to-day cell usage of individuals and businesses, but essential in times of emergencies when first responders need to stay connected to each other and the citizens.

Thank you for taking this into consideration as we plan for additional options and opportunities in Oregon City.

Kind regards,

Debbie

Debbie Chelson
11524 Shelby Rose Drive
Oregon City, OR 97045
971-678-5680 (cell)
dchelson@gmail.com

Matheson Email 7.24.2018

Matheson v. City of Oregon City Amended Petition for Writ of Review and Amended Complaint FINAL 07182017

Norby Ltr re 17 CV25621 Matheson v City of Oregon Cityunderlined

Norby ltr re17CV25621 Resp Motion for reconsideration

ocroofpolice

ocroofreply

OCstats

Petitioner-Plaintiffs' Response in Opposition to Respondent's Motion for Reconsideration-Case No. 17CV25621-1

Pete Walter

From: Mark J. Matheson <mark.matheson@drteamsint.com>
Sent: Monday, July 23, 2018 3:05 PM
To: Pete Walter
Subject: Fwd: For the record - Planning Commission -
Attachments: Matheson v. City of Oregon City Amended Petition for Writ of Review and Amended Complaint FINAL 07182017.pdf; Petitioner-Plaintiffs' Response in Opposition to Respondent's Motion for Reconsideration-Case No. 17CV25621-1.pdf; Norby Ltr re 17 CV25621 Matheson v City of Oregon Cityunderlined.pdf; Norby ltr re17CV25621 Resp Motion for reconsideration.pdf; ocroofpolice.pdf; ocroofreply.pdf; OCstats.JPG

I forgot that you were the POC for the planning commission

-------- Original Message --------

Subject: For the record - Planning Commission -
Date:2018-07-23 14:44
From:"Mark J. Matheson" <mark.matheson@drteamsint.com>
To: Laura Terway <lterway@ci.oregon-city.or.us>, Denyse McGriff <guttmcg@msn.com>, Kattie Riggs <kriggs@orcity.org>
Cc: Miranda Sierra <sierra318@gmail.com>, Patti Webb <Pdqboxerrescue@yahoo.com>, Gary Avery <gavery@gavery.net>, Karla Laws <karla.laws@gmail.com>, Mike Simon <mike1e4e5@gmail.com>, Al Snell <classiccycleinc@yahoo.com>, Gordon Wilson <gordon@gkwphoto.com>, Tom O'Brien <tom.obrien4@comcast.net>

For the record

I would like to suggest postponing any unnecessary changes to the code's until the elections are over.

As someone who has an authentic reason to question the motivations behind City decisions, and someone who happens to be a candidate for Mayor of Oregon City I stand adamantly against any changes to the code for three (3) reasons

1. Damon Mabee, a Planning Commissioner has declared his intention to run for Mayor and should stay neutral until after the elections
2. Dan Holladay has not declared his intention to run for Mayor yet and the proposals under his Administration should be treated as a lame duck initiatives
3. There is a pattern of abuse and inconsistency when it comes to applying the code

I am submitting the material emblematic of "code practices gone wild" and information the Planning Commission should consider. The material led Honorable Norby's from Clackamas County Circuit Court to make the conclusion ***"the lawfulness of the Stop Work Order is also irreparably compromised"*** pg 5, paragraph 4, last sentence, and the conclusion the ruling by the Oregon City Municipal Court ***"on the scope of the project and the legality of the Stop Work Order"*** that it was unnecessary to review any other part of the complaint. Pg 6, last paragraph first sentence. Both conclusion coming from ignoring and/or mishandling the administrative policy and/or the municipal code.

The above facts are from a settled case. The legal battles currently being waged in Circuit Court are the efforts of the 6 attorney's the City retained to defend the indefensible, stemming out, in part from the illegal action. The City took an aggressive action and is actively attempting downplay the fact they illegally used a Stop Work Order on someone. A recent hearing can support the fact the City insists the reversal was caused by a clerical error from mishandling the recordings. An idea that has been consistently shot down by the facts.

https://www.youtube.com/watch?v=vXhZe1KoEfI&feature=youtu.be

For the record the action the City took against my wife was reversed in part because of the questionable legality of the Stop Work Order. It was a claimed I stated in September 19, 2016 letters I sent in response to the violation. For the record, Mike Roberts, Chris Long and David Mueller lied under under oath about receiving the Sept. 9, 2016 letters. They were forced to recanted their testimony after being presented with copies of the letters they said they had not seen. ***In my view if City agents are willing to lie under oath to win a code enforcement case then the entire process has cascaded into a corrosive process and extremely untrustworthy.***

I believe the OC Planning Commission should serious review the motivation behind the code changes, how they are applied, who they are directly or indirectly benefiting, and their impact to the community. In light of Tom O'Brien's stellar investigation published in the Oregon City News, the Planning Commission has more than enough reason to question the process.

https://pamplinmedia.com/cr/28-opinion/400555-296115-oregon-city-mayor-commissioners-asked-to-resign

Mr. O'Brien clearly establishes a connection between Dan Holladay and the real estate industry by the fact he "received over $6,165 from four developers, Dan Fowler (former mayor and real-estate developer), Mark Handris (ICON Construction & Development LLC), Richard Langdon (Oregon Real Estate Investment LLC) & Scott T. Parker (Parker Development Company)"

The Planning Commission should move beyond a code's intent or the revenue it may generate and resolve the abuse and inconsistency. In the MUC portion alone it ignores the fact the it excludes 30 homes in Barclay Hills from residential mortgage products because it does not include residential homes in its zoning language. The Container Housing being proposed for Barclay Hills neighborhood was told building in Container Houses in Oregon City was a turnkey process, and was not subject to any public comments. Dan Holladay openly declared and without any due process that a house on Roosevelt Street could be converted into a commercial facility, and unilaterally annex property into the City against the Planning Commission's recommendation. It seems the Planning Commission would be doing the community a favor by agreeing to stay unnecessary decisions until after the elections.

Higher density housing models work when the underlying property values can sustain an above average housing market and support the impact for improving roads and infrastructure amenities. The average home in the Oregon City is approximately $254,000 whereas Happy Valley is $411,300. Without any in-depth analysis, when the City Administration sacrifices the volume of residential permits over the quality, and absent of any conversations about creating jobs, the City will rapidly slide into a bedroom community and be forever dependent on fee's, increases in local taxes, and the County government as its only industry.

Sincerely,

Mark J. Matheson
--
Mark J. Matheson, Founder and CEO
The Advantage Group, LLC Nw
www.drteamsint.com
503.953.0250

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Mark J. Matheson
Anna Marie Matheson
855 Molalla Avenue
Oregon City, Oregon 97045
(503) 954-0250
mark.matheson@drteamsint.com
On behalf of Petitioner/Plaintiffs, *Pro Se*

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

ANNA MARIE MATHESON,

Petitioner/Plaintiff,

MARK J. MATHESON, THE ADVANTAGE GROUP, LLC, NW, an OREGON LIMITED LIABILITY COMPANY, OREGON CITY COMMUNITY EMERGENCY RESPONSE TEAM, an OREGON NONPROFIT CORPORATION, and A BETTER OREGON CITY COALITION, an OREGON NONPROFIT CORPORATION,

Plaintiffs,

vs.

CITY OF OREGON CITY, an Oregon municipal corporation formed under the laws of the State of Oregon,

Respondent/Defendant,

DAN HOLLADAY, the City of Oregon City Mayor, in his official and personal capacity, and ANTHONY J. KONKOL, III, the City of Oregon City Manager, in his official and personal capacity,

Defendants

Case No.: 17CV25621

AMENDED PETITION FOR WRIT OF REVIEW; AMENDED COMPLAINT FOR DECLARATORY JUDGMENT; COMPLAINT FOR VIOLATIONS OF 42 U.S.C. § 1983 AND 42 U.S.C. § 1985; NEGLIGENCE; FALSE LIGHT; INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS; BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING; INTENTIONAL NTERFERENCE WITH CONTRACTUAL RELATIONS; INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC ADVANTAGE

FEE AUTHORITY ORS 21.160(1)(d) and ORS 21.105(2)

NOT SUBJECT TO MANDATORY ARBITRATION

DEMAND FOR JURY TRIAL

Petitioner/Plaintiffs hereby amend the Petition for Writ of Review and Complaint for Declaratory Judgment filed on June 20, 2017, demand a jury trial with regard to their civil rights and tort claims, and allege:

A. PARTIES; JURISDICTION; VENUE

1.

At all times material to this Amended Petition for Writ of Review and Complaint (Amended Petition and Amended Complaint), Petitioner/Plaintiff Anna Marie Matheson (Mrs. Matheson) and Plaintiff Mark J. Matheson (Mr. Matheson), are husband and wife, and are residents of Clackamas County, Oregon.

2.

At all times material to this Amended Petition and Amended Complaint, Plaintiff The Advantage Group LLC, NW (TAG) is an Oregon limited liability company with a principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon. Mr. Matheson is a member/manager of TAG.

3.

At all times material to this Amended Petition and Amended Complaint, Plaintiff Oregon City Community Emergency Response Team (OC CERT) is an Oregon nonprofit corporation with a principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon. Mr. Matheson is the Registered Agent, Incorporator and Vice President of OC CERT.

4.

At all times material to this Amended Petition and Amended Complaint, Plaintiff A Better Oregon City Coalition (ABOCC) is an Oregon nonprofit corporation with a principal place of business located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon. Mr. Matheson is the Secretary and Incorporator of ABOCC.

5.

Petitioner/Plaintiffs are collectively and individually a "person" as defined in 42 U.S.C. § 1983, 42 U.S.C. § 1985**,** ORS 28.130 and common law.

6.

At all times material to this Amended Petition and Amended Complaint, the Respondent/Defendant the City of Oregon City (the City) is a municipal corporation duly organized and existing under the laws of the State of Oregon and is a corporate entity capable of suing and being sued.

7.

At all times material to this Amended Petition and Amended Complaint, Defendant Dan Holladay (Holladay) is the elected Mayor of the City with a term from January 1, 2015 to December 31, 2018. Holladay is made a Defendant in both his official and personal capacities.

8.

At all times material to this Amended Petition and Amended Complaint, Defendant Anthony J. Konkol, III (Konkol) is the City Manager. Konkol has served as the City Manager since March 2016. Konkol is made a Defendant in both his official and personal capacities.

9.

The Respondent/Defendants are collectively and individually a "person" as defined in 42 U.S.C. § 1983, 42 U.S.C. § 1985, ORS 28.130, and common law.

10.

Respondent/Defendants were timely notified of the Petitioner/Plaintiffs' intent to file tort claims against them as required by the Oregon Tort Claims Act, a set forth in ORS 30.275 (hereafter, the OTCA).

11.

This Court has jurisdiction over this Amended Petition and Amended Complaint under the provisions of 42 U.S.C. § 1983, 42 U.S.C. § 1985(3), ORS 455.475, ORS 34.030, ORS 31.230, ORS 28.010 to ORS 28.160, ORS 183.484, Oregon Residential Specialty Code (ORSC) at Section 104.6 and 105.2, Oregon Structural Specialty Code (OSSC) at Section 104.6, Title 17 of the Oregon City Municipal Code (OCMC), OCMC 1.24.180, OCMC 1.24.190, OCMC 2.30.060 and OCMC 16.020. In particular, ORS 34.030 requires the Petitioner/Plaintiff Mrs. Matheson to file the Amended Petition with this Circuit Court.

12.

Venue in this Court is proper because the acts and omissions, decisions and determinations that occurred giving rise to this Amended Petition and Amended Complaint arose in Clackamas County, Oregon.

B. GENERAL FACTUAL ALLEGATIONS

13.

At all times material to this Amended Petition and Amended Complaint, the City has a "Council-Manager" form of government. The Mayor is part of the Council. The Council members (the Commission) are the leaders and policy makers and the legislative body; the Commission are also the decision makers. Power is centralized in the elected Council, which approves the budget and determines the tax rate, for example. The City Manager is appointed by the Commission to carry out policy and ensure that the entire City community is being served.

14.

In accordance with the City's "Council-Manager" form of government at the City, the City's Mayor, Commission, and Manager constitute a policy-development and management team. The City Mayor acts as the key political leader and policy developer on the Commission.

15.

At all times material to this Amended Petition and Amended Complaint, the Mayor, the Commision and the Manager are the final decision-makers and policy makers with regard to the improved safety and livability of the City by ensuring the

City's policy that building construction in the City is safe and built to code requirements. The Mayor, the Commission and the Manager are also the final decision-makers and policy makers with respect to the City's Police Department's duty to maintain public order and protect all lives and property in the community within the City.

16.

At all times material to this Amended Petition and Amended Complaint, the Commission, Holladay, as the Mayor, and Konkol, as the Manager, were acting under the color of City, State and federal law as the final decision-makers and policy makers.

17.

The City's "Building Inspection Operating Plan" dated March 2015 provides, in relevant part:

> As provided in ORS 455.475 **an applicant for a building permit may appeal the decision of a building official on any matter relating to the administration and enforcement of the department**. The appeal must be in writing. A decision by the department on an appeal filed under this subsection is subject to judicial review as provided in ORS 183.484. An appeal of a decision of the Building Official unrelated to code provisions is reviewed by the Community Development Director (emphasis added).

18.

At all times material to this Amended Petition and Amended Complaint, Mrs. Matheson is the owner of property located at 855 Molalla Avenue, Oregon City, in Clackamas County, Oregon (the Property). Mrs. Matheson resides in a residential house that was built in 1916 at the Property with her husband, Mr. Matheson (collectively, the Mathesons). The Mathesons have lived together at the Property for over twenty-five (25) years.

19.

At all times material to this Amended Petition and Amended Complaint, Mrs. Matheson granted a General Power of Attorney to Mr. Matheson, which includes, but is not limited to, a power of attorney to act as her "attorney-in-fact" with respect to claims and litigation on her behalf (the Power of Attorney). On information and belief, none of the Respondent/Defendants, acting through their officers, servants, agents, employees and assigns, ever requested proof of the Power of Attorney, nor did they ask if Mr. Matheson was acting as attorney-in-fact on behalf Mrs. Matheson at any time material to this Amended Petition and Amended Complaint.

20.

At all times material to this Amended Petition and Amended Complaint, Plaintiffs TAG, OC CERT and ABOCC (collectively, the Plaintiff Businesses) use the trailer as a technology platform to remotely operate, train and educate people and is located next to the residential home on the Property.

21.

On information and belief, Respondent/Defendants knew that the Plaintiff Businesses used the trailer as a principal resource for business for at least two (2) years before the filing of this Amended Petition and Amended Complaint, and certainly at all times material to this Amended Petition and Amended Complaint. On information and belief, Respondent/Defendants also knew that the residential home at the Property was used solely as a residence at all times material to this Amended Petition and Amended Complaint.

22.

On or about June 10, 2016, Mr. Matheson started a public discussion on the social media website Nextdoor.com under a thread entitled “Oregon City Armory” (the OC Armory thread). Motivated by his political and ethical beliefs, Mr. Matheson stated: “Over the last 6 months the City officials have been hammering Col. Norman Stewart (ret) with a silent campaign to discredit his work at the OC Armory because John Lewis, the Public Works Director can build an operation center. Mr. Lewis has obfuscated his interest in taking over the OC Armory while intending to get the State of Oregon National Guard to sell the facility to the City. Seventy-five percent of the Col. Stewarts operation directly services veterans, but Mr. Lewis insinuated that Mr. Stewart's operation was attracting the wrong type of people during a CIC meeting. I'm interested in helping Col. Stewart is there anyone else who wants to help?”

23.

On or about June 30, 2016, Mr. Matheson wrote a letter to the Oregon Military Department. Motivated by his political and ethical beliefs, Mr. Matheson stated that he objected to the City’s Public Works Director’s plans to use the Oregon City Armory, and that he was planning a rally to protest it. Mr. Matheson closed the letter by saying, “A small group of people are taking formal steps to remove a specific Oregon City official from office because we're tired of the BS.” Although Mr. Matheson did not state with specificity which “Oregon City official” he was referring to, given that Mr. Matheson stated in the letter that he intended to run for Mayor of the City, a reasonable person,

exercising ordinary and common judgment, could infer that Mr. Matheson was referring to Holladay.

24.

On or about July 1, 2016, Mr. Matheson, acting on behalf of ABOCC, filed a petition for a ballot measure to recall Holladay as the City's Mayor (the petition for recall). ABOCC was formed specifically to file the petition to recall. There are two (2) other individual Incorporators of ABOCC: Al Snell and Mike Simon. Of the three (3) Incorporators, Mr. Matheson is the most vocal. On information and belief, the Respondents/Defendants did not retaliate against Snell and Simon for exercising their free speech rights.

25.

Motivated by his political and ethical beliefs, on or about July 3, 2016, Mr. Matheson started a public discussion on Nextdoor.com under a thread entitled "Recall Dan Holladay" (the recall thread) to inform citizens that the petition for recall had been filed.

26.

On or about July 6, 2016, the City approved the petition for recall.

27.

On or about July 7, 2016, Holladay posted a message directly to Mr. Matheson on the recall thread, as follows: "Mark, I am confused [sic] what exactly is broken that needs to be fixed?" Holladay signed the post as "**Mayor** Dan Holladay" (emphasis

added). On information and belief, Holladay had not participated on the Nextdoor.com website before the petition for recall was filed.

28.

On or about July 7, 2016, Mr. Matheson posted a link on the recall thread to an article that had been published in the *Portland Tribune* about the recall petition. In response, and on the same date, Holladay posted: “Mark, [sic] Once again what exactly is broken that needs to be fixed? **Mayor** Dan Holladay” (emphasis added).

29.

At or near the same time the petition for recall was approved, Mr. Matheson hung a large "Recall Mayor Holladay" banner (the banner) in front of the residential house where he lives with Mrs. Matheson at the Property. As of the date of the filing of this Amended Petition and Amended Complaint, the banner remains prominently displayed on the Property. On information and belief, Holladay lives in the same neighborhood as the Mathesons and presumably sees the banner frequently.

30.

On or about July 7, 2016, *The Clackamas Review*, a local newspaper, published an article about the petition for recall. Mr. Matheson posted the link to the article on the recall thread.

31.

On or about July 8, 2016, Holladay offered Mike Acosta (Acosta) a position on the Urban Renewal Commission on the recall thread. Acosta had made several comments in support of Holladay on the recall thread.

32.

On or about July 9, 2016, Holladay posted a link on the recall thread without comment. The link was to a Trustee's Notice of Sale (the foreclosure notice). The foreclosure notice had been filed against Mrs. Matheson on or about June 22, 2016 concerning the Property.

33.

On or about July 9, 2016, Mr. Matheson responded to Holladay's July 9 posting on the recall thread, in relevant part, as follows: "I see Dan is picking on my wife now. And your lack of taste may be satisfying to you, and the special interests, but you just devastated my wife." Although Mr. Matheson went on to explain that the Mathesons were in the process of obtaining an injunction against the foreclosure on the grounds that their lender was predatory and that there is no subset of standard Mixed-Use District classifications within the City that would allow a financial institution to underwrite the Property, this was hours after Holladay posted the foreclosure notice. On information and belief, the foreclosure notice had been seen by several members of the public before Mr. Matheson could respond and/or clarify. As of the date of the filing of this Amended Petition and Amended

Complaint, the Mathesons have yet to resolve their problems with their mortgage servicer but did receive a twelve (12) month injunction.

34.

On information and belief, Holladay did not reply to Mr. Matheson or otherwise acknowledge Mr. Matheson's comment on the recall thread concerning the foreclosure notice.

35.

On or about July 10, 2016, Mr. Matheson posted on the OC Armory thread, that: "The Armory issue has moved beyond the local politics. John Lewis bending of the truth has seen to that. The matter is now being looked at by the state agencies, and the fed's are involved because I'm involved." Mr. Matheson made that comment because of his political and ethical beliefs.

36.

The following day, July 11, 2016, motivated by his ethical and political beliefs, Mr. Matheson posted on the OC Armory thread that: "With a volunteer mayor at the helm, its [sic] unsettling to more than a few people how this is getting slammed through like there are no other alternatives."

37.

On or about July 11, 2016, Holladay posted a direct reply to Mr. Matheson on the OC Armory thread: "One simple question MRK [sic] ARE YOU A VETERAN [sic] HAVE YOU SERVED [sic] BECAUSE I HAVE." On information and belief, Holladay

deliberately used all capital letters with the intent to "shout" at[1] and humiliate Mr. Matheson because he is not a Veteran like Holladay allegedly is.

38.

Rather than respond directly to Holladay, on the same date, Mr. Matheson replied: "It seems Holladay is campaigning again." Holladay replied directly to Mr. Matheson: "Simple question have you severed [sic] your Nation in uniform? I thought not." Mr. Matheson responded: "If there [sic] is only one way to serve a country is to put on a uniform, I hear China has a dress code."

39.

On information and belief, all of Holladay's postings on Nextdoor.com set forth herein were made in his official capacity as the Mayor.

40.

On or about July 11, 2016, Mrs. Matheson received a "Notice of Code Enforcement Complaint" (Notice #1) regarding the banner. Within Notice #1, the City alleged that the banner did not meet City code requirements and must be removed. Notice #1 stated that even if the banner met requirements, Mrs. Matheson must pay a $50 fee to hang the banner. Notice #1 was signed by Chris Long (Long), a Building Department official. Notice #1 did not notify Mrs. Matheson whether she had a right to appeal the Notice. Within ten (10) days of the date Mrs. Matheson received Notice #1, Mr. Matheson moved the banner from in front of the residential home to the trailer used

[1] https://en.wikipedia.org/wiki/All_caps

for work purposes. The City pursued no further action against Mrs. Matheson for any alleged code violations related to the banner.

41.

On or about August 10, 2016, Mr. Matheson's first editorial concerning the petition for recall was published in *The Clackamas Review*. Within the editorial, Mr. Matheson explained in detail why he and the ABOCC filed the petition for recall. Motivated by his political and ethical beliefs, Mr. Matheson stated that he had concerns about Holladay's adherence to election laws and ethics rules. Mr. Matheson also explained that Holladay needed to be able to demonstrate "economic expertise." Mr. Matheson concluded his editorial by saying, "The recall of Holladay is meant to give the community an opportunity to change the leadership and begin rebuilding cooperative relationships."

42.

At or near the end of August 2016, Mr. Matheson began performing roof repairs at the residential home he shares with Mrs. Matheson at the Property. The roof repair is a restoration project, which means that Mr. Matheson was using like materials. Mr. Matheson has worked over a decade in designing, managing, and oversight responsibility for major and minor road reconstruction, water, sewer and storm construction, historical reconstruction, beatification projects, property development and maintenance programs, as a government civil engineer and as a civil engineering designer for the private sector.

43.

On or about September 6, 2016, Mr. Matheson sent a letter to City Commissioner Rocky Smith, Jr. (Commissioner Smith) concerning his reservations about Acosta's nomination to the URC. Motivated by his ethical and political beliefs, and with knowledge that Holladay had previously offered Acosta the position on the Nextdoor.com website, Mr. Matheson stated that Holladay "is using his status as the…Mayor of Oregon City to reward Michael Acosta for joining his special interest group." Of major concern to Mr. Matheson was that Acosta's behavior at Neighborhood Association meetings "was clearly an attempt to influence and intimidate people who could be supporting the recall initiative."

44.

On or about September 9, 2016, the City, by and through its Building Department, sent a letter to Mrs. Matheson (Notice #2). Notice #2 incorrectly stated that "unauthorized construction" had been "completed" at Mrs. Matheson's residential home without "obtaining the required permits." Notice #2 also incorrectly cited the OSSC at Section 105.1, which does not apply to residential property.

45.

Notice #2 stated that "required permits must be applied for and obtained within 10 days from [sic] date of this letter." Notice #2 went on to say that: "All decisions and orders are appealable to the City of Oregon City Building Official." Notice #2 was signed by Long.

46.

As of September 9, 2016, Mr. Matheson had only started—and had not completed—the roof repair restoration project. Mr. Matheson had been performing the roof repair work for approximately three (3) weeks.

47.

On information and belief, the City deliberately used the incorrect code so that Mr. Matheson would be forced to stop the roof repairs and so that the City could justify the need for full access to the residence at the Property. "Full access," meaning inspection of the entire Property, not just the roof of the residential home.

48.

At or near the same time Mrs. Matheson received Notice #2, the Building Department demanded to obtain full access to inspect the entire residential home without "reasonable cause" as required by Section 104.6 of the OSSC. Mr. Matheson and Mrs. Matheson refused to grant access.

49.

On or about September 12, 2016 at approximately 9:43 a.m., the City's Building Department posted a "stop work notice" (Notice #3) on the residential home at the Property. Notice #3 stated: "ALL PERSONS ARE HEREBY ORDERED TO **STOP WORK** ON THIS PROJECT LOCATED AT 855 Molalla Ave. Permits are Required Prior to starting work" (emphasis in original). Notice #3 went on to say: **"ALL PORTIONS OF WORK ARE TO BE DISCONTINUED. THIS WORK STOP ORDER TO BE REMOVED ONLY UPON AUTHORIZATION FROM THE CITY OF OREGON CITY**"

(emphasis in original). Notice #3 did not cite a code, ordinance, statute or rule upon which the City relied, nor did Notice #3 state that it is appealable. Notice #3 was signed by Long.

50.

On or about September 14, 2016, the City's Police Department mailed a "Notice of Violation" to Mrs. Matheson, notifying her that she is required to obtain a permit (Notice #4). Notice #4 stated that: "Prior to any additional work occurring at this property, all applicable permits must be obtained...." Notice #4 further provided that "[f]ailure to obtain all applicable permits by 5 PM on Monday, September 19, 2016 will result in a citation to the Municipal Court (emphasis in original). Although Notice #4 listed the codes and statutes on which it relied, it did not state that it is appealable. Notice #4 was not signed, although it referenced "Investigator Mueller." Of note, the City e-mailed a copy of Notice #4 to Mr. Matheson. On information and belief, by e-mailing a copy of Notice #4 to Mr. Matheson, the City tacitly acknowledged that Mr. Matheson was acting as attorney-in-fact on behalf of Mrs. Matheson.

51.

On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, faxed and e-mailed a letter to the City's Building Department, asking the City to clarify with specificity what law the City relied upon when issuing Notice #3, the "stop work notice." Mr. Matheson's letter stated that the City's Notice #3 was issued illegally and, for that reason, "is being ignored." Mr. Matheson's

communication to the City's Building Department was made within the ten (10) day deadline set forth in Notice #2 and by the deadline set forth in Notice #4. The Building Department did not respond to either Mrs. Matheson or Mr. Matheson, nor did the Building Department acknowledge receipt of the letter.

52.

On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, faxed and e-mailed a letter to the City's Police Chief, informing the Police Chief that he considered Notice #3, the stop work notice, to be issued illegally. Mr. Matheson asked that the Police Department investigate the "fishing expedition" that was being conducted by the Building Department. Mr. Matheson stated that the code enforcement action was in retaliation for his political activities. The Police Department did not respond to Mr. Matheson or Mrs. Matheson and, on information and belief, did not investigate Mr. Matheson's claims.

53.

On or about September 19, 2016, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, faxed and e-mailed a letter to Mike Roberts (Roberts) at the Building Department. Within the letter addressed to Roberts, Mr. Matheson again asked that the City specify "what triggered" Notice #2 and Notice #3, the stop work notice. Mr. Matheson stated that "unless you clarify the reason, or under what context you are applying the code," the City's stop work notice is illegal and is "a misuse of government office and racketeering." Roberts and/or the Building Department did not respond to Mr.

Matheson or Mrs. Matheson. Hereafter, all of the letters Mr. Matheson sent to the City dated September 19, 2016 are referred to as the September 19 letters.

54.

On or about September 20, 2016, the City filed a Complaint, Case No. CE-19613-16 (the Complaint), against Mrs. Matheson in the Oregon City Municipal Court (the Municipal Court). Within the Complaint, the City alleged that Mrs. Matheson failed to obtain a permit before beginning roof repairs at her residential home located on the Property. The City also alleged that Mrs. Matheson failed to comply with the "stop work notice" contained in Notice #3.

55.

On or about November 21, 2016, Mr. Matheson reported to the City's Police Department that a trespasser had been at the Property and had threatened to burn his house down. The following day, November 22, 2016, Mr. Matheson provided the license plate number of the truck the trespasser had been driving to the Police Department. On information and belief, the Police Department did not investigate Mr. Matheson's claim.

56.

Between November 28, 2016 and June 1, 2017, Mr. Matheson repeatedly requested a copy of the police report concerning the trespasser and threat to burn his home. The Police Department did not provide a copy to Mr. Matheson, nor did the Police Department provide any substantial response to Mr. Matheson concerning his report of a crime on the Property.

57.

On or about November 30, 2016, Mr. Matheson's editorial concerning the recall petition was published in *The Clackamas Review*. Motivated by his political and ethical beliefs, Mr. Matheson stated that "[t]he level of lather created by the recall initiative triggered the need to set aside a number of responsibilities to editorialize my personal perspective and experience over the last 90 days." Mr. Matheson, who believed the Respondent/Defendants retaliated against him for his political activities, closed the editorial by writing: "Legitimizing Holladay's political ambitions depends on administering a corrosive style of governing to fend off any opposition." Mr. Matheson subsequently withdrew the recall petition. Mr. Matheson and the ABOCC filed a second recall petition, which Mr. Matheson also withdrew.

58.

On or about February 24, 2017, the City's Code Enforcement Division of the Police Department mailed a Notice to Mrs. Matheson concerning "possible code violations" at the property (Notice #5). Like Notice #3, the stop work notice, Notice #5 does not list a code, citation, statute or ordinance upon which the City relies, nor does Notice #5 state that it is appealable.

59.

On or about April 6, 2017, a hearing was held before the Honorable Laraine McNiece (the Honorable McNiece) at the Municipal Court concerning the Complaint. At the hearing, Mrs. Matheson argued through her attorney that she was denied due process because the City failed to cite the correct law in both Notice #2 or Notice #3,

and because the City proceeded with the Complaint without providing her the opportunity to contest, appeal or otherwise remonstrate the validity of Notice #2, Notice #3 and Notice #4. Finally, Mrs. Matheson argued that ORSC, Section 105.2 exempted her from applying for a permit for roofing repairs, so long as less than fifteen percent (15%) of the roofing sheath had been removed on her residential home.

60.

At the April 6, 2017 hearing, the Court admitted Mr. Matheson as a witness on behalf of Mrs. Matheson. Mr. Matheson testified that he personally measured the roofing sheeting that had been removed, and that it came out to be approximately two percent (2%) to five percent (5%) of the skip sheeting, less than half of what ORSC, Section 105.2 requires for an exemption from applying for a permit. Yet and still, in support of Mr. Matheson's testimony, Mrs. Matheson presented an expert witness who testified that in his professional opinion, less than fifteen percent (15%) of the plywood sheeting had been removed.

61.

The City testified at the April 6, 2017 hearing that it ***never*** measured how much of the roofing sheath had been removed. The City also provided testimony that, based on its naked eye observation of the residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***—the City required Mrs. Matheson to obtain a permit on the basis that more than fifteen percent (15%) of the skip sheeting had been removed. When asked on the stand whether there could be any other reason why the residential home at the Property was getting so much

attention, Roberts testified that "there was no other reason." The City further conceded in its testimony that although it received all of Mr. Matheson's September 19 letters, the City did not acknowledge or respond to any of Mr. Matheson's September 19 letters.

62.

On or about April 20, 2017, the Honorable McNiece issued a Final Order, a copy of which is attached hereto as Exhibit A and incorporated herein by this reference. Notwithstanding that the City acknowledged under oath that it received all of Mr. Matheson's September 19 letters, the Honorable McNiece ruled that Mrs. Matheson failed to respond to the City's Notice #2, Notice #3 and Notice #4. Furthermore, notwithstanding Mr. Matheson's and the expert witness' testimony, the Honorable McNiece ruled that Mrs. Matheson was required to obtain a permit. Finally, the Honorable McNiece ruled that Mrs. Matheson was not denied due process.

63.

OCMC 16.020 provides that each day of penalty requires a fine of $300.00 per day. Within the Final Order, the Honorable McNiece issued a fine of $62,100.00 in favor of the City, representing $300.00 per day from September 14, 2016, the date of Notice #4, to April 6, 2017, the date of the hearing. The Court also issued a fine in favor of the City in the amount of $10,200.00 for the alleged violation of Notice #3, the "stop work notice." The April 20, 2016 Final Order incorrectly states that the stop work notice was issued on September 14, 2016; in fact, it was issued on September 12, 2016.

64.

On or about May 27, 2017, Mr. Matheson, acting as attorney-in-fact on behalf of Mrs. Matheson, e-mailed the Municipal Court concerning the recording of the hearing on April 6, 2017. The recording Mr. Matheson received from the Municipal Court was only approximately one and a half (1.5) hours in length, whereas the hearing lasted approximately four (4) hours. The Municipal Court e-mailed Mr. Matheson on or about May 30, 2017, informing him that the recording he received contained "[e]verything the recorder captured." The recording did not include key elements of Mrs. Matheson's case in chief. Noticeably absent from the recording was Mr. Matheson's testimony about his measurements of the roof sheaf that had been removed.

65.

On or about June 1, 2017, the City's Police Chief informed Mr. Matheson by e-mail that no police report had been filed concerning the trespass and threat that occurred in November 2016 "because the officer did not believe that a crime had been committed." The Police Chief went on to say, "I understand you do not like the result. It is certainly not the first time that unwelcome behavior in a neighborhood ends up being something that is not illegal." Mr. Matheson responded to the Police Chief's e-mail on the same day, June 1, 2017. In his response, Mr. Matheson stated, "I want to clarify my position, the concern and actions to follow are about adhering to a procedure and working in regards to the public's interest." The preceding statement to the Police Chief was motivated by Mr. Matheson's political and ethical beliefs.

66.

On or about June 2, 2017 the City's Building Department mailed a notice to Mrs. Matheson (Notice #6). Notice #6 states that the City intends to bring further code violations against Mrs. Matheson, and that she must "cease all work on the roof" because "this work has been legally determined….in a court action to be work requiring a permit from the City…" Notice #6 does not state whether it is appealable. Hereafter, Notice #1, Notice #2, Notice #3, Notice #4, Notice #5 and Notice #6 are collectively referred to as the Notices.

67.

On or about July 15, 2017, Mrs. Matheson received a Motion for Judgment, Affidavit in support and a Final Judgment signed by the Honorable McNiece on July 11, 2017 (the Final Judgment). The Final Judgment requires Mrs. Matheson to pay a fine in the amount of $71,400 plus interest in the amount of nine percent (9%) per annum. A copy of the Final Judgment is attached hereto as Exhibit C and is incorporated herein by this reference.

68.

Within the Affidavit attached to the Motion for Judgment, the City alleges that the Honorable McNiece issued a Corrected Final Order/Judgment on April 25, 2017, a copy of which is attached hereto as Exhibit B and incorporated herein by this reference. On information and belief, Mrs. Matheson was never served a copy of the Corrected Final Order/Judgment and was not aware of its existence until July 15, 2017. The Corrected Final Order/Judgment corrects the date of the hearing from April 9, 2017 to April 6, 2017. It also corrects the amount of fines payable. The Corrected Final

Order/Judgment again incorrectly states that Notice #3, the stop work notice, was issued on September 14, 2016; the stop work notice was actually issued on September 12, 2016. Hereafter, the April 20, 2017 Final Order and the April 25, 2017 Corrected Final Order/Judgment are collectively referred to as the Final Orders.

69.

At all times material to this Amended Petition and Amended Complaint, on information and belief, Respondent/Defendants' actions, individually and collectively, constitute single, continuous and ongoing pattern of violations of the Respondent/Defendants' written and/or unwritten policies, and/or de facto policies.

70.

At all times material to this Amended Petition and Amended Complaint, on information and belief, Respondent/Defendants' written and/or unwritten policies, and/or de facto policies are currently in place at the City, with new, current and/or prospective private citizens being subjected to the harms that have already been inflicted upon the Petitioner/Plaintiffs.

71.

At all times material to this Amended Petition and Amended Complaint, on information and belief, any interest advanced by the Respondent/Defendants to support the Notices and/or the Final Orders and Final Judgment related to the suppression of constitutional and statutory rights is minor compared to the infringement of rights worked by the Notices and the Final Order against the Petitioner/Plaintiffs.

72.

At all times material to this Amended Petition and Amended Complaint, on information and belief, unless and until all Respondent/Defendants are restrained by Order of this Court, Respondent/Defendants, acting through their officers, servants, agents and employees, will continue to attempt to enforce the Notices and/or the Final Orders and Final Judgment.

73.

At all times material to this Amended Petition and Amended Complaint, on information and belief, unless and until this Court declares the Notices, the Final Orders and the Final Judgment unconstitutional, the Respondent/Defendants, acting through their officers, servants, agents, employees and assigns, will continue to attempt to enforce the Notices, the Final Orders and the Final Judgment.

74.

At all times material to this Amended Petition and Amended Complaint, on information and belief, Mrs. Matheson has already been fined once for alleged code violations is at risk to be fined again. Mrs. Matheson reasonably fears that she will continue to be issued illegal code violations and fined for conduct which is prohibited by City and/or State law and/or that is otherwise protected by the U.S. Constitution.

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C. CLAIMS FOR RELIEF

FIRST CLAIM FOR RELIEF BY PETITIONER MRS. MATHESON AGAINST THE RESPONDENT THE CITY
AMENDED PETITION FOR WRIT OF REVIEW

75.

Mrs. Matheson realleges and incorporates paragraphs 1. through 74. as though fully set forth herein.

76.

This Amended Petition for Writ of Review (Amended Petition) is brought pursuant to ORS 34.010 to ORS 34.100.

77.

The Municipal Court's Final Orders and Final Judgment are "judicial" or "quasi-judicial" as defined in ORS 34.040 and is subject to this form of review.

78.

The original Petition for Writ of Review was filed on June 20, 2017, within 60 days of the date the April 20, 2017 Final Order was issued. As such, there can be no dispute that this Amended Petition is timely filed, even though this Amended Petition is filed outside the 60-day statute of limitations. *See, e.g., Meury v. Jarrell*, 16 Or. App. 239, 517 P.2d 1221 (1974), aff'd 269 Or. 606, 525 P.2d 1286 (1974). Moreover, this Amended Petition is filed within 60 days of the date the Final Judgment was issued on July 11, 2017.

79.

Mrs. Matheson has standing to seek this Amended Petition because she was a party to the proceedings in the Municipal Court below and because she suffered injury to a substantial interest as a result.

80.

Mrs. Matheson's fundamental due process rights were violated and were significantly impaired by the City, acting through its officers, servants, agents, employees and assigns, by issuance of the Notices, and by issuance of the Final Orders and Final Judgment, in one or more of the following particulars:

- By exceeding its jurisdiction – to wit, by issuing code violations that are not applicable to Mrs. Matheson's residential home in order to obtain full access to inspect the entire Property without reasonable cause;
- By failing to follow the procedure applicable to the matter before it – to wit, deliberately refusing Mrs. Matheson the opportunity to contest the Notices and deliberately refusing to acknowledge Mr. Matheson's September 19 letters written as attorney-in-fact on behalf of Mrs. Matheson, thereby prohibiting Mrs. Matheson the ability to appeal Notice #2, Notice #3 and Notice #4;
- By making a finding or order not supported by substantial evidence in the whole record – to wit, ruling that Mrs. Matheson failed to communicate with City officials, when the evidence clearly establishes otherwise, and by

ruling that Mrs. Matheson is required to obtain a permit, notwithstanding evidence that clearly establishes she is not required to do so;

- By improperly construing the applicable law – to wit, ruling that Mrs. Matheson is required to obtain a permit when the evidence clearly establishes otherwise and ruling that Mrs. Matheson's due process rights were not violated, when the evidence clearly establishes otherwise; and
- By rendering a decision that is unconstitutional – to wit, ruling that Mrs. Matheson was not denied due process of law, when the evidence clearly establishes otherwise.

81.

Mrs. Matheson suffered substantial injury as a result of the City's actions in that she was denied procedural and substantive protections under City, State and federal law. Mrs. Matheson is also being forced to pay illegal fines to the City.

82.

On information and belief, this Amended Petition constitutes an exhaustion of all administrative remedies available to Mrs. Matheson.

83.

Mrs. Matheson has no plain, speedy, or adequate remedy other than the review prayed for herein.

84.

Mrs. Matheson is entitled to an Order issuing a Writ of Review directed to the Respondent/Defendant, commanding the Respondent/Defendant to return the Writ with a certified copy of the entire record and proceedings in this matter for review by this Court in substantially the form attached hereto as Petitioner/Plaintiff's proposed Order for Writ of Review.

85.

Mrs. Matheson is entitled to an Order staying all proceedings related to the Notices, the Final Orders and the Final Judgment.

SECOND CLAIM FOR RELIEF BY PLAINTIFF MRS. MATHESON AGAINST THE DEFENDANT THE CITY
AMENDED COMPLAINT FOR DECLARATORY JUDGMENT

86.

Mrs. Matheson realleges and incorporates paragraphs 1. through 74. as though fully set forth herein.

87.

Mrs. Matheson requests a Declaratory Judgment under ORS 28.010 to ORS 28.160 for the purpose of determining a question and actual controversy between the parties.

88.

Mrs. Matheson contends that the Notices, the Final Orders and the Final Judgment violate her due process rights and are illegal. Mrs. Matheson further

contends that she should not be required to pay the fines issued by the Honorable McNiece in the Final Orders and Final Judgment.

89.

The City has stated its intent to enforce the Notices, the Final Orders and the Final Judgment against Mrs. Matheson. Therefore, a current controversy exists between the parties.

90.

Mrs. Matheson requests that this Court issue a Judgment declaring that all Notices issued by the City and the Final Orders and Final Judgment issued by the Honorable McNiece are invalid and void because they violate City, State and federal law.

91.

Mrs. Matheson has no plain, speedy, or adequate remedy.

THIRD CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AND ABOCC AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1983 (FIRST AMENDMENT TO THE U.S. CONSTITUTION – FREEDOM OF SPEECH)

92.

The Mathesons and ABOCC reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

93.

The First Amendment to the U.S. Constitution prohibits the Defendants from abridging citizens from their guaranteed right to freedom of speech.

94.

Mr. Matheson's letter to the Oregon Military Department, the banner displayed at the Mathesons' Property, the recall petitions filed by ABOCC and Mr. Matheson, Mr. Matheson's comments and postings on Nextdoor.com on the OC Armory and recall petition threads, Mr. Matheson's editorials in the *Clackamas Review*, Mr. Matheson's letter to Commissioner Smith, the September 19 letters Mr. Matheson wrote as attorney-in fact for Mrs. Matheson, and the June 1, 2017 e-mail Mr. Matheson wrote to the Police Chief, are all speech protected by the First Amendment to the U.S. Constitution.

95.

Mr. Matheson's speech was made in the capacity of a private citizen on matters of public concern.

96.

Mr. Matheson's free speech rights outweigh any interest of the Defendants in suppressing that speech.

97.

Defendants, by and through their officers, servants, agents, employees and assigns, including, but not limited to, Holladay, acting in his official capacity as Mayor, violated Mr. Matheson's right to free speech and retaliated against ABOCC, Mr. Matheson and Mrs. Matheson in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a Veteran;

- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;
- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;

- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders and Final Judgment were issued.

98.

The list in the above paragraph is not exhaustive or inclusive. The Mathesons and ABOCC reserve the right to amend this Amended Writ of Review and Amended Complaint should they learn of any other actions by any of the Defendants that show that the Defendant(s) violated the ABOCC, Mr. Matheson's or Mrs. Matheson's right to free speech and/or that shows by a preponderance of evidence that any of the

Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson and ABOCC due to their exercise of free speech rights.

99.

The proximity and closeness in time of each of the above-listed events to Mr. Matheson and ABOCC's political activities and exercise of free speech is too coincidental to be a mere coincidence. Mr. Matheson's and ABOCC's exercise of their free speech rights were clearly a substantial or motivating factor in the Defendants' retaliatory adverse actions against both the Mathesons and ABOCC. The Defendants' malicious and retaliatory conduct is continuing and ongoing as of the date this Amended Petition and Amended Complaint is filed.

100.

Defendants acted intentionally and with callous disregard for Mr. Matheson's and ABOCC's clearly established constitutional free speech rights. Simply put, it was not objectively reasonable for the Defendants, by and through their officers, agents, servants, employees and assigns, including, but not limited to Holladay, acting in his official capacity as Mayor, to refuse to protect Mr. Matheson's and ABOCC's right to free speech and to retaliate against both the Mathesons and ABOCC simply because Mr. Matheson and ABOCC exercised their free speech rights. This conduct on the part of all Defendants represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of law.

101.

To the extent the Commission, Holladay and Konkol, the policy making Defendants in this action, had the policies, whether written or unwritten, or a de facto policy and affirmative duties as set forth herein, the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers can reasonably be said to have been deliberately indifferent to the need for new and/or additional training.

102.

The City's actions, by and through its officers, employees, servants, agents and assigns, were conducted pursuant to the policy, custom or practice of the Building Department and the Police Department. As such, the City is directly liable for the damages to the Mathesons and the ABOCC.

103.

On information and belief, the Commission, Holladay and Konkol, are responsible for establishing the policies, customs, practices, and procedures to be utilized in the operation of their facilities, and is responsible for the implementation of the policies, practices, and procedures questioned in this lawsuit. As such, Holladay and Konkol are each individually responsible for the damages of the Mathesons and the ABOCC.

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104.

Defendants' conduct is well defined by law and each individual Defendant knew or reasonably should have known that their conduct was well below the standard prescribed by law.

105.

The Mathesons and ABOCC are entitled to injunctive relief to restrain the City, its officers, agents, servants, employees and assigns, from engaging in existing and future violations of the First Amendment to the U.S. Constitution.

106.

The Mathesons and the ABOCC are entitled to declaratory relief that the City, Holladay and Konkol's conduct violated their federal statutory rights.

107.

The City's actions, by and through its officers, employees, servants, agents and assigns, were intentional, willful and with reckless disregard of the Mathesons' federal statutory rights. Such conduct exceeds the bounds of social toleration and is of the type that punitive damages deter.

108.

As a direct and foreseeable result of the Defendants' violations of Mr. Matheson's and ABOCC's free speech constitutional rights, and the Defendants' retaliation against both the Mathesons and ABOCC, the Mathesons and ABOCC have suffered severe and substantial damages. These damages include, but are not to limited to, fear and apprehension that they will, again, be subject to similar unlawful acts for the purpose of

limiting and/or preventing protected free speech, for imposed illegal fines, for continued allegations of illegal code violations and/or continued imposed illegal fines, for diminished earnings capacity, lost career and business opportunities, economic loss due to the damage to the Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to their reputations.

109.

As a further consequence of the Defendants' deprivations, Mrs. Matheson was required to retain counsel to represent her in the code violation proceedings pursued against her; the Mathesons will further incur litigation expenses including attorney fees, expert witness fees, costs and expenses related to this Amended Petition and Amended Complaint.

FOURTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1983 (FOURTEENTH AMENDMENT TO THE U.S. CONSTITUTION - DUE PROCESS CLAUSE)

110.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though set forth herein.

111.

The Due Process clause of the Fourteenth Amendment to the U.S. Constitution prohibits the Defendants from depriving any person of life, liberty or property without due process of law.

112.

Notice #3, the stop work notice, and Notice #5 failed to adequately advise, notify, or inform Mrs. Matheson of what alleged code violations Mrs. Matheson was being charged; Notice #1, Notice #3, Notice #4, Notice #5 and Notice #6 also did not advise Mrs. Matheson of her right to appeal. Therefore, on their face, Notice #1, Notice #3, Notice #4, Notice #5 and Notice #6 are unconstitutionally vague as applied or threatened to be applied.

113.

The Defendants violated Mrs. Matheson's guarantee under the Fourteenth Amendment to the U.S. Constitution to due process of law and retaliated against both Mr. Matheson and Mrs. Matheson in one or more of the following particulars:

- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;

- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

114.

The list in the above paragraph is not exhaustive or inclusive. The Mathesons reserve the right to amend this Amended Writ of Review and Amended Complaint should they learn of any other actions by any of the Defendants that show that the Defendants violated Mr. Matheson's or Mrs. Matheson's right to due process of law

and/or that shows by a preponderance of evidence that any of the Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson due to a violation of due process of law.

115.

Defendants acted intentionally and with callous disregard for Mrs. Matheson's clearly established constitutional due process rights. Simply put, it was not objectively reasonable for the Defendants, by and through their officers, agents, servants, employees and assigns, to refuse to protect Mrs. Matheson's right to due process and to retaliate against both the Mathesons. This conduct on the part of all Defendants represents a violation of 42 U.S.C. § 1983, given that their actions were undertaken under color of law.

116.

To the extent the Commission, Holladay and Konkol, the policy making Defendants in this action, had the policies, whether written or unwritten, or a de facto policy and affirmative duties as set forth herein, the need for more or different training is so obvious, and the inadequacy so likely to result in the violation of constitutional rights, that the policy-makers can reasonably be said to have been deliberately indifferent to the need for new and/or additional training.

117.

The City's actions, by and through its officers, employees, servants, agents and assigns, were conducted pursuant to the policy, custom or practice of the Building

Department and the Police Department. As such, the City is directly liable for the damages of the Mathesons.

118.

On information and belief, the Commission, Holladay and Konkol, are responsible for establishing the policies, customs, practices, and procedures to be utilized in the operation of their facilities, and is responsible for the implementation of the policies, practices, and procedures questioned in this lawsuit. As such, Holladay and Konkol are each individually responsible for the damages of the Mathesons.

119.

Defendants' conduct was well defined by law and each Defendant knew or reasonably should have known that their conduct was well below the standard prescribed by law.

120.

The Mathesons are entitled to injunctive relief to restrain the City, its officers, agents, servants, employees and assigns, from engaging in existing and future violations of the Fourteenth Amendment to the U.S. Constitution.

121.

The Mathesons are entitled to declaratory relief that the City, Holladay and Konkol's conduct violated their federal statutory rights.

122.

The City's actions, by and through its officers, employees, servants, agents and assigns, were intentional, willful and with reckless disregard of the Mathesons' federal

statutory rights. Such conduct exceeds the bounds of social toleration and is of the type that punitive damages deter.

123.

As a direct and proximate result of the Defendants' violations of Mrs. Matheson's due process constitutional rights, the Mathesons both have suffered severe and substantial damages. These damages include, but are not to limited to, fear and apprehension that they will, again, be subject to similar unlawful acts for the purpose of limiting and/or preventing protected free speech, for imposed illegal fines, for continued allegations of illegal code violations and/or continued imposed illegal fines, for diminished earnings capacity, lost career and business opportunities, economic loss due to the damage to their Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to their reputations.

124.

As a further consequence of the Defendants' deprivations, Mrs. Matheson was required to retain counsel to represent her in the code violation proceedings pursued against her; the Mathesons will further incur litigation expenses including attorney fees, expert witness fees, costs and expenses related to this Amended Petition and Amended Complaint.

FIFTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AND ABOCC AGAINST ALL DEFENDANTS FOR VIOLATION OF CIVIL RIGHTS UNDER COLOR OF LAW – 42 U.S.C. § 1985(2)(3) (OBSTRUCTION OF JUSTICE AND CONSPIRACY)

125.

The Mathesons and ABOCC reallege and incorporate paragraphs 1. through 74. as though set forth herein.

126.

Under color of law, the Defendants, individually and collectively, conspired and entered into express and/or implied agreements, understandings, or meetings of the minds amongst themselves for the purpose of impeding, hindering, obstructing and defeating the Mathesons and ABOCC, with the intent to deny the Mathesons and ABOCC equal protection of the laws.

127.

As a direct and foreseeable consequence of this conspiracy, the Mathesons and ABOCC were deprived of their rights under the First and Fourteenth Amendments to the U.S. Constitution and were subjected to retaliation by the Defendants in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a veteran;
- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;

- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;
- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;

- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

128.

The list in the above paragraph is not exhaustive or inclusive. The Mathesons and ABOCC reserve the right to amend this Amended Writ of Review and Amended Complaint should they learn of any other actions by any of the Defendants that show that the Defendants entered into express and/or implied agreements, understandings, or meetings of the minds among themselves for the purpose of impeding, hindering, obstructing and defeating the Mathesons, with the intent to deny the Mathesons the equal protection of the laws, and/or that shows by a preponderance of evidence that any of the Defendants retaliated against either or both Mr. Matheson and Mrs. Matheson as a result of the obstruction of justice and conspiracy.

129.

As a direct and proximate result of the Defendants' obstruction of justice, conspiracy and retaliation, the Mathesons both have suffered severe and substantial damages. These damages include, but are not to limited to, fear and apprehension that they will, again, be subject to similar unlawful acts for the purpose of limiting and/or preventing protected free speech, for imposed illegal fines, for continued allegations of illegal code violations and/or continued imposed illegal fines, for diminished earnings

capacity, lost career and business opportunities, economic loss due to the damage to their Property, emotional trauma, loss of liberty, loss of privacy and irreparable harm to their reputations.

130.

As a further consequence of the Defendants' deprivations, Mrs. Matheson was required to retain counsel to represent her in the code violation proceedings pursued against her; the Mathesons will further incur litigation expenses including attorney fees, expert witness fees, costs and expenses related to this Amended Petition and Amended Complaint.

SIXTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST THE DEFENDANT THE CITY FOR NEGLIGENCE

131.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though set forth herein.

132.

As a direct and proximate result of the Final Judgment, the Final Orders and all Notices, the Mathesons have been unable to complete the repairs to their roof, causing significant property damage to their residential home.

133.

The City, by and through the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department, negligently breached its duty owed to the Mathesons to maintain public order and protect their lives

and property in the community; it also negligently breached its duty owed to the Mathesons to maintain improved safety and livability as residents of the City.

134.

The City is vicariously liable for the actions of its officers, servants, agents, employees and assigns, that caused the property damage under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the property damage occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the property damage were motivated, in whole, or at least in part, to serve their employer, the City.

135.

The City is subject to liability to the Mathesons for property damages in an amount to be proven at trial. The Mathesons also seek attorney fees, costs and

disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190 and any and all other statutes or rules that apply.

SEVENTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY FOR FALSE LIGHT

136.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though set forth herein.

137.

On information and belief, when Holladay posted the foreclosure link on the recall thread on or about July 9, 2016, he was acting in his official capacity as Mayor.

138.

On information and belief, when Holladay made the disparaging comments about Mr. Matheson's Veteran status on the OC Armory thread on or about July 11, 2016, he was acting in his official capacity as the Mayor.

139.

Even to the extent the information in the foreclosure link and Mr. Matheson's Veteran status is true, Holladay knew or should have known that his public comments on a social media website would place the Mathesons in a false light before the public and would be highly offensive to a reasonable person.

140.

The fact that Holladay posted the link under the recall thread establishes that Holladay intended to place the Mathesons in a false light in retaliation for Mr.

Matheson's free speech activities. Furthermore, the fact that Holladay made the disparaging comments about Mr. Matheson's Veteran status on the OC Armory thread in direct response to Mr. Matheson's comment about his views about the Mayor also establishes retaliation for Mr. Matheson's for Mr. Matheson's free speech activities.

141.

Holladay's actions caused emotional injury to both of the Mathesons, including, but not limited to, embarrassment, helplessness, and irreparable harm to their reputations in the community.

142.

The City is vicariously liable for Holladay's actions under the common-law doctrine of *respondeat superior* for the following reasons:

- Holladay clearly posted the foreclosure notice link and made the comment about Mr. Matheson's veteran status in his official capacity as the Mayor of the City, and not as a private citizen;
- Holladay's activities on Nextdoor.com occurred substantially within the authorized limits of time and space of the Mayor's elected position with the City; and
- Holladay's actions were motivated, in whole, or at least in part, to serve the City as the City's elected Mayor.

143.

The City is subject to liability to the Mathesons for economic and non-economic damages in an amount to be proven at trial. The Mathesons also seek attorney fees,

costs and disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190 and any and all other statutes or rules that apply.

144.

The City's actions, by and through Holladay, were intentional, willful and with reckless disregard of the Mathesons' statutory and constitutional rights. Such conduct exceeds the bounds of social toleration and is of the type that punitive damages deter. The Mathesons hereby give notice of their intent to amend this claim to include punitive damages.

EIGHTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY FOR INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

145.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

146.

The City, by and through its officers, servants, agents, employees and assigns, including Holladay, acted with the intent to inflict emotional distress to both Mr. Matheson and Mrs. Matheson, or knew with substantial certainty that their actions would inflict extreme emotional distress to the Mathesons, in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a veteran;

- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;
- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously issuing the Notices against Mrs. Matheson;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;

- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and
- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

147.

The City is vicariously liable for the actions of its officers, servants, agents, employees and assigns in both the Building Department and the Police Department, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the emotional distress to the Mathesons occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department that caused the extreme emotional distress to the Mathesons were motivated, in whole, or at least in part, to serve their employer, the City.

148.

The City is vicariously liable for Holladay's actions that caused the Mathesons' extreme emotional distress under the common-law doctrine of *respondeat superior* for the following reasons:

- Holladay clearly posted the foreclosure notice link and made the comment about Mr. Matheson's veteran status in his official capacity as the Mayor of the City, and not as a private citizen;

- Holladay's activities on Nextdoor.com occurred substantially within the authorized limits of time and space of the Mayor's elected position with the City; and
- Holladay's actions were motivated, in whole, or at least in part, to serve the City as the City's elected Mayor.

149.

As a direct and proximate result of the City's actions, by and through its officers, employees, servants, agents and assigns, the Mathesons suffered severe emotional distress, medical costs, emotional trauma, emotional injury, mental anguish, degradation, embarrassment, and irreparable harm to their reputations in the community, for which Mathesons seek compensation in an amount to be proven at trial. The City is subject to liability to the Mathesons for all economic and non-economic damages in an amount to be proven at trial. The Mathesons seek costs and disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190, and any and all other statutes and rules that apply.

NINTH CLAIM FOR RELIEF BY PLAINTIFFS THE MATHESONS AGAINST DEFENDANTS THE CITY AND HOLLADAY IN HIS OFFICIAL CAPACITY FOR BREACH OF DUTY OF GOOD FAITH AND FAIR DEALING

150.

The Mathesons reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

151.

The City, by and through its officers, servants, agents, employees and assigns, owed a common-law duty of good faith and fair dealing to the Mathesons, which required the City to act in accordance with reasonable expectations.

152.

The City breached its duty of good faith and fair dealing owed to the Mathesons in one or more of the following particulars:

- By maliciously and publicly humiliating Mr. Matheson on a public social media website simply because he was not a Veteran;
- By maliciously and publicly humiliating the Mathesons on a public social media website by posting a link to the foreclosure notice;
- By deliberately interfering with and/or terminating ABOCC and Mr. Matheson's political activities concerning the recall petition, effectively chilling Mr. Matheson from exercising his free speech rights;
- By deliberately and maliciously retaliating against Mr. Matheson, the most vocal of the Incorporators of ABOCC, both in his individual capacity and as an Incorporator of ABOCC, and not retaliating against the other two (2) Incorporators of ABOCC who were less vocal than Mr. Matheson;
- By intentionally failing and/or refusing to follow their own written or unwritten policies and procedures concerning the alleged code violations;
- By insisting on full access to the Mathesons' Property for inspection without reasonable cause;

- By deliberately and maliciously issuing all of the Notices against Mrs. Matheson;
- By deliberately and maliciously imposing illegal code violations against Mrs. Matheson without due process;
- By deliberately and maliciously ignoring Mr. Matheson's September 19 letters, which were written as attorney-in-fact on behalf of Mrs. Matheson, effectively prohibiting Mrs. Matheson the right to appeal the imposition of the illegal code violations;
- By deliberately and maliciously refusing to investigate Mr. Matheson's report of illegal code violations, in violation of their duty to maintain public order and protect lives and property in the community;
- By maliciously prosecuting Mrs. Matheson for alleged code violations without due process of law;
- By falsely testifying at the April 6, 2017 hearing that there was "no other reason" why the City was targeting the Property;
- By falsely testifying at the April 6, 2017 hearing that Mrs. Matheson was required to obtain a permit for the roofing repairs, based solely on the City's naked eye observation of the Mathesons' residential home—***an observation that was made from a moving car traveling at approximately 30 miles per hour***;
- By maliciously and deliberately refusing to investigate and/or create a report concerning a crime reported by Mr. Matheson, in violation of their duty to maintain public order and protect lives and property in the community; and

- By continuing to issue and/or threaten to issue illegal code violation notices to Mrs. Matheson after the Final Orders were issued.

153.

The City is vicariously liable for the actions of its officers, servants, agents, employees and assigns in both the Building Department and the Police Department, that breached the City's duty of good faith and fair dealing, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were motivated, in whole, or at least in part, to serve their employer, the City.

154.

The City is vicariously liable for Holladay's actions that breached the City's duty of good faith and fair dealing under the common-law doctrine of *respondeat superior* for the following reasons:

- Holladay clearly posted the foreclosure notice link and made the comment about Mr. Matheson's veteran status in his official capacity as the Mayor of the City, and not as a private citizen;
- Holladay's activities on Nextdoor.com occurred substantially within the authorized limits of time and space of the Mayor's elected position with the City; and
- Holladay's actions were motivated, in whole, or at least in part, to serve the City as the City's elected Mayor.

155.

As a direct and proximate result of the City's actions, by and through its officers, employees, servants, agents and assigns, including Holladay, the Mathesons suffered economic damages, severe emotional distress, medical costs, emotional trauma, emotional injury, mental anguish, degradation, embarrassment, and irreparable harm to their reputations in the community, for which Mathesons seek compensation in an amount to be proven at trial. The City is subject to liability to the Mathesons for all economic and non-economic damages in an amount to be proven at trial. The Mathesons seek costs and disbursements, pursuant to ORCP 68, and prevailing party fees, pursuant to ORS 20.190, and any and all other statutes and rules that apply.

TENTH CLAIM FOR RELIEF BY PLAINTIFFS MR. MATHESON AND TAG AGAINST THE DEFENDANT THE CITY FOR INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS

156.

Mr. Matheson and TAG reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

157.

At all times material to this Amended Petition and Amended Complaint, TAG is an International manufacturing company that holds exclusive rights over a disaster response initiative for the United States and Australia. On an interim basis, it operates from a home office and uses a prototype technology platform to remotely operate, train and educate people on the initiative. As the member/manager of TAG and the owner of its intellectual property, Mr. Matheson operates field services and daily administration needs from a home office and dispatches the technology platform located on the Property. On information and belief, the City was aware that TAG is operated from the Property at all times material to this Amended Petition and Amended Complaint.

158.

Prior to September 12, 2016, the date Notice #3, the stop work order was issued, Mr. Matheson and TAG developed a Cooperative Research and Development Agreement and secured an agreement with BMW Manufacturing to develop a dedicated satellite network. The National Disaster Response Infrastructure for the Federal Emergency Management Agency

(FEMA) is the prelude to a dedicated network called BMW Manufacturing network. Mr. Matheson personally worked for over twelve (12) years on the disaster response initiatives and five (5) years to develop a good working relationship with BMW Manufacturing as a technology supplier. The Agreement represents trillions of dollars in equipment, services and support.

159.

Until September 12, 2016, TAG performed all of its obligations under the contract, except those obligations it was prevented or excused from performing. That obligation includes, but is not limited to, building a dedicated National Disaster Response Infrastructure that is the prelude to a dedicated network for BMW Manufacturing.

160.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, the existing unit cannot be deployed, because it involves working on a four (4) additional platforms as part of a pilot initiative of the State of Oregon and the first phase in the BMW Manufacturing agreement. These platforms and anything else on the Property is included in the stop work notice issued on September 12, 2016 and in the Final Orders and Final Judgment issued by The Honorable McNiece.

161.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, the City, by and through its officers, servants, agents, employees and assigns, have intentionally disrupted TAG's performance of its initiatives with the State of Oregon, FEMA and BMW Manufacturing by enforcing the illegal stop work notice and the Final Orders and Final Judgment.

162.

The City is vicariously liable for all actions that intentionally interfere with TAG's agreements with the State of Oregon, the FEMA and BMW Manufacturing, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were motivated, in whole, or at least in part, to serve their employer, the City.

163.

The City's intentional conduct, by and through its officers, servants, agents, employees and assigns, is a substantial factor in causing Mr. Matheson and TAG to suffer damages in an amount that exceeds this Court's jurisdictional threshold under the OTCA, in amount to be proven at trial.

ELEVENTH CLAIM FOR RELIEF BY PLAINTIFFS MR. MATHESON, TAG AND OC CERT AGAINST THE DEFENDANT THE CITY FOR INTENTIONAL INTERFERENCE WITH PROSPECTIVE ECONOMIC RELATIONS

164.

Mr. Matheson, TAG and the OC CERT reallege and incorporate paragraphs 1. through 74. as though fully set forth herein.

165.

At all times material to this Amended Petition and Amended Complaint, the OC CERT is a nonprofit company tasked with developing the League of Oregon CERT's initiative. CERT's are federal programs and have the ability to dispatch resources whenever needed. Mr. Matheson is the Registered Agent, Incorporator and Vice President of OC ERT, the author of its implementation plans, subsequent intellectual property being used to promote the League of Oregon CERT's pilot initiate and state-wide Oregon League of CERT's initiatives.

166.

At all times material to this Amended Petition and Amended Complaint, Mr. Matheson holds exclusive rights over a disaster response initiative for the United States

and Australia. On an interim basis its operating from a home office and using a prototype technology platform to remotely operate, train and educate people for OC CERT which are located on the Property. On information and belief, the City is aware that OC CERT is operated from the Property at all times material to this Amended Petition and Amended Complaint.

167.

Prior to September 12, 2016, the date the stop work notice was issued, the OC CERT was in the process of implementing an economic relationship using the League of Oregon CERT as a pilot initiative to the statewide Oregon League of Oregon CERT's initiatives. On information and belief, the City knew of Mr. Matheson and the OC CERT's potential economic relationship with the League of Oregon CERT pilot program and the statewide Oregon League of CERT at all times material to this Amended Petition and Amended Complaint.

168.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, Mr. Matheson and the OC CERT is restricted from and is disrupted from entering into agreements or engage its local State Representatives to lead the League of Oregon's CERT or the Oregon League of CERT's.

169.

From and after September 12, 2016, and continuously as of the date this Amended Petition and Amended Complaint is filed, the City, by and

through its officers, servants, agents, employees and assigns, have intentionally disrupted TAG's and OC CERT's ability to enter into prospective economic relationships by enforcing the illegal stop work notice and the Final Orders.

170.

The City is vicariously liable for all actions that intentionally interfere with Mr. Matheson's TAG's and OC CERT's ability to enter into prospective economic relationships, under the common-law doctrine of *respondeat superior* for the following reasons:

- At all times material to thisAmended Petition and Amended Complaint, the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were employed by the City and were acting in the course and scope of their employment with City;
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department occurred substantially within the authorized limits of time and space of their employment with the City; and
- At all times material to thisAmended Petition and Amended Complaint, the actions of the officers, servants, agents, employees and assigns of the City's Building Department and Police Department were motivated, in whole, or at least in part, to serve their employer, the City.

171.

The City's intentional conduct, by and through its officers, servants, agents, employees and assigns, is a substantial factor in causing Mr. Matheson, TAG and OC CERT to suffer damages in an amount that exceeds this Court's jurisdictional threshold under the OTCA, in amount to be proven at trial.

D. PRAYER FOR RELIEF

WHEREFORE, Petitioner/Plaintiffs pray for the following relief:

1) Assume jurisdiction over each of the claims set forth herein;
2) Grant a permanent injunction restraining the City, its officers, agents, employees, servants and assigns, from engaging in existing and future violations of the First and Fourteenth Amendment to the U.S. Constitution on such terms as the Court may direct;
3) Grant declaratory relief that the City, Holladay and Konkol's conduct violated Plaintiffs the Mathesons' federal statutory and Constitutional rights;
4) Order Defendants, individually and collectively, to comply with all federal statutory laws and further order Defendants to participate in training or other remedial actions as the Court may direct;
5) Order Defendants to make Plaintiffs whole by compensating them for any and all economic damages in an amount to be proven at trial;
6) Order Defendants to make Plaintiffs whole by compensating them for all noneconomic damages in the amount to be proven at trial;

7) Grant punitive damages against the Defendants for each federal statutory claim for relief in an amount to be determined at trial;

8) Grant Plaintiffs attorney fees, prevailing party fees, expenses, disbursements, expert witness fees, pursuant to any and all other statutes or rules that apply;

9) To the extent any amount awarded to Petitioner/Plaintiffs is for damages occurring prior to the entry of judgment, grant Petitioner/Plaintiffs an award of prejudgment interest at the legal rate from the date the damage occurred until the date of judgment;

10) Grant Plaintiffs post judgment interest on all damages, costs, expenses, and fees from the date of judgment until the date paid;

11) Issue an Order issuing a Writ of Review directed to the Respondent/Defendant the City, commanding the Respondent/Defendant to return the Writ with a certified copy of the entire record and proceedings in this matter for review by this Court in substantially the form attached hereto as Petitioner/Plaintiff's proposed Order for Writ of Review;

12) Issue an Order staying any and all further proceedings by the Respondent/Defendant against the Petitioner/Plaintiff, including, but not limited to, the charges and fees imposed by the Final Orders and the Final Judgment;

13) Upon review, for an Order reversing or annulling any and all proceedings by the Respondent/Defendant against the Petitioner/Plaintiff;

14) For a declaration that all of the Notices issued by the Respondent/Defendant are invalid and void;

15) For a declaration that the Final Orders and Final Judgment are invalid and void; and

16) For such other relief as may be found just and equitable.

DATED this ____ day of July, 2017.

Respectfully submitted,

Mark J. Matheson, *Pro Se*

Anna Marie Matheson, *Pro Se*

E. DEMAND FOR JURY TRIAL

Plaintiffs demand a jury trial on their tort, statutory and Constitutional claims relief.

DATED this _____ day of _____, 2017.

Respectfully submitted,

Mark J. Matheson, *Pro Se*

Anna Marie Matheson, *Pro Se*

F. CERTIFICATION PUSUANT TO ORS 34.040

I am an attorney licensed to practice law in the State of Oregon. I certify that I have examined the underlying proceeding in this matter to the extent that it is now available to me, and the Final Orders therein, and that it is erroneous as alleged in the Amended Petition for Writ of Review set forth in the First Claim for Relief above.

DATED this ___ of July, 2017.

_____
Signature

_____
Printed Name

OSB #: _____

FINAL ORDER

IN THE MUNICIPAL COURT FOR OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF OREGON CITY, a municipality formed under the laws of the State of Oregon Plaintiff, vs. ANNE MARIE MATHESON, Defendant	)	NO. CE-19613-16 FINAL ORDER

This matter came before the Court on April 9, 2017. Plaintiff, through it's Code Enforcement Department, was present and represented by Rebecca Schaleger; Defendant was present and represented by Gary Kahn.

Defendant is charged with violating the Oregon City Municipal Code by failing to obtain a permit for roof repair and for violating a stop work order. Defendant claims she is exempt from the requirement for a permit and that she was denied due process.

The Court, having had an opportunity to review the records and files herein including photographic exhibits, to hear the testimony of each witness, observe their demeanor, and determine the weight to be given to the testimony of each witness, makes the following

FINDINGS OF FACT

1. Anna Marie Matheson is the owner and occupant, along with her husband Mark J. Matheson, of property located at 855 Molalla Avenue, Oregon City, Clackamas County, Oregon.

2. This Court has jurisdiction over these proceedings.

3. Commencing September 9, 2016 it was observed that Defendant was in the process of making significant roof repair to her two story home, including removal of skip sheathing leaving a large hole in the roof.

4. On the same date, the city building department sent a letter to Defendant claiming it had been determined that Defendant needed a permit to perform work on the roof. Said letter erroneously cited the Oregon Structural Code.

5. Having no response from Defendant, a stop work order was placed on Defendant's residence on September 12, 2016, directing Defendant to communicate with the building officials. The building inspector was directed to leave the premises.

5. On September 14, 2016 City Code Enforcement officials mailed a notice of violation to Defendant and emailed a copy to Defendant's husband's email address directing Defendant to obtain a building permit no later than September 19, 2016. Defendant made no attempt to communicate with the building official.

6. The Notice of Violation correctly cited the Oregon Residential Specialty Code.

7. Defendant made no attempt to communicate with officials.

8. On September 20, 2016 Code Enforcement filed a complaint in the above court alleging that Defendant failed to obtain a permit as required by the Oregon Residential Specialty Code and Oregon City Municipal Code and for violating a stop work order issued by the City Building Official.

9. Defendant appeared in court and requested continuances of this matter on October 8, 2016, November 16, 2016, December 22, 2016, January 12, 2017 and February 9, 2017.

10. Defendant's husband acknowledged he continued work on the roof after receipt of the stop work order because it "was an unlawful stop work order".

11. Plaintiff states that at least 15% of the skip sheathing on the roof has been removed; defendant's husband states 2%-5% removed; defendant's witness, a building

inspector, stated approximately 12% had been removed. No actual calculations were made by any witness. The court finds, based upon testimony of the parties and photographic evidence, that 15% of skip sheathing was removed.

12. Work continued on the roof after issuance of the stop work order of September 12, 2016 until November 8, 2016 . The roof was covered with tarp and no longer visible after November 29, 2016.

13. At no time has Defendant or her husband attempted to communicate with building officials or code enforcement officials.

ISSUES

1. Defendant claims she was denied due process because the initial notice issued to her on September 9, 2016 erroneously cited the Oregon Specialty Cod3e.

2. Defendant claims the roof repair is exempt from permit requirements because, under the Oregon Residential Specialty Code 105.2, less than 15% of the roof sheathing has been removed.

3. Plaintiff claims that more than 15% of the skip sheathing has been removed and has concerns regarding weight load and damage to the interior, including dry rot, necessitating an inspection and building permit.

4. Plaintiff claims that Defendant continued work on the roof after the issuance of the stop work order.

CONCLUSIONS OF LAW

1. Due Process: Defendant has not been denied due process in this matter. The issue before this court is a complaint filed by Code Enforcement citing failure to obtain a permit pursuant to the Oregon Residential Specialty Code and for disobeying a stop work order issued by the City. Defendant was appropriately cited to this court and granted all requested extensions of time. Defendant was fully aware that the issue before this court alleged a violation

of the Oregon Residential Specialty Code.

2. Permit Requirement. A permit is not required under the Oregon Residential Specialty Code 105.2.18 so long as the roof repair does not involve removal of more than 15% of the skip sheathing. Although the city building official was not allowed access to the property he determined, from observation from the street and plain view of the project, that a permit was required because more than 15% of the skip sheathing was removed.

Oregon Residential Specialty Code 105.2 states:

> "Exemptions from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of this code or any other law or ordinance of this jurisdiction."

An exemption from the code does not allow Defendant to make that determination. Once a violation is alleged, it is Defendant's burden to demonstrate compliance or negate the need for a permit. Defendant has failed and refused to do so and this Court finds, based upon the evidence and testimony of the parties, that a permit is required.

3. Stop Work Order: ORSC 114.1 provides:

> "Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or unsafe, the building official is authorized to issue a stop work order. . ."

The city building official determined that a permit was required and that an inspection was required to determine there is no structural damage such as dry rot. Defendant refused to communicate with building officials. While Defendant's husband claims it was "an unlawful stop work order", Defendant was, nonetheless, obliged to immediately stop work on the roof until compliance was determined. As stated above, Oregon Residential Specialty Code 105.2 does not give Defendant license to ignore a stop work order simply because Defendant believes it is "an unlawful stop work order". It is the determination of the building official, not the Defendant, to determine if a stop work order should be issued.

4. At all times Defendant has failed and refused to communicate with the Building

Official to resolve the issue to obtain any necessary permit and lift the stop work order.

5. Defendant continued to work on the property, including replacing tar paper and plywood sheeting from September 12, 2016 (date of Notice of Violation) until November 8, 2016.

6. The Oregon Residential Specialty Code, Oregon Revised Chapter 455, Oregon City Municipal Code, and the Operating Plan adopted by the City building department, is designed to ensure compliance with code requirements in the least litigious manner and obtain compliance in a timely manner. Defendant's refusal to communicate and cooperate, as well as repeated requests for continuances in this matter delayed resolution.

ORDER

1. The Court finds that Defendant is guilty of failing to obtain the proper permit for roofing repair as required by Oregon Residential Specialty Code 104.18(b) and said violation continues and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

2. Defendant is guilty of violating the stop work order issued September 14, 2016 until November 8, 2016 and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

3. Oregon City Municipal Code 16.020 provides that each day of violation carries a penalty of $300 per day.

4. Plaintiff is granted judgment against Defendant in the sum of $62,100.00 representing $300 per day (OCMC 16.020) from September 14, 2016 (Notice of Violation) until April 9, 2017 (date of hearing) for failing to obtain the necessary permit..

5. Plaintiff is granted judgment against Defendant in the sum of $10,200.00 representing $300 per day from September 14, 2016 (stop work order) until November 8, 2016.

6. This court will suspend $51,700.00 of the above judgment ON THE CONDITION that Defendant and/or her agent allow inspection of the premises and obtain necessary permits no

later than May 1, 2017.

This Final Order may be appealed or judicially reviewed pursuant to OCMC 1.24.180, 1.24.190.

DATED this 20 day of April, 2017.

Laraine McNiece, Judge

FINAL ORDER

IN THE MUNICIPAL COURT FOR OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

CITY OF OREGON CITY, a municipality formed under the laws of the State of Oregon Plaintiff, vs. ANNA MARIE MATHESON, Defendant	NO. CE-19613-16 CORRECTED FINAL ORDER/JUDGMENT

A typographical error occurred in the Order entered by this Court on April 20, 2017 regarding the date of hearing, which consequently affected the amount of judgment imposed and numbering of findings. This order is entered to correct and replace the April 20, 2017 order of this court:

This matter came before the Court on April 6, 2017. Plaintiff, through it's Code Enforcement Department, was present and represented by Rebecca Schaleger; Defendant was present and represented by Gary Kahn.

Defendant is charged with violating the Oregon City Municipal Code by failing to obtain a permit for roof repair and for violating a stop work order. Defendant claims she is exempt from the requirement for a permit and that she was denied due process.

The Court, having had an opportunity to review the records and files herein including photographic exhibits, to hear the testimony of each witness, observe their demeanor, and determine the weight to be given to the testimony of each witness, makes the following

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FINDINGS OF FACT

1. Anna Marie Matheson is the owner and occupant, along with her husband Mark J. Matheson, of property located at 855 Molalla Avenue, Oregon City, Clackamas County, Oregon.

2. This Court has jurisdiction over these proceedings.

3. Commencing September 9, 2016 it was observed that Defendant was in the process of making significant roof repair to her two story home, including removal of skip sheathing leaving a large hole in the roof.

4. On the same date, the city building department sent a letter to Defendant claiming it had been determined that Defendant needed a permit to perform work on the roof. Said letter erroneously cited the Oregon Structural Code.

5. Having no response from Defendant, a stop work order was placed on Defendant's residence on September 12, 2016, directing Defendant to communicate with the building officials. The building inspector was directed to leave the premises.

6. On September 14, 2016 City Code Enforcement officials mailed a notice of violation to Defendant and emailed a copy to Defendant's husband's email address directing Defendant to obtain a building permit no later than September 19, 2016. Defendant made no attempt to communicate with the building official.

7. The Notice of Violation correctly cited the Oregon Residential Specialty Code.

8. Defendant made no attempt to communicate with officials.

9. On September 20, 2016 Code Enforcement filed a complaint in the above court alleging that Defendant failed to obtain a permit as required by the Oregon Residential Specialty Code and Oregon City Municipal Code and for violating a stop work order issued by the City Building Official.

10. Defendant appeared in court and requested continuances of this matter on

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October 8, 2016, November 16, 2016, December 22, 2016, January 12, 2017 and February 9, 2017.

11. Defendant's husband acknowledged he continued work on the roof after receipt of the stop work order because it "was an unlawful stop work order".

12. Plaintiff states that at least 15% of the skip sheathing on the roof has been removed; defendant's husband states 2%-5% removed; defendant's witness, a building inspector, stated approximately 12% had been removed. No actual calculations were made by any witness. The court finds, based upon testimony of the parties and photographic evidence, that 15% of skip sheathing was removed.

13. Work continued on the roof after issuance of the stop work order of September 12, 2016 until November 8, 2016 . The roof was covered with tarp and no longer visible after November 29, 2016.

14. At no time has Defendant or her husband attempted to communicate with building officials or code enforcement officials.

ISSUES

1. Defendant claims she was denied due process because the initial notice issued to her on September 9, 2016 erroneously cited the Oregon Specialty Cod3e.

2. Defendant claims the roof repair is exempt from permit requirements because, under the Oregon Residential Specialty Code 105.2, less than 15% of the roof sheathing has been removed.

3. Plaintiff claims that more than 15% of the skip sheathing has been removed and has concerns regarding weight load and damage to the interior, including dry rot, necessitating an inspection and building permit.

4. Plaintiff claims that Defendant continued work on the roof after the issuance of the stop work order.

FINAL ORDER

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CONCLUSIONS OF LAW

1. Due Process: Defendant has not been denied due process in this matter. The issue before this court is a complaint filed by Code Enforcement citing failure to obtain a permit pursuant to the Oregon Residential Specialty Code and for disobeying a stop work order issued by the City. Defendant was appropriately cited to this court and granted all requested extensions of time. Defendant was fully aware that the issue before this court alleged a violation of the Oregon Residential Specialty Code.

2. Permit Requirement. A permit is not required under the Oregon Residential Specialty Code 105.2.18 so long as the roof repair does not involve removal of more than 15% of the skip sheathing. Although the city building official was not allowed access to the property he determined, from observation from the street and plain view of the project, that a permit was required because more than 15% of the skip sheathing was removed.

Oregon Residential Specialty Code 105.2 states:

> "Exemptions from permit requirements of this code shall not be deemed to grant authority for any work to be done in any manner in violation of this code or any other law or ordinance of this jurisdiction."

An exemption from the code does not allow Defendant to make that determination. Once a violation is alleged, it is Defendant's burden to demonstrate compliance or negate the need for a permit. Defendant has failed and refused to do so and this Court finds, based upon the evidence and testimony of the parties, that a permit is required.

3. Stop Work Order: ORSC 114.1 provides:

> "Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or unsafe, the building official is authorized to issue a stop work order. . ."

The city building official determined that a permit was required and that an inspection

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was required to determine there is no structural damage such as dry rot. Defendant refused to communicate with building officials. While Defendant's husband claims it was "an unlawful stop work order", Defendant was, nonetheless, obliged to immediately stop work on the roof until compliance was determined. As stated above, Oregon Residential Specialty Code 105.2 does not give Defendant license to ignore a stop work order simply because Defendant believes it is "an unlawful stop work order". It is the determination of the building official, not the Defendant, to determine if a stop work order should be issued.

4. At all times Defendant has failed and refused to communicate with the Building Official to resolve the issue to obtain any necessary permit and lift the stop work order.

5. Defendant continued to work on the property, including replacing tar paper and plywood sheeting from September 12, 2016 (date of Notice of Violation) until November 8, 2016.

6. The Oregon Residential Specialty Code, Oregon Revised Chapter 455, Oregon City Municipal Code, and the Operating Plan adopted by the City building department, is designed to ensure compliance with code requirements in the least litigious manner and obtain compliance in a timely manner. Defendant's refusal to communicate and cooperate, as well as repeated requests for continuances in this matter delayed resolution.

ORDER

1. The Court finds that Defendant is guilty of failing to obtain the proper permit for roofing repair as required by Oregon Residential Specialty Code 104.18(b) and said violation continues and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

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2. Defendant is guilty of violating the stop work order issued September 14, 2016 until November 8, 2016 and constitutes a civil infraction as described in Oregon City Municipal Code 1.20.030 and 15.04.020.

3. Oregon City Municipal Code 16.020 provides that each day of violation carries a penalty of $300 per day.

4. Plaintiff is granted judgment against Defendant in the sum of $61,200.00 representing $300 per day (OCMC 16.020) from September 14, 2016 (Notice of Violation) until April 6, 2017 (date of hearing) for failing to obtain the necessary permit..

5. Plaintiff is granted judgment against Defendant in the sum of $10,200.00 representing $300 per day from September 14, 2016 (stop work order) until November 8, 2016.

6. This court will suspend $51,700.00 of the above judgment ON THE CONDITION that Defendant and/or her agent allow inspection of the premises and obtain necessary permits no later than May 1, 2017.

This Final Order may be appealed or judicially reviewed pursuant to OCMC 1.24.180, 1.24.190.

DATED this 25th day of April, 2017.

Laraine McNiece

Laraine McNiece, Judge

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OREGON CITY

POLICE DEPARTMENT
CODE ENFORCEMENT

320 Warner Milne Road | Oregon City OR 97045
Complaint Line: (503) 496-1559 | Fax (503) 657-6629

July 13, 2017

Anna Marie Matheson
855 Molalla Ave.
Oregon City, Oregon 97045

RE: CE19613-16 Final Judgment

Attached please find a copy of the final judgement.

PAYMENT OPTIONS:
Payment must be made within the following thirty (30) days from the date of this notice. Non-payment will result in a lien against the property in the full amount, plus the filing fee, including interest at a rate of nine percent (9%).

Please contact the code enforcement office with any questions you may have.

Code Enforcement Division
City of Oregon City
503-496-1559

IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

COPY

CITY OF OREGON CITY, Plaintiff, vs. Anna Marie Matheson, Respondent(s)	Case No.: CE-19613-16 TLID# : 32E05BB04400 Address: 855 Molalla Ave. Oregon City, Oregon 97045 MOTION FOR JUDGMENT

COMES NOW, Plaintiff, by and through its officer, David Mueller, and moves the Court for a judgment as follows:

1) A $71,400.00 fine, based upon the Final Order/Judgement and respondent's failure to comply with a court order.

Dave Mueller

Code Enforcement Officer

Now Therefore, it is hereby ordered that the Plaintiff's Motion for Judgment be granted.

It is so Ordered this 11 day of July, 2017

Laraine Mahr

Municipal Court Judge

IN THE MUNICIPAL COURT FOR THE CITY OF OREGON CITY

COUNTY OF CLACKAMAS, STATE OF OREGON

COPY

CITY OF OREGON CITY, Plaintiff, vs. Anna Marie Matheson, Respondent,	Case No.: CE-19613-16 AFFIDAVIT OF NON-COMPLIANCE AND JUDGMENT

I, David Mueller, Code Enforcement Officer for the City of Oregon City, being first duly sworn, depose and say:

On April 6, 2017, the parties appeared before Judge Laraine McNiece for a trial.

On April 25, 2017, Judge Laraine McNiece entered a Corrected Final Order/Judgment. The property owner was fined $71,400.00 for violations of the Oregon City Municipal Code. $51,700.00 will be suspended if necessary permits are obtained and inspections occur by May 1, 2017.

On May 2, 2017, Chris Long, Oregon City Building Inspector, reported that no permits had been pulled, no inspection had occurred, and there had been no contact with the property owner.

As of July 10, 2017, the property owner has failed to obtain required permits, has not allowed inspection by the Building Official, and has failed to appeal the Final Order/Judgment as outlined in the Oregon City Municipal Code 1.24.180 & 1.24.190.

I make this affidavit in support of my motion for entry of judgment filed herein.

Therefore, on behalf of the City, I request the entry of Judgment and Order as follows:

1) A $71,400.00 fine be imposed.

Dated this 11th day of July 2017.

Code Enforcement Officer
City of Oregon City

State of Oregon
County of Clackamas
Subscribed and sworn to before me this 11th day of July 2017.

OFFICIAL STAMP
AUTUMN RENEE WILSON
NOTARY PUBLIC-OREGON
COMMISSION NO. 920005
MY COMMISSION EXPIRES SEPTEMBER 08, 2017

NOTARY PUBLIC - OREGON
My commission expires: 9/8/17

COPY

JUDGMENT

Based upon the above motion and affidavit, and Respondent's failure to comply with Oregon City Municipal Court Order,

IT IS HEREBY ORDERED Respondent's non-compliance be entered of record,

IT IS FURTHER ORDERED Plaintiff shall have judgment against respondent herein:

a) The sum of $71,400.00, plus interest at 9.% annual simple interest

Dated this 11 day of July 2017.

Laraine McNiece
Municipal Court Judge

CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
807 MAIN STREET, ROOM 301
OREGON CITY, OREGON 97045

Susie L. Norby
Circuit Court Judge

(503) 650-8902
FAX (503) 650-8909

December 29, 2017

Mark & Anna Marie Matheson
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RE: Mark & Anna Marie Matheson v. City of Oregon City, Dan Holladay & Anthony Konkel III
Clackamas Circuit Court Case No. 17 CV 25621

Gentlemen & Ms. Matheson:

This Letter Opinion contains the court's rulings on the Petitioners' Writ of Review.

Contextual Summary

Petitioners ("Husband" & "Wife") reside in a home located at 855 Molalla Avenue, Oregon City, Clackamas County, Oregon. On the home façade hangs a large banner that reads: "Recall Mayor Holladay." In early September 2016, Husband was working to repair a section of the roof, including removing skip sheathing. On Friday, September 9, 2016, a City code enforcement officer drove by and did a sight check of Husband's roof repair. He became concerned that the roof repair may require a permit. He drafted a letter that same day and mailed it. The letter instructed Wife, the title holder, "that the required permits must be applied for and obtained within 10 days from the date of this letter[.]" The letter invoked an incorrect Structural Specialty Code reference as authority for the command.

On Monday, September 12, 2016, the next business day, a City code enforcement officer served a Stop Work Order commanding Husband and Wife to stop work on the roof project, because "permits are required prior to starting work." The Order also instructed the petitioners to contact the City, but they did not. On Wednesday, September 14, 2016, the City issued a Notice of Violation instructing the petitioners that "[f]ailure to obtain all applicable permits by 5PM on Monday, September 19, 2016 will result in a citation by Municipal Court." Petitioners did not apply for a construction permit. Husband did stop work on the open roof, but not immediately. When work stopped, the roof hole was covered with weatherproofing, as it has remained ever since.

On Tuesday, September 20, 2016, the City issued a Citation/Complaint to Wife for failing to obtain a permit and failing to immediately discontinue all work when the Stop Work Order was served. On April 6, 2017, a court trial was held before the Honorable Laraine McNiece. The Judge issued a Corrected Final Order/Judgment on April 25, 2017, which found Wife guilty of (a) failing to obtain a required roofing repair permit, and (b) violating a lawful stop work order. The Judge ordered cumulative fines that totaled $71,400.00, but allowed that $51,700.00 of that total would be suspended if petitioners allowed inspection of their roof project and obtained necessary permits by May 1, 2017. They did not.

On June 19, 2017, petitioners filed a Writ of Review challenging the Municipal Court's April 25, 2017 Corrected Final Order/Judgment. This court issued an Order for Writ of Review on August 1, 2017, after petitioners filed the required bond. That Order required the Municipal Court "to make return together with required copy of records/proceeding on or before August 31, 2017." On September 14, 2017, the city filed the transcript and record of proceedings, which it later supplemented with color photographs and emails concerning gaps in the audio record of the trial. Most notably, there is an email exchange between Husband and a Municipal Court employee:

> **Husband:** "I need a complete record. The hearing was 4 hours long and the audio files are only 1.5 hours... they're [sic] big gaps in testimony. I need an unedited version of the transcripts."
>
> **Court Employee:** "I gave you everything that was recorded. We actually sent the cassettes out to have the sound enhanced but nothing was edited. Everything the recorder captured was given to you."

Petitioners filed their Opening Brief on Writ of Review on October 20, 2017. Respondents filed their Response Brief on November 17, 2017. Petitioners filed their Reply Brief on December 1, 2017. Oral argument was held on December 11, 2017. Mark Matheson argued on petitioners' behalf, and David Lewis argued on behalf of the City of Oregon City.

Assignments of Error & Responsive Arguments

Petitioners claimed error in the proceedings below in three separate categories, as follows:

1. Petitioners were denied due process of law because of misconduct by the City, to wit:
   (a) Issuance of the legally inaccurate September 9, 2016 notice, which also lacked directions on how to appeal it;
   (b) Service of a legally insufficient September 12, 2016 stop work order;
   (c) Issuance of an unjustified September 14, 2016 citation of violation;
   (d) Unresponsiveness to Matheson letters sent on September 19, 2016;
   (e) Improper filing of September 20, 2016 Complaint without just cause;
   (f) Failure to record a significant portion of testimonial evidence presented at the hearing, and inappropriate ex parte contact between the Municipal Judge and the City Attorney.

2. The Municipal Court Judge made rulings not supported by substantial evidence in the whole record:
   (a) The ruling that 15% of the skip sheathing on the Mathesons' roof was removed (Finding #12);

(b) The ruling that Mr. Matheson was required to immediately stop working as soon as he was served with the City's stop work order.[1]

3. The Municipal Court Judge imposed a fine that is cruel and unusual under all the circumstances and is therefore unconstitutional.

With regard to petitioners' due process concerns, the City responds that, despite a flaw in the September 9, 2016 notice and the absence of friendly communication about the City's concerns prior to serving the stop work order and the Complaint of violation, the Mathesons were given notice of the City's concerns and an opportunity to be heard through the Municipal Court proceedings, which met or exceeded due process standards. Although the City failed to create, or maintain, a full audio record of the Municipal Court proceedings, it argues that Petitioners fall short of showing their due diligence in searching for an audio record, and made no adequate showing that the trial below was unfair, incorrect, or unjust. Therefore under Smith v. Custom Micro, Inc., 311 Or 375 (1991), petitioner did not prove entitlement to a remedy based on the flaw in the audio record sufficient to justify reversal. As to petitioners' claim of improper ex parte contact, the City responds that impermissible ex parte contact only arises from communication about the merits of a case before the judge. Contact between the Judge and a lawyer after the case has been concluded by a Judgment does not fall in that category.

With regard to petitioners' substantial evidence challenges, the City responds that:
(1) As to the court's finding that the petitioners made no attempt to communicate with the building officials or code enforcement, petitioners' September 19th letters were not received as exhibits or included in the record, therefore their contents could not be considered by the Municipal Judge;
(2) As to the court's finding that petitioners removed 15% of the skip sheathing on their roof, the testimony of City representatives and the photograph exhibits support the finding, and this court may not second guess a Municipal Judge finding of fact unless no evidence exists in the record to support it;
(3) As to the ruling about the effect of the stop work order on petitioners' ability to continue working, the petitioners' concession that they did not immediately stop work after service of the order alone supersedes the need for substantial evidence in the record.

With regard to the constitutionality of the fine imposed, the City responds that the fine amount falls within the range set by the City Code, and the Judge gave petitioners the power to dramatically reduce the fine by securing a permit for the work done. It was petitioners' choice not to act to reduce the fine, so they tacitly acquiesced to the full amount ordered.

Analysis

This matter is rooted in a simple conflict over a single issue: did petitioners' roof repair involve 15% or more of their roof and require a permit, or did it involve 14.99% or less of their roof and not require a permit. The Municipal Court Judge found that 15% of the skip sheathing on petitioners' roof was removed. All conclusions flowed from that finding. Finding #12 specified that the Municipal Judge was persuaded by the "opportunity to review the records and files herein including photographic exhibits, to hear the testimony of each witness, observe their demeanor, and determine the weight to be given to the

[1] Petitioners appear to have attempted to add claims of error in their Reply Brief, regarding the Municipal Judge's failure "to make specific and detailed findings" on particular points. It is impermissible to supplement claims of error in a Reply Brief – there is no further opportunity for the respondent to argue thereafter. Therefore, those afterthought claims of error are stricken, and will not be analyzed in this Letter Opinion.

testimony of each witness". This court reviewed the transcript of proceedings, to locate any testimony about the proportion of the roof under repair. The following transcript segments address this question:

p. 4, lines 17-23
RS: Okay. And why did, why did you send this letter?

Long: Because of the roof being open. We wanted to contact them and find out what was the scope of the work.

RS: Okay. So, the purpose of this letter was to what, put the owner on notice that they needed to get a permit? What was the purpose of this letter?

Long: For them to contact us. We could then ask questions, find out what the scope of the work is.

p. 5, lines 11-14
RS: Okay. And why did you go out to the house on September 12?

Long: Uh, with it being as exposed as it was, our concern that permits are required, we didn't have any permits so we wanted to place a Stop Work Order to further get their attention to come discuss with us what their scope of work was.

p. 7, lines 18-22
RS: And what was the substance of that conversation? I'm not asking you to say what he said; I'm simply saying, what was the substance of the conversation?

Long: Let him know that I'm placing a Stop Work Order on the house, reason being for the roof and that he would probably be required to get a permit, and to come talk to us.

p. 27, lines 19-23
GK: I just have one. In light of all this, your conclusion is based on your observations that less than 15% of the space (sic) sheathing was removed and replaced.

Wade: My observation at that time, it appeared to me to be in the realm of 10%.

GK: And if-

Wade: Less than 15.

p. 28, lines 9-15
RS: Mr. Roberts, let's just cut to the chase right now. You testified earlier that more than 15%, uh, that by your visual inspection, more than 15% of the sheathing had been replaced. Do you stand by that testimony after hearing Mr. Wade's testimony?

Roberts: I do.

RS: Why?

Roberts: Based on the evidence in the photographs and by driving by.

Thereafter, beginning on p. 31 of the transcript, the attorneys' closing arguments include references to the extensive unrecorded witness testimony that was not preserved during the evidentiary phase of the trial. Based on the subsequent email exchange between Husband and the Municipal Court employee about the gaps in the transcript, it is apparent that none of the testimony relied on by the City on the question of project scope was recorded. Attorneys' arguments, statements and questions are not evidence. Only witness testimony and exhibits received are evidence.

Therefore, the only evidence in the record on review that could explain the Municipal Judge's conclusion that 15% or more of the roof was involved in petitioners' repair are the words "I do" spoken by witness Roberts on p. 28 in response to the city attorney's summary of his previous unrecorded testimony, and the photograph exhibits. Roberts' words are ambiguous, because the attorney's summary of his prior testimony in her leading question is not evidence, and his response does not adopt her summary, but rather re-adopts his unrecorded testimony. At best, those two words are consistent with witness Long's testimony, which was vague and inconclusive on the project's actual scope.[2]

This court reviewed the photographs exhaustively. There is no photograph of the back half of petitioners' roof, and no way to know if it has one or more dormers on the back half. There is a dormer on the front half of the roof. Dormers appear to require more roofing than would otherwise fill the same space. The repair work is limited to the edge of the roof on the far left in the photographs, below the chimney. Based on this court's review of the photographs, and inferences about the size and configuration of the un-photographed back half of the roof made in the light most favorable to the Municipal Judge's opinion, they are evidence that less than 15% of the total roof was under repair.

The available evidence on the roof project scope *in the record on review* does not support the Municipal Judge's conclusion that more than 15% of the petitioners' skip sheathing was removed from their roof, necessitating a permit. Without substantial evidence in the record to support that conclusion, the conclusion about the lawfulness of the Stop Work Order is also irreparably compromised.

At oral argument, the City acknowledged its obligation to record the entirety of the trial in Municipal Court, but relied on the decision in Smith v. Custom Micro, Inc., 311 Or 375 (1991) to argue that petitioners cannot use the absence of an audio record to make their case on Review. The Smith court interpreted ORS 19.130(3) to require that an appellant may not secure a reversal of a lower court decision based on the absence of an audio record without first persuading the reviewing court that: (1) there was due diligence in attempting to find and supply a record for the purposes of appeal; and (2) there is a prima facie showing of error, or unfairness in the trial, or that there had been a miscarriage of justice.[3]

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[2] Although most of the testimony given by the City's witnesses was unrecorded, the parties agree that no City building inspector ever gained access to the roof. No consent to inspect was given, no administrative inspection warrant was procured from a municipal judge, and no ORCP 43 process was invoked to allow the City to take measurements on the roof. If witness Roberts testified contrary to the defense expert (Wade) who did have roof access, then perhaps Roberts' testimony about his expert credentials tipped the balance in favor of his subjective visual assessment. The absence of any testimony corroborating his basis for confidence in his visual scan, however, cannot be overcome.

[3] This threshold analysis has been a complete obstacle to appeals rooted in due process and procedurally driven questions. It is unclear whether it also applies when the questions on appeal regard the lack of substantial evidence in the whole record. In an abundance of caution, this court assumes that the precondition always applies.

The record in this case persuades me that there was due diligence in attempting to find and supply a complete audio record for the appeal. The law requires that the Municipal Court generate an audio record and supply it with a transcript to the court on Writ of Review. The record on review includes email messages between Husband and the Municipal Court in which Husband notifies that court about the gaps in the audio record, and urges production of a complete audio record. But the ability to do so is within the Municipal Court's control, not his. This effort by Husband to secure a complete audio record satisfies the due diligence requirement of the Smith court.

The second question is whether petitioners made a prima facie showing of error, or unfairness in the trial, or that there has been a miscarriage of justice. A "prima facie showing" has been interpreted as a legal term of art "commonly defined as '[a] party's production of enough evidence to allow the fact-trier to infer the fact in issue and rule in the party's favor.' "Staten v. Steel, 222 Or. App. 17, 49, 191 P.3d 778 (2008), rev. den., 345 Or. 618, 201 P.3d 909 (2009) (Edmonds, P.J., concurring) (quoting Black's Law Dictionary 1228 (8th ed. 2004)). Generally a prima facie showing is viewed as minimal sufficiency; it does not invite a court to engage in weighing of competing facts or arguments. The testimonial evidence regarding the roof project scope that was captured for the record on review includes:

1) The statements of city witness Long, who expressed uncertainty about the scope of the roofing project based on his visual appraisal, and who emphasized that the initial letter and Stop Work Order were intended to get the petitioners' attention, and *start* a conversation about the scope.
2) The testimony of petitioners' witness Wade, that the roof repair scope was approximately 10%.

The photographic evidence is similarly insubstantial, absent any testimony in the record to guide a judge to view it in a manner that supports a conclusion in the City's favor. It supports a conclusion that petitioners did roof work, but not that 15% of the roof was involved in the project.

I conclude that the testimonial and photographic evidence in the record establishes a prima facie showing of error that satisfies the second pre-requisite created by the Smith court that would otherwise limit a grant of relief on appeal when an incomplete audio record exists of the proceedings below.

Having decided in the petitioners' favor on their claims that there is not substantial evidence in the whole record to support the Municipal Court Judge's rulings on the scope of the project and the legality of the Stop Work Order, it is unnecessary to analyze the petitioners' remaining assignments of error. The Writ of Review challenging the Municipal Court's April 25, 2017 Corrected Final Order/Judgment is granted, and the Corrected Final Order/Judgment is reversed. This case is remanded to the Municipal Court for entry of a Judgment consistent with this opinion. Attorney David Lewis is directed to file a form of Limited Judgment to formalize these rulings.

Very truly yours,

Hon. Susie L. Norby

Hon. Susie L. Norby
Circuit Court Judge

CIRCUIT COURT OF OREGON

FIFTH JUDICIAL DISTRICT
CLACKAMAS COUNTY COURTHOUSE
807 MAIN STREET, ROOM 301
OREGON CITY, OREGON 97045

Susie L. Norby
Circuit Court Judge

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January 31, 2018

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RE: Mark & Anna Marie Matheson v. City of Oregon City, Dan Holladay & Anthony Konkel III
Clackamas Circuit Court Case No. 17 CV 25621

Gentlemen & Ms. Matheson:

This Letter Opinion contains the court's ruling on the Respondent's Motion for Reconsideration.

Contextual Summary

The court issued a Letter Opinion on December 29, 2017 granting the Mathesons' Writ of Review, reversing the Oregon City Municipal Court's April 25, 2017 Corrected Final Order/Judgment, and remanding the case to the Municipal Court for entry of a Judgment consistent with that reversal. On January 16, 2018, Oregon City filed a Motion for Reconsideration. Oregon City argues that a result of reversal is that "the City is prejudiced in its ability to enforce its building codes and potentially protect its citizens."

On January 29, 2018, the Mathesons filed a Response in Opposition to the City's Motion for Reconsideration.

Ruling

The City's Motion for Reconsideration implies that the ruling on Writ of Review in this case sabotages the City's ability to keep citizens safe, by undermining its efforts to enforce protective provisions in its Building Code. To the contrary, the City continues to have substantial power to pursue code enforcement action, as long as it does so in a way that withstands objective review. If the City still believes that circumstances on the Mathesons' roof constitute a code violation, then the City may choose

to begin a new code enforcement action. Code violations occur in slices of time. There is no res judicata or claim preclusion against a future allegation of code violation merely because a previous similar allegation was already concluded. The only relief no longer available to the City after this court's reversal on Writ of Review is the revival of accumulating daily fines that reach back to 2016.

The Motion for Reconsideration is denied. Attorney David Lewis is directed to file a form of Limited Judgment to formalize the rulings on Writ of Review.

Very truly yours,

Hon. Susie L. Norby

Hon. Susie L. Norby
Circuit Court Judge

A Better Oregon City Coalition

Al Snell, Michael Simon, Mark J. Matheson
A Better Oregon City Coalition
855 Molalla Ave
Oregon City, Or. 97045

September 19, 2016

Chief Jim Band
Oregon City Police Department
320 Warner Milne Rd
Oregon City, Or. 97045

Re: Code enforcement being used as a political harassment tool

Dear Chief Band,

We won't assume you're aware of every detail of the departments day-to-day activities, at every level under your command. The City's code enforcement impropriety issues aren't typically worthy of the your time, or A Better Oregon City Coalition's time. Moreover, it's unfortunate that code enforcement has been outsourced as a subservient crossover task to law enforcement, which is fueling animosity towards all city officials who use their authority to punish individuals, businesses, and organizations that voice any decent.

In regards to City officials using your department as a harassment tool, not unlike mob bosses sending goons to collect a payment or else, it's easy to dismiss the coalitions concerns as inexperienced, uninformed, or misunderstood. Nonetheless, the issue is not our perspective, depth of information or level understanding, it's the pattern of destructive behavior fueling a large portions of the community to be at odds with each other while officials sit back and watch.

The incident prompting an aggressive posturing originates from the targeted method, and veracity your department followed the building departments lead to illegally gain access to private property. As you'll see by the information we provided, the City of Oregon City has overreached their authority and is misusing their positions to discount and disrespect people. The level of animosity being expressed has left of no other choice than to share our information with the Governor's office, the Attorney General, and the State of Oregon Building Codes Division.

On September 19, 2016 the City is demanding a permit is needed, which it doesn't, and negligent by using the code as their fishing expedition to up tally tickets. Our building official and civil engineer has reviewed the letter, and the code, and they need to clearly state their process of determination, and how it relates to any work on the property.

If your code enforcement staff are issuing a citation, feel free to mail it to the property owner. Dan Holladay unleashed his special interests, and as a precaution to any unwarranted, or unwanted attempts to enter the property is not appreciated, or welcomed. Less than a year ago, the home owner's husband was contacted by a local attorney who loosely represented the City's interest specifically wrote that he should never under estimate his enemies. Which is enough reason to be concerned about overreaching of any type, by any official.

Sincerely,

Al Snell, Michael Simon, Mark J. Matheson

A Better Oregon City Coalition

A Better Oregon City Coalition

Al Snell, Michael Simon, Mark J. Matheson
A Better Oregon City Coalition
855 Molalla Ave
Oregon City, Or. 97045

September 19, 2016

Mike Roberts
Oregon City Building Official
221 Molalla Ave. Suite 200
Oregon City, Or. 97045

Re: Illegal attempt to gain access onto private property as retribution

Dear Mike Roberts,

On September 12, 2016 a building inspector, Chris Long attempted to illegally place a "stop work order" at 855 Molalla Avenue, Oregon City Oregon. His actions prior to, and after placing the stop order onto the house is equivalence to a "knock and talk" policy, and was ruled unconstitutional years ago. You may try to deny the comparison, nevertheless a code enforcement official used that exact terminology as their policy during a Community Involvement Committee meeting.

I find the practice of officials forcing themselves onto private property to tally up "tickets" is disgusting. The fact that he crossed a caution line without proper protective gear either demonstrated a negligent industry awareness, a lack of respect for people in general, arrogance, or a combination of all. He entered without requesting permission which supports the level veracity and determination to cause financial discomfort. Moreover, the lack of any prior communication, indicates that he was acting on someone orders, and reeks of collusion.

At this point, the city must specified what triggered a letter being sent on Friday, September 9, 2016, which initiated the site visit and prior to getting the letter, and then red tag. The code being used is inappropriate and does not apply. Again, you need to specifically why it does apply.

Unless you clarify the specific reason, or under what context you are applying the code, the stop work order is being characterized as harassment, a misuse of a government office, and racketeering. The illegal stop order is also being ignored.

If you have any questions, please feel free to address them to A Better Oregon City Coalition, which will be reviewed by our building official.

Al Snell, Michael Simon, Mark J. Matheson

A Better Oregon City Coalition

OREGON CITY, OR & HAPPY VALLEY, OR

REMOVE COMPARISON

	OREGON CITY, OR	HAPPY VALLEY, OR
POPULATION	34,480	16,462
	1.91% GROWTH	4.9% GROWTH
MEDIAN AGE	37.7	37.2
MEDIAN HOUSEHOLD INCOME	$62,858	$101,250
	5.77% GROWTH	0.81% GROWTH
POVERTY RATE	11.6%	4.55%
NUMBER OF EMPLOYEES	16,244	7,864
	5% GROWTH	9.4% GROWTH
MEDIAN PROPERTY VALUE	$254,000	$411,300
	2.25% GROWTH	5.3% GROWTH

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On behalf of Petitioner/Plaintiffs, *Pro Se*

IN THE CIRCUIT COURT FOR THE STATE OF OREGON
FOR THE COUNTY OF CLACKAMAS

ANNA MARIE MATHESON,

Petitioner/Plaintiff,

MARK J. MATHESON, THE ADVANTAGE GROUP, LLC, NW, an Oregon limited liability company, OREGON CITY COMMUNITY EMERGENCY RESPONSE TEAM, an Oregon nonprofit corporation, and A BETTER OREGON CITY COALITION, an Oregon nonprofit corporation,

Plaintiffs,

vs.

CITY OF OREGON CITY, an Oregon municipal corporation formed under the laws of the State of Oregon,

Respondent/Defendant,

DAN HOLLADAY, the City of Oregon City Mayor, in his official and personal capacity, and ANTHONY J. KONKOL, III, the City of Oregon City Manager, in his official and personal capacity,

Defendants

Case No.: 17CV25621

PETITIONER/PLAINTIFFS' RESPONSE IN OPPOSITION TO RESPONDENT'S MOTION FOR RECONSIDERATION

INTRODUCTION

On January 16, 2018, the Respondent the City of Oregon City (the City) filed a Motion for Reconsideration of the Honorable Susie J. Norby's Letter Opinion dated December 29, 2017 in the above-captioned matter (the Letter Opinion). Within the Letter Opinion, Judge Norby ruled that there is no substantial evidence in the record to support Honorable Laraine McNiece's rulings on the scope of the construction project and the legality of the Stop Work Order[1] as set forth in the Corrected Final Order/Judgment issued by Judge McNiece on April 25, 2017 in the City of Oregon City Municipal Court (the Municipal Court). For that reason, Judge Norby ruled that the Corrected Final Order/Judgment shall be reversed.

Judge Norby ordered the City's attorney of record, David C. Lewis, to prepare a Limited Judgment to formalize her rulings. Rather than prepare a Limited Judgment as ordered, the City instead filed a Motion for Reconsideration of the Letter Opinion, which essentially asks the Court to remand this matter back to the Municipal Court to conduct a new hearing because of the City's failure to provide a full recorded hearing as required by law.

As outlined below, the City has failed to establish any reason why Judge Norby should reconsider her decision. Petitioner and Plaintiff Anna Marie Matheson (Mrs.

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[1] *See* Letter Opinion at page 6.

Matheson) and Plaintiff Mark J. Matheson (Mr. Matheson) respectfully request that the Court deny the City's Motion for Reconsideration for the following four (4) reasons.

ARGUMENT

1. The City's Motion for Reconsideration Should Be Denied Because There is No Such Procedural Remedy Allowed Under Oregon Law

First, the City's Motion for Reconsideration should be denied because there is no such procedural remedy allowed under Oregon law. Indeed, former Oregon Supreme Court Chief Justice Edwin J. Peterson said it best when he mused in a concurring opinion:

> The so-called "motion for reconsideration" appears neither in the Oregon Rules of Civil Procedure nor in any other Oregon statute. Lawyers filing motions to reconsider after entry of judgment might better denominate such a motion as a "motion asking for trouble" for questions arise concerning whether the filing of such a motion extends the time for appeal.[2]

Here, it is unclear whether the City has filed the Motion for Reconsideration as a legal tactic to extend the time to file an appeal, or whether the City actually believes that Judge Norby should reconsider her well-reasoned Letter Opinion. The Court of Appeals addressed this dilemma in *Alternative Realty v. Michaels*[3]:

> In *Schmidling*, we admonished lawyers not to file "motions for reconsideration." However, as this case and *Carter v. U.S. National Bank*,

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[2] *Carter v. U.S. National Bank*, 304 Or. 538, 546, 747 P.2d 980 (1987). *See also*, *Schmidling v. Dove*, 65 Or. App. 1, 5, 670 P.2d 166 (1983) (*Held:* Parties seeking "reconsideration" must do so by means of a motion for new trial under ORCP 64).

[3] 90 Or. App. 280, 285, 753 P.2d 419 (1988)

> supra, show, attorneys continue to do so. The result is confusion as to whether a motion is a request for a new trial so as to extend the time in which to file a notice of appeal or whether the motion serves the narrower purpose merely to get a trial judge to rethink a decision.[4]

The above dilemma is precisely why there is no such procedural remedy as a "motion for reconsideration" under Oregon law. It would seem that the City's lawyers should already be aware of this; Petitioner/Plaintiffs cannot help but wonder out loud why the City is wasting taxpayer money by filing a motion that is not even authorized by Oregon law. For this reason alone, the City's Motion for Reconsideration should be denied.

2. The City's Motion for Reconsideration Should Be Denied Because the City Failed to Establish That It is Entitled to a New Trial

As the Court held in *Schmidling*, parties seeking a "reconsideration" must do so by filing a motion for a new trial pursuant to ORCP 64. To the extent the Court chooses to treat the City's Motion for Reconsideration as a motion for a new trial, the City's argument that it should be entitled to a new hearing based on the lack of a full recording is nonsensical and vexing, given that the City argued *against* remanding to the Municipal Court in both its brief and at the December 11, 2017 hearing before Judge Norby. The City also asserted in its brief that the lack of a full recording did not violate Mrs. Matheson's due process rights.[5]

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[4] *Id.*, 90 Or. App. at 284.
[5] *See* City's Response Brief on Writ of Review at page 12:1-3.

Yet, now that Judge Norby has ruled in Petitioner/Plaintiffs' favor, the City is reversing its argument, even going so far as to say that "as a result of the incomplete court recording, the City is prejudiced in its ability to enforce its building codes and potentially protect its citizens."[6] The operative and key word in that sentence is *potentially*.

"Potential" is defined as follows:

> 1: existing in possibility : capable of development into actuality
> potential benefits
> 2: expressing possibility; specifically : of, relating to, or constituting a verb phrase expressing possibility, liberty, or power by the use of an auxiliary with the infinitive of the verb (as in "it may rain")[7]

To argue that the City should be entitled to a new trial because the City *possibly* may need to protect its citizens from some unknown danger does not establish a valid reason for the Court to grant the City a new trial. Simply put, the City has not shown that it is entitled to a new trial. To quote the City from its own brief:

> The Oregon Supreme Court has made clear in the appellate courts where the underlying trial court audio record was destroyed, that, to obtain a reverse on that ground, the appellant/petitioner must show (1) due diligence in attempting to find and supply a record; and (2) "must make at least a prima facie showing of error, or unfairness in the trial, or that there has been a miscarriage of justice." *Smith v. Custom Micro, Inc*., 311 Or 375, 379 811 P2d 1371 (1991).[8]

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[6] City's Motion for Reconsideration at page 2:17-18.
[7] *Merriam Webster Dictionary*, 10th ed.
[8] *See* City's Response Brief on Writ of Review at page 12:20-25.

Again, the City's only argument is that its ability to protect the public may somehow, possibly, *may* be compromised if it is not allowed to have a new hearing. That argument is nonsensical, not only because we are talking only about the mere "potential" of having to protect the public, but also because the property at issue is a 1916 residence that is private and not even open to the public. Additionally, the argument is nonsensical because the City did not know and will never know the extent and scope of the activities on the Matheson property. The City admitted under oath that it did not know what the extent or scope of the activities were before issuing the illegal Stop Work Order. This was on the part of the hearing that was recorded.[9] The City also admitted under oath on the recording that not all activities on private property require a permit.[10]

The City has failed to establish that it is entitled to what it is asking for.[11] For this second reason, the City's Motion for Reconsideration should be denied.

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[9] *See* City's ER-3 at page 22, where Chris Long testified: "The house was opened up and we don't know what the scope is so we need to contact them." *See* also City's ER-3 at page 31, where Mike Roberts testified he had never been on the property and that his conclusions were based on the photographs and by driving by.

[10] *See* City's ER-3 at page 21.

[11] Even if the Court were to treat the City's Motion for Reconsideration as a motion for a new trial, we also note that the City's motion is filed prematurely, because a party is not entitled to file a motion for a new trial until after the judgment has been entered. *See* ORCP 64 E F(1). There has been no judgment entered because the City did not follow Judge Norby's instructions. This is another reason why the City's Motion for Reconsideration should be denied.

3. The City's Motion for Reconsideration Should Be Denied Because Judge Norby Carefully Considered All of the Evidence in the Record

The City implies that Judge Norby would not have ruled in the manner that she did if there had been a full recording of the hearing. For that reason, the City argues that Judge Norby should exercise her power to remand this case to the Municipal Court for a new hearing.

While it is true that Her Honor has the power to remand this matter pursuant to ORS 34.100, as will be discussed in more detail below, Judge Norby considered that option but instead chose to rule in the manner that she did. More importantly, it is clear from her Letter Opinion that Judge Norby carefully considered all of the parties' arguments and "exhaustively"[12] reviewed the photographic evidence which the City argued established its case against Mrs. Matheson. In fact, in its brief, the City argued that the lack of a full recording was no big deal, because the photographs alone allegedly established that Mrs. Matheson needed to obtain a permit:

> Even a cursory review of those pictures is sufficient to establish that a reasonable person could conclude that more than 15% of the roof had been removed.[13]

Judge Norby obviously did not agree with the City's analysis of the photographs. In particular, Judge Norby pointed out that, viewing the photographs in the light most favorable to Judge McNiece's rulings, the pictures simply do not establish that more

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[12] Letter Opinion at page 5.
[13] City's Response Brief at page 15:14-15.

than fifteen percent (15%) of the skip sheathing had been removed, necessitating a permit. Unlike Judge McNiece, who failed to articulate why she ruled in the manner that she did, Judge Norby set forth a well-reasoned Letter Opinion, outlining why she made her decision.

Judge Norby concluded that it was not necessary to address the remainder of the arguments because her ruling that there is no substantial evidence in the record to support Judge McNiece's rulings on the scope of the construction project and the legality of the Stop Work Order is dispositive.

Judge Norby clearly understood the ramifications of her decision. After judiciously considering all of the arguments, testimony and evidence, Judge Norby determined that the Corrected Final Order/Judgment should be reversed. The City should not be entitled to a do-over merely because it has sour grapes over Judge Norby's careful analysis of the evidence presented. For this third reason, the City's Motion for Reconsideration should be denied.

4. The City's Motion for Reconsideration Should be Denied Because Judge Norby Already Considered and Rejected the Argument for Remanding This Matter to the Municipal Court

Based on her Letter Opinion, Judge Norby already considered whether to remand this matter for a new hearing. Specifically, Judge Norby listed all of Petitioner/Plaintiffs' assignments of error, including the error on the City's part in failing

to provide a full recording of the hearing below.[14] Obviously, Judge Norby read the briefs on this issue and listened to Petitioner/Plaintiffs' argument at the December 11, 2017 hearing that if the Court refused to reverse the Corrected Final Order/Judgment than this matter should be remanded because of the recording issue.

In her Letter Opinion, Judge Norby noted that the City conceded at the December 11, 2017 hearing that it was responsible for providing a full recording of the hearing, despite its argument to the contrary in its brief. Judge Norby also summarized the City's argument that Petitioner/Plaintiffs allegedly failed to establish a remedy for the failure to provide a full recording in her Letter Opinion.[15]

On review, Judge Norby held that the Petitioner/Plaintiffs established that Mr. Matheson exercised due diligence in attempting to obtain a full record. Clearly, Judge Norby understood what each party's position was on the issue of remanding the matter to the Municipal Court. Thus, Judge Norby's decision to reverse the Corrected Final Order/Judgment took into account that she could have remanded the matter to the Municipal Court for a new hearing.

Instead of accepting Judge Norby's Letter Opinion, the City now "flips the script" and argues for the first time that it is entitled to a new hearing based on the City's own failure to provide a full recording of the hearing. For the City to now claim that "if the City were prohibited from re-trying the issues in this case, it could jeopardize not just the

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[14] *See* Letter Opinion at page 2.
[15] *Id.* at page 3.

current residents of the home, but future residents and first responders"[16] is nonsensical and insulting to Judge Norby's well-reasoned analysis.

This Court has ruled, as a matter of law, and the Court's decision is not subject to review or reconsideration simply because the lawyers for the City quibble with the Court's analysis. Furthermore, the legal arguments raised simply fail–Judge Norby has already rejected the arguments made with regard to remanding this matter to the Municipal Court, and nothing has been provided to this Court which would merit reconsideration.

Absent any new evidence or controlling law that has changed since the Court was fully briefed on this matter, mere disagreement with Judge Norby's ruling does not provide a valid reason to remand this to the Municipal Court for a new hearing. Judge Norby has already considered and rejected that argument. Therefore, as Chief Justice Peterson famously remarked, the City has made a frivolous "motion asking for trouble." For this fourth and final reason, the City's Motion for Reconsideration should be denied.

CONCLUSION

For the all of the foregoing reasons, points and authorities, the City's Motion for Reconsideration should be denied. Petitioner/Plaintiffs respectfully request that the Court order the City to prepare a Proposed Limited Judgment consistent with Judge Norby's Letter Opinion within seven (7) days of the date the Court denies the City's

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[16] City's Motion for Reconsideration at page 2:21-23.

Motion for Reconsideration and serve the Proposed Limited Judgment on Petitioner/Plaintiffs pursuant to UTCR 5.100(1)(c).

DATED this 29th day of January, 2018.

Respectfully submitted,

__/s/ Anna Marie Matheson
Anna Marie Matheson, Petitioner/Plaintiff
Pro Se

__/s/ Mark J. Matheson
Mark J. Matheson, Plaintiff
Pro Se

CERTIFICATE OF SERVICE

I, Mark J. Matheson, a Plaintiff herein, hereby certify that I have this day served a true and correct copy of the foregoing Petitioner/Plaintiffs' Response in Opposition to the Respondent's Motion for Reconsideration through the eFiling system pursuant to UTCR 21.100 to Respondent and Defendants' attorneys of record as follows:

David C. Lewis, Attorney at Law
Kraemer, Lopez & Lewis
P.O. Box 1469
Lake Oswego, Oregon 97035
dlewis@cisoregon.org
Of Attorneys for City of Oregon City and Anthony J. Konkol, III

Gerald L. Warren, Attorney at Law
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901 Capitol Street NE
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ahisel@geraldwarrenlaw.com
Of Attorneys for Dan Holladay

DATED this 29th day of January, 2018.

Respectfully submitted,

/s/ Mark J. Matheson
Mark J. Matheson, Plaintiff
Pro Se

August 27, 2018, Planning Commission Work Session

Written comments from Nancy Ide, Co-founder of Homeless Solutions Coalition of Clackamas County.

Good evening. My name is Nancy Ide, and I am speaking this evening with my hat on as co-founder of the Homeless Solutions Coalition of Clackamas County. The Coalition has a vision to provide compassionate and respectful solutions to those who are homeless through community partnership.

Tonight I would like to speak specifically to one area of the code amendments you are considering – the area of transitional housing or shelters for our community members who are on the low-or no-income spectrum. These folks are people like you and I who are residents of Clackamas County, but due to their unfortunate circumstances, cannot find stable housing in our city or county.

https://www.facebook.com/ClackamasCounty/videos/2116653238409113/

Recently, a video was prepared by Clackamas County and Vahid Brown, the County's Housing and Policy Coordinator spoke to help dispel myths about who the homeless are in our region. I'd like to read the comments from Vahid Brown.

Vahid: I've worked with people in our community who haven't had stable housing for years, and [they include] every type of person from every walk of life. One of the big myths you hear, particularly on the West Coast, is what's called the Magnet Myth. It's the idea that the West Coast's weather is nice, the people are friendly, the communities are welcoming, and there's an abundance of services. So, [the myth says], people come to Clackamas County from outside the region or state to be homeless here. The County did a survey two years ago on the Springwater Trail and got very solid data on homelessness in the County. We asked them:

- where they lived before they were homeless; and
- how long they lived in Oregon.

Exhibit A.

ENTERED INTO THE RECORD
DATE RECEIVED: 8/27/18
SUBMITTED BY: Nancy Ide
SUBJECT: 3a. Equitable Housing + Code Attendants

The overwhelming majority of them - 90% - were Oregonians for more than ten years. I asked them where they were last housed before camping on the Trail, and they would point to an apartment complex a few blocks from where we were. Not in every case, but two-thirds of them identified their last housing as the neighborhood in which they were currently camping. This is common across the West Coast. People lose their housing and they stay in the community they know.

That's where they have their networks, where they know the lay of the land. It makes sense.

Many people who were at working-class incomes are experiencing homelessness in our community. Not everyone has a mental illness or a substance-abuse disorder. Substance-abuse is consistent across the [overall] population, regardless of their housing status. Substance abuse disorders don't discriminate, but [affect] people all age brackets, including parents with children. For instance, this year, 65% of the head start children in our free preschools, the 3-5 year old children, are homeless. That's 2 out of 3 children. <u>THAT</u> is what homelessness looks like in Clackamas County. We're talking about OUR neighbors – <u>ALL</u> types of folks.

The [homeless] people that reinforce the <u>stereotype</u> are the folks that are most visible because you see them on the sidewalk going through a mental health crisis. But [those individuals] represent a <u>tiny fraction</u> of the overall community of people who are struggling to maintain stable housing in our community.

Those are words from Vahid Brown and I'd like to publicly thank him for his tireless, hands-on work in our region helping the homeless find housing.

I chose to use Mr. Brown's words today because of his conclusions that the homeless people in our county are mostly local residents who came upon hard times.

As a city, it is our obligation to not be selective, but to provide housing opportunities to all income brackets in our community. The other proposed code amendments you are considering are addressing a variety of equitable housing options without a conditional use, but the missing piece is housing for our homeless and low-income residents. I encourage you to recommend codes that permit shelters in the MUC and MUD zone districts without a conditional use. I also encourage you to use specific federal language for housing to help applicants secure grant funding for building transitional housing. The phrase "transitional shelter" is old school, and the federal government is simply saying "shelter" to define a variety of housing options for homeless and low-income persons. Once a person is housed, the County is doing its part by providing a variety of services to promote good health and well-being, and Clackamas Community College is ready and waiting with workforce training to help transition the homeless into a sustainable, independent living environment.

Please help provide the missing piece in our Oregon City community by permitting shelters without a conditional use.

Thank you.

My name is Robin Schmidt. I'm the Executive Director of The Father's Heart Street Ministry in Oregon City. I want to thank you for this opportunity and for all that you are doing on behalf of the most vulnerable in our community. I am impressed with your desire to find and implement solutions for them. In the last two years of my directing, I have seen so much support from the local community. I have heard countless times the appreciation for us being available to those in need. The community seems to appreciate a place that they can contribute to the needs of others, not only with their item and financial donations, but many times they bring people in need for services. There seems to be an underlying compassion that runs through Oregon City and it's citizens. We are so glad to be a part of this community.

The Father's Heart is a Day Center for those experiencing homelessness and those on the verge of losing their homes. We also have served for many years as an emergency warming shelter for up to 49 people when the weather is freezing or below. Because of Oregon City granting emergency resolutions, we have been able to offer a safe, caring place for people to receive a warm meal and a warm place to lay their head. We also help keep people from filling emergency rooms in the hospital by preventing them from sickness. You could honestly say that we save lives.

The people served in the emergency shelter many times are also fighting physical health issues, disabilities, mental health on top of dealing with severe weather. They come to us many times with soaked wet clothes and or shoes. We are able to offer them dry clothes and shoes, hand and feet warmers, a warm meal and a supervised, safe night of rest. We are also able to refer people to our Day Center for receiving much needed services.

Sometimes people are brought to us by people in the community that see someone in distress, also police officers and sometimes even some are released to us from the local hospital because they have no place to go but us. We are grateful for the privilege of serving the community by caring for those in great need in severe weather.

Those that come to our Day Center are not only able to receive meals, but also showers with a clothing exchange, computer access, access to a phone and use us as their mailing address. We also have weekly services from Clackamas county

Exhibit B.

ENTERED INTO THE RECORD
DATE RECEIVED: 8/27/18
SUBMITTED BY: Robin Schmidt
SUBJECT: 3a.
Equitable Housing

housing, weekly veterans representatives and monthly foot care and Medical care.

In the last month alone, we have seen clients advocated for and supported in court, transported to appointments, 3 people find affordable housing, with one moving in to her new home tomorrow! We have given out numerous bus tickets to those just starting employment, many sleeping bags for those waiting to get inside. We had one guest come back to thank us for being available in his great time of need and sharing with us that he has been sober for on year, working and living in his own home. Another guest in his late 80's and a veteran wrote me a note to thank us for the "good program" we have at TFh.

Day or night, The Father's Heart greatly respects our neighborhood and community at large. We have strict guidelines for appropriate behavior inside as well as outside on our property. Guests that come in for emergency shelter must be able to comply to our guidelines to stay as a guest. Every night the guidelines are gone over with all guests to make sure that peace is maintained for all. This means being considerate while outside on our property. There are designated areas for smoking and visiting outside and no one is allowed outside after 10pm.

It is made clear that those that can't comply will be asked to leave or sometimes trespassed. This however, is not something that occurs often. We have found that people are too appreciative of the emergency shelter to jeopardize their stay.

The Father's Heart encourages you to change the current terminology of "emergency resolution" to "permitted use". In the past, the cold weather comes earlier than the passing of an emergency resolution. Last year, I actually opened the shelter at midnight of the day the resolution was passed. I couldn't live another night telling people as soon as the resolution passes we can open. So, at midnight I drove over to the transit center and the nearby streets and told people we were open. The simple fact is that we cannot operate at night without funding. We couldn't receive funding from the county until the city passed an emergency resolution.

Changing the code to "permitted use" would also allow us the necessary time to prepare and schedule volunteers and staffing for the operation of the emergency

warming shelter. In years previous, we have had to tell volunteers that we hope to be operating by a certain date, but that is only if the resolution is passed. As you can see, a permitted use would help us greatly for scheduling with confidence the volunteers that want to serve.

The Father's Heart is only interested in maintaining a well serving Day Center and providing an emergency warming shelter in extreme weather. We are honored to be in Oregon City.

Thank you for your time. I'd now like to introduce Jim McGuire, a former guest of The Father's Heart Day Center as well as the emergency warming shelter.

This isn't my first time coming before you. But I hope it's my last. And frankly, I don't know what all our advocating, picketing, letter writing, meeting taking has done. Getting local meetings was met with a mere shoulder shrug and an aloof response. Getting county, state officials involved was useless.

I came here before to advocate on behalf of my neighborhood. We were a great little place. Kids laughing and riding their bikes in the street, families standing on corners chatting, front yard BBQs. Now, our street has lost 7 kids. We have 5 rental house and one on the way. Our children aren't allowed to play outside without supervision. This, this is what you all created. Now, I don't feel safe walking my dog at dark. I walk along Human excrement in our alleys. I have to make sure I look ahead to ensure my children don't see sexual acts in the alleys. "Neighbors" come home clearly under the influence, blaring music and screaming profanity. Again. I say, this, this is what you all created. You didn't hear the pleas of my street. But maybe you'll acknowledge that will not be an isolated incident if you do not change your codes. And take notes for the upcoming proposed changes.

~~I come here to ask that you own what you are creating~~. It is your job to plan for growth. And each and every one of you should be putting the desires of the community first. We can choose to be a town, known for the jail, the courthouse, the homeless, the transitional houses for criminals, sexual offenders and addicts. OR you can create a city for young professionals. A place where families can come, put down roots and grow. You can cultivate a city known for its unique location, amazing locally owned businesses and our historical preservation ~~of this country~~. But it's up to you to make a choice. As much as we'd like to say we can have it all, we simply can't. Families don't want to raise their children around felons. Families want to feel safe walking their neighborhood.

So, when I hear a complaint I ask for 2 possible solutions.

Options. Stop transitional homes. Stop ADUs. Focus on the very flawed codes we currently have and make rules so that tax paying, voting citizen are the ones who get to drive the direction of their neighborhoods. ~~How can tighter regulations~~ à la twelve Utah

OR Re-write the code so neighborhoods can be involved. Focus on making clear rules that are defined so that we don't have homes filled with felons, addicts, and sex offenders with no consequence and with no oversight. The ADUs need clear

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SUBMITTED BY: Jennifer Ostrick

defined rules so that we don't have sheds as "ADUs". Owners of the property must be held accountable. There must be a system in place that examines the integrity of the area where these multi-living dwellings will occur and actually stop the development if it negativity impacts that area. A simple, "the code is the code, or my hands are tied" are simply unacceptable. outcomes.

This isn't just a "my street concern". And if you are naiive enough to think that this won't impact you, then I can't speak to that. What I can say is I run all over this town. My last run I found 5 needles. When I ran around CCC I had to literally run around 3 homeless people.

I keep hearing we are worried to become the next Portland. But Portland has a vibe to "embrace all". When you move to Portland, you have a sense of what you are getting. From food carts, to people sleeping in your yard. Oregon City does not. Oregon City is tore into so many parts that what defines us has been lost. Rules aren't made for those who follow them. They are made for those who try to get around them. I don't fear Portland, I fear that we will become the next Gothum city.

Now I need to go home. Lock my doors, arm my security system and put my children to bed.

From: Paul Edgar
Sent: Tuesday, August 28, 2018 11:04 AM
To: Pete Walter; Laura Terway; guttmcg@msn.com
Cc: Rocky Smith - Home; Damon Mabee; Mike Mitchell; Brain Shaw - OC Commissioner
Subject: Metro's Chapter 3.07, "Urban Growth Management Functional Plan" & "Regional Functional Plan Requirements" with 2018 updates

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It is my belief that Metro's Chapter 3.07 Urban Growth Management Functional Plan should be reviewed for compliance and direction as it states in 3.07.010 Purpose:

"Any city of county determination not to incorporate all required functional plan polices into comprehensive plans shall be subject to conflict resolution and mediation processes included within RUGGO, Goal I provisions, prior to final adoption of inconsistent policies or actions".

Last night before the Planning Commission 8/27/18, I referenced Title 7 - Housing Choices & Title 12 - Protection of Residential Neighborhoods - 3.07.1220, Residential Density.

Title 3.07.1220 Residential Density - "Metro shall not require any city or county to authorize an increase in the residential density of a single family neighborhood in an area mapped solely as Neighborhood."

There is significant guidance found in virtually all of the Titled Sections that directly applies to the current considerations, efforts and actions to update Oregon City's Equitable - Affordable Housing with new policies and code revisions.

My personal comments are that the great middle of the housing needs are mostly driven by the conditions of the Marketplace and the lack of new lands found within the identified Urban Growth Boundary. We should be very careful prescribing new infill with inconsistent density requirements in established neighborhoods that adversely and negatively destroy the character and culture that holds a neighborhood together.

Found in Title 3.07.760 - "Recommendations to Implement other Affordable Housing Strategies" are table 3.07-720 on Five-Year Voluntary Affordable Housing Production Goals. There are lists by "Jurisdiction" of "Needed new housing units for households earning less that 30% of the median household income and Needed new housing units for households earning 30 - 50% of the median household incomes."

How we address the creating of code revisions for housing people below the 30% of the median household incomes is of the highest priority and it is to me the one lost group of housing.

My personal belief that this can happen best in Planned Communities within Cluster Housing Concepts, where efforts are to have primary access to transit and education with very small lots.

Exhibit D. Paul Edgar
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We as society and tax payers cannot afford the so called affordable housing high rise projects, that are to the most part subsidized with significant tax payer funded efforts to reduce the costs that are now approaching $250,000 plus per dwelling unit. There is also cost that we will pay as a society where the next generation is brought up in environments where there are elevators and no trees, green grass, parks and fresh air.

Please review the many outstanding Senior Housing Communities and ideas can be picked up.

We should review how we can re-purpose Industrial and CI lands on all side of Clackamas Community College, that have sat idle and transfer some of those lands their zoning to other places and thus open the door to Greater Need Process of Review, that could solve the problems with the opportunity to locate housing, where NIMBY and other neighborhood reactions are minimized. The key to these open lands is that they satisfy the critical transit and education/re-education and job skills building components with the highest weight values. There are many and multiple tears/levels of very low cost housing that needs to be addressed and each can be considered a stepping stone to the next level.

When market costs of housing and income levels do not match and people are forced to the street or to their cars. The proposed housing on the upper floors of possible housing between McLoughlin Blvd and Main Street in those new allowable floors (re-setting the height Standard to 75-Ft.) would not be affordable - equitable housing to anyone 30% below the median average income. Most everything being suggested within these revisions that seems to get talked about is for people above the median average income or on the higher ends of income. To me we are losing track of what this whole revision process is and should be all about.

Please make this information part of the record of these hearings and available to all members of the Oregon City Planning Commission.

https://www.oregonmetro.gov/sites/default/files/2018/04/16/urban-growth-management-functional-plan-04162018.pdf

Thank You,

Paul Edgar, Canemah Neighborhood Resident

From: Karla Laws
To: Laura Tierney; Pete Walter
Subject: Roosevelt
Date: Monday, August 27, 2018 11:00:52 PM

Late afternoon to evening activities of homeless & transitional house at 523 in the past few days on Roosevelt. Totally My neighbor and my household witnesses sexually acts, unsafe shouting/cussing, possible drug dealings, indecent exposure. My children do not feel safe and see inappropriate things. In the upper middle shed photo doing sexual activities just trying to walk to their car from their own porch. The person living in the shed will not leave. No bathroom facilities. If codes become more lenient, I don't see how this will improve.

Please share w who you see fit. Please keep my identity & contact anonymous for the protection of my family.

& tonight at 10:03pm. Shed being occupied illegally with no bathroom facility. Ppl from 523 occupy this shed frequently, at least 3 different ladies overnight. Seen ppl homeless and high go in here too on a regular basis.

Exhibit E. Karla Laws
File: LEG-18-00001
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9.27.2018

Karla Laws

Sent from my iPhone

Fort Kennedy Vision Statement

On Tiny Houses in a Cluster

"Our direction is to enable All Veterans to move forward in their lives after military service. We will provide transitional housing, shelter for homeless service men and woman. To ensure All Veterans receive the support through employment, family counseling, and help with well-deserved benefits. We will work with all Veteran Agencies in the community, we will achieve a much needed 'Hand Up, not a Hand Out' for our Homeless Veterans."

We would like to comment on affordable housing, with efforts to create transition shelters/housing and very low cost (affordable) housing, **where we can move more people/families, affordably off of our streets.**

The focus of Fort Kennedy has been initially on creating encampments, with Transitional Shelters and Semi-Permanent Housing (Tiny Houses) for our Homeless Veterans.

Fort Kennedy currently operates a Veteran specific day center, at 7600 Johnson Creek Road on the second floor of a building within space provided by Crosspoint Northwest. We subsequently allocate space for non-profits; Gold Star Wives, Vietnam Veterans Post 392, and PTSD foundation of America and even the VA.

Our Veterans and non-Veterans and how we (as society) address these conditions and various reasons and core causes of the lack of housing and subsequent homelessness, there will always be an open wounds.

Our seniors and the working poor find their ability to find Housing is equally a problem/opportunity, which needs to be addressed positively and overlaps the greater needs of society.

We have significant segment of people without adequate housing that have Mental Health Issues, many of our Veterans also have the additional problem of PTSD and those problems can be compounded, where a lot are addicted and/or self-medicate and that results in additional major problems/opportunities.

We have look to all transitional opportunities to move people from being dependent within society, to where they are self-supporting, that includes addressing all educational opportunities including job training.

We also need to talk about the "Not In My Back Yard" (NIMBY) issues, of where and how we create/locate - locations, for the full spectrum of people priced out of housing opportunities, including opening up the UGB.

Paul Edgar, Board Member of Fort Kennedy, 501(c) (3)

To provide everyone a better idea of what a 20-unit planned community built in a cluster for Homeless Veterans - Housing, could be using an Oregon City company might cost, we gathered following information.

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EXHIBIT: F
SUBMITTED BY: Paul Edgar

Better Built Barns, 13781 S. Forsythe Rd. (Just off Clackamas River Drive.) in Oregon City to provide Fort Kennedy a quote on Affordable Tiny Houses.

We asked them to spec-out a 10' x 20' units (200 sq. ft.) in their Country Barn style, with 9' base walls and a loft. (Floor to ceiling interior peak, would be approximately 13' high, which provides a lot of cube.)

We asked for them to upgrade these structures where these Tiny House Units would be built on Post and Beam, but with 2' x 6' Construction and with a pressure treated material for the floor structures.

The Gambrel Roof rafter would be 4' in height to the initial curb, then would then go up an additional 2' to the peak, providing a floor to ceiling height of approximately 13' and also have one 5' wide dormer, and built with addition of vents, roofing pre-engineered for Solar Panels.

Each of these Tiny Housing units would have two 3.0' man doors, four 3' x 3' windows for legal egress, and two 2' x 2' windows.

Each Tiny Housing unit would have an 8' x 10' sleeping loft and below it 8' x 10' walled in room (Handicap accessible bedroom, or have two bunk-beds.)

The preliminary estimated cost is based on building 20 of these Tiny House units (all material and labor) at one site. The cost would be $8,500 per structure or $170,000 in total. (This would be achieved as a result of, gaining a 10% volume discount, by building all structures at one location)

There would be no plumbing, electrical and/or wall heating units, but that could be easily added after the fact, hopefully by donation.

They would be ready for standard insulation and hard board interior walls possibly over that of sheet-rock, to prevent damage.

This same Tiny House units could be designed to where they could have an 8' x 10' kick-out on the back side, if there was a need for a future bathroom and/or micro kitchen. (This would make the structures 280 Sq. Ft. and add $3,000 more and would open the door to SDC Fees and other Impact Fees being assessed.)

Each of these Tiny House structures could easily sleep up to four (4) people comfortably and more in emergency conditions.

What we are attempting is to build are Affordable Housing Units on Post and Beam, which are in a size, which is below a size (200 Sq. Ft.) of what requires Building Permits and is additionally not assessed with SDC or other Impact Fees.

To make this vision complete, we see a need for a central commissary building that becomes the kitchen - meeting space, with toilets and showers. This building should be envisioned, as part of creating an effective planned community.

Centralizing outreach efforts, where effective peer-to-peer intervention can take place, in combination with counseling, we can transition Homeless Veterans into a sustainable life and will prevent suicides.

Testimony for Planning Commission consideration of the Equitable Housing Code Amendments- LEG-18-00001 on 8/27/2018

- My name is Nikolai Ursin
    - Served as a member of the Technical Advisory Team for the Equitable Housing Strategy
    - Here on behalf of NHA, one of the largest non-profit housing organizations in the state
    - Roughly 2000 units in 15 Oregon counties, with nearly a third of our portfolio located in Clackamas County
    - Was before Commission in March discussing Pleasant Ave Veterans Housing
        - Narrowly approved by this body in a last minute 5/2 vote that was almost held up due to factors that may no longer applicable to future projects if the package before you is passed into code.
        - I'm here today to say that that is a good thing, and here's why:

- The need for housing is clear
    - The last point in time homeless count found more than 2000 people living in the streets/shelters/cars in Clackamas County. These include veterans, children, the disabled, and hard working families that just fell into difficult times due to the loss of work, illness, or other factors outside of their control.
    - The cost of market rate housing is now out of reach for many who call this community home, where the median home value is now at $410,000 and the average rent for a 2-bedroom unit is $1230.
    - For a family earning minimum wage or several dollars an hour higher, this rent is far out of reach.
    - This imbalance causes all sorts of problems, from family instability, to greater traffic caused by folks who now must live far from their places of employment simply to keep a roof over their head.
    - It's for these reasons this process got underway.
- Overly prescriptive code can get in the way of innovative development
    - Pleasant Avenue Veterans Housing was designed to produce the most housing for the least cost. It was unadorned, but still elegant. The design reduced material waste, thereby reducing its carbon footprint. It was a model we hoped to prove here and take to other areas of the state to

Exhibit G. Nikolai Ursin
File: LEG-18-00001
Planning Commission
9.27.2018

replicate, but then we discussed our effort with planning staff and found that it couldn't be done.
    - Articulation and modulation, ground floor building height, maximum façade width. These were all adjusted, at great cost of funding and time, and we still couldn't get our project through land use review without variances.
    - I am thrilled that the code revisions take this into account, and provide a more predictable path for those wishing to build needed housing for the community.
- Parking is not free
    - While we did not dispute the parking requirements through a variance request for our project, these did come with a price-tag.
    - Offstreet parking costs roughly $10k per space to build, not taking into account circulation requirements. Structured parking can range between $25-50K depending on if it is underground.
    - These are not absorbed by the developer in market rate buildings. Rather, they are passed along to the renter/owner. If the city wants to have housing that is equitable, parking is something you have to consider.
    - If there's a market for parking, the market will provide it.
    - It makes sense that in a city with such topographic challenges, the market would provide parking, and I suspect most new development provides plenty of parking for buyers
    - However, times are changing. Self driving cars, electric bikes and scooters, and other technologies may reshape transporation in ways we can barely imagine.
    - I'd hope this commission wouldn't get in the way of the market and its ability to experiment in ways to most efficiently build what Oregon City buyers/renters demand.
- Finally, I want to applaud the city for this inclusive and participatory process
    - The code amendments before you were thoughtfully and thoroughly considered.
    - Your expert staff and excellent consultants took city code and made it interesting and relevant.
    - The eventual recommendation was supported by the majority of those who participated in the various committees, and I have a feeling there were many involved who wish the community could do even more to bring about equitable housing for Oregon City residents.

    - After what I hope is unanimous approval of this package of code amendments, I'd welcome review of System Development Charges and Tax abatement programs that further reduce the cost of developing needed housing. In addition, I'd encourage the city to look for ways to provide further investments in housing through dedicated Construction Excise Taxes, Tax Increment Financing, and your city's support of Measure 26-199, the regional affordable housing bond that will be on the ballot this November.
    - All of these together can truly address the housing crisis facing our communities, so that hardworking families are able to afford a safe and stable place to live in Oregon City.
- Thank you and I'd welcome any questions you may have.

Welcome

We're glad you're here and we want your feedback.

Please:

- Review the posters / ask questions!
- Use the sticky dots to indicate your preferences
  - (Please use only 1 dot per issue)

  Green Dot = Support 🟢

  Red Dot = Don't Support 🔴
- Give us any written comments on the feedback form or email Pete Walter at pwalter@orcity.org
- Take a copy of the summary home with you.

Thank you!

What Amendments are Proposed?

Equitable Housing

A majority of the recommended changes are from our equitable housing project, which identified opportunities to support and incentivize diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities as well as the removal of barriers.

Broad definition of Equitable Housing includes choices for homes:

- To buy or rent
- Accessible to all ages, abilities and incomes
- Convenient to meet everyday needs, such as transit, schools, childcare, food and parks

Other Changes

Amendments identified by staff including general clarification, reformatting, and amendments to address concerns identified over the years.

unless there (all) are incentives, we will get the same stuff that is being built now

Need a housing & needs analysis now, not later.

Equitable Housing Code Amendment Proposal

Corner Duplex

Keep lot size same for corner duplex ~~as~~ requirements

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Equitable Housing Code Amendment Proposal

Townhouse (Single-Family Attached)

R-10 *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*
R-10 *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*

Red = not permitted

Equitable Housing Code Amendment Proposal

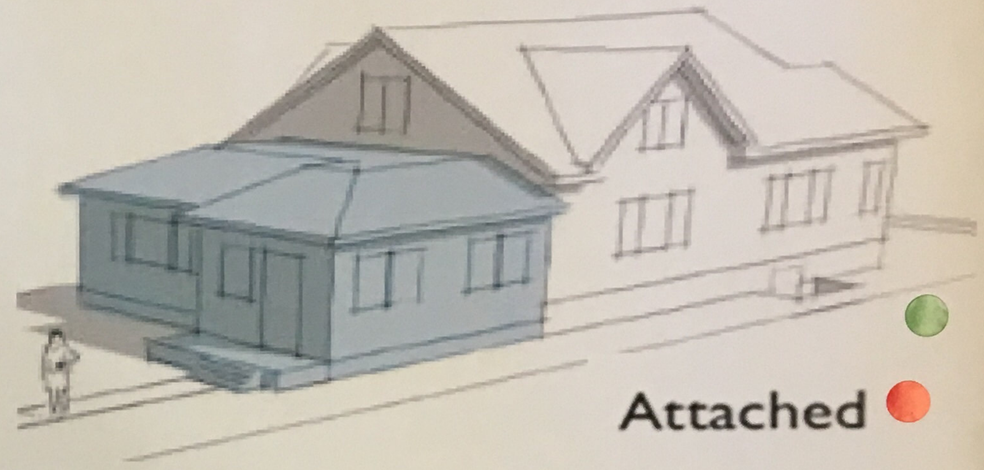
Manufactured Home Parks

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Equitable Housing Code Amendment Proposal

Accessory Dwelling Unit (ADU)



Attached

ALLOW LARGER ADU WITH CONDITIONAL USE PERMIT. EG 2BR 1,000 SF.

Detached

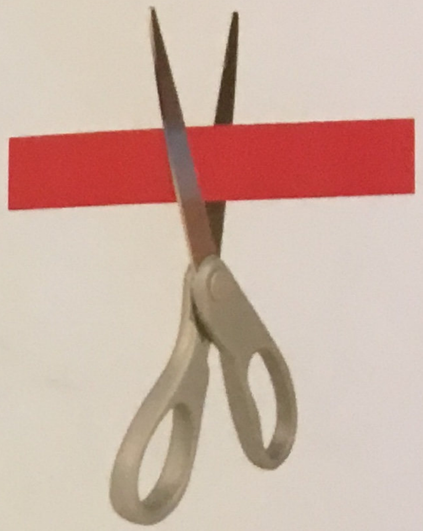
Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red not permitted

Simplified Procedures

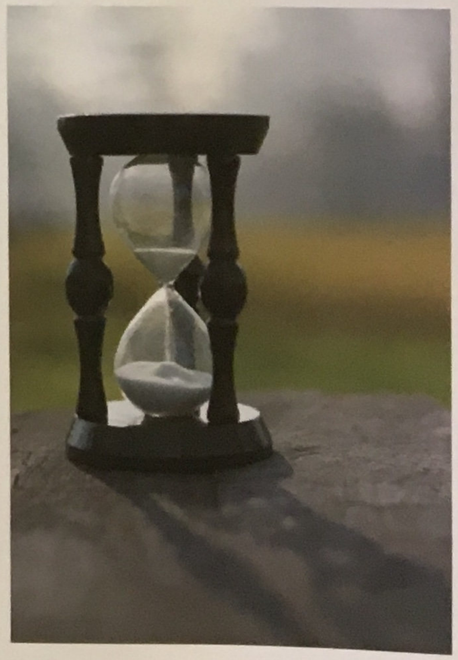
Equitable Housing Code Amendment Proposal

- Expand Type I Site Plan and Design Review ●●●● "Over-the-Counter"
- Public Hearing Notices on City website rather than Newspaper ●●●
- Applicants may contact Citizen Involvement Committee & Neighborhood Associations via email rather than certified mail ●●●●●●



Equitable Housing Code Amendment Proposal

- Expedited process for review of Affordable housing projects ●●●●●
- Remove 1 year waiting period for similar applications ●●●●●●●
- Remove staff reconsideration of a final decision ●●●●●



Other Recommendations

Equitable Housing Code Amendment Proposal

- Remove live/work units as a permitted use in R-2 (conserve for multi-family development)
- Require 5% landscaping in Mixed Use Downtown zone
- Clarify fence/hedge/wall height limits
- New standards for mobile food carts in Willamette Falls Downtown District
- Alleys required for Concept Plan Areas only
- Updated submittal requirements (e.g. electronic).

Equitable Housing
Code Amendment
Proposal

Affordable Housing Density Bonus

– unless setback

POSSIBLE UNDER CURRENT ZONING

POSSIBLE UNDER AHBP

concern that this will further segregate affordable projects ~~from~~

Up to 20% bonus in R-2 Multi-Family Dwelling District for ~~units~~ developments that are publicly subsidized and meet qualifying household income criteria.

This could further segregate low income housing. Should encourage a mix.

Equitable Housing Code Amendment Proposal

3-4 Plexes

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Equitable Housing
Code Amendment
Proposal

Cluster Housing

Proposed	R-10 Low Density	R-8 Low Density	R-6 Low Density	R-5 Medium Density	R-3.5 Medium Density	R-2 High Density
Existing	R-10 Low Density	R-8 Low Density	R-6 Low Density	R-5 Medium Density	R-3.5 Medium Density	R-2 High Density

Red = not permitted

Internal Conversion

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red=not permitted

why not in R-2?

Equitable Housing
Code Amendment
Proposal

Single-Family Detached Homes

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Equitable Housing
Code Amendment
Proposal

Duplexes

Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Zoning Designation

Comprehensive Plan Designation

Use	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
Single-Family Detached	Y	Y	Y	Y	Y	
ADU	Y	Y	Y	Y	Y	Y
Cluster Housing	Y	Y	Y	Y	Y	Y
Internal Conversion	Y	Y	Y	Y	Y	Y
Corner Duplex	Y	Y	Y			
Duplex				Y	Y	Y
Single-Family Attached (Townhouses)				Y	Y	Y
Live/work units					Conditional	
3-4 plex				Y	Y	Y
Multifamily (5+ Units)						Y
Manufactured Home Park					Y	

max. density?

Y = Permitted Y = Proposed Permitted (Currently Prohibited)

Master Plan

PUD

Offers a process for flexibility in zoning in exchange for better design
Strengthens residential and open space standards
Removes requirement for institutional development over 10 acres
Expands requirements for voluntary master plan
Changes amendment procedures

Equitable
Code Am
Proposal

Opportunities to Expand Housing Options: Missing Middle

Subdivision Lot Size Reductions

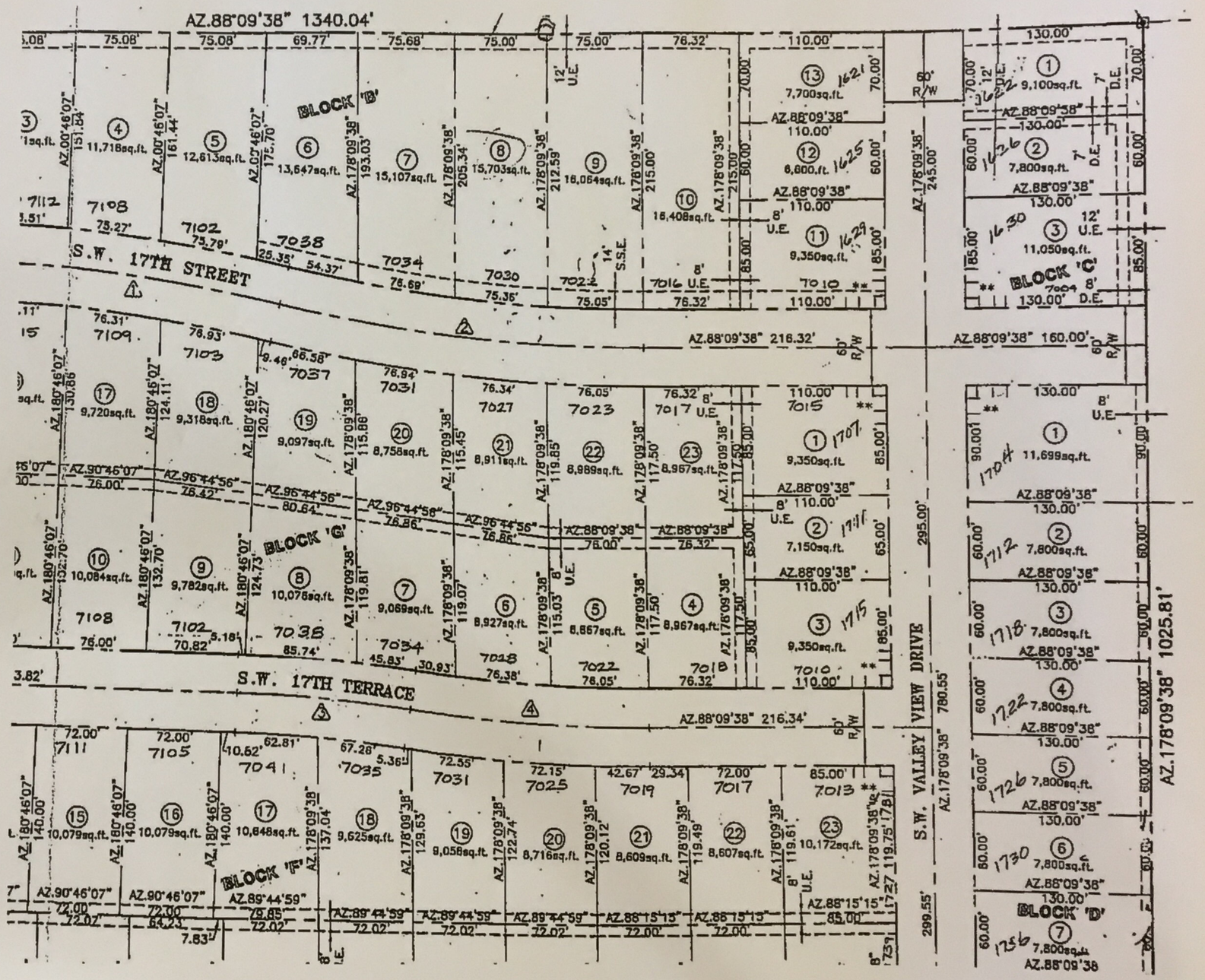
Equitable
Code Ame
Proposal

- Yes, with a 25% cap on the # of undersized lots allowed
- Only if land is dedicated to city as park / open-space

When subdividing land in Oregon City, the code permits 20% reduction of some lots provided that the lots overall meet the minimum lot size.

The code changes proposed limit lot averaging to single-family detached homes.

- As per the PC recommendations
- -Should be a restriction on the % of undersized lots



Equitable Housing Code Amendment Proposal

Affordable Housing Density Bonus

- unless setback

POSSIBLE UNDER CURRENT ZONING

POSSIBLE UNDER AHBP

concern that this will further segregate affordable projects ~~from~~

Up to 20% bonus in R-2 Multi-Family Dwelling District for ~~units~~ developments that are publicly subsidized and meet qualifying household income criteria.

This could further segregate low income housing. Should encourage a mix.

Bed & Breakfast /Accommodations <30 Days

Equitable Housing Code Amendment Proposal

There needs to be community input

- Currently a Conditional Use in all residential zones
- No changes proposed to this process.
- Conditional Uses require Planning Commission approval.

permits needed

Proposed	**R-10** *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*
Existing	**R-10** *Low Density*	**R-8** *Low Density*	**R-6** *Low Density*	**R-5** *Medium Density*	**R-3.5** *Medium Density*	**R-2** *High Density*

Equitable Housing
Code Amendment
Proposal

Why are we Proposing Amendments?

2017 - 2019
GOALS AND
PRIORITIES

City Commission

OREGON CITY

GOAL 3: Enhance the Livability of the Community

Review local regulations and processes to remove barriers and provide incentives to additional housing opportunities.

Identify partnerships/programs and funding to address houseless community members.

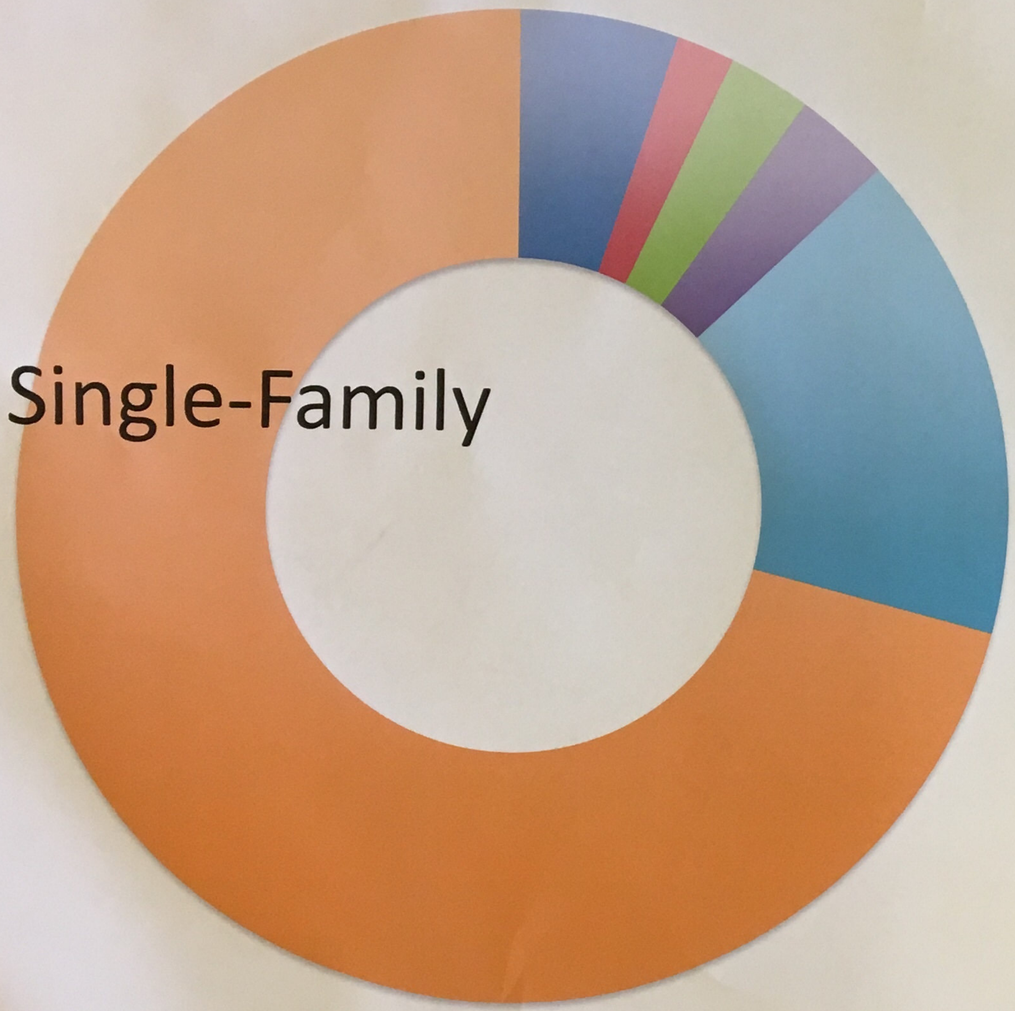
GOAL 1: Cultivate an Environment for Successful Economic Development

Complete site-readiness efforts, which can be accomplished through either physical site improvements or process and permitting refinement.

EXISTING

Equitable Housing Code Amendment Proposal

Limited Housing Choices



- Townhouse
- Duplex
- Multiplex (3-4 units)
- Manufactured homes
- Multifamily (5+ units)
- Single-family

only w/ off-street parking

We need more family-sized units for intergenerational stability.

Multi-Family/Commercial Design Standards

Equitable Housing Code Amendment Proposal

Include off-street parking needed

- Combine multi-family and commercial design standards, due to similarities, to reduce redundancy in the code.
- Require minimum residential density in mixed-use and commercial zones (17.4 units per acre)
- Amend landscaping standards to a) exempt small parking lots and b) change the method of calculation for interior parking lot landscaping plants (to be based on the number of parking stalls instead of square footage).
- Amend lighting standards to increase flexibility but maintains current limitations.

ONLY MAKES SENSE FOR MOSTLY RES PROJECTS. NOT FOR MIXED COMMERCIAL WITH A FEW RES. UNITS

Equitable Housing
Code Amendment
Proposal

Equitable Housing Goal

> Diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities.

Broad definition includes choices for homes:

- To buy or rent
- Accessible to all ages, abilities and incomes
- Convenient to meet everyday needs, such as transit, schools, childcare, food and parks

Need a housing needs analysis work — not later

Unless there are incentives ($ $) we will get the same stuff that is being built now

OREGON CITY

Equitable Housing Project

Public Workshop

Tuesday, May 15, 6:00 – 8:00 p.m.
Oregon City Library (606 John Adams St.)

SUMMARY

WELCOME, INTRODUCTIONS

Pete Walter welcomed members of the public and thanked them for attending the Equitable Housing Public Workshop. Pete explained that the Equitable Housing Study began during the summer of 2017 and is expected to be completed in 2018. The purpose of the project is to remove barriers to developing more equitable housing. The work of the project has been guided by a Technical Advisory Team and Project Advisory Team, some of whom are here tonight. Steve Faust from 3J Consulting and Elizabeth Decker of JET Planning are leading the project.

Elizabeth Decker explained that the agenda for the evening. Elizabeth will present proposed changes to the City's development codes designed to result in more equitable housing. Following the presentation, small groups will discuss the proposals. The small groups will report back to the larger group before adjourning at 8pm.

PRESENTATION

Elizabeth explained that equitable housing is defined by Metro and the City as "diverse, quality, physically accessible affordable housing choices with access to opportunities, services and amenities." This includes choices for homes: to buy or rent; accessible to all ages, abilities and incomes; and convenient to meet every day needs, such as transit, schools, childcare, food and parks.

The housing supply in Oregon City is dominated by single-family detached houses that provide quality homes for many residents. However, these houses are unaffordable to an increasing number of households at the same time that household sizes are shrinking. Households paying more than 35 percent of their income to housing are considered to be in unaffordable housing. In Oregon City, 1,629 homeowners with a mortgage meet this definition, 171 homeowners without a mortgage, and 1,633 renters. That totals approximately 27 percent of all households in Oregon City. More than 55 percent of Oregon City households consist of 1-2 people and only 37.2 percent have children.

While limited in numbers, alternatives to single-family detached homes are diverse.

Housing Type	Units
Multifamily (5+ units)	2,120 units
Townhouse	688 units
Manufactured homes	418 units
Multiplex (3-4 units)	359 units
Duplex	252 units
Accessory dwelling units	23 units
Cottage housing	0 units

At the most extreme, a lack of diverse housing stock can contribute to an in increase in persons experiencing homelessness. The 2017 Oregon City homeless count found 322 individuals experiencing homelessness in Oregon City, 186 of whom were under 18 years old. The Oregon City School District has seen a 93 percent increase in its homeless student population over the last 10 years. The top reasons cited by those experiencing homelessness were that 1) rents were too high, 2) unemployment and 3) eviction.

The result of these trends is a lack of housing that meets the needs of Oregon City households and contributes to the lack of equitable housing, lack of housing choices and, at the extreme, an increase in homelessness. The City initiated a project to remove regulatory barriers to developing more equitable housing, to support development of more housing and more diverse types of housing affordable to a wider range of Oregon City residents.

Residential development takes place within different zones of the city, each currently tailored to support a different mix of housing and uses. The main zoning categories to understand as the backdrop for future policy changes are:

- Low-Density Residential Zones: These are areas primarily used for single-family residential, and what many think of as a traditional residential neighborhood with individual houses. These are zoned R-10, R-8, and R-6 corresponding with 10,000-square foot minimum lot sizes, 8,000 sf, 6,000 sf respectively. These zones together are the most common residential zones in the city, applied to the greatest amount of land.
- Medium Density Residential Zones: These are more mixed zones, with some single-family homes on smaller lots and some attached townhouses. Zoned R-5 and R-3.5 with 5,000 square feet or 3,500 square foot lots.
- High Density Residential Zone: The highest density zone is R-2, with a 2,000 square foot per unit requirement and primarily multifamily development, typically built as low-rise apartment buildings of a few stories.
- Mixed-Use and Commercial Zones: Primarily located along prominent corridors and in downtown, these areas contribute to housing opportunities because they allow all-residential projects with no requirements for mix of uses or ground floor use limitations.

The project has resulted in several broad groups of proposed policy changes to increase equitable housing opportunities in Oregon City.

- Expand “missing middle” housing in low and medium density zones
- Expand housing types while maintaining density in high density zone
- Continue to allow multifamily residential in mixed use and commercial zones
- Coordinate permitting, design and improvement requirements for residential development

A summary of proposed changes to the City’s policies and codes to promote more equitable housing includes:

Expand allowed “missing middle” housing types permitted in predominately single-family zones with dimensional and design standards tailored to each type of development.

- Liberalize accessory dwelling unit (ADU) regulations consistent with emerging best practices and state mandates to remove owner-occupancy and off-street parking requirements, and simplify

dimensional and design standards, to encourage greater ADU production which is currently averaging two units per year.

- Introduce internal conversions of existing single-family homes into 2-4 units as a permitted use in all residential zones for homes built prior to 1990 to encourage retention of existing housing stock.

- Introduce corner duplexes as a permitted use on standard lots in the predominately single-family, low-density residential zones, subject to design requirements on both street-facing facades. Allow duplexes on all lots in the medium-density zones similar to existing regulations.

- Support expanded townhouse development, which has traditionally performed well in the Oregon City market, by permitting it in the medium-density zones, where it is already permitted in the R-3.5 zone, and in the high-density residential zone as an alternative to apartments. Apply new dimensional standards and design standards specific to townhouse development.

- Permit existing manufactured home parks as an allowed use in their current medium-density residential locations, to facilitate ongoing upgrades and improvements.

- Permit small multifamily projects with three to four units on a single-lot (triplexes and four-plexes) in medium-density zones through a review process similar to that for single-family and duplex homes, with design standards similar to apartments.

- Introduce new cluster housing standards as a significant revision to the existing cottage housing standards that permit homes at higher densities and smaller scale organized around a central court rather than traditional front yard, sidewalk and curb. Allow a greater variety of residential units from detached cottages and duplexes in the low-density zones with additional options for townhouses and multiplex residential in the medium density zones. Update design standards for more flexibility, consistent with standards for other residential development.

Expand housing types while maintaining density in high density zone.

- Permit wider range of residential types from single-family detached houses and townhouses to apartments in the high-density zone, in place of limiting uses to multifamily apartments, provided that minimum density standards are met.

- Allow proposed cluster housing development in the high-density zone, for smaller scale developments of up to 12 units in any format from individual cottages to attached garden apartments or townhouses. Housing units to be clustered around a common courtyard.

- Offer a modest 20% density bonus in the high-density zone for regulated affordable housing projects that guarantee units will be affordable for a minimum of 30 years.

Continue to allow multifamily residential in mixed use and commercial zones.

- Retain multifamily apartments as a permitted use in commercial and mixed-use zones with no limitations on ground floor use or required commercial component.

Coordinate permitting, design and improvement requirements for residential development in all zones

- Retain existing density minimums and maximums in all residential zones, including existing increases for cluster development, ADUs and duplexes. Introduce new density increases for townhouses and multiplex residential in the medium-density zones.

- Simplify residential parking standards for all residential types, requiring a standard of one off-street space per unit for every type of dwelling from single-family detached residential houses to apartments, with no off-street parking required for ADUs. There is currently no minimum for single-family homes and duplexes, and minimums for multifamily residential range from 1 to 1.75 spaces.

- Simplify design standards for multifamily and mixed-use buildings to de-emphasize articulation and modulation requirements in favor of architectural detailing and other lower-cost design strategies.

- Retain existing lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone. The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions.

- Promote modified master plan option for larger residential development projects that mix various types of housing, e.g., single family homes, cluster housing and townhouses, in lieu of standard subdivision process.

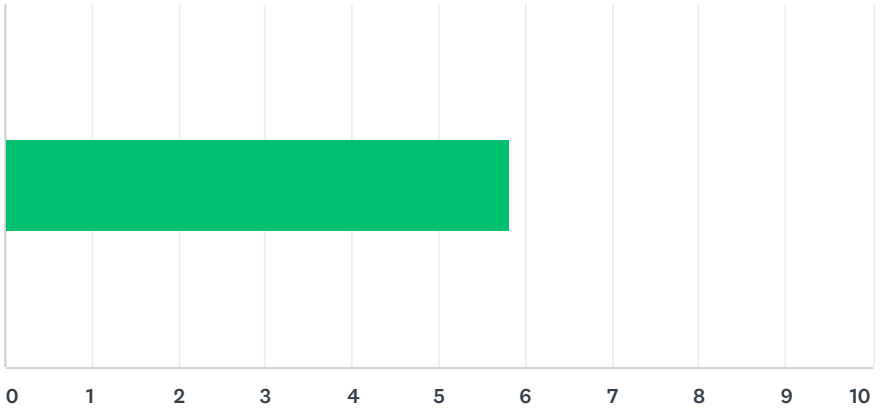
Provide Informational Resources

Produce educational materials to improve understanding the housing options available and the associated approval processes and costs, and to promote development of identified housing options. The educational materials will identify the opportunities and processes for creating additional housing to provide transparency to the development community and public. This will include a list of items a developer or property owner would typically need to know in order to conduct due diligence, including all processes, potential fees, likely development exactions and dedications, types of consultants, permits and inspections needed, system development charges, and City financing options if available. Educational materials include:

- An online mapping application to help interested developers identify properties with development potential for multifamily housing, duplex/triplexes, accessory dwelling units (ADUs), and other housing types. Information may include: zoning and overlay districts, transit locations, employment centers, social services, multimodal transportation facilities, parks and open spaces, schools and utility locations, etc.
- Guides to the City process across all departments for residential development from pre-application conference through final occupancy certificate for up to seven (7) priority housing types: single-family homes, ADUs, townhouses, apartment or condo units, cluster housing, duplex and/or corner duplex, and internal conversions.
- ADU brochure/guidebook intended to encourage homeowners to develop ADUs, including pictures and floor plans of ADUs that meet Oregon City ADU regulations, sample project budgets, overview of ADU benefits, and other background information.
- Development fees calculator that can help to inform developers' own pro forma assumptions about soft costs. The calculator will include costs related to permit fees, processes, inspections,

Q1 Generally, expand allowed “missing middle” housing types permitted in low-density, predominately single-family zones subject to design standards tailored to each type of development, including accessory dwelling units, internal conversions, corner duplexes and cluster housing.

Answered: 92 Skipped: 2



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Total Respondents: 92			

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system development charges, and potential incentives available to offset or finance these costs for selected types of residential development projects. The calculator will adjust estimated costs based on site size, project geography, project type, and other factors depending on the City's needs.

Prior to discussion, one community member expressed concern and frustration that the project did not directly address homelessness. Following clarification and discussion with the group that the project would help promote more housing and more housing options, the individual stayed and participated for the remainder of the workshop.

DISCUSSION

Groups of three to six people discussed the various equitable housing concepts including which concepts they support and which they would change and how. Notes taken from the various group discussions include:

- Senior housing needed
- Liked proposed housing types
- It is hard a homeowner and developer.
- It is too hard to develop cluster housing
- 3-4 units are restricted to medium and high density. Why not lower density zones like R6, R8 and R10?
- Getting through permitting is very difficult.
- The Building Division has been very supportive during the application process. The Public Works Department has not been as supportive.
- A City staffer advised that for some projects, a homeowner will need to hire engineers and designers to assist with the application process.
- What about transitional housing options like boarding houses and SROs?
- Consider an incentive to reduce open space for projects near parks.
- Need to build for single woman households as an increasing household type.
- Look to brownfields for development opportunities.
- Density bonuses.
- Less restrictive system development charges (SDCs).
- Master plan fees are high if you want flexibility.
- How to make the process easy for a non-professional.

Each table reported back to the full room, citing concepts they support and concepts they do not support:

- Support for proposals as they promote equity for people who make too much money for public assistance, but cannot afford housing.
- Flexibility of housing choice from a variety of housing types is good.
- Like that it will result in more interesting neighborhoods.
- Simplify the ADU process. Look to the Portland example.
- Manufactured home parks are a good option, but concerned that homes lose value and therefore do not help build equity.
- Need better transportation connections, more public transportation and transit options (e.g., TriMet MAX line). Maybe more density will support a bus route.
- Some missing middle housing has potential.
- Oregon City has many female-heads of household. Provide housing options that meet their needs.

- What about shared housing/single room occupancy (SROs)/co-housing as an option? Need to look at the definition of "family" and how many unrelated people can live in one facility.
- There should not be an owner occupancy requirement for boarding houses.
- Group homes need better bathroom facilities and maintenance.
- Provide incentives for density, bonuses, SDC reductions/waivers.
- It's hard to get through the development process. Provide a simplified process for non-professional builders.
- Reduced dependency on cars, make neighborhoods more walkable with more amenities. More sidewalks and lower parking requirements.
- Maintain the R2 zone. Need more incentives for mixed-use development to actually get some real density of residential uses. It currently doesn't attract development that is financially feasible.
- SDC fees/costs are very high and a barrier to entry.
- Want to add incentives to increase density.
- Master plans are good, but it is an expensive process.
- Desire for small. affordable condominiums (600 sf) with amenities like a patio and garden.
- Construction costs per square foot don't match people's incomes.
- Facilitate development of homes designed for consistency with existing neighborhood character. Blend-in if not match.
- Collaborate with schools on growth.
- There should be a transition from high density areas to low density areas which could be achieved by mixture of unit types.
- Would like higher density options in the low-density zones (R6, R8, R10) similar to those proposed for medium-density zones.
- Not in my back yard (NIMBYs).
- Housing in mixed use zones and commercial zones needs incentives
- Look at Bridge Meadows development example.
- Through another city process, look at possible ways to address homelessness, such as rent control and eliminating no-cause evictions.
- There are very few housing options for Medicaid recipients. these people need live-in caregivers.
- Single story cluster housing is better option for the elderly.
- Market-private development could help meet needs to provide more options for the homeless.

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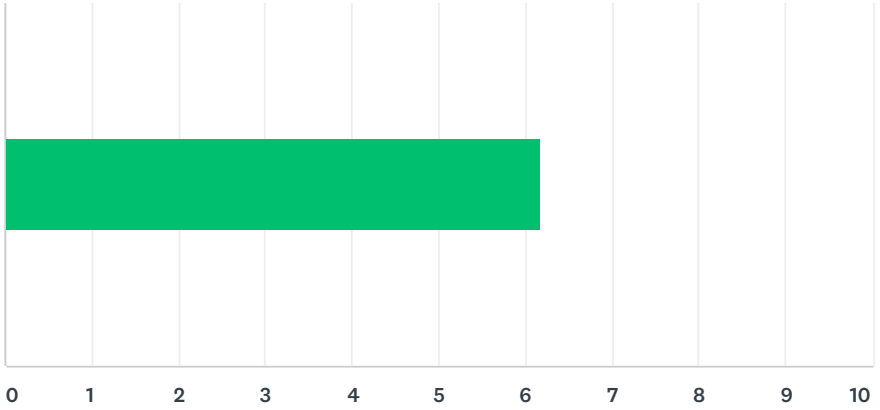
Q2 Generally, expand allowed “missing middle” housing types permitted in medium-density, mixed single-family and multifamily zones subject to dimensional and design standards tailored to each type of development, including ADUs, internal conversions, cluster housing, duplexes and multiplexes.

Answered: 93 Skipped: 1



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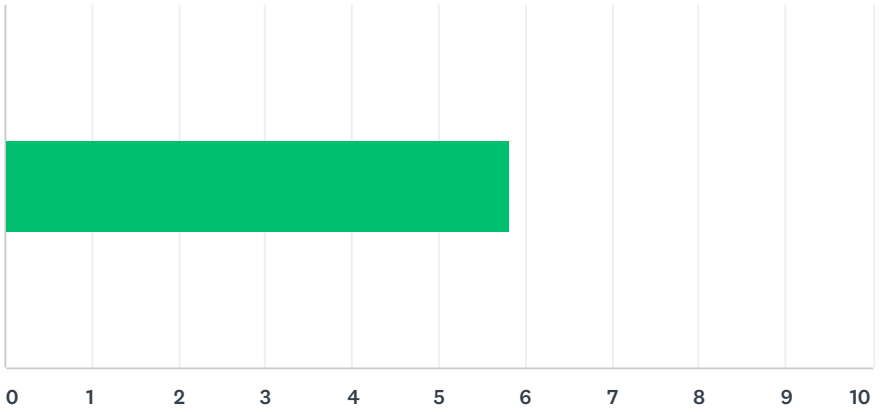
Q3 Encourage greater Accessory Dwelling Unit (ADU) production by removing owner-occupancy and off-street parking requirements and simplifying dimensional and design standards.

Answered: 92 Skipped: 2



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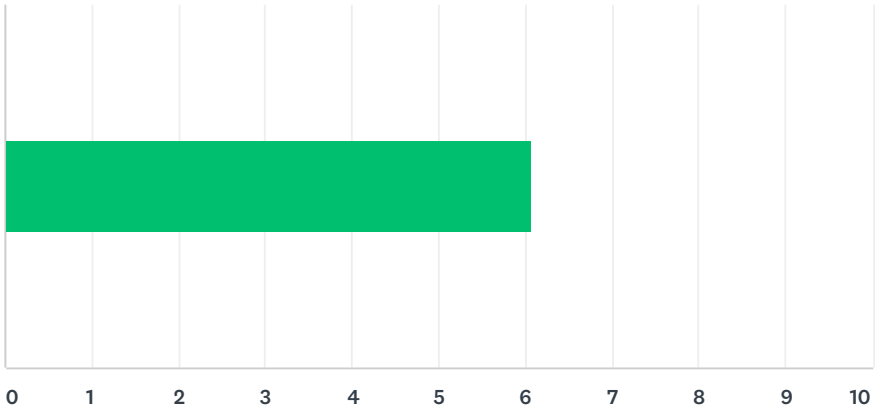
Q4 Allow internal conversions of existing single-family homes into 2-4 units in all residential zones for homes built prior to 1990 to encourage retention of existing housing stock.

Answered: 93 Skipped: 1



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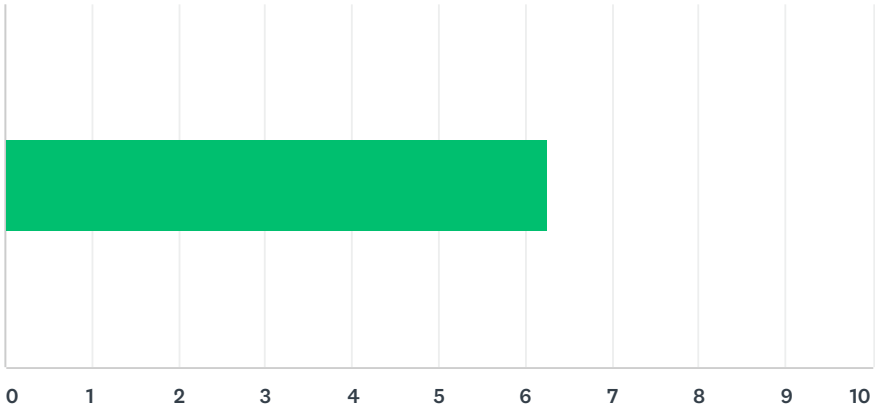
Q5 Allow corner duplexes on standard lots in the predominately single-family, low-density residential zones, subject to design requirements on both street-facing facades. Allow duplexes on all lots in the medium-density zones similar to existing regulations.

Answered: 93 Skipped: 1



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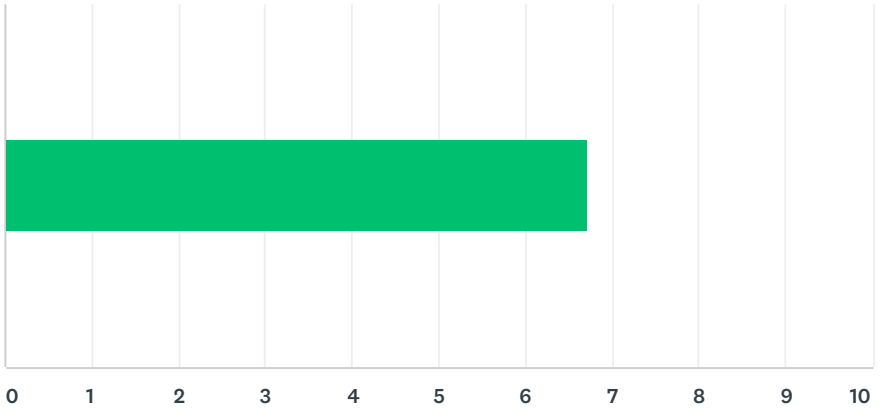
Q6 Allow townhouse development in the medium-density zones where it is already permitted in the R-3.5 zone, and in the high-density residential zone as an alternative to apartments. Apply new dimensional standards and design standards specific to townhouse development.

Answered: 93 Skipped: 1



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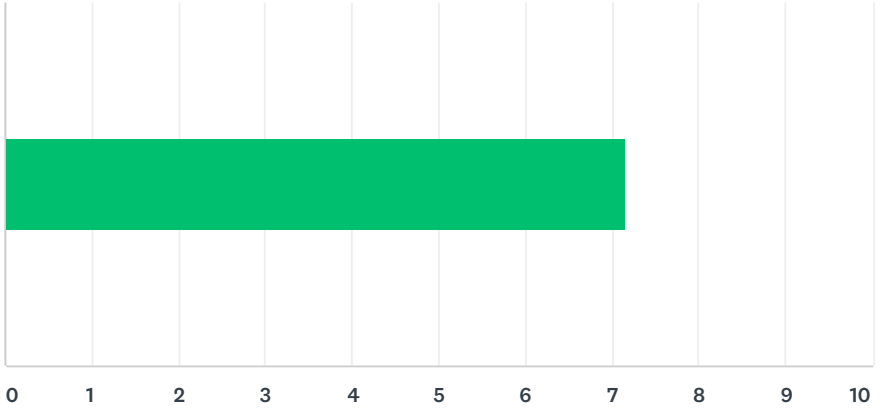
Q7 Allow existing manufactured home parks in their current medium-density residential locations, to facilitate ongoing upgrades and improvements.

Answered: 90 Skipped: 4



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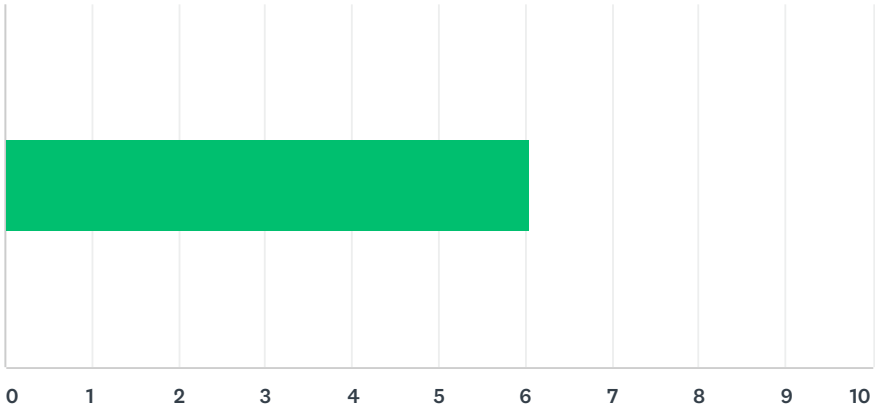
Q8 Permit small multifamily projects with three to four units on a single-lot (triplexes and four-plexes) in medium-density zones through a review process similar to that for single-family and duplex homes, with design standards similar to apartments.

Answered: 90 Skipped: 4



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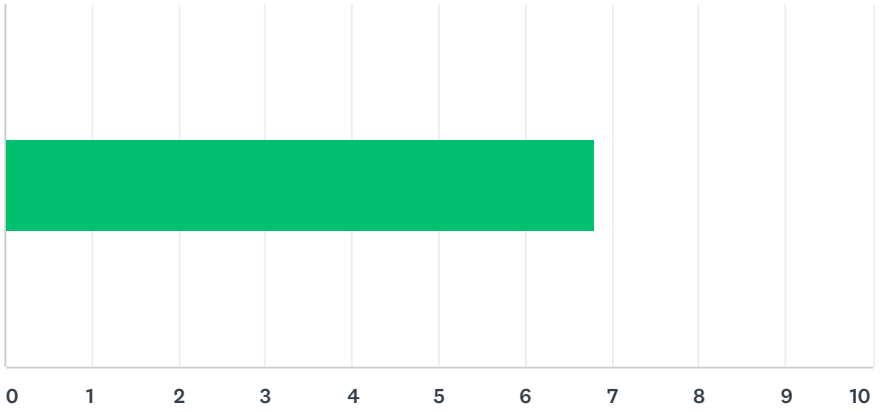
Q9 Introduce new cluster housing standards as a significant revision to the existing cottage housing standards that permit homes at higher densities and smaller scale organized around a central court. Allow a greater variety of residential units from detached cottages and duplexes in the low density zones with additional options for townhouses and multiplex residential in the medium density zones. Update design standards for more flexibility, consistent with standards for other residential development.

Answered: 92 Skipped: 2



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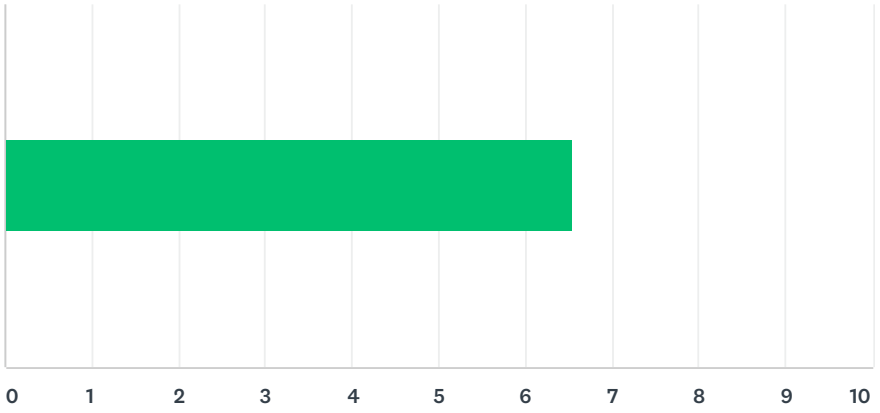
Q10 Permit wider range of residential types from single-family detached houses and townhouses to apartments in the high-density zone, in place of limiting uses to multifamily apartments, provided that minimum density standards are met.

Answered: 90 Skipped: 4



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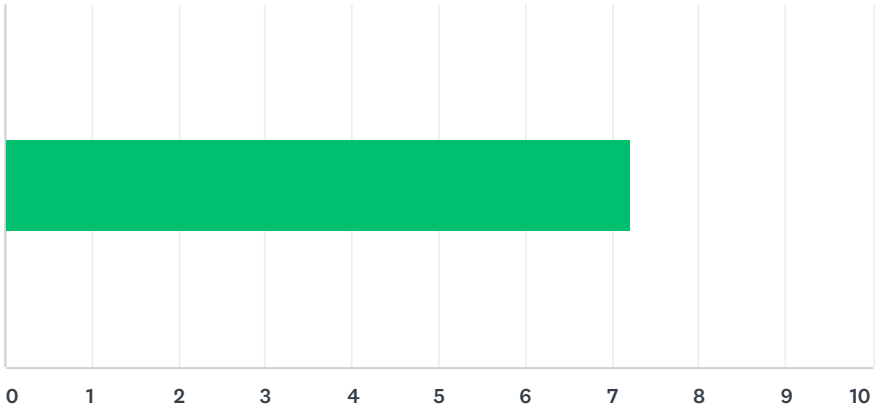
Q11 Allow proposed cluster housing development in the high-density zone, for smaller scale developments of up to 12 units in any format from individual cottages to attached garden apartments or townhouses. Housing units to be clustered around a common courtyard.

Answered: 90 Skipped: 4



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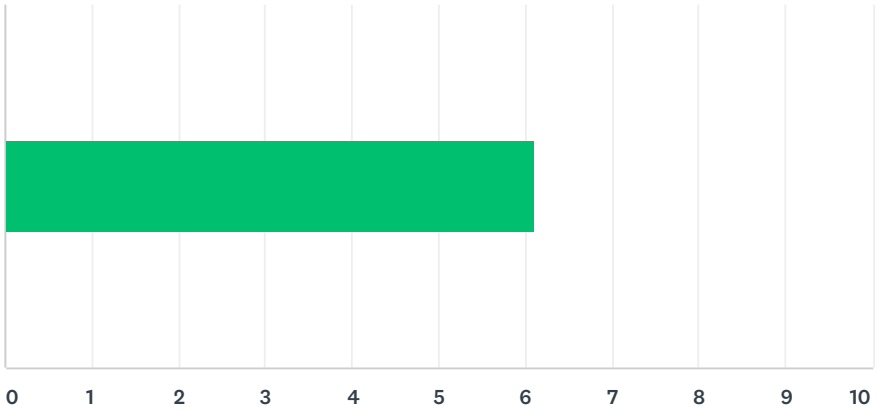
Q12 Offer a 20% density bonus in the high-density zone for regulated affordable housing projects that guarantee units will be affordable for a minimum of 30 years.

Answered: 88 Skipped: 6



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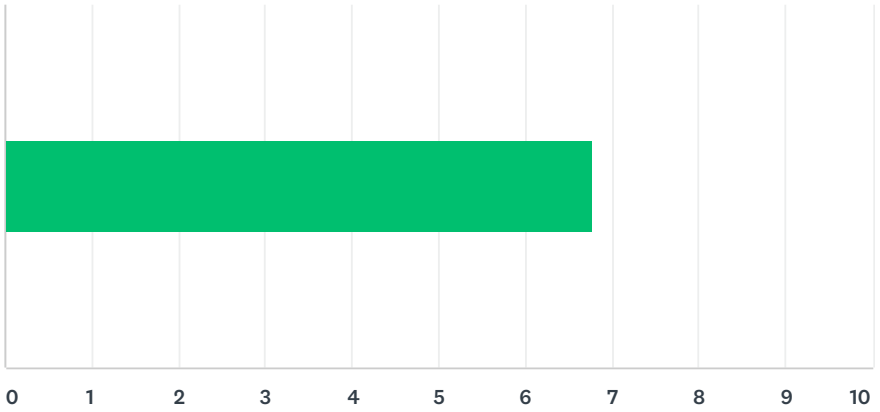
Q13 Retain multifamily apartments as a permitted use in commercial and mixed-use zones with no limitations on ground floor use or required commercial component.

Answered: 88 Skipped: 6



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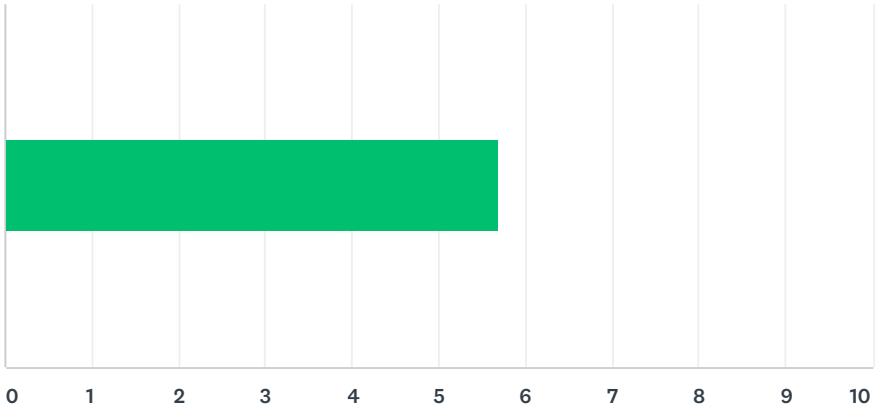
Q14 Retain existing density minimums and maximums in all residential zones, including existing increases for cluster development, ADUs and duplexes. Introduce new density increases for townhouses and multiplex residential in the medium-density zones.

Answered: 82 Skipped: 12



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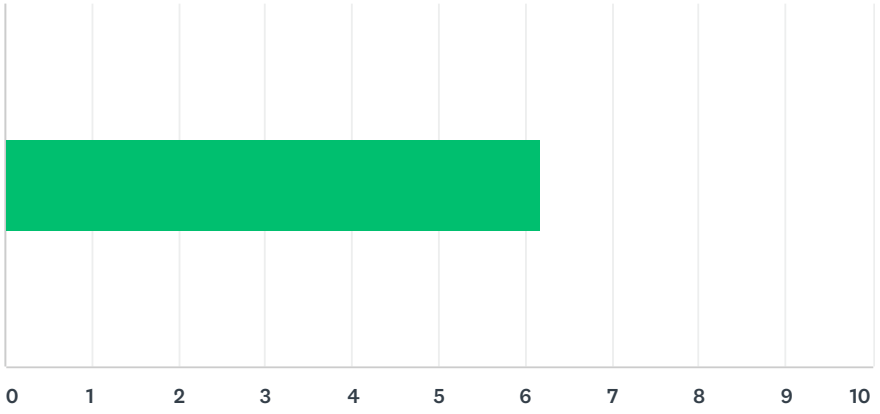
Q15 Simplify residential parking standards for all residential types, requiring a standard of one off-street space per unit for every type of dwelling from single-family detached residential houses to apartments, with no off-street parking required for ADUs. There is currently no minimum for single-family homes and duplexes, and minimums for multifamily residential range from 1 to 1.75 spaces.

Answered: 83 Skipped: 11



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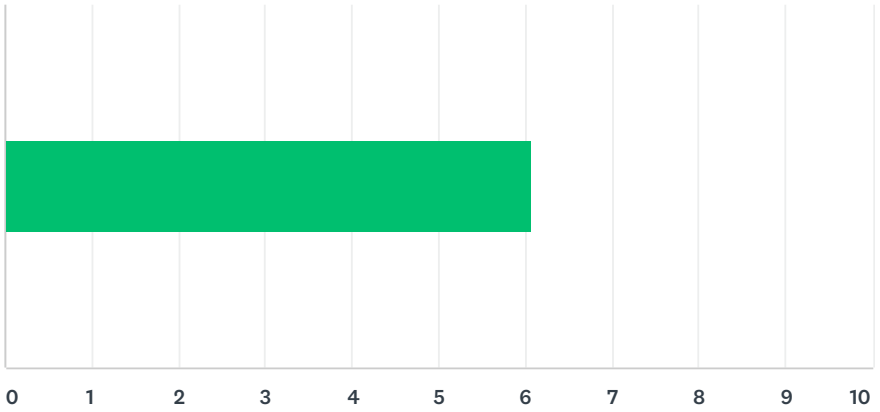
Q16 Simplify design standards for multifamily and mixed-use buildings to de-emphasize articulation and modulation requirements in favor of architectural detailing and other lower-cost design strategies.

Answered: 82 Skipped: 12



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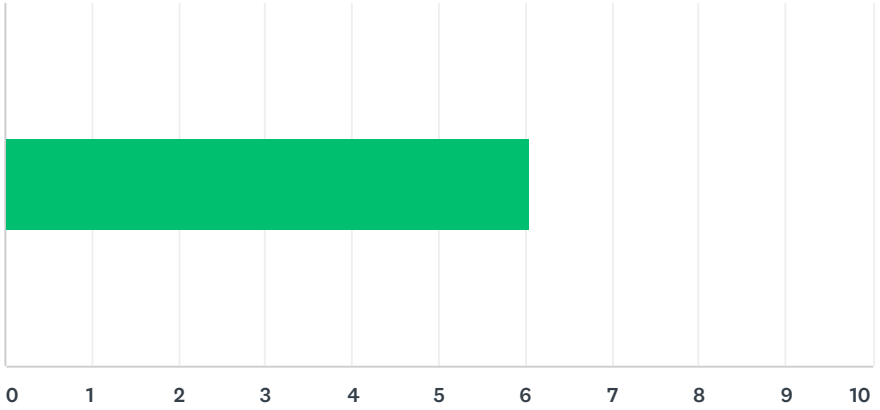
82	10	5/30/2018 4:11 PM

Q17 Retain existing lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone. The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions.

Answered: 80 Skipped: 14



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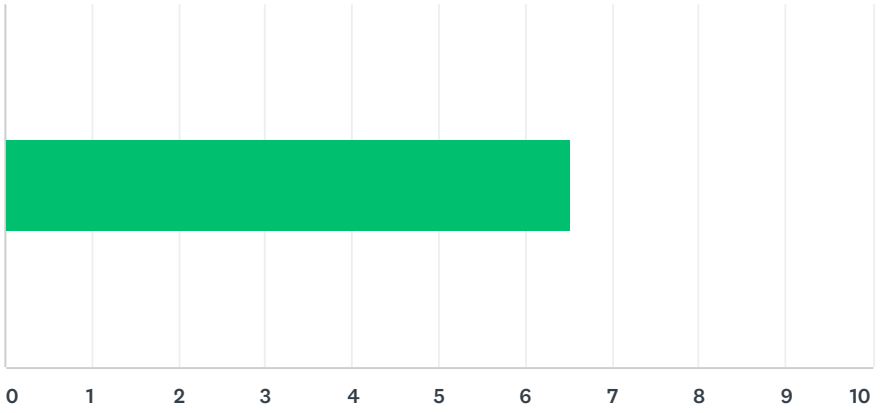
80	10	5/30/2018 4:11 PM

Q18 Promote a modified master plan option for larger residential development projects that mix various types of housing, e.g., single family homes, cluster housing and townhouses, in lieu of standard subdivision process.

Answered: 82 Skipped: 12



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 82			

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82	10	5/30/2018 4:11 PM

Q19 Do you have any questions, thoughts, concerns or ideas about the proposed equitable housing policy changes? Is there anything we missed?

Answered: 34 Skipped: 60

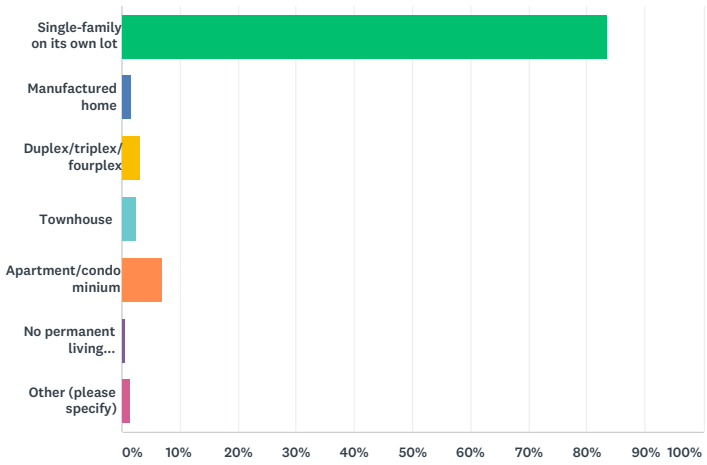
#	RESPONSES	DATE
1	Zoning is the problem. There is no way that city employees have the local knowledge (or skin in the game) to design a master plan that meets the housing needs of a rapidly changing economy, The best strategy is to get out of the planning business and allow natural market forces to dictate where, what kind and how much housing is needed. I understand the City can't control everything as there are regs out of Salem we must follow, but I bet we could improve things if the City were to downscale it's thumbprint on the process.	6/20/2018 1:48 PM
2	I am in favor any housing concept that can make it feasible for people to secure relatively inexpensive housing. The town homes down the road from me off . South End road seem to be an ideal start. It may also require financial incentives for builder and alliances developed with the financial community	6/20/2018 9:43 AM
3	These are all important and should be coupled with more areas zoned at higher densities. We have too much low density residential. Also please consider reducing SDCs for multi family units and ADUs.	6/19/2018 12:57 PM
4	No questions - it looks like you covered everything discussed. Great Job!	6/18/2018 9:46 PM
5	Are any changes being made the historic district housing requirements?	6/15/2018 11:59 PM
6	We need off street parking and access to mass transit to ensure a broader ability for everyone to get around.	6/14/2018 9:03 PM
7	We need to address a very low cost Tiny House category in Planned Cluster Developments on even smaller lot sizes with concession on all SDC Fees, where we can achieve more houses with smaller bedrooms at one third or less in the cost of an apartment unit found in an multi-story apartment complex.	6/14/2018 2:12 PM
8	Missing from this is allowance of tiny houses, ie those smaller than allowed under existing cottage sized house codes. These may very well be a vital part of solutions for affordable housing, as demonstrated in developments in Eugene and elsewhere.	6/14/2018 8:06 AM
9	I am a land use planner and still find this survey difficult to understand. Focus efforts on allowing alternative housing development types such as cluster/courtyard homes, tiny homes, ADUs, etc while not decreasing design review requirements or the (design) quality of the developments	6/13/2018 1:06 PM
10	A good example for Oregon City officials to tour is Fairview Village in Fairview, OR. They have implimented "Best Practices" and learned some lessons in the process.	6/13/2018 10:08 AM
11	All must have 2 off street parking and zone no street parking after 1 am	6/13/2018 1:14 AM
12	I appreciate your asking me the questions. My greatest concern with regard to housing development is auto traffic congestion.	6/12/2018 2:56 PM
13	Please keep OC OC, not Portland. That is why we moved here. This isn't a big city, lets not turn it into one...	6/12/2018 1:48 PM
14	I think we should encourage community gardens, green paving and more green spaces if were going to pack more people in smaller spaces, more geen spaces and big Tall 150 foot potential hight tree planting. Red oaks and such. More animal habitat and stream and water way exposure.	6/12/2018 11:11 AM
15	I think some commercial mixed use areas should have a 1st floor requirement for conmercial activity. Not in all areas of this zone, but in some dedicated areas.	6/7/2018 8:21 AM
16	Maintain existing Oregon City residential atmosphere and avoid high density housing and changes to neighborhoods	6/5/2018 7:57 PM

17	This is an historic town. Although we need to encourage density and affordable housing, it is vital not to allow developers to construct featureless architectural people-storage boxes that in no way relate to their surroundings.	6/4/2018 12:54 PM
18	Cluster housing projects should have lowered SDC fees. The lower fees are necessary because of the smaller unit requirement. It's justified because of the increased density.	6/3/2018 9:23 PM
19	I'm concerned if there are still limited affordable places to buy, more and more of us will be life-long tenants. We MUST do better in regards to housing stability and affordability for tenants. Part of housing equity is not just a change in zoning code; it's a change in the way we think of housing overall. Shelter is meant to be shelter, not a money-maker for the "big" house inhabitants. Please consider putting into place (as a start, but Oregon City can do even better!) tenant protections similar to Portland's.	6/2/2018 4:40 PM
20	I feel that the traffic concerns for adding high volume housing projects is not adequately addressed, and while these options might be good for many, the issue of overcrowding roadways and schools is a real concern that cannot be remedied with a single road improvement and should be thought about carefully before expanding housing in large volumes. It would be nice to see a plan for a new school in high volume areas to account for the increase in volume which would likely bring more low to middle income families to the area and dump their kids into an already overcrowded and underfunded school and emergency response system.	6/2/2018 8:51 AM
21	Most of our housing shortage (and subsequent skyrocketing rents) is the result of the city zoning and housing standards. The best way to create affordable housing is for the city to get out of the way and let the market meet the demand. Our crisis is because of city planning...and thus will not be fixed by more city planning	6/1/2018 9:07 AM
22	Wasn't sure how to answer any of these questions because the language was hard to understand. You didnt provide enough context beyond zoning definition. Pictures were helpful, but the last portion of questions made no sense to me, e.g WTF are articulation and modulation?	5/31/2018 8:19 PM
23	Would love to see encouragement of mixed use, incorporation and requirement of small gathering spaces within these plans and walkability to restaurants and other everyday places to cut down on traffic. The more we can walk from our neighborhood across the street to get groceries or to a restaurant, the less traffic there is. This emulates Sellwood where walking to the bank, to the bar, to the dry cleaners and to a restaurant is what everyone does. It’s a splendid place to live. I hope we can develop that kind of walkable and bikeable city here.	5/31/2018 4:58 PM
24	Don't turn OC into Portland. People buy homes here for a reason and pay the price to not have there street filled with cars from apartments and row housing.	5/31/2018 12:01 PM
25	reduce fees charged for development, they are passed on to buyers, making home unaffordable.	5/31/2018 11:14 AM
26	I am concerned that allowing townhomes instead of apartments in the R2 zone will result in only townhomes being built and therefore be less affordable. These zone are "needed housing" areas.	5/31/2018 11:10 AM
27	I highly support internal conversions as an option for the missing middle. This approach keeps compatibility and increases dwelling units. This should be allowed in all single family dwelling districts.	5/31/2018 10:11 AM
28	Regarding the 20% density bonus: How does the city plan on guaranteeing housing units stay "affordable" for 30 years? Does the city plan on putting an artificial ceiling on the price of a house/condo in those areas? One of the main ways the average person accumulates wealth is the appreciation of value of real estate. If the City places a cap on the price an owner can sell their house or condo for it would make that unit less attractive to buyers because the City would be eliminating the potential for the market price to rise beyond the cap.	5/31/2018 9:42 AM
29	Oregon City needs to allow more mother inlaw type quarters with the increase in baby boomers.	5/31/2018 9:38 AM
30	Create new Tiny House category for dwelling units of greater than a footprint of 200 Square Feet. Allow for the rezoning of commercial and industrial zones properties where planned affordable housing communities create increases of greater than 100 new dwellings units within clusters.	5/31/2018 7:01 AM
31	I strongly support more equitable housing options, which I see very lacking in this community. I did find the language in this survey to be somewhat inaccessible for the lay person. I didn't answer some questions because I wasn't completely clear on what was being asked/stated.	5/30/2018 9:52 PM
32	Require all new housing development that is market rate to provide a percentage of affordable housing, like around 30%. Increase density in areas of low density zones. Remove parking minimums and encourage public transportation use.	5/30/2018 7:11 PM

33	Yes. Equitable housing does not mean high density. Are you Portland wanna-be's?	5/30/2018 5:56 PM
34	As the city changes, I'm excited that the council and building department is seeking ways to creatively address some of the issues of inequality that are arising in the region due to the housing shortage. It's encouraging to see these ideas take form and I'm happy to be flexible in the way I view my city and get around in it if it means that we can make room for a wider diversity of families and individuals. As the market pushes the housing price up, those without as many resources need advocates and it's great that the city is working on their behalf to find equitable solutions.	5/30/2018 4:24 PM

Q1 What type of home do you currently live in?

Answered: 346 Skipped: 3

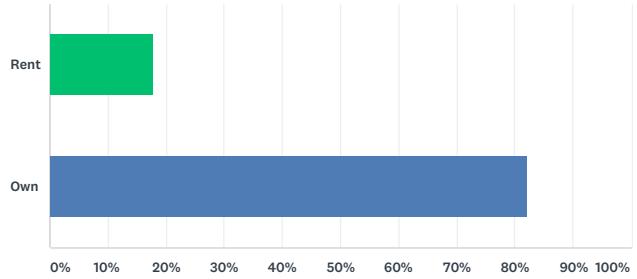


ANSWER CHOICES	RESPONSES	
Single-family on its own lot	83.53%	289
Manufactured home	1.73%	6
Duplex/triplex/fourplex	3.18%	11
Townhouse	2.60%	9
Apartment/condominium	6.94%	24
No permanent living arrangement	0.58%	2
Other (please specify)	1.45%	5
TOTAL		346

#	OTHER (PLEASE SPECIFY)	DATE
1	Live with another family	2/26/2018 4:01 AM
2	1.7 acres, single family home with sports facility and accessory Makers Space building.	2/25/2018 11:14 PM
3	Victorian and member of Old Home Forum	2/22/2018 5:02 PM
4	Single Family on its own lot with detached ADU	2/12/2018 4:47 PM
5	ADU	2/9/2018 6:24 PM

Q2 Do you rent or own?

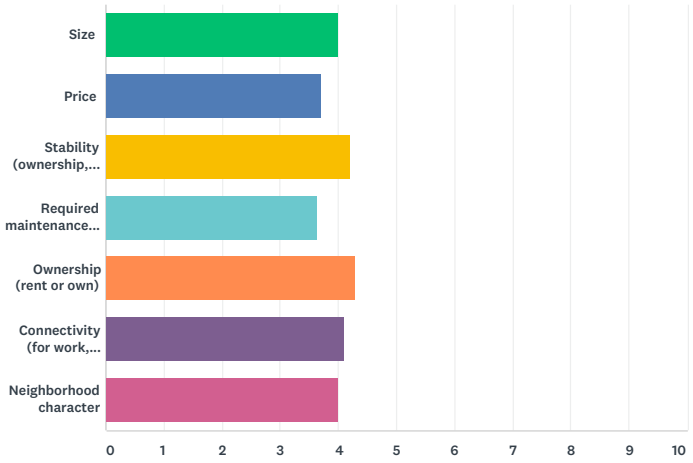
Answered: 345 Skipped: 4



ANSWER CHOICES	RESPONSES	
Rent	17.68%	61
Own	82.32%	284
TOTAL		345

Q3 Is your current home a good fit for your household? Please rate each feature of your home on a scale of 1 to 5 with 1 being "Very Bad" and 5 being "Very Good".

Answered: 344 Skipped: 5



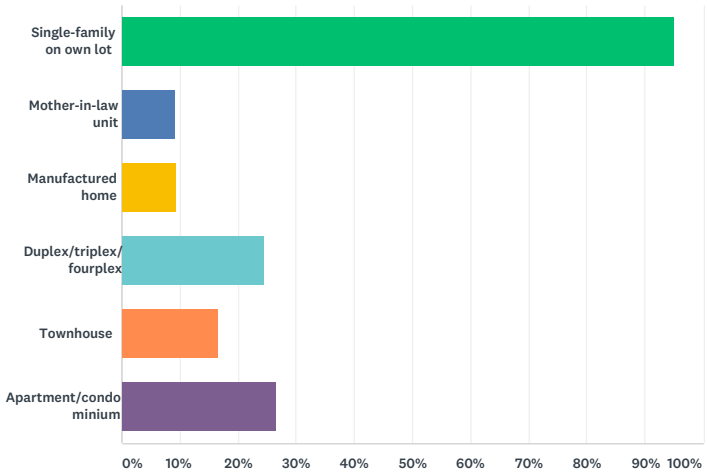
	1 VERY BAD	2 BAD	3 NEITHER GOOD NOR BAD	4 GOOD	5 VERY GOOD	TOTAL	WEIGHTED AVERAGE
Size	2.37% 8	6.80% 23	15.09% 51	40.83% 138	34.91% 118	338	3.99
Price	4.96% 17	10.50% 36	18.37% 63	40.82% 140	25.36% 87	343	3.71
Stability (ownership, long-term lease)	3.81% 13	5.28% 18	10.85% 37	26.98% 92	53.08% 181	341	4.20
Required maintenance (home/yard work, remodel, etc.)	2.63% 9	9.36% 32	27.49% 94	41.52% 142	19.01% 65	342	3.65
Ownership (rent or own)	1.77% 6	4.13% 14	13.27% 45	25.37% 86	55.46% 188	339	4.29
Connectivity (for work, school, shopping, etc.)	2.03% 7	4.07% 14	14.83% 51	38.95% 134	40.12% 138	344	4.11
Neighborhood character	1.16% 4	6.69% 23	18.31% 63	40.12% 138	33.72% 116	344	3.99

#	OTHER/COMMENTS:	DATE
1	Rent prices in Oregon city is ridiculous. They should be approved just like PGE or water rates.	2/27/2018 3:13 AM
2	We live in a designated Historical Conservation District with beautiful restored and conserved homes along with a diverse mixture of home or property ownership: Single dwelling, duplexes, apartments. There are also different landuse zones either within the neighborhood or just outlying: Commercial, industrial, and Parks. We also have a non-profit homeless day shelter which is relevantly new and has significantly impacted our immediate "neighborhood".	2/26/2018 7:32 PM
3	Our landlord recently raised the rent from $1200 to $1800. Can not afford the increase. Forced to move.	2/26/2018 7:14 PM
4	if i'd have had a choice i wouldn't be residing in this park	2/26/2018 7:08 PM
5	We live in a designated Historical Conservation District with a diverse mixture of home ownership. Single dwelling, duplexes, apartments. There is a mix of different zones: commercial, industrial. We also have a non-profit homeless day shelter which has significantly impacted our immediate "neighborhood".	2/26/2018 6:52 PM
6	There is no heat, pipes are constantly clogged, landlord does nothing.	2/26/2018 6:32 PM
7	Rent is way too high, we make $4500 a month and can barely afford to pay rent, bills, feed our kids, and get necessities. Our rent is $1975 - Nearly half of our income.	2/26/2018 5:55 PM
8	I am homeless, housing is bleak in OC	2/26/2018 3:50 PM
9	what I have built suits me very well.	2/25/2018 11:14 PM
10	Home prices are too high in the metro area overall	2/25/2018 8:54 PM
11	Home prices in Oregon City are very high.	2/25/2018 8:27 PM
12	On lease. Barely able to afford rent now and it will only go up each year. I have slightly too much income for subsidized rentals, but the market rate rentals are too high.	2/24/2018 11:49 AM
13	Barclay Village neighborhood is not that good	2/23/2018 5:38 PM
14	Nearby new construction is too dense.	2/23/2018 5:25 PM
15	Own home live in park pay rent	2/22/2018 9:39 PM
16	Need to enforce more livability codes in neighborhoods	2/22/2018 8:33 PM
17	Did not select an apartment that was all that close to work.	2/22/2018 5:21 PM
18	looking to downsize some day	2/22/2018 5:07 PM

19	home ownership required responcibility and care	2/22/2018 4:19 PM
20	We're pretty good by U.S. standards, but would like even more walkability, more *connectivity* between streets (not one or two ways out of neighborhood, less dead-ends etc), slower traffic, more sidewalks… but again, we're starting from a decent place	2/22/2018 4:03 PM
21	Our neighborhood is mostly rentals. Both renters and landlords don't seem to care about upkeep.	2/22/2018 3:54 PM
22	Try a 2 hour commute because oregon city can't figure out how to bring businesses in that pay a living wage.	2/22/2018 3:45 PM
23	Low income housing nearby has cause problems with theft	2/22/2018 3:23 PM
24	Not accessible and other things.	2/22/2018 2:29 PM
25	Too large	2/22/2018 2:20 PM
26	need more space	2/22/2018 2:15 PM
27	Was a good deal when I purchased - would not be able to afford the same home with today's prices	2/22/2018 1:30 PM
28	a single story would serve us better, but are too expensive	2/22/2018 1:29 PM
29	I wish there was more character and affiliation with the neighborhood, but I am pleased that there's pride and everyone takes care of their homes to the best of their abilities.	2/22/2018 1:12 PM
30	We are very happy here.	2/22/2018 1:02 PM
31	I rent, but due to increases every year, I am barely making it.	2/17/2018 1:04 PM
32	I paid $290k in 1999. Now worth $550k. Could not afford to buy now.	2/15/2018 3:39 PM
33	The character of the neighborhood is degraded by a few hostile, dishonest residents.	2/13/2018 10:38 AM
34	large improvement in neighborhood in the time I have lived there	2/12/2018 11:22 AM
35	Need painting, and other stuff falling apart	2/12/2018 5:31 AM
36	What's wrong is the traffic trying to get any where!	2/10/2018 5:23 PM
37	Too small, TOO EXPENSIVE	2/10/2018 12:30 PM
38	There is no sound insulation. There is only heat in one room.	2/10/2018 12:17 PM
39	We need to downsize	2/10/2018 10:27 AM
40	thank you for caring and bringing hope	2/10/2018 12:45 AM
41	These last two questions didn't make sense... what was being asked?	2/9/2018 11:22 PM
42	Rent on a 1970s "as is" townhouse has gone up $200 over the last 2 years	2/9/2018 7:59 PM
43	Property tax are out of control. Reduce property taxes and you'll have affordable housing	2/9/2018 7:53 PM

Q4 What housing types are currently available in your neighborhood? Check all that apply.

Answered: 338 Skipped: 11

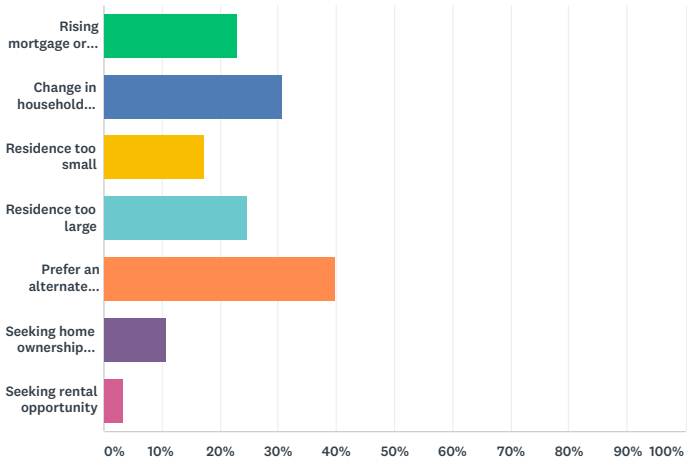


ANSWER CHOICES	RESPONSES	
Single-family on own lot	94.97%	321
Mother-in-law unit	9.17%	31
Manufactured home	9.47%	32
Duplex/triplex/fourplex	24.56%	83
Townhouse	16.57%	56
Apartment/condominium	26.63%	90
Total Respondents: 338		

#	OTHER (PLEASE SPECIFY)	DATE
1	Don’t really know.	2/27/2018 3:13 AM
2	Very limited options. Ideal fit homes are priced out of our reach.	2/26/2018 7:14 PM
3	the unchecked ones are out of my price range	2/26/2018 7:08 PM
4	The Father's Heart	2/26/2018 4:25 AM
5	ZOned only for duplex currently, 3 & 4 plexes exist though throughout	2/23/2018 9:53 AM
6	Rentals	2/22/2018 8:33 PM
7	I think in our neighborhood we should insist on ecological living w comm gardens and previous landscaping and parking. Beautify were you live	2/22/2018 7:35 PM
8	consistant neighborhoods are what citizens want	2/22/2018 4:19 PM
9	None	2/22/2018 3:45 PM
10	acreage	2/22/2018 1:21 PM
11	not sure	2/22/2018 1:11 PM
12	High School students seem to think its a race track	2/22/2018 1:01 PM
13	Section 8 housing	2/19/2018 9:45 PM
14	Nice selection of mixed homes	2/12/2018 11:22 AM
15	According to the city, sex offenders can change a single family home into a “duplex” and move in 10 unrelated males. So, anyone can live there...	2/11/2018 9:27 PM
16	nothing open and long wait list.	2/10/2018 12:45 AM
17	Apartments not far away	2/9/2018 7:27 PM

Q5 What factors might influence your decision to move in the next five or ten years? Please select your top two factors.

Answered: 292 Skipped: 57



ANSWER CHOICES	RESPONSES	
Rising mortgage or rent payments	22.95%	67
Change in household income	30.82%	90
Residence too small	17.47%	51
Residence too large	24.66%	72
Prefer an alternate location	39.73%	116
Seeking home ownership opportunity	10.62%	31
Seeking rental opportunity	3.42%	10
Total Respondents: 292		

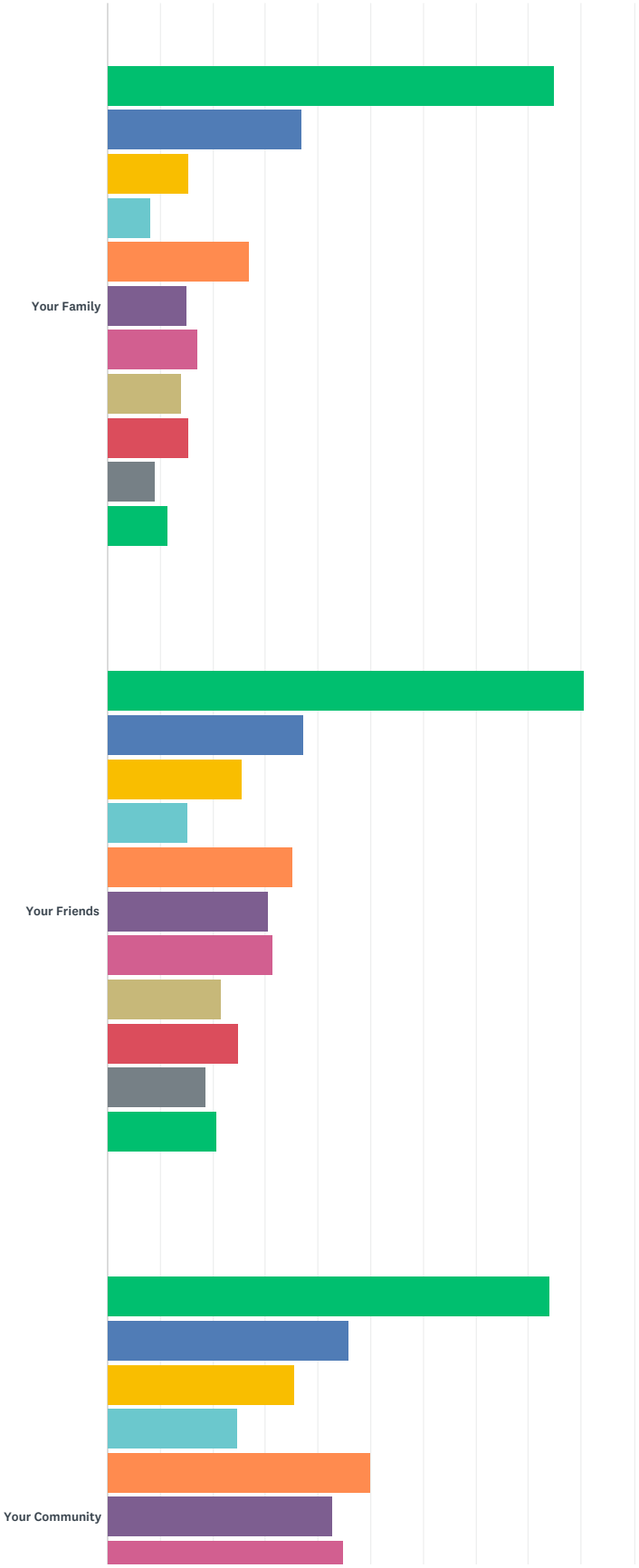
#	OTHER (PLEASE SPECIFY)	DATE
1	Cannot age in place, home not in universal design	2/27/2018 12:34 AM
2	We have enjoyed living here for 22+ years, and enjoy our community. However, the incredible increase of vehicular traffic (our neighborhood is a conduit to other geographic areas of the city). makes it less pedestrian. If increased Parks and conservation/preservation of natural areas that already exist could be a priority - it may be a significant offset to this problem, for sure. Homelessness also has had an impact on our neighborhood. We support, have supported the local shelter - but there has been definite adverse impacts to us personally and to our property.	2/26/2018 7:32 PM
3	Housing is priced way out of being considered affordable.	2/26/2018 7:14 PM
4	N/A	2/26/2018 7:11 PM
5	Living here for 20 + years, there's an incredible increase of vehicular traffic (our neighborhood is a conduit to other geographic areas of the city). Increased Parks and conservation/preservation of natural areas that exist would be an offset to this problem. Homelessness has had an impact on our neighborhood. We support, have supported the local shelter - but there has been definite adverse impacts to us personally and to our property.	2/26/2018 6:52 PM
6	Don't plan on moving	2/26/2018 5:49 PM
7	Old age	2/26/2018 5:34 PM
8	age	2/26/2018 5:07 PM
9	If it gets anymore crowded	2/26/2018 5:04 PM
10	School ratings, quality of neighborhood	2/26/2018 3:02 PM
11	Increase in crime	2/26/2018 2:44 PM
12	Safety concerns like having homeless camps nearby where kids walk	2/26/2018 2:19 PM
13	No plans to move. Any immediate decision would be for personal reasons	2/26/2018 10:58 AM
14	Taxes getting too high would force me retire from my present activities on my property and move to a lower taxed state.	2/25/2018 11:14 PM
15	Development in the area	2/25/2018 9:41 PM
16	Rising property taxes - far too high	2/25/2018 8:54 PM
17	Seeking single level, about 1200 to 1500 Sq ft.	2/25/2018 8:52 PM
18	downsizing	2/25/2018 8:48 PM
19	Homeless people living in the forests around us who are routinely burglarizing our cars and garages	2/25/2018 8:41 PM
20	Low rent housing	2/25/2018 8:41 PM
21	Mom might be moving in...	2/25/2018 8:25 PM

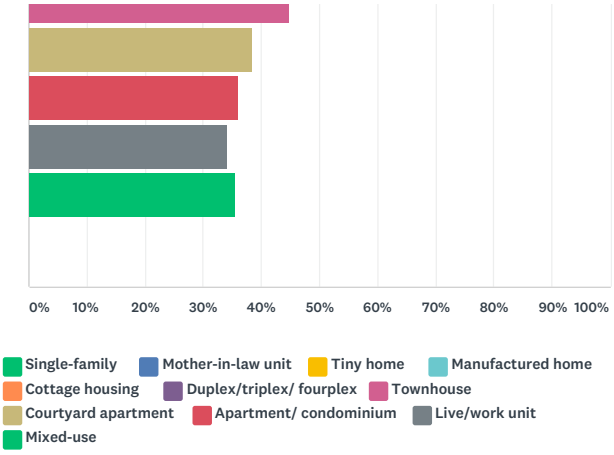
22	Retirement/empty nester	2/25/2018 7:23 PM
23	None	2/25/2018 6:51 PM
24	Move out of state	2/25/2018 5:58 AM
25	Health limitations	2/24/2018 1:55 PM
26	I am a senior citizen and eventually may be unable to live on my own. Right now I can.	2/24/2018 11:49 AM
27	We almost moved to Mt Angel to get away from trashy neighbors & petty theft & vandalism	2/23/2018 5:38 PM
28	Avoiding congested city roads.	2/23/2018 5:25 PM
29	Moved from Portland to Oregon City due to high rent/housing costs.	2/23/2018 4:34 PM
30	Could be getting too old for the stairs in 10 years	2/23/2018 1:03 PM
31	getting too old	2/23/2018 1:02 PM
32	Traffic/inability to get around the local area with the lack of two way streets as folks Park so many cars along the roads you CANT even drive in the designated lanes...is turning the hill into a disaster!! There was NO planning for the amount of housing that the COUNTY ALLOWED with no plan to make the roads flow in a better way!! the waiting for 2-3 lights do make One left hand turn up by the college is one of the MOST retarded areas...Folks here acting like Fat White ASSHOLES!! is the Reason we are looking to move to KY!!	2/23/2018 12:34 PM
33	Too many apartments	2/23/2018 9:53 AM
34	The over building and cramming in new houses on every available piece of land, increasing traffic and population, will cause us to move elsewhere. OC will lose the quaint smaller town feel.	2/23/2018 9:11 AM
35	None - we cannot afford to move. Ever.	2/23/2018 8:48 AM
36	Lot size too small	2/23/2018 7:48 AM
37	none	2/22/2018 9:39 PM
38	racism	2/22/2018 8:45 PM
39	work relocation	2/22/2018 8:38 PM
40	A death	2/22/2018 8:35 PM
41	Continued decline of neighborhood livability. Broken sidewalks, trees blocking road/sidewalks. Junk cars/debris/properties not being maintained.	2/22/2018 8:33 PM
42	Traffic and increase in population in this area. New development is planned nearby.	2/22/2018 8:02 PM
43	Poorly planed new building in our hood with no long term beauty and living like its your own residents. I'm speaking to multiliving. Also to many halfway houses would cause me to move. I'm a women and live alone	2/22/2018 7:35 PM
44	City Hall Corruption	2/22/2018 6:52 PM
45	Housing developments going up around us	2/22/2018 6:42 PM
46	Acreage	2/22/2018 6:38 PM
47	gettinh too old to keep up property	2/22/2018 6:36 PM
48	May get married and move elsewhere.	2/22/2018 5:02 PM
49	May get married and move elsewhere.	2/22/2018 5:01 PM
50	If the larger neighborhood, Park Place in oregon City, become too dense and too busy without any significant infrastructure updates, we're out! maybe moving to a different county.	2/22/2018 4:57 PM
51	none	2/22/2018 4:33 PM
52	deterioration of neighborhood	2/22/2018 4:19 PM
53	Too many houses being built in the area.	2/22/2018 4:07 PM
54	job change is actually the top likely reason	2/22/2018 4:03 PM
55	No work	2/22/2018 3:45 PM
56	Taxes	2/22/2018 3:36 PM
57	move to assisted living	2/22/2018 3:32 PM
58	More rising property taxes than mortgage	2/22/2018 3:23 PM
59	Inability to upkeep home due to our age and/or disabilitu	2/22/2018 2:51 PM
60	Want single story	2/22/2018 2:46 PM
61	The traffic in OC has gotten way out of hand	2/22/2018 2:02 PM
62	over building in area, traffic issues on Holcomb Rd	2/22/2018 2:01 PM
63	Lots for new houses are too small	2/22/2018 1:48 PM
64	Age related factors.	2/22/2018 1:44 PM
65	Crime and drugs	2/22/2018 1:39 PM
66	The City trying to do social engineering rather than providing and maintaining infrastructure services such as Fire, Police, and Public Works.	2/22/2018 1:37 PM
67	Too many homes being built in the area. Property across from house also likely will be developed in the next few years and we prefer privacy.	2/22/2018 1:35 PM
68	Change in city density	2/22/2018 1:34 PM
69	Having bigger yard	2/22/2018 1:30 PM
70	change to single story floor plan - daughter has mobility challenges	2/22/2018 1:29 PM
71	The apparent rise in crime for my area might prompt me to move	2/22/2018 1:24 PM
72	Declining neighborhoods. Run down, unkempt properties, crime.	2/22/2018 1:23 PM
73	Home improvement Neighborhood restrictions	2/22/2018 1:20 PM
74	To much traffic	2/22/2018 1:20 PM

75	life change	2/22/2018 1:16 PM
76	Intruding homeless and county taxes rising	2/22/2018 1:14 PM
77	Rise in neighborhood crime due to low-income housing.	2/22/2018 1:13 PM
78	Retirement	2/22/2018 1:13 PM
79	Retirement.	2/22/2018 1:02 PM
80	High property taxes	2/22/2018 12:57 PM
81	Death.	2/13/2018 10:38 AM
82	Taxes, City Services, and Grocery options- Oregon City seems to be behind in some areas like parks and traffic safety. I would also like to have a grocery store I can safely walk to.	2/12/2018 4:06 PM
83	Can I age in my current home.	2/12/2018 11:22 AM
84	The fact that Oregon City is protecting sex offenders and felons over growing families and professionals.	2/11/2018 9:27 PM
85	Retirement	2/11/2018 2:09 PM
86	Property taxes	2/11/2018 11:00 AM
87	New nearby development that will impact traffic in my neighborhood	2/11/2018 9:12 AM
88	Land	2/10/2018 6:22 PM
89	Too much traffic in OC! Same roads and more cars !	2/10/2018 5:23 PM
90	In adequate infrastructure to support the rapid growth	2/10/2018 2:32 PM
91	Taxes are too high and will force me to sell and move when I retire.	2/10/2018 2:23 PM
92	Way to much growth !	2/10/2018 12:57 PM
93	Too much traffic on street in front of house. Noisy.	2/10/2018 12:42 PM
94	I love Oregon City but the one thing I feel like is the city is producing more and more housing developments instead of improving our roads and schools. We need to focus on our current population now instead of cramming more people on our roads and having more kids in our already too crowded schools	2/10/2018 12:28 PM
95	Lot too small	2/10/2018 9:49 AM
96	At this point nothing	2/10/2018 12:03 AM
97	Aging	2/9/2018 10:15 PM
98	Senior mobility issues	2/9/2018 9:41 PM
99	Very unlikely to move next 5 to 10 years	2/9/2018 9:24 PM
100	Poor infrastructure planning for new growth & too many homeless	2/9/2018 8:39 PM
101	retirement	2/9/2018 7:53 PM
102	Property taxes are too high. That’s what makes affordable house unrealistic	2/9/2018 7:53 PM
103	Want sense of community, ability to walk to restaurants and stores, go for a run through flat neighborhoods	2/9/2018 7:48 PM
104	Looking for vibrant urban community with activity day and night.	2/9/2018 7:27 PM
105	Property tax, crime	2/9/2018 7:14 PM
106	Na	2/9/2018 6:39 PM
107	Business opportunities	2/9/2018 6:24 PM
108	will not move	2/9/2018 5:58 PM

Q6 What housing types are needed to meet the needs of your family, friends and community? Check all that apply.

Answered: 246 Skipped: 103



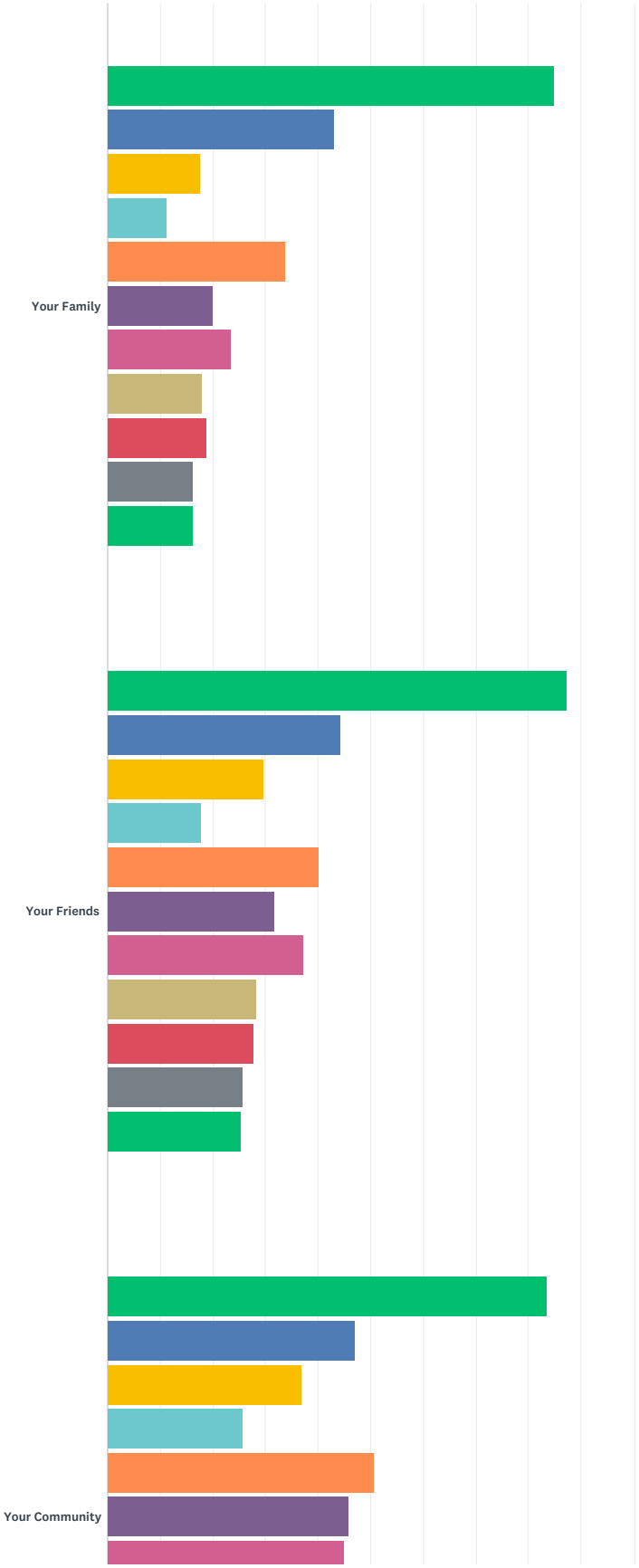


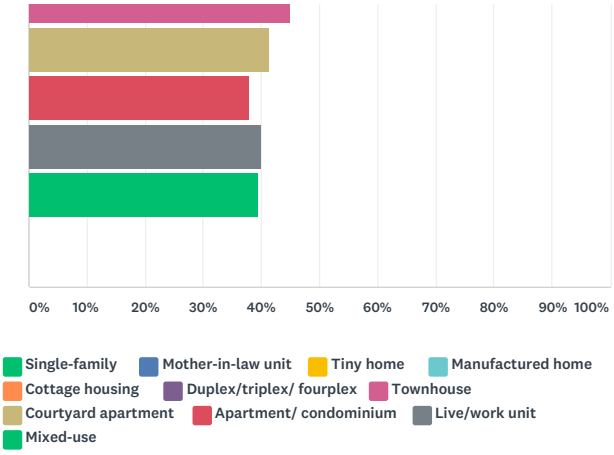
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.84% 207	36.89% 90	15.57% 38	8.20% 20	27.05% 66	15.16% 37	17.21% 42	13.93% 34	15.57% 38	9.0
Your Friends	90.68% 214	37.29% 88	25.42% 60	15.25% 36	35.17% 83	30.51% 72	31.36% 74	21.61% 51	25.00% 59	18.6
Your Community	84.19% 197	45.73% 107	35.47% 83	24.79% 58	50.00% 117	42.74% 100	44.87% 105	38.46% 90	35.90% 84	34.1

#	COMMENTS:	DATE
1	There is an influx of young families coming to this area. We need affordable Single-family housing.	2/26/2018 8:21 PM
2	They all have unique uses and and pros and cons	2/26/2018 4:32 PM
3	We have acreage that requires us to have help, and would like to be able to put another dwelling on the property for family member.	2/26/2018 4:08 PM
4	I do not like the Tiny house concept!	2/25/2018 11:24 PM
5	Something with centrally located parks, within neighborhoods is needed by all	2/24/2018 12:01 PM
6	Just be SMARTER!! its not too hard to just LOOK to see if what someone thinks is a good idea BEFORE they put aeffort into something and MONEY that isn't a logistical nightmare would be a great start!!	2/23/2018 12:54 PM
7	Its about the beauty of the place you live that brings the pride and love for your neighborhood	2/22/2018 7:56 PM
8	Don't build urban development high density garbage!	2/22/2018 6:45 PM
9	Any additional housing types must meet the historic look of the McLoughlin Neighborhood. If Multi-family units can achieve that, they are welcome. If too contemporary, they should be located in other parts of town--but welcome in Oregon City.	2/22/2018 5:42 PM
10	We don't need high density or low income housing.	2/22/2018 4:15 PM
11	just guessing here...	2/22/2018 4:14 PM
12	Would like to see single level apts or condos suitable for aging population, where stairs are a problem	2/22/2018 3:09 PM
13	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
14	I need a place with a yard, no ants & accessible.	2/22/2018 2:35 PM
15	more double deck for more bedrooms using one for a play room	2/22/2018 2:27 PM
16	Need increased density generally.	2/22/2018 1:41 PM
17	senior housing is needed	2/22/2018 1:10 PM
18	needs to be some affordable housing	2/22/2018 1:08 PM
19	Not sure of community needs.	2/12/2018 4:31 PM
20	No apartments or condos too much traffic	2/10/2018 5:26 PM
21	Mother in law units are a must.	2/10/2018 12:35 PM
22	More retail options so we don't have to travel.	2/9/2018 8:53 PM
23	Senior Housing is also needed	2/9/2018 7:39 PM
24	seems like all would be good	2/9/2018 5:49 PM

Q7 What housing types will be needed in 10 years to meet the needs of your family, friends and community? Check all that apply.

Answered: 241 Skipped: 108



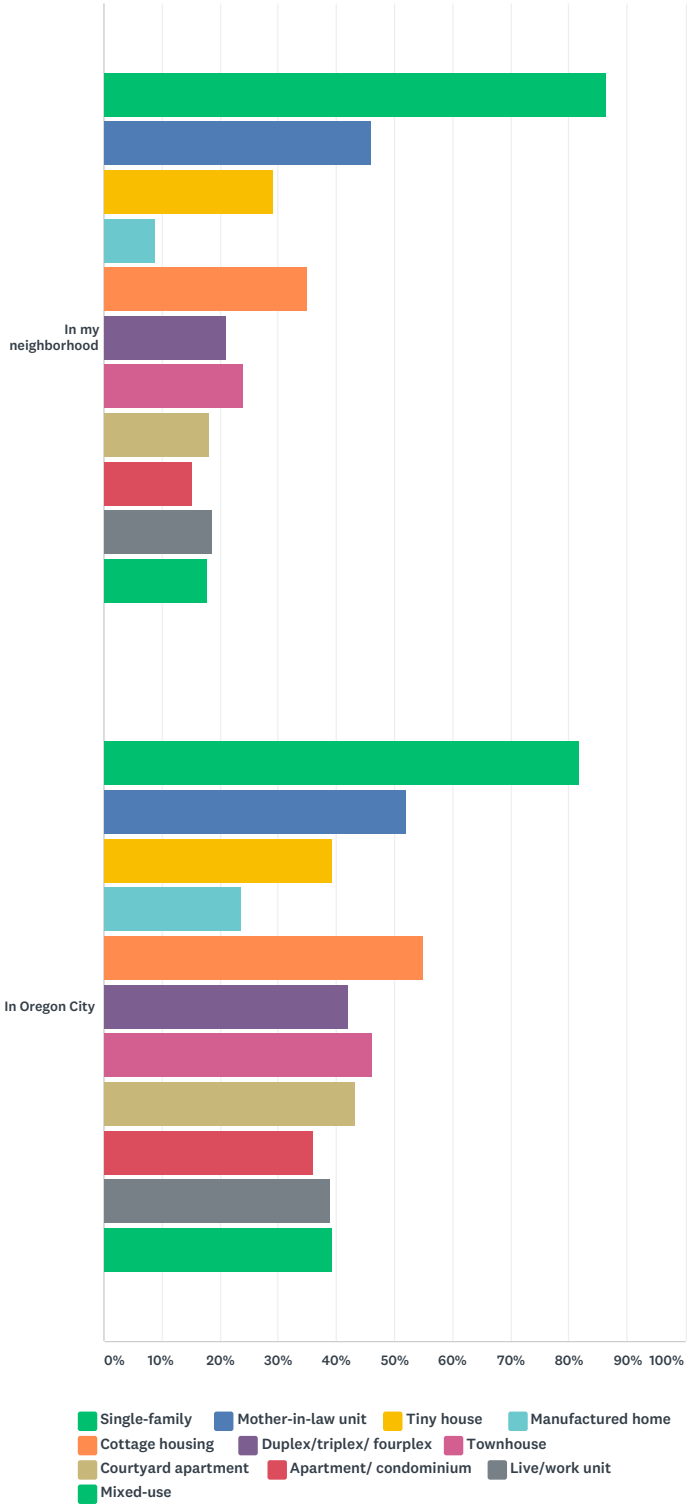


	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.94% 203	43.10% 103	17.57% 42	11.30% 27	33.89% 81	20.08% 48	23.43% 56	17.99% 43	18.83% 45	16.3
Your Friends	87.17% 197	44.25% 100	29.65% 67	17.70% 40	40.27% 91	31.86% 72	37.17% 84	28.32% 64	27.88% 63	25.6
Your Community	83.56% 188	47.11% 106	36.89% 83	25.78% 58	50.67% 114	45.78% 103	44.89% 101	41.33% 93	37.78% 85	40.0

#	OTHER (PLEASE SPECIFY)	DATE
1	I do not like the Tiny house concept! This should be the Mother-in- Law as part of the main property if the lot is large enough to match the accessory building rules.	2/25/2018 11:24 PM
2	ADU's best way to add density to exisiting residences	2/25/2018 11:16 PM
3	Our family may need accessibility/no stairs eventually	2/25/2018 8:46 PM
4	With so many older buildings the county and city need to be more specific about the groups of folks they put in neighborhoods!! ...for instance...NOT thinking that Vetrans with Families will WANT tolive next to BOTH a dispensery and smoke shop with NOthing else for services or groceries!!STUPID! I would NOT be moving into an area that is as full of the Rif Raf that your trying to what make THEM Patrol?? not ok!!	2/23/2018 12:54 PM
5	10 years?? How about immediately?!?! There IS VERY LITTLE housing available in Oregon City now.....	2/23/2018 9:00 AM
6	Plenty of apartments and plexes. Townhomes lead to parking congestion.	2/22/2018 8:41 PM
7	Personally may need a retirement community	2/22/2018 6:45 PM
8	ADUs in or above garages, backyards, especially in historic districts.	2/22/2018 5:42 PM
9	cohousing specifically, shared-ownership	2/22/2018 4:17 PM
10	still guessing...	2/22/2018 4:14 PM
11	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
12	I need a place with a yard.	2/22/2018 2:35 PM
13	don't need anymore houses getting to crowded	2/22/2018 2:27 PM
14	single story no stairs for aging population	2/22/2018 1:10 PM
15	affordable housing	2/22/2018 1:08 PM
16	I am not sure what the community needs well be in 10 years as dynamics change	2/12/2018 4:31 PM
17	No new housing development until roads & intersections are improved	2/9/2018 8:53 PM
18	Senior Housing	2/9/2018 7:39 PM

Q8 Which of the following types of housing would you like to see in your neighborhood or Oregon City? Check all that apply.

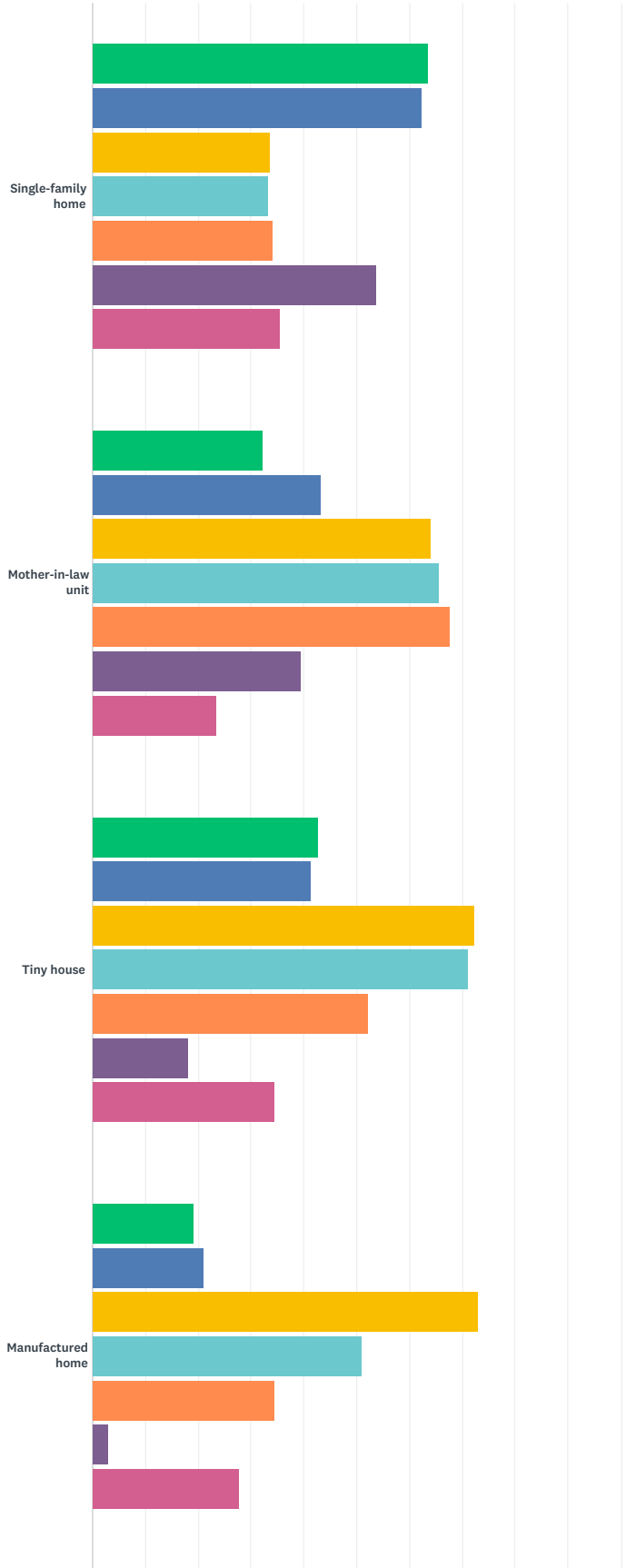
Answered: 245 Skipped: 104



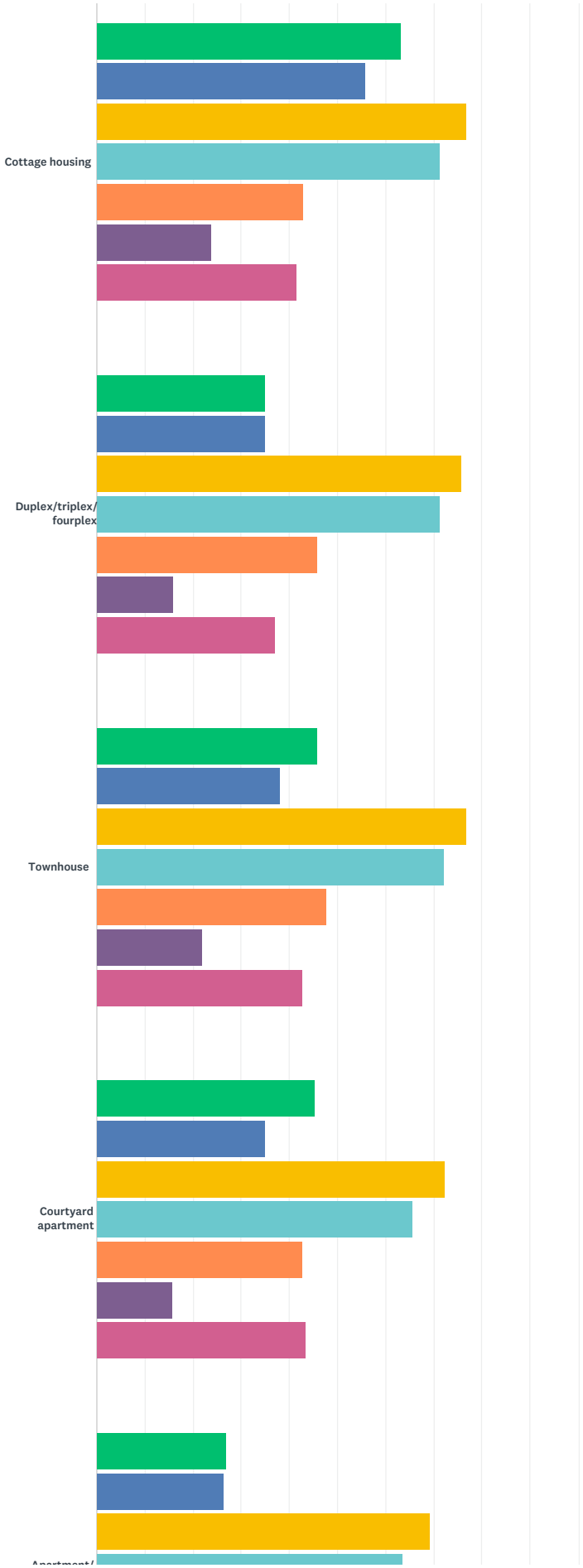
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOUSE	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/W UNIT
In my neighborhood	86.31% 208	46.06% 111	29.05% 70	8.71% 21	34.85% 84	21.16% 51	24.07% 58	18.26% 44	15.35% 37	1
In Oregon City	81.82% 198	52.07% 126	39.26% 95	23.55% 57	54.96% 133	42.15% 102	46.28% 112	43.39% 105	35.95% 87	3

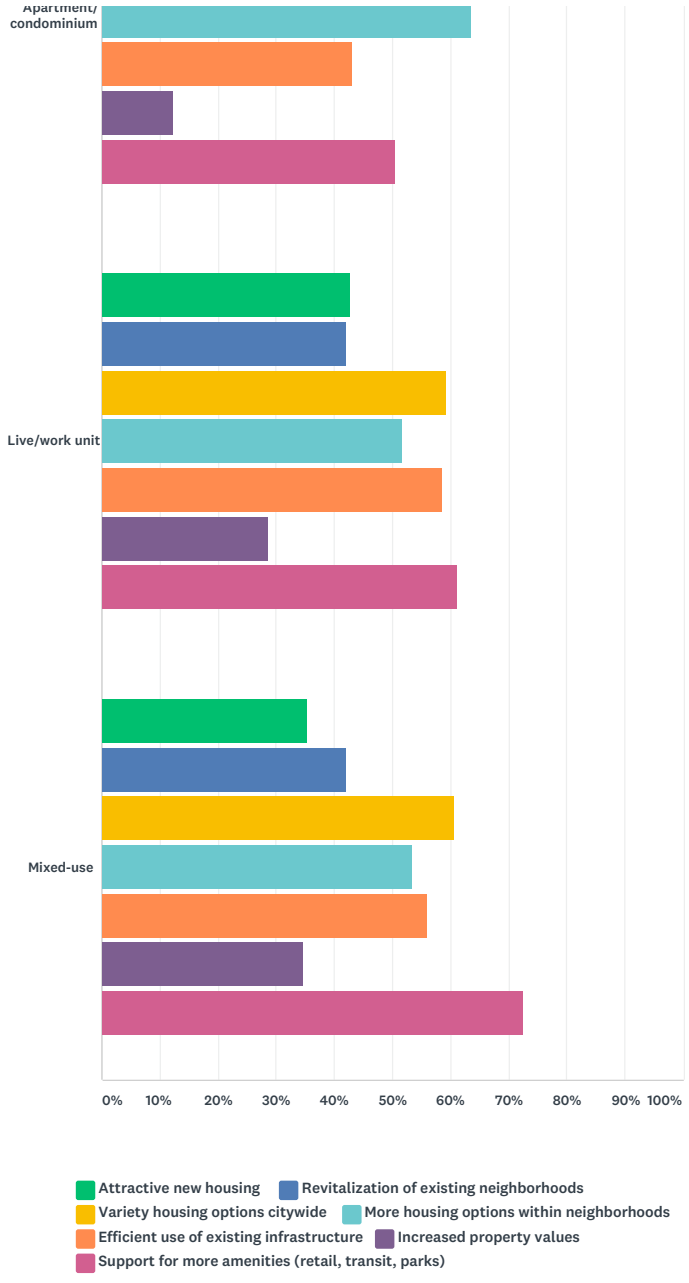
Q9 What benefits do you think the following housing types would provide?

Answered: 242 Skipped: 107



Oregon City Equitable Housing Analysis - Housing Types





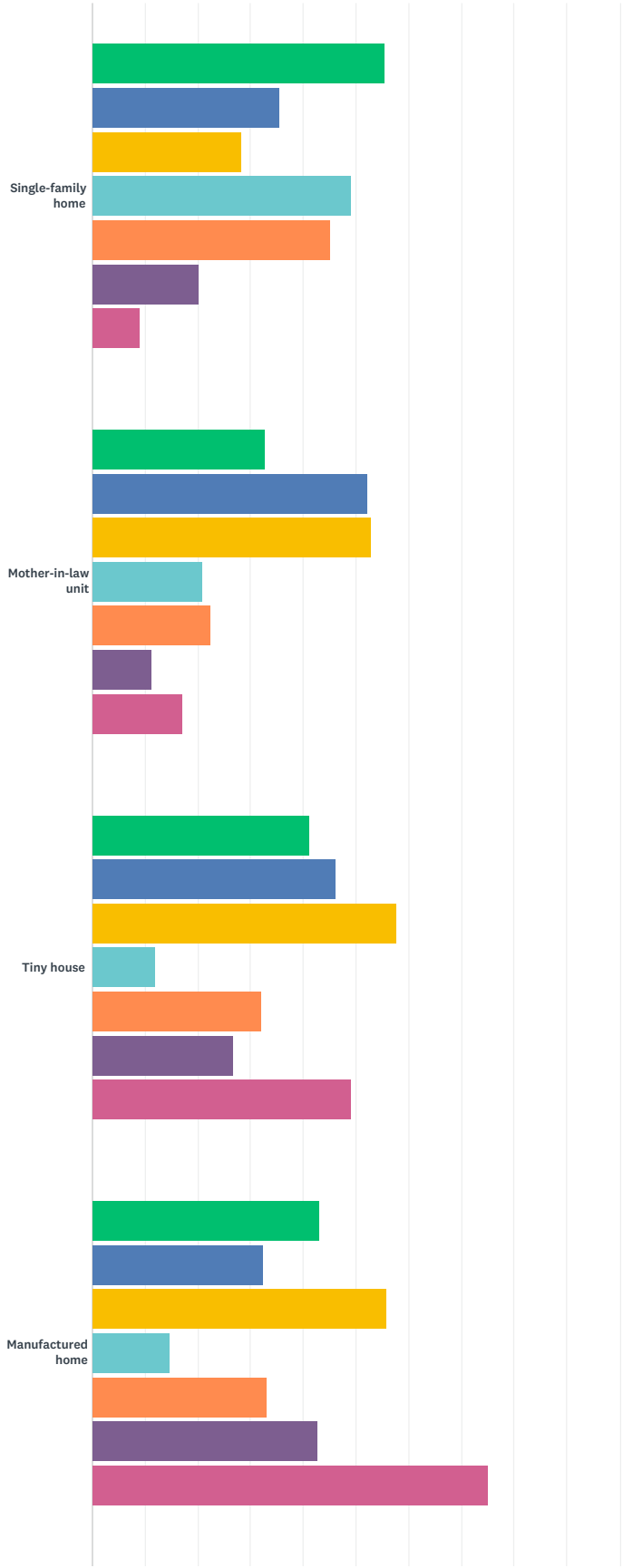
	ATTRACTIVE NEW HOUSING	REVITALIZATION OF EXISTING NEIGHBORHOODS	VARIETY HOUSING OPTIONS CITYWIDE	MORE HOUSING OPTIONS WITHIN NEIGHBORHOODS	EFFICIENT USE OF EXISTING INFRASTRUCTURE	INCREASED PROPERTY VALUES	SUPPORT FOR MORE AMENITIES (RETAIL, TRANSIT, PARKS)	TOTAL RESPONDENTS
Single-family home	63.64% 147	62.34% 144	33.77% 78	33.33% 77	34.20% 79	53.68% 124	35.50% 82	231
Mother-in-law unit	32.29% 62	43.23% 83	64.06% 123	65.63% 126	67.71% 130	39.58% 76	23.44% 45	192
Tiny house	42.77% 68	41.51% 66	72.33% 115	71.07% 113	52.20% 83	18.24% 29	34.59% 55	159
Manufactured home	19.23% 20	21.15% 22	73.08% 76	50.96% 53	34.62% 36	2.88% 3	27.88% 29	104
Cottage housing	63.10% 106	55.95% 94	76.79% 129	71.43% 120	42.86% 72	23.81% 40	41.67% 70	168
Duplex/triplex/ fourplex	35.03% 55	35.03% 55	75.80% 119	71.34% 112	45.86% 72	15.92% 25	36.94% 58	157
Townhouse	45.81% 71	38.06% 59	76.77% 119	72.26% 112	47.74% 74	21.94% 34	42.58% 66	155
Courtyard apartment	45.39% 69	34.87% 53	72.37% 110	65.79% 100	42.76% 65	15.79% 24	43.42% 66	152
Apartment/ condominium	27.01% 37	26.28% 36	69.34% 95	63.50% 87	43.07% 59	12.41% 17	50.36% 69	137

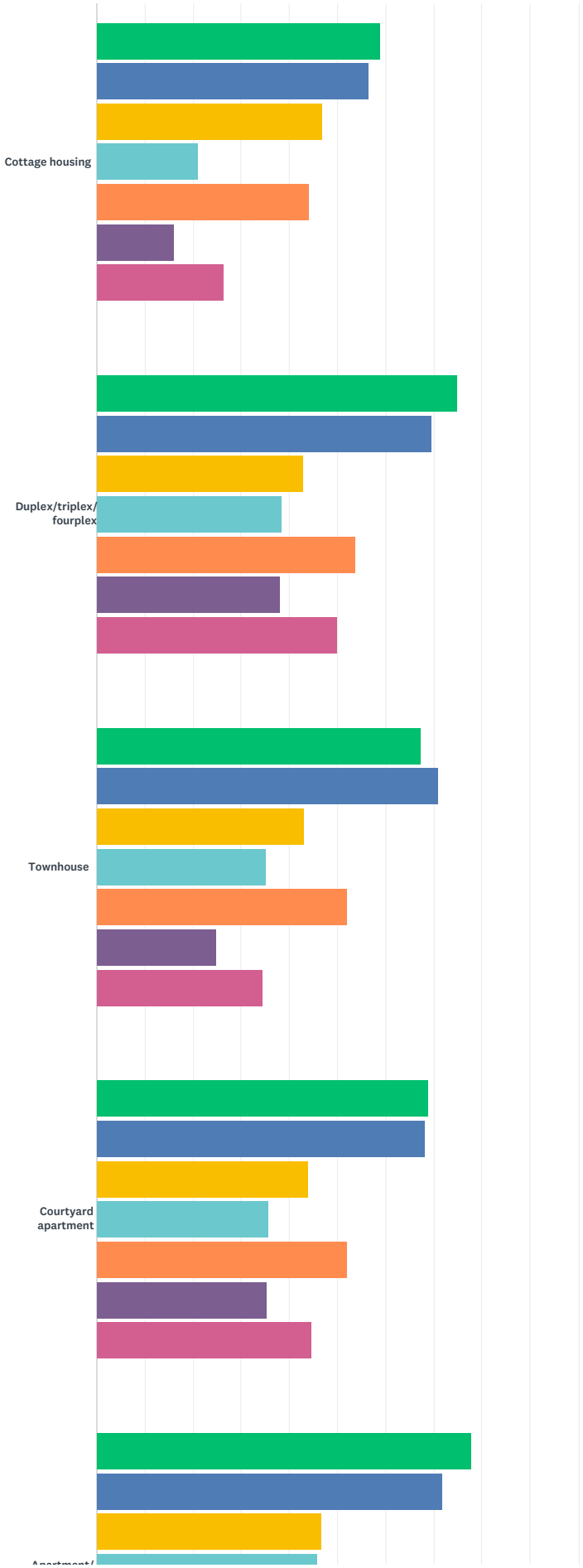
Live/work unit	42.68% 67	42.04% 66	59.24% 93	51.59% 81	58.60% 92	28.66% 45	61.15% 96	157
Mixed-use	35.33% 53	42.00% 63	60.67% 91	53.33% 80	56.00% 84	34.67% 52	72.67% 109	150

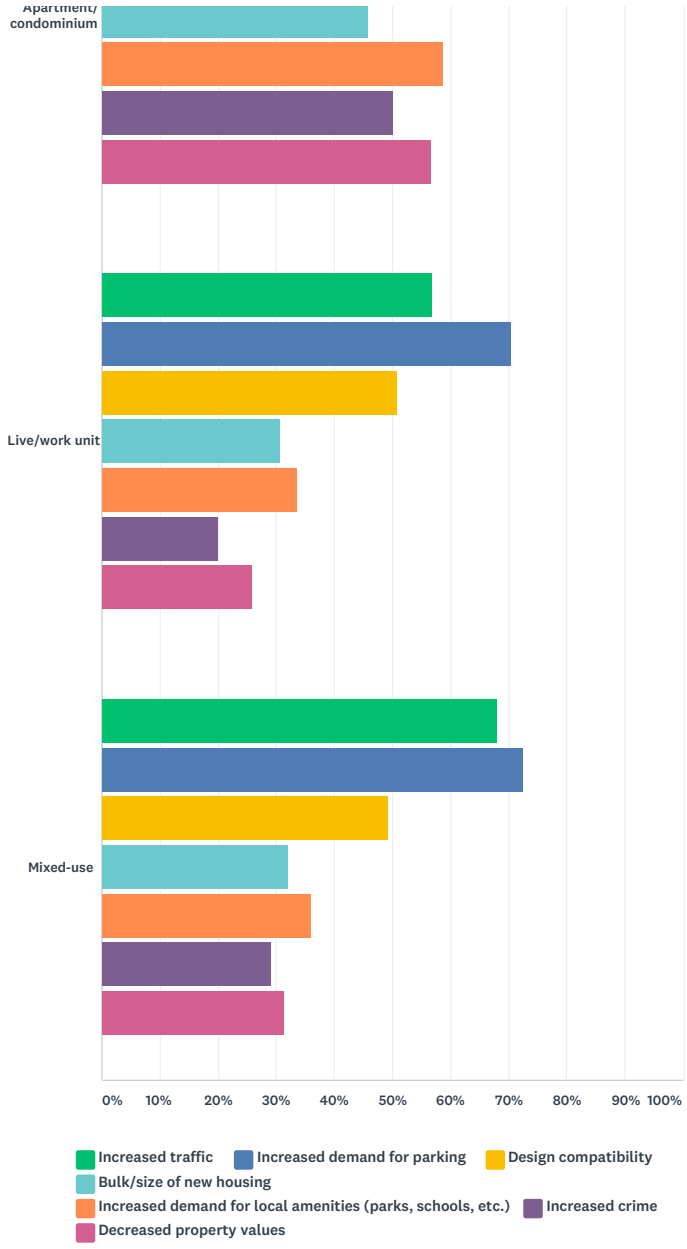
#	OTHER (PLEASE SPECIFY)	DATE
1	The categories of Duplex/triplex;fourplex and Apartment/condo condominium exist already in this neighborhood. For the most part, they are very well maintained and we don't need more of this new construction in an established neighborhood.	2/26/2018 8:21 PM
2	The choice of housing options should be on the property owner. Functionality is the prime motivator.	2/25/2018 11:24 PM
3	Land-use diversity and walkable destinations are very desireable	2/25/2018 11:16 PM
4	absolutely opposed to increased density in OC - if we wanted that, we've move to Portland.	2/25/2018 8:59 PM
5	How about manufactured homes on lots that people can buy, otherwise space rents rise and displace people.	2/24/2018 11:59 AM
6	Lot SIZE and location to pertinent services for the designed use would be a good thing	2/23/2018 12:54 PM
7	Dont turn OC into portland	2/23/2018 9:58 AM
8	Restored historic and existing houses	2/22/2018 5:42 PM
9	none of the others add value to the community	2/22/2018 4:24 PM
10	I'm most concerned about efficient and sustainable developing within the current city and reducing the expansion of new infrastructure liabilities like new roads and developments on the edge of town	2/22/2018 4:17 PM
11	The only structures I would support would be single family. And I don’t want those either.	2/22/2018 4:15 PM
12	More housing suitable for aging population that is still active and not needing assist	2/22/2018 3:09 PM
13	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
14	we don't need anymore housing traffic is so bad now	2/22/2018 2:27 PM
15	senior house over business for walkability, shopping etc.	2/22/2018 1:10 PM
16	I don't even want to hear about more housing until our existing roads & intersections are improved	2/9/2018 8:53 PM
17	A diversity of housing types will be good for the city. the city should allow the market to determine types of housing that are needed.	2/9/2018 7:39 PM

Q10 What concerns might you have about the following housing types in your neighborhood? Check all that apply.

Answered: 231 Skipped: 118




Cottage housing
Duplex/triplex/ fourplex
Townhouse
Courtyard apartment



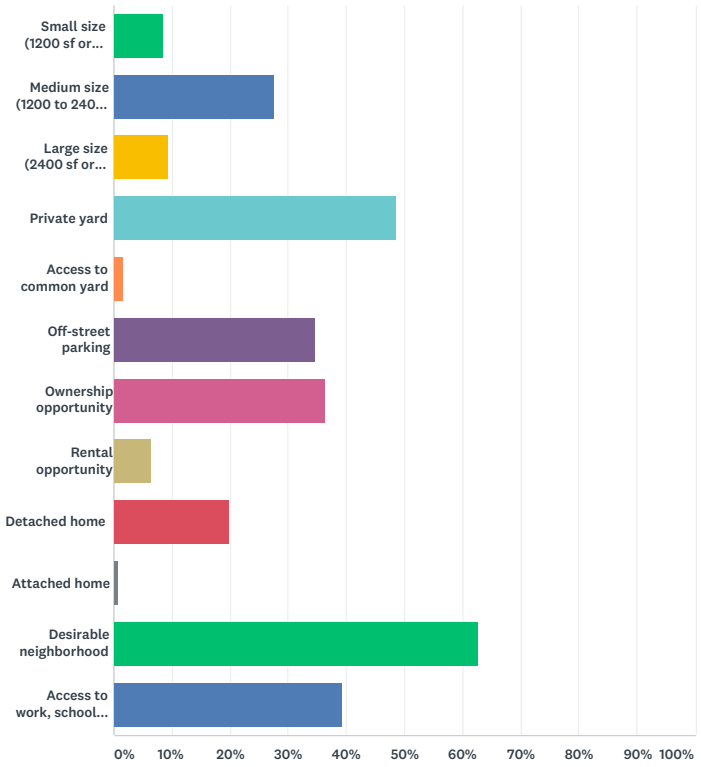
	INCREASED TRAFFIC	INCREASED DEMAND FOR PARKING	DESIGN COMPATIBILITY	BULK/SIZE OF NEW HOUSING	INCREASED DEMAND FOR LOCAL AMENITIES (PARKS, SCHOOLS, ETC.)	INCREASED CRIME	DECREASED PROPERTY VALUES	TOTAL RESPONDENTS
Single-family home	55.37% 98	35.59% 63	28.25% 50	49.15% 87	45.20% 80	20.34% 36	9.04% 16	177
Mother-in-law unit	32.84% 44	52.24% 70	52.99% 71	20.90% 28	22.39% 30	11.19% 15	17.16% 23	134
Tiny house	41.14% 72	46.29% 81	57.71% 101	12.00% 21	32.00% 56	26.86% 47	49.14% 86	175
Manufactured home	43.15% 85	32.49% 64	55.84% 110	14.72% 29	32.99% 65	42.64% 84	75.13% 148	197
Cottage housing	58.97% 92	56.41% 88	46.79% 73	21.15% 33	44.23% 69	16.03% 25	26.28% 41	156
Duplex/triplex/fourplex	75.00% 138	69.57% 128	42.93% 79	38.59% 71	53.80% 99	38.04% 70	50.00% 92	184
Townhouse	67.27% 111	70.91% 117	43.03% 71	35.15% 58	52.12% 86	24.85% 41	34.55% 57	165
Courtyard apartment	68.79% 119	68.21% 118	43.93% 76	35.84% 62	52.02% 90	35.26% 61	44.51% 77	173
Apartment/ condominium	77.89% 155	71.86% 143	46.73% 93	45.73% 91	58.79% 117	50.25% 100	56.78% 113	199

Live/work unit	56.80% 96	70.41% 119	50.89% 86	30.77% 52	33.73% 57	20.12% 34	26.04% 44	169
Mixed-use	68.02% 117	72.67% 125	49.42% 85	31.98% 55	36.05% 62	29.07% 50	31.40% 54	172

#	OTHER (PLEASE SPECIFY)	DATE
1	Apartment complexes are by far the least attractive option	2/25/2018 11:16 PM
2	We don't need more housing in Oregon City	2/23/2018 7:51 PM
3	Under ground water is a huge issue and water run off as KNOWN issues...No building but connecting these as ONE PARK!! Unite the walking areas so traffic and those traveling otherly can NOT cross paths..as much as they are on top of each other causing SO many to be hurt!!	2/23/2018 12:54 PM
4	There's no room to build anything "new" in my existing neighborhood so this is a mute point.....	2/23/2018 9:00 AM
5	Keep your portland high density OUT of OC. This is one of the last normal communities around. Don't bring the crime and drugs.	2/22/2018 6:45 PM
6	Architectural design must augment historic nature of McLoughlin Neighborhood.	2/22/2018 5:42 PM
7	the more walkable we have things, the less driving we'll see. Increased demand for parking and increased traffic *can* result in lower speeds and better walking conditions: on-street parking makes sidewalks safer and slows traffic. I'm most concerned about all the tons of negatives if we build for increased parking and traffic *capacity*. I want to see the elimination of mandatory parking minimums for developments.	2/22/2018 4:17 PM
8	All new housing must have at least one off street parking spot per unit	2/22/2018 2:49 PM
9	don't need anymore houses	2/22/2018 2:27 PM
10	tiny houses and live/work units elicit the least amount of concern for me	2/22/2018 1:23 PM
11	due to the homeless population. I have seen what it has done to Portland and now it is happening in OC	2/22/2018 12:58 PM
12	Too much traffic	2/10/2018 5:26 PM
13	Stop building high density housing without adequate parking! Assume each unit requires 2 parking spaces.	2/9/2018 8:53 PM
14	allow the market to determine what types of housing are needed and where they should be located.	2/9/2018 7:39 PM

Q11 What characteristics are important to you in a home? Select your top three characteristics.

Answered: 247 Skipped: 102



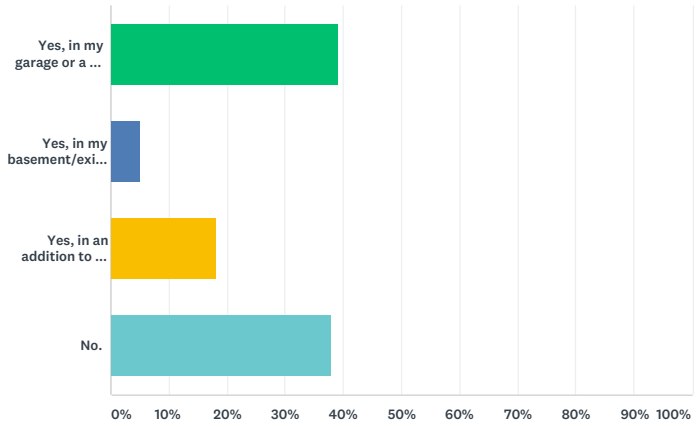
ANSWER CHOICES	RESPONSES	
Small size (1200 sf or smaller)	8.50%	21
Medium size (1200 to 2400 sf)	27.53%	68
Large size (2400 sf or larger)	9.31%	23
Private yard	48.58%	120
Access to common yard	1.62%	4
Off-street parking	34.82%	86
Ownership opportunity	36.44%	90
Rental opportunity	6.48%	16
Detached home	19.84%	49
Attached home	0.81%	2
Desirable neighborhood	62.75%	155
Access to work, school, shopping and play opportunities	39.27%	97
Total Respondents: 247		

#	OTHER (PLEASE SPECIFY)	DATE
1	wanted to select more than 3	2/26/2018 11:11 AM
2	Size of the lot. Ability to design to my my needs.	2/25/2018 11:24 PM
3	Diversity in terms of income, politics, age and race	2/25/2018 11:16 PM
4	Private large yard	2/25/2018 11:08 PM
5	Near greenspace or openspace.	2/25/2018 9:10 PM
6	One level house	2/25/2018 8:47 PM
7	Mixed housing types with attached granny flat, walkable neighborhood to services	2/25/2018 7:34 PM
8	You didn't list my number one: AFFORDABILITY	2/24/2018 11:59 AM
9	Desirable neighborhood & off-street parking are most imp to me	2/23/2018 5:46 PM
10	Code enforcement that takes action	2/22/2018 8:15 PM
11	Mixes demographics. Old people and kids multi-racial	2/22/2018 6:45 PM
12	walkability, access to transit, and low-noise are core values to me that are missing here	2/22/2018 4:17 PM

13	shop	2/22/2018 3:02 PM
14	larger homes should be upstairs for more bed room and bathroom and playroom	2/22/2018 2:27 PM
15	sidewalks	2/22/2018 1:45 PM
16	Safe	2/22/2018 1:44 PM
17	Architectural Design	2/22/2018 1:23 PM
18	low crime green living	2/22/2018 1:10 PM
19	LOW CRIME	2/11/2018 9:35 PM
20	Elbo Room	2/11/2018 11:04 AM
21	Larger yards/lots	2/10/2018 6:30 PM

Q12 If you owned a single-family detached home, would you consider developing a mother-in-law unit?

Answered: 243 Skipped: 106



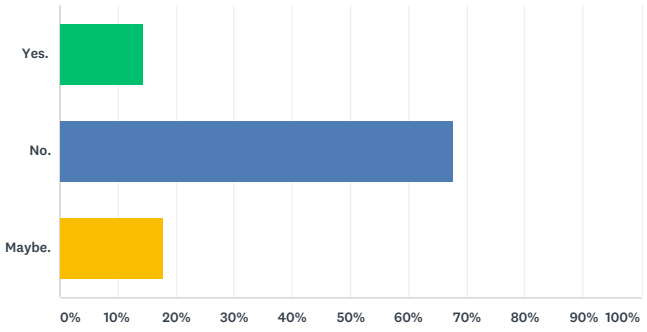
ANSWER CHOICES	RESPONSES	
Yes, in my garage or a new detached structure.	39.09%	95
Yes, in my basement/existing home.	4.94%	12
Yes, in an addition to my current house.	18.11%	44
No.	37.86%	92
TOTAL		243

#	WHAT QUESTIONS WOULD YOU HAVE BEFORE DECIDING?	DATE
1	we did consider it not as a mother-in-law unit but it could be a studio.	2/26/2018 8:25 PM
2	Is it permitted	2/26/2018 8:07 PM
3	I'm not married	2/26/2018 7:25 PM
4	Ease of permitting Overall cost	2/26/2018 4:13 PM
5	is there space for one? would it be useful for my family or good friend?	2/26/2018 11:20 AM
6	What is the % of the lot that can be occupied by structures? Size of the accessory building that could be added.	2/25/2018 11:28 PM
7	-Profitability -Where can it be placed? -Can it be permitted? With what restrictions?	2/25/2018 11:21 PM
8	Who's mom?and privacy	2/25/2018 9:15 PM
9	Privacy for both units. Parking.	2/25/2018 9:14 PM
10	Na	2/25/2018 9:06 PM
11	Not sure if there's room in our current space?	2/25/2018 8:48 PM
12	What permitting costs are, and/or tax breaks incentives are available.	2/25/2018 7:58 PM
13	are there any credits available to offset sdc fees is there a streamlined application process Are all citiy staff working and communicating together to facilitate a pleasurable and expeditious experience	2/25/2018 7:42 PM
14	Can it be occupied by other family members?	2/24/2018 2:12 PM
15	What zoning might be like and if I have room to add an additional structure	2/24/2018 12:02 PM
16	Since I don't have a home this is pure fiction. But: how affordable to do this and who will live there and how much rent will they pay.	2/24/2018 12:02 PM
17	No need for one	2/23/2018 7:51 PM
18	parking options & if permit would be allowed	2/23/2018 5:47 PM
19	just How much will it cost me?? Can I rent it as a business office??	2/23/2018 1:00 PM
20	Code enforcement issues will arise...	2/23/2018 11:22 AM
21	cost	2/23/2018 9:01 AM
22	I don't knw	2/23/2018 12:04 AM
23	How do I start? Where can I find information on the process?	2/22/2018 9:00 PM
24	How would it impact my taxes	2/22/2018 8:22 PM
25	Control of my owner rights if they miss behave or squat	2/22/2018 8:01 PM
26	Lot is too small for another unit of any discription	2/22/2018 6:48 PM
27	What would new taxes be? Portland went through quite a kerfuffle during their process.	2/22/2018 5:47 PM
28	access to outside. noise. access to bathrooms.	2/22/2018 5:25 PM
29	Would there be space to build on the lot and is there available parking space for new additional occupants	2/22/2018 5:24 PM

30	construction costs, permit costs, length of construction.	2/22/2018 5:09 PM
31	How much would permits cost? How much would I pay in additional property tax?	2/22/2018 4:50 PM
32	reduces neighborhood values	2/22/2018 4:25 PM
33	Long list, but I have no questions about overall liking the concept, just about all the practical matters of doing it and managing it.	2/22/2018 4:22 PM
34	perhaps a second story to my detached garage, but the building codes for the McLoughlin Neighborhood would be a problem, and I've heard the permit costs are exorbitant so it's probably not worth it.	2/22/2018 4:20 PM
35	Price-too expensive right now	2/22/2018 2:53 PM
36	When will I have income that will support this hypothetical?	2/22/2018 2:36 PM
37	plumbing and electrical requirements	2/22/2018 1:47 PM
38	How it would look with the existing neighborhood?How would it incroach on neighbors? Would it be used as a rental property? Would it be used as a commercial property?	2/22/2018 1:39 PM
39	Permitted dimensional standards and setbacks within the jurisdiction, whether SDCs apply, permitting process complexity, whether it is cost-prohibitive, and so on.	2/22/2018 1:28 PM
40	Either detached or addition. Questions would be permitting costs, rules and regulations, and how it would impact house value.	2/22/2018 1:17 PM
41	Cost in. construction and taxes.	2/22/2018 1:06 PM
42	Yes, if I could get help financially to build it.	2/17/2018 1:15 PM
43	Privacy for all.	2/12/2018 4:14 PM
44	no additional SDC's	2/12/2018 10:12 AM
45	Size restrictions, distance from property line limits	2/11/2018 9:24 PM
46	What do building codes allow? Will it harm resale?	2/11/2018 6:13 PM
47	Or new structure detached	2/10/2018 6:31 PM
48	Could the process for building be streamlined for less confusion with City Planning?	2/10/2018 2:44 PM
49	None, it's a given that the City needs to allow this.	2/10/2018 1:06 PM
50	How expensive are the permits?	2/10/2018 10:55 AM
51	Will zoning allow this? This would not be for mother-in-laws but more likely for grandchildren.	2/9/2018 11:47 PM
52	Red tape free permits and approval	2/9/2018 9:56 PM
53	What types of city/zoning/permit barriers might I face in an historic district?	2/9/2018 7:58 PM
54	what are the regulatory and approval challenges?	2/9/2018 7:45 PM
55	Cost of permit. Rental rules	2/9/2018 7:00 PM
56	The ADU is a powerful option for density.	2/9/2018 6:31 PM
57	cost and fees	2/9/2018 5:51 PM

Q13 If you owned a single-family detached home built before 1990, would you consider dividing it into two or more smaller units?

Answered: 236 Skipped: 113



ANSWER CHOICES	RESPONSES	
Yes.	14.41%	34
No.	67.80%	160
Maybe.	17.80%	42
TOTAL		236

#	WHAT QUESTIONS WOULD YOU HAVE BEFORE DECIDING?	DATE
1	if i needed more money	2/26/2018 7:25 PM
2	If adequate room allowed for my personal space	2/26/2018 5:47 PM
3	Financial assistance for remodel Overall out of pocket costs	2/26/2018 4:13 PM
4	Our house was built in 1920 it's small, and we love it. The yard is narrow and long and no room for another	2/26/2018 11:20 AM
5	Why am I asking questions of the city, if it is my decision?	2/25/2018 11:28 PM
6	What is the permitting process	2/25/2018 11:21 PM
7	Would depend on the style and ease of dividing it.	2/25/2018 9:14 PM
8	Absolutely not - these destroy neighborhoods and conflict with their character. Again, move to Portland if that's what you want, with increased density, crime, and lack of parking.	2/25/2018 9:01 PM
9	Do I live on a lot large enough to support the number of people living in the space?	2/24/2018 7:32 AM
10	How to!! and could I basically Re work what I have or would I have to tear down mostly and start over??	2/23/2018 1:00 PM
11	HELL NO	2/23/2018 9:01 AM
12	Can I nock it down and rebuild this 1930's place needs to go.	2/22/2018 9:00 PM
13	What are my renter rights if they live in my addition with shared utilities and what rights do I have for dispute or eviction in case of a miss match in personalities or life style	2/22/2018 8:01 PM
14	None. If I wanted to live in a duplex I'd buy a duplex, in a different town.	2/22/2018 6:52 PM
15	Current house was built in 1911. It was divided at one time, but converted back to single family. Division into multi-family not really feasible.	2/22/2018 6:48 PM
16	How would the design/use impact my neighborhood? Could it be done in a low key, unnoticeable way?	2/22/2018 5:47 PM
17	would it fit into the existing feeling of the neighborhood.	2/22/2018 5:25 PM
18	Is there Room to have some yard for each, are the driveways accessibile and is there ample parking space off street.	2/22/2018 5:24 PM
19	they are a negative to a community	2/22/2018 4:25 PM
20	Mostly just questions about the investment value and if the house is amenable to such a transition.	2/22/2018 4:22 PM
21	rentals are almost always a problem for neighborhood integrity...especially her in the McLoughlin Neighborhood...too many slum landlords!!!	2/22/2018 4:20 PM
22	The size of the original structure	2/22/2018 3:10 PM
23	I have seen very few examples of this that have pulled it off well	2/22/2018 2:45 PM
24	Is it efficient.	2/22/2018 2:36 PM
25	What is the present square footage? My current home isn't big enough to split (1000 sq feet)	2/22/2018 1:47 PM
26	Impact on the existing neighborhood. Parking. Upkeep. Schools.	2/22/2018 1:39 PM
27	Cost, complexity of process, the anticipated increase in value, zoning restrictions, setback and dimensional standard requirements, demand for smaller units within the area, etc.	2/22/2018 1:28 PM
28	taxation changes, usage permits, building permits,	2/22/2018 1:19 PM
29	Please no, we don't need a bunch of parking nightmares in neighborhoods. Our single family neighborhood is already a parking nightmare.	2/22/2018 1:17 PM
30	How much space will it cover in my land and where will the driveway go to get to them , that doesn't disrupt the look of single family home..	2/17/2018 1:19 AM

31	Cost.	2/12/2018 9:44 PM
32	Parking, Privacy	2/12/2018 4:14 PM
33	Would not	2/10/2018 5:27 PM
34	applicable regulations	2/9/2018 7:45 PM
35	Yes, absolutely	2/9/2018 6:31 PM
36	cost and fees	2/9/2018 5:51 PM

Q14 Is there anything else you would like to tell us about equitable housing types?

Answered: 88 Skipped: 261

#	RESPONSES	DATE
1	RENT PRICES HAVE BECOME ABSURDLY HIGH.	2/27/2018 3:17 AM
2	Planners need to require that a certain number of units be low income/affordable in large apartment developments.	2/27/2018 12:46 AM
3	Keep established neighborhoods intact and not replace older single family homes with larger units. Do not allow incompatible uses, such as homeless shelters, in established neighborhoods.	2/26/2018 8:29 PM
4	What exactly is equitable housing types and how can we receive feedback from this survey.	2/26/2018 8:25 PM
5	We have lived in OC for over a decade. In my opinion, it's the best area to live in the 'Portland' area. You can see what happens by example when you look at what the other communities have done by creating to much 'affordable' housing.	2/26/2018 7:25 PM
6	i.d like to look into buying a foreclosed home as that may be the only thing affordable i want to break away from these trailer parks	2/26/2018 7:25 PM
7	There are no equitable housing types in Oregon City. They are all ridiculous and only the rich can afford to live here.	2/26/2018 6:03 PM
8	Leaving breathing spaces in between homes	2/26/2018 5:12 PM
9	Though I don't want to see agricultural and timber lands turned in to subdivisions, I think there should be an opportunity to build more than one residence on large parcels, especially for family members.	2/26/2018 4:13 PM
10	Just make sure there is plenty or parking. They build huge apartment complex across from my brother in portland with minimal parking It's a nightmare	2/26/2018 11:20 AM
11	Need small homes (600 - 900 SF) with ownership opportunity or other tax advantage for single people with good income. Cottage arrangement would be perfect, allowing sharing of maintenance responsibilities if lit could allow tax benefit over renting. See Gresham's proposed 5th Street Cottages by Ross Chapin.	2/26/2018 9:29 AM
12	Rent prices are outrageous right now.	2/26/2018 9:21 AM
13	Level of noise, pollution created by more traffic, and unlawful speed violations from individuals	2/26/2018 5:04 AM
14	Traffic and schools a real concern with growth. Avoid high density.	2/25/2018 11:33 PM
15	People should have the right to build whatever they want as long as there are utilities capable of sustaining the owners decisions and the owners activities do not invade the neighbors rights to peaceful existence.	2/25/2018 11:28 PM
16	I hope for options that add density AND diversity. Mixed-use, mid-rise bldgs. preferred for new construction and ADU's for existing residences. It would be nice to know that the process for adding ADUs is reasonably facilitated by the city.	2/25/2018 11:21 PM
17	All neighborhoods should have a variety of housing sizes. Makes it a community fit for multiple generations. Enough of the developments filled with overly large homes.	2/25/2018 9:14 PM
18	Need 2-3 bedrooms	2/25/2018 9:06 PM
19	First and most important step is let citizens of local cities plan for themselves and get out of Metro.	2/25/2018 9:01 PM
20	Affordability begets diversity. I like OCs economic diversity, would hate to see that go away. Would like more people of color.	2/25/2018 8:48 PM
21	There are many definitions for equitable housing - quality and types of building materials such as energy efficiencies result in affordability and should be a part of the conversation. Credits could be considered if developers build with efficiencies that equal or result in cost savings to the occupant. Affordability and Equity from another perspective.	2/25/2018 7:42 PM
22	transit opportunities. I wish we had a safer way to cross Beavercreek/213 (to get to Fred Meyer/Newell Creek Canyon area)	2/24/2018 12:02 PM
23	I would love to live in any privacy designed "mother-in-law" residence. But usually these are reserved for family and I have no family in area.	2/24/2018 12:02 PM
24	Build in parking to the locations adequate to the property type. Increase infrastructure into the process to account for the increased population. Don't build beyond the means of the area!	2/24/2018 7:32 AM
25	Just dont put too many on tese too small rads PLEASE!! its already a PARADE!! there needs to be a way to the OUTER areas like Molalla!! as that is the direction of most of the Newer housing...New Bi pass freeway like the 213 at the bottom of the hill!!	2/23/2018 1:00 PM
26	Don't ruin the bedroom community that we have w/these homes. The City should stick w/the real issues, not trying to make density housing. The infrastructure is already maxing out along w/traffic congestion all over town.	2/23/2018 11:22 AM
27	There is too much traffic in Oregon city as is... we need to putting in so many new developments, it just doesn't work for the city	2/23/2018 12:04 AM
28	how do I find out about all the options that are available to me now?	2/22/2018 9:00 PM
29	It needs immediate access to transit, schools and CCC would be great. Not is established neighborhoods. Best where planned new neighborhoods can be developed.	2/22/2018 8:49 PM
30	Thanks for asking and please consider the responses. Thank you!	2/22/2018 8:42 PM
31	Keep the traffic problems in mind. Beavercreek rd and HWY 213 are already a nightmare. OCHS is over crowded. Water bill is a joke. Property taxes are higher than Milwaukie or Gladstone. It's getting less livable here all the time.	2/22/2018 8:22 PM
32	They can help a home owner and retired person make a small income and help someone or family member get a new advantage or leg up	2/22/2018 8:01 PM
33	Tony Konkel and his planning crew really don't care about the livability of this city.	2/22/2018 7:44 PM

34	Don't over crowd OC PDX should be a guide of what not to do. Make sure there is enough parking and infrastructure	2/22/2018 7:01 PM
35	Stop trying to force affordable housing in a community that doesn't want it. We don't want the max line. We don't want more apartments. We in Oregon City don't want anything to do with portland problems, so leave them there. My families vote would be to lower density, bring in a .25 acre per house new lot size. Our community works hard to afford the extra things in life, the rest can move to section 8 in Portland if they don't want to work for it. This survey scares the crap out of me and the ideas our electrd officials have.	2/22/2018 6:52 PM
36	High to medium density housing is not desirable or wanted in Oregon city. Would prefer more single family housing with space.	2/22/2018 6:45 PM
37	What incentives would the City/County offer homeowners to work creatively with them to meet the housing needs of a growing community? I am pleased to see existing single family and multi-family homes being restored.	2/22/2018 5:47 PM
38	Would like to see more town house/duplex/triplex etc housing available with parking space that is off street. Housing by high school is beautiful but the parking situation is a MESS!!! Effective use of space needs to include parking in the equation. Not maximize units and leave no space to park or drive down streets. Also look at lowering housing price and sizes as not everyone can do $400,000+ especially for a first home. Permit more mother-in- law projects to help with housing needs for single individuals. Just think about parking before you do so.	2/22/2018 5:24 PM
39	if more housing will lead to light rail (Max) coming to Oregon City, it WILL bring more crime to the area. Look at Clackamas Town Center...shoplifting went up 100 - 200%. If you give criminals access to other neighborhoods, they'll travel...so please step up police/security presence wherever more housing and the MAx lands.	2/22/2018 5:09 PM
40	There is a need for mother-in-law suites.	2/22/2018 4:50 PM
41	is you can't afford it, you shouldn't buy it or be there	2/22/2018 4:25 PM
42	I think development is best done iteratively. Instead of a big developer (who generally doesn't live here) coming in and having a massive impact on a neighborhood, things go better when the people who live (or plan to live) here make the decisions on their own. That said, the incentives need to encourage people to build efficient, modest-sized homes and do all they can to maintain our natural environment (trees and green space etc. Overall I URGE everyone involved in this to get involved in / read about / learn from the Strong Towns movement which is *key* to the long-term health of Oregon City. See https://www.strongtowns.org/	2/22/2018 4:22 PM
43	Somehow the equity issues need to be addressed. Poor people get stigmatized and encouraged to apathy because their living conditions are so poor. Renters generally don't care to join in neighborhood activities. There are people who know about how to address these concerns...is this city interested in learning? Our new housing developments are awful...awful!!! Icon Development should be banned from building here.	2/22/2018 4:20 PM
44	The city is over building itself as is. More housing is not needed. The influx of traffic on the existing roadways is going to be too much to handle, not to mention how it will effect schools. If you continue to build without fixing the traffic issues then you're going to drive people out. Quit thinking with your pocket books and start using common sense.	2/22/2018 4:19 PM
45	We need more smaller housing options that are affordable!	2/22/2018 3:14 PM
46	All new housing must have at least one off street parking spot per unit	2/22/2018 2:50 PM
47	a house, mini-house, mobile home, apartment, or a unit in a plex are not equal and I doubt equitable to each other unless you are just using equitable as a buzzword	2/22/2018 2:45 PM
48	I'm a transplant here for a temporary period of time (1 year) and on an AmeriCorps stipend I have found it exceedingly difficult to find housing and make ends meet. 2/3 of my take home pay goes to rent a place I don't enjoy all that much and I'd truly value cheaper, better located housing options in Oregon City.	2/22/2018 2:36 PM
49	I think we need more affordable/low rent housing in Oregon City. Young people starting out working minimum wage can't afford to pay rent.	2/22/2018 2:35 PM
50	I feel there are no reasonable ways to own. A serious attempt to get family's to buy vs rent. And rather than tax breaks to developers to build give tax breaks to family's who buy. I would even like to explore the idea that a family could buy land and contract a home to be built vs a developer buying and building large sections.	2/22/2018 2:20 PM
51	Assisted living and freebees are destroying the Oregon I came to live in over 40yrs ago. I am seriously looking to relocate out of such a liberal area.	2/22/2018 2:07 PM
52	We moved to Oregon City after 35 years in NE Portland. The aspect we like best of Oregon City is the small-town feel. We do not want to see Oregon City developed into one of high dentist housing.	2/22/2018 2:00 PM
53	Still not clear on what equitable housing is. Do we currently have housing that is not equitable and discriminates against folks? The role of government is to provide equal opportunity not equal outcomes. I see this as a frivolous waste of taxpayer dollars that could be better spent providing the basic services that the city is supposed to provide.	2/22/2018 1:48 PM
54	Accessibility is really important. Wheelchair size doorways and hallways are necessary, as are considerations for accessible bathrooms and kitchens.	2/22/2018 1:47 PM
55	Housing is not affordable. My husband and I both have good jobs and are struggling to find an affordable single family home for our family.	2/22/2018 1:46 PM
56	Keep Portland weird, NOT Oregon City	2/22/2018 1:44 PM
57	Less car-centric, closer to anenities, many options of all suzes and configurations.	2/22/2018 1:42 PM
58	I have noticed in nearby areas where large apartments have gone in, schools are overburdened, places quickly become rundown, and crime takes a jump. We need affordable housing, but we need to solve the problems it brings before green lighting all these alternatives. It would be harmful to existing neighborhoods to start allowing, mother in law suites, or dividing the property into units. Homeowners purchased single family homes for that reason. I looked at your pictures and they are the nicest of the nice Portland has. You should go into the areas where it isn't so nice and there are a lot of them. My son is a builder that specializes in ADUs but he works hard to preserve the look of the neighborhood as well.	2/22/2018 1:39 PM
59	I would also like options/policies regarding short term rentals if we are looking to increase housing opportunists, like tiny houses and ADUs.	2/22/2018 1:32 PM
60	I think tiny homes, live/work units, and mixed-use buildings are the future of land development.	2/22/2018 1:28 PM

61	Would love to see a beautiful low income senior development with access to transit and shopping. We need to prepare for our aging population thoughtfully. I likely won't be low income but my mom is and I can't find her housing. The wait list is 2 years or more in most places. We will need a variety of senior living scenarios.	2/22/2018 1:17 PM
62	What do you mean by equitable?	2/22/2018 1:13 PM
63	Do not build apartments or town homes. It does nothing but detract from neighborhoods and brings in crime and increased traffic.	2/22/2018 1:03 PM
64	We need more affordable housing, prices are to high for small families to get started.	2/22/2018 12:59 PM
65	There needs to be more variety in housing types. Standard housing developments, by and large, only provide one type of housing, 2 story, 2500+ sq ft, postage stamp lot, $35000+. Many people want something different, but because of all the regulations, builders cannot afford to build anything different. Reducing the regulations, especially on infill lots, would give rise to some different housing options. I own an acre in the city, on which I tried to locate 5 low cost duplexes, but the city wanted me to do $500,000 of improvements to the city infrastructure. My property has been in the city limits for over 100 years, so the property has already paid it's share of taxes and should not be expected to pay such an outrageous amount to just infill. I gave up on the project because I do not have an extra half a million to give to the city. I have moved on to more cost effective projects in easier to work with jurisdictions. You will be more successful in your quest to have more diverse housing when you reduce the regulations, especially on existing city properties.	2/20/2018 1:29 PM
66	It's important that a housing assessment be completed in Oregon City to determine needs of residents, and that all neighborhoods be required by code to include a variety of affordable housing types for all income levels.	2/19/2018 10:10 PM
67	Rent control is important. I am a single parent and make ok money. My rent increases $100 every year. It now takes 2 paychecks to pay. I am blesses to have a roof over our heads, but I work hard and sometimes I don't have enough for food or gas.	2/17/2018 1:15 PM
68	Wish there were more rent to own homes available.....	2/17/2018 1:19 AM
69	We need a variety to serve all housing needs, affordable to the growing demographic of millennials who will soon be raising families and to our workforce able to buy in the communities in which they work. We also need single level detached housing affordable to the aging Baby Boomers near their children and grandchildren.	2/15/2018 3:58 PM
70	Variety is a good thing, tract home R-8 developments do not make attractive neighborhoods.	2/12/2018 4:14 PM
71	Build single family homes only, no apartments, town homes or trailer parks.	2/12/2018 10:48 AM
72	Tax abatement and or FAR increases	2/12/2018 10:12 AM
73	They need to be thought out. Not just short term, but where growth will happen. Who can afford which areas and what kind of people you want to attract. OC could be an amazing town if laws were passed to clean up (literally) the streets and neighborhoods and to minimize crime and felons and sex offenders.	2/11/2018 9:37 PM
74	The survey failed to offer a not applicable option to many of the housing options I found undesirable. I didn't check any options... but one or two negatives alongside the positives would be nice.	2/11/2018 11:06 AM
75	No	2/10/2018 5:27 PM
76	I would love to build a tiny house or mother-in-law unit but the process through the city is daunting.	2/10/2018 2:44 PM
77	My home is multi generational home. Built in 1966, great construction and a big home. Not a single family home but still a great place.	2/10/2018 2:33 PM
78	The City needs to start thinking outside the box and begin to allow and encourage denser housing, and not let the City footprint just sprawl with boring cookie cutter single home developments, far from amenities . Family homes and those with land around them need to be able to divide structures, develop tiny homes, ADUs, mother-in-law apartments and the like to help younger and older people live in smaller and more affordable housing.	2/10/2018 1:06 PM
79	We just need units available under $1000/mo. Single families can hardly afford to live. People are being forced to share apartments and houses not meant to be shared just to afford rent.	2/10/2018 12:39 PM
80	I don't want our neighborhood to have tall buildings that block our view of the sky.	2/10/2018 10:55 AM
81	With the increase in large house value, and declining income for the bulk of Americans, cottage and tiny housing will be the only affordable housing for many.	2/9/2018 11:47 PM
82	We must build affordable rental housing and do it yesterday!	2/9/2018 9:56 PM
83	I do not support allowing dividing single family homes or building small living structures in backyards for rental purposes. It will change the quality of a neighborhood.	2/9/2018 8:57 PM
84	The city should use a light hand when it comes to regulations. Let the market determine what types of housing are needed in which locations. Encouraging a high enough density to help create a vibrant urban walkable character in specific areas of town. This higher density of housing and commercial uses could allow the city to be self sufficient and eliminate the need to travel outside the immediate neighborhood for shopping work or services, reducing reliance on automobiles and transit.	2/9/2018 7:45 PM
85	Annexation needs to be approved by the voters. Construction restrictions, required permits are ridiculous. Needs to be realistic.	2/9/2018 7:24 PM
86	Make ADU's easier to implement	2/9/2018 6:31 PM
87	housing needs to be design compatible with neighborhood	2/9/2018 6:03 PM
88	O.C. should promote granny flats by getting rid of the fees foe a few years like Portland did.	2/9/2018 5:51 PM

Hi, Pete,

Here's my input for the **May 1 PAC meeting** and the questions posed**.** Further miscellaneous thoughts are included at the end.

- **How should zoning be applied upon annexation to support equitable housing?**

  I think having the default be high density makes sense. If I'm understanding this correctly, it means you don't necessarily HAVE to develop a parcel to its fullest extent right off the bat, but that you are permitted to. Hopefully, if parcels come into the city and are eventually developed, that they are developed so that the folks there don't feel like they are stranded on some island, but that amenities – transportation, groceries, schools, parks – are all within a reasonable (safe) walking distance.

- **Are changes needed to the lot averaging provisions?**

  Allowance for lot averaging should be tied to having a diversity of housing types in the particular subdivision. But I'm not sure I understand all the nuances to this aspect of land development.

- **Is Master Plan process as proposed a viable option for residential development?**

  I think the PUD is the better alternative for residential development.

- **Is a PUD a preferred alternative to the Master Plan option?**

  I like this approach because it does seem more creative. Subdivisions may be more straightforward to build, etc., but man! are they boring! Plus, PDUs would (could) promote sustainable living if done right. However, if my understanding is correct, PUDs would require more review time.

- **How can parking standards support but not dominate development?**

  Personally, I think people should come before cars, but then I'm crazy that way. I don't think the number of parking spaces should be linked to the number of bedrooms in a unit. One space per unit is plenty. I know the neighbors will naturally worry that the occupants of a residence will just park car number 2 in front of their house or something. I'm pretty sure that's a likely scenario. And that's why investment in mass transit is so very important. Also, attention to other alternative modes of transport, like bikes and so on.

  Unfortunately, the same people who don't like cars blocking their driveway (or whatever) also complain about, say, MAX coming nearby. OMG! It will just bring the riff-raff! (And so on).

So yeah, it's a tough one. I know I don't want to do without my car – until I'm too old to safely drive. But if there's reliable, convenient, quick, safe – and affordable! -- transit nearby, I'd gladly not put myself in traffic, and so, I imagine, would many others.

- **Apply minor site plan review for some small residential projects?**

  Anything that saves time saves money. Saving money should make housing more affordable. (We hope). I'm all for this for the smaller residential projects.

- **Other approaches to decrease review and improvements burden for smaller projects?**

  I'm not familiar enough with the process to know what can safely be eliminated from review.

- **How to modify standards through site plan review process?**
  Type II or III process; which standards: dimensional, design; which criteria to review alternative proposal

  I'm not sure how to respond to this.

- **How to approach access-issues related:**
  Shared driveways (primarily for townhouses); alleys

  Yes, I agree. There's no reason not to share – well, except that people are resistant, I suppose. But maybe they wouldn't be so resistant if they realize the cost savings (there will be cost savings, right?) involved. Also, the design of the approach, access, etc., might be such that it actually becomes more of a good thing, rather than no! don't make me share my driveway! type of situation.

  Alleys – I like them for some strange reason. There's lots of possibilities inherent in an alley. However, they do take up valuable land area and so should be considered in relation to housing costs.

- **How to structure and time changes to engineering-related standards?**

This is one for the experts in Planning. ☺ (Because I don't really understand the question!)

My thoughts are that ...

- Lessening the time for review of projects will save money;

- Bringing down the costs for fees, etc., associated with projects – for instance, infrastructure costs – and/or allowing some to be paid over time (as someone suggested at the last meeting) instead of all up front should encourage more construction;

- Reducing ADU or cottage development fees for a set period or eliminating them altogether if certain criteria are met; for instance, NOT renting your ADU out as a vacation rental and keeping rents to a certain threshold for a certain amount of time if you go the housing provider route;

- Zoning that allows for a **diversity** of housing that meets the city's basic standards for design and construction not only will make for a less boring (visually and people-wise) Oregon City, but should present more affordable housing options for more people.

All the above will help, but, unfortunately, it's all going to **take time**.

Because there are so many people struggling to make rent, or who are interested in buying even a smallish home for their growing family, or who are about to retire or who are retired and can no longer afford housing costs, **we need real help now**.

So again, **I reiterate the need for serious tenant protections NOW for Oregon City.** Portland has enacted them. Milwaukie has enacted them. If Oregon City continues to grow at the pace it has been the last few years, the housing crisis will only get worse.

Miscellaneous

- I like the apps being developed so people can check to see where the "equitable housing opportunity sites" are **scattered** about the city.

- More cars are not needed. More affordable housing is. So the answer to the parking question is clear.

- I agree that both the **benefits and negatives** (or things to consider before plunging in) should be included **in the ADU brochure**.

  The Case Study Menu of ways to formulate an ADU gives people ideas how they can create an ADU (or two!) on their property. I actually read somewhere recently of smallish houses being built using interlocking pieces, like a Lego set! http://tinyurl.com/yb2axunn

  One thing that really strikes me is the cost estimate given to build an ADU. **Wow!** For a 450 sf detached ADU -- in the low $100,000s??? Bigger (yet under 800 sf) in the $180,000 range? Something is wrong here. I think that this is nuts. These aren't even places that a person can buy (so no land cost, etc.), so the homeowner where the ADU is sited (who may not even want to be a landlord or,

rather, more importantly, a **good** landlord) is definitely not thinking they want to build an ADU so they can help alleviate the housing crisis. More, they are going to want a return on their **investment**. ☹ So I would imagine if they can't get a renter to pay some exorbitant rent, they'll go the short-term vacation rental route.

However, if the City/County/State could come up with a way to make the ADU more affordable for the homeowner to build and a renter to rent, that would bring good things all around. I think flowers would bloom in the wintertime then.

- The **development guides** will be a help to those wanting to get some idea of the Process. A guide for each intended audience should be easy to read and follow. Links to follow for a reference could be included for more info as desired by the property owner.

  I like the Sample Fees page that Portland uses, listing each fee and what it's for, so there's no mystery.

  I also think having the drawings, such as the City of Milwaukie employs in its ADU handout, is very helpful to visualize the standards for ADUs.

- The **development fees calculator**, along with the guides, is a great tool and can at least give a ballpark of what someone interested in developing their property can expect to pay for various items associated with getting something built.

  Included in the calculator could be an "affordability" tab one could click if they want to see how much further their fees/costs could come down if they agree to conditions (to be determined) to maintain affordability.

  Data is important to track how things are working/not working. Perhaps there could be included in the calculator a place to click for the potential developer/property owner to insert what they plan on charging for rent (if they are renting the building). And require an update every year.

And in close, I would just like to relate something that was pretty sad that occurred at my final walk-through at the old place I rented in Oregon City.

After Shirley, my housing provider, wrote on the check-out form that everything had been left in excellent condition and she handed me the check for my full deposit back, I took the opportunity to ask why she raised the rent so much for the next tenant, a single mother of three young children. (She upped it over 10% from what I had been paying).

Shirley just looked at me and said, "Have you seen what the rents are nowadays? I'm right in line with them. It's the market."

The Market. (I'm so sick of hearing that).

Shirley's son was there, helping during the walk-through. He's in his 20's and lives with his mom. Shirley's daughter, who is in her early 30's, lives with her, too. Shirley has a nice spread just outside of Oregon City.

I then commented to her that a whole generation is being stunted because of The Market. People are not getting married, not having kids, not buying houses, and barely making rent because of The Market. The Market is one big stressor.

In other words, The Market hasn't been very nice to our children.

Shirley looked at her son and said, "You wouldn't be able to rent a place on your own now, would you?" And her son actually hung his head, looked down at his shoes and shook his head no.

His response did not even faze her, because she knows she's wise investing in her rental. She's doing great!

It's time to put People before The Market.

Submitted by Rosalie Nowalk, PAC member