

To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments
Date: October 7, 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 energy. 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.

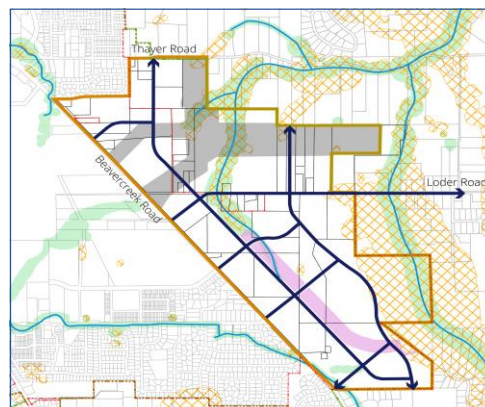
The following topics were identified either by public comment or the Planning Commission for the October 14, 2019 Hearing. Staff will provide background on the issue and offer a recommendation if warranted.

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 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.

Parks & Open Space Mapping

-  Natural Resources Overlay District (NROD)
-  Geologic Hazard Overlay District (GHOD)
-  South-Central Open Space Network
-  Powerline Corridor



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 will be amended before the Planning Commission sends their formal recommendations to the City Commission to also include the Thimble Creek Conservation Area. The Parks and Recreation Advisory Committee and staff also recommends that the Conservation area also be acquired as a city park during development review.

16.08.042 (&17.62.058) - Additional Public Park Requirements in Beavercreek Road Concept Plan area.

- A. Each development within the Beavercreek Road Concept Plan area that includes residential development must provide for land for neighborhood parks which meets the requirements of this section.*
- B. The minimum amount of land in acres dedicated for a park shall be calculated according to the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed in the development}) \times (8.0 \text{ acres}) / (1,000 \text{ persons})$.*
- 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 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.*

Along with the draft code, the two new parks and trail map will need to be added to the Parks Master Plan and Trails Master Plan with some descriptive information to provide guidance to future developers and city staff. The Parks and Recreation Advisory Committee (PRAC) will be adopting recommended exhibits to be added to the Parks Master Plan as part of this adoption process. They will be reviewing the draft exhibits at the October PRAC meeting. Staff will include these exhibits into the record at a future Planning Commission Meeting. If the Planning Commission has any specific recommendations for required park elements that will be adopted in the Parks Master Plan, staff will pass them onto the Parks and Recreation Advisory Committee for their meeting on October 24, 2019.

Linear Park: Pearl and String Approach



Linear Park Elements

- 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

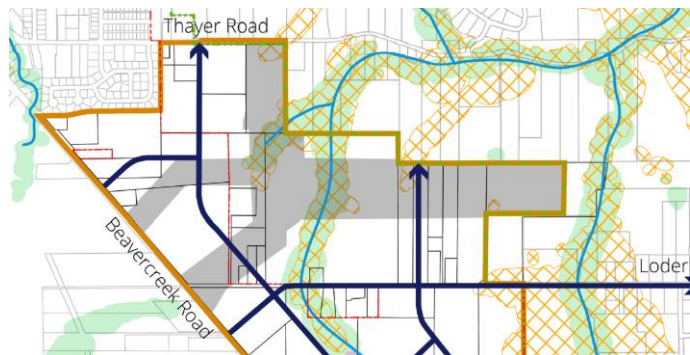


Thimble Creek Conservation Area Elements

- 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 and Parks and Recreation Advisory Board recommendation is to indicate that this area is a public open space amendment to Parks Master Plan

Beavercreek Road Concept Plan Trails in Power Line Corridor

-  Natural Resources Overlay District (NROD)
-  Geologic Hazard Overlay District (GHOD)
-  South-Central Open Space Network
-  Powerline Corridor



Trail Elements

- 30-foot trail width
- Ten-foot wide path

Staff recommendation: Staff recommends the draft code that refers to the “neighborhood park” and be amended before the Planning Commission sends their formal recommendations to the City Commission to also include the Thimble Creek Conservation Area. If the Planning Commission has any specific recommendations for required park elements that will be adopted in the Parks Master Plan, staff will pass them onto the Parks and Recreation Advisory Committee for their meeting on October 24, 2019.

2. Enhanced Home Occupation/Cottage Industry (follow-up from September 9, 2019 PC Meeting)

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 Beavercreek Road Concept Plan. An initial survey was sent out to over 200 people participating in the Beavercreek Road Concept Plan email listserve, and the combined response can be found attached to the memo.

The survey looks at different ways the home occupation license could be enhanced within the Beavercreek Road Concept Plan area to allow more intense employment options. Survey results show

that there are varied opinions for these options and staff will be 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)

Once further direction is given, staff will return at a future hearing with proposed code amendments. Broader public engagement will occur once draft code amendments have been created for this topic.

As previously discussed at the September 9, 2019 Planning Commission Hearing, as part of the 2016 re-adoption of the plan, the Planning Commission recommended that as part creating the implementing zoning for the BRCP, the City Commission direct staff to further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed-use and residential areas.

“In 2008, the City Commission specifically considered amending the plan to include cottage manufacturing within the mixed-use area, consistent with the instructions on remand, and decided the details of cottage housing are more appropriately addressed when the code language was created “Additionally, live-work units and home occupations, that may include cottage industries, are supported by the mixed-use approach. Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations within the mixed use and residential areas. The proposed land use mix, combined with the improved transportation network, will guide the future development of the area in a manner that supports this policy. Finally, as part of creating the implementing zoning for the BRCP, the City Commission directs staff to further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing, within the mixed use and residential areas.” Cottage industry was not added to the text of the Beaver Creek Road Concept Plan in 2008 or in 2016. ¹

As the term cottage industry or cottage manufacturing was not incorporated into the adopted plan, it is neither encouraged nor discouraged. As part of the code implementation process, the Planning Commission should make findings relating to this issue and how it was addressed as part of the adoption process.

The Merriam Webster Dictionary definition defines cottage industry as:

- 1: an industry whose labor force consists of family units or individuals working at home with their own equipment
- 2: a small and often informally organized industry
- 3: a limited but enthusiastically pursued activity or subject

¹ Response Brief of Respondent City of Oregon City -LUBA No. 2016-044 Page 8

In Oregon City, a home occupation is a business carried on by the resident of a dwelling as a secondary use, with the activity conducted so that there is no audible, visual, or other appearance of a business. The primary use must continue to be a residence. Partners or employees are not allowed onsite for business purposes. This means that the business must be conducted by the resident(s) and family members who live at the dwelling. In order to renew your business license, your home occupation statement must be reviewed annually. All of this is shorthand for – do your work inside a building and make sure it is not adversely affecting your neighbors.

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*

*Please note that restriction of retail sales onsite was left off the definition that was adopted on August 2, 2019. A revised definition, which includes the prohibition of retail sales onsite is part of the *Amendments to the Recently Adopted Code for Clarifications, Corrections of Errors, or Improvements* that is also being heard tonight. Once adopted, the retail restriction component will once again be part of the home occupation definition.

Public Comment

The following question was discussed at the April 9, 2019 BRCP Meeting #2, which was also available through an online survey.

11. East Mixed-Use Neighborhood- Should home occupations and/or live/work units be broadened to allow "cottage industries" that manufacture and sell goods? What additional compatibility standards should apply, such as use limitations, impacts, size, storage, or customer visits? Are there other ideas to integrate live-work opportunities in these neighborhoods, and the district generally?

There was very little feedback on this question from either in person comments or through online comments. At the April 9, 2019 meeting, the question asked to those assembled if there should be additional allowances for offsite employees, retail customers, outside storage, or outside activities in the R-2 or R-5 residential zones within the BRCP. Very little people expressed support for adding additional elements to the home occupation definition.

Staff recommendation: Once further direction is given on the specifics of the enhanced employment options; staff will return at a future hearing with proposed code amendments. Broader public engagement will occur once draft code amendments have been created for this topic.

3. Concept Plan Renaming

One issue that came up over and over again in public outreach conversations and public comments this winter and spring was a concern that the name of the concept plan area was geographically confusing and was being confused with the Hamlet of Beavercreek. One way to lessen this concern is to potentially begin referring to the area with a new name as part of the code amendment project. Ideally, the new name should not be geographically confusing.

Historic References: Most of the property is on the Andrew Hood Donation Land Claim. Until the golf course was built, the area was mainly farm fields for people who lived at Maple Lane or lived in the city and kept farms nearby. When the golf course was established, the newspaper reported it going in at "Maple Lane." According to Karin Morey, local history enthusiast, a survey map for "Skypark" which was the airfield was identified west of the golf course. Google maps show it today as Fairways Airfield. None of the references above create a unique geographic name.

Additional names provided during the public outreach during the spring of 2019 were: Thimble Creek, East Caufield, Loder Road, SE Industrial (Oregon City), Two Creeks, and Thayer Greens. As Thimble Creek runs through the site, is not very long and empties into Abernethy Creek soon after it leaves the site, staff finds it to be the best alternative name option.

Staff recommendation: Staff recommends that if the Planning Commission wishes to rename the Concept Plan as part of this process, Thimble Creek Concept Plan is the best option.