Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
5/23/2019 Email from Paul Edgar	Affordability, Building Costs, Manufactured Homes	N/A – Issue not raised – No comments specific to code amendments	N/A	N/A	N/A - Issue not raised
4/22/2019 Testimony to Planning Commission Patti Webb	Prohibit 3-4 Plexes in HC zone Comments about HRB Guidelines (separate process)	Staff / PAT recommended allowing HRB Historic Review Board process regulates exterior aesthetics, not land use within the building	4/22 - PC recommends Prohibit 3-4 Plexes and Multi-Family in HC zone	17.26	PC recommendation CC to determine

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4/17/19 Verbal Testimony William Gifford	Requested that new commission look at concept plans	N/A - Issue not raised Staff does not recommend that concept plans be revisited. All concept plans are adopted and acknowledged by DLCD, and meet all applicable City and Metro requirements	N/A - Issue not raised	N/A	N/A - Issue not raised

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
4/17/19 Verbal Testimony Tom Geil	Was not aware of the zoning for the Park Place Concept Plan Claimed that zoning was changed to medium density from low density	PPCP area Comprehensive Plan designations have not changed since adoption	N/A	N/A	PPCP area Comprehensive Plan designations have not changed since adoption
4/17/19 Verbal & written testimony Elizabeth Graser-Lindsay	See written comments	Ms. Graser-Lindsay's comments do not address specific code amendments Many of the comments deal with adequacy of infrastructure in the Beavercreek Road Concept Plan area, which is a separate project / process	N/A	N/A	N/A
4/17/19 Verbal Testimony Kent Ziegler for Nick Veroske	See Nick Veroske letter OC News Article	See previous	See previous	See previous	See previous

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
4/17/19 Verbal Testimony Lisa Novak	Park Place Quality of life Design Standards Density	See previous comments	See previous comments	17.21, 17.22	CC Direction to Retain standards 4/17
4/17/19 Verbal Testimony Roseann Johnson HBA	See letter Requested that Lot Averaging be permitted for maximum flexibility No support for alleys No support for design standards	Park Place and South End Concept Plan Areas Residential Design Standards Restrictions to lot area averaging Proposed undergrounding requirements for existing utility lines Proposed tree removal and replacement requirements Additional factor for annexation of land to the City considering grading or tree removal	See previous comments	See previous comments	17.21, 17.22 16.08.065 16.12.095 12.08.035, 17.41.060 14.04.060
4/17/19 Verbal Testimony Mikaila Smith	Support for warming shelters	See previous	See previous	See previous	See previous

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
4/17/19 Verbal and Written Testimony Jack Shumate	Pastor at Won by one Concern about Conditional Use "fee"	See previous	See previous	See previous	See previous
4/17/19 Verbal and Written Testimony Nancy Ide	Refer to March 20 letter from Homeless Coalition Support for Conditional Use process for overnight Shelters, but that day shelters and emergency shelters should be permitted with special standards Concern that existing shelters be allowed to continue legally without conditional use Recommended separate definitions for warming / emergency shelters as a subset of shelters Request agreement to address neighbor concerns Support for Won by one, The Father's Heart	Staff reviewing and drafting proposed separate definitions for: Shelter Emergency Shelter Transitional Housing	PC recommended current definition of Shelters and Conditional Use process	17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K	CC to determine Staff reviewing and drafting proposed separate definitions for: Shelter Emergency Shelter Transitional Housing Proposed code in packet:

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4/17/19 Verbal and written Testimony Robin Schmidt	The Father's Heart Wishes to remain a day shelter Discussed in-house rules Important to distinguish between Day / Night / Emergency Shelters Concern for "Fee"	See previous	See previous	See previous	See previous
4/17/19 Verbal Testimony Patti Clar	Support for The Father's Heart	See previous	See previous	See previous	See previous
4/17/19 Verbal Testimony Tony Heiner	Support for warming shelters Support for needed facilities	Day shelters should be treated differently than overnight shelters.	Combine definitions and require a Conditional Use for 11 or more beds in MUC, MUD and R-3.5. Allow up to 10 beds as accessory use to religious institution use.	Combine 17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K (Proposed)	CC to determine Staff reviewing and drafting proposed separate definitions for: Shelter Emergency Shelter Transitional Housing
4/17/19 Verbal Testimony Vahid Brown Clackamas 3HS	Background on warming shelters in Clackamas County 111% increase in shelter bed use Recommended separate definitions for warming shelters as a subset of shelters	Day shelters should be treated differently than overnight shelters.	Combine definitions and require a Conditional Use for 11 or more beds in MUC, MUD and R-3.5. Allow up to 10 beds as accessory use to religious institution use.	17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K (Proposed)	CC to determine Staff reviewing and drafting proposed separate definitions for: Shelter Emergency Shelter Transitional Housing

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
4/17/19 Verbal and written Testimony Don Hanson OTAK	Alleys Add to development costs up to 29%	See previous comments	See previous comments	16.12.095 12.08.035,	To be determined
4/17/19 Verbal Testimony Michael Robinson	Alleys See previous comments	See previous comments	See previous comments		To be determined
4/17/19 Verbal Testimony Mike Mitchell	Suggested re-opening concept plans to revisit design standards ADU off-street parking should be waived if sufficient on-street parking Food carts Shelters City should <u>require</u> lot averaging if the goal is diversity of housing	See previous comments	See previous comments	17.21, 17.22 16.08.065 16.12.095 12.08.035, 17.41.060 14.04.060	To be determined
4/17/19 Verbal and written Testimony Bob LaSalle	Bias Challenge against Mayor	N/A	N/A	N/A	This is a legislative action, so bias is not a factor.
4/17/19 Verbal and written Testimony Bob LaSalle	Residential Design standards for Park Place Concept Plan area (Don't change) List of participants on PPCP	See previous comments	See previous comments	17.21, 17.22	CC Direction to Retain standards 4/17

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
4/17/19 Verbal Testimony Kent Ziegler	Alleys = No Back Yards Expensive Send back to PC for concept plan areas	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing code: 12.04.255 Proposed: 16.12.026	To be determined
4/8/19 OTAK	Alleys Design Cost	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing code: 12.04.255 Proposed: 16.12.026	To be determined
4/5/2019 Kent Ziegler	Alleys	See previous comments	See previous comments	Existing code: 12.04.255 Proposed: 16.12.026	To be determined
4/5/2019 Bruce Ament	Park Place and South End Concept Plan Areas Residential Design Standards Restrictions to lot area averaging Proposed undergrounding requirements for existing utility lines Proposed tree removal and replacement requirements Additional factor for annexation of land to the City considering grading or tree removal	See previous comments	See previous comments	17.21, 17.22 16.08.065 16.12.095 12.08.035, 17.41.060 14.04.060	To be determined
4/3/19 Debbie Derusha	20-year age requirement for internal conversions ADU Owner-Occupancy				

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
4/2/19 George Thomas	Alley-loaded design - See comments for details	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing code: 12.04.255 Proposed: 16.12.026	To be determined
4/1/19 Nick Veroske	Alley-loaded housing – See comments for details	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing code: 12.04.255 Proposed: 16.12.026	To be determined
3/31/19 James Wadkins	Shelters - Conditional Use	Conditional Use for 11 or more beds in MUC, MUD and R-3.5. Allow up to 10 beds as accessory use to religious institution use.	Conditional Use for 11 or more beds in MUC, MUD (outside of design district) and up to ten beds in Residential Zones. Prohibit elsewhere.	17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K (Proposed)	To be determined
3/29/2019 Darren Gusdorf - ICON	Alley Loaded Design – Examples from Oregon City	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing Code: 17.20 (City wide) 17.21 (PPCP) New Code: 17.14 (City wide) 16.08.065 16.12.026	To be determined
3/26/19 South End Neighborhood Association	Voted to retain the existing design standards with no change.	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing Code: 17.20 (City wide) 17.22 (SECP) New Code: 17.14 (City wide) 16.08.065	To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
3/25/19 Park Place Neighborhood Association	Concern about proposal to change design standards and alley requirements within the Park Place Concept Plan boundary when: There was public input in the process to create the plan and The standards implement the vision of the plan.	See supplemental memo dated 3.26.19.	N/A - Issue was not raised at PC	Existing Code: 17.20 (City wide) 17.21 (PPCP) New Code: 17.14 (City wide) 16.08.065 16.12.026	To be determined
3/20/2019 Home Builder's Association	Remove restrictions on Lot Size Averaging Maximize buildable land Allow flexibility	PAT Discussion on March 6, 2018 Allow up to 20% smaller lots but restrict to lots for Single Family Detached. Note: Lot averaging does not allow more units in a development.	Reduce to 10% from 20% Restrict to 25% of lots Remove powerline easements from net developable area calculation Limit to Single Family Detached lots	16.08.065 (Proposed)	To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
3/20/2019 Homeless Solutions Coalition of Clackamas County	Shelters should not be a Conditional Use Day shelters should be treated differently than overnight shelters. The conditional use process and high cost is a burden for the nonprofits which operate shelters to assist a vulnerable population. Request for the existing day center at 603 12th to be exempt from obtaining a conditional use.	Combine definitions and require a Conditional Use for 11 or more beds in MUC, MUD and R-3.5. Allow up to 10 beds as accessory use to religious institution use.	Combine definitions and require a Conditional Use for 11 or more beds in MUC, MUD (outside of design district) and up to ten beds in Residential Zones. Prohibit elsewhere.	17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K (Proposed)	To be determined
3/20/2019 Robin Schmidt The Father's Heart Ministry	See letter Shelters should not be a Conditional Use Overnight warming shelter is providing needed assistance	Conditional Use for 11 or more beds in MUC, MUD and R-3.5. Allow up to 10 beds as accessory use to religious institution use.	Conditional Use for 11 or more beds in MUC, MUD (outside of design district) and up to ten beds in Residential Zones. Prohibit elsewhere.	17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K (Proposed)	To be determined
3/20/19 ICON Gusdorf	Remove proposed restrictions on Lot size Averaging – reduces costs and allows the lot yields closer to the zone Discrepancies between the Park Place Concept Plan and South End Concept Plans and the Residential Design Standards Alley Requirement	PAT Discussion on March 6, 2018 Allow up to 20% smaller lots but restrict to lots for Single Family Detached. Note: Lot averaging does not allow more units in a development. See supplemental memo dated 3.26.19.	Reduce lot reduction to 10% and limit amount of applicable lots to 25% of subdivision. Limited to single-family. Issue was not raised at PC	Existing Code: 17.20 (City wide) 17.21 (PPCP) 17.22 (SECP) New Code: 17.14 (City wide) 16.08.065	To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
3/20/19 Tom Geil	Supports proposed lot averaging amendments. Request to not remove sign-in sheet from neighborhood association meeting for completeness of an application. Does not support CC&R amendment.	PAT Discussion on March 6, 2018. Allow up to 20% smaller lots but restrict to lots for Single Family Detached. Sign-in sheet is not relevant to approval criteria and was thus removed, a summary of what was discussed is still required. Support CC&R amendment.	Supports proposed lot averaging amendments. Support removal of sign-in sheet. Support CC&R amendment.	16.08.065 17.50	To be determined
3/20/19 William Gifford	The average home price in the 97045 zip code is very high. City cannot control a lot of costs for developing housing, but can control restrictions.	The comments do not address specific code revisions.	See amendments		
3/8/2019 Renken	Code Amendments not well understood by Park Place neighborhood Development concerns Traffic Affordability Housing Authority	The comments do not address specific code revisions. See supplemental memo dated 3.26.19.	N/A	17.21, 17.22 16.12.026	To be determined
3/6/2019 Hammond-Williams	Do not change the PPCP Design Standards Design intent of the PPCP for walkable neighborhoods	See supplemental memo dated 3.26.19.	N/A	17.21 16.12.026	To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
3/6/2019 HBA James Adkins	Tree Mitigation requirements are costly and difficult to comply with	No changes Regulations are clear and objective	No changes	17.41	To be determined
3/6/2019 Sprehe	Support for Equitable Housing from Clackamas Community College – Increase housing options for cost burdened students	See Code	See Code	See Code	See Code
3/6/2019 Kosinski	Application of city-wide design standards may result in boring, cookie-cutter development Developer requests do not address core values of concept plans Zoning and Density Geologic hazards Stormwater Notice to Hamlet of Beavercreek	No changes proposed to OCMC 17.44 Geologic Hazards Core Values for Park Place Concept Plan are in the record See 3.26.19 memo No proposal to revisit the concept plans Notice requirements follow city code, notice to County CPOs is provided via email, but not required	N/A	17.21 17.44	To be determined
3/6/2019	Support for Food Carts at Clackamas Community College	Staff supports allowing transitory and non-transitory food carts at CCC, subject to OCMC 17.54.115	N/A PC did not discuss	17.54.115	To be determined
3/6/2019 Berge	20076 Hwy 213 R-2 Zoning does not currently allow for Townhomes	Proposed amendments will allow Single-Family Attached (Townhomes) subject to design standards, street and access requirements	N/A	17.12 17.16 16.12	Yes.

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3/6/2019 Basak	South End Concept Plan Design Standards Alley / Access Requirements Density Traffic Property Values Taxes	Clarification – SECP is not being revised Design Standards do not impact density, but could be simplified Applicants may propose alternatives to the design standards and alley requirement through the Type II land use process. Density is based on the zoning which will be based on adopted Comprehensive Plan	N/A Issue was raised at CC	17.22 16.12.026	To be determined
3/5/2019 Grady	Park Place Concept Plan – Alleys and Design Standards	Rear garages and alleys are not practical Allow front or side garages 15% windows excessive Covered porches is a good idea Walkways	N/A Issue was raised at CC	17.21 16.12.026	To be determined
3/1/2019 Renken	Revision of Park Place Concept Plan	No revisions to the Park Place Concept Plan are proposed Design Standards could be simplified somewhat Applicants may propose alternatives to the design standards and alley requirement through the Type II land use process (i.e. Minor Variance process for Design Standards, Modifications process for Alleys)	N/A	16.12	Comments do not address specific code revisions. To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
2/27/2019 Givens	Lot size reduction Annexation factors Tree removal and replanting Tree replacement table Street trees Tree mitigation Prelim. Plat – required plans	See previous comments	See previous comments	16.08.065 14.04.060 17.41.060 17.41.060-1 12.08.015 12.08.035 16.08.025	To be determined
2/12/2019 Monty Hurley AKS Engineering and Forestry	1. Design Standards for Concept Plans 2. Lot Averaging 3. Underground Placement of Utility Lines 4. Tree Removal and Replacement Ratios 5. Annexation Factors (New Tree Removal factor)	Discussion on March 6	See Code.	17.21, 17.22 16.08.065 16.12.095 12.08.035, 17.41.060 14.04.060	To be determined
2/4/2019 Rick Givens	Alleys	Discussion on March 6	See Code. PC recommended changes to apply alley requirement in concept plan areas only.	16.12.026	To be determined
1/23/2019 Darren Gusdorf	Concept Plan Residential Design Standards (South End and Park Place)	Staff: contact with affected neighborhoods for feedback	Issue not raised before PC	17.21 17.22	To be determined
1/14/2019 Kent Ziegler	Concept Plan Residential Design Standards	See above.	Issue not raised before PC	17.21 17.22	To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
1/14/2019 Ray Crisp	Townhome design: Min lot size in R-3.5 = 2500 sf (20' Lot width requires 125' lot depth) is problematic Alleys are important for access to back of attached units Min. parking for 3-4 plexes inadequate Allow up to 4 attached ADUs separate from main house for oversized lots	The standard requires alleys for medium, high density and mixed uses zones in concept plan areas but does not prohibit garages. Alternatives may be considered. See memo dated 3.26.19 1 stall for under 3 units 2 stalls for 3 or 4 units Allow one total (attached or detached)	See amendments	17.10 16.12 17.16.080.b 17.20.020	To be determined
1/14/2019 Rick Givens	Concept Plan Residential Design Standards Garage Requirements Alley Requirements	See 3.26.19 memo	Issue not raised before PC	17.21 17.22	To be determined
12/5/2018 Rick Givens	Preliminary subdivision plat—Don't require Surveyor prepare initial site plan	Staff supports. Final plat must be prepared by Surveyor but site plan can be prepared by other suitable professional.	Issue not raised before PC	16.08.025	To be determined
12/5/2019 Rosalie Nowalk	Please adopt these code changes Tenant Bill of Rights Short Term Rentals pose a threat to long term housing and rental costs and availability	See Planning Commission advisory letter regarding short term rentals. Further discussion needed outside process. Tenant Bill of Rights may be best addressed at state level but is important locally.	See PC Advisory letter with recommendations for additional measures	n/a	Additional policy review needed. Postpone for future action. City Commission direction requested

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
12/5/2018	Lot size reduction allowance should be 20%	See comment on Page 7 from 9/10/18 Lot size reduction allowance should be 20% for single-family	Lot size reduction allowance should be 10% for single-family, limited to 25% of lots	16.08.065	To be determined
12/5/2018	Reduce or remove the 20-year age requirement for internal conversions	Recommended 20 years.	Recommended 20 years.	17.20.030.B	To be determined
12/5/2018	Remove Owner Occupancy for ADUs	Remove Owner Occupancy for ADUS	Retained owner occupancy requirement.	17.20.010.D.5	To be determined
12/5/2018	Adopt a Rental Tenant Bill of Rights	n/a	n/a	n/a	City Commission to consider outside of this process.
11/29/2018	Allowing Mobile Food Carts in "I" zone, Clackamas Community College	Discussion on March 6	Limited discussion on this issue.	17.39	To be determined
11/7/2018	Allowable projections into setbacks	Clarify that projections may not touch the ground.	n/a	17.54.020	Yes. See code section.
11/6/2018 Rick Givens	Preliminary Plat Information Lot Averaging	See comment on Page 7 from 9/10/18 Lot size reduction allowance should be 20% for single-family	Lot size reduction allowance should be 10% for single-family, limited to 25% of lots	16.08.025 16.08.065	To be determined
10/22/2018	Fences in right-of-way	City Engineer recommended language and standards.	Add that Fences, hedges and walls in ROW should be discouraged.	17.54.100.B.	Yes. See code section
10/22/2018	Fences in Natural Resource Overlay District	Exempt fences from Type II review provided they meet proposed standards. NRC approved.	Fences should be allowed if certain restrictions are met.	17.49.080	Yes. See code section.
10/22/2018	Allowing Housing in "C" General Commercial District	Continue to allow housing uses in "C" General Commercial District	Continue to allow housing uses in "C" General Commercial District	17.32	Yes. See code section.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
10/22/2018	CC&Rs to include language "shall not prohibit" ADUs and internal conversions.	Include phrase "shall expressly permit" as opposed to "shall not prohibit".	Change to "shall not prohibit".	16.08.095	Yes. See code section.
10/22/2018	Clairmont Manufactured Home Park redevelopment	Staff not aware that site will be re-developed, but could be expanded under new code.	Recommendation to address MHPs as their own zone district in the future. This process does not include map amendments.	17.10 17.20	Yes. See also policy advisement letter from Planning Commission.
10/22/2018	R2 zone question on Tax Lots	R2 zone allows more uses and would allow attached housing.	Expand the allowable uses in R-2	17.16 17.18	Yes. See code sections.
10/22/2018	Comment about industrial use provision in 17.18.035	No changes proposed, item was renumbered in code.	none	17.18.035	Yes. See code section.
10/22/2018	Topics outside scope of code amendments.	Draft Policy Advisement Letter from PC to CC.	See attached letter dated November 24, 2018.	Various.	See attached.
10/22/2018	Off-Street Parking for ADUs	Don't require.	1 space	17.20.010.D.8	To be determined
10/22/2018	Off-Street Parking for 3-4 plexes	Don't require.	2 spaces	17.16.080.B	To be determined
10/22/2018	Off-Street Parking for Internal Conversions	Don't require.	1 space / 2 units 2 space / 3-4 units	17.20.030.G.	To be determined
10/22/2018	Owner Occupancy requirement for ADUs	Remove requirement.	Keep requirement.	17.20.010.D.5	To be determined
10/22/2018	Shelters	Conditional Use for 11 or more beds in MUC, MUD and R-3.5. Allow up to 10 beds as accessory use to religious institution use.	Conditional Use for 11 or more beds in MUC, MUD (outside of design district) and up to ten beds in Residential. Prohibit elsewhere.	17.29.030.L 17.34.030.P 17.08.025.K 17.10.025.L 17.12.025.K	To be determined
10/22/2018	Transitory mobile food carts (less than 5 hours)	Staff suggested not including additional zoning designations which allow food carts in these amendments.	Allow in employments zones CI, GI, MUE	17.31.020.R 17.36.020.P 17.37.020.Q	To be determined

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
10/8/2018	HBA testimony regarding Lot Size Averaging	See comment on Page 7 from 9/10/18 Lot size reduction allowance should be 20% for single-family	Lot size reduction allowance should be 10% for single-family, limited to 25% of lots	16.08.065	To be determined
10/8/2018	Comments regarding VRBOs	Staff suggested not including in this process and addressing at a later date.	See PC Policy Advisement Letter	N/A	To be determined at a later date outside this process.
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	List as a permitted use in R 3.5	List as a permitted use in R 3.5	OCMC 17.20	Yes. See Code.
9/17/2018	Memo from HSCCC with recommended code language for Overnight Warming Shelters	Allow 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.	To be determined 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	To be determined 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.	Agree	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.

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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	To be determined
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 17.16.080.B	To be determined
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.
9/10/18	Clairmont MHP Possible sale of Manufactured Home Park raised by residents	Permitted use in R-3.5 zone.	No changes to Chapter 15.52	OCMC 17.20.050 and 15.52	• No closure has been discussed at this time, only transfer of park ownership. • Proposal MHPs a permitted use will allow new and expansions of existing parks. • Manufactured Home Park Closure requirements in Chapter 15.52.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
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	To be determined Planning Commission's recommended changes reflected in 10/1/18 draft code amendments.
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	Yes, included in code amendments.
9/10/18	Owner Occupancy for ADUs	Don't Require	Maintain owner occupancy requirement	17.20.010.D.6	To be determined
9/10/18	Tree Mitigation Fee should allow for 150% inflation to cover time lag between the fee payment and the planting date.	Standard included in existing code.	Increase tree mitigation fee.	Fee Sheet	Fee set through a separate resolution.

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. • 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.	Discussion on March 6 • 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	To be determined
9/10/2018	Manufactured Home Parks – Concern: Redevelopment Pressure Rent Increase Closure	See proposed code.	See proposed code	OCMC 17.10/ 17.20	• No closure has been discussed at this time, only transfer of park ownership. • Proposal MHPs a permitted use will allow new and expansions of existing parks. • Manufactured Home Park Closure requirements in Chapter 15.52.
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	Included in code amendments.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
9/10/2018 Public Comment	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	To be addressed
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.	Sent letter suggesting a variety of strategies to the City Commission.	Various code and policies would be affected.	City Commission to address outside of this process.
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. 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.	No changes proposed.	12.08 17.35	No changes proposed.
8/27/2018 Public Comment	Potential conflict with the historic districts	No changes to historic review criteria. 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.	No changes to historic criteria. Allow a variety of uses.	OCMC 17.40	Yes.
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.	Allow fences with certain criteria.	OCMC 17.49	To be addressed

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.	The proposed language includes clear and objective standards and thus a Type I approval process.	Proposed OCMC 17.16	Yes.
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	The provisions allow for manufactured homes if certain design criteria are met.	Cluster Housing standards do not preclude manufactured homes.	OCMC 17.10, 17.20	Yes.
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	To be addressed
8/17/2018	Support for code amendments.				

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
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	To be addressed
8/13/2018 Public Comment	In support of Master Plan PUDs	PAT recommends adding residential components for greater design flexibility and improved standards.	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.		Yes.
8/13/2018 Public Comment	Overlay codes in effect for homes on the local historic inventory	No changes to historic review criteria. 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.	No changes to historic criteria. Allow a variety of uses.	OCMC 17.40	Yes.
8/13/2018 Public Comment	Codes should be applied citywide	The missing middle strategies are implemented across the zoning designations.	The missing middle strategies are implemented across the zoning designations.		Yes.

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	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.		Yes.
8/13/2018 PC Comment	What is the impetus for project, Comprehensive Plan Goals and Policies?	See proposed legislative findings and latest code amendments.			Yes.
8/13/2018 Public Comment	South End Road Traffic, Maintenance, Jurisdiction.	SECP and TSP consider transportation. The scope of this project does not include a review of the UGMA nor the process of transferring roads.	Review Urban Growth Management Agreement (UGMA) for guidance on acceptance of roads.		Yes.
8/13/20118 PC Comment	Underutilized property behind OC Shopping Center, Berry Hill Shopping Center. Use of Commercial properties for affordable housing.	The project does not include development of any property by the city. The code amendments allow clear guidance to property owners.			Yes.
7/23/2018 Public Comment	Concern about Cottage Home approval by Historic Review Board	Cluster Housing recommendations. HRB approval required as needed.	This project amends cottage home standards as identified in OCMC 17.20.	17.20	Yes.
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 existing language includes tree mitigation fund if mitigation trees cannot be located onsite.		17.41. Fee schedule.	Yes.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
7/23/2018 Public Comment	HOA restrictions on ADUs	Language that prohibits CC&R's from limiting housing options.	Language softened .	16.08	Yes
7/23/2018 Public Comment	Allow Single Family detached smaller homes in R2	Included. Smaller detached units could be proposed as part of a cluster development in R2, or as an ADU to a pre-existing SFD.	Included	Proposed OCMC 17.12 / 17.20	Yes.
7/23/2018 Public / PC Comment	Fire code On street parking	Code amendments do not conflicts with the fire code. Street width approved by Fire and Development Services.	No changes to street widths.		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.	No changes proposed		Yes.
7/23/2018 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.	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.		Yes.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
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.	No changes proposed.		Yes.
7/23/2018	Concern for Minimum off-street parking for Multi-family housing and ADUs.	Require one space per unit.	Changes reflected in 10/1/18 draft code amendments.		To be addressed
7/23/2018	Is there a cited source for the PSU ADU Survey?	Yes, there is. Click here	n/a	n/a	Yes.
7/23/2018 Public comment	Request to postpone code adoption until after City Commission elections in November	No recommendation. 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.	N/A	N/A	Yes.
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. No change is proposed to this standard with this process.	OCMC 17.04.145 See all R zones.	Yes. Planning Commission recommended the City Commission address outside of this process.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
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. No change is proposed to this standard at this time.	No change is proposed to this standard at this time. PC recommends further analysis of a policy to permit short term rentals.		Yes. Planning Commission recommended the City Commission address outside of this process.
7/23/2018 PC Comment	Number of ADUs per dwelling	1 per dwelling	The proposed amendments retain 1 ADU per detached single-family home.		Yes.
7/18/2018 Public Comment	Better cell phone coverage is need if additional housing is being added.	City does not have a role in reviewing the coverage of communication facilities. No changes to the standards are proposed.		OCMC 17.80	Yes.
7/9/2018 Public Comment	Signs for home occupations do not allow freestanding signs.	The scope of this project did not include signage.	No change	OCMC 15.28.	No changes to the standards are proposed.
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.	Separated definitions for food carts and other mobile vendors.	OCMC 17.35	To be addressed
7/9/2018	3-4 plexes in medium density zones / Design and Parking	See code – Type I review	2 parking stalls for 3-4 plex		Yes.
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.		OCMC 17.20.030.D	Yes.

Date	Issue / Comment / Concern	PAT / Staff Response / Recommendation	Planning Commission Recommendation	Code / Policy	Has this been Addressed? How?
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.	The proposed amendments apply city-wide.		Yes.
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. The City is working with Clackamas County on a county-wide (including some cities) project to assess the housing needs and buildable land.			Yes.
7/9/2018 Public Comment	Fences blocking sightlines in Canemah	Staff recommendation: No changes to the sight distance requirements in 10.32 are proposed.		17.54.100 OCMC 10.32	Yes.

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.	Addition of an annexation factor to consider significant tree removal or grading during an annexation review.	OCMC 17.41 17.20 17.49 17.44	To be addressed.

Pete Walter

From: Paul Edgar <pauloedgar@q.com>
Sent: Thursday, May 23, 2019 11:39 AM
To: Tony Konkol; Laura Terway; Christina Robertson-Gardiner; Pete Walter; Dan Holladay; guttmcg@msn.com; Frank O'Donnell; Rocky Smith, Jr.; Rachel Smith
Subject: Re: Factory Built Manufactured Homes and this need of creating Equitable/Affordable Housing and what is the best option/solution (We need to talk!!!!!)

On 5/23/2019 10:43 AM, Paul Edgar wrote:

A review of what is happening in creating Equitable/Affordable Housing in Oregon City/Portland/Metro:

1. Change local building codes to alter what is allowed in existing neighborhoods with infill and new development within allowing for much higher densities.

A. Altering Neighborhood Character, livability and values with very high price housing options, which results in little or NO affordable new dwelling units.

B. Create massive disruption.

2. Housing costs are going up and a greater number of the working poor cannot afford housing, the cost of rent and/or the cost to own a house.

A. Public Housing Vertical Projects, built to HUD Standards, are now costing on average $300,000 dollars per dwelling unit to create.

B. Public funding examples are Section 8 and HUD-VASH, of costly methods of on-going subsidized rents, to provide funding for this housing option.

3. We work in partnership with non-profits in acquiring develop-able parcels of land and create Planned Clustered Housing Communities, for Home Ownership.

A. Develop affordable lots with infrastructure within Planned Clustered Housing Communities to site for Manufactured Homes, enabling home ownership. (Financing options are available)

B. Create a pricing strategy of the lots, and have it based on the lot size and individual purchasers income, with a focus on low income families and lots starting at $20,000 to $25,000.

C. Create a Home Ownership Organization (HOA with non-profit status) to manage and maintain the common area, community outreach, needed support and accountability.

4. What are the positive and negative impacts, within: Public Funding Implications and Society and the SDC Fees/impact Fees?

I plan to go down to Woodburn and talk to the people below, and ask them if they would join in developing a Planned Clustered Housing Community and supply housing units at a discount, built to spec in all price ranges. I have always visioned, these units would be energy efficient with solar panels, poaches facing a common area and some would be designed for handicap access. These Model Homes would be sited and eventually sold to buyers.

These communities would instill the pride of home ownership and community. They would be developed with common areas having community gardens and community rooms/gathering places.

The goal is to have the ability for a family to buy a housing/dwelling unit at a total average price of below $100,000, where their payments are less than the cost of renting.

The recovery of the initial cost of creating this Planned Clustered Housing Community would be in the selling of the lots. If 144 lots were developed and sold at an average of $25,000 each, it would generate $3.6 Million Dollars. Not a bad ROI and the excess money generated, could be used to create the initial funding/seed money for the next like type project. Lets show the way in Oregon City of how to solve a problem.

Manufactured Homes, examples www.cascadefactoryhomes.com/

Eagle Specials, http://www.cascadefactoryhomes.com/eagle-specials.html

Cascade Factory Homes, Inc.

590 N Pacific Hwy
Woodburn, OR 97071

503-981-5314

Providing Mobile Homes / Manufactured Homes to the Pacific Northwest for over 39 years

Patti Weiss - I represent Friends of Canem

I would add 2 more things if possible. A letter from Paul Edgar to another resident was published in the survey results along with his personal E-mail address. I think whoever decided to do that knew it was wrong and should be disciplined in some way because it feels very retalitory.

Id also like to say for myself and Paul who was unable to be here tonight we are in agreement that 3 + 4 plexes have no place in Canemah, especially built vertically. Anyone that thinks that is a good idea, really does not understand or care what Canemah exists for and the importance of keeping it. It should be at least one place protected from inappropriate anti-historic building. Please help us keep Canemah -

Thank You

Laura Terway

From: Kattie Riggs
Sent: Monday, April 22, 2019 4:38 PM
To: patti webb; Laura Terway; Pete Walter; Kelly Reid
Cc: pauloedgar@q.com
Subject: RE: Planning presentation April 22

Patti,

I have received your email and cc'd the Planning Department to see if they would be able to provide your comments below to the Planning Commission.

Thank you,

Kattie Riggs, CMC
City Recorder
kriggs@orcity.org
City of Oregon City
PO Box 3040
625 Center Street
Oregon City, Oregon 97045
503-496-1505 Direct phone
503-657-0891 City phone
503-657-7026 fax

Website: www.orcity.org | Recorder Page |Facebook!|Twitter
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

-----Original Message-----
From: patti webb <pdqboxerrescue@yahoo.com>
Sent: Monday, April 22, 2019 2:47 PM
To: Kattie Riggs <kriggs@orcity.org>
Cc: pauloedgar@q.com
Subject: Planning presentation April 22

Katti Riggs. I will be reading this at Planning Commission tonight, Monday April 22. Would you please provide each Planning Commisioner a copy? Thank you.
::

A friend sent me a copy of a survey about Historic Code changes in Canemah. Otherwise, I would have known nothing about it. I have several concerns. With only about 110 households in Canemah and A mailing list online-

Why were only a few responses taken from Canemah and so many from outside Canemah?

Why are some responses from Canemah missing from results?

Is it pertinent to ask whether a participant owns or rents an historic home? Does that affect the result?

Who chose the participants and why?

Why were Canemah residents not sent the survey?

ENTERED INTO THE RECORD
DATE RECEIVED: 4/17/19
SUBMITTED BY: Elizabeth Graser-Lindsey
SUBJECT: Item 6a.

COMMENTS ON PROPOSED CODE AMENDMENTS
(Agenda 6A)
For Oregon City Commission Meeting 4-17-2019
From Elizabeth Graser-Lindsey

The City's Code needs to be corrected to solve the following problems. The Code needs to prevent these things that should not happen.

High-Density Residential and Mixed-Use Residential/Retail/Commercial/Employment/etc. and 3-5-Story Buildings should only be permitted in the central city and not on the urban-rural fringe.

Reasons:

* The Metro region knows that it is important to have an appropriate buffer between urban and rural and high density housing isn't.
* Attracting traffic to retail and residential without having the road infrastructure to support it is not responsible since Oregon City residents expect livability.
* The transportation infrastructure at the urban-rural fringe is for low-volume transportation and can't handle the higher urban volumes.

Live/Work, Home Occupations and Options that Allow A Full Range of Jobs (and not Just Office Jobs) need more study, planning and fleshing out by the City (working with Citizens and Neighborhood Associations) to determine in which residential areas these applications can occur and if they are compatible with High, Medium and Low Residential Densities and Mixed Use Employment and to

prepare and adopt code needed to ensure employment is a good neighbor such as Noise, Pollution and Traffic Generation Code.

Reasons:

* Because in 2002 and 2004 Metro and Oregon City brought the Beavercreek Road Concept Plan Urban Growth Boundary Expansion (most of the BRCP area) into the UGB specifically for industrial use due to the need for family-wage jobs in Oregon City and because this need remains, all Residential Densities should allow employment in the BRCP area.
* Oregon City has a very poor job:housing ratio which leads to poor city finances – since business generates more tax revenues and residential costs more services.
* The lack of family wage jobs in Oregon City makes the City a bedroom city with excessive commuting and with multiple roads over capacity already before projected growth occurs and with road subject to alternative mobility standards because the previous higher, more livable standards could not be met without roadway improvements that the City did not budget for. More jobs at home will lessen the increase in road congestion and loss of livability.
* New businesses need to develop in a low risk, low cost environment such as the entrepreneur's home until it begins to be successful and can move to a mature business location.
* The International Panel on Climate Change, as well as 13 US governmental agencies in their report Fourth National **Climate** Assessment , separately released last December 2018, informed the public that the world has 12 years to prevent catastrophe climate change. Transportation accounts for about 40% of US emissions.

Oregon City can do its part toward solving climate change by allowing more residents live near where they work.

Oregon City Code should require that areas are planned and should ensure that infrastructure is adequate before annexation.

Reasons:

* The City's code was not clear that the BCRCP was to be completed before annexation and the annexation rushed ahead depending on the uncompleted concept plan for justification which is illogical and ineffective.
* Defending this poor process was expensive for the city and caused delays.
* After annexation property owners expect city services to be available, but in the absence of planning this is not known and, in the case of the BRCP not even true. In one example, the City relied on the needed capacity of an adjacent Glen Oaks sewer area to service proposed apartments on Beavercreek Rd. and it had to rely on a different water district.

Oregon City Code, while allowing Accessory Dwelling Units, should not use unrealistic (never seen) 100% build out of Accessory Dwelling Units to grandfather in "approved" traffic volumes to permit proposed uses; Oregon City should use procedure that protect traffic flow and not permanentize congestion and unsafe conditions (as was done at the Beavercreek Rd./Hwy 213 rezone). A realistic buildout rate should be used.

Retail/Commercial Zoning including Mixed Zoning should not require the use be extremely close to the road when the traffic volumes will require or are likely to require a roadway capacity expansion; space needs to be left to allow roadway expansion.

Parallel parking should not occur immediately adjacent to major arterials like at the approved apartments on Beavercreek Rd. If sprawl – retail along road ways for car access of individual business -- is (foolishly) allowed, parking should occur off the main street such as in the Willamette area of West Linn (Willamette Falls Dr.) so the arterial is not negatively impacted.

The City's roads should not be exempted from the Major Arterial standards (e.g. 4 lane) when the traffic volumes require it for reasonable roadway flow such as at the BRCP street front.

Planning (and concept planning) should not allow ridiculously optimistic lack of traffic generation based on unproven assumptions as was done for the BRCP. The plan should have requirements that ensure jobs precede residential construction so that the site does not further degrade the city's roads and fill the industrial site with outside employees using the transportation system.

Approvals of annexations, zone changes, development, etc. should not be occurring when the infrastructure – the roads and intersections, the sewer system and plant, and water pressure and capacity – is inadequate. The City should not be destroying livability in the area. The City should define livability as ordinary residents do

and not a definition that disregards the lowering of standards and services.

This public process needs improvement in that
*** although I asked to be informed of the BRCP process, it was not brought to my attention by the City, that this meeting was relevant**
*** material available to the public do not explain the anticipated intentions of the code changes relevant to the concept plans.**

Brush & Palette

Artistic classes offered in Jennings Lodge

See ARTS&PEOPLE, A4



Opportunity knocks

Glads' Foss, Williams confirm college plans

See SPORTS, B2



ADIN WILLIAMS



Owner & Neighbor
Dr. Robert B. Pamplin, Jr.

OregonCityNews

Pamplin MediaGroup

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OC ballot filled with choices

School district races especially active this election cycle

By RAYMOND RENDLEMAN
The Oregon City News

2019's May election promises to be an especially interesting one for Oregon City.



BOLINGER



WHITE

Four local school board members are stepping down, and all of those positions are being contested, with eight new names on the upcoming ballot to represent the school district serving the city and nearby unincorporated areas.

Meanwhile, Clackamas River Water, the water district serving unincorporated areas just outside Oregon City that is overspending its construction budget by $6 million, has three contested races, each with two candidates going head-to-head. Plus, Chris Groener, who represents Oregon City on the Clackamas Community College Board, has two opponents in the upcoming election, H. J. Harrer and Paul A. *DiMilla*.

On the other hand, outside of the Oregon City area, there are only two school board positions being contested in Gladstone and North Clackamas, one in each district. All of the positions for the Oak Lodge Water District and the Clackamas County Education Service District will be filled by candi-

See OREGON CITY / Page A9



Best fish return in three years

Steelhead around Willamette Falls in Oregon City seem to be responding positively to the removal of California sea lions.

Lack of sea lions, spring warming push daily number of wild winter steelhead crossing Willamette Falls ladder into triple digits

By LESLIE PUGMIRE HOLE
Pamplin Media Group

Willamette River's winter steelhead, an iconic wild run that is considered by many to be the most imperiled fish in Oregon, are posting some their best returns in three years.

Oregon Department of Fish & Wildlife's biologists hope this is the beginning of a turnaround, and evidence the fish are responding positively to the removal of one of their most voracious predators — California sea lions.

To date, more than 2,400 winter steelhead have crossed Willamette Falls into the upper river and its tributaries on their way to spawn, in what's shaping up as the best return in years.

Based on passage numbers to date, ODFW is projecting the total return this year will come in around 3,200 winter steelhead. That would be nearly double last year's return of 1,829 fish, and nearly a fourfold increase from the record low return of just 822 fish in 2017.



California sea lions are the most voracious predators of the Willamette River's winter steelhead run, possibly the most imperiled wild fish run in Oregon.

PMG FILE PHOTOS

"We're excited to see some of the best winter steelhead returns in recent years," said Dr. Shaun Clements, ODFW senior policy analyst. "We're encouraged by the fish numbers and by the success in implementing the

See FISH / Page A5

Oregon plagued by rising rent cost

Gladstone suffers, but Portland has more resources to deal with problem

By JIM REDDEN
Pamplin Media Group

Although the affordable housing crisis is receiving a lot of attention in Portland, high rents are a growing statewide problem.



"We recognize that the lack of housing is impacting economic development efforts and cities need to deal with the crisis directly."

– Jacque Betz, Gladstone city administrator

According to newly released figures, 35% of Gladstone households pay more than half of their income for rent, making it the most severely rent burdened city in the metro area. Oregon City and Milwaukie have nearly 25% of their residents severely rent burdened, Happy Valley 20%, and 29% of Portland households pay more than half of their income for rent.

Gladstone City Administrator Jacque Betz recently wrote about the issue in a city newsletter. City of-

See RENTS / Page A12

Rents: Most cities lack a housing director

From Page 1

ficials had a December forum for people to share their stories and ideas in reducing Gladstone rent burdens as Julie Garver, from Innovation Housing provided a presentation on how the agency develops diverse affordable housing in severely rent burdened communities.

"Gladstone is not unique in addressing our housing needs, as this is a statewide issue," Betz wrote. "We may not have the answers either, but we recognize that the lack of housing is impacting economic development efforts and cities need to deal with the crisis directly, since 67% of Oregonians reside in a city."

Many local cities — including Oregon City, Milwaukie, Happy Valley and Gladstone — are looking at adopting zoning that would encourage denser housing options designed to combat escalating rents. Meanwhile the Oregon Legislature is looking at a mandatory fix, proposing House Bill 2001 to require cities larger than 25,000 to allow attached housing and "cottage clusters," detached homes built around a shared courtyard, on any residential lot now zoned for single-family houses.

Oregon's most severely burdened city is Corvallis, where 40% of households pay more than half of their income for rent. Other cities with more severely burdened households than Portland include Eugene at 38%, Lebanon at 36%, and both Ashland and Grants Pass, each at 33%.

The city with the lowest share of severely burdened households in the state is Canby at 14%.

"Communities of many different sizes are experiencing housing burdens and difficulties, said Carrie McLaren, deputy director of the state Department of Land Conservation and Development, which worked with Oregon Housing and Community Services to compile and analyze the figures.

The figures were compiled from U.S. Census data by Oregon Housing and Community Services as required by House Bill 4006, which was approved by the 2018 Oregon Legislature. The agency found that 30 Oregon cities are severely rent burdened in 2019 — which means more than a quarter of their renters pay more than half their incomes for housing. The number of severely burdened cities in Oregon hadn't changed since the first analysis was completed last year.

The bill also directs agencies to survey officials in all cities with more than 10,000 residents on a range of affordable housing issues, including whether a lack of affordable housing is considered a problem and what, if anything, they are doing to create more of it.

Thirty-seven cities responded to last year's survey. A slight majority had between 10,000 and 24,999 residents.

Among other things, the survey found that most cities — 70% — consider housing affordability as more or much more important than other issues facing them. Even more — 78% — said affordability is equally a problem in the rental and homeownership markets.

"Housing is being seen as an increasingly important issue, and awareness about it affecting everyone is growing in every community," said Ariel Nelson, government relations and communications liaison for Oregon Housing and Community Services.

The rankings are not a reflection of any city's commitment to addressing the affordability problem, Nelson said. She notes that Corvallis' top ranking may result from it being a college town with a high percentage of low-income students. High-ranking Eugene and Ashland also are college towns, she said.

Because Portland is by far the largest city in Oregon, it easily has the highest number of rent burdened households — 32,699 compared to second-place Eugene with 12,540.

But Portland also has more resources for dealing with the problem, including a requirement that 45% of all urban renewal funds be spent on affordable housing; a $258 million affordable housing bond approved by city voters; and the 38% share of Metro's voter-approved $653 million affordable housing bond that it is expected to receive. In contrast, Clackamas and Washington counties are only expected to receive 21% of the bond revenues each, the next largest shares.

Other cities scheduled to receive smaller shares of the Metro funds are Beaverton (6%), Gresham (5%), and Hillsboro (7%). The balance of Multnomah County will receive 3%.

Among other things, HB 4006 is intended to inspire conversations about affordable housing in the participating cities, including at a required community meeting every year.

"We believe the meetings have been very productive. They've been attended by everyone from community leaders to community members experiencing rent burden, said Housing Integrator Kim Travis of Oregon Housing and Community Services.

Most cities also said they have a shortage of virtually all kinds of housing, including family-size homes for both rent and sale. The majority said they have a need for more housing affordable to households earning 120% or less of the area median family income. Forty-nine percent said they also have a shortage of homes affordable to households earning more than that.

Seventy-six percent of cities said they lacked the tools to address housing affordability, however. Most — 84% — said a lack of funding was a moderate or extreme barrier to creating more affordable housing. Majorities also cited a lack of development-ready land, a lack of properly zoned land, the high cost of land, and high construction costs. And 73% said a lack of good-paying jobs also was a barrier to reducing the percentage of rent-burdened households in thei cities.

Despite recognizing the problem relatively few cities have done muc to solve it. Although 27% have som form of emergency housing assis tance, only 13% have created an af fordable housing trust fund and jus 6% have issued bonds for affordabl housing projects. Eighty-two percen do not even have a housing director.

"The survey results really reflec the range of familiarity with housin issues and the tools to address them, Nelson said.

Severe Rent Burden in Oregon Report for 2019

Severe rent burden by City (population >10,000):
Share of households that spend more than 50 percent of income on rent

City	% Severely Rent Burdened	# Severely Rent Burdened	Total Renter Households	Population
Beaverton	24.30%	4,745	19,522	97,000
Canby	14.10%	291	2,060	16,800
Cornelius	16.70%	118	705	11,935
Forest Grove	31.40%	954	3,038	24,125
Gladstone	35.20%	627	1,782	11,880
Gresham	34.30%	6,100	17,794	110,505
Happy Valley	20.00%	206	1,031	20,945
Hillsboro	19.90%	3,423	17,228	101,920
Lake Oswego	25.70%	1,232	4,802	38,215
Milwaukie	24.50%	861	3,516	20,525
Newberg	28.60%	870	3,045	23,795
Oregon City	24.40%	977	3,996	34,860
Portland	28.20%	32,699	115,949	648,740
Sandy	17.80%	204	1,145	10,990
Sherwood	18.40%	298	1,618	19,505
St. Helens	21.80%	403	1,846	13,240
Tigard	29.10%	2,283	7,849	52,785
Troutdale	32.90%	704	2,137	16,185
Tualatin	26.50%	1,262	4,766	27,055
West Linn	20.50%	411	2,007	25,830
Wilsonville	17.60%	869	4,933	25,250
Woodburn	26.10%	735	2,819	24,760

Source: 2013-2017 ACS 5-Year Estimates, Table B25070 and PSU Certified Population Estimates as of July 1, 2018

PLANNING AUDIT IN GLADSTONE

You are invited to provide feedback on how Gladstone can face a growing challenge in providing an adequate supply of "attainable" housing that meets the need of working families and seniors.

Gladstone is partnering with Clackamas County's Planning Department and the state's Department of Land Conservation & Development (DLCD) to undertake an audit of the city's Development Code as it pertains to housing. DLCD is funding the city's hiring of consultant Siegel Planning to perform the audit, the ultimate goal of which is to increase "the supply and affordability of housing" in Gladstone.

"As part of this work, the city is charged with forming an Advisory Committee to provide feedback on the audit," City Administrator Jacque Betz said. "With assistance from John Southgate (under contract to assist the city in advancing its downtown revitalization strategy), we have identified individuals to serve on the Advisory Committee, which the Council appointed in March."

Betz said the committee includes a broad variety of perspectives, both community members as well as from professionals (from a variety of public sector and private sector fields) "who understand the challenges and opportunities associated with new housing development."

The Advisory Committee will meet twice - and provide comment on the draft code audit and also to weigh in on feedback from the general public. The public is invited to provide feedback at an open house scheduled 5-6:30 p.m. May 1 at City Hall. In order for any zoning changes to take place, the Gladstone Planning Commission and City Council will need to review the recommendations.

— Raymond Rendleman

Financial Advice from the Experts



DIANA OLDS
Branch Manager,
Northwest Community Credit Union



RAE YAU
Financial Advisor,
Edward Jones Investments



ROBIN JACOBSON
Financial Advisor,
Edward Jones Investments



BRITTANY GOSS
Financial Advisor



Tip brought to you by...

Rae Yau,
Financial Advisor

Earth Day Offers Valuable Lessons to Investors

On April 22, millions of people will observe Earth Day by participating in events that support environmental protection. As a citizen, you may want to take part in a local celebration. And as an investor, you can learn a few lessons from the themes of Earth Day. Here are a few of them:

• ***Avoid a toxic investment environment***. A recurring topic of Earth Day is the necessity of reducing toxins from our air, water and land. And, while you might not think of it in those terms, your portfolio can also contain some "toxic" elements in the form of investments that may be hindering your progress, or, at the very least, not contributing to it. For instance, you might own some investments that, for one reason or another, have consistently underperformed, or are now too aggressive for your risk tolerance, which can change over the years. In these cases, you might be better off selling the investments and using the proceeds for other, more appropriate ones.

• ***Look for sources of renewable energy***. Efforts to protect our environment include a push for more renewable energy sources, such as solar and wind. As an investor, you, too, can look for "renewables" in the form of investments that keep paying you back in one way or another. Of course, the most basic example would be a bond, which pays you regular interest until the bond matures and you get your principal back, provided the issuer doesn't default, which is generally unlikely with an investment-grade bond. However, you also may want to consider another type of renewable – dividend-paying stocks. By reinvesting these dividends, you can increase the number of shares you own – and share ownership is a good way to help build your portfolio. Some companies have paid, and even increased, their dividends many years in a row, but keep in mind they're not obligated to do so.

• ***Plant seeds of opportunity***. Some Earth Day events involve planting trees – many of which won't be fully grown for decades. When you invest, you are planting seeds in the form of investments you hope will grow over the years. Of course, you will likely see some volatility along the way, but over the long term, investments with strong fundamentals may reward you for your patience.

Apart from these ideas, you also can connect the idea of helping protect the environment with investing for your goals. Through socially responsible investing, you can screen out investments in companies whose products you find objectionable, while supporting businesses whose work you believe helps contribute to a better world. And you can find investments, such as mutual funds that emphasize social responsibility, whose returns are competitive, so you don't have to sacrifice growth potential for your principles.

Edward Jones
MAKING SENSE OF INVESTING

Member SIPC - Edward Jones, its employees and financial advisors cannot provide tax advice. You should consult your qualified tax advisor regarding your situation.


EXIT
WARM
SAFE
SLEEP




EXIT

HOMELESS SOLUTIONS COALITION OF CLACKAMAS COUNTY

ENTERED INTO THE RECORD
DATE RECEIVED: 4/17/19
SUBMITTED BY: Shirley Ide
SUBJECT: Item 6a.

April 17, 2019

Mayor Dan Holladay
City Commissioners Frank O'Donnell, Rachel Lyles-Smith, Rocky Smith, Denyse McGriff
City of Oregon City
625 Center St.
Oregon City, OR 97045

Dear Mayor and Commissioners:

I am speaking this evening on behalf of the Steering Committee of the Homeless Solutions Coalition of Clackamas County, a team of 20 local volunteer professionals whose vision is to bring together community partners to find solutions to homelessness in Clackamas County. The Coalition submitted a letter to you on March 20th regarding our concern that the proposed shelter code amendment as written may result in eliminating the currently operating day center and emergency warming centers in Oregon City.

The proposed code amendment on shelters requires a conditional use to operate and are limited to certain zone districts. The Coalition is supportive of the conditional use requirement for shelters that provide transitional housing to individuals on a short-term basis.

However, the purpose and use of day shelters (or more appropriately named day centers) and the emergency warming and cooling centers is dissimilar from that of a housing shelter. The Federal Department of Housing and Urban Development, HUD, provides two definitions: one for Transitional Housing and another for Emergency Shelter, each with different requirements. The day and warming centers do not provide short-term housing, but rather provide daytime relief services to homeless individuals and life-saving overnight lodging on a temporary, emergency basis during extreme weather events. We suggest that a separate definition be created for day centers and emergency centers and that these operations be permitted in certain zone districts without a conditional use. The Coalition also encourages development of an agreement between the centers and the surrounding neighborhoods to address any concerns.

After hearing from the public on these concerns, if the City Commission decides to proceed with the proposed shelter code as it's written, we respectfully request grandfathering in The Father's Heart Street Ministry day center which has been operating successfully for the past six years at 603 12th Street; and the two warming centers that have been successfully operating during the previous two winter seasons, one at The Father's Heart and the other at the office facility for Won by One Church, at 1512 Washington St. If these two warming centers cannot be grandfathered due to their status of operation under an emergency resolution, then we request

the conditional use & fee be waived for these two sites based on the history of their successful operation and the life-saving service they've been to our community's homeless population.

Thank you for listening to our requests. I am happy to answer any of your questions.

Sincerely,

Nancy Ide, Co-Chair
Homeless Solutions Coalition of Clackamas County
Nancyide4oc@gmail.com

The proposed definition of "Shelter" is as follows:

> 17.04.1117 – Shelter
> "Shelter" means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, cooling or warming shelters and other similar shelters. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

ENTERED INTO THE RECORD
DATE RECEIVED: 4/17/19
SUBMITTED BY: Robin Schmidt
SUBJECT: Item 4a

1. TFH focuses its services on those that are from Clackamas County. Our showers, backpacks, clothing exchange, mailing address, are limited to those that have proof of living in this area. All are welcome to eat with us and take a break, but our resources and services are for those from this area.

2. This peace and safety that you are enjoying comes from compliance to our guidelines. Respect our staff. Respect our Volunteers. Respect each other. Respect our neighbors. Respect the laws of Oregon.

3. Here's how we respect our neighbors. The public park across the street is off limits. The alley or standing out on the sidewalk is off limits. Camping or loitering in the wooded area near Abernathy Chapel is off limits. Loitering across the street or at local businesses is off limits. If you are found in these areas, you will lose services. all trash goes in trash bins.

Today, I spoke with a first-time local visitor. He was very appreciative of what we had to offer and how different we were than other places he had been. I smiled and said you will notice that we don't allow sleeping or sitting on our perimeters. It's because if someone is here for services, we want to make sure they are being served. At the end of the day he returned to thank me for our hospitality.

Mayor Holladay and Commissioners of Oregon City,

I had invited all of you to come and tour The Father's Heart almost a month ago. I am disappointed that I have not had the opportunity to show you first hand what we provide to our most vulnerable community. I understand that we all lead busy lives, but I was hoping that you would visit before voting on the wording of the proposed codes. You would see quite quickly that we are not a shelter, but a day center that has every square inch of its facility purposed for serving. I would also tell you that we have no desire to one day become a shelter. We want to stay a Day Center that connects people to their needed services + resources and provide those services with the same dignity and compassion we would want shown towards us should we find out that we facing homelessness.

Tonight, I wanted to draw attention to two points regarding operation of The Father's Heart Day Center and The Father's Heart Emergency Warming Shelter that you might not be aware of. Both of our operations have guidelines in place with regards to our surrounding businesses and housed neighbors. We go over these guidelines daily and supply handouts with these same guidelines to ensure that people understand that we not only require respect on our property, but around our property as well.

Today, at TFH I announced that I saw some new faces and wanted them to know that they are welcome to eat with us and be at TFH, but there were some things they needed to know about us.

Today, for the first time in a long while, two gentlemen were seen sleeping in the park and had lunches they had received from us. It was actually brought to one of our respectful guests that wanted us to be aware. I went over to the park and kindly asked the two men to pick up their mess and move along or they would lose services. They were unwilling to comply. I requested Mike Day to come by and help me persuade them to move on. They will no longer receive services from The Father's Heart. We have zero tolerance for disrespect.

The other point of operations that I would like to bring to your attention is that The Father's Heart does not have large cooperate sponsors. Our financial donations are from neighbors, community groups, and churches. These donations are what pay our utilities, liability insurance, fuel and insurance for our van, our increasing monthly lease and maintenance expenses. Our Day Center operates with 67 service volunteer positions weekly and 3 minimally paid staff.

This is why a $5,000 fee for a conditional use permit is a great burden for us to pay. We hope that you will waive this fee so that we will be able to continue a much needed service to our community. We urge you to make a distinction between, Day Centers, Cooling Centers, Emergency Shelters Warming Shelters. They are not the same in the services they provide. It is obvious by the number of those that continue to volunteer their time of service in both the Day Center and Emergency Warming Shelters that the community at large want to make a difference in the lives of their neighbors.

Thank you for the opportunity to make a difference in over 100 lives daily through meeting their basic human needs with love and compassion.

Robin Schmidt, Executive Director

The Father's Heart Street Ministry

WELCOME *to The Father's Heart [TFH]. We are glad you're here. Below are the guidelines to help our guests benefit from the services we have to offer.*

SHOW RESPECT TO EVERYONE by complying with the following guidelines and acting in peaceful and respectful manner.

1. Please **PRINT** your name on our guest list once per day.
2. **ALL food and drinks must be kept in the dining/table area, not to be taken outside.**
3. **Parking lot on east side of building is open for use from 8:00 a.m. – 3:00 p.m.**
4. **At 8:20 a.m. you may line up at the 12th Street entrance. Keep your belongings with you at all times, inside and outside the building.**
5. **ALWAYS use 12th Street door to enter and exit the building at all times; entry off parking lot is for visitors and donations ONLY.**
6. **Smoking is permitted in parking lot ONLY. (Cigarette butts to be placed in the cans provided).**
7. **All client vehicles MUST be parked in our lot. Please DO NOT hang out in or around vehicles.**
8. **No loitering, sleeping or camping on TFH property. Any loitering on or near TFH property jeopardizes receiving services. The park across the street is off-limits, The alley between TFH and our neighbors is off limits, The woods around Abernathy Chapel are off limits. Any Loitering in these areas jeopardizes receiving services.**
9. **No drugs, drug paraphernalia, or alcohol allowed on property at any time. If found, a No Trespass will be ordered; any exchange or sales will warrant an indefinite Trespass Order.**
10. **Animals, pets of all kinds are prohibited from on or near TFH property, including no dogs tied along the street or parking lot.**

TFH is a private, non-profit Christ centered ministry focused on those living outdoors in Clackamas County.

The Father's Heart Street Ministry

The Father's Heart is a non-profit, Christ centered ministry focused on those living on the streets of Clackamas County.

Day Shelter Services for Guests

- Open Tuesday-Friday, 8:30AM – 3:00PM
- Continental Breakfast, 8:30AM -10:00AM
- Hot Lunch 11:00AM - 2PM, or until it has all been served.
- Sack Lunch available for those in need.
- Computers with internet access for those who print their name on the Computer Use Form. Twenty [20] minutes twice daily.
- *TV/Living Room Area – NO FOOD OR DRINKS IN THIS AREA AT ANY TIME.*
- Napping Area/Mats provided ONLY for those living outdoors.
- Veterans Administration Supportive Housing Services most Fridays at 10:00AM, to meet with a representative.
- House Phone Available for outgoing calls ONLY.

Clackamas County Guest Only

- 10 Minute Showers on Tues., Wed., Thur. & Fri., 8:30am-2:05pm.
- Clothing Exchange – 8:30am to 2:05pm for those signed up for a shower.
- Mailing Address and Weekly mail pick-up; mail will be returned within 14 days.
- Clackamas Housing Specialist for interviews on most Thursdays 10am-12pm.
- Foot Care Services, typically once each month on the 2nd Friday.

The Father's Heart
Street Ministry

Vision Statement

"...to be the Hands and Feet of Jesus" ... to be "His Hands extended in Love" without regard to race, religion, age or gender.

ENTERED INTO THE RECORD
DATE RECEIVED: 4/17/19
SUBMITTED BY: Bob La Salle
SUBJECT: Item 6a.

April 17, 2019
City Commission Meeting

My name is Bob La Salle and I live in Oregon City.

I am presenting a charge of bias against Mayor Dan Holladay in regard to the elimination of Chapter 17.21 of the park Place Concept Plan.

On March 3, 2019 Mayor Holladay demonstrated his bias in favor of eliminating Chapter 17.21. He stated "What we're doing is adding more cost and making housing harder to sell" which is an opinion put forth by the developers and not based on demonstrated fact.

He further stated "What you're going to get is whole streets of the same houses", again an opinion based on personal bias and not fact. Proposed architectural designs offer a great variance of housing types.

In addition, his disparaging reference to a small group of "activists", In his words, participating in meetings shows a bias toward public testimony and participation from the public during City meetings.

His whole attitude showed an unwillingness to listen to other arguments and an obvious attempt to force his opinion on the other Commissioners to eliminate that chapter before public testimony is offered.

If he cannot have an open mind before all arguments are presented, he should not participate in the discussions or decisions on this matter.

I offer this statement as part of the record.

Most Respectfully;

Bob La Salle

Bob La Salle

ENTERED INTO THE RECORD
DATE RECEIVED: 4/17/19
SUBMITTED BY: Bob La Salle
SUBJECT: Item 6a.

April 17, 2019

Good evening Mayor and Commissioners.

My name is Bob La Salle and I offer this testimony as the designated representative of the Park Place Neighborhood Association.

After a developer worked hard and spent a lot of money to get a large area of the Park Place Concept Plan annexed and re-zoned he now wants to bypass the Planning Commission and change the Plan by eliminating Chapter 17.21 in its entirety. Since he knew the rules of the game, why try to change them now. It makes no sense and effectively destroys the spirit of why the Concept Plan was conceived.

I've given you a list of participants in the planning of the Concept Plan. At least 58 individuals and many organizations worked long, hard hours to put this Plan together and got it approved in 2008. Some of the organizations include the City of Oregon City, Metro, David Evans & Associates, Kettelson & Associates, Clackamas County, ODOT, and many others.

It has been said by the mayor in a previous meeting that the Plan restricts builders to 4 or 5 architectural styles. Whether by misinformation, lack of research, or a zeal to support developers no matter what, that statement is untrue. It states in Chapter 17.21.010 "The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions---" The architecture of the Park Place Concept Plan is one of the features that will make it a special place to live and not just another "cookie cutter" development.

Elimination of the entire chapter affects many areas such as modulation and massing, porches and entries, architectural details, siding materials, and windows.

He has also stated that a few "activists", as if that's a bad word, from neighborhoods at Commission meetings don't represent an entire neighborhood. I'd invite all of you to attend neighborhood meetings where 60 to 80 "activists" are in attendance. Where are the "numerous" developers, as described in City correspondence, that want this chapter eliminated?

If the builders are really interested in building equitable homes they need to get back to the basics, but they don't know how to do that. Most first time or limited income buyers realize they can have laminate counter tops instead of granite, they can have standard hinges instead of fancy Italian hidden hinges, will settle for more moderate floor coverings, and any number of less expensive features.

For the sake of all that has been put into the park Place Concept Plan we implore that you not allow the elimination of Chapter 17.21. Don't disrespect all the hard work of the people and organizations on that list I gave you. Remember, the citizens elected you to represent **THEM**, not to represent the developers.

Thank you for your strong consideration of not allowing the elimination of the park Place Concept plan piece-by-piece and I offer a copy of my narration to each of you and for the record.

Most Respectfully;

Bob La Salle

Bob La Salle
Park Place Neighborhood Association

ENTERED INTO THE RECORD
DATE RECEIVED: 4/17/19
SUBMITTED BY: Bob La Salle
SUBJECT: Item 6a

Participants in the Planning of the Park Place Concept Plan

City of Oregon City
Christina Robertson-Gardiner
Pete Walter
Dan Drentlaw
Nancy Kraushaar

David Evans & Associates
Tom Puttman
Jennifer Hoglund
Kelly Rodgers
Josh Cera

Angelo Planning Group
Frank Angelo
Shayna Rehberg

Cogan Owens Cogan
Matt Hastie
Ellie Fiore

GRI
Tova Peltz

Clackamas County Transportation
Joe Marek
Ron Weiman

Oregon City Transportation Advisory Comm.
Melanie Paulo
Doug Neeley

Holcomb Outlook CPO
Gene Stringham
Kami Kehoe

Livesay Road
Linda Royer
Jackie Hammond-Williams

South of Holcomb Blvd.
Charles Bottita
Karen Kelly

Metro
Raymond Valone

SERA
Tim Smith
Matt Arnold
David Berniker
Allison Wildman
Eric Ridenour
Michelle Marx
Robin Moodie

Kittelson & Associates
Phil Worth
Andrew Cibor
Nick Foster

EFA
Ray Bartlett

Oregon City Natural Resources Comm.
Jerry Herrmann
Don Sliger

Oregon City School District
Mike Riseling
Ron Stewart

Park Place Neighborhood Assoc.
Ralph Kiefer
Steve Van Haverbeke

ODOT
Gail Curtis
Andrew Johnson

Holly Lane
Michael Kehoe
Rod Moxley

North of Holcomb Blvd.
Carter Stein

Oregon City Historic Review Board
Nancy Walters

Housing Authority of Clackamas County
Gary Di Cenzo

Clackamas County Land Trust
Nancy Yuill

Tri-Met
Ben Baldwin

Development Interest
Kent Ziegler

Department of Land Conservation and Development
Stacy Humphrey

Oregon City Planning Comm.
Tim Powell

Oregon City Parks/Rec. Comm.
Ted Schumaker

Metro
Ray Valone

Clackamas County Planning
Lorraine Gonzales
Karen Buehrig

Small Business Owner
Steve Morrow

Presentation Summary

Presentation: Park Place
Project No.: 019124.000

- Don Hanson, Principal, Otak on behalf of Icon Development
  - 41 years experience designing residential and mixed-use development
  - Projects in: Portland Metro Area, Bend, Oregon Coast, Vancouver/Clark County, WA, Seattle Metro Area, Denver, Phoenix, United Arab Emirates, Saudi Arabia and Tbilisi, Georgia
  - Former Chair of Portland Planning Commission
- Oregon City Geography
  - City of Hills and deeply cut drainage ravines

Clackamette Park	EL: 21
City Hall	EL: 184
High Point in City	EL: 530
Total Change	509 Vertical Ft.

- Park Place Geography (North)

Redland Rd. Access	EL: 70
Holcomb Blvd. Access	EL: 500
Total Change	430 Vertical Ft.

- Park Place/North Development Areas framed by 3 drainage ravines. Development areas consist of 10-15% slopes
- Resulting 100 ft. deep lots slope 1-1.5 stories front to back
- Park Place Concept Plan (2008) provides excellent guidance for development/implementation. It does not dictate alley access garages
- **Item 2**: Alleys in Concept Plan Areas
  - Alley lots cost more. Development costs increase by at least 29%. (See attached budget estimate)
  - Alleys take more space and don't adapt well to slopes. Having garages 1 – 1.5 stories above or below the house is an issue for accessibility. Not good for house floor plans.
  - Privacy is greatly diminished
  - Increased grading, pavement and site impact
  - A more balance approach would consider recessed garages, which improves streetscape appearance and function.
- **Item 5**: Lot Sized Reduction (Lot Averaging)
  - Lot averaging is an excellent design tool for sites with challenging topography and natural features.
  - It enables adjusting lot configuration in response to site features
  - Varying lot size and configuration also adds diversity and character to neighborhoods
- Summary:
  - Item 2: Eliminate the alley access mandate
  - Item 5: Retain lot size reducation/averaging

Preliminary Construction Costs - Private Alley Construction | **April 7, 2019**
For: ICON Development | **Otak, Inc**
Otak Project No. 19124 | **By: MAP**

Alley Lots vs Front Load Lots

This preliminary estimate was prepared using the following assumpions:

1. Comparison of alley vs front loaded lots consider roadway/street and utility main costs.
2. No earthwork included in the comparison.
3. Assumes public streets (local) and private alleys are each double loaded.
4. Includes stormwater conveyance only. No costs for stormwater management facilities (detention/water quality)
5. Estimate does not include driveway aprons at lots.

PROJECT SUMMARY		Alley Load $ / L.F.	Front Load $ / L.F.
SCHEDULE A.1 - SANITARY SEWER (8")		$72.33	$72.33
SCHEDULE B.1 - STORM SEWER (12"-18")		$88.67	$88.67
SCHEDULE C.1 - WATER SYSTEM (8")		$76.85	$76.85
SCHEDULE D.1 - ROADWAY (30' Public Roadway - Local)		$329.81	$329.81
SCHEDULE D.6 - ROADWAY Private Alley - 20 foot paved, mountable curb		$88.11	n/a
SCHEDULE SD.1 - PRIVATE STORM SEWER (12") - Private Alley Drainage		$74.67	n/a
Cost per LF (Roadway and Utility mains only)		$730.44	$567.66
Assume 50' wide lot		50	50
Assume double loaded public street and alley		0.5	0.5
SUBTOTAL (cost per lot frontage)		**$18,261**	**$14,191**
CONSTRUCTION CONTINGENCY	25%	$4,565	$3,548
SUBTOTAL CONSTRUCTION COST		**$22,826**	**$17,739**
SOFT COSTS	28%	$5,113	$3,974
PROJECT TOTAL		**$27,939**	**$21,713**
		129%	

ITEM	DESCRIPTION	UNIT COST	UNIT	UNIT/LF COST		L.F. COST
SCHEDULE A.1 - SANITARY SEWER (8")						
	Construct 8" PVC 3034 with Select Backfill, complete in place	$60.00	L.F.			$60.00
	Construct concrete manholes @ 300' o.c.	$3,700.00	Each	1/300 L.F.	300	$12.33
	TOTAL SCHEDULE A.1					**$72.33**
SCHEDULE B.1 - STORM SEWER (12"-18")						
	Construct 12-18" CPP with Select Backfill, complete in place	$65.00	L.F.	L.F.	1	$65.00
	Construct concrete manhole, 48" @ 300' o.c.	$3,500.00	Each	1/300L.F.	300	$11.67
	Construct catch basins @ 300' o..c.	$1,800.00	Each	1/150 L.F.	150	$12.00
	TOTAL SCHEDULE B					**$88.67**
SCHEDULE C.1 - WATER SYSTEM (8")						
	Construct 8" D.I.P. with select backfill	$60.00	L.F.	L.F.	1	$60.00
	Standard fire hydrant (6") assembly @ 400' o.c.	$4,500.00	Each	1/400L.F.	400	$11.25
	8" gate valve @ 250' o.c.	$1,400.00	Each	1/250 L.F.	250	$5.60
	TOTAL SCHEDULE C.1					**$76.85**
		Paved	ROW			
SCHEDULE D.1 - ROADWAY (30' Public Roadway - Local)		30	50			
	Crushed Rock Base, 8" compacted thickness, 1-1/2"-0" rock	$8.50	S.Y.	33/9 L.F.	0.273	$31.17
	Leveling course, 2" compacted thickness, 3/4"-0" rock	$3.00	S.Y.	27/9 L.F.	0.333	$9.00
	3" Class "B" A.C.	$14.00	S.Y.	27/9 L.F.	0.333	$42.00
	Concrete curb and gutter	$12.00	L.F.	2/L.F.	0.5	$24.00
	5' wide concrete sidewalk, 4" thick	$25.00	L.F.	2/L.F.	0.5	$50.00
	Street Lights - 150' o.c., one side of the street (alternate sides)	$4,500.00	Each	1/150 L.F.	150.0	$30.00
	Street Trees @ ~ 35' o.c., both sides of street	$300.00	Each	2/35 L.F.	17.5	$17.14
	Private Utility Trench with (1) 4" Conduit, (3) 3" conduit, (2) 2" conduit	$60.00	L.F.	2/L.F.	0.5	$120.00
	Transformer Pads/PGE Vaults	$2,600.00	Each	1/400 L.F.	400.0	$6.50
	TOTAL SCHEDULE D.1					**$329.81**
		Paved	ROW			
SCHEDULE D.6 - ROADWAY Private Alley - 20 foot paved, mountable curb		20	22			
	Crushed Rock Base, 8" compacted thickness, 1-1/2"-0" rock	$14.00	S.Y.	23/9 L.F.	0.391	$34.22
	Leveling course, 2" compacted thickness, 3/4"-0" rock	$6.00	S.Y.	17/9 L.F.	0.529	$11.00
	3" Class "B" A.C.	$14.00	S.Y.	17/9 L.F.	0.529	$24.89
	Mountable curb	$9.00	L.F.	2/L.F.	0.5	$18.00
	TOTAL SCHEDULE D.6					**$88.11**
SCHEDULE SD.1 - PRIVATE STORM SEWER (12") - Private Alley Drainage						
	Construct 12" CPP with Select Backfill, complete in place	$55.00	L.F.	L.F.	1	$55.00
	Construct concrete manhole, 48" @ 300' o.c.	$3,500.00	Each	1/300L.F.	300	$11.67
	Construct catch basins @ 300' o..c.	$1,200.00	Each	1/150 L.F.	150	$8.00
	TOTAL SCHEDULE SD.1					**$74.67**

Laura Terway

From: kntzig001@aol.com
Sent: Friday, April 5, 2019 11:42 AM
To: Laura Terway
Subject: Re: Memo on staff recommendations

Laura,

Thanks for getting back to me. As you can imagine there will be plenty of testimony provided at the upcoming OC Commission hearing on the 17th. I realize that in your role you want to simply present the information and let the elected officials make the final decision on these critical issues. One concern I have is from my conversations with Lynn Peterson, Metro President, that they are very concerned that the city is not fully embracing the intent of the grant they received to remove regulatory barriers in order to provide affordable housing in our local community.

I am hoping to have her or someone from her staff attend the hearing since her parents lived off of Holcomb Road and she is very familiar with the hilly terrain in the Park Place Concept Plan. Quite simply to require that all houses be served by alleyways, especially on steep slopes, seems to be totally against the intended goal and objective of the Equitable Housing Program. By increasing the costs of the homes with two paved surfaces not only pushes the prices out of reach for more individuals but requires extensive ongoing maintenance of the impervious surfaces. It also requires more money be spent to maintain the much larger storm water detention ponds needed to hold the all water coming from the underground storm pipes rather than letting the backyards absorb the water slowly into the ground.

I would suggest you consider my recommendation to request the OC Commission to refer this matter back to the OC Planning Commission for more in-depth discussion on these city codes and development standards. And yes please enter my e-mail into the record.

Thanks,

Kent

-----Original Message-----
From: Laura Terway <lterway@orcity.org>
To: kntzig001@aol.com <kntzig001@aol.com>
Sent: Fri, Apr 5, 2019 8:41 am
Subject: RE: Memo on staff recommendations

Kent,
The Commission will provide direction at the hearing on this issue on April 17th. Would you like me to enter your email into the record?

Laura Terway, AICP
Community Development Director
City of Oregon City
PO Box 3040
698 Warner Parrott Road
Oregon City, Oregon 97045
Direct - 503.496.1553
Office - 503.722.3789
Fax 503.722.3880
Website: www.orcity.org | webmaps.orcity.org | www.rediscoverthefalls.com
Think GREEN before you print.
Please visit us at between the hours of 8:30am-3:30pm Monday through Friday.

PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

-----Original Message-----
From: Kent Zigler <kntzig001@aol.com>
Sent: Wednesday, April 3, 2019 5:28 PM
To: Laura Terway <lterway@orcity.org>
Subject: Memo on staff recommendations

Laura,

I just read the memo that you prepared in regards to the existing alleyway requirements and architectural design guidelines for the Park Place Concept Plan. My thoughts are rather than suggest that the OC Commission due nothing at this time, which arguably stops anyone from spending any more time or money on completing a master plan due to the uncertainty, it might be best to send the matter back to the OC Planning Commission for further discussion and citizen outreach. At least that way more people in the community can get involved and participate in the conversation as to what they want and what works best in these new neighborhoods.

Thanks, Kent
President, OC Business Alliance

Sent from my iPhone

April 5, 2019

Mayor Dan Holladay and City Commissioners
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Comments on Equitable Housing Development Code Amendments (LEG 18-00001)

Dear Mayor Holladay and Commissioners:

I am a residential home builder and real estate developer and have worked in this industry providing employment opportunities, creating new neighborhoods, and building homes in Oregon City for many years. I would like to offer comments on the proposed Equitable Housing Development Code amendments currently under consideration by the Commission. I am concerned that the Code amendments in their current state may hinder the goal of providing increased access to equitable housing.

I work closely with other partners in the development community for our projects in Oregon City, including consultants such as AKS Engineering & Forestry. AKS has submitted a detailed comment letter for your consideration regarding several key points of the Code amendments that directly impact construction of new housing in the City. These primary areas of concern include:

- The Park Place and South End Concept Plan Areas Residential Design Standards,
- Proposed further restrictions to lot area averaging and the continued exclusion of power line easements in the revised Land Division Process and Standards,
- Proposed undergrounding requirements for existing utility lines for new developments,
- Proposed tree removal and replacement requirements,
- Proposed inclusion of an additional factor for annexation of land to the City considering grading or tree removal prior to the annexation of a property.

The above-listed issues are of vital concern to the success of future housing projects in the City. I wish to add my support to the letter submitted by AKS Engineering & Forestry, LLC. Hopefully the Commission will focus on the primary stated goal of the Code Amendments to provide increased access to equitable housing opportunities in Oregon City.

Thank you for your time and consideration.

Respectfully,



Bruce Ament, President
Rian Park Development, Inc. and PDX Development, Inc.
PO Box 2559
Oregon City, OR 97045

February 12, 2019

Mayor Dan Holladay and City Commissioners
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Comments on Equitable Housing Development Code Amendments (LEG 18-00001)

Dear Mayor Holladay and Commissioners,

The purpose of this letter is to provide brief comments on several aspects of the draft Development Code amendments which the Commission is currently considering. AKS Engineering & Forestry, LLC is locally-based multi-disciplinary consulting firm. We specialize in civil engineering, surveying, planning, landscape architecture, natural resources, forestry/forest engineering, and consulting arborist services. AKS has worked in Oregon City for over twenty years for a wide variety of clients, including residential home builders and developers, non-profit/affordable housing providers, multi-family home builders, manufactured home park owners, commercial/industrial property developers, and long-time property owners. Therefore, it is our hope that these comments are understood as a positive list of suggested modifications to the draft Code amendments which, if incorporated, would help insure that the adopted final Code revisions are consistent with the City's stated goals for this project.

Some of our clients have actively participated in this extensive Code amendment project, while others have been closely following its progress. Concerns we are hearing from our clients have prompted us to reach out to the Commission. It is commendable that City staff, stakeholders, and members of the public have been ambitious with the scope of this project. However, if the core goal of this project is to increase opportunities for access to housing in the City, particularly affordable ("equitable") housing, then proposed Code changes should further that goal. Unfortunately, there are several proposed Code amendments (and holdovers of existing Code) which make it more difficult or expensive to create new housing in Oregon City. In particular, we would like to draw your attention to the following items:

1. Chapters 17.21 and 17.22 – Single-Family Residential Design Standards – Park Place and South End Concept Plan Areas. The current Chapter 17.20 - Residential Design and Landscaping Standards provide uniform and very detailed standards for new dwellings and garages in the City and are included in the proposed Code revisions as Chapter 17.14. However, the additional standards contained in the Park Place and South End Concept Plan Area standards significantly limit the flexibility of new construction to meet the needs of the dynamic housing market. Thus, new home construction can be stifled, and the goal of increased housing availability is not furthered by these added regulations. Uniform application of current Chapter 17.20 to the City as a whole provides a predictable and fair framework for new housing. To encourage equitable housing opportunities, the Park Place and South End Residential Design Standards should be removed.

2. Chapter 16.08 Land Division Process and Standards. Much of the remaining buildable land in Oregon City is constrained in some way. This makes it more challenging to provide housing on these sites and is often why these sites have been passed over. Chapter 16.12 of the Municipal Code historically provided an effective tool to help create needed housing on these contrained properties. However, in 2018, the Code language was changed, and this tool was made more

restrictive and thus less effective by removing any lot areas within a powerline easement from the lot are calculation. The Code changes currently proposed would continue the trend of restricting homesite availability in the City.

The proposed Code amendments (Chapter 16.08.065 – Lot size reduction) would further limit the ability to create housing on properties with constraints. The current Code (Chapter 16.12.050) allows for lot size reduction up to twenty percent to be applied to any lot across a subdivision, provided the average lot size for the subdivision meets the minimum for the zone. The proposed amendments would additionally restrict the lot size reduction to 10 percent and limit the application of the reduction to 25 percent of the lots in a subdivision.

These proposed Code changes restrict lot areas to be included in the lot size reduction formula, thus limiting total available homesites. Similarly, the 2018 exclusion of areas within powerline easements from lot area calculations do not encourage infill development. The proposed changes to 16.12.050 and the recently-added powerline easement area exclusion should be removed entirely from the Code amendments to encourage greater access to equitable housing.

3. Chapter 16.12.095 – Minimum Improvements – Public Facilities and services, Sub-Section G, Other Utilities. As amended, this sub-section would require underground placement of "existing and new" electrical lines and other wires...." The requirement to place new electrical lines and wires underground is often required for new developments. However, the requirement to place "existing" electrical lines and wires underground is overly-broad and burdensome. It is very difficult, if not impossible to estimate costs for utility undergrounding because franchise utility companies do the work and will not provide cost information. This lack of information creates uncertainly in the process and unexpected project costs later, both of which are barriers to the creation of equitable housing.

   The equitable approach these situations would be for the projects to include the onsite underground utilities and the necessary infrastructure (conduit, vaults, etc.) along adjacent street frontages to facilitate future undergrounding by utility providers, but not actually require the undergrounding at the time of development. This approach allows for undergrounding of existing lines to be done cost-efficiently by the utilities as part of larger projects in the future, thus lowering costs and further encouraging the creation of new housing in the City.

4. Tree Removal and Replacement Requirements – Tables 12.08.035 and 17.41.060-1. The replacement ratios for removal of non-diseased or hazardous trees in Tables 12.08.035 and 17.41.060-1 creates progressively higher numbers of required replacement trees for larger diameter trees to be removed. Although it does make sense to account for potential mortality rates of replacement trees, it does not follow that the removal of larger, mature trees should necessarily require a post-development site to contain significantly more trees than existed previously. In situations where a site contains multiple large trees, a disproportionate result occurs. It is recommended that the tables be simplified to a simple 1:1 ratio for removal/replacement and that street trees should be counted toward the total required number of replacement trees.

5. Chapter 14.04.060 – Annexation Factors. The proposed Code amendments include an additional annexation factor for the Commission to consider. This factor is:

Whether significant site grading or tree removal (greater than fifty percent of the "forest canopy"), excluding farm or forest practices as defined under ORS 30.930, has occurred on the property since the date when the annexation application was filed with the City.

The inclusion of this new factor is unnecessary and unfair to landowners. Presumably any grading or tree removal on a property outside of the current City limits has been or will be performed in a way that meets applicable County and State regulations. To presume otherwise unduly penalizes the landowner. Additionally, "significant site grading" is not defined and lends itself to subjective interpretation. Inclusion of this factor would be another instance of a code amendment that does not promote equitable housing, and which could easily discourage the annexation of much-needed residential land into the City. If a landowner has followed the rules which apply to their property when outside of the City, that should be enough. Because this additional factor does not make sense and would be difficult to evaluate fairly and consistently, it should not be adopted.

It is our hope that this letter brings additional attention to some key aspects of the Equitable Housing Development Code Amendments, which can discourage the creation of additional housing in the City. We have highlighted the above-listed areas of concern because we have seen housing projects in Oregon City not move forward and/or not be successful due to one or more of these issues. We respectfully submit these comments to you in the hope that by adopting one or more of our recommendations, the original, fundamental goal of increased availability of equitable housing for Oregon City residents may be more fully-realized.

Sincerely,
AKS ENGINEERING & FORESTRY, LLC

Montgomery B. Hurley, PE, PLS – Principal

November 26, 2018
Respectfully submitted to The Oregon City Commission
By Craig & Debbie DeRusha

We live and work in Oregon City. We have been property owners for more than 25 years. We are small business owners in the City employing five Oregon City residents. Debbie serves on the Oregon City Chamber Board as well as a local medical patient/advocate committee. We want to continue to participate and contribute to the future of our great city. It from that perspective that we write this letter.

We support the Equitable Housing Project and its committee's commitment, time and creativity in finding more ways to provide additional housing for our community. Seeing the breadth of review, comments and codes affected by this project has been overwhelming. Given this, it makes sense that the committee members could not possibly contemplate all of the scenarios that these proposals will affect.

Although it is late in the process, we are asking that you review our comments and consider making a few more adjustments. We have two areas of comment.

<u>20-Year Age Limitation for Internal Conversions</u>
First, we want to ask that reconsideration be given to the 20-year age restriction proposed for internal conversions. As we review the Statement of Purpose for this section of the code, it is unclear how the age of a building is relevant:

- provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences
- add additional dwelling units, maintaining building scale and design compatible with surrounding neighborhoods
- make efficient use of existing housing and infrastructure resources.

We currently own two single family homes in an R8 zone whose square footage could deem them a candidate for an internal conversion under all of the proposed revisions, except for their age; one is 16 years old and the other is eight. A bit of research discovered other homes in the city with similar attributes. Limiting the code change to homes 20 years and older would be overlooking additional housing opportunities for the city, specifically for the "missing middle.

In a conversation with Pete Walter, he indicated that part of the rationale is to save older houses from being torn down. We discussed how current building codes render many of the older homes too expensive for internal conversions. Older homes will need to meet new electrical, plumbing, structural and egress standards. We own a home older than 20 years but updating may just be too expensive. There may be undiscovered potential in homes that are newer than 20 years, since they have been built closer to current standards.

We would like to ask the commission to consider removing the age restriction under this new code. There might be more and better potential in applying this part of the code to newer housing stock.

If there needs to be an age limit we would suggest five years and older. It is highly likely that anyone with a home that new is an owner occupant who would not be interested in utilizing this code.

Owner Occupancy Restriction for ADUs

The city's code reads that the property owner must reside in either the principal or the accessory dwelling unit for at least 7 months of the year and receive no rent for the remaining 5 months. We were part of early meetings where was discussion to allow non-owner occupancy of properties with ADUs but can see that the language has remained the same.

A public comment appearing on a written summary of a 10/22 meeting of Planning Commission requested non-owner occupancy for ADUs but the Commission recommended that the code remain the same. Without any background, there or elsewhere to review, we are at a loss to address the Commission's hesitancy to make that change.

We would like to recommend that the City Commission consider allowing for non-owner occupancy – of either or both dwellings.

We have many supporting comments.

The city's Equitable Housing website lists these documents (among others). We have copied excepts from them below.

- Metro's Opportunities and Challenges for Equitable Housing: …accessory dwelling units represent a housing form that can be incorporated into existing neighborhood fabric with minimal impacts to urban form…Many jurisdictions require accessory units to be occupied by the primary property owner, limiting the ability of accessory units to contribute to the rental housing stock.
- 2017 Harvard University Study, The State of the Nation's Housing: …Home ownership declined for the 12th consecutive year in 2016, …with renter households increasing over the same number of years…new rental construction aimed at upper end of market…buyers under 35 total well below pre-boom level…increasing prices and interest rate hikes create considerable uncertainty in housing costs…concern for younger and older households
- May 2017 Residential Infill Report - Austin Texas: … Not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit.
- ADU Memorandum CA Dept of Housing 12/2016: Are Owner Occupants Required? No, however, a local government can require an applicant to be an owner occupant.

Additionally, a review the Statement of Purpose for this section of the code does not address how the owner-occupancy status is pertinent. These are bullet points of that Statement.

- provide homeowners with a means of obtaining, through tenants in the ADU or the principal dwelling unit, rental income, companionship, security, and services
- provide flexibility in the use of their property as their household composition and needs evolve over time
- add affordable housing units to the existing housing inventory
- support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices
- make housing units available to moderate income people who might otherwise have difficulty finding homes within the city

- develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs
- create new housing units while respecting the look and scale of single-family neighborhoods.
- protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood

These are our own further observations:

- The code does not prohibit someone from staying in the "owner occupied" unit for the 5 remaining months, just from paying rent for doing so.
- Vacant properties promote disrepair, vandalism and problems for the neighbors.
- Mortgage payments are likely high on homes with ADUs as the primary home's equity is a primary source of financing the construction of ADUs. Rental income is an important source of repayment.
- A property owner may be unable to live onsite for many life reasons. Prohibiting rental of both units could result in financial hardship, promoting disrepair, inability to pay property taxes and vacancy due to foreclosure.
- The lion's share of ADUs are ground floor units making them perfect for the disabled or older citizens who may not be able to afford home ownership.
- Corner duplexes, with two rent paying units (non-owner occupied), are allowed in the same zone, and potentially right next door.
- Internal Conversions, where there may be up to four rent paying non-owner occupied units, are allowed in the same zone and right next door.
- Restriction of income results in potential reduction in property value and buyer appeal during financial transactions.
- Property taxes are assessed annually on the value of the entire property not a portion of the year. It could be argued that a property that lies vacant for 5 months holds little or no value.
- Promotes infill vs more annexation.

For all of the reasons above, we respectfully urge the City Commission to consider removing the non-owner occupancy component of the City code as a part of the Equitable Housing Project. Collective goals can still be met while providing citizens, neighborhoods and the City benefits. Win/Win.

Thank you for your commitment in serving our community and for your time in reading through our requests.

From: Laura Terway
Sent: Tuesday, April 2, 2019 3:42 PM
To: Pete Walter; Claudia Cisneros
Subject: Fwd: City Commission Letter on Alley Load ways Letter

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-Laura Terway

Begin forwarded message:

> **From:** "goopc3@aol.com" <goopc3@aol.com>
> **Date:** April 2, 2019 at 3:36:51 PM PDT
> **To:** lterway@orcity.org
> **Subject: City Commission Letter on Alley Load ways Letter**
>
> Dear Laura Terway
>
> Could you please file the upper part of my complaint letter concerning Alley Ways for the records. I have other engagements for Wednesday I'm not sure I will be back in time for the meeting.Thank you George E.Thomas ,
>
> It has always been my understanding and belief that our City of Oregon City and the State of Oregon, has always consider building affordable homes to comply with the shortage of homes here in our State and Community. Alley Road ways are not affordable and are not effective on hill sides they only create problems. Do to my personal experience with them. Who in hell, in there right mind would ever consider imposing more taxes on property owners by installing alley ways. Clackamas County is already one of the highest taxed counties in the State. Imposing alley ways and adding more taxes and crime to our community is unacceptable. I also believe if this is forced upon us, it would be considered illegal; violating the State's affordable homes code. You could not give me a home that's has an alley way, let alone sell me one. Adding more alley ways to our community only makes it more difficult for our police officers to patrol. Were already short handed in our police bureau and you want to add more torment for them to handle. If the city commission and Metro will just take a quick look into this, you will find that more homes are burglarized with alley ways then the ones that do not have alleys. Alley ways is a burglar paradise they drive in and no one observes them they just believe it's one of the neighbors and they all go on about their business. A mans home is his castle where he and his family can enjoy a BBQ in their back yard without the fear of being burglarized, because of having an alley way.
> I would like to ask the City Commission and Metro to find it in your hearts not to add this deficit to this project.
>
> My best to you all.
> George E. Thomas
> 16644 S. Livesay Rd.
> Oregon City, Oregon 97045
>
> I say,
> Yesterday is dead and gone and may never be lived again. So live Today like no other to the fullest, with respect and kindness to all. Then thank God, for everything we have with Blessing and Persuasion, For tomorrow may never

come.
Blessing to all my Friends, Your friend George,

From: Pete Walter
Sent: Tuesday, April 2, 2019 9:11 AM
To: Claudia Cisneros; Kattie Riggs
Subject: FW: Alley-Loaded Housing - For the Public Record
Attachments: 20190323_160257_resized.jpg; 20190323_160219_resized.jpg; Property Rights - Bulletin Editorial 2019-03-24_1.pdf

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For the record on April 3.

From: Nick Veroske <nick@willamette-equities.com>
Sent: Monday, April 1, 2019 4:25 PM
To: Dan Holladay <dholladay@orcity.org>; Pete Walter <pwalter@orcity.org>; Laura Terway <lterway@orcity.org>
Cc: kntzig001@aol.com; 'Darren Gusdorf' <darren@iconconstruction.net>
Subject: Alley-Loaded Housing - For the Public Record

Mayor Holladay, Laura and Pete:

I submit the following in advance of the Oregon City Commission meeting this Wednesday, April 3, and entry into the public record. Unfortunately, I am unable to attend the hearing in person, Therefore, I have asked Kent Zigler, or his designee, to read the following at the hearing so that those in attendance can have the benefit of my experience and views.

I have been a small developer of workforce housing over the years. Although small, you don't need much experience to learn a lot about what buyers need, want and can afford. It has come to my attention that the City is contemplating adoption of at least two policies that fly in the face of affordability and our Governor's Housing Policy Agenda. Those policies are the dictation of housing style and the elimination of street-facing garages.

With respect to housing style:

BUYERS, not municipalities, will decide what style of home they wish to purchase. It is the job of builders to adapt their product styles to meet the needs and wants of buyers. Oregon City, like so many other communities, is suffering from a SEVERE HOUSING SHORTAGE. Any actions by the City to dictate style harms the ability of builders to adapt and to provide housing to fill the existing shortage. If a city tries to dictate a housing style that buyers do not want, homes won't be built. One of the effects of this is that developable residential land near employment centers such as Oregon City envisions for its Beavercreek Concept Plan, will not see housing constructed near their place of employment. This means that workers must live farther away from their jobs, contributing to congestion of the transportation systems, air pollution, unnecessary consumption of fossil fuels, global warming (if you follow that theory), increased commute to/from jobs and less time that parents spend with their families and children. Are these the results that Oregon City wants to promote?

With respect to Alley-Loaded Housing:

What the City is trying to do is counter to all common sense and logic with respect to the

following criteria:

1. Governor's Housing Agenda: The policies are counter to providing affordable housing, more housing, and more density.

2. Environmental Impact: Alley-loaded housing requires more impervious surfaces that are created by paving. Asphalt must be manufactured (consumes oil and other natural resources). It must have a layer of rock. All must be transported to the site consuming fossil fuels and contributing to carbon generation and warming. Wear and tear on trucks means more tires, petro-chemicals for fluids, etc., thus more costs and more consumption of recourses to repair or replace equipment.

3. Livability: Alleys force garages into what otherwise would be back yards. Think of all the things you use your back yards for that you would not be able to do. Fun with your kids and family. A safe place for your young children to get outside and play. Gatherings with friends for back yard BBQs and events. Gardening, including raising vegetables and fruits for your joy as well as consumption. Home buyers for whom these activities are important would simply not purchase a home without a back yard.

4. Connectivity: At least in my neighborhood, socializing occurs in driveways and often around cars. Much of this is lost when drivers are forced into alleys.

5. Affordability: Alley loaded housing requires, in addition to the cost of asphalt and rock and the equipment and labor to put it in place, additional drainage for the impervious surface runoff. Storm lines, storm grates, storm water runoff treatment in bio-swales, and additional storm water detention all consume more land that could otherwise support housing. All add costs and reduce the potential for a development to produce revenue, thus prices must be raised – all an attack on affordability.

6. Aesthetics (goes to Desirability and Safety): I have attached a couple photos of a townhome development near me in the Bethany area. These factors are apparent as you look at the photos:
    a. In addition to the items I mentioned in "Affordability", you can see the additional curbs and sidewalks needed. Essentially, you have to construct an entire additional street to serve ONLY the garages. In non-alley developments, the streets serve traffic circulation, garage access, bicycles, play areas for kids (in quiet streets which most neighborhood streets are), basket ball games, etc. None of those activities typically occur in alleys. That means you have to construct a completely single-purpose street at tremendous expense.
    b. Affordability is then created by smaller homes and density. Smaller homes often mean that garages are typically used for storage. Thus, people tend to park on the street. This creates a hazard for emergency vehicle access, especially for fire response. (Maybe the fire department should weigh in on alleys!) In a non-alley subdivision, the cars would be in driveways, keeping the streets generally clear for typical traffic circulation and emergency vehicles.
    c. You will also notice that the land on which alley-loaded housing is developed

is basically flat. You cannot create alley-loaded housing on sloped topography. An engineer could tell you how much additional area would be consumed by alleys and access in order to create a driveway of safe slope in order to access a below- or above-grade garage. An engineer or builder could also tell you how structure heights would be affected on the uphill side of an alley on slopped topography. Again, maybe the fire marshall could weigh in on this matter. Might access restrictions cause mandatory sprinkler suppression systems on the taller buildings, adding even more to costs? (Let's not forget the storm runoff into a below-grade garage.)

After a previous hearing on these issues, I had heard that one of the Commissioners had commented, regarding testimony, something to the effect of "Well, that's just a developer talking". Who would have more knowledge of the impact of such a policy than those experienced in SUCCESSFULLY providing housing the market wants and can afford?

Also, please see the attached editorial from the Bend Bulletin, "Attacking property rights won't make housing more affordable".

Thank you for your consideration of my comments.

Respectfully yours,

Nick Veroske
Willamette Equities, Inc.
3870 NW Banff Dr.
Portland, OR 97229
Office: 503-617-7662
Cell/Text: 503-577-6903





https://newmedia1.wescompapers.com/ePaper/completePubs/bendbulletin/TheBull 19

Attacking property rights won't make housing more affordable



ERIK LUKENS

Fifteen years ago in November, Oregon voters stunned the state's political establishment by approving Measure 37. The measure, which passed by an overwhelming margin, was a populist backlash against the unfair transaction thought to be at the heart of Oregon's vaunted land use system.

That transaction involved land owners surrendering their right to develop their property in exchange for the "greater good" in the form of compact urban development and protected farm- and forestland. Not surprisingly, many of the people who owned that farm- and forestland didn't want to be "protected" against the possibility of making money by developing it. That's why some people bought land in the first place.

In the fall of 2004, voters said they recognized the injustice. Measure 37 allowed people to seek compensation from state and local government for regulations that decreased their property value. And if the government in question decided not to cough up the cash, property owners could develop under rules in place when they bought their land.

While impressive as a gesture of support for fair treatment, Measure 37 was a mess as public policy. The Legislature rendered it largely toothless by referring Measure 49 successfully to the ballot in 2007.

Revisiting Measure 37 makes for an interesting trip down memory lane, but more importantly, it addresses a question that's worth asking today: How long is the memory of the average legislator?

Answer: less than 15 years.

To watch lawmakers take landlords to the woodshed this year is to recognize that they've learned little, if anything, in the decade and a half since Oregon's voters said "enough."

Oregon's land use laws limit the supply of buildable land and, thus, enhance its value. Costly land exacerbates the affordability problem lawmakers are trying to address this session with a slew of bills aimed at the rental industry. The most significant, Senate Bill 608, imposes statewide rent control while making eviction more difficult. Others include House Bill 2764, which would affect the ability of landlords to request information about applicants' criminal histories; and House Bill 2683, which would bar landlords from charging tenants extra for having pets.

Not all of these bills will become law, but they echo the coercive transaction that turned so many Oregonians into Measure 37 supporters. In service of the "greater good" in the form of lower rents available to more tenants, thousands of people are expected to surrender control of their property: what to charge for its use, how to minimize the risk they incur by renting it, and so on.

No one should expect a populist eruption in support of landlords because, well, they're not very popular. But regulatory takings for which property owners aren't compensated do create consequences beyond ill-advised ballot measures. The most obvious in this case is a shortage of the very thing lawmakers want, affordable rentals. Given what lawmakers have done already and what they seem likely to do in the years to come, who in their right mind would get into the rental business at all?

Only in the Oregon Legislature, meanwhile, would it seem like a good idea to solve a problem by repeating its root cause. Land is expensive here, in large part, because lawmakers limited the ability of many landowners to develop. And because land is expensive, so are rentals, a problem lawmakers think they can fix by ... hacking away at the property rights of landlords.

Does anyone really think this is going to work?

Assuming the Legislature is run someday by people who are serious about addressing Oregon's housing-affordability problem, it's hard to see how they'll succeed without confronting what is, in some quarters, the state's holy of holies: its land use system. The surest way to moderate housing costs is to relax land use restrictions. Lawmakers have made tiny steps in that direction, including the creation of an affordable-housing pilot program that will allow Bend to develop in a small area outside of its urban growth boundary. But such limited programs are not nearly enough to make a significant difference.

Relaxing Oregon's stranglehold on growth will have consequences, not all of them good. Increased growth will require the use of land that is so attractively protected, and the end result is sure to be less scenic.

If nothing else, it would be refreshing to see lawmakers move beyond non-solutions such as rent control and discuss openly whether they value the state's attractiveness or its affordability more, and to what degree. In the absence of such a discussion, affordability will continue to suffer.

—Erik Lukens is editor of The Bulletin.

Claudia Cisneros

From: Nancy Ide <nancyide4oc@gmail.com>
Sent: Sunday, March 31, 2019 6:03 PM
To: Claudia Cisneros
Subject: Fwd: Warming centers grouped together with shelters

Hello Claudia,
Please see the emails below. Kattie sent me Commissioner McGriff's email address, but the email was returned to me as undeliverable. Can you please forward this on to her and place this in the record for April 3rd? Thank you kindly.

_____

Nancy Ide, Co-Chair
Homeless Solutions Coalition of Clackamas County
503-758-6363
https://www.facebook.com/OCHSC.Partnerships/
Compassion | Respect | Community | Partnership

---------- Forwarded message ---------
From: **Nancy Ide** <nancyide4oc@gmail.com>
Date: Sun, Mar 31, 2019 at 5:57 PM
Subject: Fwd: Warming centers grouped together with shelters
To: Mayor Dan Holladay <dholladay@orcity.org>, <fodonnell@orcity.org>, Rachel Lyles Smith <rlsmith@orcity.org>, <rsmith@orcity.org>, <gmcgriff@orcity.org>
Cc: Kattie Riggs <kriggs@orcity.org>, Laura Terway <lterway@orcity.org>, Tony Konkol <tkonkol@orcity.org>

For the record, please see the forwarded email below related to the proposed code amendments on shelters.

_____

Nancy Ide, Co-Chair
Homeless Solutions Coalition of Clackamas County
503-758-6363
https://www.facebook.com/OCHSC.Partnerships/
Compassion | Respect | Community | Partnership

---------- Forwarded message ---------
From: **James Watkins** <jamesewatkinsmd24@gmail.com>
Date: Sun, Mar 31, 2019 at 1:21 PM
Subject: Warming centers grouped together with shelters
To: <nancyide4oc@gmail.com>, <tfhrobin@gmail.com>

To whom it may concern

I am writing in regards to the proposal to levy an annual $5000.00 permit fee on facilities that provide temporary warming for the homeless in terms of grouping them together with shelters. I most vigorously protest this notion as it

will make providing this service cost prohibitive for most warming centers and significantly increase mortality and morbidity in this very susceptible population. As President of the Medical Staff at Providence Willamette Fall Medical Center, I am constantly made aware of the crush of care that we must provide during the Winter for patients who contract influenza and respiratory infections and any change in our community dynamic could significantly diminish our already stretched resources.

Please reconsider your position on this issue so that we can continue to reduce human suffering and keep our medical facility available to patients who need care and we don't have to treat patients who by having access to a warming facility will not need our services.

Respectfully,

James E. Watkins,MD
Medical Staff President
Providence Willamette Falls Medical Center

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AND DEVELOPMENT

CCB#150499
1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these "extra" streets. That forces HOA's, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed "solution" to who's going to pay for and maintain the alleys, just got worse. Let's create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC's staff, in all departments. I'm just pointing out what we're experiencing more and more of lately, in nearly all of the jurisdictions that we work in. "Solutions" that don't solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It's a pattern that we're seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we're asked why homes are so expensive to construct??? We're never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We're hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,

Darren Gusdorf
General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Alley Load Development in Oregon City.
Is this really the desire of the city?

Sequoia Landing in Oregon City



More impervious surface area, no rear yards, less green space, added impacts to city storm.

Douglas Grove in Oregon City



Constrained streets, no sidewalks for safe pedestrian connectivity, unsafe collection area for children, no offsite parking in alley, little to no rear yards, “fishbowl living.”

Sequoia Landing in Oregon City



No driveways for parking outside of garages, which forces more parking off-site vs. standard front load garages with “normal” 20’ deep driveways. This conflicts with the objective/theory that alley load will provide more off-site parking. Alley load development will do the opposite.

Sequoia Crossing in Oregon City



Example of alley load development with topography challenges. Front entrances elevated with porches/stair connectivity to streets and sidewalks. This example reflects minimal topography challenges. The majority of the Park Place Concept Area is on much steeper sloped terrain. The finished homes in Park Place will be impacted greater with much more grade differentiation and more steps/landings down to the streets.

Dawn Meadows in Oregon City



Example of finished alley load product, street side. Homes closer to street, small front yards, NO rear yards.

Dawn Meadows in Oregon City – ALLEY LOAD ON LEFT, STANDARD LOAD ON RIGHT



Note, plenty of offsite parking is available on the non-alley load side of the street. Note more cars are utilizing the parking on the non-alley side of the street. Off-site parking is not an impossibility or challenge with standard front load garages.

Dawn Meadows in Oregon City #1



Example of typical FRONT load garage on one side of street (compare to photo below)…

Dawn Meadows in Oregon City #2



Example of ALLEY load garage on the other side of the street (compare to photo above).

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard.

Alley Load in Oregon City



Example of ALLEY load garage, note NO rear yard, NO driveways for on-site parking.

Alley Load in Oregon City



Example of ALLEY load garage, note minimal, non-private rear yard, steps into home.

Alley Load in Oregon City



Example of ALLEY load garage, note NO rear yards, no privacy.

Alley Load in Oregon City



Example of ALLEY load garage, note no/minimal rear yards, and excess impervious area needed to serve just 2 homes.

These are not selective photos. If you have an opportunity to view these projects first hand, you'll see these photos represent these projects in their entirety.

Laura Terway

From: Bill McConnel <bill.mcconnel@ricoh-usa.com>
Sent: Tuesday, March 26, 2019 2:50 PM
To: Laura Terway; South End NA Vice Chair
Cc: John Williams; Pete Walter
Subject: RE: SENA / HGWFNA Meeting this evening[EXTERNAL]

Good afternoon Laura,

After Pete Walter's presentation, the membership had a spirited discussion regarding the pros and cons of the current design standards for the South End NA, after which, we unanimously voted to keep the current design standards in place with no changes.

If you have any further questions, please feel free to reach out to me.

Best regards,

Bill McConnel
Area Operations Manager, Ricoh Managed Services

RICOH USA
9020 SW Washington Sq. Rd. #120
Tigard, OR 97223
Cell: 503-572-6159
bill.mcconnel@ricoh-usa.com
RICOH
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CONNECT WITH US

From: Laura Terway <lterway@orcity.org>
Sent: Monday, March 25, 2019 3:05 PM
To: South End NA Vice Chair <fergusfamily@gmail.com>; Bill McConnel <bill.mcconnel@ricoh-usa.com>
Cc: John Williams <johnwilliams38@gmail.com>; Pete Walter <pwalter@orcity.org>
Subject: RE: SENA / HGWFNA Meeting this evening[EXTERNAL]

Morning,
Just checking in to see if there are any written comments (personal or from the neighborhood association) which you would like to submit for consideration by the City Commission? If so, please send my way by 3pm tomorrow to be included in Wednesday's agenda. Thanks

Laura Terway, AICP
Community Development Director
City of Oregon City
PO Box 3040
698 Warner Parrott Road
Oregon City, Oregon 97045
Direct - 503.496.1553
Office - 503.722.3789
Fax 503.722.3880

Website: www.orcity.org | webmaps.orcity.org | www.rediscoverthefalls.com
Think **GREEN** before you print.

Please visit us at between the hours of 8:30am-3:30pm Monday through Friday.
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From: Pete Walter <pwalter@orcity.org>
Sent: Thursday, March 21, 2019 11:58 AM
To: South End NA Vice Chair <fergusfamily@gmail.com>; Bill McConnel <Bill.McConnel@ricoh-usa.com>
Cc: John Williams <johnwilliams38@gmail.com>; Christina Robertson-Gardiner <crobertson@orcity.org>; Laura Terway <lterway@orcity.org>
Subject: SENA / HGWFNA Meeting this evening

Good morning,

Just a reminder that I am planning on attending the meeting this evening and giving a presentation on the South End Concept Plan Residential Design Standards. I will bring my own laptop and projector.

I will also bring fifty handouts that explain the design standards and feedback forms.

Please let me know if there is anything else I need to bring.

Thanks,

Pete Walter

Peter Walter, AICP, Planner
Community Development – Planning
698 Warner Parrott Rd, Oregon City, OR 97045
(503) 496-1568 Direct
(503) 722-3789 Main
Email: pwalter@orcity.org
Website
Interactive Maps and Apps
Draft Housing and Other Development Code Amendments
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March 25, 2019

Mr. Pete Walter, AICP
Planner
Oregon City Community Development
698 Warner Parrott Road
Oregon City, OR 97045

Subject: File LEG-18-000001 Revision of Park Place Concept Plan

Dear Mr. Walter,

The Park Place Neighborhood Association (PPNA) held a Steering Committee meeting in January at which time our chair, Greg Stone, advised us of requests for upcoming potential changes which will affect the Park Place Concept Plan, adopted in 2008. The comments heard were clear. No one really understood nor comprehended the hundreds of pages in the new Code adoption document requests from the developers. Attendees of this January meeting requested the City Staff explain it in citizen language. People expressing their opinions found it difficult to make an intelligent response to something we didn't comprehend. Some of those present reviewed the original Park Place Concept Plan, 2008 as they had spent many, many hours working on it.

People from the neighborhood were appointed to take part in the designing of the Park Place Concept Plan. These representatives spent many hours over many months in intense and detailed meetings. Cutting edge architects and engineers were brought in by the City (at great expense). The national award-winning Sera Architects (whose tag line is ‘Sustainable Development for the Built Environment’) guided the vision the focus group had for the Plan. The design standards under question were seriously debated and thought out carefully.



This plan is for a 'village', the largest residential and mixed-use development ever to be built in the City. It is meant to be an innovative and forward-looking development, one that builds community, one with lots of open space and homes with porches looking out on the street and neighbors.

In the Concept Plan:

Page 26 under "Housing": *It is recommended that additional design standards be instituted in the Concept Plan.*

Page 27: you'll read that we want: *To create a richer, more diverse community*

That we want the Village to be *'community-oriented with architectural elements that encourage "eyes on the street" and neighbor interaction. Including "Multi-family housing clustered around common open spaces (instead of parking lots) to help foster a sense of community that usually isn't found in conventional apartment complexes. Vehicle access is provided in the rear and with alleys*

Page 62, Under "Implementation": *Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development and compatibility with existing and surrounding neighborhood character and scale.*

The Park place Neighborhood created design standards to ensure the above and we trust you'll honor all the work that went into the Concept Plan and keep these standards and design codes as written. If ICON doesn't want to build to code, then other developers will seek the opportunity to consider it.
Conclusion, all the considerations are in question now; there is no reason to rush through a code change when there is no solid Master Plan. The Park Place Concept Plan was approved after much consideration.
To be clear, design standards have been reviewed thoroughly by members of the community and the city, these parties have reached an agreement with an approved concept plan. Why is this being questioned now that development is imminent? Why are developers questioning what the community, tax payers and city/staff has already approved?



Oregon City is now in the process of completely revising the Municipal Code (OCMC). Within this process is the proposal to completely eliminate the sections pertaining to the architectural design standards for the Park Place (OCMC 17.21) and South End (OCMC 17.22) concept plans. In reviewing some other documents, it seems to us that this change was being implemented to satisfy Metro's Equitable Housing Initiative which is geared to provide affordable housing. An analysis of this can be seen on their website; oregonmetro.gov. The net result of this will be an increase in the density of the Portland metropolitan area.
How does this affect Oregon City? The city is now on a course to change the concept plan zoning and architectural design to achieve the affordable housing goal. The question then arises as to what is affordable. The Metro website shows various levels of income and what they can afford for housing costs. Will the changes the developers are asking for in the OC Code fit the Metro scenario and still maintain quality of life that OC presently has.

Even though countless hours were spent on the concept plans to get them to final approval, they are just that: Plans. They are always subject to change. PPNA believes there should be minimal changes now and a better analysis when a master plan is closer.

PPNA does not approve of the proposed amendments to the Concept Plan.

In reading the developer's comments they have requested relief to build historic single-family structures as required in the codes above. Eliminating the two sections would be premature at this point. The new homes being built today are about as cookie style as you can get, and it's quite possible there will be some drastic changes as the denser zoning takes effect. There is no variety. It is time to get more creative.

Respectfully submitted,
Park Place Neighborhood Association

Laura Terway

From: William Gifford <William@smALLFLAGs.com>
Sent: Wednesday, March 20, 2019 2:46 PM
To: Dan Holladay; Frank O'Donnell; Rachel Lyles Smith; Rocky Smith, Jr.
Cc: Tony Konkol; Laura Terway
Subject: Housing prices

Apologies for the late timing on this as you ponder the "Equitable Housing" aspects of the proposed code amendments tonight, but this just came across my desk. Please take a quick peek. The graphics alone tell quite a story. Thanks for your attention.

https://altos.re/r/bb38920

Sincerely,
In Peace Through Understanding,

William Gifford
William@smALLFLAGs.com
503.723.3456

Oregon City, OR 97045

Report for 3/25/2019

- Current Real Estate Market Conditions for Single-Family Homes
- Trends in Pricing
- Current Levels of Supply and Demand
- Value Metrics

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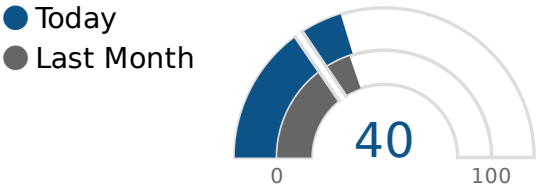
Single-Family Homes

Oregon City, OR 97045

This week the median list price for Oregon City, OR 97045 is $552,475 with the market action index hovering around 40. This is an increase over last month's market action index of 39. Inventory has held steady at or around 138.

Market Action Index

The Market Action Index answers the question "How's the Market?" by measuring the current rate of sale versus the amount of the inventory. Index above 30 implies Seller's Market conditions. Below 30, conditions favor the buyer.



Slight Seller's Advantage

While the Market Action Index shows some strengthening in the last few weeks, prices have settled in a bit of a plateau. We are currently in a Seller's market so prices will likely resume their climb should this trend persist.

Real-Time Market Profile

Median List Price	$552,475
Per Square Foot	$220
Days on Market	122
Price Decreased	23%
Price Increased	12%
Relisted	11%
Inventory	138
Median House Rent	$1,625
Most Expensive	$2,500,000
Least Expensive	$200,000
Market Action Index **Slight Seller's Advantage**	**40**

Market Segments

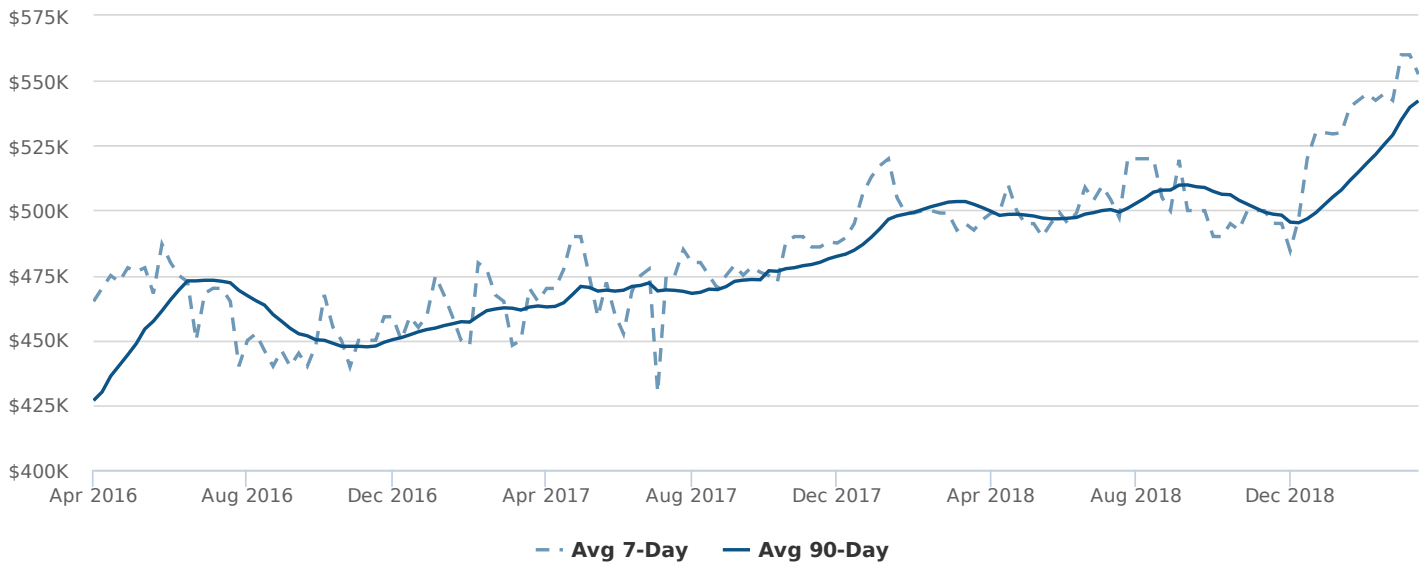
Each segment below represents approximately 25% of the market ordered by price.

Median Price	Sq. Ft.	Lot Size	Beds	Bath	Age	New	Absorbed	DOM
$987,250	4,432	2.5 - 5 acres	4	3	15	2	3	271
$599,450	2,951	0.25 - 0.5 acre	4	3	1	1	3	101
$517,000	2,300	8,000 - 10,000 sqft	4	2	1	5	5	69
$394,900	1,824	0.25 - 0.5 acre	3	2	46	16	14	50

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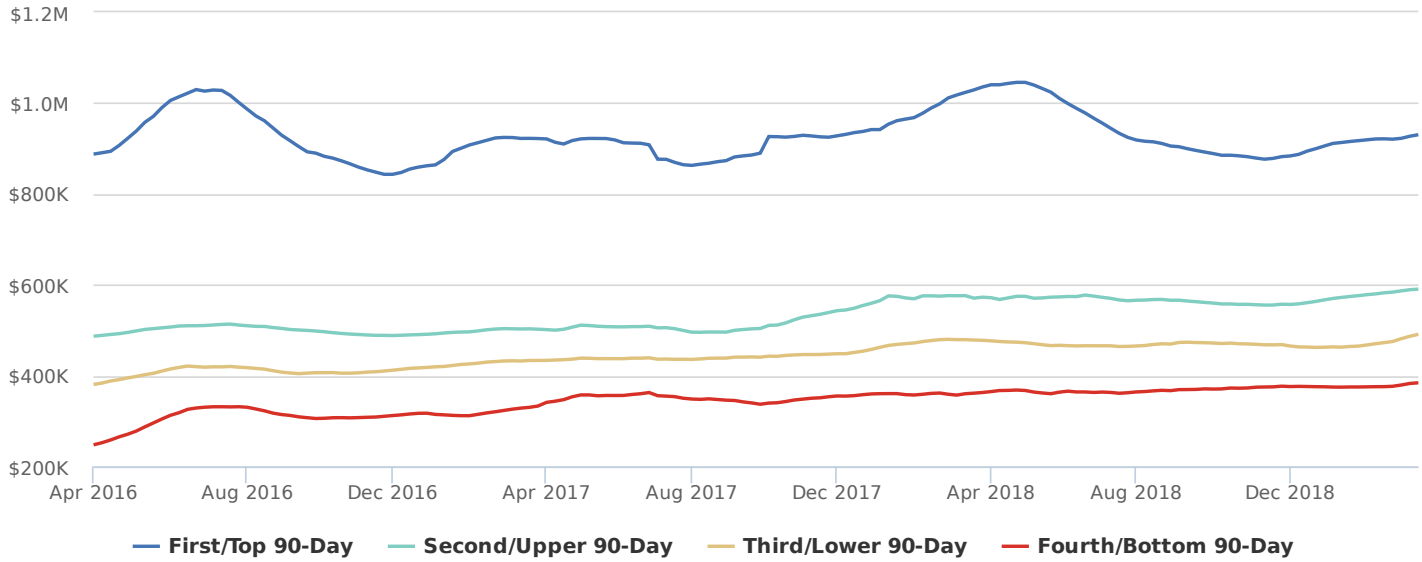
Median List Price

We continue to see prices in this zip code hovering around their high point. Look for a persistent down-shift in the Market Action Index before we see prices deviate from these levels.



Segments

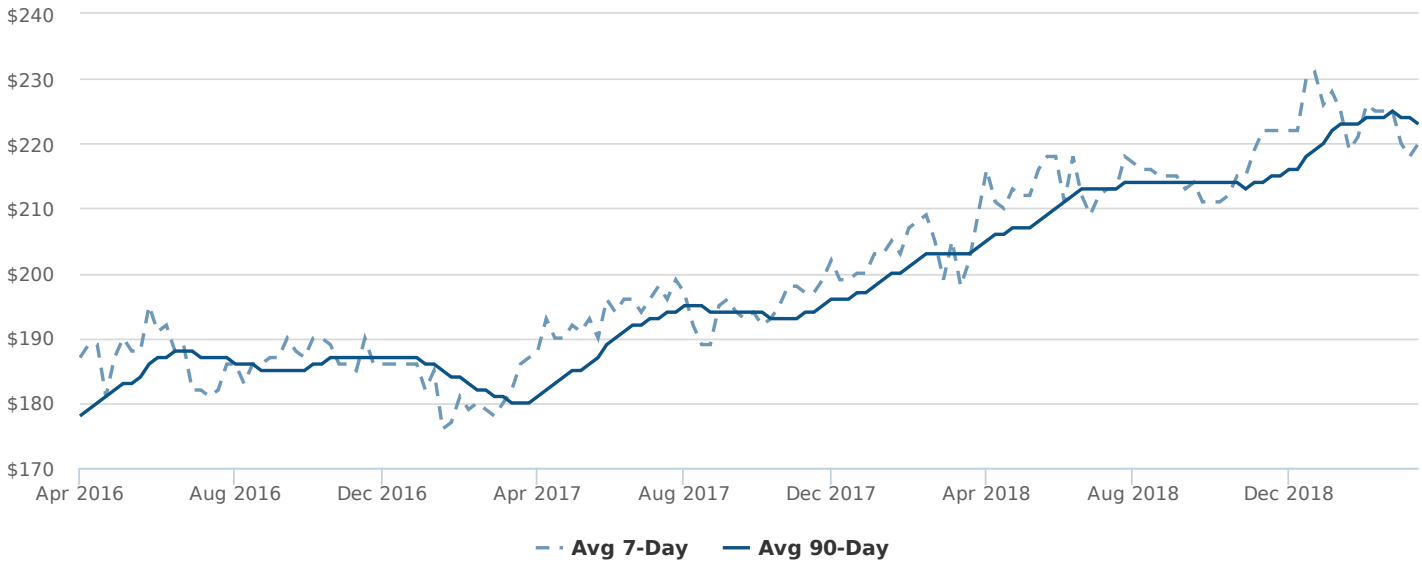
In the quartile market segments, we see prices in this zip code generally settled at a plateau, although Quartile 3 is on a bit of an up trend in recent weeks. We'll need to see a persistent shift in the Market Action Index before we see prices across the board move from these levels.



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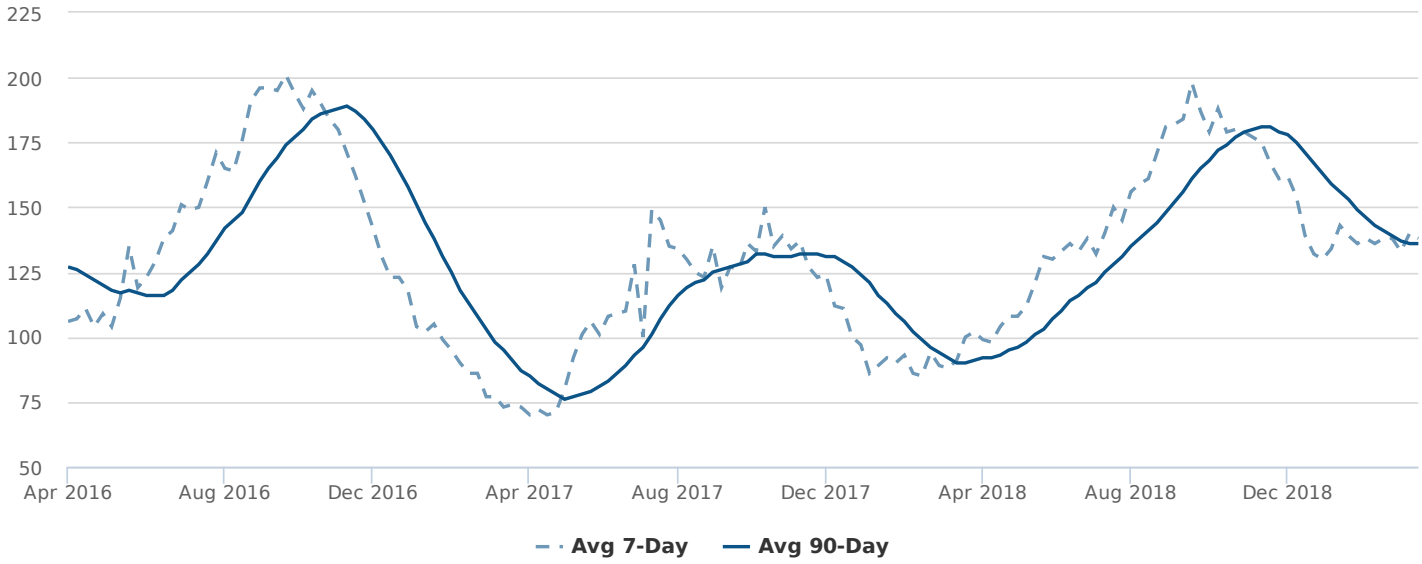
Price Per Square Foot

The market plateau is seen across the price and value. The price per square foot and median list price have both been reasonably stagnant. Watch the Market Action Index for persistent changes as a leading indicator before the market moves from these levels.



Inventory

Inventory has been falling in recent weeks. Note that declining inventory alone does not signal a strengthening market. Look to the Market Action Index and Days on Market trends to gauge whether buyer interest is changing with the available supply.



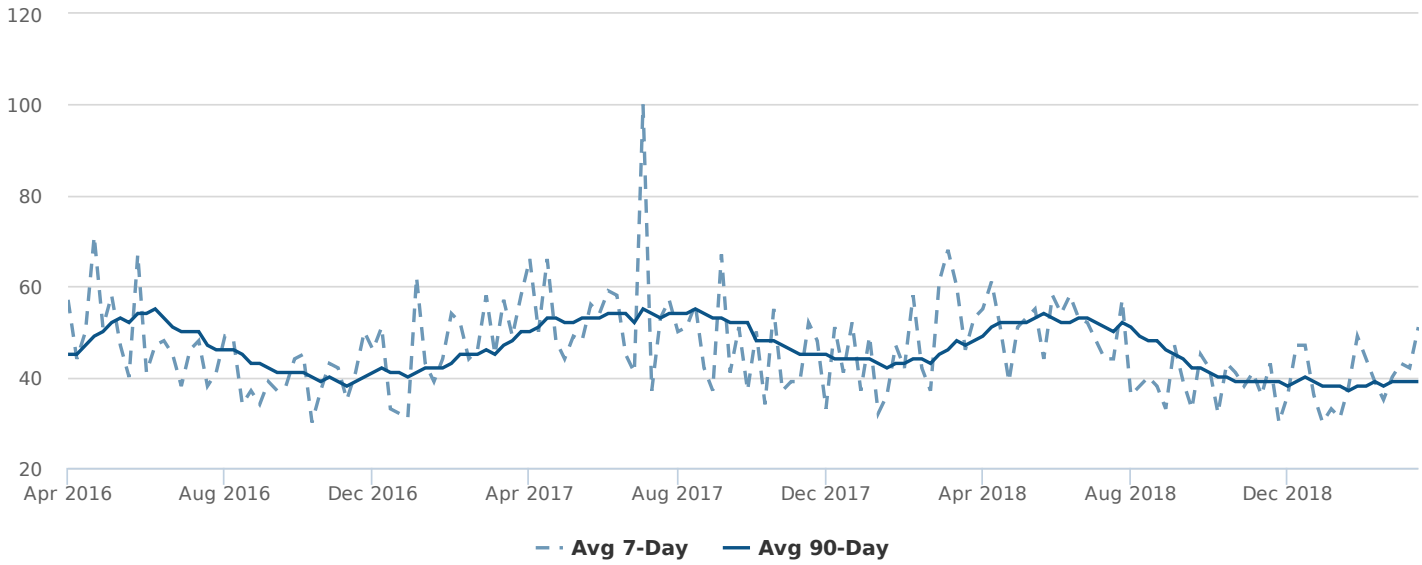
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Single-Family Homes

Oregon City, OR 97045

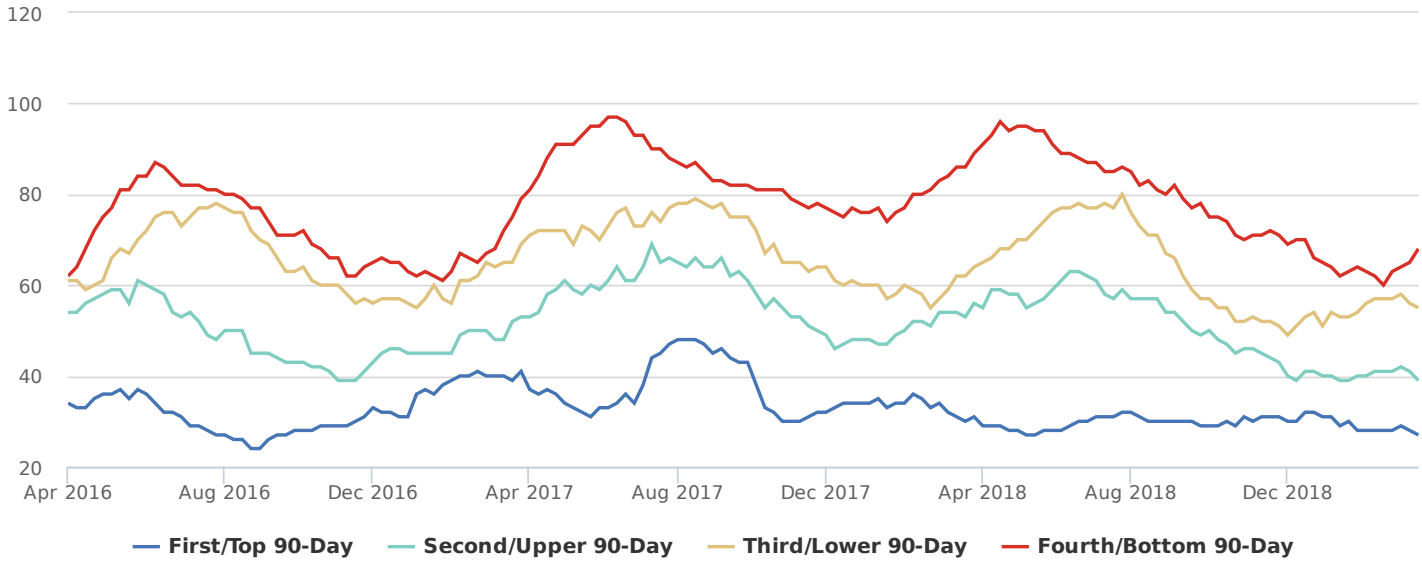
Market Action Index

While the Market Action Index shows some strengthening in the last few weeks, prices have settled in a bit of a plateau. We are currently in a Seller's market so prices will likely resume their climb should this trend persist.



Market Action Segments

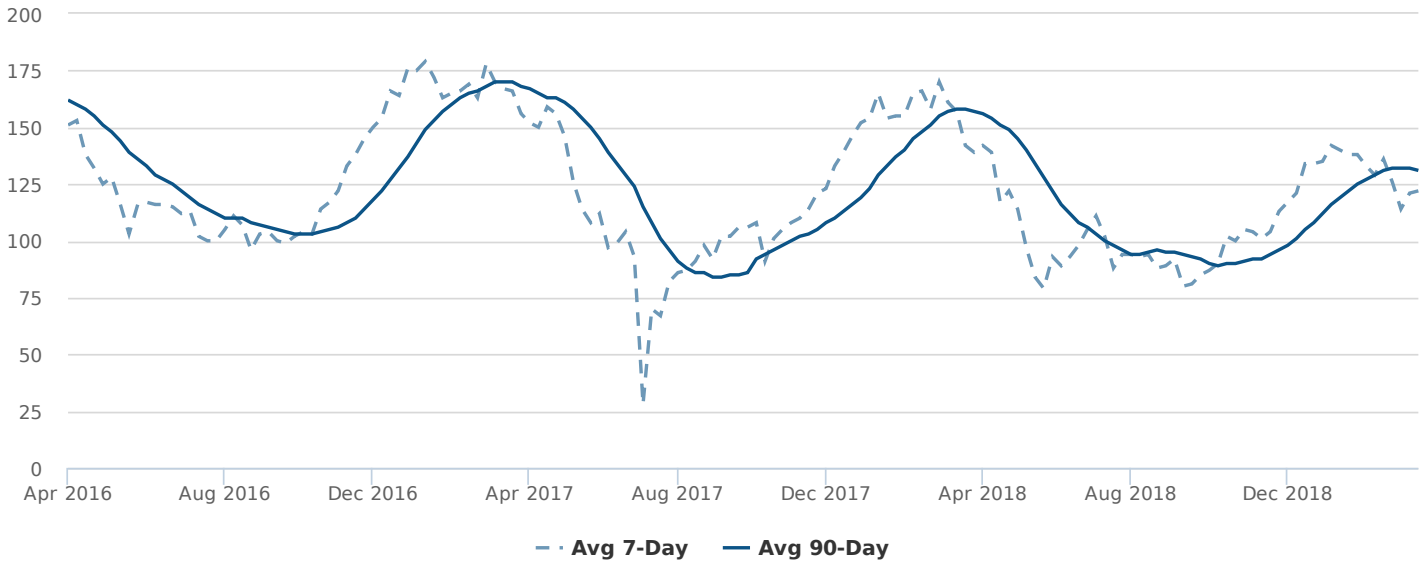
Three of the four quartiles of this zip code are in the Seller's Market zone with relatively low amounts of inventory given the current levels of demand. It's not uncommon that the premium segment of the market takes longer to sell than the rest of the group.



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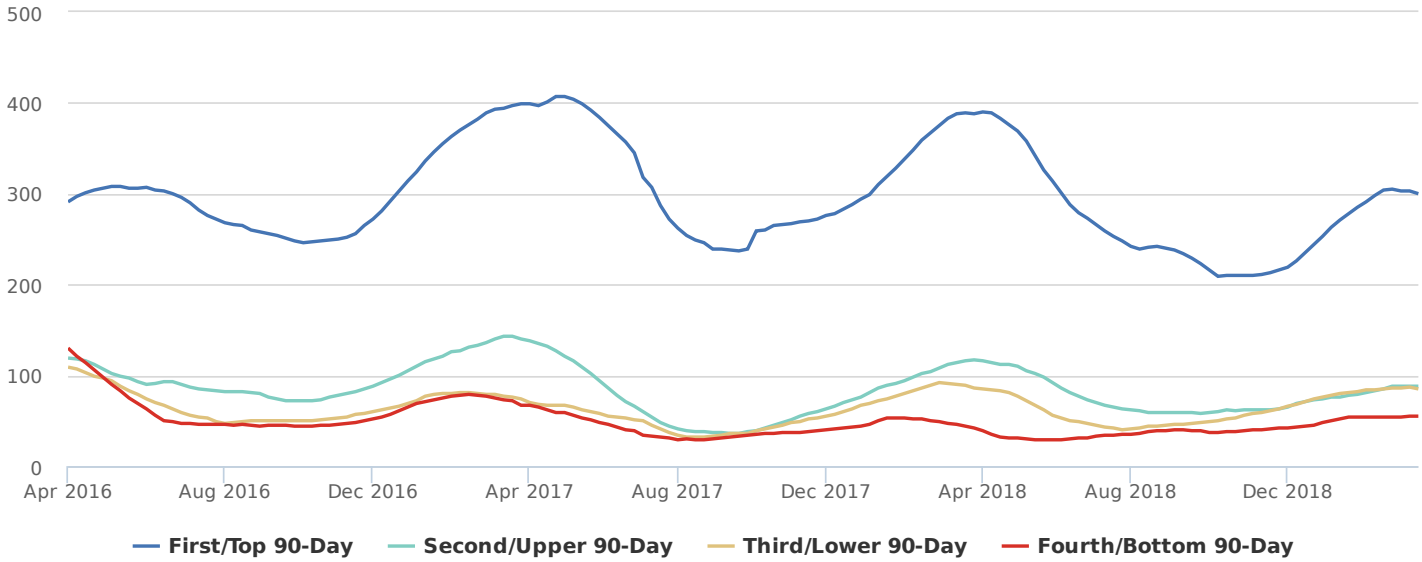
Average Days on Market (DOM)

The properties have been on the market for an average of 132 days. Half of the listings have come newly on the market in the past 69 or so days. Watch the 90-day DOM trend for signals of a changing market.



Segments

It is not uncommon for the higher priced homes in an area to take longer to sell than those in the lower quartiles.



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1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the corelating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

"We value a transportation system that limits congestion without overbuilding roads" – page 9

"Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes" – page 23

"A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community." – page 27

"Single family houses can be a range of sizes, styles, and colors." – page 27

"Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface." – page 36

"In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces." – page 56

"Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

"The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices..." – page 59

"Support architectural integrity and variety in residential and mixed-use neighborhoods. – page 62

"Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development." – page 62

"Consider developing and adopting architectural variety requirements for subdivision development." – page 63

"Create flexibility in development standards to allow for alternative housing types." – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

"Historic Only" Requirement – Sub sections 17.21.010 and 17.21.020
Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be "historic only." This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960's and 1980's (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require "historic only" design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The "historic only" requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

"No Front Load Garage" Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to "NO front load garages OR alley load only." As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, *"Multi-family housing: Vehicle access is provided in the rear and with alleys"* which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the "NO front load garage" requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

"Raised and skirted" front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require "historic only" architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

"Raised and skirted" front porch requirement – Sub section 17.22.050
Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the "historic only" requirement from Park Place chapter 17.21
- Remove the "NO front load garage" requirement from Park Place chapter 17.21
- Remove the "alley load" requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the "raised and skirted" front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirt of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,

Darren Gusdorf
General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Home Builders Association
of Metropolitan Portland

March 20, 2019

Dan Holladay, Mayor
Oregon City Commission
625 Center Street
Oregon City, OR 97045

Subject: Development Code Amendments Including Equitable Housing (Planning File LEG 18-00001)

Mayor Holladay and Commissioners:

The Home Builders Association 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 reduction code language as is, without any of the proposed modifications included in the staff report. The lot size reduction provision of the Oregon City Community Development Code (CDC) is an extremely useful tool to maximize the efficient use of developable land within a given development and within the city itself. The proposed amendment would restrict the reduction of lot size to 10 percent and limit the application of the reduction to 25 percent of the lots in a development. The current reduction provision provides flexibility and results in more efficient use of land with physical and natural constraints, while maintaining the overall density and standards of the zone district. A variety of lot sizes in a single development may provide smaller lots and could result in homes that are more affordable at a variety of income levels.

This provision does not allow for unapproved zoning changes, and it does not allow for more homes than the existing zoning allows. The lot size reduction provision does, however, allow potentially otherwise wasted buildable land to be utilized as long as all other criteria for the zone is met.

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 at the expense of buildable land that is serviceable by existing infrastructure, within a city's urban growth boundary, and helps that city meet their density standards does not present itself as good public policy. Conversely, allowing flexibility to maximize buildable land is in alignment with Oregon Revised Statute (ORS) Chapter 197, and in the spirit of Equitable Housing.

Indeed, 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 has already voted against adopting this particular code change several times earlier in 2018.

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
Government Affairs Manager
Home Builders Association of Metro Portland

March 20, 2019

Mayor Dan Holladay
City Commissioners Frank O'Donnell, Rachel Lyles-Smith, Rocky Smith, Denyse McGriff
City of Oregon City
625 Center St.
Oregon City, OR 97045

Dear Mayor and Commissioners:

This letter is written on behalf of the Steering Committee of the Homeless Solutions Coalition of Clackamas County (Coalition) to express concern related to the proposed code amendments regarding shelters in Oregon City. The Coalition values its partnership with the City of Oregon City as together we work to provide compassionate and respectful solutions to homelessness through community partnerships.

The proposed definition of "Shelter" is as follows:

> 17.04.113117 – Shelter
> "Shelter" means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, cooling or warming shelters and other similar shelters. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

The proposed code amendment requires that shelters obtain a conditional use to operate and are limited to certain zone districts. The Coalition is supportive of the conditional use requirement for shelters that provide housing to individuals on a short-term basis.

The Coalition would like to point out that the purpose of day shelters (centers) and warming/cooling centers is different from that of a housing shelter. These centers do not provide short-term housing, but rather provide services and oftentimes life-saving shelter on a temporary, emergency basis during extreme hot/cold weather. In addition, day centers are vital to the health and welfare of our community's most vulnerable residents and are generally operated by non-profit organizations whose budgets often cannot accommodate high permit fees.

The warming centers have operated in Oregon City the past two winters under an emergency resolution and in compliance with fire district requirements. The City Commission stated on the record last fall of its intent to "fix" the code so the emergency resolution would no longer be necessary. However, the addition of a conditional use and high fee requirement in the proposed code amendments creates a burden for the non-profit organizations that have been successfully operating the centers. The Coalition wants to ensure that the City Commission understands that

the proposed code, as written, will likely terminate future warming centers in Oregon City for the homeless population because of the requirement to comply with the conditional use and pay high associated fees. The effects of losing these warming centers may result in the loss of human life. The Coalition does not believe this is the City Commission's intent, but it could potentially be an unintended consequence.

Please note that it's the Coalition's understanding that the proposed code, as written, will also prevent churches, city facilities, and other facilities from opening their doors to the elderly, the homeless, and others who do not reside in air-conditioned homes during summer heat waves. As such, if the City desired to open a cooling center in one of its facilities, it's the Coalition's understanding that an emergency resolution would be required to temporarily avert the code to allow these cooling centers. Is this the City Commission's intent?

In addition, if the City Commission decides to move forward with the proposed code as written, the Coalition asks that the current day center that has been operating at 603 12th Street for the past six years be grandfathered in and not be required to obtain a conditional use.

The Coalition suggests that a separate definition be created for day centers and warming and cooling centers and that these operations be permitted in certain zone districts without a conditional use. The Coalition suggests that a joint neighborhood agreement be developed between the centers and the neighborhood associations to address the operations and any concerns.

Thank you for listening to our requests. We look forward to the discussion on these matters.

Sincerely,

Nancy Ide
Coalition Co-Chair
503-758-6363
Nancyide4oc@gmail.com

Dan Fowler
Coalition Co-Chair
503-351-4500
danf@abernethycenter.com

The Father's Heart Street Ministry

Marty & Teri Gant
Founders

Robin Schmidt
Executive Director

603 12th St.
Oregon City, OR 97045

March 20, 2019

Dear Mayor Holladay and City Commissioners Frank O'Donnell, Rachel Lyles-Smith and Denyse McGriff:

This letter is to serve as a reporting of the many lives that we were able to save and care for during this last winter season. From November through March, The Father's Heart was able to provide 2,496 bed nights out of the total of 7161 bed nights provided throughout Clackamas County. In our county we have seen a 63% increase in bed nights since last year.

By providing a safe and peaceful place for those living outside during these freezing temperatures, we were also keeping the numbers down to emergency hospital visits and at the same time receiving people from the hospital that were released with no place to go. We also cared and provided safe shelter for veterans.

One of the veterans we served had major heart health issues. He had stopped coming to The Father's Heart because of being in the hospital. After he was released to the streets, he made his way back to us. When he walked through our doors, he had tears in his eyes and didn't remember who he was. But we remembered who he was. We were eventually able to reunite him with his family so that he could receive the proper care that he was needing.

Another population that we have served were women fleeing domestic violence. And we have learned that most women we serve, in time, will experience repeated abuse when they do not have the choice of safe overnight shelter. They are vulnerable and make poor choices to stay with an abuser rather than stay out in the cold. Allowing us to serve the women in our community that are living without shelter has been a greatly needed and appreciated service. We hear often from the women we serve that they are grateful for a safe place to stay and how they don't know what they would have done without our services.

Every year, we try to make improvements in meeting the needs of those who seek out warm, safe shelter during freezing temperature nights. This year, the county provided peer support. These trained peer supports were a valuable addition to walking through different situations along side our guests. They were able to help a youth into Spring Water Transitional Living. She is currently employed and receiving support to help her to be able to eventually live self-sufficient. We also had a gentleman be able to contact his mother in assisted living and into the process of his mother moving to Clackamas County where he can be emotional support for her.

"I was hungry
and you gave me something to eat,

I was thirsty
and you gave me something to drink,

I was a stranger
and you invited me in,

I needed clothes
and you clothed me, …

Matthew 25:35

ENTERED INTO THE RECORD
DATE RECEIVED: 3-20-2019
SUBMITTED BY: Robin Schmidt
SUBJECT: 4

The Father's Heart Street Ministry

Marty & Teri Gant
Founders

Robin Schmidt
Executive Director

603 12th St.
Oregon City, OR 97045

In just the last week, we have seen a veteran housed, and 2 people begin full time work. These are just some of the benefits of being able to sleep safely. An even bigger benefit is the dignity that people receive. When people receive dignity, that helps them stay hopeful.

This year marks the 10th year that The Father's Heart has been serving in the capacity of an emergency warming shelter. We want to thank you for allowing us to serve the vulnerable citizens of Oregon City and Clackamas county. With your permission, we have been allowed to keep women safe from abusers, give back to our veterans that have served us, gently listen and guide seniors that are terrified of living on the streets and many others in need.

We are concerned with the currently proposed code requiring a Conditional Use for warming shelters and the financial burden for us of $5,000. We hope that after 10 years of successful and faithful service through providing an emergency warming shelter you will preclude these requirements so that we may continue to serve in this capacity.

Before you vote on the proposed code that could quite possibly prevent The Father's Heart from continuing to serve as an emergency warming shelter, we invite you to come and see the wonderful services that are offered and the wonderful people that we serve at The Father's Heart.

Sincerely,

Robin Schmidt

Robin Schmidt, Executive Director
The Father's Heart Street Ministry

"I was hungry
and you gave me something to eat,

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and you invited me in,

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and you clothed me, …

Matthew 25:35

THE FATHERS' HEART WARMING CENTER POLICIES

- We are a Christ Centered Establishment
- Respect, Respect, Respect
- Loitering on the property BEFORE or AFTER hours is prohibited
- Smoking in designated SMOKE AREA in main parking lot ONLY (Please use butt cans)
- Eating or drinking outside is prohibited (unless in your container)
- Respect our neighbors and each other when outside. (Remember that some our neighbors have children sleeping)
- ENTER & EXIT through 12th Street doors (At ALL times)
- Line up for entry begins at 5:45 pm
- RVs on the property are prohibited
- Camping or sleeping on or near property is prohibited
- Gathering in or around vehicles is prohibited
- The park across John Adams Street is OFF LIMITS
- Pets on property, tied up along fences, to trees or street signs is prohibited
- Alcohol/drugs are ABSOLUTELY prohibited. If found in violation you are subject to a "Trespass"
- Smoking or vaping in the facility is prohibited. Those found in violation will be asked to leave.
- Respect EVERYONE! Rudeness, disrespect, cursing and/or threats will not be tolerated
- Eating and/or drinking permitted at tables only
- Use of illegal web sites/materials on TFH computers is grounds for a "Trespass"
- Movies are available upon request
- Sleeping or reserving spots on sofas prior to bed time is prohibited
- ALL of your personal belongings belong solely on your sleeping mat
- Gathering in the reception area during warming center hours is prohibited
- Last call for smoking is at 9:45 pm. Doors get locked at 10 pm
- Quiet time/lights out at 10:30pm
- If you choose to leave after 10 pm (locked doors), there is no re-entry to the building

City Of Oregon City
Commission Meeting
3/6/19

Jackie Hammond-Williams
14422, Holcomb Blvd
Oregon City
Email: Maggysfarm@gmail.com
Phone: 503 734-0192

Dear Mayor and Commissioners,
I was part of the committee that drafted the Park Place Concept Plan. I hear now that a small group of developers want to make changes to the adopted design standards.
Many people from the neighborhood were appointed to take part in the designing of this concept plan. We spent many hours over many months in intense and detailed meetings. Cutting edge architects and engineers were brought in by the City (at great expense I'm sure) The national award-winning Sera Architects (whose tag line is 'Sustainable Development for the Built Environment") guided the vision we all had for the Plan. The design standards under question were seriously debated and thought out carefully.
It's bad enough to have this giant Park Place Village development forced on our neighborhood, after 3 failed annexation attempts, but adding insult to injury is that these well crafted design standards are now under question by the developers.

I hope you will all study the Parkplace Concept Plan:
Page 26 under "Housing" you'll see:
It is recommended that additional design standards be instituted in the Concept Plan.
Page 27: you'll read that we want:
To create a richer, more diverse community
That we want *" community-oriented with architectural elements that encourage "eyes on the street" and neighbor interaction. Including "Multi-family housing clustered around common open spaces (instead of parking lots) to help foster a sense of community that usually isn't found in conventional apartment complexes. Vehicle access is provided in the rear and with alleys*
Page 62, Under "Implementation":
Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development and compatibility with existing and surrounding neighborhood character and scale.
Well we did that and I hope you'll honor all the work that went into the Concept Plan and vote to keep these standards.

I would also like to address the subject of Food Carts in Oregon City. I hope this will be a yes vote from the City Commissioners. Food Carts are listed in Mt Hood Territory's 2019 Travel Planner, page 35...but of course there is no mention of Oregon City. If we want to become a tourism power house with the development of the River Walk and the Mill Site we have to climb into the 21st century . I've been contacted by a business owner who wants to move into OC and open a food cart pod (as well as a bricks and mortar business). We have food trucks at the Farmers Market, they are at Coin Toss Brewery, customers love them and the variety they offer. The City is growing, and we need to grow the choices of food outlets too. We are acting like the oldest (and old-fashioned) city and not the city of 'firsts' that we have been historically. It's time for change. Thank you for your dedication to this City.

ENTERED INTO THE RECORD
DATE RECEIVED: 3-6-19
SUBMITTED BY: Jackie - Hammond-Williams
SUBJECT: Cog

Revision of Park Place Concept Plan

March 6, 2019

We attended the Park Place Steering Committee meeting in January at which time our chair, Greg Stone advised us of requests for upcoming potential changes which will affect the Park Place Concept Plan, adopted in 2008. The comments I heard were clear. No one really understood nor comprehended the hundreds of pages in the new Code adoption document requests from the developers. Attendees requested the City Staff explain it in citizen language. People expressing their opinions found it difficult to make an intelligent response to something we didn't comprehend. Some of those present reviewed the original Park Place Concept Plan, 2008 as they had spent many, many hours working on it.

Kelly Reid attended our General Meeting Monday, Feb. 25. There were many questions about the proposed code and how it differs from the original plan. There were several questions she was not able to answer, not because she wasn't prepared, but because no one really knows what the outcome of the traffic and landslide issues, infrastructure or further annexations to allow for additional access will result in. It's all too vague. Park Place neighbors are fully aware of over 700 homes currently proposed or in progress in our neighborhood, all accessed by one road, Holcomb Blvd.

In addition, the Park Place Citizens are aware that Clackamas County has placed the Housing project on Holcomb for sale. They are looking to sell to a developer who will increase the density of the current area to allow for more housing. First, they need to relocate the current residents, most of them Section 8 recipients without transportation access.

And, what is the definition of 'affordable' in 2019? Some units on Glen Oak, once approved to be condos are now rentals, $1800/month and up. Street parking is full every evening, and there are restrictions on use of the housing, such as no smoking in the buildings. Consequently, people sit on the cars and curbs and smoke in the street. The Cove development is very high density, residential and anything but affordable for studios, and apartments. The lowest rent for one Studio is +$1,000 a month.

Citizens of Oregon City chose to purchase homes in a rural atmosphere such as Park Place. Those in the audience last evening bought their homes to provide a quality of life and safety for their children, grandchildren and themselves. From what we do comprehend, we are concerned about our rights as citizens/taxpayers, the future of this beautiful, historic area of our city and our Park Place Neighborhood.

After meeting with Pete Walter yesterday, it is clear that some of these areas of development recently annexed which are a part of the Concept Plan were designed with older codes. However, some of these developments are pending many 'ifs', before they can proceed.

All the requests for changes are from developers, or Planning Commission. They want O.C. to change the code originally used in the Concept plan. Understandably, there may be better ways of designing new neighborhoods for reasons of practicality/profit. Perhaps the developers could explain the advantages to the citizens involved in the concept plan areas.

Our concerns are real and unanswered. The city has an obligation to answer our concerns.

Respectfully,

Barbara and Ray Renken, Barlow Crest Neighborhood

Park Place Neighborhood, Oregon City

Support of Development Code Amendments Including Equitable Housing
Citizen Comments
Tara Sprehe, Dean, Academic Foundations and Connections, Clackamas Community College
March 6, 2019

Good evening, Commissioners. My name is Tara Sprehe and I am the Dean of Academic Foundations and Connections at Clackamas Community College. Part of my role at the college is serving as the Dean of Students and I am here to support the proposed development code amendments to allow for more equitable housing.

As you may know, Clackamas Community College serves approximately 25,000 individuals in both credit and non-credit opportunities each year. The contributions these students and our college make to our community and local economy cannot be overstated. Clackamas County annually receives roughly $62 million in income due to CCC operations. Thousands of former students are employed in our city and county. Our current students eat, shop, work, and play in Oregon City. What they don't do is live here. Housing options are quite limited and increasing rents have meant that students can't find affordable housing in the community where they go to school.

For our students to meet their educational goals, many must apply for financial aid as 38% of our students are unable to meet expenses to attend college. For federal financial aid purposes, a college determines the Cost of Attendance that includes tuition and fees, textbooks, and room and board (housing). Currently, 45%, almost half, of the cost of attendance at Clackamas is allocated for housing. In fact, as we calculated our cost of attendance for the 2019-20 school year, we significantly increased the housing portion of financial aid from $7,500 to $10,260 due to escalating rent costs in Oregon City. We haven't seen an increase like that in several years.

Additionally, 20% of our students come to campus without a car. They turn to public transportation as a viable means of reaching our campus. The farther they have to live from campus, the more expensive it is for them to travel to get here. Even more problematic, for many students, the amount of time it takes to travel here means less time working, meeting family obligations, or studying. Increasing the diversity of housing options and a resulting stabilization of housing costs will allow more of our students to live here.

To close, I recently heard a story about students who rented a house in Oregon City. To make the rent affordable, they added an additional roommate who lives in the garage. A space without adequate heating. For multiple reasons, this is not acceptable. Our students need options for housing that are affordable so they can be successful in meeting their educational goals and contribute to our local economy.

Thank you for your time and consideration.

City Commission of Oregon City March 6th, 2019
Hearing of March 20, 2019

Attn: Pete Walter

RE: Discussion if the design standards specific to Park Place and South End Concept Plans should be removed and if the access requirements should be changed at the March 20th, 2019 hearing.

Testimony of: Christine Kosinski, Holly Lane, Unincorporated Clackamas County. Testimony to be part of the City Record for hearing of March 20, 2019

I do not feel that approving development utilizing City Wide design standards would be good for Oregon City. It would seem moving to city wide standards the City may be "boring" and development would look too much like "cookie cutter" homes. City Wide standards could decrease home values in that not enough diversity and variety would be built into the city. Building too many homes that may look the same with similar interior layouts would not be good. Careful attention must be made for "safety" as in the past few years more homes are being broken into and people are put into harms way. If you decide to change to City Wide standards then safety, security and livable must be part of these changes.

In the second paragraph of Mr. Walter's e- mail of January 30th, 2019, announcing the possible City Wide design changes and the City Commission hearing set for March 20th, it is stated "As a part of that process, we have recently received **multiple requests to remove the residential design standards specific to the Park Place and South End Concept Pl**ans. I can't imagine these requests came from the people, since removing the design standards may ultimately remove the core values which the neighborhoods have sought to protect in both of these concept plans. As well, to remove the original design standards, could allow the City to build more densely and to change zoning. Multiple requests made by persons, developers, planners should not sway the decision of the City to change design standards. Oregon City belongs to it's people and it should be the people, along with the city, that makes these decisions.

If zoning and density are to be considered at this point then I would request the City to update their current Hazard/Landslide Regulations since building densely will present many more safety issues which are currently not covered.

I don't know that you are aware Landslides cause fatalities and billions of dollars in property damage each year. Costs are approximately $3.5 billion per year for damages with much of these losses borne by the homeowner, since there is NO landslide insurance coverage anywhere in the United States. Since the floods of 96-97, all insurance companies in America stopped writing landslide insurance due to the catastrophic costs. There may be some coverage offered in the Supply Lines, however if a homeowner lives within one mile of a previous landslides, denial for both landslide and earthquake is made.

The United States Geological Society (USGS) Landslide Hazards Program clearly states Landslides occur where they have before, and in identifiable hazard locations. Now that the City has both the DOGAMI Landslide and Landslide Susceptibility Maps, it makes it easy for the City to see where landslides have already occurred and where they are likely to fail in the future.

The USGS asks for flexible pipe fittings to avoid gas or water leaks, as flexible fittings are more resistant to breakage. They want ground cover planted on slopes and retaining walls built where needed. In mudflow areas, build channels or deflections walls to direct the flow around buildings.

The hazard from landslides can be reduced by avoiding construction on steep slopes and existing landslides. Stability increases when groundwater is prevented from rising in the landslide mass by covering the landslide with an impermeable membrane and directing surface water away from the landslide and draining groundwater away from the landslide, and minimizing surface irrigation.

I would ask the City how it proposes, when building densely, to divert the tremendous amount of stormwater and runoff? These waters must be drained away from the landslides, therefore just putting these waters into detention ponds will not be safe as they will just drain right down into the landslide and raise groundwaters too high which could allow the landslides to re-activate.

In your Geologic Hazard Code 17.04.510 (2) "Area within two hundred feet of the crest or toe of a slope that is twenty five percent or greater" and in your..... Geologic Hazard Code 17.04.515
(a) Areas within fifty feet of the crest or toe of a slope that is twenty five percent or greater and etc,
(b) Areas with a slope of twenty-five percent or more

In these two codes above as well as the entirety of your Hazard Regulations for landslides I request the City to change the twenty five percent to a much lower percentage because most of the landslides in the Park Place area occurred on less than twenty five percent with some as low as landslides occurring on a 5% slope. I would like to remind you that the landslides which have occurred on Holly Lane were only on 11% slopes. Setting your steep slopes at 25% or greater does not allow for true regulation. This is very important because if landslide regulations are not more stringent, it is the property owner who suffers all the losses since there is NO insurance available to cover losses due to landslides.

Lastly, I did not receive your e-mail of January 30th and I do not believe The Hamlet of Beavercreek received it either. I am requesting to be notified when meetings/hearings come onto the schedule in reference to the Park Place Concept Plan and the Beavercreek Road Concept Plan. Holly Lane will be deeply and drastically affected by any further changes you make to these plans, and yet the City continues to ignore the "SAFETY and LIVABILITY" of these good people by not inviting them to meet. I, as well as my Holly Ln neighbors, would appreciate messages of future meetings/hearings regarding these concept plans.

Christine Kosinski
Holly Lane
The Hamlet of Beavercreek

20076 HWY 213 Oregon CIty

From: Dan B (orcityus@yahoo.com)

To: petewalter@orcity.org

Date: Wednesday, March 6, 2019, 2:29 PM PST

I would like to put these files in the record for the City Commission meeting tonight. The issue is that the road and in infrastructure has been installed for the lots requirement at a great expense for future construction of new townhomes that match the existing homes already on that street. The road was built to the standard width at the time, water lines for water meters installed see plans attached..
I am asking that there be some provision for this project to remain the same specifications that was the original layout to the old code.

Dan Berge
3/6/2019 503 515 5488

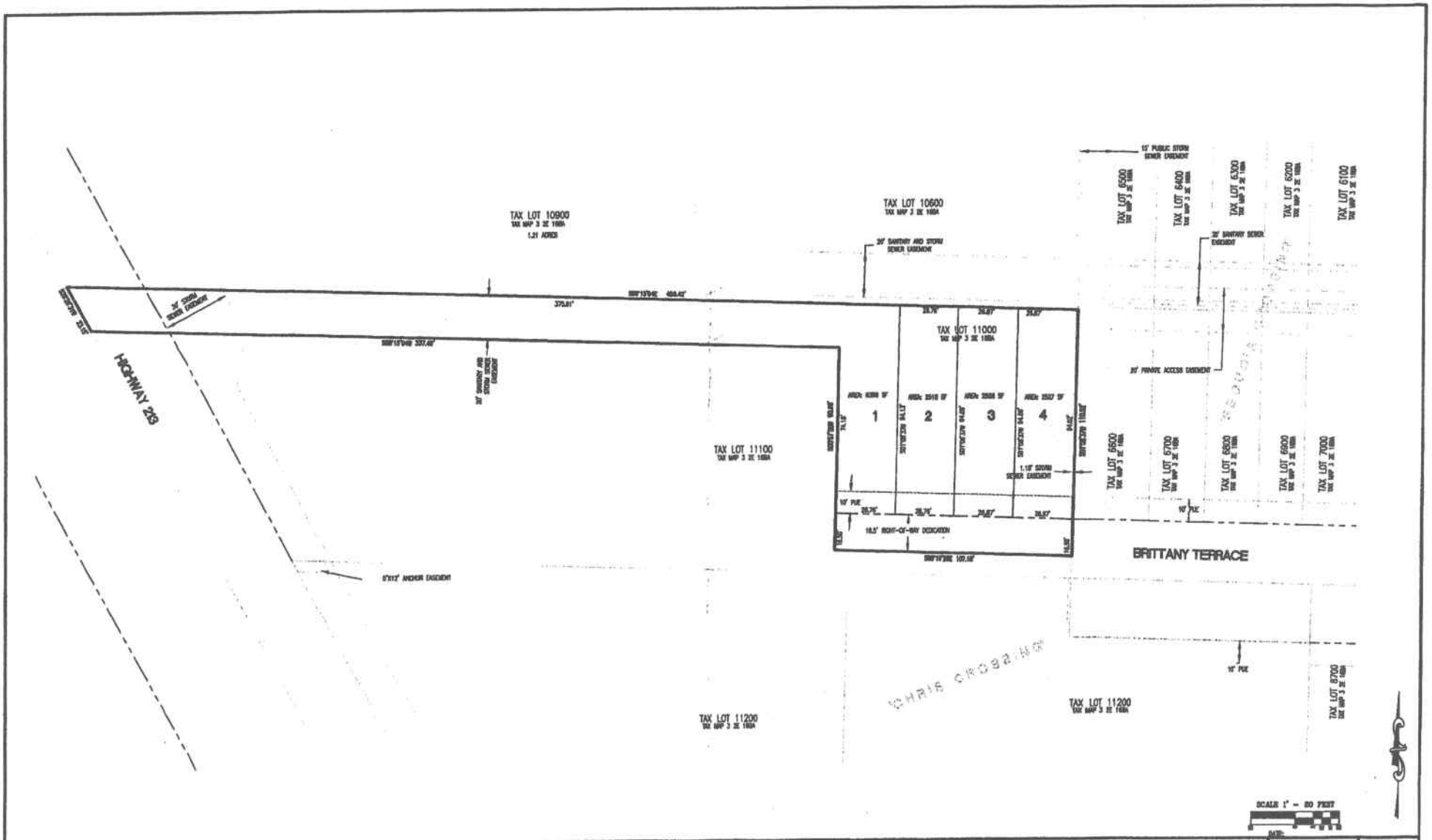
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MAR 6 2:59PM



REVISIONS:

PRELIMINARY SUBDIVISION LAYOUT 2

ENGINEERING • PLANNING • SURVEYING • FORESTRY

AKS ENGINEERING & FORESTRY

13345 SW GALBREATH DR., SUITE 100
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

Offices Located In:
SHERWOOD, OREGON
REDMOND, OREGON
VANCOUVER, WASHINGTON

DESIGNED BY: FCR
DRAWN BY: AJN
CHECKED BY: MDV
DRAWING NO.: 1818 LAYOUT-2
SCALE: AS NOTED

PREPARED FOR:
RE BUY NW HOMES, LLC
P.O. BOX 2885
OREGON CITY, OREGON 97045
503-539-9008
503-722-2383

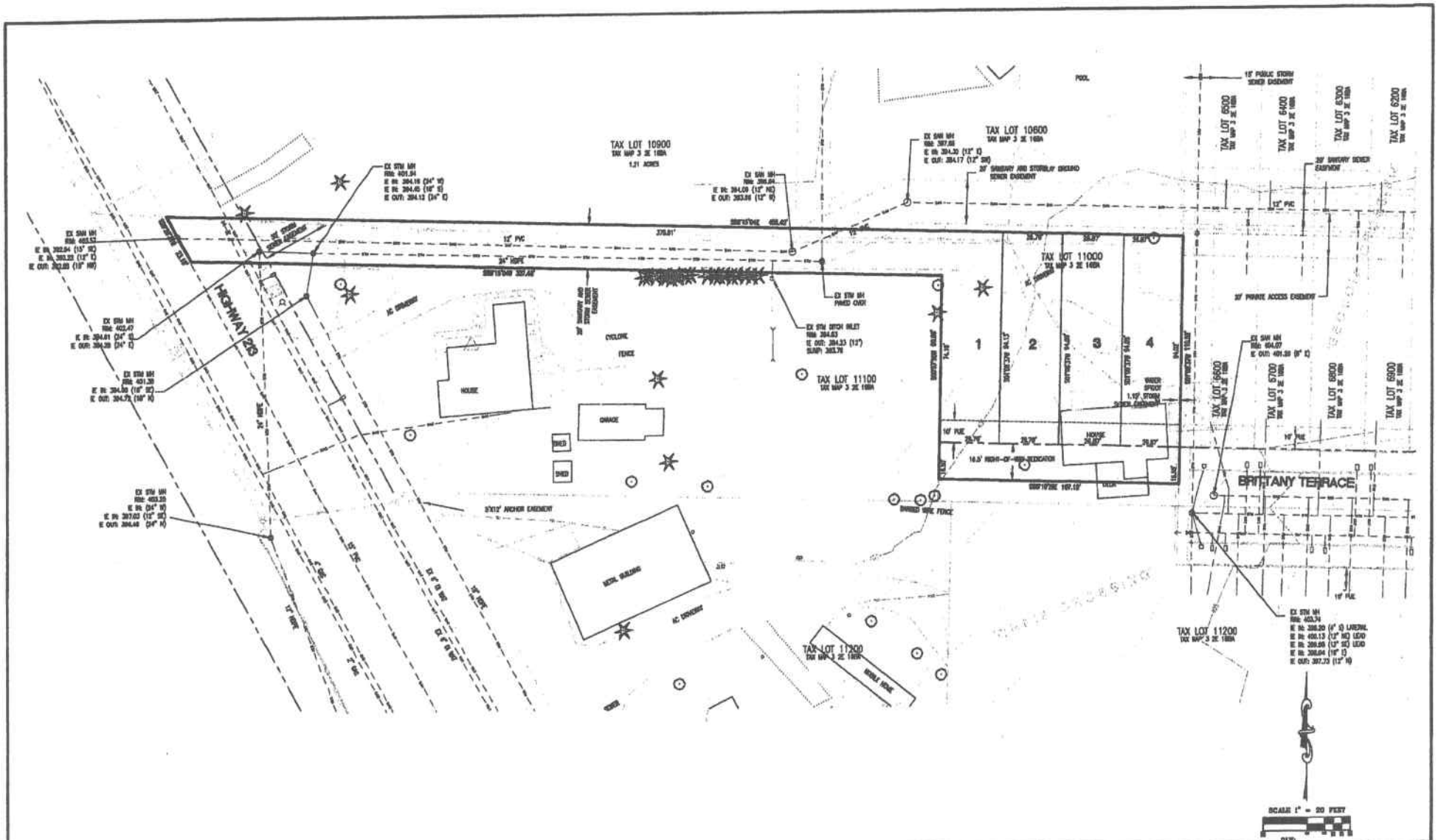
20076 MOLALLA AVENUE

OREGON CITY
TAX LOT 11000

OREGON
CLACKAMAS COUNTY MAP NUMBER 3 2E 16BA

JOB NUMBER
1818

SHEET
1 OF 3



REVISIONS:

PRELIMINARY SUBDIVISION LAYOUT 2 WITH EXISTING CONDITIONS

ENGINEERING • PLANNING • SURVEYING • FORESTRY

AKS ENGINEERING & FORESTRY

13910 SW GALBREATH DR., SUITE 110
SHERWOOD, OR 97140
PHONE: (503) 925-8799
FAX: (503) 925-8969

Offices Located In:
SHERWOOD, OREGON
REDMOND, OREGON
VANCOUVER, WASHINGTON

DESIGNED: PSH
DRAWN: AJH
CHECKED: MTK

PROJECT NO.: 1818 LAYOUT-2
DATE: AS NOTED

PREPARED FOR:
NE BUY NW HOMES, LLC
P.O. BOX 3905
OREGON CITY, OREGON 97045
503-539-4008
503-705-2283

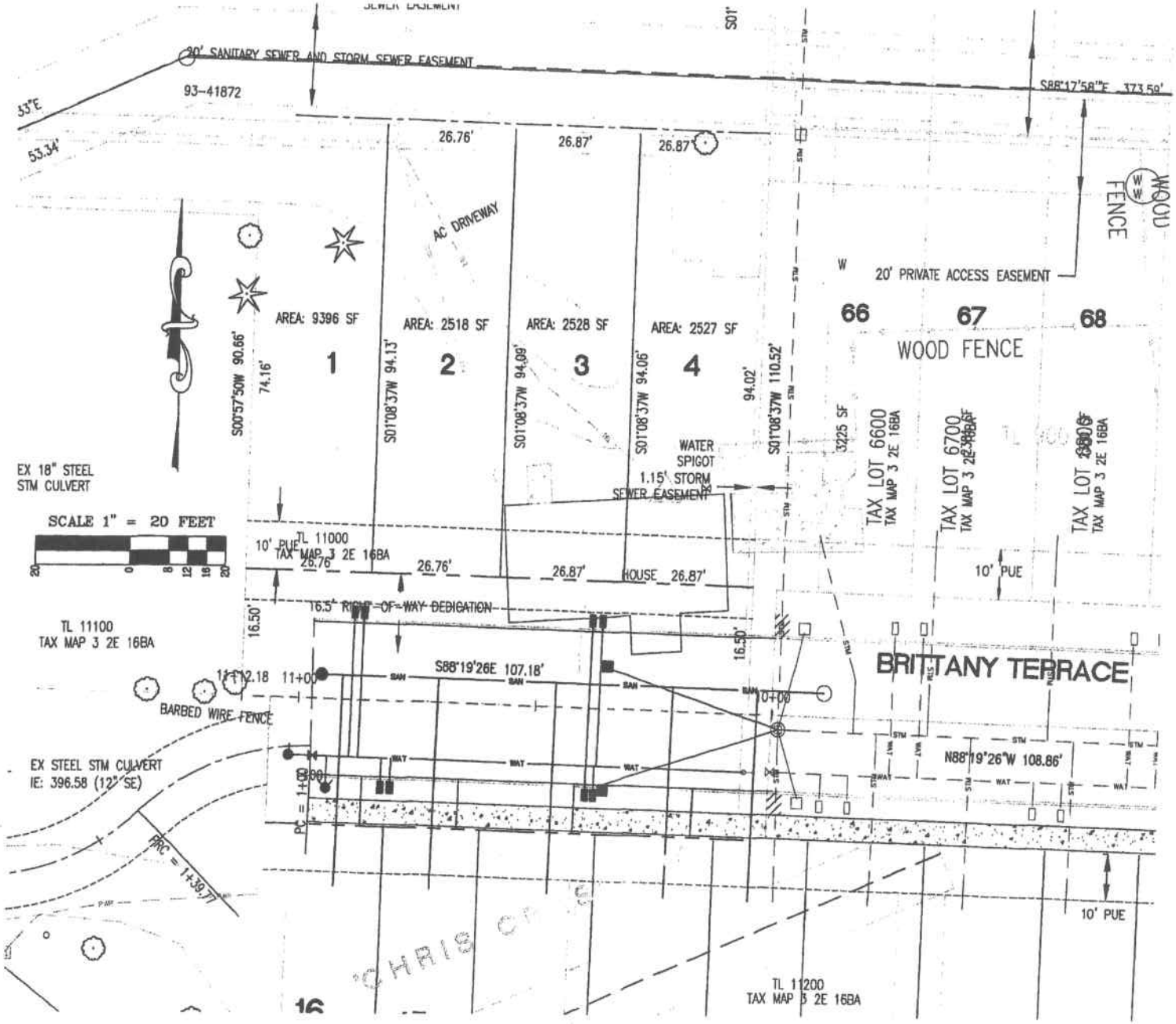
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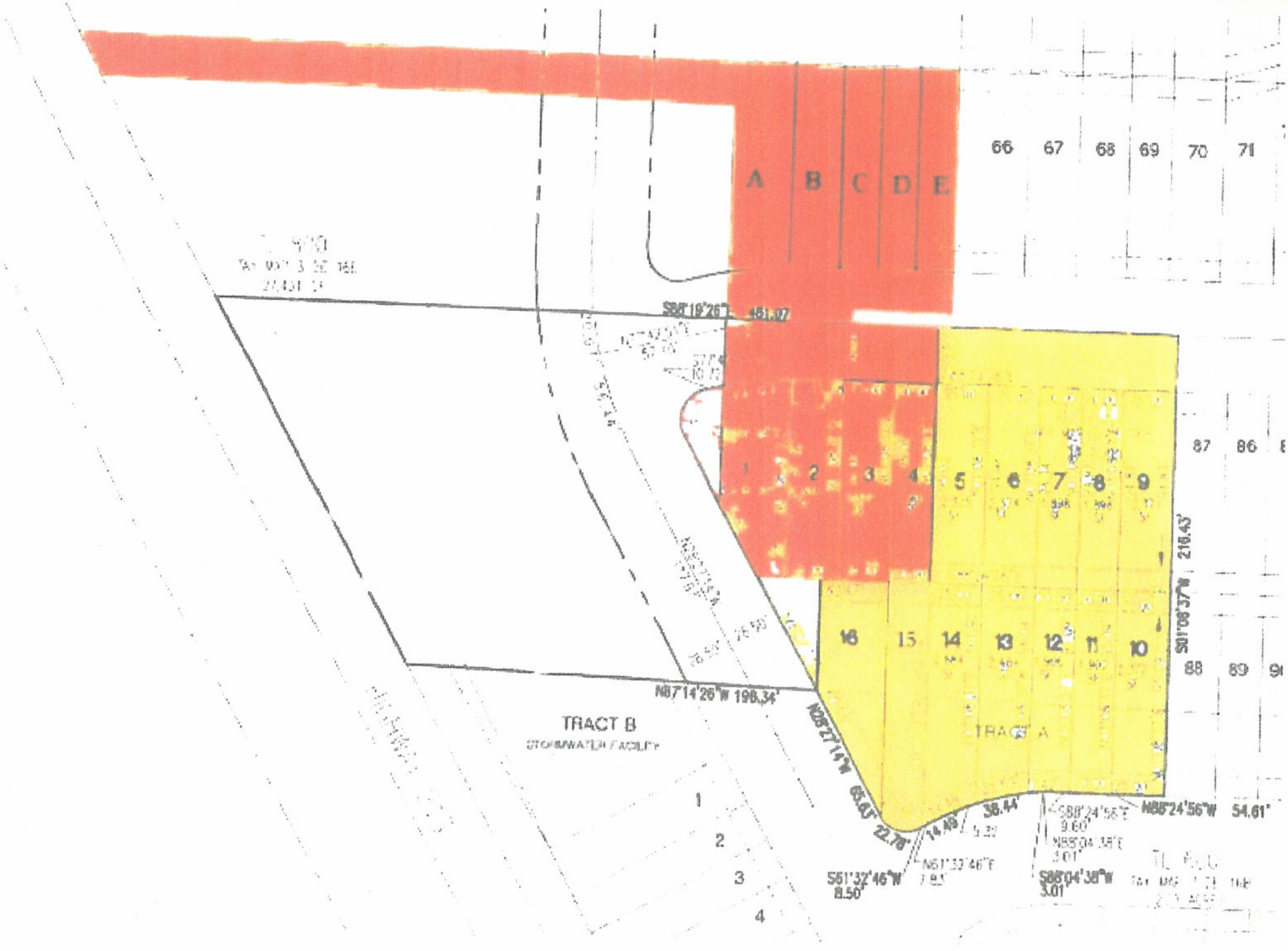
OREGON CITY
TAX LOT 11000

OREGON
CLACKAMAS COUNTY MAP NUMBER 3 2E 16BA

JOB NUMBER: 1818

SHEET: 2 OF 3


SEWER EASEMENT
20' SANITARY SEWER AND STORM SEWER EASEMENT
93-41872
S88°17'58"E 373.59'
53.34'
26.76'
26.87'
26.87'
AC DRIVEWAY
WOOD FENCE
20' PRIVATE ACCESS EASEMENT
AREA: 9396 SF
AREA: 2518 SF
AREA: 2528 SF
AREA: 2527 SF
1
2
3
4
66
67
68
WOOD FENCE
S00°57'50W 90.66'
74.16'
S01°08'37W 94.13'
S01°08'37W 94.09'
S01°08'37W 94.06'
94.02'
S01°08'37W 110.52'
3225 SF
WATER SPIGOT
1.15' STORM SEWER EASEMENT
EX 18" STEEL STM CULVERT
SCALE 1" = 20 FEET
TL 11000
TAX MAP 3 2E 16BA
TAX LOT 6600
TAX MAP 3 2E 16BA
TAX LOT 6700
TAX MAP 3 2E 16BA
TAX LOT 6800
TAX MAP 3 2E 16BA
10' PUE
26.76'
26.76'
26.87'
HOUSE
26.87'
16.5' RIGHT-OF-WAY DEDICATION
16.50'
16.50'
TL 11100
TAX MAP 3 2E 16BA
S88°19'26E 107.18'
11+12.18
11+00
10+00
BRITTANY TERRACE
BARBED WIRE FENCE
EX STEEL STM CULVERT
IE: 396.58 (12" SE)
N88°19'26"W 108.86'
PC = 1+00.00
PRC = 1+39.77
10' PUE
TL 11200
TAX MAP 3 2E 16BA
16


A
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5
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7
8
9
16
15
14
13
12
11
10
88
89
TRACT B
TRACT A
N87°14'26"W 198.34'
N06°27'14"W 65.63'
22.78'
14.49'
38.44'
N85°24'56"W 54.61'
S61°32'46"W
8.50'
S88°04'38"W
3.01'
S01°06'37"W 218.43'

From: Gloria B
Sent: Tuesday, March 5, 2019 8:09 PM
To: Pete Walter
Subject: Park Place/South End Concept Plans

Dear Mr. Walter,

I am a resident of Oregon City and recently attended a Park Place Neighborhood Association meeting held on February 20. I live within the Hazel Grove/Westling Farm neighborhood and I am concerned about the South End Concept Plan design standards and agreements being removed. Developers should not be asking for design standards and neighborhood access agreements to be changed to help increase their profit margins.

Builders are requesting changes to concept plan standards put into place a decade ago. The adoption of these agreements followed our last housing boom in this region when low building quality in high density neighborhoods became prevalent. The standards were discussed and adopted to prohibit developers from increasing density and decreasing housing quality as seen in recent Gaffney and Meyers Road developments. Thus, Park Place and South End Concept Plan standards should not be ignored or erased in favor of City-wide design standards.

I do not want to see Oregon City resemble the cities of Tualatin, Sherwood, and Tigard with few open recreation areas, gridlocked traffic on main routes during peak transit times, and residential streets used as shortcuts by drivers avoiding high congestion spots. In addition, I do not want the constant threat of higher property taxation which is required to provide safe roads, public schools, law enforcement, and water and sewer services to a rapidly growing population.

I want the design standards and neighborhood access requirements in the Park Place and South End Concept Plans (OCMC 17.21 and OCMC 17.22) to be followed by planners and developers. Please help Park Place and South End retain the livability and natural beauty of our Oregon City neighborhoods. If we allow builders to open negotiation on the neighborhood concept plans, then we risk losing the history and character of our communities and the health and happiness of our city's residents.

Warm regards,
Gloria Basak
19225 Mulberry Ct.
Oregon City, OR 97045

March 5,

Ref: Park Place Concept Plan

Mayor & Commissioners

In reviewing the Park Place Concept Plan, I can see a couple of issues -

I was not in the area when all of this was put together, so I don't know what the thought process was at that time. I don't think total scrapping is the right answer either, but there should be some modifications to some of the designs

1. Detached or rear garages, with alley – not practical. I can see all kinds of problems with rear garages and an alley. Most people have 2 cars, and need a least a double car garage. I live in a neighborhood that ALL the homes have 3 car garages, of which about ½ of the homes use their garages for storage. So you have 1-3 cars in the driveway, and when that is full they park on the street. With alleys, you are just going to have more cars parking on the street or blocking the alley. Front or side garages should be permitted.

2. One window every 15 feet on all sides – seems excessive – I know if our current home would have required this, our whole Kitchen would have had to be a completely different configuration, along with the other side of house.

3. Covered porches need to definitely stay, as that gives you a friendlier neighborhood feeling.

4. Walkway from sidewalk to house if there is a driveway, may not be necessary, as long as there is walkway from driveway to front porch, that is proper width

Since I am not a contractor or architect, I do not know what the other designs, or materials are with out seeing what physically seeing what they are talking about - There may need to be modifications there as well

I urge the commission to allow residents of Park Place to revisit some of these plans and not just scrap the entire plan and utilize the Oregon City plan. All this is for the developer to save money build cheaper and still not have a lower price point home.

Thank you for your time and consideration

Mike and Jan Grady

Park Place Neighborhood

Revision of Park Place Concept Plan

February 28, 2019

We attended the Park Place Steering Committee meeting in January at which time our chair, Greg Stone advised us of upcoming potential changes to the Park Place Concept Plan, adopted in 2008. The comments I heard were clear. No one really understood nor comprehended the hundreds of pages in the new Code adoption document requests from the developers. Attendees requested the City Staff explain it in citizen language. People expressing their opinions, including myself found it difficult to make an intelligent response to something we didn't comprehend. Some of those present reviewed the original Park Place Concept Plan, 2008 as they had spent many, many hours working on it.

Our impression thus far is that all the requests for changes are from developers, not citizens. They want O.C. to change it's zoning to allow for high and very high density, affordable housing. This request, also from Metro was preceded by SB 1573, allowing annexations of land into the city without a vote of the Citizens of Oregon's cities, even when some cities codes are precisely written in defense of their right to vote. Once again Oregon City stands with the developers, not its citizens. Subsequently developers have grabbed the opportunity to develop this land and have now requested zone changes, to allow for more profit.

Kelly Reid attended our General Meeting Monday, Feb. 25. There was some question as to the zoning as it differs from the original plan. There were several questions she was not able to answer, not because she wasn't prepared, but because no one really knows what the outcome of the traffic and landslide issues, infrastructure or further annexations to allow for additional access will result in.

In addition, the Park Place Citizens are aware that Clackamas County has placed the Housing project on Holcomb for sale. They are looking to sell to a developer who will increase the density of the current area to allow for more housing. First, they need to relocate the current residents, most of them Section 8 recipients without transportation access.

What is the definition of 'affordable' in 2019? Some units on Glen Oak, once approved to be condos are now rentals, $1800/month and up. Street parking is full every evening, and there are restrictions on use of the housing, such as no smoking in the buildings. Consequently, people sit on the cars and curbs and smoke in the street. The Cove development is very high density, residential and anything but affordable for studios, and apartments. The lowest rent for one Studio is +$1,000 a month.

Citizens of Oregon City chose to purchase homes in a rural atmosphere such as Park Place and other residential areas. Those in the audience last evening bought their homes to provide a quality of life and safety for their children, grandchildren and themselves. From what we do comprehend, we are concerned about our rights as taxpayers, the future of this beautiful, historic area of our city and our Park Place Neighborhood.

Why are our rights as Citizens and taxpayers of Oregon City being pushed into a different plan without sufficient time or information to understand it fully? What's the rush? What are the advantages of these Code changes? What are the disadvantages? And who benefits?

Respectfully,

Barbara and Ray Renken, Barlow Crest Neighborhood

Park Place Neighborhood, Oregon City

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

February 27, 2019

Mayor Dan Holladay &
City Commissioners
625 Center Street
Oregon City, OR 97045

RE: Proposed Development Code Amendments

Dear Mayor Holladay and City Commissioners:

I am writing to again express concerns regarding issues relating to some of the provisions contained in the chapters of the Oregon City Municipal Code that are presently under review:

- Chapter 16.08.065 (currently 070) – Lot size reduction.
  It was our understanding the Commission in previous conversations had decided to retain the lot size averaging provisions of the existing code. Lot size averaging is an essential tool to allow for physical features of development sites such as topographic constraints or existing homes being located in areas that prevent achieving densities consistent with the underlying zoning. I would suggest striking the new language and leaving the current code requirements relating to lot averaging as-is.

- Chapter 14.04.060 – Annexation factors: This section has been revised to add another factor for consideration in annexation proposals. Factor #8 as written:
  "Whether significant site grading or tree removal (greater than fifty percent of the "forest canopy"), excluding farm or forest practices as defined under ORS 30.930, has occurred on the property since the date when the annexation application was filed with the City." This provision impacts a property owner's rights by restricting what he/she can do with their property while outside Oregon City's jurisdiction. If adopted, this factor penalizes a property owner by threatening denial of an annexation for making decisions that are legal under Clackamas County's jurisdiction and thus within the property owner's discretion. I would request that this factor NOT be adopted.

  Chapter 17.41.060 - Tree removal and replanting—Mitigation (Option 1): We are concerned about the language that is being added that states, "Tree inventories for the purposes of mitigation calculations may be prepared by a licensed surveyor." As written, it is unclear whether this simply applies to the inventorying of trees (meaning a surveyor may locate and identify the size and species of trees) or whether it also relates to the actual mitigation calculations. Mitigation planting plans are not created or drafted by a land surveyor. Land use planners or civil engineers prepare these plans at the onset of a project and during preliminary planning and application submittals.
  I would request changing the proposed code to read*: "Tree inventories identifying location, size and type of trees for the purposes of mitigation calculations may be prepared by a licensed surveyor. A civil engineer or land use planner"may prepare the mitigation calculations and plan."*

- Chapter 17.41.060-1 – Tree Replacement Requirement Table: The current mitigation table is extremely skewed and confusing with respect to determining "construction areas" vs. "non-construction areas." The replacement mitigation count for removing (1) 31" tree is (15) replacement trees. That's an extremely high 1:15 ratio. I would propose keeping the tree

phone: 503-479-0097 | fax: 503-479-0097 | e-mail: rickgivens@gmail.com

replacement tables consistent with ALL tree removal requirements (street trees, mitigation trees, etc.). Use one table, with the same mitigation counts, that can be used in all scenarios:
Less than 6" caliper of tree being removed = 1 tree to be replaced
6" to 30" caliper of tree being removed = 2 trees to be replaced
30" and over caliper of tree being removed = 3 trees to be replaced

- Chapter 12.08.015 - Street tree selection, planting and maintenance requirements:
Often times on constrained sites, with those sites being most suited to meet the goals of equitable housing, the total required street tree count can't be met. These sites simply can't hold the total required number of trees when following the city spacing/planting guidelines. Current code requires an in-lieu-of payment for those trees that can't fit within a site per the spacing requirements. If a development is maximized with street trees per the guidelines, and falls short of the maximum count required, there should be no further action or fees due to the developer. As long as the spacing requirements are met, and the site is planted to its fullest capacity within the planting guidelines, that should be that. I would propose adding the following language to the code as written:
"If site or other constraints prevent meeting the required total number of tree plantings, no further tree plantings or fees shall be required".

- Chapter 12.08.035 – Tree Removal and Replacement – TREE MITIGATION TABLE
The tree mitigation replacement requirements for both street trees and mitigation trees are extremely high. The proposed code reflects a table utilized to determine mitigation counts, and gets very skewed as trees to be removed increase in diameter. Currently the code requires (8) replacement trees for every removed tree that is at/over 31" in caliper. These counts become astronomical. For example, one building lot that has (5) 32" trees within the building envelope will require (40) mitigation trees under current code. An 8:1 ratio is massive. I would request reducing the mitigation counts in BOTH street tree and mitigation replacement tables to:
Less than 6" caliper of tree being removed = 1 tree to be replaced
6" to 30" caliper of tree being removed = 2 trees to be replaced
30" and over caliper of tree being removed = 3 trees to be replaced

- Chapter 16.08.025 - Preliminary subdivision plat—Required plans information.
This code section requires a surveyor prepare the preliminary plats. This is not industry standard. Land Use Planners prepare these with the application. FINAL PLATS are prepared by surveyors, not preliminary plan submittals. I would request the insertion of *"land use planner"* as an allowable professional to prepare preliminary plats at application stage.

Thank you for consideration of my testimony on these matters.

Sincerely yours,

Rick Givens

Rick Givens

February 12, 2019

Mayor Dan Holladay and City Commissioners
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Comments on Equitable Housing Development Code Amendments (LEG 18-00001)

Dear Mayor Holladay and Commissioners,

The purpose of this letter is to provide brief comments on several aspects of the draft Development Code amendments which the Commission is currently considering. AKS Engineering & Forestry, LLC is locally-based multi-disciplinary consulting firm. We specialize in civil engineering, surveying, planning, landscape architecture, natural resources, forestry/forest engineering, and consulting arborist services. AKS has worked in Oregon City for over twenty years for a wide variety of clients, including residential home builders and developers, non-profit/affordable housing providers, multi-family home builders, manufactured home park owners, commercial/industrial property developers, and long-time property owners. Therefore, it is our hope that these comments are understood as a positive list of suggested modifications to the draft Code amendments which, if incorporated, would help insure that the adopted final Code revisions are consistent with the City's stated goals for this project.

Some of our clients have actively participated in this extensive Code amendment project, while others have been closely following its progress. Concerns we are hearing from our clients have prompted us to reach out to the Commission. It is commendable that City staff, stakeholders, and members of the public have been ambitious with the scope of this project. However, if the core goal of this project is to increase opportunities for access to housing in the City, particularly affordable ("equitable") housing, then proposed Code changes should further that goal. Unfortunately, there are several proposed Code amendments (and holdovers of existing Code) which make it more difficult or expensive to create new housing in Oregon City. In particular, we would like to draw your attention to the following items:

1. Chapters 17.21 and 17.22 – Single-Family Residential Design Standards – Park Place and South End Concept Plan Areas. The current Chapter 17.20 - Residential Design and Landscaping Standards provide uniform and very detailed standards for new dwellings and garages in the City and are included in the proposed Code revisions as Chapter 17.14. However, the additional standards contained in the Park Place and South End Concept Plan Area standards significantly limit the flexibility of new construction to meet the needs of the dynamic housing market. Thus, new home construction can be stifled, and the goal of increased housing availability is not furthered by these added regulations. Uniform application of current Chapter 17.20 to the City as a whole provides a predictable and fair framework for new housing. To encourage equitable housing opportunities, the Park Place and South End Residential Design Standards should be removed.

2. Chapter 16.08 Land Division Process and Standards. Much of the remaining buildable land in Oregon City is constrained in some way. This makes it more challenging to provide housing on these sites and is often why these sites have been passed over. Chapter 16.12 of the Municipal Code historically provided an effective tool to help create needed housing on these contrained properties. However, in 2018, the Code language was changed, and this tool was made more

restrictive and thus less effective by removing any lot areas within a powerline easement from the lot are calculation. The Code changes currently proposed would continue the trend of restricting homesite availability in the City.

The proposed Code amendments (Chapter 16.08.065 – Lot size reduction) would further limit the ability to create housing on properties with constraints. The current Code (Chapter 16.12.050) allows for lot size reduction up to twenty percent to be applied to any lot across a subdivision, provided the average lot size for the subdivision meets the minimum for the zone. The proposed amendments would additionally restrict the lot size reduction to 10 percent and limit the application of the reduction to 25 percent of the lots in a subdivision.

These proposed Code changes restrict lot areas to be included in the lot size reduction formula, thus limiting total available homesites. Similarly, the 2018 exclusion of areas within powerline easements from lot area calculations do not encourage infill development. The proposed changes to 16.12.050 and the recently-added powerline easement area exclusion should be removed entirely from the Code amendments to encourage greater access to equitable housing.

3. Chapter 16.12.095 – Minimum Improvements – Public Facilities and services, Sub-Section G, Other Utilities. As amended, this sub-section would require underground placement of "existing and new" electrical lines and other wires…." The requirement to place new electrical lines and wires underground is often required for new developments. However, the requirement to place "existing" electrical lines and wires underground is overly-broad and burdensome. It is very difficult, if not impossible to estimate costs for utility undergrounding because franchise utility companies do the work and will not provide cost information. This lack of information creates uncertainly in the process and unexpected project costs later, both of which are barriers to the creation of equitable housing.

   The equitable approach these situations would be for the projects to include the onsite underground utilities and the necessary infrastructure (conduit, vaults, etc.) along adjacent street frontages to facilitate future undergrounding by utility providers, but not actually require the undergrounding at the time of development. This approach allows for undergrounding of existing lines to be done cost-efficiently by the utilities as part of larger projects in the future, thus lowering costs and further encouraging the creation of new housing in the City.

4. Tree Removal and Replacement Requirements – Tables 12.08.035 and 17.41.060-1. The replacement ratios for removal of non-diseased or hazardous trees in Tables 12.08.035 and 17.41.060-1 creates progressively higher numbers of required replacement trees for larger diameter trees to be removed. Although it does make sense to account for potential mortality rates of replacement trees, it does not follow that the removal of larger, mature trees should necessarily require a post-development site to contain significantly more trees than existed previously. In situations where a site contains multiple large trees, a disproportionate result occurs. It is recommended that the tables be simplified to a simple 1:1 ratio for removal/replacement and that street trees should be counted toward the total required number of replacement trees.

5. Chapter 14.04.060 – Annexation Factors. The proposed Code amendments include an additional annexation factor for the Commission to consider. This factor is:

Whether significant site grading or tree removal (greater than fifty percent of the "forest canopy"), excluding farm or forest practices as defined under ORS 30.930, has occurred on the property since the date when the annexation application was filed with the City.

The inclusion of this new factor is unnecessary and unfair to landowners. Presumably any grading or tree removal on a property outside of the current City limits has been or will be performed in a way that meets applicable County and State regulations. To presume otherwise unduly penalizes the landowner. Additionally, "significant site grading" is not defined and lends itself to subjective interpretation. Inclusion of this factor would be another instance of a code amendment that does not promote equitable housing, and which could easily discourage the annexation of much-needed residential land into the City. If a landowner has followed the rules which apply to their property when outside of the City, that should be enough. Because this additional factor does not make sense and would be difficult to evaluate fairly and consistently, it should not be adopted.

It is our hope that this letter brings additional attention to some key aspects of the Equitable Housing Development Code Amendments, which can discourage the creation of additional housing in the City. We have highlighted the above-listed areas of concern because we have seen housing projects in Oregon City not move forward and/or not be successful due to one or more of these issues. We respectfully submit these comments to you in the hope that by adopting one or more of our recommendations, the original, fundamental goal of increased availability of equitable housing for Oregon City residents may be more fully-realized.

Sincerely,
AKS ENGINEERING & FORESTRY, LLC



Montgomery B. Hurley, PE, PLS – Principal

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

February 4, 2019

Mayor Dan Holladay &
City Commissioners
625 Center Street
Oregon City, OR 97045

RE: Proposed Chapter 16.12.026 - Street design—Alleys

Dear Mayor Holladay and City Commissioners:

As you may recall, I wrote previously to express concerns regarding the design provisions contained in Chapters 17.21, & 17.22. It has recently come to my attention that there are additional provisions in Chapter 16.12.026, which relate to requirements for the use of alleys for developments within "concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones". This section says that alleys "shall be provided" in these areas, "unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker." I am concerned about the cost impacts of these requirements upon lots that will be developed in the concept plan areas within these zoning districts. I would point out that there are problems associated with alley development patterns:

- They do not work well on hillside sites where there is a significant slope. On a ten percent grade, for example, there would typically be a ten foot drop between the upper street and the alley and an additional ten foot drop to the lower street below the alley. This does not allow for grading that provides reasonable access to garages on both uphill and downhill lots.
- Rear access designs impact home livability by significantly reducing desirable rear yard areas. Both South End and Park Place are suburban areas where home buyers are looking for homes with rear yard living space.
- Alley designs increase development costs by increasing pavement. This is in conflict with the objective of providing more affordable housing options in Oregon City.
- The increased paving associated with alley development and the greater grading required for construction means that alley developments typically have a greater impact upon storm water runoff and increased concerns about erosion and sedimentation associated with the grading.

There are many design options available to satisfy concerns of providing for adequate on-street parking in small lot neighborhoods. My recommendation would be that the code simply state that adequate on-street parking must be provided in these neighborhoods. The design should be left to the site designer to come up with the most appropriate solutions for a given site.

Thank you for your consideration of this testimony.

Sincerely yours,

Rick Givens

phone: 503-479-0097 | fax: 503-479-0097 | e-mail: rickgivens@gmail.com

ICON™
CONSTRUCTION
AND DEVELOPMENT

CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perceptive directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, cladded wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the façade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street façade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develope, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,

Darren Gusdorf
General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

SAMPLES ABOVE ARE CUT & PASTED FROM CODE SECTIONS 17.21 AND 17.22

***Note Historic Era Architecture with no garages.

Vernacular Style as Required and Constructed in McCarver Landing













From: JEAN LASALLE
Sent: Tuesday, January 29, 2019 11:51 AM
To: Pete Walter
Subject: OCMC 17.21

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29 January, 2019

Hello Pete;

It has come to my attention that there are requests to remove the residential design standards specific to the Park Place Concept Plan Area in OCMC 17.21. I am very concerned about the possibility of this deletion because it has the effect of destroying the spirit of why the Concept Plan was developed. I can understand the developers concerns for the requirement of side or rear entry garages. I have thought about that from when I first read the Plan. I agree, that part should be eliminated as most impracticable. However, to eliminate the Code in it's entirety would be a mistake for the following reasons:

1. It is stated that the architectural requirements are limiting and hard to sell. I find that very hard to believe. If the architecture listed in the Concept Plan don't work there are additional choices as stated in 17.21.010 Purpose; "The 2006 Historical Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City" This shows they have other choices and the architecture is on of the things that will make the Park Place Concept Area unique and not just a "cookie cutter" look.

2. This request will eliminate Section 17.21.040 Modulation and massing. One of the requirements is paragraph A "Houses with footprints over 1200 square feet shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof lines." Why eliminate this?

3. It will also eliminate Section 17.21.050 Porches and entries. Paragraph A states "Each house shall contain a front porch---at least eighty square feet." Why eliminate this neighborhood friendly requirement? Paragraph C states "Each dwelling shall have a separate---pedestrian connection. The pedestrian connection shall be separate from s driveway." This makes for a better appearance and is pedestrian friendly. Why eliminate it?

4. It eliminates Section 17.21.060 Architectural details. There are many to choose from listed as A through H. The builders are not very restricted in this area.

5. It eliminates Section 17.21.070 Approved siding materials. This Section gives the builder a good selection. Why eliminate it?

6. It also eliminates Section 17.21.080 Windows. What's wrong with this section. I don't think these window requirements will "break the bank" for the builders costs.

The elimination of an entire Chapter is unreasonable and merely destroys the purpose of a major part of the Park Place Concept Plan. Most sections can be appealed for an exemption to the Community Development Director. I recommend this be done in regard to garages, but to eliminate the entire Chapter is asking too much of the Concept.

Many people put in countless hours to put this Concept Plan together and it was passed and adopted in 2008. To have it torn apart piece by piece when it is finally near fruition is a slap in the face of those people and totally unnecessary.

Let the developers/builders make their case in small, acceptable steps, not in sweeping eliminations of well thought out concepts.

I urge that this proposition of the elimination of OCMC Chapter 17.21 not be allowed for the above reasons. Affordable housing can be accomplished without that elimination. As stated earlier, I agree with the elimination of the requirement of side or rear facing garages. That is the only thing that won't work in the Concept Plan.

I request that this correspondence be made a part of the record.

Most Sincerely

Bob La Salle

Oregon City Resident

RECEIVED
JAN 14 2019
CITY RECORDER
CITY OF OREGON CITY, OR

January 14, 2019

Mayor Dan Holladay and
Fellow OC City Commissioners
625 Center Street
Oregon city, OR 97045

Dear Mayor Holladay and City Commissioners:

My name is Kent Ziegler and I presently serve as the President of the Oregon City Business Alliance(OCBA). I am writing to you on the behalf of my Board of Directors relative to certain building design guidelines outlined in the Park Place Concept Plan. Specifically, we are referring to OCMC 17.21 and 17.22. These two chapters are quite onerous and would create some very challenging and overly expensive design features that would not be compatible with the homes in the neighboring existing residential communities. With every city facing a severe housing affordability crisis we believe it is in the best interests of the OC Commission to either remove or drastically modify these restrictive design standards as part of the ongoing code amendment process.

As we interpret the existing codes for new single-family homes under these rules it would require that all the residential structures adhere to historic plan designs that may or may not be what the consumer market is asking for in today's housing environment. A second walkway and garages that cannot face the street, if they are attached to the house, is not what is being built and purchased these days. With the rainy/windy weather we typically experience in the Portland metro area we can't imagine buyers wanting a detached garage so under the present code a resident could not drive directly through their garage from the street unless the overhead doors were pointed sideways or to the rear of the lot. We believe this is simply going too far in governing how citizens live in their own neighborhoods.

Having been personally involved in developing subdivisions and constructing new homes in the Oregon City area I know how critical it is to maintain as much flexibility in the architectural design of a home to meet a particular clients requests. Under the current code, if we decide to build something different than the approved historical styles we have to apply for a Type II land-use permit with no guarantee it will be approved in a timely manner if at all. We at the OCBA do not believe it was the intention of our appointed and elected officials to adopt such difficult design rules that in practice simply do not work. From experience, each new neighborhood will have its own set of recorded Conditions, Covenants & Restrictions which will require architectural design review by their HOA.

In summary, our goal at the OCBA is to see local businesses succeed and thrive by being able to successfully market and sell their product(s) to the buying public. Anything that creates an obstacle to that end we believe needs to be analyzed with the goal of finding a positive resolution to the problem. In this case, we believe these Sections of the OCMC must be changed to allow for market driven architectural styles and front loaded entry garages. We feel confident the developers of these new communities will do everything possible to make the homes very attractive and compatible.

Sincerely,

Kent Ziegler, OCBA President

Equitable Housing Input

My name is Ray Crisp. I have lived in Oregon City for forty-nine years. I have been building houses for thirty. Mostly in Oregon City and Canby, also in Happy Valley. My company has built twenty-four units of Townhouses in the last decade in Oregon City and Canby. We own twelve rental units. That is my resume. We have never done multi-family or commercial so I have no input on that. I have read the proposed code changes and have some ideas I would like for you to consider.

JAN14 2:34PM

Ch 17.10 Medium Density- Townhomes (single family attached) in the R3.5 zone, for example, require a 2500 sq. ft. lot minimum. Yet the lots are only required to be 20' wide. If then, the lot for an inside unit is 20' wide, then to achieve min. 2500 sq. ft. requirement, the lot must be 125' deep. I see that as somewhat unnecessary and wonder if it was intentional.

The proposed code allows for up to six units in any one structure. There is one problem that I have noticed with many of the townhome units built in O.C. that you might want to address. On the inside units, unless there is an alley behind (which most don't) there is no access to the back of the unit except through the front door. That means, for example, if you wanted to repair your siding (or mow your lawn), all of the materials and labor would have to come through the front

door, down the hall, through the living room, dining room and out the back door. It would be good to require some sort of easement for access to the inside units back yard.

Ch 17.16.060 b. Allows for a min. of (2) off-street parking spaces total for either a 3-plex or a 4-plex. Two parking spaces! It would be of poor judgement to allow for such inadequate parking in any neighborhood. In Oregon City there are two things that every residence absolutely requires. One is a place for the dog to poop, the other is a place to park cars. I know this from being a landlord. If those things are not provided then an ongoing tension resides in the neighborhood, quality of everyday life is diminished, along with the neighborhood, seriously. Oregon City is, for the most part, a bedroom community. Most people who live here need to commute to work elsewhere. Currently (in 2019) public transportation is not sufficient to adequately support this suburban community. I don't expect that to change any time soon. When it does then adjust the code at that time. Please change this mistake before someone actually has the lack of incite to implement it.

Ch 17.20.010 ADU's- The current proposal would allow for one ADU a max. of 800 sq. ft. I would propose that you consider allowing up to four attached units separate from the main dwelling. That is, provided that all other criteria is met regarding setbacks, parking, etc... The max. size of unit could

vary from: 1 unit @ 800 sq. ft. (as proposed), 2 units @ 600 sq. ft. each, 3 units @ 500 sq. ft. each, 4 units @ 400 sq. ft. each. This proposal could be ideal for some of the many existing oversized lots in town where, based on existing (overwhelming) development criteria, would be too expensive to develop otherwise. Make it a Type 1 Land Use Application and keep it simple.

Ch 17.20.020 Cluster Housing- The current proposal would allow for flag lots. It then refers to CH 16.08.050 A-F (the section on flag lots) where the new and improved width of the flag pole is 10'. That, of course, wouldn't be very practical if you had twelve cluster units each needing a 10' wide pole. Somebody should take a look at the flag pole criteria to see if a modification is in order in regards to cluster housing.

The other thing about cluster housing, in order to make it work, the SDC fees would need to be reduced based on increased density and reduced unit size. Getting slammed with the full residential SDC fee would make the cluster housing option unworkable.

That is the extent of my input for now.

Ray Crisp

President, Crisp Homes

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

January 14, 2019

Mayor Dan Holladay &
City Commissioners
625 Center Street
Oregon City, OR 97045

Dear Mayor Holladay and City Commissioners:

I regret that I am out of town and unable to attend Wednesday's hearing to offer my testimony in person. I am writing on behalf of my client, Icon Construction & Development, LLC, to request that the Commission consider our concerns relating to OCMC 17.21, & 17.22. These chapters establish design standards for single-family residential development in the Park Place and South End Concept Plan areas, respectively. Although no changes to these chapters have been proposed by staff, we think that since they are included in the code amendment package currently under consideration, this is the appropriate time to address concerns about the impact of these design standards on development that will occur within these neighborhoods. We believe that many of the standards are unduly onerous and costly, and that they therefore conflict with the spirit of the primary issue before the Commission of providing for equitable housing in Oregon City. The standards for both chapters are very similar and can be considered together.

These two chapters require that new single-family construction within the Park Place and South End Concept Plan areas conform to a series of design standards that exceed the already stringent requirements for single-family construction elsewhere in the city. In particular, they require:

- Adhering to historic plan designs only (Vernacular, Bungalow, Foursquare, Queen Anne) unless a Type II land use decision is approved.
- Front porches on all units.
- A second walkway from the street to the entry.
- Additional design elements above/beyond what's already required
- Recessed windows.
- Garages that, if attached, cannot face the street (the code only allows no garages, rear/side load or detached).

With respect to the architectural style standards, these chapters dictate specific historic styles of architecture that are desired by very few prospective purchasers. These standards only allow future home builders the opportunity to adapt to market demand for other styles of homes if they apply for and receive approval through a Type II land use application. These applications are expensive and time consuming. Further, the code provides no criteria for approval of such applications. These standards will have a tremendous impact on the marketability of future homes in these areas.

Icon has had experience in trying to market vernacular homes in Oregon City. The McCarver Landing subdivision off of Warner-Parrot Road was conditioned to require the construction of five vernacular style homes around the Mathew McCarver home. Upon completion, these homes

were not sought after by home purchasers and proved to be extremely difficult to market. Other homes that Icon constructed within this same development, that did not have the same design requirements/restrictions, had no issues with marketability because they were built per the demands/needs of future homebuyers. The vernacular homes were simply not desired.

The design details sections of these chapters require costly design modifications that must respond to standards for porches, roof pitch and massing, entry design, exterior materials choices and unusual window designs. All of these factors are expensive and time consuming to respond to and will not result in homes that are better suited to the needs of future Oregon City residents. They will certainly not help in achieving more equitable housing as they are certain to raise the cost of housing in these two areas of the City that contain the majority of the remaining vacant land supply.

The standards relating to garage design in the Park Place Concept Plan area are particularly concerning. Section 17.21.090(A) states that, "Garages must be detached, side entry or rear entry. For side entry garages: the garage area shall not be located in front of the living area." Home buyers do not want detached garages. Side entry garages are only practical on corner lots because the density planned for these neighborhoods results in narrow lots that do not work with side loaded garage designs. Alley designs for rear access homes are costly, do not work on hillside areas, and result in home configurations that do not provide for significant usable back yard areas that are so desirable to home buyers. The garage standards for the South End Concept Plan area found in Section 17.22.090 do not mandate the use of detached, side or rear entry garages. Similar language should be applied in the Park Place neighborhood.

For all of the reasons outlined above, we request that the Commission delete these two chapters entirely. We believe that the design standards presently contained in the City's Low Density chapters provide ample assurance that quality design is provided in our neighborhoods. However, if the City wishes to adopt new chapters for the Park Place and South End Concept Plan areas, they should be rewritten to provide much greater flexibility of design and given new consideration by the Planning Commission, with opportunity for more public input. We want to provide neighborhoods that are attractive and responsive to the desires of prospective homebuyers. These chapters, as written, are counterproductive to that goal.

Thank you for your consideration of this testimony.

Sincerely yours,

Rick Givens

CC: Mark Handris

November 26, 2018
Respectfully submitted to The Oregon City Commission
By Craig & Debbie DeRusha

We live and work in Oregon City. We have been property owners for more than 25 years. We are small business owners in the City employing five Oregon City residents. Debbie serves on the Oregon City Chamber Board as well as a local medical patient/advocate committee. We want to continue to participate and contribute to the future of our great city. It from that perspective that we write this letter.

We support the Equitable Housing Project and its committee's commitment, time and creativity in finding more ways to provide additional housing for our community. Seeing the breadth of review, comments and codes affected by this project has been overwhelming. Given this, it makes sense that the committee members could not possibly contemplate all of the scenarios that these proposals will affect.

Although it is late in the process, we are asking that you review our comments and consider making a few more adjustments. We have two areas of comment.

<u>20-Year Age Limitation for Internal Conversions</u>
First, we want to ask that reconsideration be given to the 20-year age restriction proposed for internal conversions. As we review the Statement of Purpose for this section of the code, it is unclear how the age of a building is relevant:

- provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences
- add additional dwelling units, maintaining building scale and design compatible with surrounding neighborhoods
- make efficient use of existing housing and infrastructure resources.

We currently own two single family homes in an R8 zone whose square footage could deem them a candidate for an internal conversion under all of the proposed revisions, except for their age; one is 16 years old and the other is eight. A bit of research discovered other homes in the city with similar attributes. Limiting the code change to homes 20 years and older would be overlooking additional housing opportunities for the city, specifically for the "missing middle.

In a conversation with Pete Walter, he indicated that part of the rationale is to save older houses from being torn down. We discussed how current building codes render many of the older homes too expensive for internal conversions. Older homes will need to meet new electrical, plumbing, structural and egress standards. We own a home older than 20 years but updating may just be too expensive. There may be undiscovered potential in homes that are newer than 20 years, since they have been built closer to current standards.

We would like to ask the commission to consider removing the age restriction under this new code. There might be more and better potential in applying this part of the code to newer housing stock.

If there needs to be an age limit we would suggest five years and older. It is highly likely that anyone with a home that new is an owner occupant who would not be interested in utilizing this code.

Owner Occupancy Restriction for ADUs

The city's code reads that the property owner must reside in either the principal or the accessory dwelling unit for at least 7 months of the year and receive no rent for the remaining 5 months. We were part of early meetings where was discussion to allow non-owner occupancy of properties with ADUs but can see that the language has remained the same.

A public comment appearing on a written summary of a 10/22 meeting of Planning Commission requested non-owner occupancy for ADUs but the Commission recommended that the code remain the same. Without any background, there or elsewhere to review, we are at a loss to address the Commission's hesitancy to make that change.

We would like to recommend that the City Commission consider allowing for non-owner occupancy – of either or both dwellings.

We have many supporting comments.

The city's Equitable Housing website lists these documents (among others). We have copied excepts from them below.

- Metro's Opportunities and Challenges for Equitable Housing: …accessory dwelling units represent a housing form that can be incorporated into existing neighborhood fabric with minimal impacts to urban form…Many jurisdictions require accessory units to be occupied by the primary property owner, limiting the ability of accessory units to contribute to the rental housing stock.
- 2017 Harvard University Study, The State of the Nation's Housing: …Home ownership declined for the 12th consecutive year in 2016, …with renter households increasing over the same number of years…new rental construction aimed at upper end of market…buyers under 35 total well below pre-boom level…increasing prices and interest rate hikes create considerable uncertainty in housing costs…concern for younger and older households
- May 2017 Residential Infill Report - Austin Texas: … Not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit.
- ADU Memorandum CA Dept of Housing 12/2016: Are Owner Occupants Required? No, however, a local government can require an applicant to be an owner occupant.

Additionally, a review the Statement of Purpose for this section of the code does not address how the owner-occupancy status is pertinent. These are bullet points of that Statement.

- provide homeowners with a means of obtaining, through tenants in the ADU or the principal dwelling unit, rental income, companionship, security, and services
- provide flexibility in the use of their property as their household composition and needs evolve over time
- add affordable housing units to the existing housing inventory
- support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices
- make housing units available to moderate income people who might otherwise have difficulty finding homes within the city

- develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs
- create new housing units while respecting the look and scale of single-family neighborhoods.
- protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood

These are our own further observations:

- The code does not prohibit someone from staying in the "owner occupied" unit for the 5 remaining months, just from paying rent for doing so.
- Vacant properties promote disrepair, vandalism and problems for the neighbors.
- Mortgage payments are likely high on homes with ADUs as the primary home's equity is a primary source of financing the construction of ADUs. Rental income is an important source of repayment.
- A property owner may be unable to live onsite for many life reasons. Prohibiting rental of both units could result in financial hardship, promoting disrepair, inability to pay property taxes and vacancy due to foreclosure.
- The lion's share of ADUs are ground floor units making them perfect for the disabled or older citizens who may not be able to afford home ownership.
- Corner duplexes, with two rent paying units (non-owner occupied), are allowed in the same zone, and potentially right next door.
- Internal Conversions, where there may be up to four rent paying non-owner occupied units, are allowed in the same zone and right next door.
- Restriction of income results in potential reduction in property value and buyer appeal during financial transactions.
- Property taxes are assessed annually on the value of the entire property not a portion of the year. It could be argued that a property that lies vacant for 5 months holds little or no value.
- Promotes infill vs more annexation.

For all of the reasons above, we respectfully urge the City Commission to consider removing the non-owner occupancy component of the City code as a part of the Equitable Housing Project. Collective goals can still be met while providing citizens, neighborhoods and the City benefits. Win/Win.

Thank you for your commitment in serving our community and for your time in reading through our requests.

Clackamas Community College

Board of Education
19600 Molalla Avenue | Oregon City, OR | 97045-7998
503-594-3002 | www.clackamas.edu
Education That Works

November 29, 2018

Oregon City Commissioners
625 Center Street
Oregon City, OR 97045

Oregon City Commissioners:

The Clackamas Community College (CCC) Board of Education has reviewed the draft Oregon City Municipal Code, section 17.54.115, pertaining to food trucks, that are set to change in 2019. Here is the link, as reference: https://www.orcity.org/sites/default/files/fileattachments/planning/page/12299/ocmc.54_-_supplemental_zoning_regulations_and_exceptions_1.pdf

CCC has been informed by the city of Oregon City that although the revised/moved food cart code section 17.54.115 will remove the reference to the Willamette Falls Downtown District, food carts (per standards) will only be permitted in a few districts, including MUE, CI, GI, and the Downtown District. The Institutional District ("I") in which CCC is located will not be allowed food carts outside of special events.

We understand hearings are occurring in December of 2018, and we are submitting our written comments for those hearings within this memorandum. We understand that public comments are welcome and encouraged by the city of Oregon City.

As stated above, CCC is in the Institutional District of Oregon City, and the current version of the code amendments does not allow food carts in the Institutional District at all, even for a five-hour limit (as provided in portions of the code).

CCC serves approximately 26,000 students in a year, and has an obligation to provide affordable meals and a variety of food choices on our campus. CCC has been exploring options for students that provide convenient food services at a reasonable price. Expanding our options to allow for food trucks would enable CCC to provide hot meals throughout our campus, even at remote buildings that are not close to the café.

CCC students are typically holding down multiple jobs, have extenuating personal circumstances, have transportation barriers, and face challenges in meeting academic expectations. If CCC can provide affordable food options on campus,

which keep them in our supportive environment, they have a much better chance for success.

Food trucks also provide an opportunity for community members to develop a small business with relatively low risk. CCC could provide educational courses to assist these community members in their entrepreneurial ventures. Allowing food trucks on our campus would allow for these small businesses to pilot their ideas before expanding to other areas of the community.

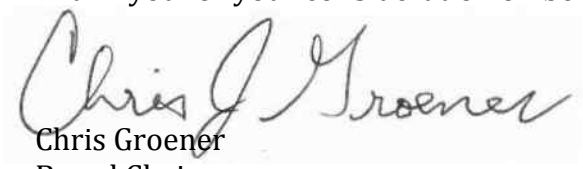
CCC would not house permanent food trucks, but we would like to have the option of hosting them for 3-4 hour windows of time throughout the work week, on a rotating basis. We have a large campus and the food trucks would be contained within the core of our campus, which is buffered from the highway and local arterials.

We are requesting that the Oregon City Commission expand the code changes to either allow food trucks to be allowed in the Institutional District or provide for an exemption for CCC, to provide food trucks within its Oregon City campus location.

Further, we are requesting that Chapter 17.39 of the zoning code is amended to list "mobile food trucks", either as a permitted use, accessory use, or a conditional use rather than as a prohibited use, which is what is proposed.

Please feel free to reach out to any of the CCC Board members regarding this request.

Thank you for your consideration on behalf of the CCC Board of Directors,



Chris Groener
Board Chair

November 26, 2018
Respectfully submitted to The Oregon City Commission
By Craig & Debbie DeRusha

We live and work in Oregon City. We have been property owners for more than 25 years. We are small business owners in the City employing five Oregon City residents. Debbie serves on the Oregon City Chamber Board as well as a local medical patient/advocate committee. We want to continue to participate and contribute to the future of our great city. It from that perspective that we write this letter.

We support the Equitable Housing Project and its committee's commitment, time and creativity in finding more ways to provide additional housing for our community. Seeing the breadth of review, comments and codes affected by this project has been overwhelming. Given this, it makes sense that the committee members could not possibly contemplate all of the scenarios that these proposals will affect.

Although it is late in the process, we are asking that you review our comments and consider making a few more adjustments. We have two areas of comment.

<u>20-Year Age Limitation for Internal Conversions</u>
First, we want to ask that reconsideration be given to the 20-year age restriction proposed for internal conversions. As we review the Statement of Purpose for this section of the code, it is unclear how the age of a building is relevant:

- provide opportunities to adaptively reuse existing dwellings in a manner that preserves existing residences
- add additional dwelling units, maintaining building scale and design compatible with surrounding neighborhoods
- make efficient use of existing housing and infrastructure resources.

We currently own two single family homes in an R8 zone whose square footage could deem them a candidate for an internal conversion under all of the proposed revisions, except for their age; one is 16 years old and the other is eight. A bit of research discovered other homes in the city with similar attributes. Limiting the code change to homes 20 years and older would be overlooking additional housing opportunities for the city, specifically for the "missing middle.

In a conversation with Pete Walter, he indicated that part of the rationale is to save older houses from being torn down. We discussed how current building codes render many of the older homes too expensive for internal conversions. Older homes will need to meet new electrical, plumbing, structural and egress standards. We own a home older than 20 years but updating may just be too expensive. There may be undiscovered potential in homes that are newer than 20 years, since they have been built closer to current standards.

We would like to ask the commission to consider removing the age restriction under this new code. There might be more and better potential in applying this part of the code to newer housing stock.

If there needs to be an age limit we would suggest five years and older. It is highly likely that anyone with a home that new is an owner occupant who would not be interested in utilizing this code.

Owner Occupancy Restriction for ADUs

The city's code reads that the property owner must reside in either the principal or the accessory dwelling unit for at least 7 months of the year and receive no rent for the remaining 5 months. We were part of early meetings where was discussion to allow non-owner occupancy of properties with ADUs but can see that the language has remained the same.

A public comment appearing on a written summary of a 10/22 meeting of Planning Commission requested non-owner occupancy for ADUs but the Commission recommended that the code remain the same. Without any background, there or elsewhere to review, we are at a loss to address the Commission's hesitancy to make that change.

We would like to recommend that the City Commission consider allowing for non-owner occupancy – of either or both dwellings.

We have many supporting comments.

The city's Equitable Housing website lists these documents (among others). We have copied excepts from them below.

- Metro's Opportunities and Challenges for Equitable Housing: …accessory dwelling units represent a housing form that can be incorporated into existing neighborhood fabric with minimal impacts to urban form…Many jurisdictions require accessory units to be occupied by the primary property owner, limiting the ability of accessory units to contribute to the rental housing stock.
- 2017 Harvard University Study, The State of the Nation's Housing: …Home ownership declined for the 12th consecutive year in 2016, …with renter households increasing over the same number of years…new rental construction aimed at upper end of market…buyers under 35 total well below pre-boom level…increasing prices and interest rate hikes create considerable uncertainty in housing costs…concern for younger and older households
- May 2017 Residential Infill Report - Austin Texas: … Not more than four unrelated persons 18 years of age or older may reside in the principal structure, and not more than two unrelated persons 18 years of age or older may reside in the second dwelling unit.
- ADU Memorandum CA Dept of Housing 12/2016: Are Owner Occupants Required? No, however, a local government can require an applicant to be an owner occupant.

Additionally, a review the Statement of Purpose for this section of the code does not address how the owner-occupancy status is pertinent. These are bullet points of that Statement.

- provide homeowners with a means of obtaining, through tenants in the ADU or the principal dwelling unit, rental income, companionship, security, and services
- provide flexibility in the use of their property as their household composition and needs evolve over time
- add affordable housing units to the existing housing inventory
- support more efficient use of existing housing stock and infrastructure by offering environmentally friendly housing choices
- make housing units available to moderate income people who might otherwise have difficulty finding homes within the city

- develop housing units in single-family neighborhoods that are appropriate for people at a variety of stages in the life cycle, that responds to changing family needs, smaller households, and increasing housing costs
- create new housing units while respecting the look and scale of single-family neighborhoods.
- protect neighborhood stability, property values, and the single-family residential appearance of the neighborhood

These are our own further observations:

- The code does not prohibit someone from staying in the "owner occupied" unit for the 5 remaining months, just from paying rent for doing so.
- Vacant properties promote disrepair, vandalism and problems for the neighbors.
- Mortgage payments are likely high on homes with ADUs as the primary home's equity is a primary source of financing the construction of ADUs. Rental income is an important source of repayment.
- A property owner may be unable to live onsite for many life reasons. Prohibiting rental of both units could result in financial hardship, promoting disrepair, inability to pay property taxes and vacancy due to foreclosure.
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Thank you for your commitment in serving our community and for your time in reading through our requests.

Rick Givens
Planning Consultant
18680 Sunblaze Dr.
Oregon City, Oregon 97045

November 6, 2018

Mr. Pete Walter
Oregon City Planning Department
698 Warner Parrott Rd
Oregon City, Oregon 97045

RE: PC 18-153, Ordinance No. 18-1009, Development Code Amendments

Dear Pete:

I am writing on behalf of myself and my client, Icon Construction and Development, LLC, to express concerns about amendments to two sections of code included in the above-referenced file. I would appreciate it if you would include this letter in the public testimony relating on this matter and present it for consideration by the City Commission at the public hearing tomorrow night.

OCMC 16.08.025 - Preliminary subdivision plat—Required Plans Information: This section is proposed to be amended to require that a site plan "drawn to scale by a surveyor" be included in the application submittal. As a land planner who has worked in the subdivision industry for more than 40 years, I must point out that the requirement that the site plan be drawn by a surveyor is not consistent with industry practices. The typical practice today is that an existing conditions map is prepared by a licensed surveyor and a CAD file is provided to the site planner for preparation of the site plan. Civil engineers, wetlands biologists and other professionals also use the existing conditions map to do their portions of the project.

Land planning professionals come from a variety of disciplines, including landscape architects, civil engineers, urban planners, etc. Certainly, some land surveyors do land planning, but the far more prevalent practice is that site plans are prepared by people from these other disciplines who specialize in site planning. Most surveyors, while experts in requirements for land surveying, are not experienced in reading the development codes, concept plans, Transportation Systems Plans, etc. that must be understood in order to prepare a suitable site plan. Nor are surveyors typically familiar with design standards for streets, sewers, water systems and other public facilities. Certainly, having an accurate site boundary survey and topographic survey is essential to preparing a good site plan, and it is to be expected that the site plan be drawn to scale. My recommendation would be that a separate submittal be added to require an Existing Conditions Map, prepared by a licensed surveyor, and remove that requirement from the Site Plan section.

OCMC 16.08.065 – Lot size reduction. This section has been discussed by the City Commission previously, but it seems that we are now back to the proposed reduction in flexibility that initially came out of the Planning Commission. The reduced flexibility in lot size (only a 10 percent reduction from the standard lot size instead of the current 20 percent) is of great concern due to impacts on the ability to achieve full density of development consistent with zoning. Further, the ordinance proposes and even greater limitation of only being able to apply that reduction to 25 percent of the lots rather than the current standard that simply requires that the

average lot size be consistent with the underlying zone. The existing ordinance provides flexibility necessary to deal with design constraints that often exist on a given property and without that flexibility there will be a loss of density that will undoubtedly result in the costs of lots and housing increasing in Oregon City.

As an example for your consideration, I am attaching a copy of the site plan for the approved Icon Construction and Development subdivision called Parker Knoll. This project made use of the existing design flexibility of the existing ordinance to deal with some specific design constraints that otherwise would have significantly reduced the number of lots. The property is zoned R-8, which has a minimum lot size standard of 8,000 sq. ft.

You will note that the narrow width of the property at the entrance from Leland Road resulted in Lot 1 being 5,631 sq. ft. larger than the minimum lot size standard, at 13,631 sq. ft. in area. At the rear of the subdivision, there was a requirement by City staff that Reddaway Avenue be extended to the south to line up centered on two lots to the south of the Parker Knoll site. This will potentially allow for the street to be continued through to S. Kalal Court to create a looped street system. This required configuration resulted in Lots 10 and 11 being significantly oversized at 9,455 sq. ft. and 9,158 sq. ft., respectively. Finally, because of the configuration of the property, we ended up having to create two flag lots, one of which is oversized due to the access strip location. The new code would only allow two of the lots in the project to be undersized and would only allow for those lots to be reduced to 7,200 sq. ft. My best estimate that this code change would have cost at least one and perhaps two lots. That would be a huge impact to the economic feasibility of a project like this. The constraints faced on this site are not unusual, particularly on smaller infill sites such as this. We need the flexibility of the current code to make full use of valuable urban land and ask that you leave this section unchanged.

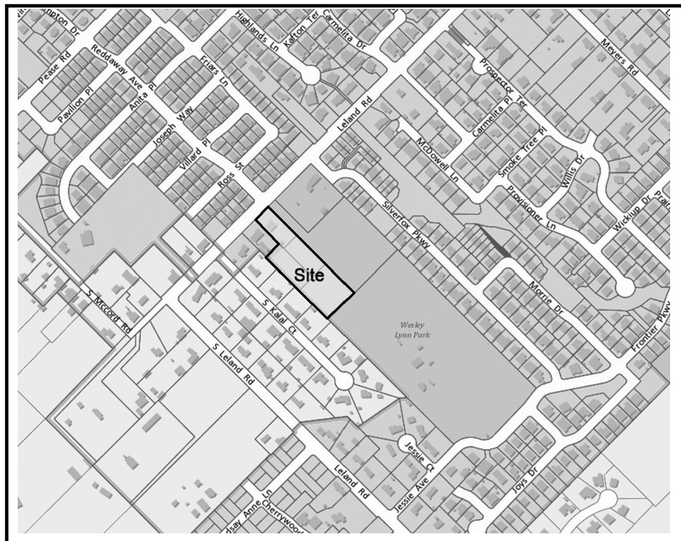
Thank you for your consideration of this input.

Sincerely yours,

Rick Givens

Rick Givens

Cc: Mark Handris



Owner/Applicant:
Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Legal: 3-2E-7D TL 600, 601 & 701

Water: City of Oregon City

Sewer: City of Oregon City

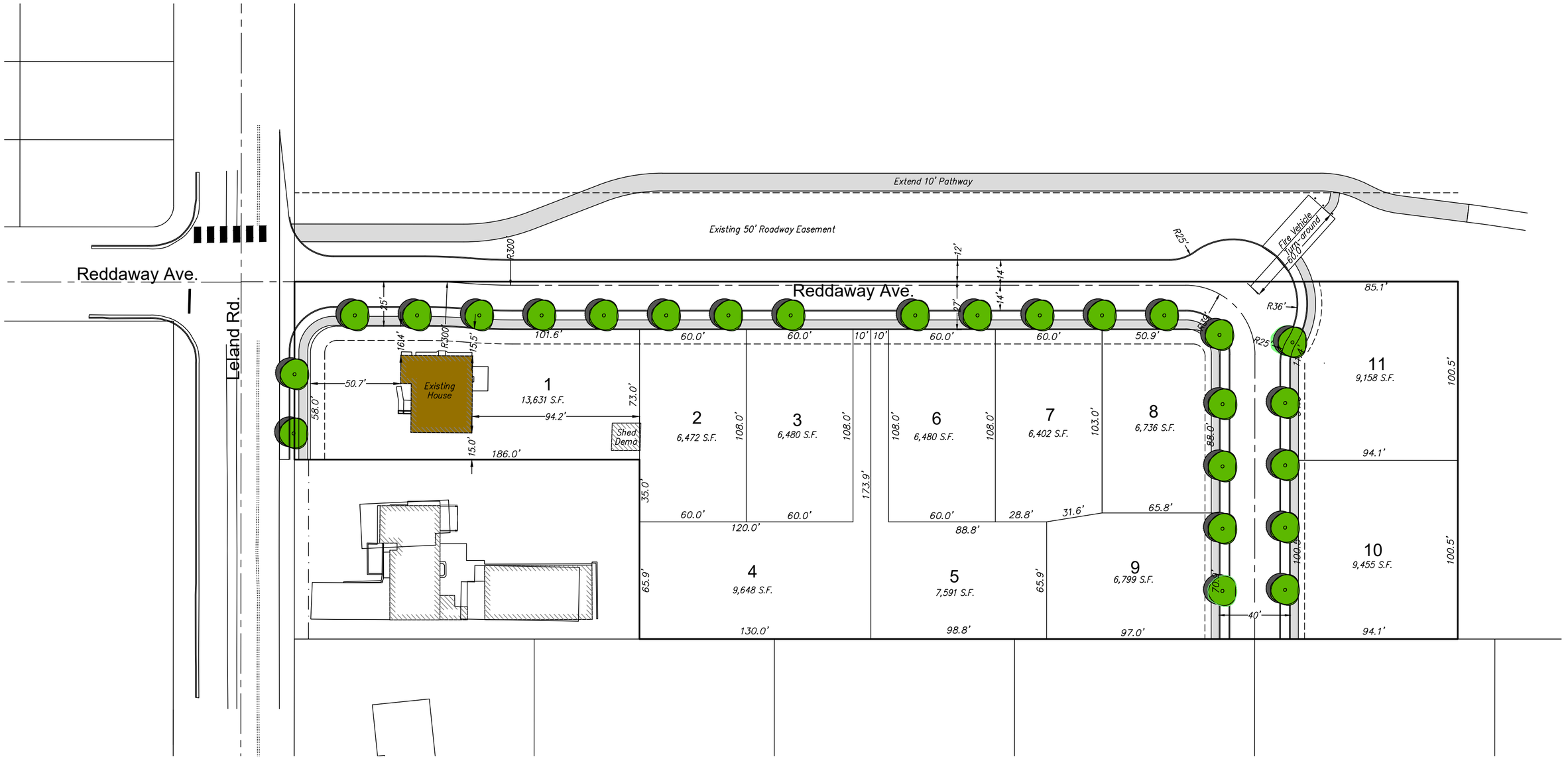
Contours: Field Survey by Centerline Concepts, Inc.

Site Area: 2.57 Acres

Engineer:
Theta Engineering, Inc.
4260 Country Woods Ct.
Lake Oswego, OR 97035
PH: (503) 481-8822

Zoning: R-8

Impervious Areas: Street - 22,209 sq. ft.



DESIGNED:	REG			
DRAWN:	REG			
SCALE:	1" = 40'			
DATE:	April 2017			
FILE:	14-ICN-103	DATE	NO.	REVISION

Richard E. Givens, Planning Consultant
18680 Sunblaze Dr.
Oregon City, OR 97045
PH: (503) 479-0097

APPLICANT: Icon Construction & Development, LLC
1980 Willamette Falls Drive, Suite 200
West Linn, OR 97068
PH: (503) 657-0406

Parker Knoll
Preliminary Plan

SHEET: 1/3

Agenda Item 6a / proposed code changes / 5 Dec 2018 / Rosalie Nowalk / rosalie.nowalk@gmail.com

Good evening, Commissioners and Mayor,

My name is Rosalie Nowalk. I have been before you in person this past September voicing my support for the proposed code changes that have been vetted by the Oregon City Planning Commission and have that body's recommendation and are now before you for further discussion and final approval.

These code changes are meant to help achieve the goal of facilitating more **equitable*** housing in Oregon City.

Because of work responsibilities, I'm not able to appear in person this evening and can only write my thoughts with the hope you take the time to read them.

I am a renter. I am also a member of the Project Advisory Team (PAT) that worked with the city and public on the Equitable Housing Project this past year.

I think about housing *every single day.*

Sometimes I wonder if that would be the case if I'd remained a homeowner, as I had been for many years. Would I care as much if I didn't experience the rollercoaster life of a renter for myself? Sadly, probably not.

But here I am in the thick of it and involved because stable, affordable, safe housing is not just for those who have great credit and a down payment. It's every living, breathing person's right to be sheltered, however humbly.

Having experienced a few injustices of my own over the past 10 years as a renter (because the Landlord Lobby has the money to make sure they retain all power in housing), I won't stop fighting for tenant rights – even if I do manage to buy my own little place again.

I want to once again add my support for the proposed code changes and sincerely and whole-heartedly ask that you make them a permanent part of Oregon City's code.

I would also ask that, along with these fine, forward-thinking code changes, that the City of Oregon City adopt a Tenant Bill of Rights. It just makes sense because the change in codes will not be the only thing that helps in the housing crisis we are in.

Also, I would urge rules dealing with short-term rentals (STR) that may pop up more and more in the city as property owners add an ADU (or two) to their properties. That may be nice for the tourist, but it won't be helping Oregon Citians with their longer-term housing needs if they go unregulated.

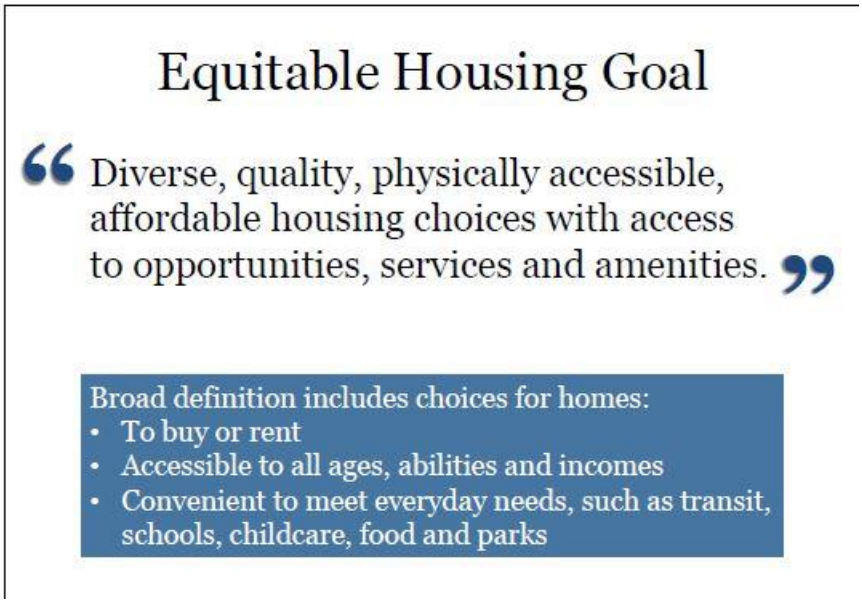
Please don't delay. The time is now. Take the step towards an Oregon City where happiness comes not only from a pleasant stroll down Main Street, but in the underlying sense of peace knowing you have a home to go to after, to rest and reflect and think (perhaps):

There's nothing more I need.  *I have it all here in Oregon City.*

Thanks for reading!

Rosalie

*



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

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

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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

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Zach Stokes

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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

WATER ENVIRONMENT SERVICES

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 Zahorie
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 Twin Peaks District.

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

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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
File: LEG-18-00001
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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
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)

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

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

This same Tiny House units could be designed to where they could have a 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 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.

17-04-25 08:27 FILE

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

17-04-25 09:23 FILE

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

Autumn Renee Wilson
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
855 Molalla Avenue
Oregon City, OR 97045
mark.matheson@drteamsint.com

Gerald Warren
Aaron Hisel
901 Capitol Street NE
Salem, OR 97301
gwarren@geraldwarrenlaw.com
ahisel@geraldwarrenlaw.com

David C. Lewis
Steven Kraemer
Kraemer, Lopez & Lewis
PO Box 1469
Lake Oswego, OR 97035
dlewis@cisoregon.org
skraemer@cisoregon.org

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]

---

[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

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

January 31, 2018

Mark & Anna Marie Matheson
855 Molalla Avenue
Oregon City, OR 97045
mark.matheson@drteamsint.com

Gerald Warren
Aaron Hisel
901 Capitol Street NE
Salem, OR 97301
gwarren@geraldwarrenlaw.com
ahisel@geraldwarrenlaw.com

David C. Lewis
Steven Kraemer
Kraemer, Lopez & Lewis
PO Box 1469
Lake Oswego, OR 97035
dlewis@cisoregon.org
skraemer@cisoregon.org

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

Mark J. Matheson
Anna Marie Matheson
855 Molalla Avenue
Oregon City, Oregon 97045
(503) 953-0250
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

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
Aaron P. Hisel, Attorney at Law
Law Office of Gerald L. Warren and Associates
901 Capitol Street NE
Salem, Oregon 97301
gwarren@geraldwarrenlaw.com
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 Twin Peaks District.

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

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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
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.

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



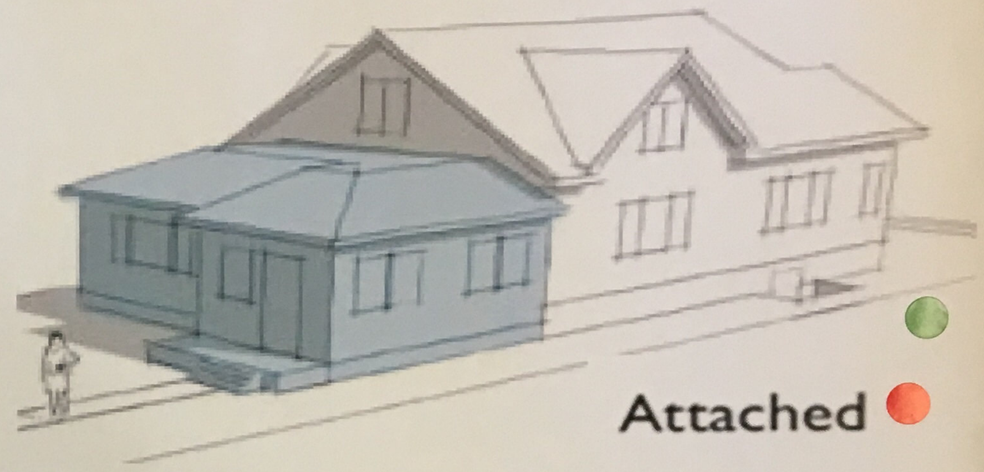
Proposed	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*
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Red = not permitted

Equitable Housing Code Amendment Proposal

Accessory Dwelling Unit (ADU)





Attached



Detached

ALLOW LARGER ADU WITH CONDITIONAL USE PERMIT. EG 2BR 1,000 SF.

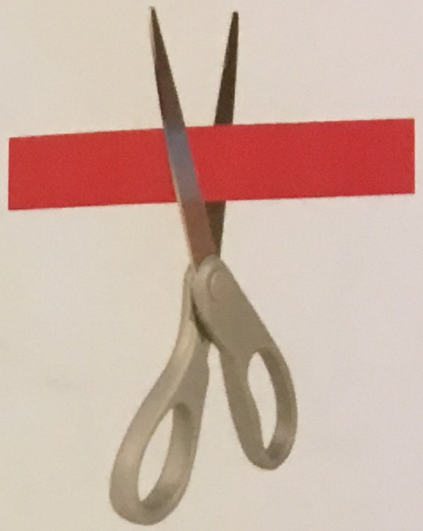
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Existing	R-10 *Low Density*	R-8 *Low Density*	R-6 *Low Density*	R-5 *Medium Density*	R-3.5 *Medium Density*	R-2 *High Density*

Red = not permitted

Simplified Procedures

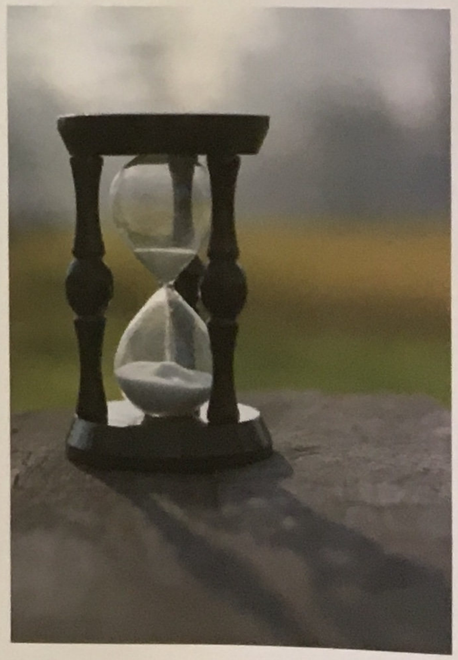
Equitable Housing Code Amendment Proposal

- 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

- 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

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~~

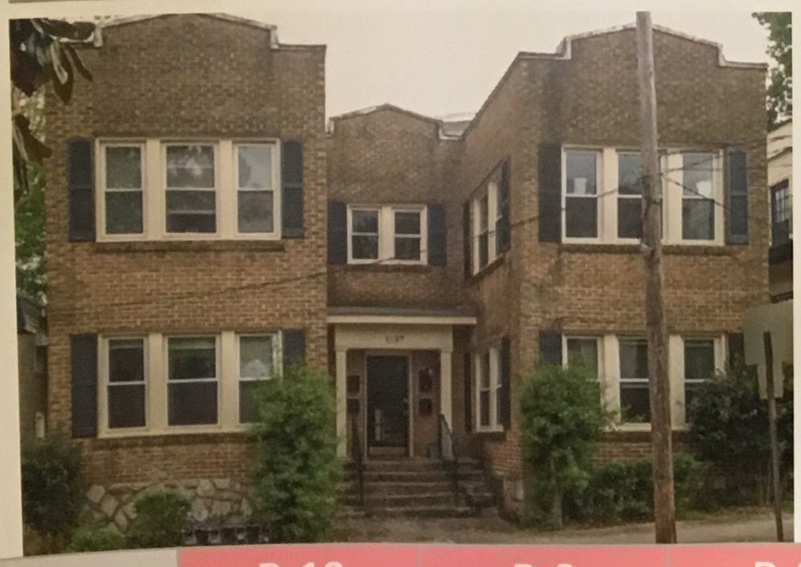
Up to 20% bonus in R-2 Multi-Family Dwelling District for ~~units~~ developments that are publicly subsidized and meet qualifying household income criteria.

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*

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Equitable Housing
Code Amendment
Proposal

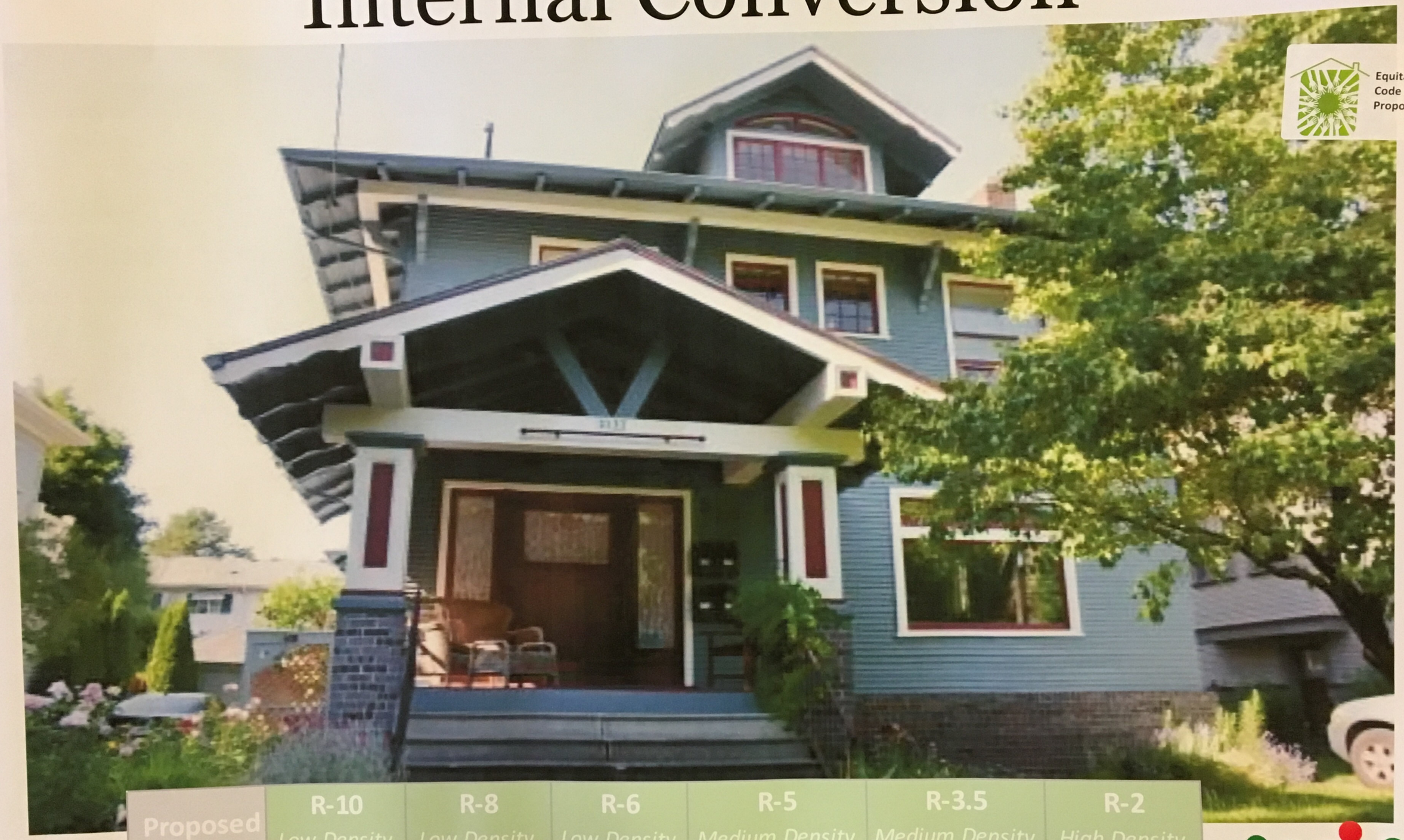
Cluster Housing



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

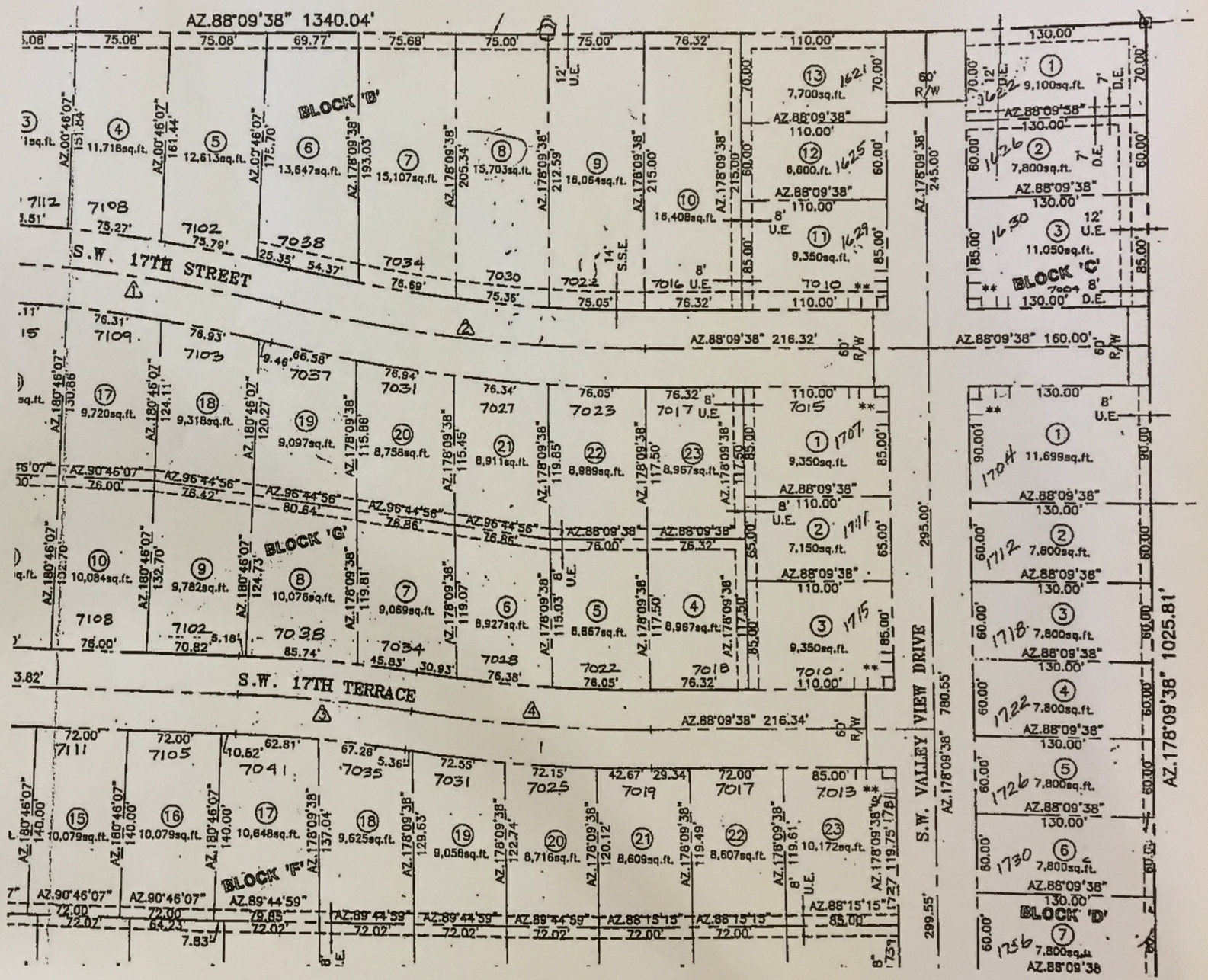
Equitable Housing Code Amendments Proposal

- 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.

Equitable Housing Code Amendment Proposal

Bed & Breakfast /Accommodations <30 Days

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*
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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.

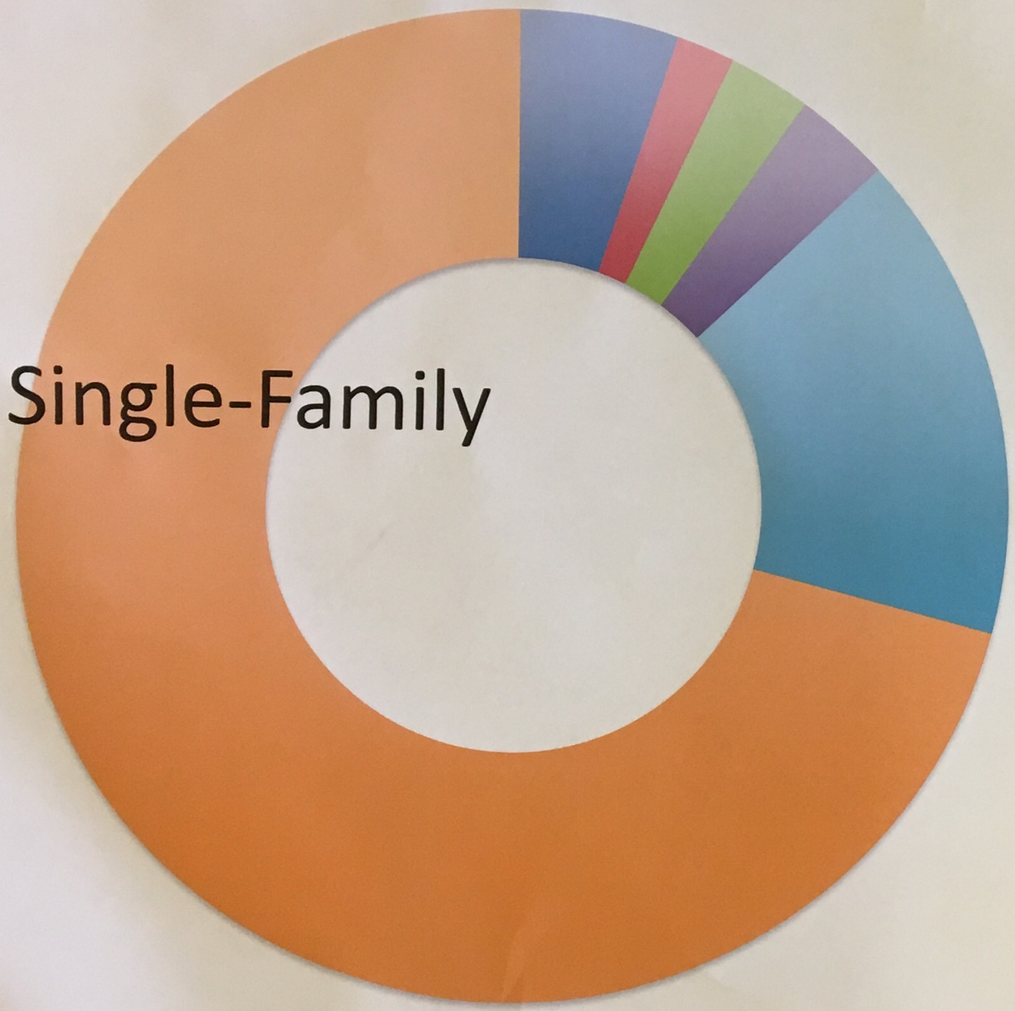
GOAL 1: Cultivate an Environment for Successful Economic Development

Complete site-readiness efforts, which can be accomplished through either physical site improvements or process and permitting refinement.

EXISTING

Limited Housing Choices

Equitable Housing Code Amendment Proposal



- 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.

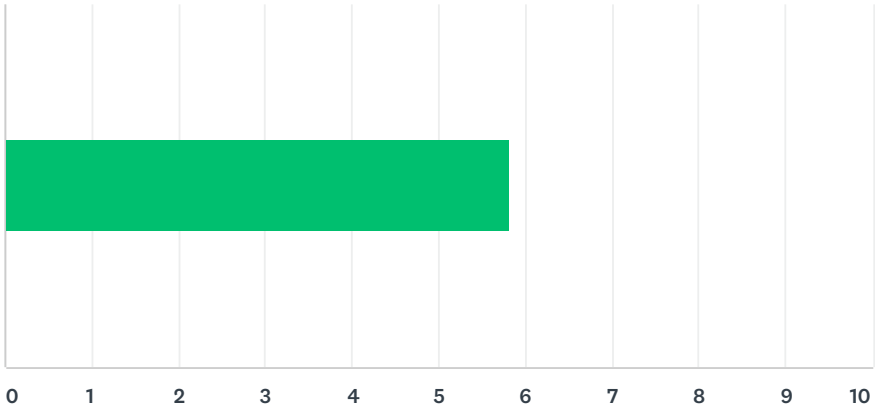
Provide Informational Resources

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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	535	92
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.

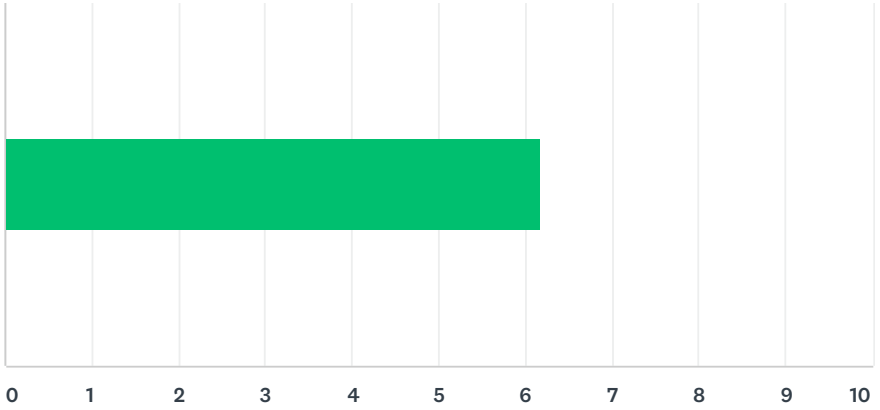
- What about shared housing/single room occupancy (SROs)/co-housing as an option? Need to look at the definition of "family" and how many unrelated people can live in one facility.
- There should not be an owner occupancy requirement for boarding houses.
- Group homes need better bathroom facilities 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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 93			

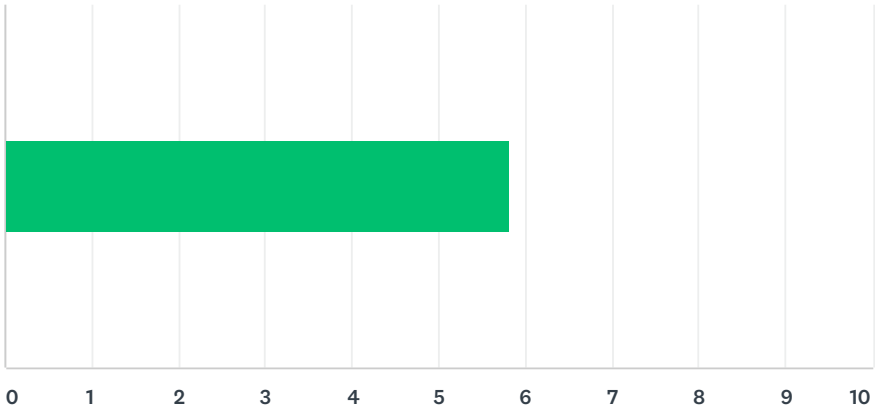
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Q3 Encourage greater Accessory Dwelling Unit (ADU) production by removing owner-occupancy and off-street parking requirements and simplifying dimensional and design standards.

Answered: 92 Skipped: 2



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 92			

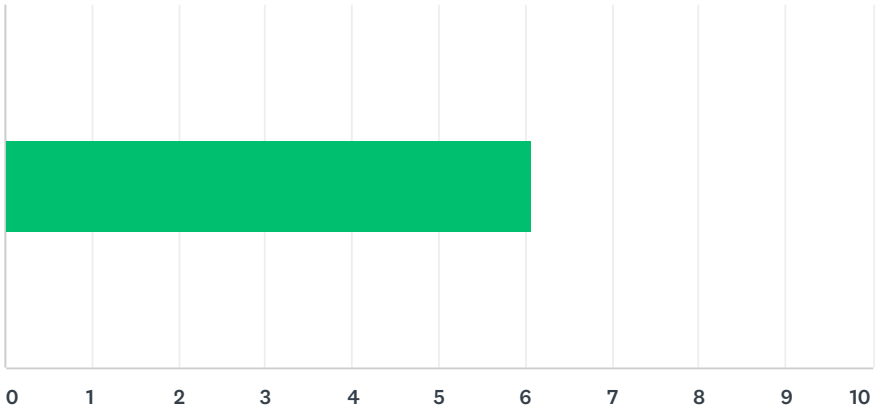
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Q4 Allow internal conversions of existing single-family homes into 2-4 units in all residential zones for homes built prior to 1990 to encourage retention of existing housing stock.

Answered: 93 Skipped: 1



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 93			

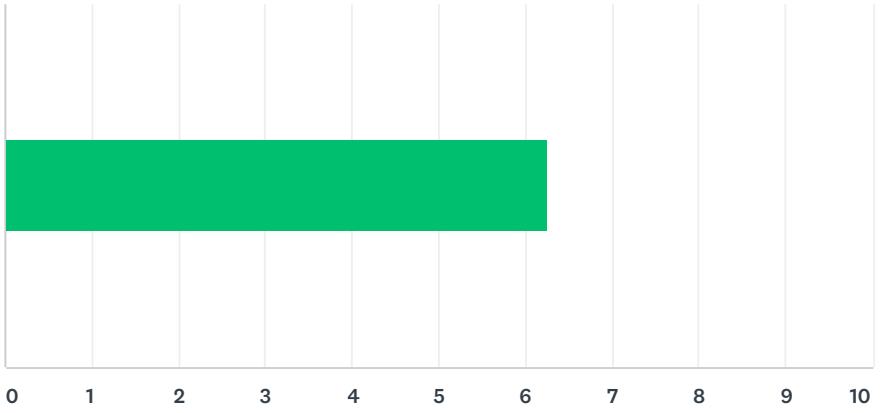
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Q5 Allow corner duplexes on standard lots in the predominately single-family, low-density residential zones, subject to design requirements on both street-facing facades. Allow duplexes on all lots in the medium-density zones similar to existing regulations.

Answered: 93 Skipped: 1



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 93			

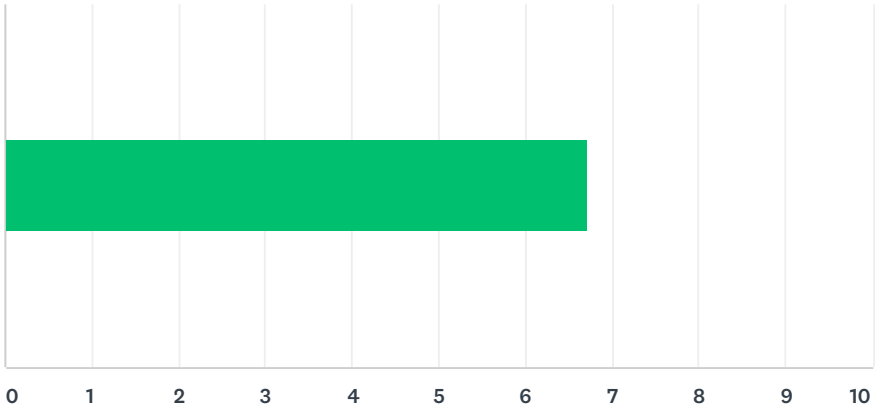
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Q6 Allow townhouse development in the medium-density zones where it is already permitted in the R-3.5 zone, and in the high-density residential zone as an alternative to apartments. Apply new dimensional standards and design standards specific to townhouse development.

Answered: 93 Skipped: 1



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 93			

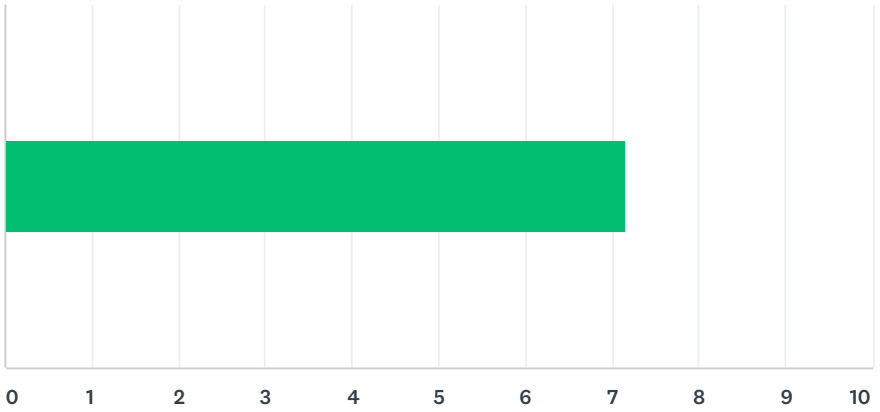
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Q7 Allow existing manufactured home parks in their current medium-density residential locations, to facilitate ongoing upgrades and improvements.

Answered: 90 Skipped: 4



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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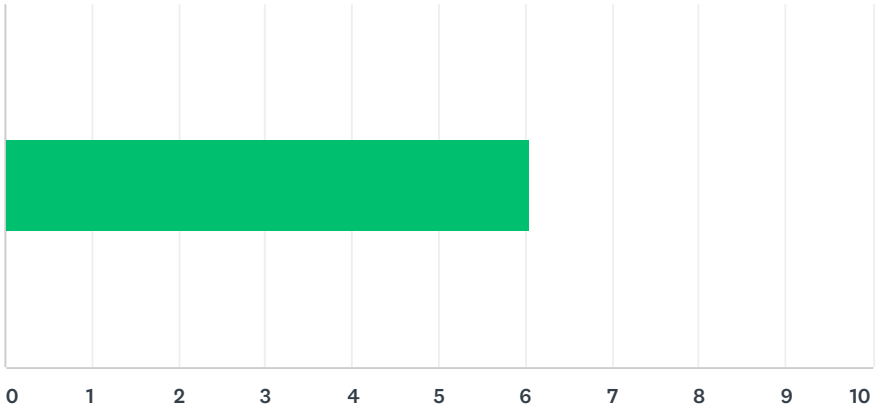
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Q8 Permit small multifamily projects with three to four units on a single-lot (triplexes and four-plexes) in medium-density zones through a review process similar to that for single-family and duplex homes, with design standards similar to apartments.

Answered: 90 Skipped: 4



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 90			

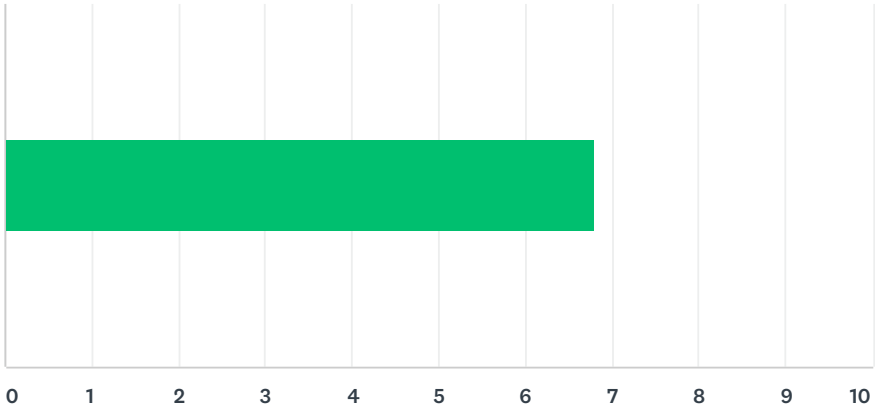
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Q9 Introduce new cluster housing standards as a significant revision to the existing cottage housing standards that permit homes at higher densities and smaller scale organized around a central court. Allow a greater variety of residential units from 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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 92			

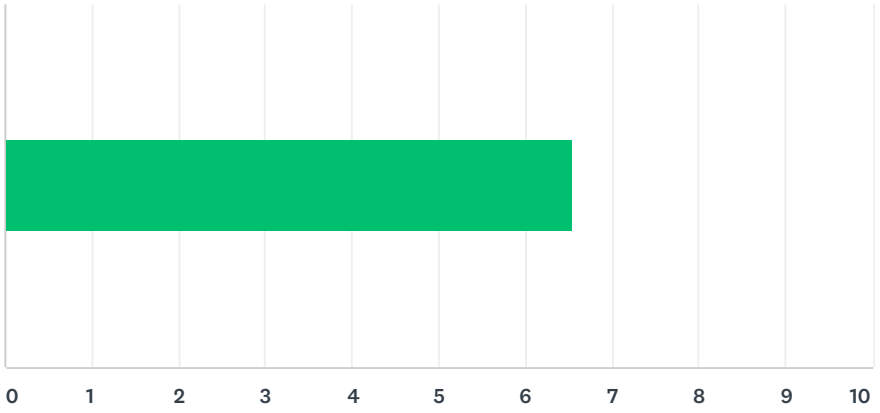
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Q10 Permit wider range of residential types from single-family detached houses and townhouses to apartments in the high-density zone, in place of limiting uses to multifamily apartments, provided that minimum density standards are met.

Answered: 90 Skipped: 4



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 90			

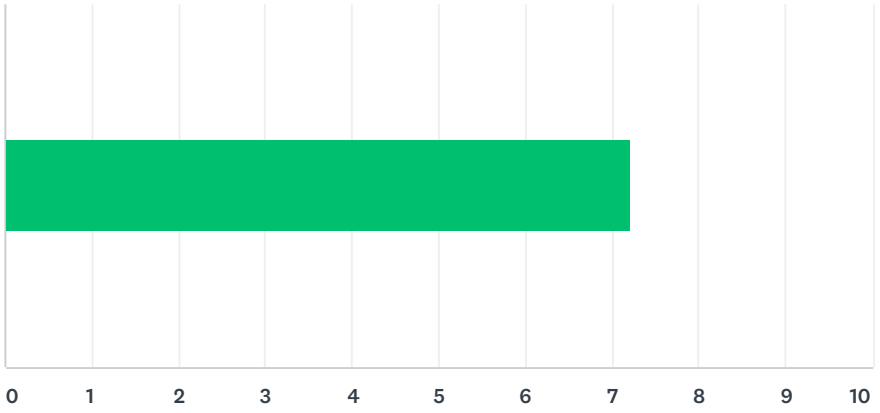
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Q11 Allow proposed cluster housing development in the high-density zone, for smaller scale developments of up to 12 units in any format from individual cottages to attached garden apartments or townhouses. Housing units to be clustered around a common courtyard.

Answered: 90 Skipped: 4



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 90			

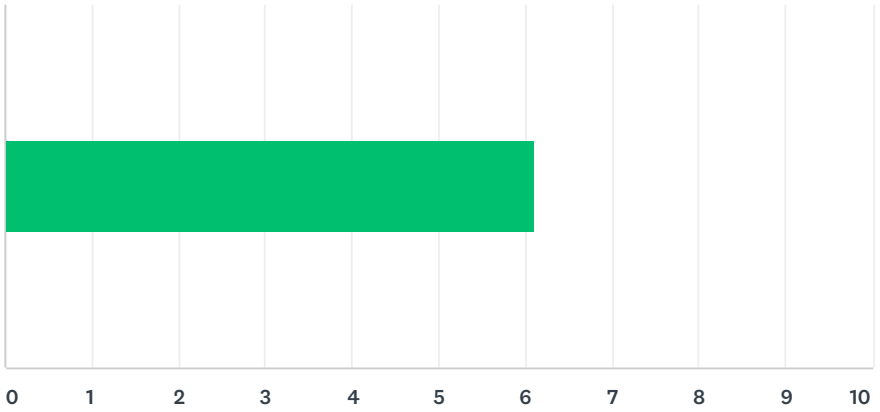
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Q12 Offer a 20% density bonus in the high-density zone for regulated affordable housing projects that guarantee units will be affordable for a minimum of 30 years.

Answered: 88 Skipped: 6



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 88			

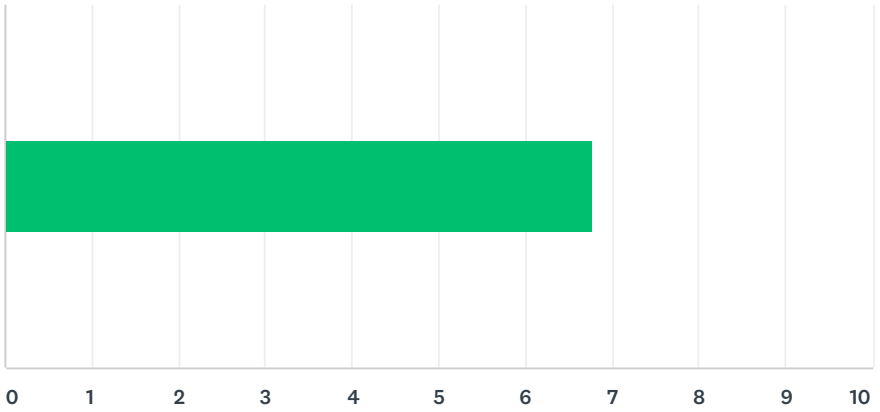
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Q13 Retain multifamily apartments as a permitted use in commercial and mixed-use zones with no limitations on ground floor use or required commercial component.

Answered: 88 Skipped: 6



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 88			

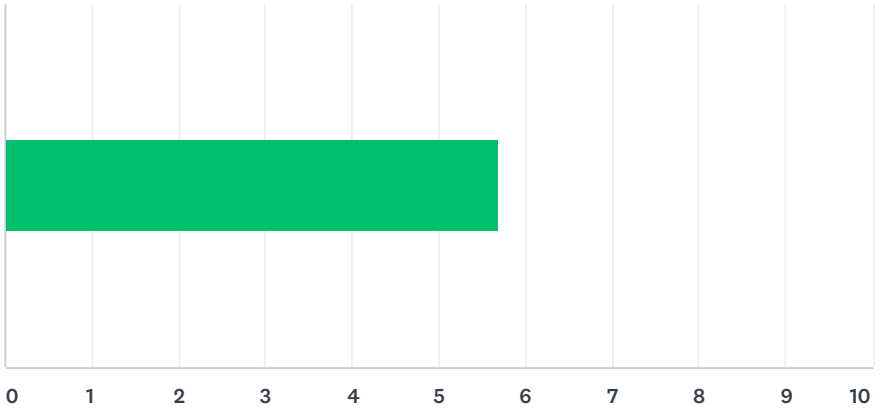
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Q14 Retain existing density minimums and maximums in all residential zones, including existing increases for cluster development, ADUs and duplexes. Introduce new density increases for townhouses and multiplex residential in the medium-density zones.

Answered: 82 Skipped: 12



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 82			

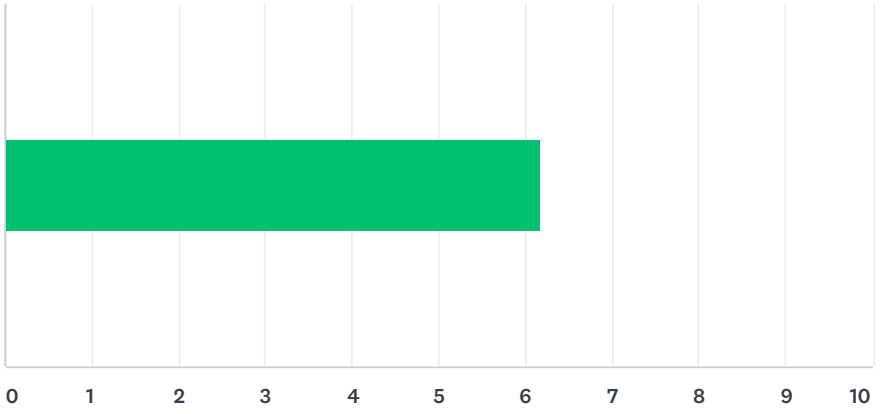
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Q15 Simplify residential parking standards for all residential types, requiring a standard of one off-street space per unit for every type of dwelling from single-family detached residential houses to apartments, with no off-street parking required 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



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
	6	513	83
Total Respondents: 83			

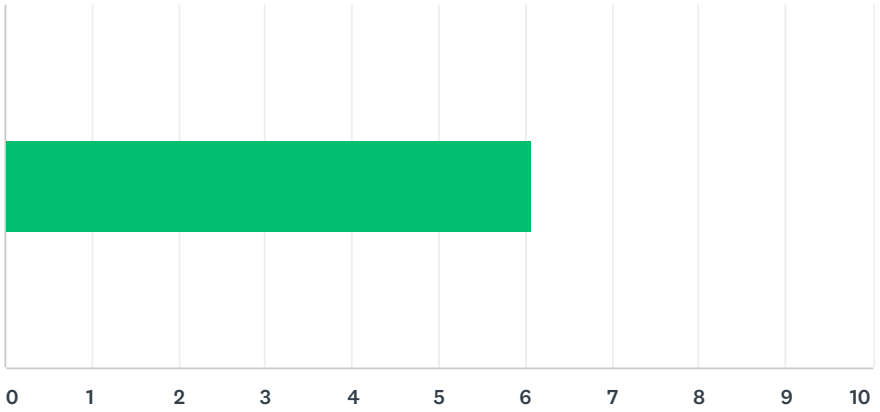
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Q16 Simplify design standards for multifamily and mixed-use buildings to de-emphasize articulation and modulation requirements in favor of architectural detailing and other lower-cost design strategies.

Answered: 82 Skipped: 12



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 82			

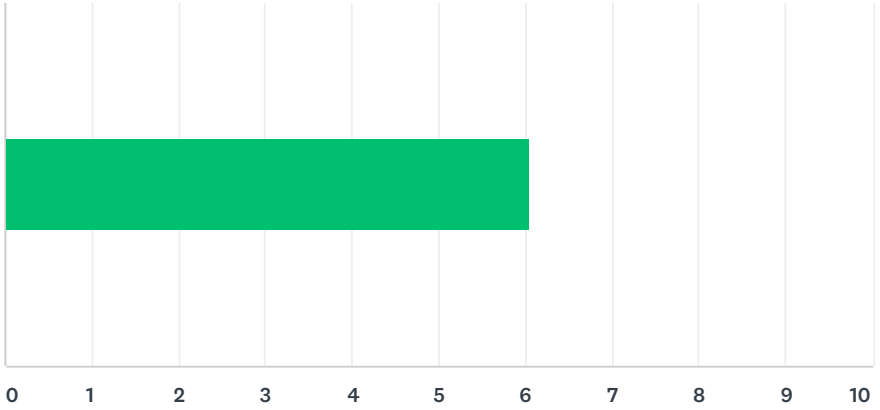
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Q17 Retain existing lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone. The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions.

Answered: 80 Skipped: 14



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 80			

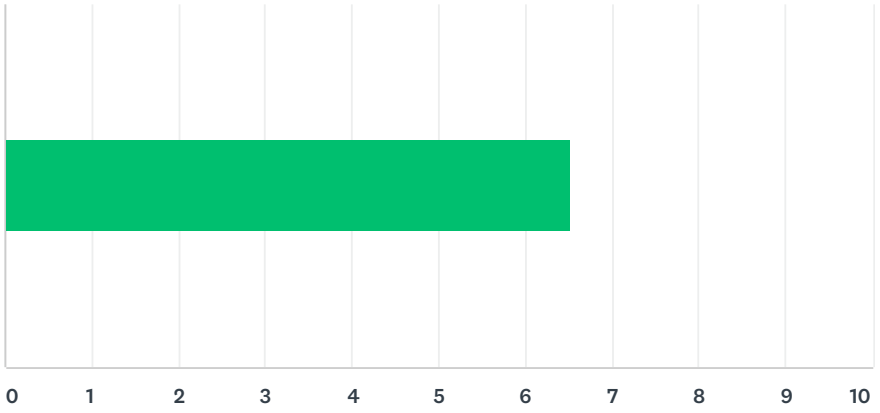
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Q18 Promote a modified master plan option for larger residential development projects that mix various types of housing, e.g., single family homes, cluster housing and townhouses, in lieu of standard subdivision process.

Answered: 82 Skipped: 12



ANSWER CHOICES	AVERAGE NUMBER	TOTAL NUMBER	RESPONSES
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Total Respondents: 82			

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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

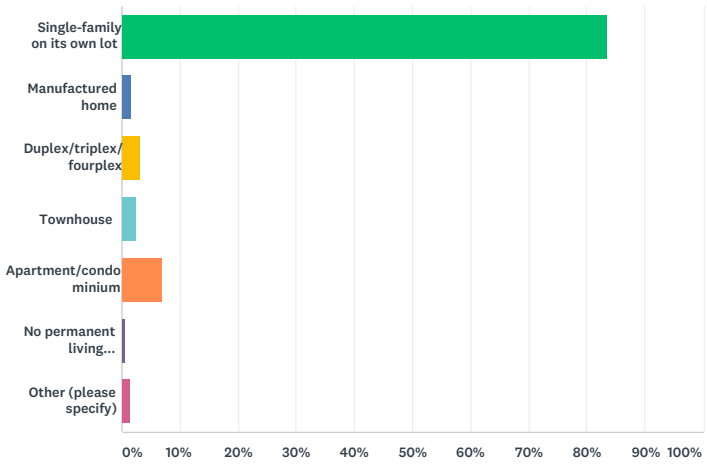
#	RESPONSES	DATE
1	Zoning is the problem. There is no way that city employees have the local knowledge (or skin in the game) to design a master plan that meets the housing needs of a rapidly changing economy, The best strategy is to get out of the planning business and allow natural market forces to 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

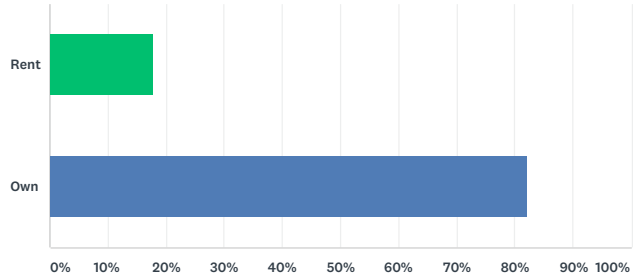


ANSWER CHOICES	RESPONSES	
Single-family on its own lot	83.53%	289
Manufactured home	1.73%	6
Duplex/triplex/fourplex	3.18%	11
Townhouse	2.60%	9
Apartment/condominium	6.94%	24
No permanent living arrangement	0.58%	2
Other (please specify)	1.45%	5
TOTAL		346

#	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?

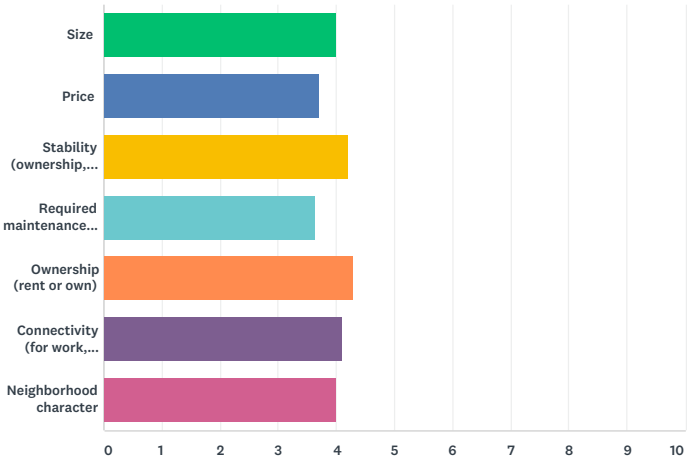
Answered: 345 Skipped: 4



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



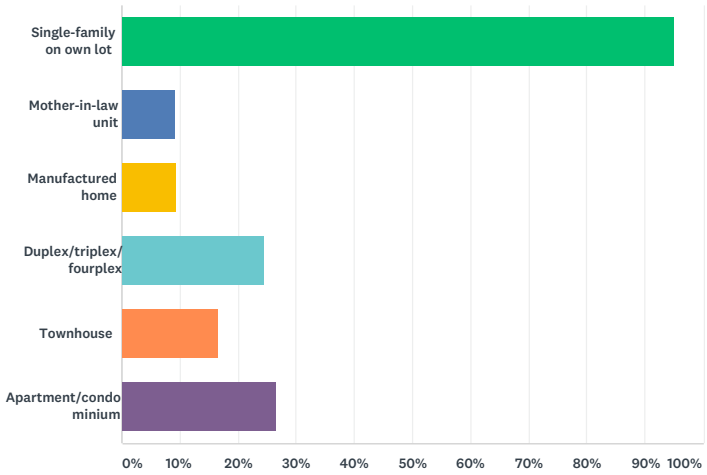
	1 VERY BAD	2 BAD	3 NEITHER GOOD NOR BAD	4 GOOD	5 VERY GOOD	TOTAL	WEIGHTED AVERAGE
Size	2.37% 8	6.80% 23	15.09% 51	40.83% 138	34.91% 118	338	3.99
Price	4.96% 17	10.50% 36	18.37% 63	40.82% 140	25.36% 87	343	3.71
Stability (ownership, long-term lease)	3.81% 13	5.28% 18	10.85% 37	26.98% 92	53.08% 181	341	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

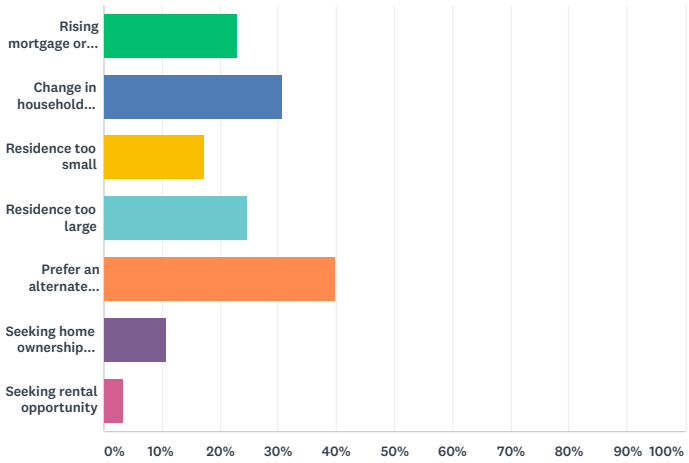


ANSWER CHOICES	RESPONSES	
Single-family on own lot	94.97%	321
Mother-in-law unit	9.17%	31
Manufactured home	9.47%	32
Duplex/triplex/fourplex	24.56%	83
Townhouse	16.57%	56
Apartment/condominium	26.63%	90
Total Respondents: 338		

#	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		

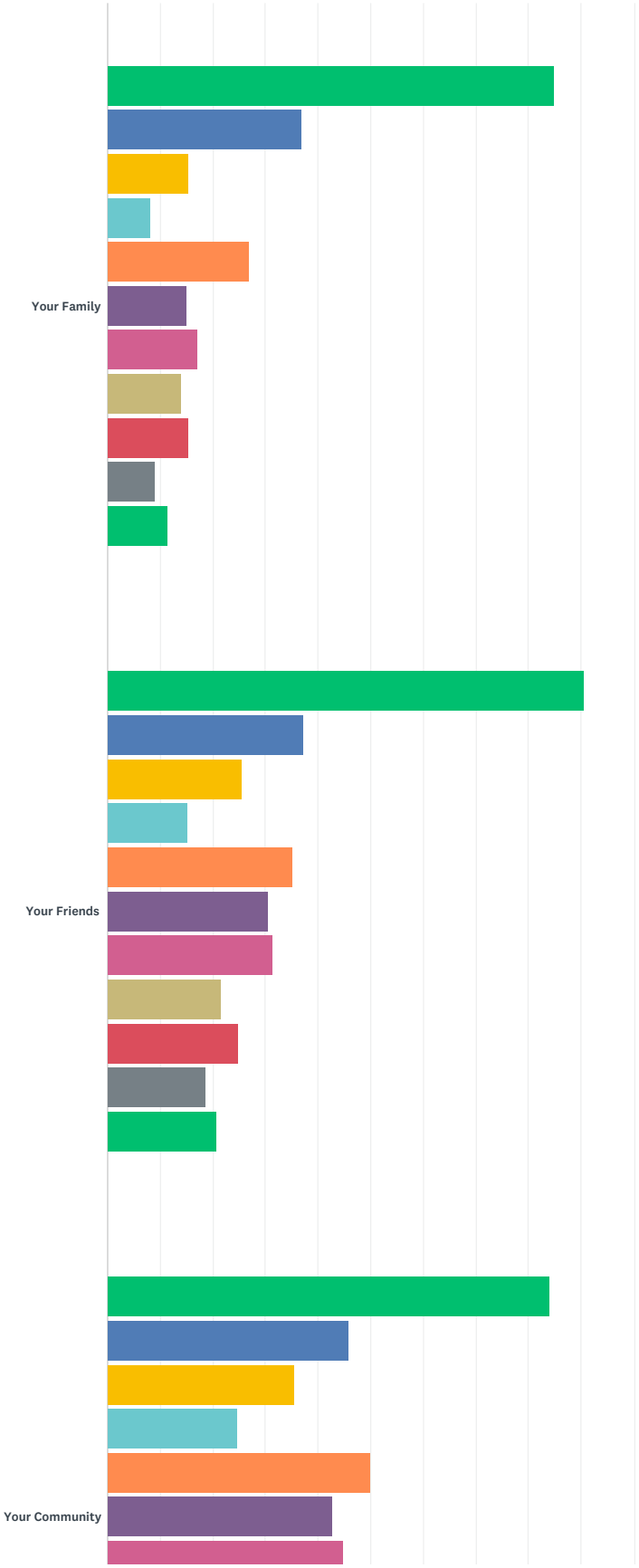
#	OTHER (PLEASE SPECIFY)	DATE
1	Cannot age in place, home not in universal design	2/27/2018 12:34 AM
2	We have enjoyed living here for 22+ years, and enjoy our community. However, the incredible increase of vehicular traffic (our neighborhood is a conduit to other geographic areas of the city). makes 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

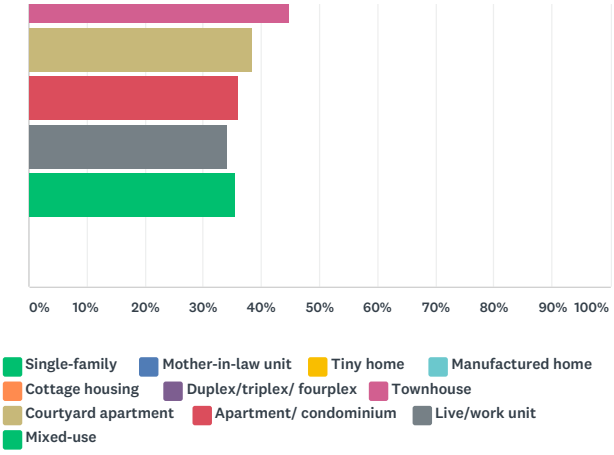
22	Retirement/empty nester	2/25/2018 7:23 PM
23	None	2/25/2018 6:51 PM
24	Move out of state	2/25/2018 5:58 AM
25	Health limitations	2/24/2018 1:55 PM
26	I am a senior citizen and eventually may be unable to live on my own. Right now I can.	2/24/2018 11:49 AM
27	We almost moved to Mt Angel to get away 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



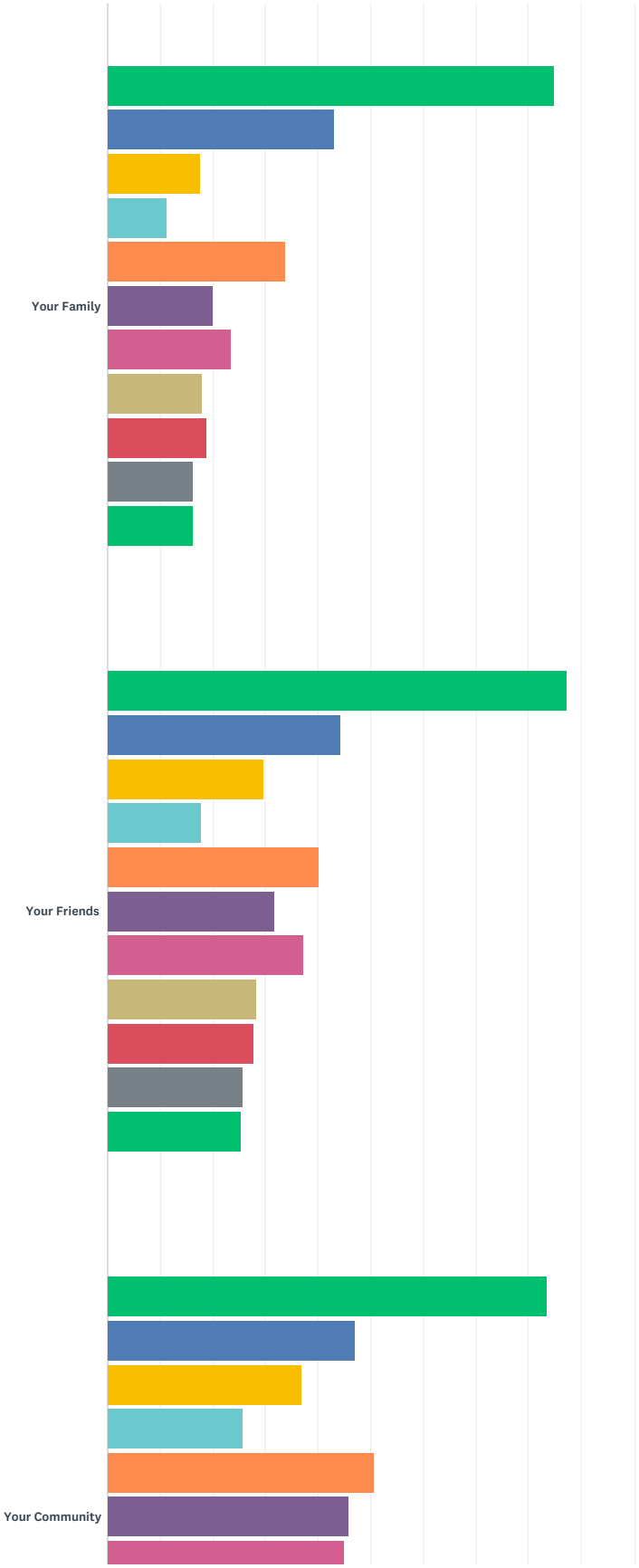


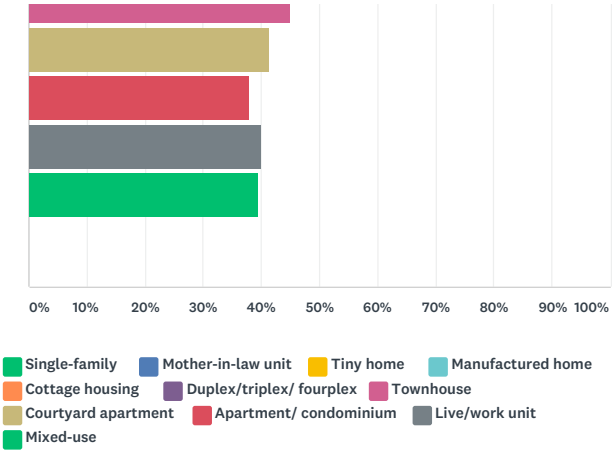
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.84% 207	36.89% 90	15.57% 38	8.20% 20	27.05% 66	15.16% 37	17.21% 42	13.93% 34	15.57% 38	9.0
Your Friends	90.68% 214	37.29% 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



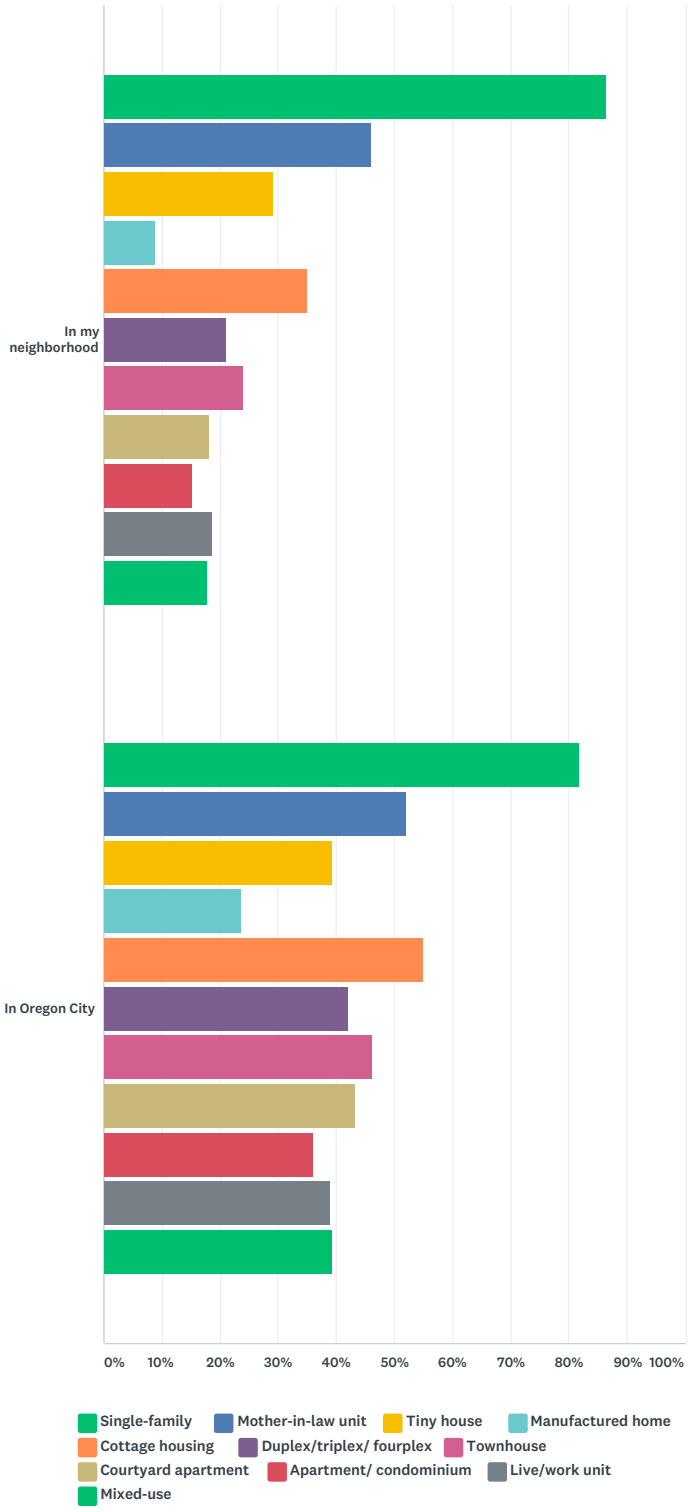


	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOME	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/WO UNIT
Your Family	84.94% 203	43.10% 103	17.57% 42	11.30% 27	33.89% 81	20.08% 48	23.43% 56	17.99% 43	18.83% 45	16.3
Your Friends	87.17% 197	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.

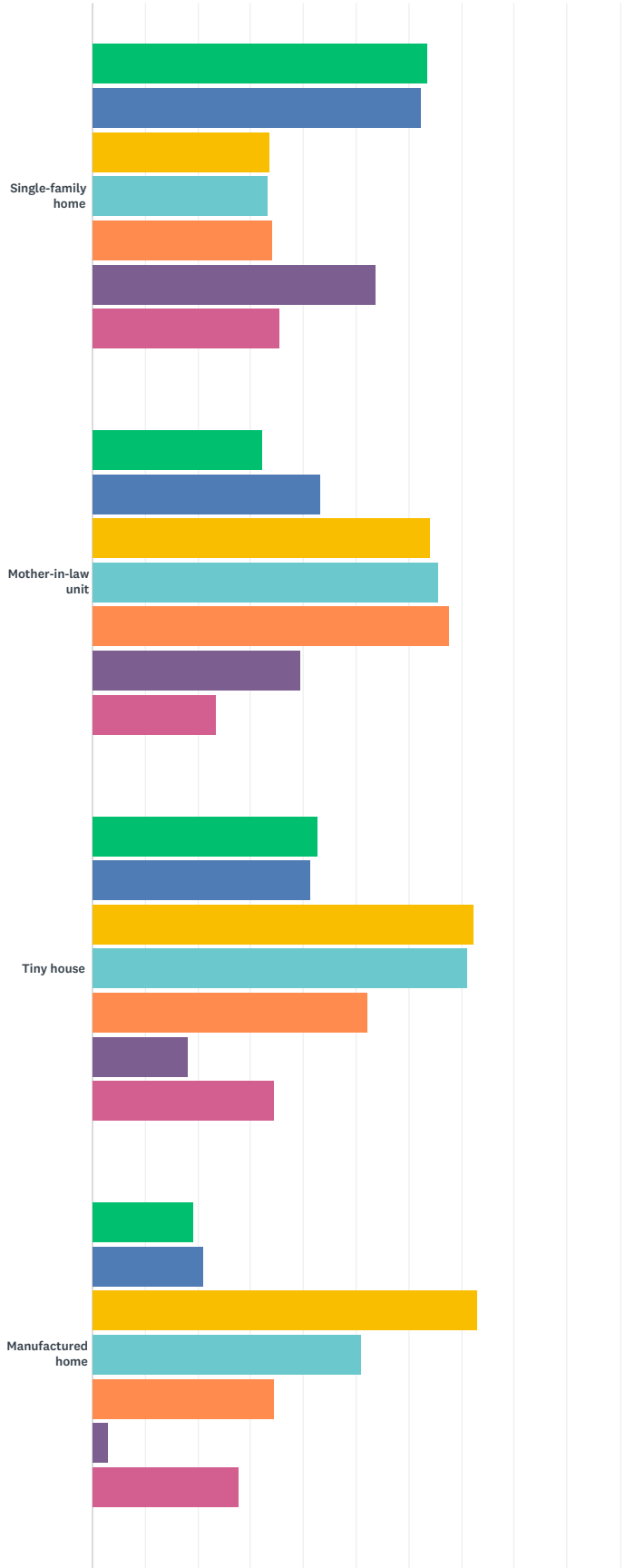
Answered: 245 Skipped: 104



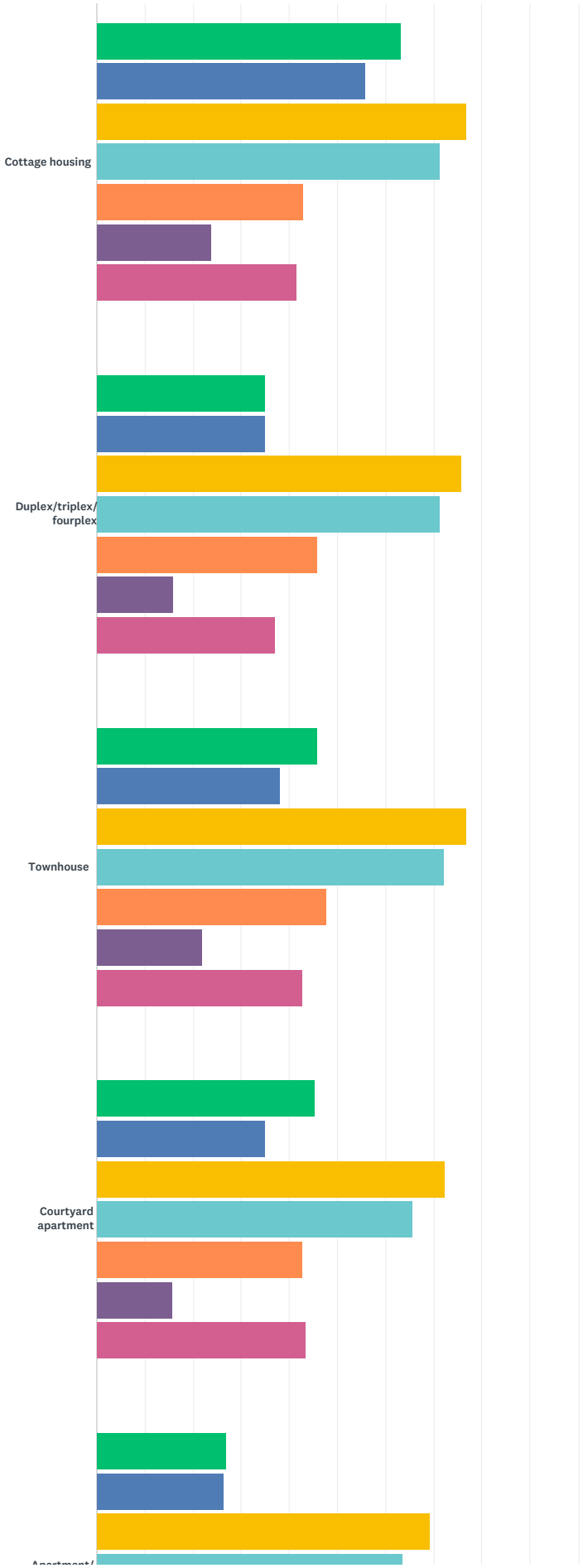
	SINGLE-FAMILY	MOTHER-IN-LAW UNIT	TINY HOUSE	MANUFACTURED HOME	COTTAGE HOUSING	DUPLEX/TRIPLEX/ FOURPLEX	TOWNHOUSE	COURTYARD APARTMENT	APARTMENT/ CONDOMINIUM	LIVE/W UNIT
In my neighborhood	86.31% 208	46.06% 111	29.05% 70	8.71% 21	34.85% 84	21.16% 51	24.07% 58	18.26% 44	15.35% 37	1
In Oregon City	81.82% 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

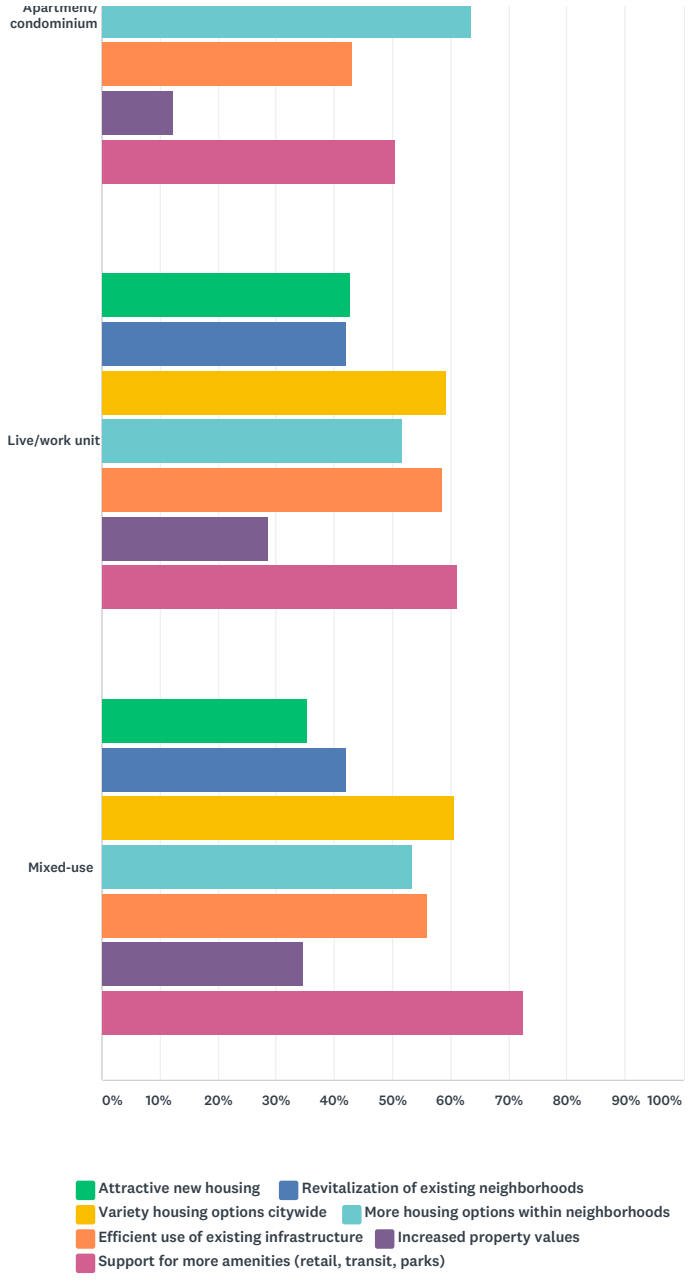
Q9 What benefits do you think the following housing types would provide?

Answered: 242 Skipped: 107



Oregon City Equitable Housing Analysis - Housing Types





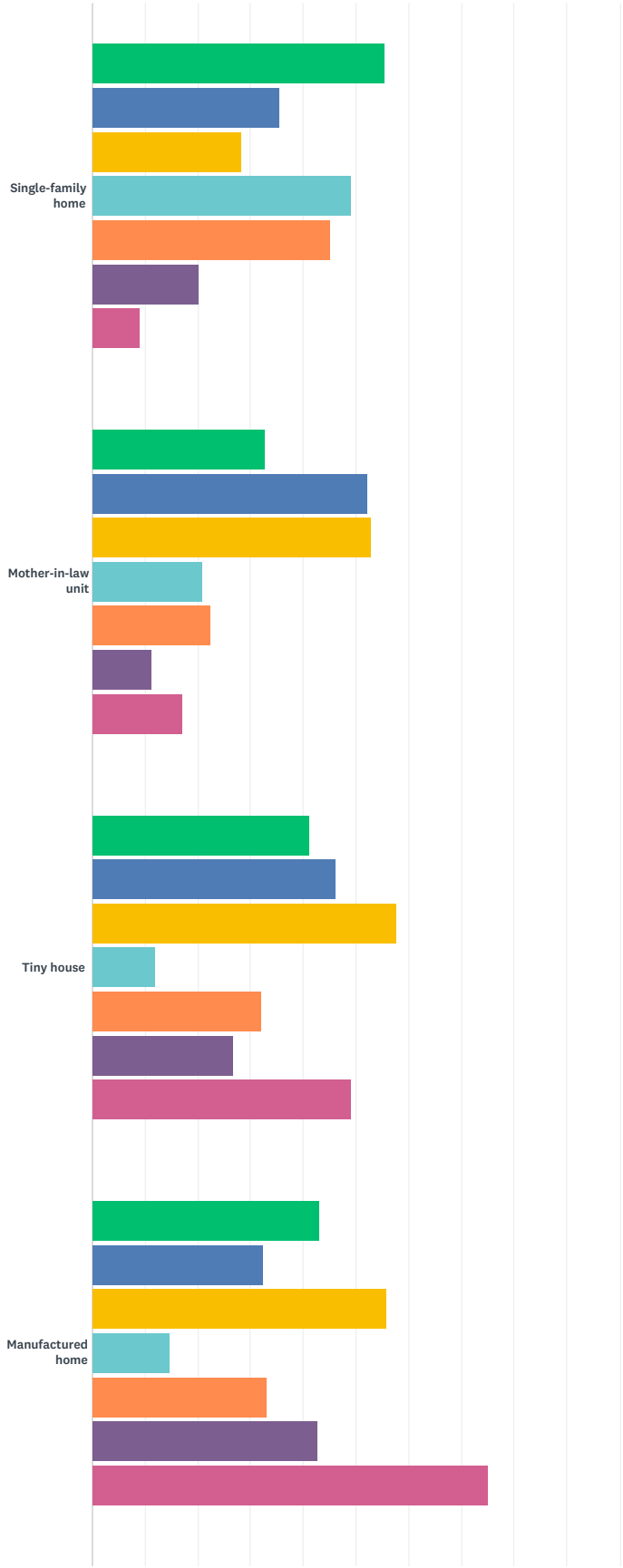
	ATTRACTIVE NEW HOUSING	REVITALIZATION OF EXISTING NEIGHBORHOODS	VARIETY HOUSING OPTIONS CITYWIDE	MORE HOUSING OPTIONS WITHIN NEIGHBORHOODS	EFFICIENT USE OF EXISTING INFRASTRUCTURE	INCREASED PROPERTY VALUES	SUPPORT FOR MORE AMENITIES (RETAIL, TRANSIT, PARKS)	TOTAL RESPONDENTS
Single-family home	63.64% 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

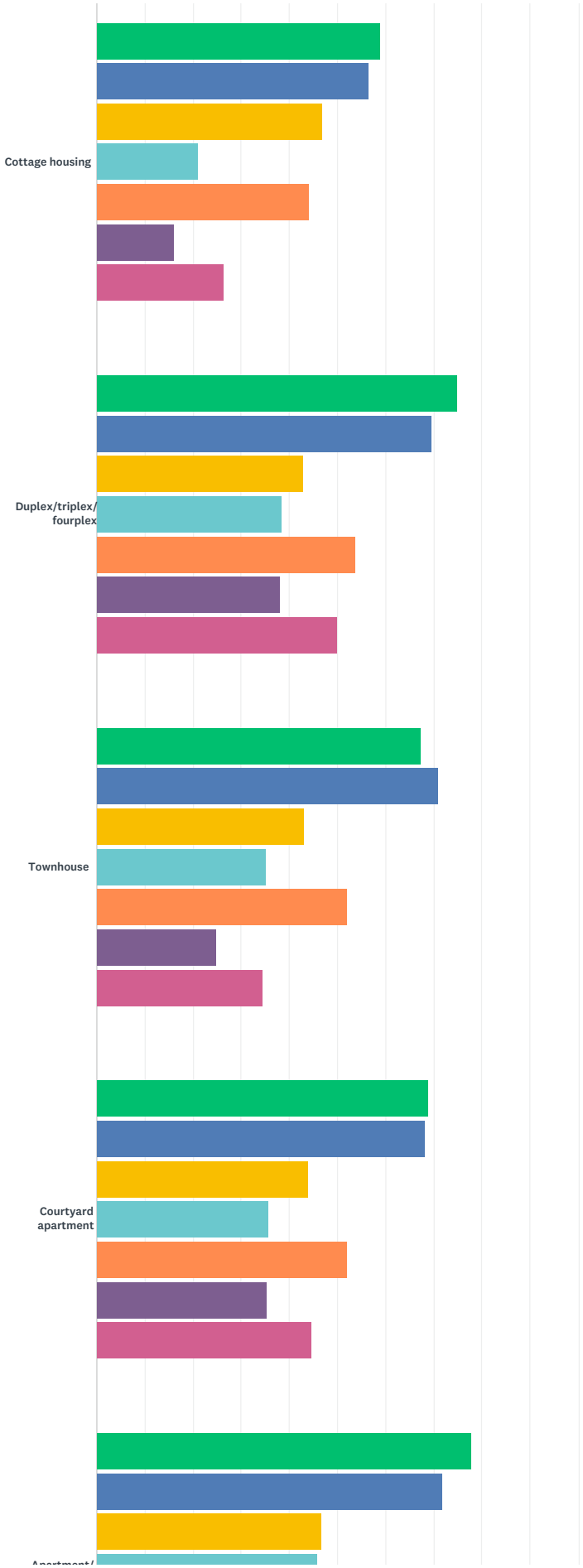
Live/work unit	42.68% 67	42.04% 66	59.24% 93	51.59% 81	58.60% 92	28.66% 45	61.15% 96	157
Mixed-use	35.33% 53	42.00% 63	60.67% 91	53.33% 80	56.00% 84	34.67% 52	72.67% 109	150

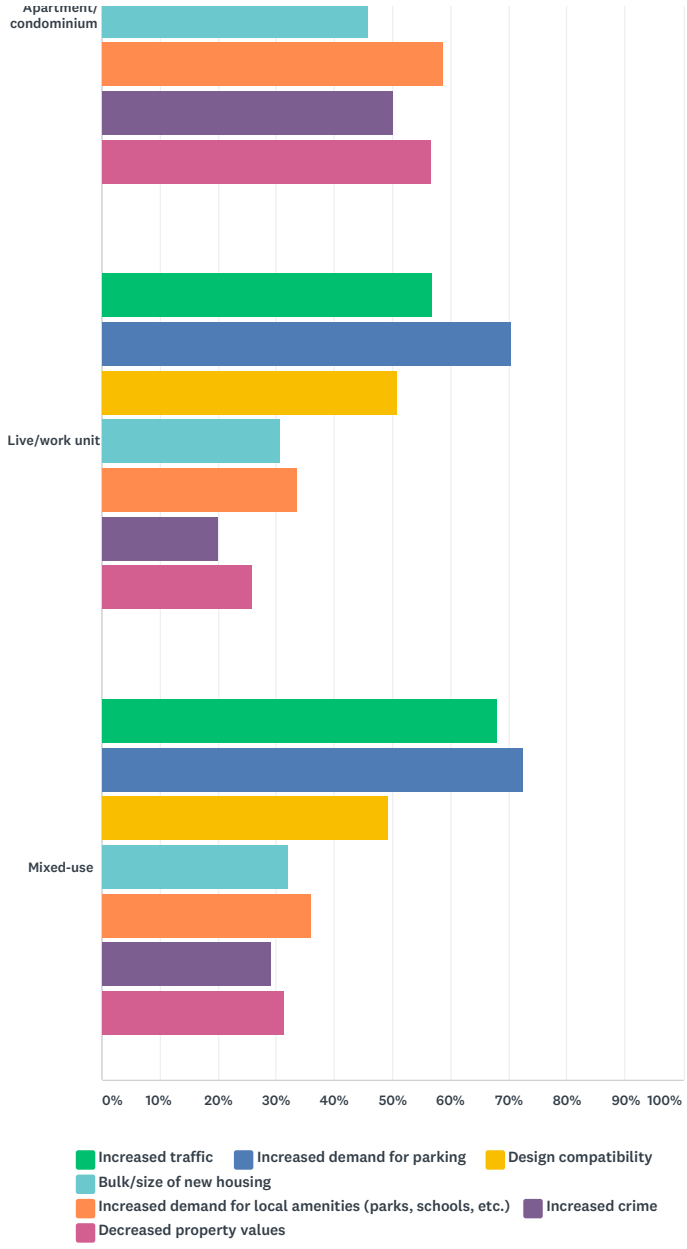
#	OTHER (PLEASE SPECIFY)	DATE
1	The categories of Duplex/triplex;fourplex and Apartment/condo condominium exist already in this neighborhood. For the most part, they are very well maintained and we don't need more of this new construction in an established neighborhood.	2/26/2018 8:21 PM
2	The choice 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



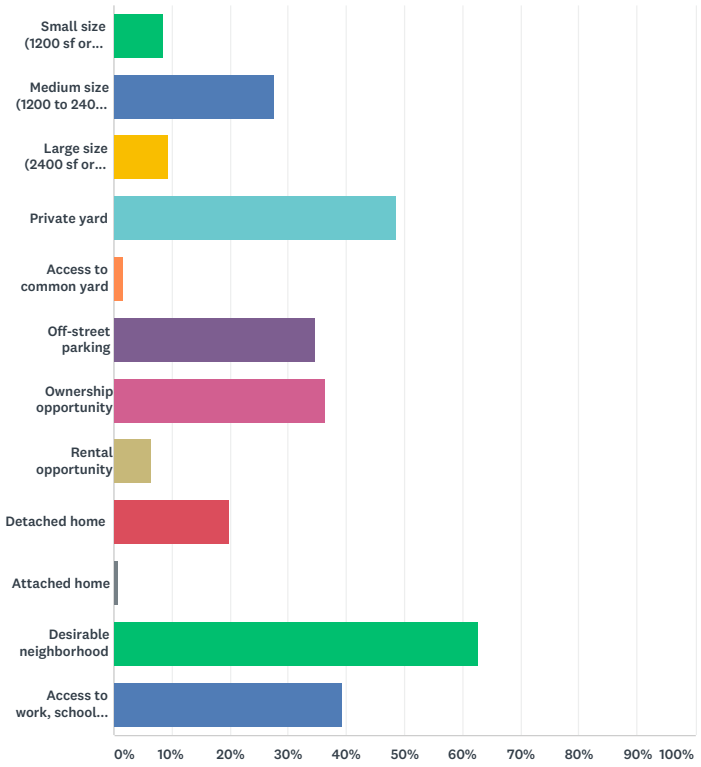
	INCREASED TRAFFIC	INCREASED DEMAND FOR PARKING	DESIGN COMPATIBILITY	BULK/SIZE OF NEW HOUSING	INCREASED DEMAND FOR LOCAL AMENITIES (PARKS, SCHOOLS, ETC.)	INCREASED CRIME	DECREASED PROPERTY VALUES	TOTAL RESPONDENTS
Single-family home	55.37% 98	35.59% 63	28.25% 50	49.15% 87	45.20% 80	20.34% 36	9.04% 16	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



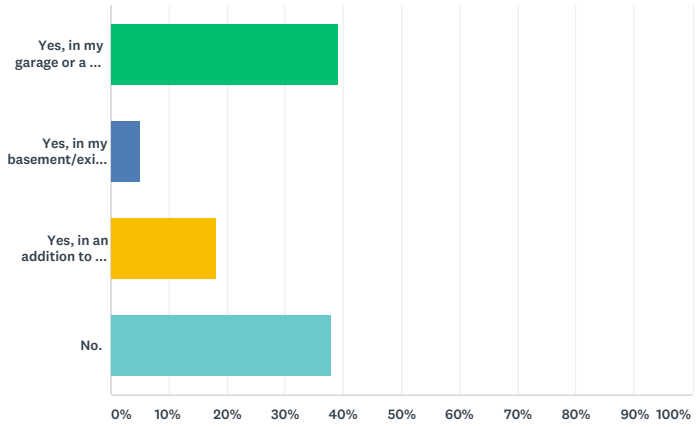
ANSWER CHOICES	RESPONSES	
Small size (1200 sf or smaller)	8.50%	21
Medium size (1200 to 2400 sf)	27.53%	68
Large size (2400 sf or larger)	9.31%	23
Private yard	48.58%	120
Access to common yard	1.62%	4
Off-street parking	34.82%	86
Ownership opportunity	36.44%	90
Rental opportunity	6.48%	16
Detached home	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



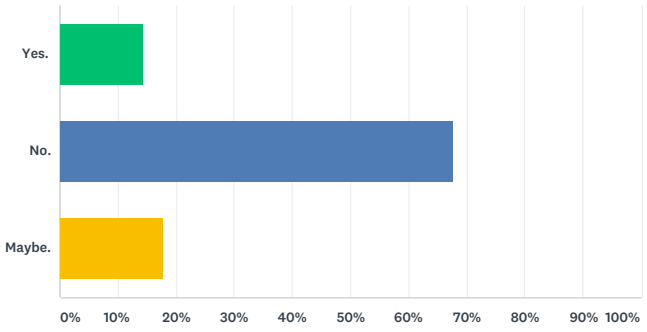
ANSWER CHOICES	RESPONSES	
Yes, in my garage or a new detached structure.	39.09%	95
Yes, in my basement/existing home.	4.94%	12
Yes, in an addition to my current house.	18.11%	44
No.	37.86%	92
TOTAL		243

#	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