

To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments
Date: November 8, 2019

Background

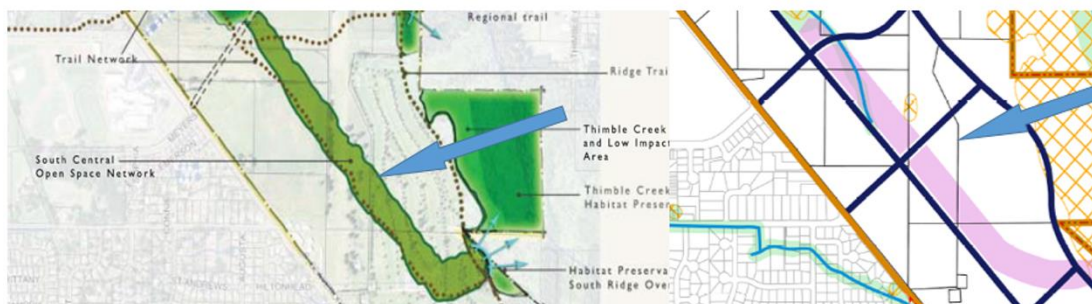
The Planning Commission is reviewing the zoning and code amendments for the Beavercreek Road Concept Plan (BRCP) over multiple meetings during the late summer and fall of 2019. Each meeting will be broken into 2-3 topics to allow the Planning Commission, staff, and the public time to focus their energies. Planning Commission comments and direction, as well as public comments, will be tracked throughout the hearings, and topics may be added to future meetings if new items are identified or issues have not been resolved. Please refer to the updated calendar attached to each Planning Commission packet for meeting topics.

The following topics were identified either by public comment or the Planning Commission for the November 18, 2019 Hearing. Staff will provide background on the issue and offer a recommendation if warranted.

1. Parks Acquisition Code Amendments

The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope of Thimble Creek on the eastern edge of the district. The proposed code amendments will create the South-Central Open Space Network and Low Impact Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by also requiring the dedication of easements at the time of development. This code is not for the construction of these elements, only for the dedication of land. System Developments fees would be used for construction of parkland acquired by this code.

Linear Park: Pearl and String Approach



East Ridge – Thimble Creek Conservation Area



The dedication of park property happens at the time of development based on a specific proportional calculation. Please note, the draft code below refers to the “neighborhood park” and has been amended to include the Thimble Creek Conservation Area.

The Parks and Recreation Advisory Committee (PRAC) recommended that the Conservation Area also be acquired as a city park/open space during development review. At the October 14, 2019 Planning Commission Meeting, the Planning Commission concurred with PRAC’s recommendation and directed staff to also look into the need to revise the number of acres the city could acquire through exaction in the development process. Currently, it is 8 acres. Staff will have a recommendation of the proposed revised number of acres at the November 18, 2019 Planning Commission Meeting.

The Parks and Recreation Advisory Committee was not able to review the proposed park elements at the October 24, 2019 PRAC Meeting. Staff is working on getting this item on the next available agenda. Below are the recommended redlines to include the East Ridge-Thimble Creek Conservation area into the park dedication requirements.

16.08.042 (&17.62.058) - Additional Public Park and Open Space Requirements in Beaver Creek Road Concept Plan area.

- A. Each development within the Beaver Creek Road Concept Plan area that includes residential development must provide for land for neighborhood parks and open space during a development application which meets the requirements of this section.
- B. The minimum amount of land in acres dedicated for a parks shall be calculated according to the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed in the development}) \times (\text{8.0} \times \text{acres}) / (1,000 \text{ persons})$.
- C. The entire acreage must be dedicated prior to approval or as part of the final plat or site plan development approval for the first phase of development.
- D. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection (A), the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (E)(1).
- E. The City may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection (F) of these provisions is not available with the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.

1. *The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.*
 2. *The fee-in-lieu or other monetary contribution must be paid prior to approval of the final plat or development approval for each phase of development.*
- F. *Neighborhood park and open space sites proposed for dedication must meet the following criteria.*
1. *Located within the South Central Open Space Network as shown in Figure 16.08.042-1. or the East Ridge-Thimble Creek Conservation Area 16.08.042-2.*
Figure 16.08.042-1 & 2 (To be provided, will show the South Central Open Space Network & East Ridge-Thimble Creek Conservation Area as mapped on the Development Constraints Map.)
 - a. Meeting either of the following standards:
 - ~~a. Pearl standard. (To be developed with Parks input.)~~
 - ~~b. String standard. (To be developed with Parks input.)~~*Waiting for PRAC Direction*
 2. *Located within the East Ridge- Thimble Creek Conservation Area*
 - a. Meeting either of the following standards:
Waiting for PRAC Direction

Draft Park Elements

South Central Open Space-Neighborhood Park

- 30 foot ped/bikeway string along the east side of Holly Lane extension to be located in the right of way and will not be considered part of a pearl.
- 3-4 pearls of various sizes spread along the open space network
- Min and maximum sizes pearls: TBD
- Min combined size of all pearls: 8 acres
- Min average width: TBD
- Min average depth: TBD
- At least 5 acres to be developed with active recreation components

East Ridge- Thimble Creek Conservation Area

- Two public viewpoints: size TBD
- ½ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space
- 700-foot non-interrupted view corridor along open space
- Provide a forest trail from one view-point to another along the Ridge Parkway

Staff recommendation: The Parks and Recreation Advisory Committee (PRAC) was not able to review the proposed park elements at the October 24, 2019 PRAC Meeting. Staff is working to get the item on the next available agenda. If the Planning Commission has specific recommendations, staff will pass these onto PRAC for future discussions.

2. Enhanced Home Occupation/Cottage Industry

At the September 9, 2019 Planning Commission Hearing, the Planning Commission directed staff to look at options to increase employment opportunities in the Residential Districts of the Beaver Creek Road Concept Plan. An initial survey was sent out to over 200 people participating in the Beaver Creek Road Concept Plan email listserve.

The survey looks at different ways the home occupation license could be enhanced within the Beaver Creek Road Concept Plan area to allow more intense employment options. Survey results show that there are varied opinions for these options, and staff requesting further direction on the following items at the October 14, 2014 PC Hearing:

- Retail (picking up goods for sale)
- Outdoor storage associated with a business (landscaping equipment, construction materials)
- Parking commercial vehicles (landscape trucks, 5th wheel cabs)
- Work performed outdoors (welding, outdoor yoga)
- Offsite employees working at the residence (1-3 employees checking in at residence or working at the house)
- Using a majority of a residence for business (more than 50% of the residence devoted to business use)

At the October 14, 2019 Planning Commission Meeting, the Planning Commission provided staff direction on the above options and staff has provided recommended code revisions. Staff has not separated the options between the Low-Density and High-Density Dwelling Districts and will be looking for additional direction from the Planning Commission on this item.

Staff is also looking for some additional direction on retail categorization. Sales incidental to service could be tricky to enforce through code enforcement as the term is subjective. Staff is looking for further discussion and direction on this topic.

October 14, 2019 Planning Commission Recommendation

Retail- Yes with restriction (size restriction, incidental to services, hours)

Outdoor Storage: No

Parking Commercial Vehicles: How can we allow?- smaller one-person vehicles, and above 10,000 lbs but below 26,000 lbs.

Work Performed Outdoors: No

Off-site Employees: Hours?- not too early- not too late,

More than 50% of the site used for business: No

17.04.580 -Home occupation. "Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use in accordance with 17.54.120

17.54.120 -Home Occupations

Home occupations shall comply with all of the following:

A.No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;

B. All business conducted on sites shall be conducted within the home or accessory structure;

C.No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site; and

D.Not more than one-half of the square footage of the primary dwelling is devoted to such use.

17.54.120 -Home Occupations/Cottage Industry- Thimble Creek Concept Plan Area

Home occupations and Cottage Industries within the Thimble Creek Concept Plan Area are allowed an expanded level of uses to support job creation in Oregon City and shall comply with all of the following:

A. Up to 3 offsite employees are allowed to work at the residence. Offsite employees may work onsite Monday-Friday 7:00 am-6:00 pm and Saturday and Sunday 9:00 am to 6:00 pm;

B. All business conducted on-site shall be conducted within the home or accessory structure;

C. No outdoor storage of materials associated with the business shall occur on-site;

D. Not more than one-half of the square footage of the primary dwelling is devoted to such use;

E. One commercial vehicle associated with the business with a weight between 8,000 to 26,000 pounds gross weight may be stored onsite outside of an accessory building. There is no restriction in the number of commercial vehicles associated with the business under 8,000 pounds gross weight allowed to be stored outside of an accessory building. No commercial vehicles associated with the business may be stored in the Right of Way;

D. Retail of items associated with a service is allowed on site. Any dedicated retail space located within the residence may be no larger than 300 square feet. Retail hours may not exceed Monday-Friday 7:00 am-6:00 pm and Saturday and Sunday 9:00am to 6:00 pm.

17.04.255 -Commercial vehicles. "Commercial vehicle" means: A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise; B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise

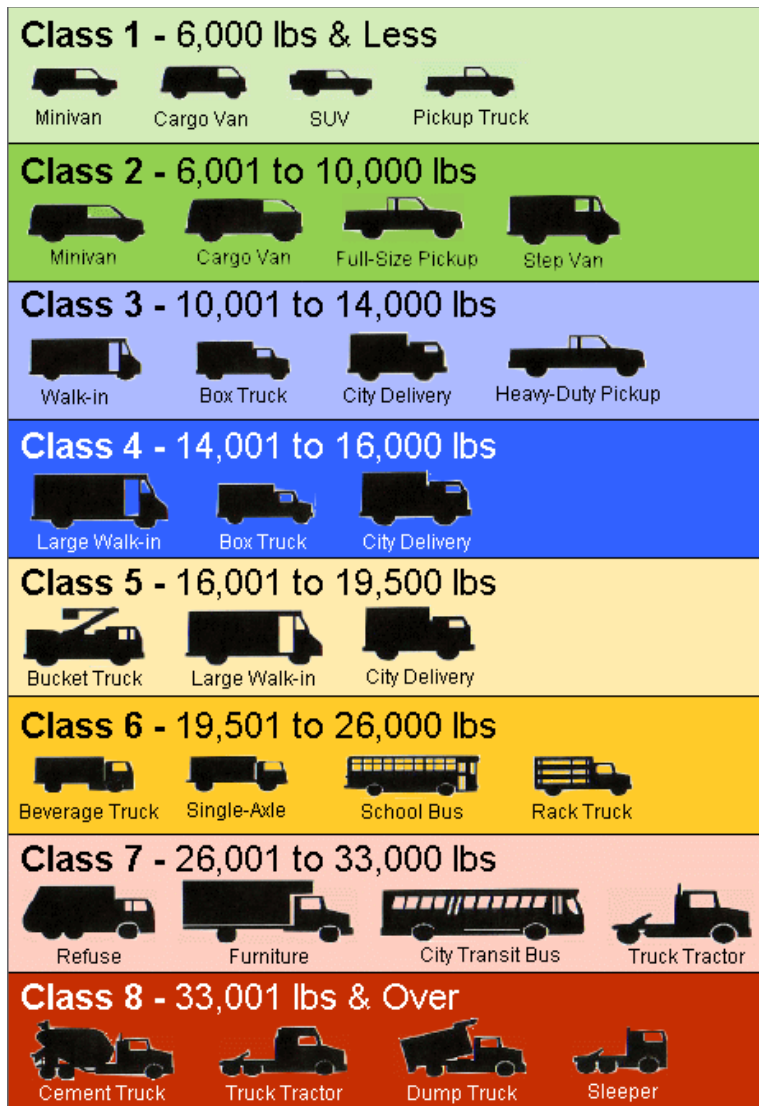


Figure 1-Reference chart for discussion. Chart will not be adopted into municipal code (www.energy.gov)

Staff recommendation: Provide staff further direction on the proposed amendments as outlined in the memo. Broader public engagement will occur once draft code amendments have been finalized.