



MEMORANDUM

To: Oregon City Planning Commission
From: Planning Division
Re: Proposed Code Amendments to Create a Simplified Type I Site Plan and Design Review
Date: March 21, 2016

Site Plan and Design Review is required for exterior alterations to commercial, office, multi-family, and industrial properties to verify compliance with applicable standards in the Oregon City Municipal Code. The Planning Department has four levels at which development is reviewed; Type I, Type II, Type III, and Type IV, and at each level the amount of discretion escalates and decision-making authority changes. The Planning Department utilizes a minor site plan and design review process to review smaller commercial projects, such as building additions, storefront changes, or parking lot changes. The minor process is a Type II process that includes a minimum 14-day public comment period and a written staff report and notice of decision, usually taking six to twelve weeks.

The code requires site plan and design review for any new non-single-family development, which can be as little as adding a window or door to a building façade, changing building materials, or a small addition on a commercial property. The level of review is the same for the addition of a new entrance door on a retail building as it would be for a new office or condo complex. Over the past several years, projects reviewed at the minor site plan level have included, among many:

- Addition of a transparent roll up garage door to a building on Main Street
- Addition of 93 square feet of storage space to the 76 gas station building at Main and 14th
- Storefront changes and new exterior lighting at the office building at 615 High Street

Both staff and the development community have identified an opportunity for a more efficient review process for smaller projects which do not involve discretionary criteria. Examples include projects such as the installation of new windows and doors, changes to building materials, changes to landscaping, minor parking lot modifications, or small additions. The Planning Department has drafted code amendments that will significantly simplify the review process and reduce the review time needed for review of these simple development projects. The proposed amendments contain a list of improvements that may be reviewed under a Type I process, though the Community Development Director reserves the ability to raise the review level to a Type II.

Type I Review

The Type I review process involves decisions that require no exercise of discretion and these applications are reviewed at the staff level.

Chapter 17.50 of the Oregon City Municipal code states:

“Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision making process requires no notice to any party other than the applicant. The community development director's decision is final and not appealable by any party through the normal city land use process.”

These decisions involve simple application of the existing development code. Examples of development that is processed in this way include new single family homes or duplexes, lot line adjustments, and sign permits. Most of the time, planning approval takes place over the counter upon submittal of an application. In other instances, planning staff takes about a week to review an application.

Creating a Type I Site Plan Review Process

The development standards that apply to small improvements such as new windows, façade changes, and fencing are clear and objective and involve no discretion from staff. Many of the most common projects reviewed under the minor site plan process are similar to projects that are already reviewed at a Type I level.

The proposed code amendments will greatly simplify and reduce the review time needed for simple development projects. The proposed amendments contain a list of types of improvements that would be reviewed under a Type I process, while reserving the ability of the Community Development Director to raise the review level to a Type II if deemed in the public interest. The adoption of this new process could also encourage site improvements by removing barriers to development.

With the proposed changes, costs for simple development projects will be reduced, developers will be able to obtain permits in a more timely manner, and the efficiency of the Planning Division will improve. The proposed amendments limit the Type I process to items that have clear and objective standards and because of this the public will not have the ability to review and comment. The Planning Division estimates that at least half of all minor site plan projects would fall within the Type I category.

The Proposed Amendments

The amendments contain a list of projects that can be reviewed through a Type I process, along with the standards that apply to each project type. In order to maintain public notice processes and the public's ability to comment for site plan and design review applications that may be of public interest or have greater impacts, the following types of projects are NOT proposed to be reviewed as Type I; they will remain at the Type II or above level:

- Projects within a the Natural Resource or Geologic Hazard overlay
- Projects that involve conditional uses
- Projects that involve existing legal nonconforming uses
- Projects that trigger stormwater management requirements
- Projects that request design modifications
- Projects that require nonconforming upgrades
- Changes in use (for example, a single family home becoming a retail or office building)

The amendments also outline the application requirements for the Type I process. In addition to the code amendments, staff has prepared a Type I application packet to meet these new requirements. Customers will fill out the Type I application packet instead of preparing a traditional land use application package.

A proposed fee schedule for the Type I process will be presented to the City Commission should these code changes be adopted. Fees will be reduced from the current minor site plan fee to reflect the reduced time needed for review.