

PLANNING COMMISSION FINDINGS AND NOTICE OF DECISION**Draft**

- APPLICANT:** Lithia Subaru of Oregon City
1404 Main Street
Oregon City, OR 97045
- REQUEST:** Planning Commission code interpretation to allow an additional level of structured parking on a pre-existing nonconforming use. No changes to the code are proposed.
- LOCATION:** 1404 Main Street
Oregon City, OR 97045
Clackamas County Map 3-2E-05C - 00803
- DECISION:** On April 9, 2018, after reviewing all of the evidence in the record and considering all of the arguments made by the applicant, opposing and interested parties, the Oregon City Planning Commission voted 6-0-0 to allow an additional level of structured parking on a pre-existing nonconforming use and found the proposal was not an intensification of a pre-existing nonconforming use. The Oregon City Planning Commission adopted as its own the Staff Report with findings for File Number CD 18-01 along with the supplemental findings found on the back page of this decision. The complete record for the Planning Commission's decision is on file at the Planning Division.

PROCESS: Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits, preliminary planned unit development plans, variances, code interpretations, similar use determinations and those rezonings upon annexation under Section 17.06.050 for which discretion is provided. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission or the historic review board hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission or the historic review board, all issues are addressed. The decision of the planning commission or historic review board is appealable to the city commission, on the record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(c) must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the historic review board or the planning commission is the city's final decision and is appealable to LUBA within twenty-one days of when it becomes final.

Planning Commission Supplemental Findings for CD 18-01

The Planning Commission concludes that the Code Interpretation supports the request to allow an additional level of structured parking on a pre-existing nonconforming use. Moreover, the Planning Commission finds that the proposal is not considered an intensification of the non-conforming use (car sales). This code interpretation decision is specific to the application being proposed and any additional request, either on or off site, should be reviewed on its own merits.

In addition to the findings found in the staff report, the Planning Commission identified the following findings to supplement the record for this application.

- The proposed structure will improve ease of access and public safety through changes in site circulation which also aids in reducing the needs for customers and employees to access the lots across Main Street.
- The proposed structure is designed to be accessed at grade from Main Street, which will reduce the massing and impact to pedestrians.
- Adding additional inventory space to a pre-existing nonconforming retail establishment, does not automatically create an expansion or intensification of use.