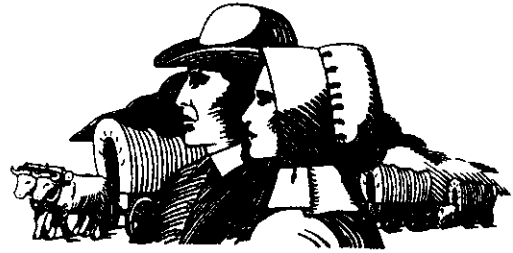


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

**City Commission Chambers - City Hall  
August 23, 2004 at 7:00 P.M.**

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### PLANNING COMMISSION MEETING

**1. CALL TO ORDER**

**2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA**

**3. APPROVAL OF MINUTES:** *None*

**4. HEARINGS:**

**ZC 04-03 (*Quasi-Judicial Hearing*)**, Applicant: Paul Reeder, Requesting approval of a Zone Change from R-6/MH Single-Family to R-8 Single-Family on a parcel identified as Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The site is located at 18879 Rose Road.

**PD 04-02 (*Quasi-Judicial Hearing*)**, Applicant: Paul Reeder, Requesting approval of a 67-unit Planned Unit Development. The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

**WR 04-12 (*Quasi-Judicial Hearing*)**, Applicant: Paul Reeder, Requesting a Water Resource determination and mitigation plan approval in association with a Planned Unit Development application (PD 04-02). The sites are identified as Clackamas County Map 3S-1E-12A, Tax Lot 1700 (9.39-acres zoned R-10 Single-Family) and Clackamas County Map 3S-1E-1CD, Tax Lot 300 (6.7-acres zoned R-6/MH Single-Family). The sites are located at 19093 South End Road and 18879 Rose Road.

**L 03-01 (*Legislative*)**, Applicant: The City of Oregon City, Requesting adoption by ordinance of Revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Ordinances and Zoning Map that were adopted May 19<sup>th</sup>, 2004 per Ordinance Number 03-1014.

**5. ADJOURN PUBLIC MEETING**

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

# CITY OF OREGON CITY PLANNING COMMISSION

320 WARNER-MILNE ROAD  
TEL (503) 657.0891

OREGON CITY, OREGON 97045  
FAX (503) 722.3880



**TO:** Planning Commission

**FROM:** Tony Konkol, Senior Planner

**DATE:** August 16, 2004

**SUBJECT:** File # ZC 04-03; PD 04-02 & WR 04-12

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Staff requests that the Planning Commission continue the hearing for the above referenced files to September 13<sup>th</sup>, 2004. The applicant has requested that the City continue the applications in order to address concerns raised by staff. This continuance will not have a negative impact on the city's ability to meet the 120-day decision requirement for the processing of this application.

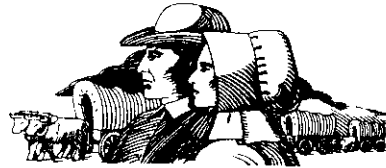
Staff recommends a continuance of the public hearing for Planning Files ZC 04-03, PD 04-02 and WR 04-12 to the date certain of September 13<sup>th</sup>, 2004.

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL 657-0891

OREGON CITY, OREGON 97045  
FAX 657-7892



### Revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Ordinances and Zoning Map that were adopted May 19, 2004 per Ordinance number 03-1014

August 16, 2004

**FILE NO.:** L 03-01 Review

**APPLICATION TYPE:** Legislative

**HEARING DATE:** August 23, 2004  
7:00 p.m., City Hall  
320 Warner Milne Road  
Oregon City, OR 97045

**APPLICANTS/  
OWNERS:** City of Oregon City  
Staff: Tony Konkol/Dan Drentlaw  
320 Warner Milne Road  
Oregon City, Oregon 97045

**APPLICANT'S  
REPRESENTATIVE:** Same.

**REQUESTS:** Amendments to the Oregon City Comprehensive Plan, Oregon City Comprehensive Plan Map, Oregon City Zoning Ordinances, and Oregon City Zoning Map.

Comprehensive Plan updates include Chapters 2 and 10. Zoning updates include: Definitions, Zoning District Classifications, R-10, R-8, R-6, R-3.5, R-2, Limited Office, Neighborhood Commercial, Mixed Use Corridor, Tourist Commercial, Mixed Use Employment, Unstable Soils and Hillside Constraints, Administration and Procedures, Off-Street Parking and Loading, Supplemental Zoning Regulations, Conditional Uses, Variances, Adjustments to the Mixed-Use Zones, Site Plan and Design Review, Zoning Changes and Amendments and Communication Facilities.

**LOCATION:** Numerous. Refer to attached Comprehensive Plan and Zoning maps.

**REVIEWER:** Dan Drentlaw, Community Development Director, City of Oregon City

**RECOMMENDATION:** Staff recommends approval of this application based on satisfaction of all required criteria for comprehensive plan and zoning code updates.

Legislative actions involve the adoption or amendment of the city's land use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The planning manager shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.
2. Planning Manager's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the planning manager shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.
3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.
2. Notice of Final Decision. Not later than five days following the city commission final decision, the planning manager shall mail notice of the decision to DLCD in accordance with ORS 197.615(2). (Ord. 98-1008 §1(part), 1998)

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT TONY KONKOL IN THE PLANNING DIVISION OFFICE AT 657-0891.



## **I. PROPOSED PROJECT**

The Comprehensive Plan and Code Amendments were adopted by the Oregon City City Commission on May 19<sup>th</sup>, 2004. The Measure 56 notice was sent on October 16, 2003. Properties impacted by the proposed Comprehensive Plan and Zoning Map changes were notified by a letter from the Community Development Department that was mailed on August 16, 2004. Ordinance number 03-1014 adopted a new Oregon City Comprehensive Plan, Comprehensive Plan Map, Zoning Map and amendments to the Oregon City Municipal Code. The ordinance adopted new water and sewer master plans as ancillary documents to the Oregon City Comprehensive Plan. Section 7 of Ordinance 03-1014 required that the Oregon City Planning Commission hold a hearing on Monday August 23<sup>rd</sup>, 2004 to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning Code and Zone Map to consider possible revisions or refinements to the to the adopted documents.

The proposal amends text in the following Chapters of the Comprehensive Plan and Oregon City Municipal Code (OCMC) and the comprehensive plan and zoning designations of properties within the city limits of Oregon City:

### **Comprehensive Plan**

- Chapter 2 – Land Use
- Chapter 10 - Housing

### **Oregon City Municipal Code**

#### Chapter 16 – Land Divisions

- Chapter 16.12 – Minimum Improvements and Design Standards for Subdivisions

#### Chapter 17 – Zoning

- Chapter 17.04 – Definitions
- Chapter 17.06 – Zoning District Classification
- Chapter 17.08 – R-10 Single-Family Dwelling District
- Chapter 17.10 – R-8 Single-Family Dwelling District
- Chapter 17.12 – R-6 Single-Family Dwelling District
- Chapter 17.17 – R-3.5 Dwelling District
- Chapter 17.22 – LO – Limited Office District
- Chapter 17.24 – NC – Neighborhood Commercial District
- Chapter 17.26 – HC – Historic Commercial District
- Chapter 17.29 – MUC – Mixed Use Corridor District
- Chapter 17.30 – TC – Tourist Commercial District
- Chapter 17.31 – MUE – Mixed Use Employment District
- Chapter 17.32 – C – General Commercial District
- Chapter 17.34 – MUD – Mixed Use Downtown District
- Chapter 17.44 – US – Unstable Soils and Hillside Constraints Overlay District
- Chapter 17.50 – Administration and Procedures
- Chapter 17.52 – Off-Street Parking and Loading
- Chapter 17.54 – Supplemental Zoning Regulations and Exceptions
- Chapter 17.56 – Conditional Use
- Chapter 17.60 – Variance
- Chapter 17.61 – Adjustments in the Mixed-Use Zones
- Chapter 17.62 – Site Plan and Design Review
- Chapter 17.68 – Zoning Changes and Amendments
- Chapter 17.80 – Communication Facilities

## Comprehensive Plan and Zoning Maps

Staff has recommended several amendments to the Comprehensive Plan map that are necessary to correct mapping errors that currently exist, provide consistency of R-10 parcels with the surrounding R-8 parcels and zone properties within the city that do not have city zoning designation. The mapping errors are predominantly parcels that have two plan designations on them. Staff has recommended changes that are consistent with the surrounding designations or current use of the site.

### R-10 to R-8

There are numerous parcels that were automatically zoned R-10 single-family when they were annexed into the city. The automatic designation to R-10 did not consider the zoning designation of the surrounding properties nor the location of the property relative to transportation and community facilities. The proposed zone change would reduce the minimum lot size from 10,000 square feet to 8,000 square feet and increase the density from 4.4 to 5.5 units per acre. The proposed changes will have a negligible affect on density and traffic and will rezone properties to be consistent and compatible with the surrounding properties (Exhibit 1 and 2).

### County to CI -- Campus Industrial

There are several parcels within the City that have a Comprehensive Plan of Industrial and a zoning designation of Future Urban – 10, a Clackamas County zoning designation. These parcels are located north of Glen Oak Road and west of Beavercreek Road. Prior to the adoption of Ordinance number 03-1014, if a parcel with an Industrial Comprehensive Plan designation was annexed into the city, the applicant also needed to apply for a zone change to choose one of the three zoning designations allowed under the Industrial land use designation. Several parcels were part of the "Island Annexation" and have been annexed into the city and have never applied for a zone change to an appropriate zoning designation. Under current regulations, if a parcel were annexed into the city with an Industrial Comprehensive Plan designation, the parcel would automatically be zoned CI -- Campus Industrial. Staff is recommending that the remaining parcels with a land use designation of Industrial that are within the city and zoned FU-10 be rezoned to CI (Exhibits 1 and 2).

Staff has received three requests from the public to change the comprehensive plan designation and zoning designation of their properties.

Mr. Dan Fowler has requested that the property identified as Clackamas County 2S-2E-29CC, Tax Lot 7100 and located on the corner of Jefferson and 14<sup>th</sup> be rezoned from the comprehensive plan designation of Medium Density Residential to Mixed-Use Downtown and that the zoning be changed from R-3.5 Dwelling District to Mixed-Use Downtown. The subject site is adjacent to the MUD zone and is separated from the surrounding residential properties by topography. Staff recommends changing the property as requested (Exhibit 3).

Mr. Ryan Smith has requested that the property identified as Clackamas County 2S-1E-36DD, Tax Lot 2300 and located at 615 McLoughlin Boulevard be rezoned from the comprehensive plan designation of Low Density Residential to Mixed-Use Corridor and that the zoning be changed from R-6 Single-Family to Historic Commercial. The subject site is a split zone, with the front portion of the property zoned Historic Commercial and the rear portion of the property zoned R-6. Staff would recommend changing the property as requested.

Mr. Rocky Younger has requested that his properties located east of Molalla Avenue and north of Beavercreek Road be rezoned from the comprehensive plan designation of Mixed-Use Corridor to Commercial and that the zoning be changed from Mixed-Use Corridor 2 to General Commercial.

The subject sites have access to Molalla Avenue and have been zoned Mixed-Use Corridor 2, which

requires pedestrian orientated development in support of the Molalla Corridor Plan and requires a conditional use permit for the development of building in excess of 60,000 square feet. Staff would not recommend changing the properties as requested.

## II. FACTS

### A. Background

The City of Oregon City adopted a revised comprehensive plan, zoning ordinance amendments to implement the comprehensive plan and Metro regional requirements and new sewer and water master plans on May 19<sup>th</sup>, 2004. As part of that process it was required that the Planning Commission revisit the adopted changes and take additional testimony to determine if additional amendments were necessary. Staff was directed to review the Housing section of the Comprehensive Plan, specifically a goal and supporting policies to address affordable housing.

Staff has recommend minor changes to the Oregon City Municipal Code that are in response to the changes that were previously adopted. The changes represent clarifications, adjustments to provide consistency, and amendments based on testimony provided by staff, the public and developers (Exhibit 4).

Below is a summary of the changes to the comprehensive plan elements and major changes to the municipal code to implement the changes. Policies encouraging sustainable practices were included in appropriate elements. Not all changes proposed are included in Table 1.

**Table 1: Summary of Proposed Changes to the Oregon City Comprehensive Plan and Municipal Code**

New Element	Changes
<b>Comprehensive Plan Chapter 2 Land Use</b>	New policy focus on the redevelopment within the Downtown Design District and the need to investigate the need to require retail and service orientated uses on the first floor and limiting residential and office uses to the second floor and above.
<b>Comprehensive Plan Chapter 10 Housing</b>	New goal identifies the need to provide and maintain an adequate supply of affordable housing in Oregon City. The three policies reflect the need to retain affordable housing, allow density bonuses for developments that provide affordable prices and to support Metro's Title 7 Voluntary Affordable Housing Production Goals.
<b>Municipal Code Chapter 16.12.110 Street Design</b>	This section, which provides the design standards for private streets, has been removed from the code. Private streets are only allowed in Planned Unit Developments (PUD). PUD's are no longer a permitted development option.
<b>Municipal Code Chapter 16.12.235 Calculations of lot area</b>	This section has been rewritten to include the R-3.5 dwelling district when calculating the lot area in a subdivision application.
<b>Municipal Code Chapter 16.12.360 Road Standards</b>	This section, which provides the design standards for private streets, has been removed from the code. Private streets are only allowed in Planned Unit Developments (PUD). PUD's are no longer a permitted development option.
<b>Municipal Code Chapter 17.04.290 Home Occupation</b>	The definition has been amended to allow a home occupation to occur in an accessory dwelling unit.

<b>New Element</b>	<b>Changes</b>
<b>Municipal Code Chapter 17.06.070 Requirements Table</b>	The zoning district classification requirements table has been updated to include the new residential, commercial and industrial zone requirements.
<b>Municipal Code Chapter 17.22 LO – Limited Office</b>	This section was approved for removal from the code per Ordinance 03-1014.
<b>Municipal Code Chapter 17.24 NC – Neighborhood Commercial</b>	The NC zone has been expanded to allow the same conditional uses as the MUC-1 zone. The dimensional standards are more restrictive than the MUC-1 zone to provide compatibility in residential areas.
<b>Municipal Code Chapter 17.29 Mixed-Use Corridor</b>	The parking reduction option has been removed from the MUC-1 and MUC-2 dimensional standards. The parking reduction option has been moved to the Off-street Parking and Loading section of the code.
<b>Municipal Code Chapter 17.30 TC – Tourist Commercial</b>	This section was approved for removal from the code per Ordinance 03-1014.
<b>Municipal Code Chapter 17.31 Mixed-Use Employment</b>	Distributing, wholesaling and warehousing has been removed from the Prohibited uses and added to the Permitted uses. Distributing, wholesaling and warehousing will provide employment opportunities and there are several such developments existing in the MUE zone.
<b>Municipal Code Chapter 17.32 C – General Commercial</b>	The maximum building height in the general commercial zone has been expanded from 35 to 45 feet.
<b>Municipal Code Chapter 17.34 Mixed-Use Downtown</b>	The Designated section has been amended to encourage the development of retail and service uses on the ground floor and office and residential uses on the second floor and above in the Downtown Design District. The permitted uses have been amended to remove the requirement for retail and service uses on the first floor of a development. The parking reduction option has been removed from the MUD dimensional standards. A 50% reduction is now permitted in the Downtown Design District. For the remainder of the MUD zone, the parking reduction option has been moved to the Off-street Parking and Loading section of the code.
<b>Municipal Code Chapter 17.44 US – Geologic Hazards</b>	This section has been amended to clarify the development standards and requirements in steep slopes, which is defined as slopes greater than 25 percent. Grading in steep slope areas may only occur between May 1 and October 31. A maximum 45-day extension may be granted by the City Engineer based on weather conditions. Slope cuts and fills have been limited.
<b>Municipal Code Chapter 17.50 Administration and Procedures</b>	A separate process for the noticing requirements of an appeal of a land use decision have been created.
<b>Municipal Code Chapter 17.52 Off-Street Parking and Loading</b>	Parking reduction standards have been incorporated for uses that have are transit oriented, have shared parking or that parking need is reduced through the development of a transportation demand management program.

New Element	Changes
<b>Municipal Code Chapter 17.54 Supplemental Zoning Regulations and Exceptions</b>	The provision that prohibits the sale of fireworks from June 23 <sup>rd</sup> to July 5 <sup>th</sup> has been removed.
<b>Municipal Code Chapter 17.56 Conditional Uses</b>	All references to assisted living facilities and public housing projects have been removed because they are not legally justified. The dimensional standards for Churches and Religious facilities have been removed from the conditional use section of the code since they are controlled by the base zone dimensional standards.
<b>Municipal Code Chapter 17.60 Variances</b>	The definition of a minor variance have been expanded and new grounds have been created that reflect the minor impact such a variance request will have. The Mixed-use zone Floor Area Ratio and Minimum height requirements have been added to the minor variances to allow flexibility in the new standards.
<b>Municipal Code Chapter 17.61 Adjustments in the Mixed- use zones</b>	The adjustment grounds have been removed and incorporated into the minor variance procedures of Chapter 17.60.
<b>Municipal Code Chapter 17.62 Site Plan and Design Review</b>	This section has been rewritten to remove the R-3.5 dwelling district from the site plan and design review requirements.
<b>Municipal Code Chapter 17.68 Zoning Changes and Amendments</b>	This section has been amended to reference the Community Development Department Fee Schedule rather than the zoning code for determining application fees.
<b>Municipal Code Chapter 17.80 Communication Facilities</b>	The title of this chapter is incorrect. Communication Facilities is the correct title.

### III. DECISION-MAKING CRITERIA:

Chapter O of the 1982 Oregon City Comprehensive Plan, Comprehensive Plan Maintenance and Update, contains criteria for approving changes to the comprehensive plan and plan map. Review of the comprehensive plan should consider:

1. *Plan implementation process.*
2. *Adequacy of the Plan to guide land use actions, including an examination of trends.*
3. *Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*
4. *Addition of updated factual information including that made available to the City of regional, state and federal governmental agencies.*

Chapter 17.68 of the Oregon City Zoning Code contains criteria for approval of zone changes.

*17.68.020 Criteria. The criteria for a zone change are set forth as follows:*

*A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*
- C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*
- D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

#### **IV. ANALYSIS AND FINDINGS**

##### **A. Chapter O. Comprehensive Plan Maintenance and Update**

###### *Regular Review and Update*

*Another method of Plan maintenance and updating is a continuous technical review of the Plan by the Planning staff. This review and any subsequent recommendations for Plan updating should be presented to the Neighborhood Associations, Planning Commission and City Commission for input and discussion in the same manner as requested Plan changes. The continuous review should consider:*

###### *1. Plan implementation process;*

The process to implement the Plan and ensure that the desires of the community are accurately represented requires the continuous review and, when necessary, make amendments to the Plan. As part of the approval of the existing Comprehensive Plan, the City Commission determined that it was necessary to revisit the adopted Plan to ensure that the goals and policies accurately reflect the vision for the development of Oregon City and will effectively serve as a guiding document for future land use decisions and zoning code development. Staff was directed to expand the goals and policies concerning affordable housing in Oregon City and to develop a policy concerning the redevelopment of the historic downtown. As part of this process, additional amendments to the Plan and Zoning Maps and the municipal code have been made. These amendments are necessary to implement the goals and policies of the Comprehensive Plan.

###### *2. Adequacy of the Plan to guide land use actions, including an examination of trends.*

The Plan, as adopted on May 19<sup>th</sup>, 2004, adequately guides land use actions and included an examination of transportation, development, housing and population growth in Oregon City and the region. Staff has proposed the addition of a policy to Chapter 2 – Land Use and the addition of a new goal and supporting policies to Chapter 10 – Housing. The additional goal and policies will effectively guide future land use action concerning the redevelopment of the historic downtown and the provision for and protection of affordable housing in Oregon City.

###### *3. Whether the Plan still reflects community needs, desires, attitudes and conditions. This shall include changing demographic patterns and economics.*

The existing Plan was adopted on May 19<sup>th</sup>, 2004 and reflects the needs, desires, attitudes and conditions of the community. The adopted Plan included a Citizens Technical Advisory Committee and several open houses and work sessions with the Planning Commission and City Commission. Since adoption of the Plan, there have been no comments submitted concerning the goals and policies. The proposed changes expand on and clarify the existing goals and policies in Chapters 2 and 10 and reflects the community need to redevelop the historic downtown and provide affordable housing for current and future residents.

###### *4. Addition of updated factual information including that made available to the City by regional, state and federal governmental agencies.*

Factual information on housing needs by income level was provided by the 2000 US census and utilized in the development of the Plan that was adopted on May 19<sup>th</sup>, 2004. The plan also responded to targets for future population and employment growth provided by Metro. Policies in support of Metro requirements and factual information are reflected in the adopted plan. No new factual information is being provided through this process.

## **B. Compliance with Statewide Planning Goals**

Compliance with the Statewide Planning Goals is not a specific requirement for staff-sponsored changes to the comprehensive plan or plan map. However, for the plan to be approved by DLCD it must comply with the applicable statewide planning goals. The analysis below is provided for the Planning Commission and the public to understand how the proposed update complies.

### Goal 2 Land Use Planning

*To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

The proposed additional policy to the Land Use section of the Comprehensive Plan is needed to ensure that the historic downtown develops consistently with the community vision for the area. The policy requires review of the redevelopment of the area to examine the need to restrict office and residential uses to the second floor and require retail on the first floor, thereby creating a lively and vibrant pedestrian street design.

### Goal 10 Housing

*To provide for the housing needs of citizens of the state.*

Goal 10 has been amended to create a goal addressing affordable housing. The goal and supporting policies will provide a framework for reviewing, maintaining, and if necessary protecting affordable housing land in Oregon City. The policies include the replacement of affordable housing lost when considering Plan Map amendments, the creation of a density bonus system for housing developments that would provide housing to residents earning less than 50% of the median income for Oregon City and to support Metro's Title 7 Voluntary Affordable Housing Production Goals.

## **Oregon City Zoning Code**

Compliance with the criteria for zone changes, below, are discussed in general, and for the specific zone changes as follows:

*17.68.020 Criteria. The criteria for a zone change are set forth as follows:*

*A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

The proposed changes are consistent with the goals and policies of the comprehensive plan. The proposed re-zoning of the slit-zoned properties will provide consistency with the surrounding land uses and clarification concerning the allowed use on the sites.

The proposed zone changes from R-10 to R-8 will provide consistency with the surrounding properties zoned R-8 single-family. The properties have an existing comprehensive plan designation of Low Density Residential, which allows the proposed R-8 zoning designation. The up-zone will encourage the redevelopment and infill of vacant or under developed lots, maximizing the efficient use of the existing infrastructure and lands currently available within the city limits.

The proposed re-zoning from Future Urban-10 to Campus Industrial of the Industrial properties to the north of Glen Oak Road and west of Beavercreek Road will encourage the redevelopment of these sites to manufacturing and employment uses and potentially provide uses compatible with Clackamas Community College and Oregon City High School educational programs. The sites are located within the city; however, they have maintained the Clackamas County zoning designation. Services are currently available in Glen Oak Road and can be made available in Beavercreek Road, maximizing the efficient use of the infrastructure and the lands currently available within the city limits.

*B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone, or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

The changes proposed are consistent with the comprehensive plan designations. The public facilities planned for those areas can generally support the new uses as Oregon City's utilities have adequate capacity for new uses within the city limits. The proposed zone changes from R-10 to R-8 would not significantly increase the maximum density and would not create significantly different demands than the existing zoning. Increased flexibility with respect to setbacks and lot sizes may encourage more efficient use of land and result in more efficient provision of services. The proposed zone change from FU-10 to CI would implement the zoning designated and planned for the properties, which would not create additional demands on public facilities. Therefore, the rezones would not have a negative impact on the ability of the subject areas to be served by public facilities and services.

*C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.*

The proposed zone changes from R-10 to R-8 would not significantly increase the maximum density or change the permitted uses on affected lots. Therefore, the rezones would not have a negative impact on the ability of the transportation network to serve the rezoned areas. The rezoning of the industrial properties from FU-10 to Campus Industrial, which supports the Industrial Comprehensive Plan designation, is consistent with the function, capacity and level of service of the transportation system planned for this area.

*D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.*

Consistency with statewide planning goals as they apply to the proposed comprehensive plan update is demonstrated above. The zoning ordinance updates and zoning map amendments implement the changes to the comprehensive plan as proposed. Therefore, the proposed changes comply with this criterion.

## **V. RECOMMENDATION:**

Based on the findings contained in this report, staff recommends that the Planning Commission for the proposed amendments to the City Commission for approval.

## **V. EXHIBITS:**

1. Proposed Comprehensive Plan Amendments dated August 16, 2004
2. Proposed Zoning Map Amendments dated August 16, 2004
3. Letter from Mr. Fowler dated July 28, 2004
4. Proposed Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map – Version 1 dated August 16, 2004




















# CITY OF OREGON CITY

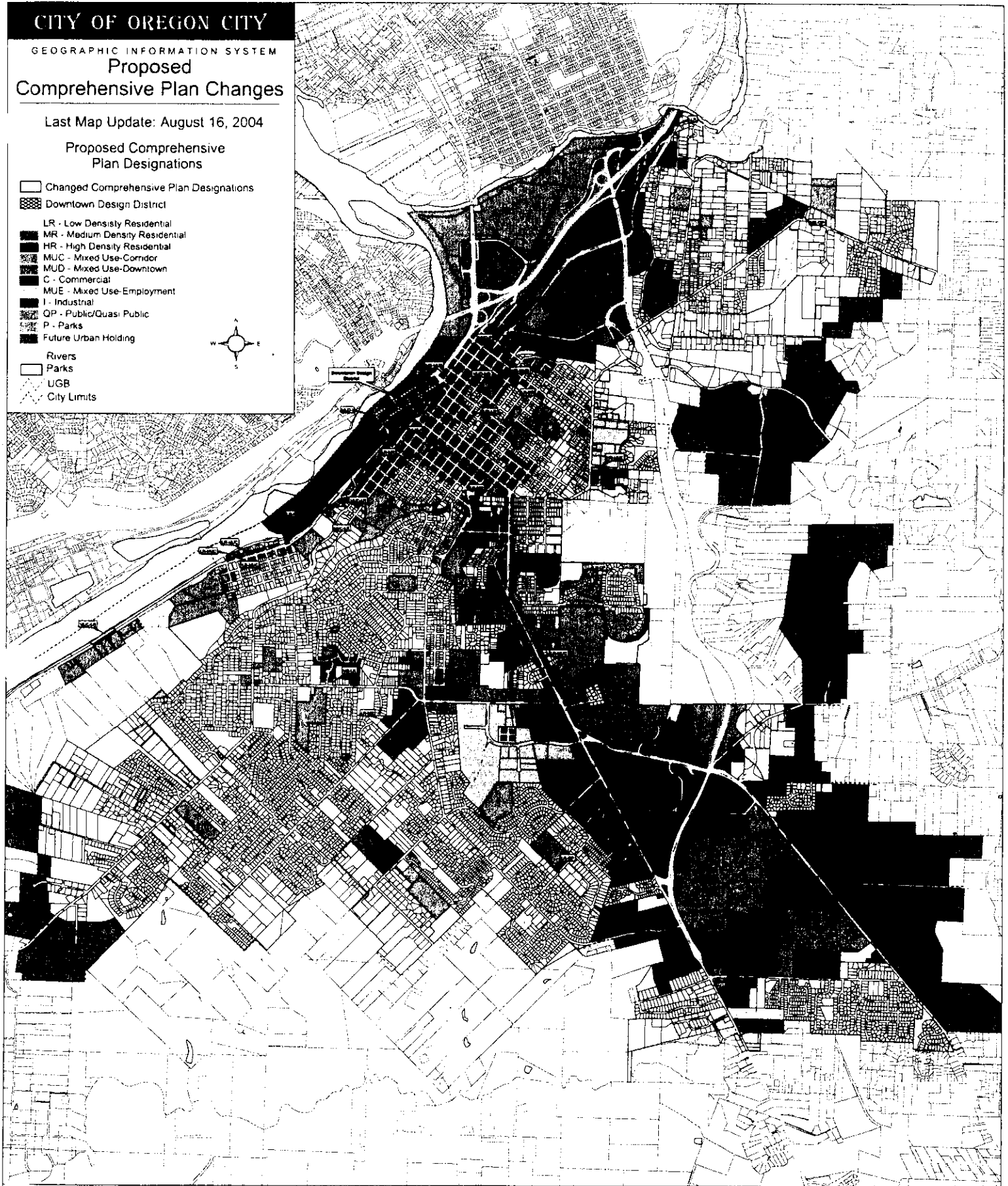
GEOGRAPHIC INFORMATION SYSTEM

## Proposed Comprehensive Plan Changes

Last Map Update: August 16, 2004

### Proposed Comprehensive Plan Designations

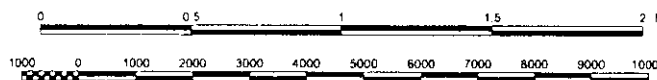
-  Changed Comprehensive Plan Designations
-  Downtown Design District
-  LR - Low Density Residential
-  MR - Medium Density Residential
-  HR - High Density Residential
-  MUC - Mixed Use-Corridor
-  MUD - Mixed Use-Downtown
-  C - Commercial
-  MUE - Mixed Use-Employment
-  I - Industrial
-  QP - Public/Quasi Public
-  P - Parks
-  Future Urban Holding
-  Rivers
-  Parks
-  UGB
-  City Limits



City of Oregon City



MAP FOR REFERENCE PURPOSES ONLY.  
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.



Exhibit

1

# CITY OF OREGON CITY

GEOGRAPHIC INFORMATION SYSTEM

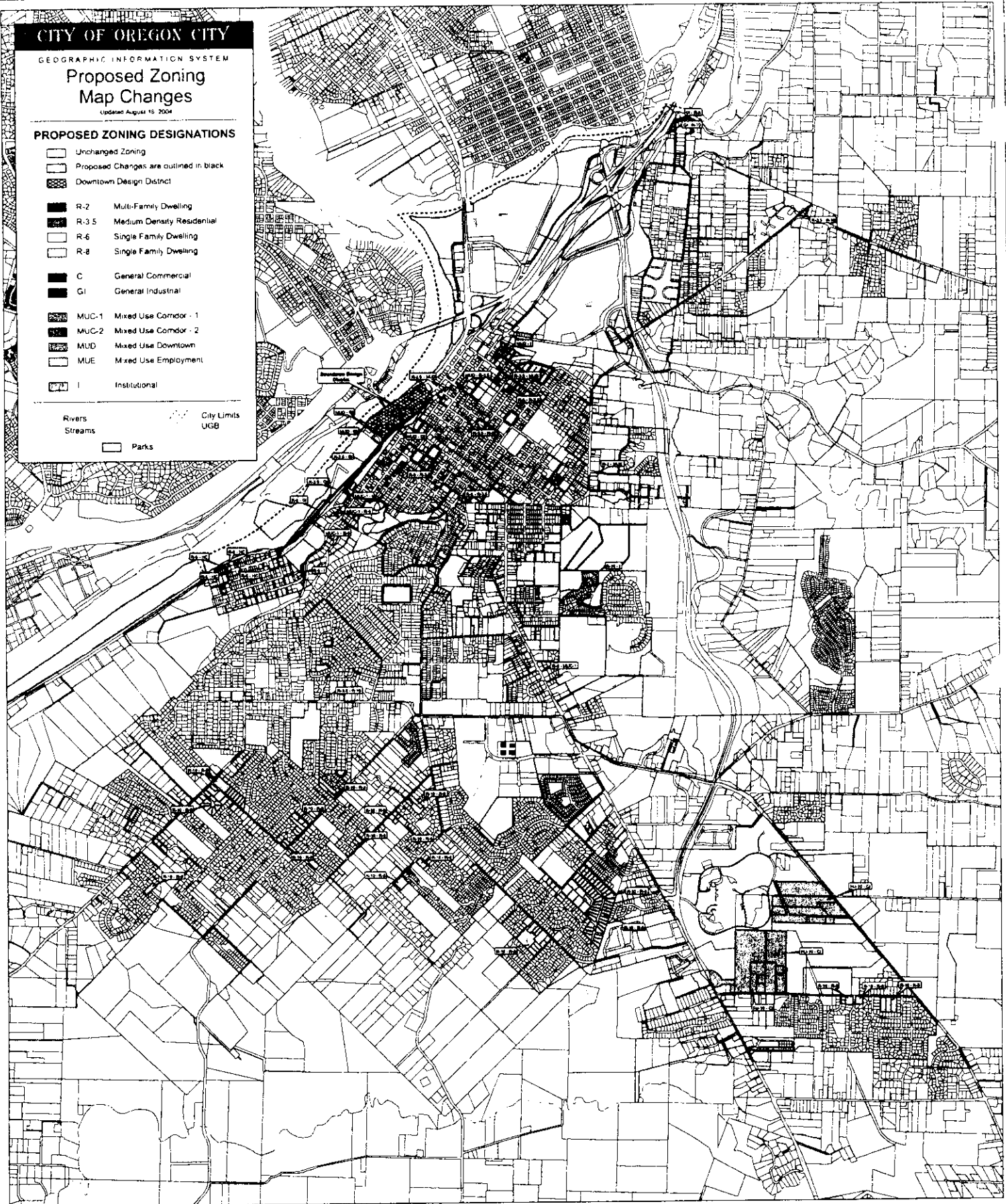
## Proposed Zoning Map Changes

(Updated August 16, 2004)

### PROPOSED ZONING DESIGNATIONS

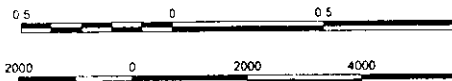
- Unchanged Zoning
- Proposed Changes are outlined in black
- Downtown Design District
- R-2 Multi-Family Dwelling
- R-3.5 Medium Density Residential
- R-6 Single Family Dwelling
- R-8 Single Family Dwelling
- C General Commercial
- GI General Industrial
- MUC-1 Mixed Use Corridor - 1
- MUC-2 Mixed Use Corridor - 2
- MUD Mixed Use Downtown
- MUE Mixed Use Employment
- I Institutional

- Rivers
- Streams
- City Limits
- UGB
- Parks



MAP FOR REFERENCE PURPOSES ONLY  
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.

Please recycle with colored office grade paper



Exhibit

2

*Abernethy Center*  
04 JUL 28 PM 5:01  
RECEIVED  
CITY OF OREGON CITY

July 28, 2004

Dan Drentlaw  
320 Warner-Milne Road  
Oregon City, Oregon 97045

Re: Minor Adjustment to Zoning Boundary

Dear Dan:

We are requesting a minor change to the boundary in the downtown MUD, Mixed Use Downtown Zone. We recently purchased Tax Lot 7100 of Block 119, Lots 5 and 6. This property is level with the remaining property in the area. The property is very beautiful and private. We are planning on using it for outdoor wedding ceremonies at the Abernethy Center. The topography separates it from the surrounding MR, Medium Density Residential Zone. A map is enclosed showing the property and the requested change.

Please let me know the process of this requested change; if it is handled administratively or if it would require us to file any other papers or applications.

Thank you for your consideration.

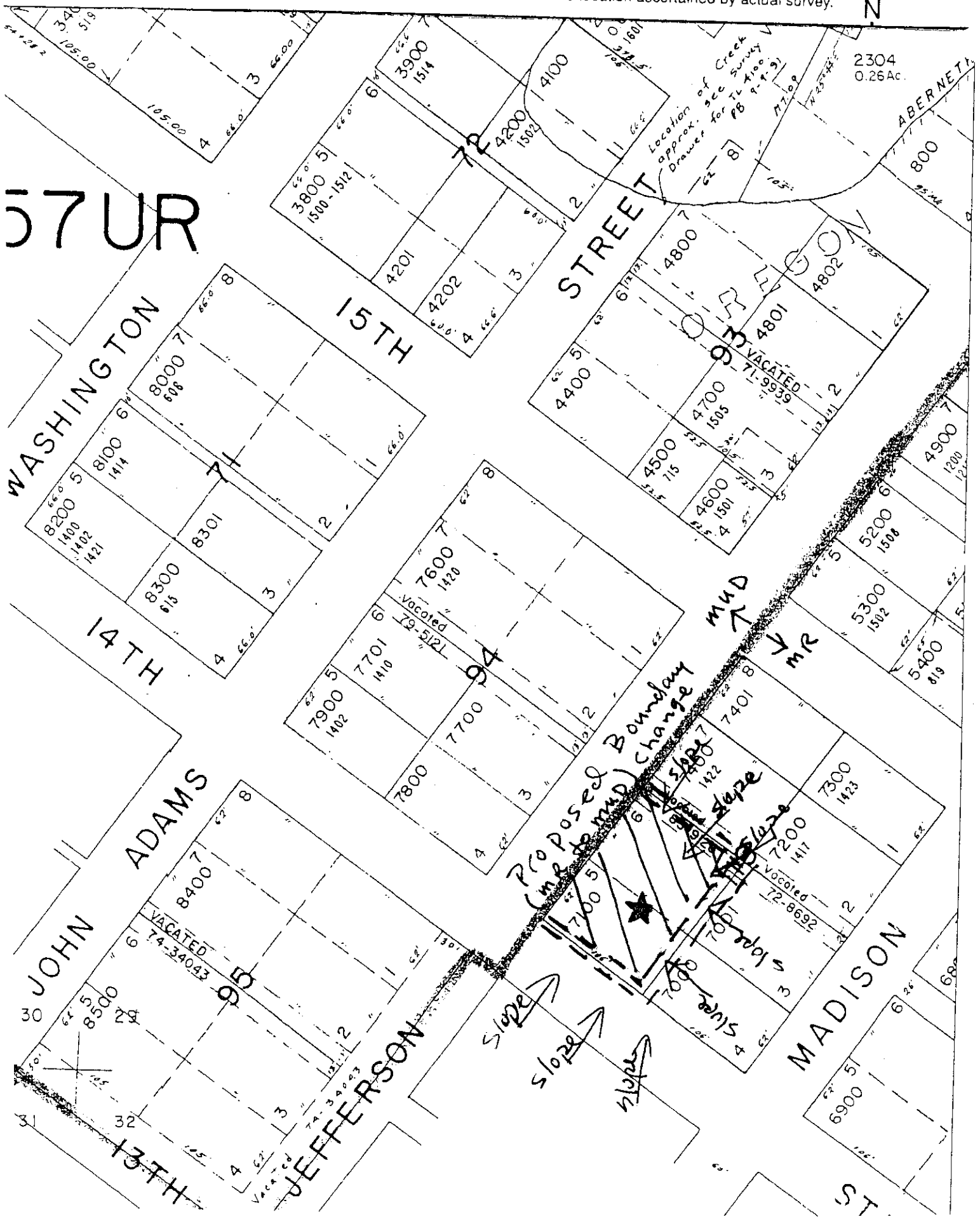
Sincerely,



Dan Fowler  
Member/Manager  
DF:jsl

# TICOR TITLE INSURANCE

This map is made solely for the purpose of assisting in locating said premises and the Company assumes no liability for variations, if any, in dimensions and location ascertained by actual survey.



Amendments to the Oregon  
City Comprehensive Plan, Plan  
Map, Municipal Code and  
Zoning Map.  
**City of Oregon City**  
**Planning Division**

**Dan Drentlaw – Community Development Director**

For more information, contact:

Tony Konkol, Senior Planner

Christina Robertson-Gardiner, Associate Planner

Sean Cook, Associate Planner

Phone: (503) 657-0891

City of Oregon City Planning Division

320 Warner Milne Road

Oregon City, Oregon 97045

Phone: (503) 657-0891

Fax: (503) 722-3880

The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 657-0891.

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## 2. LAND USE

### GOALS AND POLICIES

#### Goals

##### Goal 2.2: Downtown Oregon City

**Develop the Downtown area (which includes the historic downtown area, the “north end” of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.**

#### Policies

- Policy 2.2.1 Redefine the regional center concept to recognize the unique character of Oregon City while being in accordance with Metro’s 2040 Growth Concept.
- Policy 2.2.2 Support multi-modal transportation options throughout the regional center and to other regional and town centers.
- Policy 2.2.3 Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.
- Policy 2.2.4 Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.
- Policy 2.2.5 Encourage the development of a strong and healthy historic downtown retail, office, and residential center.
- Policy 2.2.6 Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.
- Policy 2.2.7 Explore options for improving downtown vehicle circulation and parking in a manner that promotes revitalization.
- Policy 2.2.8 Implement the Downtown Community Plan and Waterfront Master Plan with regulations and programs that support compatible and complementary mixed-uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial, and retail uses in the regional center, all at a relatively concentrated density.
- Policy 2.2.9 Improve connectivity for vehicles, bicycles, and pedestrians within the downtown and waterfront master plan areas and improve linkages between residential areas to the community beyond.
- Policy 2.2.10 Develop the Clackamette Cove area through the implementation of the Water Front Master Plan to achieve a balance between the natural and built

environments, including wildlife habitat, multi-family residential development, office/retail, and family recreation.

Policy 2.2.11 Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.

Policy 2.2.12 A master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development which includes changing the overall site to non-industrial land uses.

**Policy 2.2.13 Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limiting residential and office uses to the second floor and above.**

## 10. HOUSING

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 10, Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Oregon City is required by regional and state requirements to provide an adequate supply of vacant and buildable land for future residential growth and ensure that land is designated for a variety of housing types to fit a range of income and need. The housing element and its supporting resource document are intended to satisfy those requirements.

Oregon City recognizes that the health of the city depends on the health of the neighborhoods that form the building blocks of a livable city. The housing goals and policies are intended to ensure that the integrity of existing neighborhoods is protected and that planning for new neighborhoods as the city expands is comprehensive and inclusive of a range of housing types and services to serve residents.

### **Background**

Oregon City is unique in the area for its role in Oregon history and for the age and diversity of its housing stock. Many of the older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. Like many other communities in the Willamette Valley, Oregon City grew more quickly than expected in the 1990s—nearly doubling in size—and more units will be needed to accommodate new residents or citizens wishing to move into different types of housing.



### **Existing Conditions**

This Housing Element summarizes the results of a housing study conducted in 2002 to determine whether existing comprehensive plan and zoning designations would accommodate growth through 2017. The study included an inventory of existing vacant buildable and underutilized land, compared the characteristics of the existing housing stock and demographics in Oregon City and the region, and forecasted housing needs. The housing study became the Housing Element Resource Document and supports this Housing Element. Readers should refer to the resource document for detailed information on Oregon City's demographic composition (2000), residential land inventory (2002), and projected housing need (to 2017).

The housing study revealed that affordability of housing is an issue, as in many jurisdictions. Housing affordability is based on the percentage of monthly income spent on housing. Using the US Department of Housing and Urban Development's standard formula to determine affordability of 30 percent of monthly income, 12 percent of Oregon City residents cannot afford a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment. When compared against the region it is found that 12 percent of the Portland Metro Area cannot afford a studio apartment and 26 percent are not able to afford a two-bedroom apartment. Fair market rents are slightly higher in the Portland Metro Area, making rents less affordable for low and very low incomes when compared to Oregon City.

Other demographic characteristics revealed by the housing study were:

- Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.
- Oregon City has a slightly younger population than the Portland metropolitan area.
- The percentage of female-headed households living in Oregon City in poverty is significantly higher than the Portland metropolitan area (25 percent to just over 20 percent).
- Household income distribution in Oregon City mirrors that of the Portland metropolitan area.
- Oregon City's composition of housing stock by type of housing (e.g., single family detached and multi-family) and the percentage of renters versus owners is similar to that in the Metro area.
- Oregon City has a deficit of land for multifamily units to meet expected demand.

### **State and Metro Requirements**

**Both the State of Oregon and Metro have requirements that Oregon City must fulfill with respect to its comprehensive planning for residential needs.** The Statewide Planning Goal for Housing (Goal 10) is to provide for the housing needs of citizens of the state. Part of complying with the Housing Goal is ensuring not only that there is an adequate supply of vacant and buildable land for future growth, but also that the land is designated for a variety of housing types to fit a range of income, need, and preference. **Compliance with Goal 10 is demonstrated through a housing inventory and analysis, which is also part of Metro's requirements (see below). The housing inventory and analysis that were completed for this updated plan is discussed below.**

**Oregon has two Metro requirements to fulfill. The first, related to Metro's 2040 Growth Concept, is discussed in the following paragraphs. The second, related to Title 7 of the Urban Growth Management Functional Plan, concerns provisions for affordable housing and is discussed at the end of this section.**

In the mid-1990s, the Metro government adopted the 2040 Growth Concept, which was developed to ensure that the region complies with state goals for land use in a coordinated way and that housing and employment growth can be accommodated equitably across the region. After the establishment of the Metro Urban Growth Boundary (UGB) around the cities, the affected cities and counties negotiated targets for new dwelling units and jobs. In 1994, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units between 1994 and 2017, within the city and the UGB. To comply with the Metro target, Oregon City needed to demonstrate that, after subtracting units built between 1994 and 2002, the land use designations on remaining vacant and underutilized land would accommodate the difference in needed new dwelling units. If Oregon City could not accommodate the new housing units, then the City would need to find other ways to meet the capacity target, most likely through increasing minimum residential densities within the city and UGB.

The 2002 housing inventory revealed that 3,665 dwelling units were built between 1994 and 2002, which left 6,075 new units needed to meet the Metro 2017 target. After accounting for expected future accessory dwelling units and environmentally constrained land, the overall planned density of residential land in Oregon City and within the UGB was not sufficient to meet the dwelling unit capacity targets established by Metro. Full development of all vacant and partially vacant land under the current comprehensive plan designations would result in only 4,593 new units missing the capacity target by over 1,400 units.

Through the involvement of a citizen advisory group and with input from staff, the City made changes to the comprehensive plan map and to the zoning code. Overall, the changes in the comprehensive plan update provided the additional units needed to meet Metro's 2017 residential target for Oregon City. The 2002 population of 27,270 plus the population expected at build out (including the 2002 UGB expansions at South End Road and Redland Road), yields a population of approximately 45,700 in 20 years.<sup>1</sup>

A new plan map designation of "Mixed Use" was developed to include the mixed use zones planned for downtown as well as other areas of the city suited to combinations of compatible uses. To increase the range of housing available, some areas of the city were recommended to be redesignated to more intense residential uses based on the following locational criteria:

- along arterials or collectors
- close to business districts and employment and education centers
- in the downtown mixed use area
- adjacent to similar more intense densities

---

<sup>1</sup> Assumes 2.62 per household and 5% vacancy.

In January 2001 Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further the implementation of the Regional Affordable Housing Strategy. The UGMFP amendments require local jurisdictions to consider the adoption of a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as constituting no more than 30% of household income for people making 50% of the Median Household Income (in each jurisdiction). By that definition, an affordable housing unit in Oregon City in 2000 would not cost more than \$570 per month. The housing inventory and analysis completed for the comprehensive plan update showed that the number of lower-cost units in Oregon City was less than the number needed to meet all of the housing needs of the city's lower-income residents. Consequently, this Housing element adopts Title 7 tools and strategies as Goal 10.2 and Policy 10.2.3 below.

Many of the policies for the 1982 comprehensive plan were still relevant and were carried over into the updated plan. Since the housing inventory conducted in 2002 established baseline data for housing, an action item to keep the database current was also added.

## **GOALS AND POLICIES**

### **Goal 10.1: Providing diverse housing opportunities for Oregon City residents.**

**Provide for the planning, development and preservation of a variety of housing types and lot sizes. ~~to provide for needed affordable housing.~~**

#### **Policies**

- Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.
- Policy 10.1.2 Ensure active enforcement of the City's Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
- Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
- Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.
- Policy 10.1.5 Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
- Policy 10.1.6 Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to

state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)

Policy 10.1.7 Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

**Goal 10.2: Provide and maintain an adequate supply of affordable housing.**

**Policies**

Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Map, ensure potential loss of affordable housing is replaced.

Policy 10.2.2 Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50% of the median income for Oregon City.

Policy 10.2.3 Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

**CHAPTER 16.12 LAND DIVISIONS**

**16.12.110 Street design—Private street.**

~~The city discourages the use of private streets and permanent dead-end private streets except where construction of a through street is found by the decision-maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right of way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the city engineer:~~

- ~~A. Maximum length of two hundred feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the city engineer;~~
- ~~B. Applies only to planned unit developments;~~
- ~~C. Facilities are constructed to city standards;~~
- ~~D. Sidewalk located on one side of the street and may include rolled curbs;~~
- ~~E. Maintenance agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and~~
- ~~F. Minimum of twenty-foot pavement width. (Ord. 98-1007 §1(part), 1998)~~

**16.12.235 Building sites- Calculations of lot area.**

- A. A subdivision in a ~~the R-10, R-8, R-6 of R-3.5~~ single-family dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

**16.12.360 Minimum improvements--Road standards and requirements.**

- ~~A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.~~
- AB.** The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- CB.** For any public street created pursuant to subsection **AB** of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 98-1007 §1(part), 1998)

## CHAPTER 17.04 DEFINITIONS

### **Chapter 17.04.290 Home Occupation.**

"Home occupation" means an occupation carried on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no audible sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a single-family dwelling, and not more than one-half of the floor area of one story is devoted to such use. The occupation **may** ~~shall not~~ be carried on in an accessory building of the residence. (Prior code §11-1-6(part))

## CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS

### **17.06.070 Requirements table.**

To facilitate public understanding of this title and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 92-1024 §3, 1992; prior code §11-3-1)

### OREGON CITY STANDARDS

	Maximum dwelling units per acre (number)	Minimum lot area (square footage)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
R-10 Single-Family	4.4	10,000	35	20	10/8	15	20
R-8 Single-Family	5.5	8,000	35	15	9/7	15	20
R-6 Single-Family	7.3	6,000	35	10	9/5	15	20
R-3.5	12.5	SF 3,500 DU 7,000	35	5	9/7 0/9	15	15
R-2 Multi-Family	21.8	2,000 per unit	45	5	0/9	15	Existing 10 New 20

NC Neighborhood Commercial	7.3	*	25	15	10	15	10
HC Historic Commercial	7.3	*	25	15	10	10	10
C General Commercial	21.8	*	35	10	0	10	10
GI General Industrial	0	—	40	10	0	10	10

**Residential**

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	33%	36%	45%	--
Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

\*See district description for further information

**Commercial**

Standard	C	MUC-1	MUC-2	NC	HC
Maximum Building Height	3 Stories (45 ft.)*	3 Stories (45 ft.)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 - 33ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*
Maximum Rear	10 ft.	0 - 30 ft.*	0 - 33ft.*	0 - 10 ft.*	0 - 20 ft.*

<b>Yard Setback</b>					
---------------------	--	--	--	--	--

\*See district description for further information

### **Employment, Downtown and Industrial**

Standard	MUE	MUD	MUD – Design District	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft /75 ft.*	58 ft.	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft)*	2 Stories (25 ft.)*	--	--
Maximum Lot Coverage	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building and Parking Lot – 100%	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	25ft.*	25ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft*	25ft.*	25ft. / 100 ft*

\*See district description for further information

## **CHAPTER 17.22 LO – LIMITED OFFICE**

## **CHAPTER 17.24 NC – NEIGHBORHOOD COMMERCIAL DISTRICT**

### **17.24.010 Designated.**

The neighborhood commercial district allows for small-scale commercial and mixed uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. (Ord. 03-1014, Att. B3 (part), 2003)

### **17.24.020 Permitted uses.**

Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops;  
Apparel shop;  
Art gallery, store, supplies;  
Bakery, retail;  
Banks without a drive thru;  
Barbershop;  
Beauty parlor;



Bicycle sales, service, rental;  
Bookstore;  
Candy store; Clothes cleaning and pressing;  
Coffee shop without a drive thru;  
Craft store;  
Custom dressmaking and tailoring;  
Dry cleaners;  
Dry cleaners, self-service;  
Dry cleaning agencies;  
Delicatessen store;  
Drug stores;  
Dry good stores;  
Florist shops;  
Gift shops;  
Grocery, fruit or vegetable store;  
Hardware store;  
Ice-cream store;  
Interior decoration, including drapery and upholstery;  
Jewelry store;  
Laundromat, self-service;  
Laundry agencies;  
Locksmith;  
Music store;  
Plant or garden shop;  
Printing and copy service (no audible sounds beyond the premises);  
Restaurants without a drive thru;  
Seasonal sales, subject to the provisions of Section 17.54.060;  
Shoe sales, repair;  
Small grocery, fruit or vegetable store;  
Stationery store;  
Studio for art, dance, music, photo; and  
Watch and clock repair shop.  
(Ord. 03-1014, Att. B3 (part), 2003)

#### **17.24.025 Conditional uses.**

**The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.**

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.**

#### **17.24.030 Limited uses.**

Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 **or conditional use as identified in Section 17.24.025.**

(Ord. 03-1014, Att. B3 (part), 2003)

#### **17.24.040 Dimensional standards.**

Dimensional standards in the NC district are:

- A. Maximum building height: two and one half stories, not to exceed thirty-five feet.
- B. Maximum building footprint: ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: ten feet.
- E. Maximum Allowed Setback.
  - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  - 2. Interior yard: none.
  - 3. Corner side yard abutting a street: thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- F. ~~Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.52 may be reduced by ten percent for mixed-use projects, subject to a determination by the community development director that the project qualifies as a "mixed-use" project. (Ord. 03-1014, Att. B3 (part), 2003)~~

## **CHAPTER 17.26 HC – HISTORIC COMMERCIAL DISTRICT**

### **17.26.020 Permitted uses.**

- A. **Uses permitted in the MUC-1 Mixed Use Corridor District**
- B. **Residential Units, single-family detached**

~~Permitted uses in the HC district are all historic commercial uses, defined as:~~

~~Antique shops;  
Apparel stores;  
Art, gallery supplies;  
Bakery, retail;  
Bookstores;  
Coffee shops without a drive thru;  
Craft stores;  
Delicatessen stores;  
Drug stores;  
Florist shops;  
Gift shops;  
Grocery, fruit or vegetable stores;  
Hair salons;  
Interior decoration, including drapery and upholstery;  
Jewelry stores;  
Music stores;  
Notion or variety stores;  
Offices;  
Photography studios;  
Plant or garden shops;~~

~~Restaurants without a drive thru;  
 Studios, art, dance, music, photo;  
 Uses, as approved by the community development director, that are consistent with the  
 purpose of the HC zoning district; and  
 Uses permitted in the R-6 single-family dwelling district. (Ord. 03-1014, Att. B3 (part),  
 2003; prior code §11-3-11(A))~~

#### 17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

##### A. ~~Conditional Uses listed in the MUC-1 Mixed Use Corridor District~~Section 17.56.030.

(Ord. 03-1014, Att. B3 (part), 2003; Ord. 96-1026 §2, 1996; prior code §11-3-11(B))

#### 17.26.050 Dimensional standards.

##### A. Residential Unit, Single-family detached:

##### 1. Dimensional standards required for the R-6 Single-family dwelling district.

##### B. All other uses:

1. Minimum Lot Area: **None.**
2. **Maximum building height: 35 feet or 3 stories, whichever is less.**
3. **Minimum required setbacks if not abutting a residential zone: None.**
4. **Minimum required rear yard setback if abutting a residential zone: 20 feet.**
5. **Minimum required side yard setbacks if abutting a single-family residential use: 5 feet.**
6. **Maximum front yard setback: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).**
7. **Maximum interior side yard: None.**
8. **Maximum rear yard: None.**
9. **Minimum required landscaping (including landscaping within a parking lot): 20 percent.**
  1. ~~Residential: five thousand square feet.~~
  2. ~~Nonresidential: minimum not required.~~

##### ~~B. Minimum Required Setbacks.~~

1. ~~Front yard: fifteen feet minimum depth.~~
2. ~~Interior side yard: ten feet minimum width.~~
3. ~~Corner side yard: ten feet minimum width.~~
4. ~~Rear yard: ten feet minimum depth.~~

##### ~~C. Maximum building height: two and one-half stories, not to exceed thirty-five feet for new buildings. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(D))~~

## **CHAPTER 17.29 MUC – MIXED USE CORRIDOR**

### **17.29.020 Permitted uses--MUC-1.**

Permitted uses in the MUC-1 district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other small lodging facilities for up to ten guests per night;
- C. Child care facilities;
- D. Health and fitness clubs;
- E. Medical and dental clinics, outpatient; infirmity services;
- F. Museums and cultural facilities;
- G. Offices, including finance, insurance, real estate and government;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- I. Postal services;
- J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Residential units, single-family detached residential existing prior to adoption of this chapter;
- M. Residential units, single-family and two-family attached;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- ~~QR.~~ Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed ten thousand square feet;
- ~~RS.~~ Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;{+}
- ~~ST.~~ Studios and galleries, including dance, art, photography, music and other arts;
- ~~TU.~~ Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- ~~UV.~~ Veterinary clinics or pet hospitals, pet day care. (Ord. 03-1014, Att. B3 (part), 2003)

### **17.29.030 Conditional uses--MUC-1 and MUC-2 zones.**

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Clubs/lodges;
- B. Car washes;
- C. Drive-in or drive-through facilities;
- D. Emergency services;
- E. Motor vehicle service, parts sales, repair, or equipment rental;
- F. Museums and cultural facilities;
- G. Outdoor markets that do not meet the criteria of Section 17.29.020(H);

- H. Public utilities and services;
- I. Religious institutions;
- J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of ~~ten thousand square feet in the MUC-1 zone or of~~ sixty thousand square feet in the **MUC-1 or MUC-2** zone;
- K. Schools, including trade schools and technical institutes; and
- L. Vehicle fuel sales. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.29.050 Dimensional standards--MUC-1.**

- A. Minimum lot areas: none.
- B. Maximum building height: forty-five feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one-foot of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.
  - 3. Corner side yard abutting street: thirty feet provided the site plan and design review requirements of Section **17.62.055 are met.**
  - 4. Rear yard: none.
- ~~F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by ten percent for mixed use transit orientated projects, subject to a determination by the community development director that the project qualifies as a "mixed use" project.~~
- FG. Maximum lot coverage of the building and parking lot: eighty percent.
- GH. Minimum required landscaping (including landscaping within a parking lot): twenty percent. Ord. 03-1014, Att. B3 (part), 2003)

#### **17.29.060 Dimensional standards--MUC-2.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.

3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  4. Rear yard: none.
- ~~H. Parking Standards. The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by fifteen percent for mixed-use transit orientated projects, subject to a determination by the planning director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage of building and parking lot: ninety percent.
- IJ. Minimum landscaping requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

## CHAPTER 17.30 TOURIST COMMERCIAL

### 17.31 MUE – MIXED USE EMPLOYMENT

#### **17.31.020 Permitted uses.**

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls;
- B. Banks, savings, credit union, stocks and mortgages;
- C. Banquet, conference facilities and meeting rooms;
- D. Child care facilities;
- E. Clinics, outpatient; infirmary services;
- F. Distributing, wholesaling and warehousing;**
- GF. Employment training and business services;
- HG. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities;
- IH. Hospitals, medical centers and emergency service facilities;
- JI. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;<sup>1</sup>
- KJ. Offices; including finance, insurance, real estate and government;
- LK. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- ML. Postal services;
- NM. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving;
- ON. Public utilities and services;
- PO. Publicly-owned parks, play fields and community or neighborhood centers;

- QP. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- RQ. Residential units, single-family detached residential existing prior to adoption of this chapter;
- SR. Software development;
- TS. Transit and passenger rail center and station, exclusive of transit storage areas;
- UF. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.31.050 Prohibited uses.**

The following uses are prohibited in the MUE district:

- A. Bulk fuel dealerships and storage yards, including card locks;
- B. Concrete mixing and sale;
- C. Contractors equipment yard;
- ~~D. Distributing, wholesaling and warehousing;~~
- DE. Draying, trucking and automobile freighting yard;
- EF. Entertainment centers and facilities, outdoor;
- FG. Foundry casting lightweight non-ferrous metals;
- GH. Ice or cold storage plant;
- HI. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers;
- IJ. Kennels;
- JK. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment);
- KL. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home and boat sales, leasing, rental or storage;
- LM. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers and self-propelled motor homes;
- MN. Self-storage facilities;
- NO. Storage yard for contractor's equipment, transit vehicles and related vehicle or equipment maintenance activities;
- OP. Warehouse/freight movement; and
- PQ. Wholesale and bulk sales. (Ord. 03-1014, Att. B3 (part), 2003)

### **CHAPTER 17.32 C – GENERAL COMMERCIAL**

#### **17.32.040 Dimensional standards.**

- A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district; otherwise, no minimum lot area is required;
- B. Maximum building height not to exceed **forty-five** ~~thirty-five~~ feet;
- C. Minimum Required Setbacks.

1. Front yard: ten feet minimum depth.
  2. Interior side yard: no minimum.
  3. Corner side yard: ten feet minimum width.
  4. Rear yard: ten feet minimum depth.
- (Editorially amended, Supp. No. 5; prior code §11-3-13(C))

### **17.34 MUD – MIXED USE DOWNTOWN**

#### **17.34.010 Designated.**

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes an **Downtown Design District** overlay design sub-district for the historic downtown area. **Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district.** The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.34.020 Permitted uses.**

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the neighborhood, historic, limited or general commercial zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040;
- B. Banquet, conference facilities and meeting rooms;
- C. Child care facilities;
- D. Clubs/lodges;
- E. Health and fitness clubs;
- F. Hotel and motel, commercial lodging;
- G. Indoor recreational facilities, including theaters;
- H. Marinas;
- I. Medical and dental clinics, outpatient and infirmary services;
- J. Museums and cultural facilities;
- K. Office ~~uses, including finance, insurance, real estate and government developments that include offices in the historic overlay district are required to have an MUD-permitted use, other than an office use, on the first floor. The office use is limited to the second floor and above of the development;~~
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- M. Postal services;
- N. Publicly-owned parks, play fields and community or neighborhood centers;
- O. Religious institutions, such as churches, mosques and synagogues;



- P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances;
- Q. Residential units, single-family detached residential existing prior to adoption of this chapter;
- R. Residential units, single-family and two-family attached. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- S. Residential Units, multi-family. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- T. Restaurants, eating and drinking establishments;
- U. Retail services, including professional, educational and financial services; laundry and dry-cleaning;
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed sixty thousand square feet (a free standing building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes;
- X. Studios and galleries, including dance, art, photography, music and other arts; and
- Y. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.060 Dimensional standards--Except for within the Downtown Design District historical overlay area.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio for stand-alone office, commercial buildings or mixed-use buildings with a residential component: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
  - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
  - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
  - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.

1. Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  2. Interior side yard: no maximum.
  3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  4. Rear yard: no maximum.
  5. Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
- ~~H. Parking Standards. The minimum required off-street vehicular parking standards of Chapter 17.52 may be reduced by twenty-five percent for mixed use projects subject to a determination by the community development director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage including the building and parking lot: ninety percent.
- IJ. Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.070 Dimensional standards—Downtown Design DistrictHistoric area overlay.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio for stand-alone commercial buildings or mixed-use buildings with a residential component: 0.5.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setback if abutting a residential zone: twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  1. Front yard: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  2. Interior side yard: no maximum.
  3. Corner side yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  4. Rear yard: no maximum.
  5. Rear yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Parking Standards. The minimum **number of** off-street vehicular parking **stalls required in Chapter 17.52 may be reduced by fifty percent.** ~~requirements of Chapter 17.52 may be reduced by fifty percent. Off-street, vehicular parking requirements may be waived by the community development director if the property is within a parking management district.~~
- I. Maximum site coverage of the building and parking lot: one hundred percent.
- J. Minimum Landscape Requirement. Development within the **Downtown Design District** ~~historic~~ overlay district is exempt from required landscaping standards in Section 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as

benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required **and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.** (Ord. 03-1014, Att. B3 (part), 2003)

## **CHAPTER 17.44 US – Geologic Hazards~~UNSTABLE SOILS AND HILLSIDE~~ ~~CONSTRAINTS OVERLAY DISTRICT~~**

### **17.44.020 Definitions.**

For the purpose of this chapter, the following definitions are applicable:

“Geotechnical remediation” means construction designed to increase the factor of safety against earth movement.

“Hillside” refers to any area with a slope of twenty-five percent or more.

“Landslide areas” means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. By the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area; or
2. By Portland State University in a study entitled “Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon” (1992).

“Slope” shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The ~~minimum~~ horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
3. The resulting number is the slope expressed as a percentage.

“Unstable slopes” or “unstable soils” includes:

1. Any area identified on the city’s **Steep Slope** ~~unstable soils and hillside constraint overlay district~~ map;
2. Any other area that is identified on official city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, **seismic activity** or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

### **17.44.060 Development standards.**

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal **and fill and grading** for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

**For development other than single family homes on individual lots, all grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Excavation shall not occur during the remaining wet months of the year. Erosion control measures shall be installed and functional prior to any earthwork. Up to a 30-day modification to the October 31 date, and a 45-day modification to the May 1 date may be made by the City Engineer, based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.**

- B. Designs shall minimize the number and size of cuts and fills.

- C. **Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three feet, plus one fifth of the vertical height of the cut or fill. An exception to this requirement may be granted so long as the review authority determines there is a negligible risk of landslide, slump or erosion and a slope easement is provided.~~

- D. **Grading – fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Except in connection with geotechnical remediation plans approved in accordance with this chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent.~~

- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.
- F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.
- G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.
- H. ~~Unless the property is developed as a planned development pursuant to Chapter 17.64,~~ Density shall be determined as follows:
  - 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
  - 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
  - 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.
- I. ~~For those portions of the properties~~ with slopes of twenty-five to thirty-five percent between grade breaks:
  - 1. **For those portions of the property with slopes of twenty-five to thirty-five percent,** ~~the~~ the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
  - 2. **An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no** ~~No~~ more than fifty percent or four thousand square feet of the surface area ~~of an individual lot or parcel~~, whichever is smaller, shall be graded or stripped of vegetation or covered with structures or impermeable surfaces.
  - 3. **No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.**

- J. For those portions of the property with slopes over thirty-five percent between grade breaks:
1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
  2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. (Ord. 94-1001 §2(part), 1994)

#### 17.44.100 Construction standards.

During construction on, ~~or within fifty feet of,~~ land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures **in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.**
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
- C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and

stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).

- D. ~~In no event shall construction activities aggravate existing conditions.~~ All disturbed **vegetation** ~~sed~~ shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.
- E. Existing vegetative cover shall be maintained to the maximum extent practicable. **No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.**
- F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.
- G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- H. **Building envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.**

## CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

### **17.50.120 Quasi-judicial hearing process.**

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the planning manager determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the planning manager determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the city commission.
- B. **Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).**
- C. **Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site and all persons who testified either orally or in writing before the hearing body.**

~~Notice of the hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).~~

DC. The planning manager shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

ED. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
5. That the commission chair shall call for any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item.

FE. Requests for continuance and to keep open the record: The commission or board, as the case may be, may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the commission or board establishes a time certain and location for the continued hearing. Similarly, the decision-maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The commission or board may limit the factual and legal issues that may be addressed in any continued hearing or open-record period. (Ord. 98-1008 §1(part), 1998)

### **17.50.190 Appeals.**

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, ~~Type III~~ or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.



## **CHAPTER 17.52 OFF STREET PARKING AND LOADING**

### **17.52.010 Number of spaces required.**

At any time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space. **The required number of parking stalls may be reduced if one or more of the following is met:**

- A. Transit Oriented Development.** The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- B. Transportation Demand Management.** The Community Development Director may reduce parking up to 10% when a development can demonstrate, in a parking-traffic study prepared by a traffic engineer:
  - 1. That use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
  - 2. That a Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan the City may take enforcement actions.
- C. Shared Parking.** The Community Development Director may reduce parking requirements up to 50% when:
  - 1. **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.

2. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

LAND USE	PARKING REQUIREMENTS	
	The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	2.00 per unit
<b>Multi-Family: Studio Residential Unit (&lt;500 sq ft)</b>	1.00 per unit	1.52.00 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.500 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	1.250 per guest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds
Religious Assemble Building	0.25 per seat	0.25 per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/Kindergarten	N/A	2 per teacher
Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School	0.20 per # staff and	0.30 per # staff and students

	students	
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/Shopping Center	4.10	5.00
Service/Repair Shop/Automotive or Furniture Store	N/A	1.67
Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/Gymnasium	N/A	5.00
Sports Club/Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30
Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/Industrial Park	N/A	1.60

(Ord. 03-1014, Att. B3 (part), 2003: prior code §11-5-1)

#### **17.52.070 Pedestrian access in off-street automobile parking areas.**

- A. The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.

- B. All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter 1134 of the Uniform Building Code.
- C. Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials. (Ord. 95-1001 §2(part), 1995)

## **CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

### **17.54.060 Seasonal sales.**

The following standards shall apply to seasonal sales which are limited to:

- A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
  - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  - 2. A business license shall be required pursuant to Title 5 of this code.
- B. Christmas Tree Sales. The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continued no longer than December 26.
  - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  - 2. Signing within the city limits for sales lots located outside the city limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet, each. The placing of signs on property not privately-owned shall be by permission obtained from the city.
  - 3. A business license shall be required pursuant to Title 5 of this code.
- C. All signing for seasonal sales shall be removed no later than the day after the holiday.
- ~~D. The provisions of subsection A of this section shall be repealed on July 5, 1991. (Ord. 91-1018 §2, 1991; prior code §11-4-6)~~

## **CHAPTER 17.56 CONDITIONAL USES**

### **17.56.030 Uses requiring conditional use permit.**

Uses requiring conditional use permit are:

- A. Ambulance services in LO, C and GI districts;
- B. Boarding, ~~and~~ lodging houses; **and** bed and breakfast inns ~~and assisted living facilities for senior citizens;~~
- C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
- D. Cemeteries, crematories, mausoleums and columbariums;

- E. Child care centers and nursery schools;
- F. Churches;
- G. Colleges and universities, excluding residential districts;
- H. Correctional facilities, in the GI district;
- I. Emergency service facilities (police and fire), excluding correctional facilities;
- J. Government and public service buildings;
- K. Helipad in conjunction with a permitted use, excluding residential districts;
- L. Hospitals, excluding residential districts;
- M. Houseboats;
- N. Hydroelectric generating facilities in GI district only;
- O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C and GI districts;
- P. Museums;
- Q. Nursing homes;
- R. Parking lots not in conjunction with a primary use;
- S. Private and public schools;
- T. Private clubs and lodges, excluding residential districts;
- U. Public utilities, including sub-stations (such as buildings, plants and other structures);
- ~~V. Public housing projects;~~
- VW. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
- WX. Stadiums, arenas and auditoriums, excluding residential districts; and
- XY. Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

#### **17.56.040 Criteria and standards for conditional uses.**

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. **Building Openings.** The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. **Additional Street Right-of-Way.** The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. ~~Churches and Other Religious Facilities. The planning commission may authorize a church as a conditional use if the following dimensional standards are used:~~
  - ~~1. Minimum lot area, ten thousand square feet;~~
  - ~~2. Minimum street frontage, one hundred feet;~~
  - ~~3. Maximum lot coverage, fifty percent for all buildings;~~
  - ~~4. Maximum building height, fifty feet;~~
  - ~~5. Minimum depth, one hundred twenty five feet;~~

6. ~~Minimum setback distance, front yard, thirty feet; rear yard, twenty feet; side yard, twenty feet. Buildings on corner lots shall observe the minimum setbacks on both streets. Side yard and rear yard setbacks shall be increased by five feet for each additional story exceeding two stories or thirty feet, whichever is less.~~

## CHAPTER 17.60 VARIANCES

### 17.60.0230 Variances--Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. **A Variance shall address the criteria identified in Section 17.60.030 Variances – Grounds.**
- D. Minor variances as defined in subsection E of this section shall be processed as a Type II decision, ~~and~~ shall be reviewed pursuant to the requirements in Section 17.50.030(B), **and shall address the criteria identified in Section 17.60.040 Minor Variance - Grounds.**
- E. For the purposes of this section, minor variances shall be defined as follows:
  - 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
  - 2. Ten percent variances to width, depth and frontage requirements;
  - 3. Twenty percent variances to residential yard/setback requirements, provided that no side yard shall be less than five feet;
  - 4. Ten percent variances to nonresidential yard/setback requirements;
  - 5. ~~Five percent variances to lot area requirements;~~
  - 6. **Five percent variance to the minimum required parking stalls.**
  - 7. **Variances to the Floor Area Requirements and minimum required Building Height in the Mixed Use Districts.**

(Ord. 03-1014, Att. B3 (part), 2003; Ord. 00-1003 §12, 2000; prior code §11-8-4)

### 17.60.0320 Variances--Grounds.

A variance may be granted only in the event that all of the following conditions exist:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions

- of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;
- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
  - C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;
  - D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;
  - E. That the variance requested is the minimum variance which would alleviate the hardship;
  - F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied. (Prior code §11-8-2)

#### **17.60.040 Minor Variance – Grounds.**

**A minor variance may be granted only in the event that all of the following conditions exist:**

- A. That the minor variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.**
- B. That the request is the minimum variance which would alleviate the hardship.**
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.**
- D. Any impacts resulting from the adjustment are mitigated; and**
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance.**
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.**

### **CHAPTER 17.61 ADJUSTMENTS IN THE MIXED-USE ZONES**

### **CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW**

#### **17.62.030 When required.**

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6 and R-3.5, ~~R-6/MH, RC 4, and RD 4~~ zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be

issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. (Ord. 94-1002 §1(part), 1994)

### **Chapter 17.68 – ZONING CHANGES AND AMENDMENTS**

#### **17.68.060 Filing of an application.**

Applications for amendment, or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the ~~fee schedule in Chapter 17.50~~ **Community Development Department Fee Schedule**. (Ord. 91-1007 §1(part), 1991; prior code §11-12-6)

### **CHAPTER 17.80 COMMUNICATION FACILITIES BUILDING CODE**





## PC Mailing List

Meeting Date: 8/23/04

Sent On: 8-16-104

Number	Recipients	Sent
<del>10</del> 8	Copies for Front Table	F ✓
1	PC Binder	F ✓
1	Front Counter	F ✓
1	Dan Drentlaw	F ✓
1	Tony Konkol	A ✓
1	Christina Robertson-Gardiner	A ✓
1	Sean Cook	A ✓
1	Larry Patterson	F ✓
1	Bob Cullison	A ✓
1	Nancy K	A ✓
1	City Recorder	A ✓
1	Fire Department	A ✓
1	Public Works	A ✓
1	Police Department	A ✓
1	Library	F ✓
1	Carnegie Center	F ✓
1	Pioneer Center	F ✓
5	City Commission	A ✓

\*In addition to the names on the following page

Total:

F = 15  
A = 10

**CICC Chairman/Hillendale Nbrhd**  
Julie Hollister  
13304 Clairmont Way  
Oregon City, OR 97045

**Barclay Hills Nbrhd Assoc.**  
Elizabeth Klein, Land Use  
13569 Jason Lee Drive  
Oregon City, OR 97045

**Canemah Nbrhd Assoc.**  
Howard Post, Chairman  
302 Blanchard Street  
Oregon City, OR 97045

**Caufield Nbrhd Assoc.**  
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**Caufield Nbrhd Assoc.**  
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**Gaffney Lane Nbrhd Assoc.**  
Joan Schultze  
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**Hazel Grove / Westling Farm N/A**  
Kathy Hogan, Chairman  
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Denyse McGriff, Land Use  
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**McLoughlin Nbrhd Assoc.**  
Dean Walch, Co-Chairman  
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31E12AB02700  
SNELL RON W  
OR CURRENT RESIDENT  
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TIGARD OR 97224

31E12AB02800  
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OR CURRENT RESIDENT  
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31E12AB03000  
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18742 CONIFER DR  
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31E01CA01700  
CRAVENS TERRY RAY & KAREN JUNE  
OR CURRENT RESIDENT  
18712 CONIFER DR  
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SMRKOVSKY HOWARD ALLEN & MARY E  
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31E01CA03100  
WIGMORE WILLIAM F & KELLY J  
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BROOKS IVAN L & NANCY E  
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31E01CA03300  
MANESS STEVEN H & M JANE HAWK  
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OREGON CITY OR 97045

31E01CA03400  
WALCH CANDACE  
OR CURRENT RESIDENT  
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31E01CA03500  
ZIEMENDORF FREDERICK  
OR CURRENT RESIDENT  
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31E01CA03600  
RICE ZACHARY T  
OR CURRENT RESIDENT  
18783 CONIFER DR  
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31E01CA03700  
JUDD MICHAEL E  
OR CURRENT RESIDENT  
18773 CONIFER DR  
OREGON CITY OR 97045

31E01CA03800  
ASHLAND LLOYD D & SUSAN D  
OR CURRENT RESIDENT  
18763 CONIFER DR  
OREGON CITY OR 97045

31E01CA03900  
WELCH GARY L & KRISTEN L  
OR CURRENT RESIDENT  
18751 CONIFER DR  
OREGON CITY OR 97045

31E01CA04000  
CREAGER MICHAEL R & DIANNE H  
OR CURRENT RESIDENT  
18739 CONIFER DR  
OREGON CITY OR 97045

31E01CA04100  
PACKUS WILLIAM L & JOANNE  
OR CURRENT RESIDENT  
18733 CONIFER DR  
OREGON CITY OR 97045

31E01CA04200  
DUMMER VIRGINIA  
OR CURRENT RESIDENT  
18714 MADRONA DR  
OREGON CITY OR 97045

31E01CA04300  
BUCKNER ERMA RUTH L-EST  
OR CURRENT RESIDENT  
18718 MADRONA DR  
OREGON CITY OR 97045

31E01CA04400  
BROWN ROBERT R & NICOLETTE M  
OR CURRENT RESIDENT  
18865 OAK TREE AV  
OREGON CITY OR 97045

31E01CA04500  
BLANCHARD PAUL R  
OR CURRENT RESIDENT  
PO BOX 1568  
OREGON CITY OR 97045

31E01CA04600  
GARCIA JEFFREY L  
OR CURRENT RESIDENT  
18823 OAKTREE AVE  
OREGON CITY OR 97045

31E01CA04700  
MILLIS BOB L & BARBARA L  
OR CURRENT RESIDENT  
18809 OAKTREE AVE  
OREGON CITY OR 97045

31E01CA04800  
POTTRATZ CLYDE J & VICKI J  
OR CURRENT RESIDENT  
18789 OAKTREE AVE  
OREGON CITY OR 97045

31E01CA04900  
FINCH JAMES D & JENNIFER RAE  
OR CURRENT RESIDENT  
18787 OAKTREE AVE  
OREGON CITY OR 97045

31E12A 02200  
HENDRICKSEN JAMES S & ANN E  
OR CURRENT RESIDENT  
19101 S SOUTH END RD  
OREGON CITY OR 97045

31E12A 02201  
HOLMES NORRIS E & DORIS A  
OR CURRENT RESIDENT  
19056 S ROSE RD  
OREGON CITY OR 97045

31E12A 02202  
LEONARD DOROTHY A & ROBERT F  
OR CURRENT RESIDENT  
19058 S ROSE RD  
OREGON CITY OR 97045

31E12A 02300  
PEITZ IRENE M TRUSTEE  
OR CURRENT RESIDENT  
457 NW 1ST ST  
GRESHAM OR 97030

31E12A 02402  
CORDOVA ERWIN T & SAIPHIN  
OR CURRENT RESIDENT  
19130 SOUTH END RD  
OREGON CITY OR 97045

31E12AA05200  
HEILMAN ERVIN G  
OR CURRENT RESIDENT  
19060 S SOUTH END RD  
OREGON CITY OR 97045

31E12AA05300  
JOLIVETTE RONALD L & ELSIE E  
OR CURRENT RESIDENT  
11710 PARTLOW RD  
OREGON CITY OR 97045

31E12AA08900  
SCHROEDER CHARLES M & JUDY K  
OR CURRENT RESIDENT  
11711 S LONGSTANDING CT  
OREGON CITY OR 97045

31E12AA09000  
SHAW JAMEY G  
OR CURRENT RESIDENT  
11731 S LONGSTANDING CT  
OREGON CITY OR 97045

31E12AA09600  
WITKOWSKI DOROTHY N  
OR CURRENT RESIDENT  
11750 LONGSTANDING CT  
OREGON CITY OR 97045

31E12AA09700  
WOODWARD ROBERT W  
OR CURRENT RESIDENT  
11730 LONGSTANDING CT  
OREGON CITY OR 97045

31E12AA09800  
LUCAS JOE & JENNIFER H  
OR CURRENT RESIDENT  
11710 LONGSTANDING CT  
OREGON CITY OR 97045

31E12AA09900  
BAKER MATTHEW R & CAITLIN P  
OR CURRENT RESIDENT  
19124 SOUTH END RD  
OREGON CITY OR 97045

31E12AB00900  
ASKEW LARRY D  
OR CURRENT RESIDENT  
18971 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01000  
GRACE JENNIFER C  
OR CURRENT RESIDENT  
18969 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01100  
BRUHN LARA A & GAVIN  
OR CURRENT RESIDENT  
18959 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01200  
KUNZ HENRY C  
OR CURRENT RESIDENT  
18957 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01300  
JAHN DAGMAR G  
OR CURRENT RESIDENT  
18955 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01400  
RUMPCA LAVERN A  
OR CURRENT RESIDENT  
18953 LAFAYETTE  
OREGON CITY OR 97045

31E12AB01500  
MURPHY RICHARD B  
OR CURRENT RESIDENT  
18951 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01600  
BAKER FRANKLIN C JR & MARCIA E  
OR CURRENT RESIDENT  
18945 LAFAYETTE DR  
OREGON CITY OR 97045

31E12AB01700  
LIVINGSTON BRETT G & LISA M  
OR CURRENT RESIDENT  
18925 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01800  
DAIKER GREG L  
OR CURRENT RESIDENT  
18915 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB01900  
BLANTON ALICE K  
OR CURRENT RESIDENT  
18954 LAFAYETTE AVE  
OREGON CITY OR 97045

31E12AB02000  
SCHNELLE BETTY J  
OR CURRENT RESIDENT  
18907 OAKTREE AVE  
OREGON CITY OR 97045

31E12AB02100  
PARRISH CLINTON A  
OR CURRENT RESIDENT  
18897 OAKTREE AVE  
OREGON CITY OR 97045

31E12AB02200  
MCDONOUGH SHIRLEY J  
OR CURRENT RESIDENT  
18887 OAK TREE  
OREGON CITY OR 97045

31E12AB02300  
VICARS DONALD A & LORI J  
OR CURRENT RESIDENT  
PO BOX 446  
COLTON OR 97017

31E12AB02400  
ROWLETT BERT M & LORI J  
OR CURRENT RESIDENT  
18869 S OAK TREE  
OREGON CITY OR 97045

31E12AB02500  
CHADWICK MICHAEL J & TAMARA R  
OR CURRENT RESIDENT  
18916 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05000  
WELLS REGINALD W  
OR CURRENT RESIDENT  
18770 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05100  
MACDANIELS LINDA  
OR CURRENT RESIDENT  
18786 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05200  
SMITH RICHARD T & SHARON L  
OR CURRENT RESIDENT  
18826 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05300  
PEEK CHRISTINE W TRUSTEE  
OR CURRENT RESIDENT  
12723 SE ELLIS ST  
PORTLAND OR 97236

31E01CA05400  
GILKISON DONALD A  
OR CURRENT RESIDENT  
18846 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05500  
DOYLE CHRISTY L  
OR CURRENT RESIDENT  
18866 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05600  
WISHOFF BRADDEN J & SALLY A  
OR CURRENT RESIDENT  
18886 LAFAYETTE AVE  
OREGON CITY OR 97045

31E01CA05700  
PEIK WILBUR D & FLORENCE M  
OR CURRENT RESIDENT  
PO BOX 855  
OREGON CITY OR 97045

31E01CD00200  
BURTON EDWARD & PENELOPE E  
OR CURRENT RESIDENT  
18872 ROUNDTREE DR  
OREGON CITY OR 97045

31E01CD00300  
REEDER PAUL H  
OR CURRENT RESIDENT  
10893 S FOREST RIDGE LN  
OREGON CITY OR 97045

31E01CD00301  
WORDEN JAMES C & KATHLEEN A  
OR CURRENT RESIDENT  
18835 S ROSE RD  
OREGON CITY OR 97045

31E01CD00302  
TONDREAU MICHAEL A & VIRGINIA L  
OR CURRENT RESIDENT  
18851 S ROSE RD  
OREGON CITY OR 97045

31E01CD00400  
HORNYCH DANIEL P & VALERIE J  
OR CURRENT RESIDENT  
18803 S ROSE RD  
OREGON CITY OR 97045

31E01CD00502  
FINCH EVERETT N TRUSTEE  
OR CURRENT RESIDENT  
18878 S DEER LN  
OREGON CITY OR 97045

31E01CD00900  
SCHWAHN VINCENT P & DEBORAH I  
OR CURRENT RESIDENT  
18848 S ROSE RD  
OREGON CITY OR 97045

31E01CD01000  
PORTER EVALYN L  
OR CURRENT RESIDENT  
18862 S ROSE RD  
OREGON CITY OR 97045

31E01CD01100  
WHITE ROBERT W & LINDA H  
OR CURRENT RESIDENT  
18555 S WALKER RD  
OREGON CITY OR 97045

31E01CD01200  
KNUTSON DUWAYNE L  
OR CURRENT RESIDENT  
2017 CONESTOGA LN  
WEST LINN OR 97068

31E01CD01300  
DINGES JOHN P JR & PHYLLIS  
OR CURRENT RESIDENT  
18896 S ROSE RD  
OREGON CITY OR 97045

31E01CD01400  
ROUGH JOHN S & MARY S  
OR CURRENT RESIDENT  
18944 S ROSE RD  
OREGON CITY OR 97045

~~31E12A 01700  
REEDER PAUL H  
OR CURRENT RESIDENT  
10893 S FOREST RIDGE LN  
OREGON CITY OR 97045~~

31E12A 01800  
OR CURRENT RESIDENT

31E12A 01801  
GALLIGAN KATHLEEN M  
OR CURRENT RESIDENT  
18996 S ROSE RD  
OREGON CITY OR 97045

31E12A 01802  
GORNICK MICHAEL J & BEVERLY M  
OR CURRENT RESIDENT  
18974 S ROSE RD  
OREGON CITY OR 97045

31E12A 01900  
FAULK JASON K  
OR CURRENT RESIDENT  
19024 S ROSE RD  
OREGON CITY OR 97045

31E12A 02000  
DORAN BRIAN L & SUSAN A  
OR CURRENT RESIDENT  
11241 S FOREST RIDGE RD  
OREGON CITY OR 97045

31E12A 02001  
WILLMON FRED E & CONNIE L  
OR CURRENT RESIDENT  
19131 SOUTH END RD  
OREGON CITY OR 97045

~~31E12A 02002  
KNUTSON DUWAYNE L  
OR CURRENT RESIDENT  
2017 CONESTOGA LN  
WEST LINN OR 97068~~

~~31E12A 02003  
KNUTSON DUWAYNE L  
OR CURRENT RESIDENT  
2017 CONESTOGA LN  
WEST LINN OR 97068~~

31E12A 02100  
DORAN BRIAN L & SUSAN A  
OR CURRENT RESIDENT  
11241 S FOREST RIDGE RD  
OREGON CITY OR 97045



# AGENDA

# COPY

## OREGON CITY COMMISSION

City Commission:  
Alice Norris, Mayor  
Tom Lemons,  
Commission President  
Bob Bailey  
Gary Hewitt  
Doug Neeley

## STUDY SESSION MEETING

Monday, August 30, 2004  
City Hall  
320 Warner Milne Rd.,  
Oregon City, OR 97045  
5:30 PM

5:48pm 1.0

### CALL TO ORDER

- 1.1 City Commission Introductions

5:49pm 2.0

### REVIEW WEDNESDAY MEETING AGENDA

- 2.1 Regular City Commission meeting of September 1, 2004

5:57p 3.0

### FUTURE AGENDA ITEMS

- 3.1 Scharl Zone - MPH rule.
- 3.2 BRTF - Jt. Mtg [Sept. 18, 2004] time TBD.
- 3.3

### 4.0

### DISCUSSION ITEMS

- 4.1 Timeline for Commission to Review Proposed Revision to the Steep Slope Ordinance.
- 4.2 Discuss the Change in OCMC that Precludes the Use of Land for New Agricultural Business.
- 4.3 Timeline for Commission to Review the Comprehensive Plan Updates.
- 6:34p 4.4 Timeline for Commission to Discuss the Action Items that were excluded from the Comprehensive Plan.
- 6:37p 4.5 Urban Renewal Commission Program.

Oct. 11, 2004  
P.C. mtg.

### 5.0

### ADJOURNMENT

adjourn: 6:57pm

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

POST: Friday, August 27, 2004

City Hall/Municipal Elevator/Pioneer Community Center/Fire Stations 1 & 2/ Public Works/Carnegie Center/Swimming Pool/Library/Mt. View Cemetery/Steve's Market, Clackamas Heights/Cable TV Studio Reader Board/Chair: CIC and Neighborhood Associations/South Metro -- Fax: 656-2417/ Oregon City News Fax: 503-786-6977

# CITY OF OREGON CITY

MEETING DATE:	August 30, 2004	<input type="radio"/> Regular Meeting <input checked="" type="radio"/> Study Session <input type="radio"/> Work Session
LOCATION:	City Hall - 320 Warner Milne Rd	
CONVENE:	5:48 pm	ADJOURN: 6:57 pm

CITY COMMISSION	PRESENT	EXCUSED
Mayor Alice Norris	✓	
Commissioner Tom Lemons	—	—
Commissioner Gary Hewitt	✓	
Commissioner Bob Bailey	6:09 pm	
Commissioner Doug Neeley	✓	

STAFF	TITLE	PRESENT
Larry Patterson	City Manager	✓
Edward J. Sullivan	City Attorney	—
Bill Kabeiseman	Assistant City Attorney	—
Gordon Huiras	Police Chief and Public Safety Director	—
Nancy Kraushaar	City Engineer and Public Works Director	—
Dan Drentlaw	Community Development Director	✓
<del>Dee Craig</del> Scott Archer	Community Services Director	✓
David Wimmer	Finance Director	—
Leilani Bronson-Crelly	City Recorder	✓
Lt. Mike Conrad	OCPD	✓
Tony Kenkel, Sr. Planner	Comty. Dev. Dept.	✓

1st Mtg.

## ADDITIONAL SUPPORT:

Audio Visual Technician	NA
"The Oregonian" Reporter	<del>NA</del> Steve Mayes

(Glt's Dinner)

Study Session - Aug. 30, 2004

1) Mayer called to ask  
if we need  
to clarify mins.  
let's do before  
SS + RLs

Neeley - Minutes  
July 12 Study SN 4.1) OK.

(pg 6) Conor Bailey  
<affordable housing>  
4.2) Mayer why not on  
consent agenda?

We are referring to  
metro definition  
50% or less of median  
income.  
Neeley - Trails  
MP. - need to be  
careful.

I want clarification.  
Mayer - These are  
mins.  
An error in Trails MP  
that impacts one of  
these vacations.

Neeley - Approve it  
then I want  
clarification.  
Better to pull Trails  
MP - 1st Rdg (+)  
Both Resolutions.

no need to pull it

4.4) Neeley

LeP - when to  
have when BRTF  
remdtns.

4.6)

18/25 Sept.

Mayer wants 9/18/04.

5.1a) LeP will give  
later

Newitt - In official  
Sept. - only here  
for 9/11/04 mtg.

4.7) Neeley - is she  
our counsel?

Mayer - I'd like it in  
Sept.

LeP: yes, for  
telecomm. franchise

LeP - it cd. also  
be done during the  
wk.

30) Mayer -  
wants report on  
new school's speed  
zone effective 9/1/04.

Neeley concern for  
wk schedules

Newitt - gets signs up

LeP - take 4-6  
hours

LeP - ok - ODET.

Mayer - 3 hrs, max.

Nealey - I want to  
make comments.

Mayer 9A-12N.

Mayer 9A-11:30 AM  
w/ snacks on lat

LGP - presentation  
takes 2 hrs.

Hewitt - 3 hrs is too  
short for public  
input.

Mayer - consider a  
break point -  
allow some to leave,  
others to stay +  
talk.

LGP - read proposed  
agenda:

Hewitt - user meet-  
from start to finish  
time.

1. Intro
2. Intro issue + problem
3. recv. BRIF report Mayer - I want to  
recondtn. + avoid lunch.
4. Packet (bkgynd. info)
5. Presentn of Plan - detail Hewitt - or 10A-  
2pm (4 hrs.)
6. Q+A - Discussion
7. Concl. on where we  
go from there Mayer 9A-1P?

LGP - Date: 18 Sept

Future agenda <sup>LEP</sup>  
"City Hall Day"

LOC has asked us to participate.

Time Lives to put it together.

Hard to say "no."

tomorrow is conf. call

Hewitt - is this Reg. stamping?

Mayor - Sept 19<sup>th</sup> - CA  
having an info  
SESN. on Mea. 37 -  
• LOC

• atty will talk. @  
New bldg.

their dedication  
discuss chg of our code

4.1 - 4.4)

LEP - time frames of  
all these issues  
will be before PC  
on Oct. 11, 2004.  
(4.1 - 4.3)

4.4 is action item

So will you like PC  
input 1<sup>st</sup> - then  
ret. to CC?

Mayor - will we  
rev. Comp Plan  
Updates 1<sup>st</sup>

Dan - yes, pre  
tuning of the Code.

18 pts - Comp Plan

2 - Zone Map  
Industrial Parcels

never zoned. don't remember fear item much.

Hewitt - The zone didn't implement?

looking more on additions than

Dan - we didn't catch subtraction at

Hewitt - 1) wld it be possible for us to accept bus. Lic. application 2) new ag bus.

Dan - that shd be discussed as part of the clean up.

Dan - not sure.

Hewitt - any suggestion or relief?

Bailey - Neelley's assumes that

Dan - not yet pre existing ag uses are grandfathered - based on bus license.

Neelley - dealt w/ Code amendments -

Relay on Bailey's notes - Neelley -

Hewitt - the critical  
pt: was the "use"  
pre existing. I  
don't think that  
will solve this case

- w/ our topo,  
we shd provide  
for these w/  
conditions  
"Holy low!"

Mayer - I'd like to  
have it more than  
grandfathered -  
rather make it  
available use.

2) Can we find in the  
old code that have  
been repealed.

Any way to suspend  
or rescind that

Wesley -

portion of the repeal  
I let the other parts  
go good.

Bailey - I agree. ↑

old zoning ord. allowed Mayer - we are  
for there (conditional) not in conflict  
I'd like to allow as  
condit use.

Bailey = old  
Chapter

17.08 RIO SF

- Things that req.

permitted use

aerial ap of ob  
ag fertilizer or  
manure spreading -

220(D)

6/18/04



Dan - Fleet provision  
was in old.

Took it out, bec. no  
controls

Bailey - rescind that  
phrase. not a  
problem.

Rescind until we get  
Cordell. uses.

Hewitt - was that CU

Dan - no, it says  
outright permit

Dan - 17.57(c)  
Limiting the # of  
animals

11 20,000 ~~12~~ per animal

Mayor - can we be  
informed of what.

Other cities do

Dan - yes

Neeley - animal  
type per ~~VA~~.

cow, goat are  
diff.

Mayor - have  
all instructions

Dan - yes, we're  
add. I use.

we just approved  
\$10,000's of

landscaping for that  
area.

[Hillcomb Ridge]

Cliff - zoning issues  
+ landscaping  
issues -

If this is broad issue, OK - if specific, long way to go.	The problems aren't solved easily
<u>Mayor</u> -	<u>Mayor</u> - hearing is Oct 11, 04. Beyond that, comes to CC
<u>Hewitt</u> - see big pictures - then how conditl. issues	<u>Bailey</u> - little things can end up being a big deal.
Can we make it a sig. code that refers to treat code [17.54] - easier to go there don't have to redo all the conditions	<u>Tam</u> <u>Seaholtz</u> affects many feed stores, vets, farmer, etc. support network.
<u>Dan</u> - not an issue before	We are impacting farming
<u>Hewitt</u> - property was all going to be landscaped	Quality of life issue
<u>Dan</u> - yes.	- no harm to garden.

OC is abt history;  
farming is the root of  
our history.

The future is farming  
w/in UGB.

"It's begin issue then  
the little goat herder."

Heritt

4.4) Action Items  
were brought up by  
Neelley.

LGP - lots of implications  
+ \$ signs we can  
take back up.

- Deal w/ @ Goal  
Sessions.

Mayer - bec. they  
have \$ signs, we

wanted to bring them  
back in Aug.

Neelley -

LGP -

Mayer - 1<sup>st</sup> step  
bring to goal setting  
Session in January

Heritt - Just ~~re name~~  
it as "Future  
Goal Setting  
Action Items."

Neelley -

Mayer - Many were  
incorporated

Bailey 1) LGP concerns 4.5) LGP - I  
if this doc doesn't could well be  
do anything - it's agenda on 9/11.

a waste; but 2) if  
it is - base of our  
goal setting session.

Hewitt - put it  
under CM report

(ed. high grade them

Mayor - Let's talk  
here.

I volunteered to do  
this process - I'm  
ready to spend time  
on this.

Bailey - give me a  
bit

LGP - we beat this  
to death @ BRFF.

My email is down for  
days.

- Love/hate relationship.  
- as much misinfo.

Mayor - free of me.

as facts

- This is a small  
Component of our  
Eco. Dev. program.

Hewitt - When you are  
ready - stuff -  
pass it to Bailey.  
"Future goal setting  
Action Items."

BRTF recmd. maintain wd not see EOD.  
both URC Districts growth - also  
✓ close Hilltop on same for 7th St  
Schedule.

Hewitt - same.  
Mayer - wd we have  
\$ to recruit bus.  
if no URC prog.

LGL - it's a key component  
to help leverage put LGL - instruct.  
investment - using prog. wd need to  
pub. \$. gig. out their  
funding.

- improve livability  
- no \$ for assistance

- Lots of criticism.  
saying it's just a Q: Why <sup>consider</sup> ~~consider~~  
pub. wks. program. providing VR

- you have to build  
infrastructure to build  
put dollar investment.

- you are key to see policies -  
213/Beaver Creek  
roadway improvements.  
we haven't had

I set state from Bose, Id.	<u>Hewitt</u> - wd be Shyting ac. to Gen. Fund
Q: How do you select from investor — get review of it.	<u>LGP</u> - budget it out on % spent on prog
<u>Hewitt</u> - long answer: yubel mant, new delivery road beh. Les Schwab - Prequalified am assist	Hilltop portion of ended wd give \$56K.
w/o NR funds we cd not even have a discussion.	<u>Mayor</u> - what is "ESD"
<u>LGP</u> - How much budgeted to pay city salary: refer to handout dated 8/30/04.	<u>Mayor</u> - if we move Home Depot - (6'49p = Tape switched to B side)
If you end VREC prog.	wd be \$112K -

Net loss to City will be \$140K -	LGP - see this @ BRTF.
Mayer - wd there 906K on prop. tax rolls?	- on surface sound simple; in depth doesn't provide
LGP - \$34K annual; <del>Bill's</del> Loss Total 195,250K	Mayer - can't do couple that BRTF studied.
Hewitt - re cap. it's a huge loss.	Hewitt - no chg needed.
Mayer inc. conty. liability - opal - leverage business This is contrary to where we are going	LGP saying - he's on a path. w/ dealing w/ pus. I want us to remove the known from Larry when he's talking w/ those dev.
Nealey	He needs good platform

Mayr - ~~to~~ we'd  
remove \_\_\_\_\_ from  
staff's hands

Heurt - purpose  
toughest

Mayr

6'5" 154  
w/p  
LGP

LGP - if we want to  
Cig direction -

Neelley - lots of  
email.

- There was motivation  
- March 05  
- maybe there is  
something you can  
Name.

LGP - downside:  
elaborates the  
district's time





**CITY OF OREGON CITY**

**2020**

# **Blue Ribbon Task Force**

**Report & Recommendation to City Commission**

**August 2, 2004**

**CITY OF OREGON CITY**  
**2020 BLUE RIBBON TASK FORCE**  
**Final Report**  
August 2, 2004

---

**EXECUTIVE SUMMARY**

The City of Oregon City is facing a significant, long-term financial crisis. The City must make major budget cuts find additional revenues, and/or provide a combination of the budget cuts and increased revenues.

The pending financial deficit is such that a 5% or 10% reduction in expenses will not solve the financial problem. To provide a long-term sustainable solution to the City's budget problems the City must decide what services it can provide and in the absence of new revenue, what services it cannot provide over the long term. Without new revenues the only way to address the coming financial emergency is the complete elimination of departments, programs and services. Conversely, an appropriate increase in tax revenue can not only avert the pending crisis, but can begin to restore basic City services to functional levels after years of piecemeal cuts.

The City cannot exceed its permanent levy of \$5.0571 per thousand dollars of assessed valuation, except by the passage of an operational levy, which must continue to be approved at intervals. This makes long-term planning and operations for such a service problematic and uncertain. The City currently contracts with Clackamas Fire District #1 (CCFD1) to provide fire services. The money to pay CCFD1 for this service comes from the property tax proceeds the City currently collects. If the citizens of Oregon City voted to annex to CCFD1, the Fire District would levy its own property tax on real property within the City Limits.

This annexation would have some significant outcomes, the first is that CCFD1 would open and operate the South End Fire Station, which is currently sitting empty. A second outcome is that this annexation would provide stabilized funding for fire, which would provide better long term planning and operations of fire and EMS services for Oregon City. A third outcome is that some or all of the money that the City is currently using to contract for fire services could be used to provide other City services, thus averting the looming financial crisis. Another major outcome is that by annexing to CCFD1 and having the City keep a portion or all of the money they currently use to pay for fire services would result in a property tax increase to the citizens of Oregon City.

Annexing to CCFD1 represents one option available to the City of Oregon City. A second option is to cut departments programs and services (A list of discussed cuts is provided in the appendix). A third option is to do business differently (a list of these options is also included in the appendix.) Substantially changing the way the City does "business" creates its own series of issues related to service delivery expectations by City residents, and merely doing business differently does not guarantee cost reduction. Further research would have to be done.

Any of these choices are difficult and will have momentous ramifications for the community. In the end, the voters of Oregon City will decide what they want by ballot. However now the question is which option should we recommend to the voters?

The City Commission began this difficult decision making process by the appointment of the 2020 Blue Ribbon Task Force. The Task Force was charged with the responsibility of reviewing the City's current situation and making a recommendation to the City Commission. Ultimately, the City Commission must choose what to put before the people of Oregon City, however the work of the Task Force is critical in helping to make that decision.

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The Task Force recommends that prior to making this decision the City Commission confer with the City's Budget Committee, Citizens Involvement Committee, the Planning Commission, Parks and Recreation Advisory Board, the Library Board, and the Urban Renewal Commission. By doing this, the Commission will in essence be conducting a town hall meeting with their appointed citizen boards. If the Task Force's overall recommendation is accepted then eventually the City Commission will discuss this with the citizens of Oregon City and ask for their decision at a March election date.

Whenever possible the 24-member Task Force strived for consensus, but voted when necessary to make a decision. Several of the votes were close and there was intense debate about what the City should do, but the Task Force did make a final recommendation.

In summary, the City of Oregon City should:

- 1) Annex to Clackamas County Fire District #1, and ensure that the City achieve stable funding for fire and EMS as well as open the South End Fire Station.
- 2) Adjust its current tax levy by not levying its full amount to buffer the cost of the annexation and put in place a scheduled plan of recovery of the City's permanent rate over a ten-year period.
- 3) Put a charter amendment before the voters that defines the schedule of recovery for the permanent rate.
- 4) Levy only \$3.6771 per thousand of the City's permanent rate, which is \$5.0571
- 5) Adjust the Budget Committee's goal of a 10% contingency to 5%.
- 6) Continue to look at all options to improve the efficiency of city government and to increase revenue from other sources.

## OVERVIEW

The 2020 Blue Ribbon Task Force (BRTF) is an *ad hoc* citizens committee formed by Mayor Alice Norris and the City Commission to look into major financial issues and desired services and service standards for the future of Oregon City. Their charge is to:

- 1) Determine whether or not the City should annex to Clackamas County Fire District #1; and
- 2) Recommend program priorities and funding for City services.

The City is at a crossroads. Over the last decade our community's growing demand for General Fund municipal services has exceeded the City's ability to provide those services. Oregon City's population, like the State's, has, and will continue to grow. As a result virtually all City services funded by the General Fund have systematically been cut back or reduced. But dealing with the continued increasing need for basic and essential City services by instituting one more round of incremental budget reductions will not solve the pending financial crisis.

Philosophically we must decide what type of community we wish to have and what standard of service is acceptable to all citizens. City's are best defined as a community interest that collectively funds for its citizens what they cannot fund individually. Not all citizens accept or use each service. However, it is the sum total of all these services that define the essence of a city. Citizens, by agreeing to a level of city funding, determine the standard of living and livability they wish in their community. In making this decision we must understand that our municipal services along with private development create the lifestyle in our community.

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In this country we are fortunate to enjoy a high standard of living, many elements of which we take for granted. Similarly, here in Oregon City our buildings are safe, the police and fire departments respond to emergency situations and in many cases preserve and save lives, we have nice parks, a library, community events, paved roads, and we continue to improve the standards at which development takes place. These community standards come at a cost, which continue to increase. Our decision is whether to continue these standards, accept lower standards, or cut back on some of the services we enjoy today.

If nothing is done, the projected budget deficit for the City of Oregon City for the fiscal year that ends June 30, 2006 will be -\$133,884. That deficit grows to over -\$653,000 by June 30, 2007. Of course the City cannot allow itself to overspend its General Fund. To avert the immediate budget crisis and develop a long-term sustainable budget that can meet the needs of this City today as well as tomorrow, the City needs to find new revenues, reduce services, or provide a combination of the two that total approximately \$1.4 million.

At the same time that the City faces its worst financial crisis in decades, circumstances of geography, changing demographics (including population growth), the overall Portland metropolitan area's economic recovery and our own heritage present Oregon City with a unique opportunity to change and shape the nature of the community for the next 100 years in ways that just a few years ago would have been unattainable. It is within this context of multiple and competing issues that the 2020 Blue Ribbon Task Force was convened.

At its annual goal setting session in January 2004, the City Commission decided to form the Blue Ribbon Task Force as part of a larger three-point action plan to respond to the issues facing the City. The twenty-four member Task Force is reflective of the City, with members drawn from all sides of the political spectrum. Some members are relatively new to the City while others have lived their entire life here. The Task Force members have different occupations, different avocations, and different family backgrounds; in fact the only thing the members of the Task Force all have in common is that they live in Oregon City, and they demonstrated their commitment to making this community a better place by volunteering to help with this Task Force.

Not every member of the Task Force attended every single meeting. As with every volunteer effort unexpected personal issues or work and professional concerns made attendance for some members difficult. But a substantial number of all members attended every meeting and actively participated in the process.

The first meeting of the Task Force was at 6:00 PM on Tuesday, April 6, 2004. Over the next twelve weeks the Task Force met an additional ten times to complete their task. The Task Force had a few meetings at the Willamette Falls Community Education Center, one meeting was held at the Swimming Pool, one meeting was at City Hall and the rest were at the Pioneer Community Center.

At its heart, the City of Oregon City is a large, multifaceted, \$60 million a year business, that provides a large number of different services, some of which are regulated by ordinance, some of which are not, to all members of the community. Relatively few people understand all of the complex interrelationships of the various services, how those services are delivered and, most importantly, the impact those services have on individual members of the community.

So the first several meetings focused on information-sharing to ensure that the Task Force learned everything they needed to know about the City to make difficult decisions. And they learned about the City in great detail: departments, programs, service levels, facilities, business volume, public expectations, current and pending issues, personnel, revenue, expenditures and structure.

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The next step focused on department service levels and expectations. What did the Task Force members want and expect from their City: How many police FTE per 1,000 population does the City want? How many can we afford? What about parks? Or the fire service? What about the library? What type of planning and development review do we wish? The Task Force developed their own expectations about municipal services and then every major department and program provided by the City was reviewed and evaluated.

Then the Task Force members waded into the budget issue. They learned both the short term and long-term budget implications of providing additional services to meet growing community needs versus cutting programs to save money. They were presented with a mind-boggling array of options and choices related to cutting programs and services versus increasing taxes or finding other money.

Finally came the time to decide. The debate was as active as it was candid. There were direct and at times enthusiastic differences of opinion between Task Force members. The final recommendation of the Task Force was determined by a majority vote of those present. In short, it was exactly the kind of process one would expect to see from people who care passionately about their city.

The BRTF is made up of the following 24 Oregon City residents: Allan Dunn, Barb Streeter, Bill Daniels, Dan Fowler, Dan Holladay, Derrick Beneville, Daphne Wuest, David Spear, Don Sligar, Don Vedder, Ed Lindquist, Eddie Allick, Faye Taylor, Frank Bocchetti, Jerry Carr, Jessica Ross, Jim Hall, John Riggs, John Williams, Kimberly Dye, Lori Hunt, Nathan Watson, Shirley Smith and Wendell Baskins.

#### **OPTIONS EVOLUTION**

The City of Oregon City is a fairly large and complex organization. As a result there are a mind boggling number of permutations involving current standards of services versus targeted standards, potential reduction in departments and programs versus an increase in taxes, as well as the prioritization of City services. The Task Force reviewed all of the different options, and after much discussion there were six basic options that came to the surface.

As part of this process, the Task Force reviewed and adopted specific service level recommendations for City departments and programs. There was much discussion regarding how the different departments are run and what other options and opportunities they have to operate more efficiently and improve services. A list of some of the different options for providing city service are listed in the appendix.

The recommendations are:

- **POLICE.** Currently police staffing is 1.19 officers per 1,000 population. The state standard is 1.5 per 1, 000 population, the Task Force recommended a ratio of 1.5 per 1,000 by 2014. If the current level of City growth continues we will need to add 24 police officers over the next 10 years. Part of this is due to the fact that our current patrol division is 11 officers below this standard. Because of this deficit in patrol officers the City has eliminated certain calls the department responds to and we are need meeting our response standards in all response categories.
- **FIRE.** The response standard for fire and EMS calls is four-minute travel time response 90% of the time, for first unit arrival to structural fires and EMS incidents. We are not attaining this primarily because South End Fire Station is not staffed. This results in many longer responses to that area of the city.

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- **PUBLIC WORKS/STREETS.** The Public Works Department uses a Pavement Condition Index (PCI) of 1 to 100 to determine the maintenance status of any given street, with 100 being a newly paved road and 1 being in great need of repair. The Task Force approved a target PCI of 55 to 61 for street maintenance based on the 1999 street inventory.
- **PARKS & RECREATION.** There are several projects that need to be completed and then we need to maintain our standard maintenance program. The service standards for Parks & Recreation are contained in the appendix.
- **LIBRARY.** The BRTF also agrees with the services standards as indicated in the appendix for library services.
- **COMMUNITY DEVELOPMENT.** The service standards for Community Development are contained in the appendix as well. In addition to these standards there are several planning efforts mandated and desired for which there is no funding. This includes updates in the future for the recently adopted Comprehensive Plan, required concept plan for newly incorporated areas or proposed areas for incorporation, and requested neighborhood plans. In addition, the City's ability to oppose undesired or problematic development is impaired.

OPTIONS. The six options are:

- **Option 1: Status quo – Take no proactive actions**
  - Would require budget cuts of approximately \$1.4 million to produce a sustainable financial plan that will provide for prioritized services.
  - Would not provide stabilized funding for fire and EMS services
  - Would not open South End Fire Station
- **Option 2: Annex to CCFD #1 - No tax increase**
  - Reduce the City rate equal to the amount of Fire District = City Tax Rate of \$2.6833 (5.0571 - 2.3738)
  - Would require approximately \$2.4 million in budget cuts to produce a sustainable financial plan that will provide for prioritized services.
  - Would provide for stabilized funding for fire and EMS services
  - Would provide staffing for the South End Fire Station
  - Participation and involvement of Oregon City residents into the affairs and decisions of CCFD#1
- **Option 3: Annex to CCFD #1 – Retain 37¢ per \$1,000 of assessed valuation to maintain current City revenue (Would increase property tax.)**
  - Would require approximately \$1.4 million in budget cuts to provide a sustainable financial plan that will provide for prioritized services.
  - Would provide stabilized funding for fire and EMS services
  - Would provide staffing for the South End Fire Station
  - Participation and involvement of Oregon City residents into the affairs and decisions of CCFD#1
- **Option 4: Annex to CCFD #1 – Retain 60¢ per \$1,000 of assessed valuation – provides some additional revenue to the City. (Would increase property tax 97 cents.)**
  - Would provide stabilized funding for fire and EMS services
  - Would provide staffing of for the South End Fire Station

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- Participation and involvement of Oregon City residents into the affairs and decisions of CCFD#1
  - Would require City find \$62,535 in other budget cuts to balance budget and maintain a 5% contingency.
- Option 5: Annex to CCFD – Retain \$1.50 per \$1,000 of assessed valuation. (Would increase property taxes.)
  - Provide stabilized funding for fire and EMS services
  - Would provide staffing for the South End Fire Station
  - Participation and involvement of Oregon City residents into the affairs and decisions of CCFD#1
  - Provides approximately \$4.3 million of additional buying power over the ten year planning period for staffing, programming, and facility needs
- Option 6: Annex to CCFD – Retain full \$2.37 per \$1,000 of assessed valuation
  - Provides stabilized funding for fire and EMS services
  - Provides staffing for South End Fire Station
  - Participation and involvement of Oregon City residents into the affairs and decisions of CCFD#1
  - Provides additional \$28million in additional buying power over the ten-year planning period for other staffing, programming and facility needs.
  - Reestablishes most reduced services and allows city to address future needs.

## **GROUP PROPOSALS**

### **Group One**

Group One chose Option Six, Option 6, but would phase it in over a over a period of several years. They thought that all City services are important, but that the city also needs to look at ways of reducing the cost of doing business ads well as revenue enhancement opportunities. Group One also proposed a comprehensive public education program focusing on the City's financial status and the growing need for services to help explain to the citizens the need for action. Group One wants a "full service city."

### **Group Two**

Group Two chose Option Four but would phase in the property tax recovery rate over a period of several years. They also recommended a 5% contingency fund as opposed to a 10% contingency fund and a reduction in current expenditures of \$120,000. They also proposed locking the schedule of future property tax rate recovery into the City Charter. Group Two felt that while keeping the City's contingency fund at 10% was more fiscally prudent, reducing it was appropriate to consider a 5% contingency giving the current financial crisis. The change in the City's Charter would include the condition that the city would have to go to the people for a vote to use additional tax funds for the city's needs and be specific as to how those funds would be used. The group would leave the decision of where the \$120,000 in reductions would come from to the City Manager.

### **Group Three**

Group Three chose Option Five or Option Five and a Half. Two members of this group wanted Option Five and two wanted Option Six. They compromised and came up with Option Five and a Half. They feel that \$1.50 would not accomplish what is needed and feel that \$1.93 would be better. They also wanted the increase to be phased in over a period of years. They would want the City to be very specific as to how the additional revenue would be spent.

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#### **Group Four**

Group Four chose to create an Option Seven. Under this option, the City would not annex to CCFD. Rather the City would put a five year public safety operating levy before the voters asking for a property tax increase of .50 cents. Twenty-six cents would go to open the third fire station under contract with CCFD, and twenty-four cents would go to the possibility of hiring 2-3 more police officers. Group Four would also reduce the City's contingency fund to 5%. They feel that a fifty cent property tax increase is the maximum palatable option for the public. They proposed a 5% contingency and a Public Safety Levy.

#### **DECISION MAKING PROCESS**

During the 10<sup>th</sup> meeting the members of the Task Force were randomly assigned to one of four breakout groups. Each group was charged with the responsibility of developing a specific recommendation to respond to the issues facing the City. To facilitate the discussion, the groups were presented with the six different options listed above.

Each group was asked to develop a solution to the City's budget issues, and then to present their recommendation to the entire group. Following all the group presentations, each member of the Task Force was asked to prioritize the different options using round stickers. After all four proposals had been presented to the Task Force, the members were given colored voting dots. The dots were numbered one to four - one being first choice down to four being last choice. The members were then asked to place their dots on their choices. The total was calculated by adding the numbers of each dot together. The lowest score would equate the majority vote for the first choice.

Once all four groups had made their presentation the Task Force members were asked to select which of the options they preferred. The top two options were discussed in greater detail, and then the members were asked to vote for which option they preferred by a show of hands.

#### **FINAL RECOMMENDATION**

1. The City should request that CCFD#1 annex Oregon City.
2. If the City of Oregon City is annexed to CCFD#1 the City should adjust its tax rate to buffer the increase caused by annexation by not levying its entire permanent rate. The City should develop a scheduled plan of adjustments to recover their full permanent tax rate over a ten-year period. The schedule of the recovery will be determined within the context of an implementation plan that is being developed.
3. The City Commission should seek a charter amendment that locks the implementation plan into the City Charter so a future Commission would not attempt a faster recovery of the rate, but provide enough flexibility should the City find it can slow the recovery or hold the present rate steady if new economic growth and operational efficiencies created an environment that the rate recovery could be postponed or not needed.
4. The City and District should schedule the annexation election for the March 2005 election date. The City should schedule the Charter amendment election for the same election.
5. Reduce the contingency goal from 10% to 5% until economic times allow a stronger contingency.

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6. Prioritize service spending with emergency services at the top of the service priorities
7. The City should address street maintenance by achieving a PCI of between 55-61 and fund program through a Transportation Maintenance Utility Fee at some point in the near future. The implementation of this fee should be sensitive to the tax rate recovery schedule.
8. Look to improving or building new city facilities. The City Hall/Police Building should be put together with a combination of funds to include, but not be limited to:
  - a. Tax Increment financing
  - b. Tri-City Service District payment to City
  - c. Sale of current facilities
  - d. Possible bond (if necessary).
  - e. The construction of a new library should be financed through the passage of a capital bond. Any bond sales should also be sensitive to the tax rate recovery schedule.
9. The City should maintain both urban renewal districts and allow the Hilltop to close on schedule, unless new information or needs dictate otherwise.
10. Address Parks & Recreation, library service, and Community Development standards as outlined in this report.

These recommendations should allow for:

1. Improve public safety by:
  - a. Stabilized funding for fire and EMS
  - b. Staffing of third fire station
  - c. Participation and involvement of Oregon City residents into the affairs and decisions of CCFD#1
  - d. Increased police staffing
2. Improve service standards in other general fund service areas as defined by plan now being drafted; and no necessary cuts unless dictated by normal city drive toward better efficiency.
3. These recommendations result in no increase to the City's current tax rate
4. These recommendations result in the inclusion of the CCFD#1 tax rate into the tax code for Oregon City. The City will buffer this impact by not levying its full permanent rate and recovering this rate over a ten-year period.

# OREGON CITY

## 2020 BLUE RIBBON TASK FORCE

### APPENDIX

1. Letter from Mayor
2. Ground Rules
3. City of Oregon City Organizational Chart
4. Hierarchy of City Services
5. Service Standards
6. Options for Providing City Services
7. Decision Making Process
8. Decision Making Flow Chart

# OREGON CITY 2020 BLUE RIBBON TASK FORCE

## Appendix One – Letter from the Mayor

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# CITY OF OREGON CITY

Incorporated 1844

ALICE NORRIS  
MAYOR

320 Warner Milne Road  
PO Box 3040  
Oregon City, OR 97045-0304  
(503) 657-0891  
FAX (503) 650-5392

March 22, 2004

To: Members of the Blue Ribbon Task Force  
From: Mayor Norris and Commissioners Lemons, Bailey, Hewitt, and Neeley

Thank you for agreeing to serve on this important short-term *ad hoc* committee for the City of Oregon City.

We believe that your ability to think broadly about city concerns, your residency and activities within the community, and your knowledge of issues in Oregon City will benefit the work of this Task Force. We have assembled 24 citizens that will represent the diversity of interests, geography and businesses within our city.

As was explained to you on the telephone, this Task Force will be meeting for about six weeks. With our facilitator, Scott Palmer, of the Palmer Group, you will be looking at issues surrounding annexation to our fire district, and looking at our city's financial projections with an eye to prioritizing services. You will be touring some city facilities and looking at financial scenarios. Your deliberations will certainly focus on increased tax support for vital city services. We expect that you will end with a recommendation (or series of recommendations) to present to the City Commission in June.

The first meeting of the Blue Ribbon Task Force is:

❖ Tuesday, April 6, 2004 from 6:00 p.m. to 9:00 p.m. at the Willamette Falls Hospital Community Health Education Center, in Room 'C' located at 519 15<sup>th</sup> Street, Oregon City, OR 97045.

Please call Larry Patterson, City Manager at 503-496-1505, if you have questions or concerns.

Thanks again for your commitment to serve on this important committee.

**APPENDIX ONE**

PRESERVING OUR PAST - BUILDING OUR FUTURE

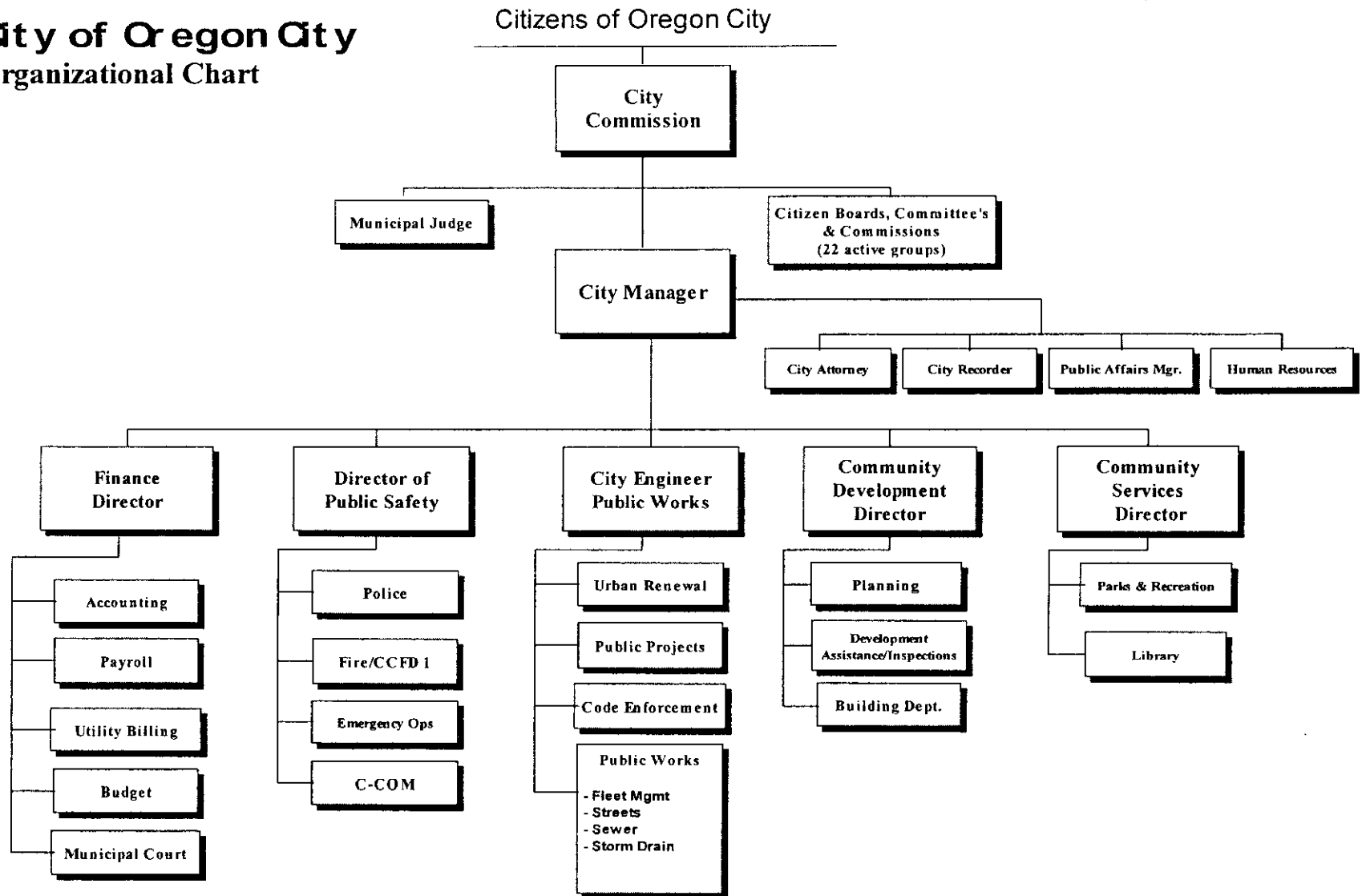
# **OREGON CITY 2020 BLUE RIBBON TASK FORCE**

## **Appendix Two – BRTF Ground Rules**

### **Task Force Ground Rules**

1. We sought for consensus, but majority rules.
2. Task Force members will bring their notebooks to every meeting.
3. Silence is consent.
4. Missed meetings – Task Group will not cover the same information twice. Task Group members who miss meetings need to contact either Larry or Scott to get up to speed on what happened.
5. Task Force members can ask for specific information relevant to the Task Force mandate.
6. Committee members may ask to have relevant information presented to the Task Force.
7. Committee member questions should be directed to Scott Palmer, Facilitator or Larry Patterson, City Manager. The question will be researched and depending when the answer comes in; will be made available at the next meeting or the following meeting.
8. There will be a 15-minute public comment period at end of each meeting.
9. We will maintain a collegial environment – By serving on the Task Force we agree to disagree.
10. Definitions

# City of Oregon City Organizational Chart



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# OREGON CITY 2020 BLUE RIBBON TASK FORCE

## Appendix Four – Hierarchy of City Services

### City Government Hierarchy of Services

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#### Livability Services

Human Services	Open Space & Trails	Design Standards	Recreation	Code Enforcement	Multi Model Transportation	Culture & Arts
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#### Community Development Services

Planning	Economic Development	Building Inspections	Development Review	Parks	Urban Renewal	Library
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#### Essential Services

Police	Fire	EMS	Water	Sewers	Streets	Storm Drainage
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# OREGON CITY 2020 BLUE RIBBON TASK FORCE

## Appendix Five – Service Standards

### Memo

**To: Blue Ribbon Task Force**  
**From: Larry Patterson, City Manager**  
**Re: Standards of Service**  
**Date: May 18, 2004**

### Police

1. Maximum three-minute response to life saving emergencies
2. Four-minute response, 80% of the time, to crimes in progress and/or potential threat to life.
3. Twenty-minute response, 80% of the time to reports to priority two calls (crimes that are not in progress).
4. Maximum twenty-four hour response to priority three calls (calls not involving the initial reporting of a crime, and request for service of a non-criminal nature).
5. Clearance rate equal to or above national average
6. 30% average available patrol time.

### Fire

1. Four-minute travel time response, 90% of the time, for the 1<sup>st</sup> Unit to structural fires and emergency medical incidents.
2. Eight-minute travel time response, 90% of the time, for the 2<sup>nd</sup> Unit to structural fires and emergency medical incidents.
3. Each fire company at paramedic level, 24/7
4. Fire inspections of all target hazards at least once per year.
5. Fire inspections of general business occupancies at least once every two years.
6. Emergency Management functional capacity.

### Streets

1. PCI of 55-61 (statewide average)
2. Scheduled Pavement Management program to systematically improve each section of city roads on regular basis

### Parks

1. Green
  - a. Irrigate all lawn and planting areas twice weekly during the growing season (approximately June-September)
  - b. Mow twice weekly during the growing season (March-October)
2. Clean
  - a. Clean park restrooms on the following schedule
    - i. Regional Parks: 3 times daily during high use season and daily during low use season
    - ii. Community Parks: daily during high use season and twice weekly, if open, during low use season
    - iii. Neighborhood Parks, with ball fields or play equipment, same as Community Parks
    - iv. Neighborhood Parks without fields or play equipment, twice weekly when open.

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- v. Pick up litter in Regional, Community, and high use Neighborhood Parks daily during high use season and weekly the rest of the year.
- 3. Safe
  - a. Inspect and repair all playground equipment on a daily basis during high use season and weekly the rest of the year.
  - b. Repair and replace broken sidewalks and trip hazards within three weeks of inspection.
  - c. Inspect all Regional, Community and high use Neighborhood Parks daily during high use season (March-October) and weekly during low use season. Inspect low use Neighborhood Parks weekly.
  - d. Inspect and repair all park facilities, buildings, shelters, pools, picnic areas, etc. twice per year.
- 4. Implement
  - a. A system of trails connecting parks, schools, and other major city attractions.
  - b. A system of parks, neighborhood, community, and regional within reasonable district of housing to meet local demands and reduce the dependency on vehicles for local recreation

#### **Recreation**

- 1. Program and offer 75 class/programs per quarter; with the following manual breakdown:
  - a. 10 specifically for older adults
  - b. 5 pre school
  - c. 5 youth
  - d. 5 middle school
  - e. 10 high school/adult
  - f. 5 family
  - g. 3 community/special events
  - h. 10 historical/cultural or arts
  - i. 22 aquatic
- 2. Partner or co-sponsor activities or events with 5 different Community organization annually
- 3. Produce a quarterly Community/Program guide and distribute to all OC residents

#### **Library**

- 1. Provide library service 48 hours per week to meet the needs of the local community.
- 2. Provide the services of Reference Librarian and Children's Librarian during all operating hours.
- 3. Participate in the Clackamas County Library Network system in the sharing of resources and economies of scale throughout the county.

#### **Community Development**

- 1. Current Standards (development related permits)
  - a. Determination of completeness within 30 days
  - b. Decision within 120 days
  - c. Building permit/plan review issuance within 2 to 3 weeks
- 2. Planning
  - a. Major update of Comprehensive Plane every five years (periodic review)
  - b. Annual code and map review
  - c. Annual review of land development/annexation process
  - d. Neighborhood plans – one every two years
  - e. Concept plans as needed, currently there are three required in the next three years.

# OREGON CITY 2020 BLUE RIBBON TASK FORCE

## Appendix Six – Options for Providing City Services

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### **Memo**

**To:** Blue Ribbon Task Force  
**From:** Larry Patterson, City Manager  
**Re:** Options for providing City services  
**Date:** April 27, 2004  
**CC:** Mayor Norris and City Commission

Listed below are various options for providing services. There are pros and cons for each option, which I have not listed. After review of current city services and needs you may wish to discuss any or all of these options. At that time I will be happy to provide my viewpoints on the advantages and disadvantages of each of these.

### **Police**

- Do away with City police department and just have County Sheriff services for city law enforcement
- Do away with City Police Department and contract with County Sheriff for basic Sheriff service and any enhancements desired by community
- Do away with City Police Department and create a law enforcement district
- Local Option Levy for enhanced police services (to be determined)

### **Fire**

- Recreate city department
- Contract fire service at whatever level as we are doing now
- Annexation to Fire District

### **Library**

- Creation of Library District
- County Library services
- Current city/county partnership
- One main library with several satellites. Basic satellite is small with some sitting and study areas. Satellites have stronger emphasis on technology versus in facility materials. Few shelves and materials, most on line for order with a one or two day delivery. Remote warehouse where most materials stored for retrieval upon order.
- Public/private partnership with major bookstore. City provides some funding to buy down cost, but patrons will buy materials versus check out.

### **Parks**

- Do away with city parks department and annex to County Parks and Recreation District
- Public/private partnership to develop recreation/aquatic center (discussion are underway at present time)
- Consortium of cities each supplying different aspects of parks and recreation
- Provide parks and facilities all recreation programming is provided by individual groups or organizations. (Most of recreation programming provided this way today)

### **Community Development**

- Contract with County

BRTF Final Report to City Commission  
August 2, 2004

- Contract Engineering Review

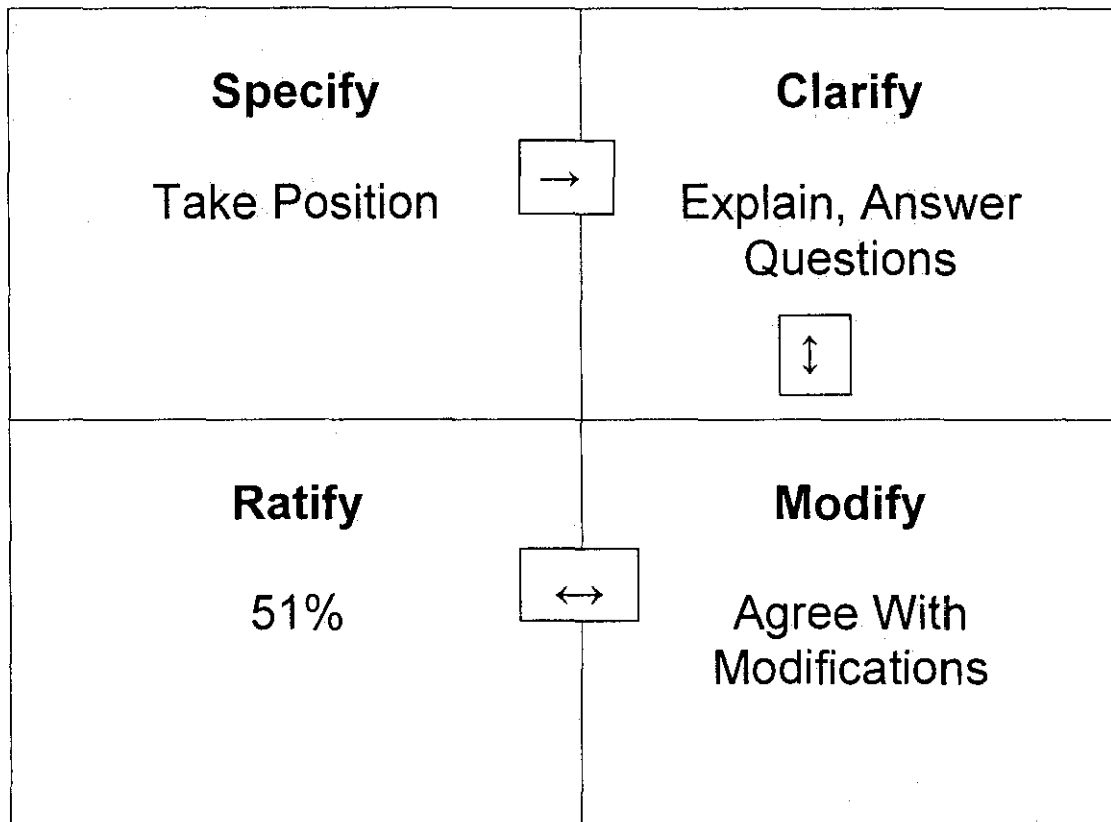
**Other Financing**

- Cost study and change financing of above services to fee for service. Individualized payment based on level of service desired.
- Contract or leased management
- Local Option Levy for any or all services

# OREGON CITY 2020 BLUE RIBBON TASK FORCE

## Appendix Seven - Decision Making Process

### Decision Making Process



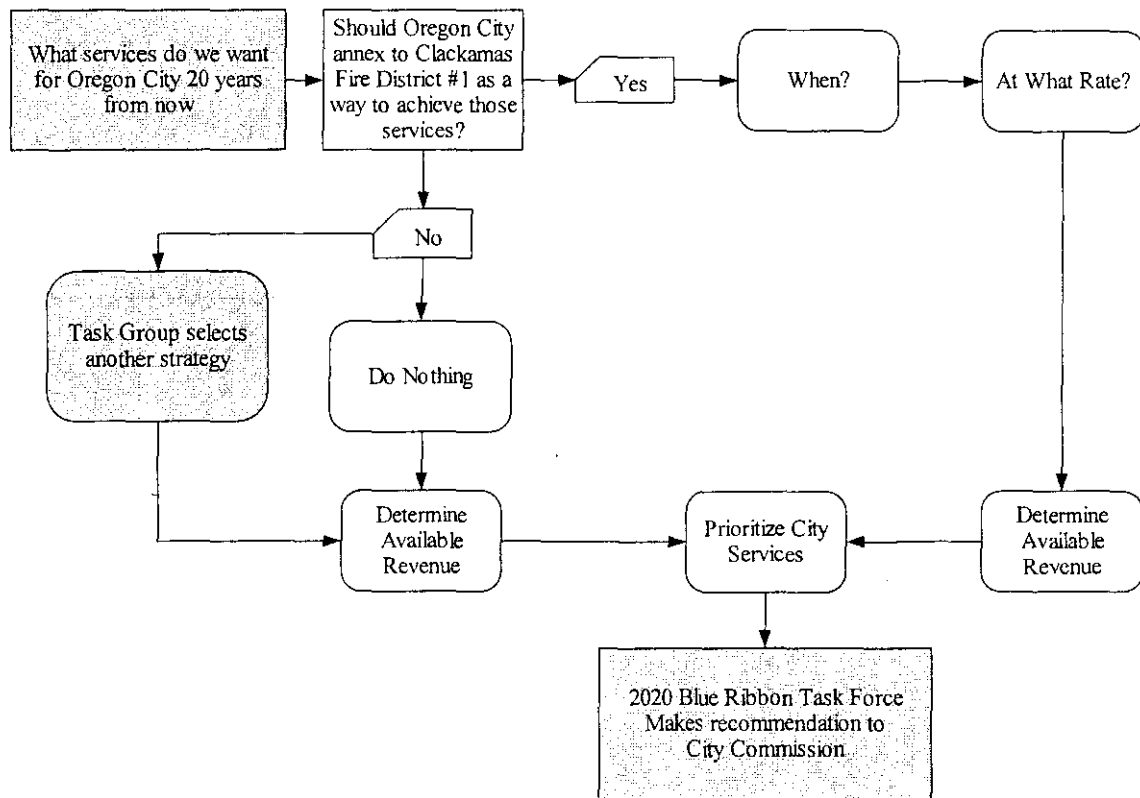
# OREGON CITY 2020 BLUE RIBBON TASK FORCE

## Appendix Eight - Decision Making Flow Chart

### Oregon City - 2020 Blue Ribbon Task Force

#### Decision Flow Chart

Revised: 4/19/04







*Madame Mayor, Members of the City Commission, Fellow Task Force Members and Citizens,*

**I am Lori Hunt** and it is my pleasure to present the report and recommendation of your 2020 Blue Ribbon Task Force.

The report and recommendations I am delivering tonight are the result of hours of information gathering, deliberation, debate, and soul searching on the part of all members of your committee.

The Committee held 11 meetings, which encompassed over 30 hours of meeting time. In addition Committee Members, Staff, and your facilitator Scott Palmer invested over 200 hours of preparation time in preparing for our committee gatherings.

You have before you this evening a written report of our deliberations and recommendations.

I along with a few of my committee colleagues wish to provide you a detailed oral briefing of this report. Also this evening you have other members of the committee and your city staff here to answer any questions you may have.

With that introduction let me introduce the members of the Blue Ribbon Task Force that are here this evening.

Now Madame Mayor with your permission my fellow members and I will present to the Commission our report and recommendations.

The City of Oregon City is facing a significant, long-term financial crisis. If the City were to take no action and continue its present course at the end of Fiscal Year 2005/06 (next fiscal year) your general fund is projected to have a deficit of \$133,884.

However, the city cannot run a deficit budget.

To balance next years budget you will need to find cuts of \$133,884 to balance the budget. And an additional \$700,000 plus dollars to provide the General Fund a 5% working capital carryover (contingency).

In this scenario we will not have:



1. Provided stabilization in funding for fire
2. The South End Fire Station will remain closed,
3. We will not have added any additional staffing to meet growing demands for service in various areas,
4. We will be faced with having to make prioritized cuts, which may include major reductions in many and perhaps all of the following areas: police, fire and EMS, parks and recreation, city library, city planning efforts, street lighting, and cemetery maintenance.

This scenario follows a decade where virtually all city services funded by the General Fund have systematically been cut back or reduced.

Instituting one more round of incremental budget reductions will not solve the crisis or provide the city with a sustainable plan for developing our community. Such an approach will not provide the services that are essential to our community or those desired by our citizenry.

At the same time that the city faces this financial crisis, we are at a unique time in Oregon City's history where opportunity to change and shape the nature of the community for the next 100 years. A few years ago these opportunities for change we now have at our doorstep would have been unattainable.

The City is at a crossroads! The City must make major budget cuts, find additional revenues, and/or provide a combination of budget cuts and increased revenues to develop a budget, which can provide a long-term financial plan for the sustain development and delivery of desired community services. It is because of this crossroad and the decisions before this community that you appointed the Blue Ribbon Task Force to:

1. Consider the question of whether the City of Oregon City should consider requesting annexation to Clackamas County Fire District #1; and
2. If so what if anything should the City do in regards to the levying of its permanent tax rate?

Prior to considering these questions we first asked ourselves what type of community do we wish to have. Allow me to call on former Mayor Dan Fowler to provide some insight into this discussion.

## **Dan Fowler**

You asked us to deal with a set of complex questions. The answers are complex because the City is a multifaceted \$60 million dollar a year business, that provides a large number of different services, some regulated by state law and local ordinances, and some of which do not directly touch each citizen equally.

Relatively few citizens understand all of the complex interrelationship of the various services, how those services are delivered, and, most importantly, the impact those services have if certain standards are not maintained.

These interrelationships are even more complex in that certain revenues are restricted to only specific services and cannot be used to fund other and perhaps even higher priorities.

Our initial discussion and debate involved two important standards. First is one of vision. What kind of community do we wish to be and what standard of livability do we wish to achieve. The second follows the first, what standards of service do we wish to achieve for each General Fund Service Area.

Our debate looked at various options for providing city services. Some are very creative. Others just plain do not work. Each has costs and implications for the recipients of those services and the community as a whole.

Philosophically, a city is best defined as a community of interest that collectively funds services that they cannot afford to provide individually. In so doing not all citizens accept or use each service. However, it is the sum total of all these services that define the essence of the city.

Citizens by agreeing to a level of city funding, determine the standard of living and the life style of their community.

In debating these issues our committee like our neighbors did not wish to raise taxes, however we could not cut services. And yet to do nothing was not an option either.

Also to just provide visionary goals was not action and you asked us for concrete recommendations.

After considerable debate I believe I can report:

1. All did feel the need to add police staffing.
2. All feel we should stabilize fire funding. Individually there was debate on how to do that. Should we annex to CCFD#1? Should we annex to TVF&R? Should we add money to the current contract?
3. Most feel we should staff the South End Fire Station.
4. We all feel we should improve our road and parks maintenance.
5. We all understand the need for planning and our requirements to adhere to state mandate land use.
6. We all believe that the City should have library services. We disagree on how to provide those, but our majority vote was to improve the service we have today and provide a modern facility to serve Oregon City and those who use our library.
7. Collectively we support the swimming pool and understand the need to improve that facility.
8. We all enjoy Carnegie, but felt it should be done in a way that is not a subsidized operation. We also feel this should be a break-even operation within the next two years.
9. The Committee feels we should continue to improve the economy and development of this community. As the Mayor has often stated we should ask for higher standards from our development community. Standards, which support quality development. As a majority we feel we should maintain our urban renewal efforts and that the Hilltop district should close as scheduled in 07/08, unless new opportunities and needs dictate otherwise.

We examined each service and heard from each department.

### **Lori Hunt**

As Dan indicated we examined each department's service levels, needs, service standards, and the cost of maintaining those service standards.

1. We asked ourselves what did the Task Force members want and expect from their City?

2. How many police officers per thousand was the appropriate number to provide response time standards desired?
3. What about Parks?
4. What is our standard of fire and EMS response? Are we meeting these standards?
5. And many more questions about service and cost.

Allow me to ask David Spear to report to you on our discussion of service standards

### **David Spear**

Madame Mayor and Members of the City Commission on the screen now are the service standards that were discussed with your Blue Ribbon Committee. For the sake of brevity I will not read these to you, but indicate the committee believes these are the standards of service the community expects and we would like to maintain.

Allow me to just hit some of the highlights (David you can pick and choose from the standards presented below.

#### **Police**

1. Maximum three-minute response to life saving emergencies
2. Four-minute response, 80% of the time, to crimes in progress and/or potential threat to life.
3. Twenty-minute response, 80% of time to reports of crimes that are not in progress.
4. Maximum twenty-four hour response to other calls not involving the initial reporting of a crime, and request for service of a non-criminal nature.
5. Clearance rate equal to or above national average
6. 30% average available patrol time.

#### **Fire**

1. Four-minute travel time response, 90% of the time, for the 1<sup>st</sup> Unit to structural fires and emergency medical incidents.
2. Eight-minute travel time response, 90% of the time, for the 2<sup>nd</sup> Unit to structural fires and emergency medical incidents.
3. Each fire company at paramedic level, 24/7
4. Fire inspections of all target hazards at least once per year.
5. Fire inspections of general business occupancies at least once every two years.
6. Emergency Management functional capacity.

## **Streets**

1. PCI of 55-61 (statewide average)
2. Scheduled Pavement Management program to systematically improve each section of city roads on regular basis

## **Parks**

1. Green
  - a. Irrigate all lawn and planting areas twice weekly during the growing season (approximately June-September)
  - b. Mow twice weekly during the growing season (March-October)
2. Clean
  - a. Clean park restrooms on the following schedule
    - i. Regional Parks: 3 times daily during high use season and daily during low use season
    - ii. Community Parks: daily during high use season and twice weekly, if open, during low use season
    - iii. Neighborhood Parks, with ball fields or play equipment, same as Community Parks
    - iv. Neighborhood Parks without fields or play equipment, twice weekly when open.
    - v. Pick up litter in Regional, Community, and high use Neighborhood Parks daily during high use season and weekly the rest of the year.
3. Safe
  - a. Inspect and repair all playground equipment on a daily basis during high use season and weekly the rest of the year.
  - b. Repair and replace broken sidewalks and trip hazards within three weeks of inspection.
  - c. Inspect all Regional, Community and high use Neighborhood Parks daily during high use season (March-October) and weekly during low use season. Inspect low use Neighborhood Parks weekly.
  - d. Inspect and repair all park facilities, buildings, shelters, pools, picnic areas, etc. twice per year.
4. Implement
  - a. A system of trails connecting parks, schools, and other major city attractions.
  - b. A system of parks, neighborhood, community, and regional within reasonable district of housing to meet local demands and reduce the dependency on vehicles for local recreation

## **Recreation**

1. Program and offer 75 class/programs per quarter; with the following manual breakdown:

- a. 10 specifically for older adults
  - b. 5 pre school
  - c. 5 youth
  - d. 5 middle school
  - e. 10 high school/adult
  - f. 5 family
  - g. 3 community/special events
  - h. 10 historical/cultural or arts
  - i. 22 aquatic
2. Partner or co-sponsor activities or events with 5 different Community organization annually
3. Produce a quarterly Community/Program guide and distribute to all OC residents

### **Library**

1. Provide library service 48 hours per week to meet the needs of the local community.
2. Provide the services of Reference Librarian and Children's Librarian during all operating hours.
3. Participate in the Clackamas County Library Network system in the sharing of resources and economies of scale throughout the county.

### **Community Development**

- A. Current Standards (development related permits)
  - a. Determination of completeness within 30 days
  - b. Decision within 120 days
  - c. Building permit/plan review issuance within 2 to 3 weeks
- B. Planning
  - a. Major update of Comprehensive Plane every five years (periodic review)
  - b. Annual code and map review
  - c. Annual review of land development/annexation process
  - d. Neighborhood plans – one every two years
  - e. Concept plans as needed, currently there are three required in the next three years.

### **Lori Hunt**

We also examined others ways to deliver City Services. I will ask Mr. Patterson to outline the various other ways we could think about delivering services. I can report to you the Committee did not spend a lot of time on these because each have implications and do not necessarily save money. Also as a majority we did not find a consensus to move down any of these avenues.

## **Larry Patterson**

Madame Mayor and Members of the City Commission, briefly I will run through a list of other methods of delivering city services. Each of these approaches has pros and cons, and they may not solve the budget issues. Also many of these would involve negotiations with other jurisdictions, which could be problematic.

### **Police**

- Do away with City police department and just have County Sheriff services for city law enforcement
- Do away with City Police Department and contract with County Sheriff for basic Sheriff service and any enhancements desired by community
- Do away with City Police Department and create a law enforcement district
- Local Option Levy for enhanced police services (to be determined)

### **Fire**

- Recreate city department
- Contract fire service at whatever level as we are doing now
- Annexation to Fire District

### **Library**

- Creation of Library District
- County Library services
- Current city/county partnership
- One main library with several satellites. Basic satellite is small with some sitting and study areas. Satellites have stronger emphasis on technology versus in facility materials. Few shelves and materials, most on line for order with a one or two day delivery. Remote warehouse where most materials stored for retrieval upon order.
- Public/private partnership with major bookstore. City provides some funding to buy down cost, but patrons will buy materials versus check out.

### **Parks**

- Do away with city parks department and annex to County Parks and Recreation District
- Public/private partnership to develop recreation/aquatic center (discussion are underway at present time)
- Consortium of cities each supplying different aspects of parks and recreation

- Provide parks and facilities all recreation programming is provided by individual groups or organizations. (Most of recreation programming provided this way today)

### **Community Development**

- Contract with County
- Contract Engineering Review

### **Other Financing**

- Cost study and change financing of above services to fee for service. Individualized payment based on level of service desired.
- Contract or leased management
- Local Option Levy for any or all services

### **Lori Hunt**

Finally we arrived at decision time. I can report to you our debate was as active as it was direct. There were enthusiastic differences of opinions and emotions were high.

We did not achieve unanimity but we did reach strong majority.

We explored six options:

- Option 1
  - Status quo (No annexation = Current City Tax Rate of \$5.0571
  - Will Require budget cuts of approximately of approximately \$1.2 million to achieve balance and provide 8% contingency
- Option 2
  - No tax increase
    - Reduce city rate equal to amount of Fire District = City Tax Rate of \$2.6833 (\$5.0571-\$2.3738)
    - Will require cuts of approximately \$2.4 million
- Option 3



- Annexation only
    - (City reduces tax rate equal to amount now providing to fire = City Tax Rate of \$3.0571)
  - Tax increase of .37 cents
  - Provides stabilization of fire funding
  - Provides funding for 3<sup>rd</sup> fire station
  - Will require budget cuts of approximately \$1.4 million to achieve balance and 8% contingency
- Option 4
    - Tax increase of .97 cents
      - City maintains .60 cents = City Tax Rate of \$3.6571
    - Provides stabilization of fire funding
    - Provides funding for 3<sup>rd</sup> station
    - Will require cuts of \$541,290 to achieve balance and provide 8% contingency
  - Option 5
    - Tax increase of \$1.50 = City Tax Rate of \$4.5571)
    - Provides stabilization of fire funding
    - Provides funding for 3<sup>rd</sup> fire station
    - Allows city to hire 15 officers over 10 years
    - Provides additional buying power of approximately \$4.3 million in buying power for other staffing, programming, and facility needs
    - Requires no reductions in 10 year planning horizons
  - Option 6
    - Tax increase of \$2.37
      - City maintains current city tax rate = City Tax Rate of Current \$5.0571
    - Provides stabilization of fire funding
    - Provides funding for 3<sup>rd</sup> station
    - Allows city to hire 24 officers over 10 years.
    - Provides additional \$8.7 million in buying power for other staffing, programming, and facility needs
    - Requires no reductions in 10 year planning horizon

Task Force was divided into four small groups and they developed four proposals. Each group reviewed the options and developed a specific proposal that was presented to the entire task force.

- Group 1 chose option six: Annex to CCFD#1 – Retain full \$2.37 per \$1,000 of assessed valuation
  - Phase in increase over several years
  - All city services are important
  - City needs to look at ways of reducing cost/enhancing revenue
- Group 2 chose option 4: Annex to CCFD#1 – Retain 60 cents per \$1,000 of assessed value
  - Increases property tax 97 cents
  - Requires City to find \$120,000 in other budget cuts
  - Phase tax increase in over a period of several years
  - Lower contingency fund to 5% from 10% goal
  - Lock tax rate recover into City Charter
- Group 3 chose option 5 (modified): Annex to CCFD#1 – Retain \$1.93 per \$1,000 of assessed valuation.
  - Phase in tax increase over a period of several years
  - City would develop a very specific plan on what the money would be spent for and when
- Group 4 created an option 7: Do not annex to CCFD#1
  - Place a 5-year public safety local option levy on ballot, for 50 cents per \$1,000 of assessed valuation
  - 24 cents would go to Police Department to hire two or three new officers
  - 26 cents would be used to have CCFD#1 open and staff the South End Fire Station
  - Reduce city's contingency fund goal to 5%

## **Lori Hunt**

And we refined our preferred option and we are recommending to you this evening the following actions:

1. The City should request that CCFD#1 annex Oregon City.
2. If the City of Oregon City is annexed to CCFD#1 the City should adjust the city's tax rate to buffer the increase caused by annexation by not levying its entire permanent rate. The City should develop a scheduled plan of adjustments to recover the city's full permanent tax rate over a ten-year period. The schedule of the recovery will be determined within the context of an implementation plan that is being developed.
3. The City Commission should seek a charter amendment that locks the implementation plan into the city charter so a future Commission would not attempt a faster recovery of the rate, but provide enough flexibility should the City find it can slow the recovery or hold the present rate steady if new economic growth and operational efficiencies create an environment that the rate recovery could be postponed or not needed.
4. The City and District should schedule the annexation election for the March 2005 election date. The City should schedule the Charter amendment election for that same election.
5. Reduce the contingency goal from 10% to 5% until economic times allow a stronger contingency.
6. Prioritize service spending. The staff did present to the Committee service reduction priorities. Like any recommendations I know they will wish to continue to look closer at this list before final recommendation and you will want to review and decide if you agree with the recommendations. I will ask Don Vetter in a moment to discuss these with you.
7. The City should address street maintenance by achieving a Pavement Condition Index rating of between 55-61 as indicated on the 1999

survey and fund such a program with the implementation of a transportation maintenance utility fee at some point in the near future. The implementation of this fee should be sensitive to the tax rate recovery schedule.

8. Look to improving or building new city facilities. The City Hall/Police Building should be put together with a combination of funds to include, but not be limited to:
  - a. Tax Increment Financing
  - b. The assumed Tri-City Service District Payment to the City
  - c. Sale of current city facilities
  - d. A partial bond sale if necessary
  - e. The construction of a new library should be financed through the passage of a capital bond. Any bond sales should also be sensitive to the tax rate recovery schedule.
9. The City should maintain both urban renewal districts and allow the Hilltop to close on schedule, unless new information or needs dictate otherwise.
10. Address parks and recreation, library service, and community development standards as outlined in your written report and plan.

Allow me to call on **Don Vedder** to review possible service reductions with you.

### **Don Vedder**

Madame Mayor and Members of the City Commission.

If the method chosen to balance the budget is cutting only, you will be looking for roughly \$833,000 dollars in cuts. This will balance your budget and provide a 5% contingency, but will not give you the long-term sustainable growth to build back and maintain all services.

To build back and maintain all services you will need to find approximately \$1.4 million dollars in cuts

The City will have to make decisions about which services it can offer and provide to a growing city.

The community needs to continue to look at these prioritized cuts and you may wish to substitute others depending on your view of the priorities.

But you will see balancing your budget by reductions alone will be a difficult and painful task.

These recommendations are to attempt to balance the budget with the least pain. However, to get to \$833,000 or \$1.4 million in reductions requires you to look beyond just desired services and into what many feel are essential services.

The possible reductions are:

1. Reduce your current cemetery program to maintenance only. You will still be required to do some burials, but you would not continue to sell lots or accept new burials. This could save you approximately \$120,000 per year. This would eliminate at least two positions.
2. Begin a program to eliminate some street lighting. After some initial costs you could possible save approximately \$75,000 per year. Cumulative total now is \$195,000
3. Contract out the operations of the Carnegie Center. You will continue to have some building maintenance cost, but if you can find a vendor willing to enter into a lease to operate a defined business out of the Carnegie you could possible save \$100,000 per year. If you cannot you will need to consider closing this operation.
4. Eliminate your public affairs position. Since communication is an important program you will need to add some clerical assistance to the City Manager's office to assist with this important function and work with neighborhood associations. This will save you approximately another \$35,000
5. Contract the Community Development Engineering function. There are some issues the city will need to ensure are addressed in doing this and these folks do other tasks as needed from time to time that

you will not have a human resource for, but this should save, if a contractor is found, approximately \$85,000 per year. Cumulatively we are now at \$415,000 per year. Another \$1 million to go and you already have given up quite a bit.

6. Close your swimming pool. This will save you approximately \$178,000 a year. At this point you may be able to eliminate some additional management cost because your recreation program is down to primarily the Pioneer Center and coordinated recreational programming. We are now at a cumulative total of \$593,000
7. Eliminate one of your front desk positions. This will save another \$35,000.
8. Now you have to make some bigger decisions. You either go to the Library, Police, or Community Development. You can achieve perceived savings by closing library hours, but because of your funding formula the only way to have significant savings is by shutting the library. This will save approximately \$431,000. We discussed the library first because emergency services were the first priority and much of community development is mandated. Our cumulative total now is \$1,024,000. This takes some beyond the \$833,000 so maybe some tweaking here can maintain some type of library operations.
9. Police would come next and these are your first areas.
  - a. Reserves approximately \$12,000
  - b. Eliminate the Community Services Officers \$50,000
  - c. Eliminate Dedicated Traffic Enforcement \$200,000. Some of the savings will not be realized if you reassigned the officers. If you eliminated police officers you could achieve most of this savings.
10. Finally you get into community development and this is a difficult area to reduce given the focus on this area and our requirements. However you will need to seriously look at how you are doing business.

## **Lori Hunt**

I would now like to ask Mr. Patterson to give you a brief review of a conceptual plan that follows our recommendations.

## **Larry Patterson**

Madame Mayor and Members of the City Commission the plan I will show you is as Ms Hunt has indicated. It is a conceptual plan. It was developed in the parameters established by the Committee. It was developed to see if the recommendations that the committee developed could be implemented. As we move toward placing a plan before our community we will wish to take some additional time to refine this plan. Also your review with your standing committee may modify some of the recommendations you are receiving tonight.

## **Lori Hunt**

The committee feels that if the City and its citizens approve these recommendations the City of Oregon City will:

1. Improve public safety by:
  - a. Stabilizing funding for fire and EMS
  - b. Providing staffing for the South End Fire Station, thereby providing better response for both fire and EMS to that part of the City
  - c. Allow Oregon City residents to participate and be involved in the affairs and decisions of CCFD#1
  - d. Increase Police staffing so response time can be improved and police services and programs can be maintained and enhanced as we grow
2. Cleaner and safer parks
3. A more organized and diverse recreation program
4. A modern library with enhanced programming
5. Stronger planning that includes funding for concept planning and updating of our comprehensive plan as needed.
6. Stronger economic growth
7. And improved livability and community appearance.

In addition to these improvements this plan does:

1. Result in no increase to the city's current permanent tax rate;
2. However, we do recommend this rate be adjusted to buffer adding CCFD#1's tax rate to the combined city total rate and the city recover its permanent rate over a ten year period.
3. Inclusion of the CCFD#1 tax rate into the tax code for Oregon City.

Madame Mayor, Members of the Commission, and Citizens, I know the Committee's recommendations ask for a sacrifice on the part of each citizen. Our request is with the firm belief that we can make Oregon City one of the best cities in the state, and a place all citizens are proud of, a place to raise our families, and a place to call home.

Some have argued this is too much to ask and our citizens will not support such a plan. The Committee as a whole felt it was not our decision to decide for the community, but to explain the needs and the cost and ask the citizens what type of community they want.

As a single mom of two daughters I can tell you I that I am willing to pay more in taxes so that my daughters can enjoy the services a flourishing city should provide to its citizens and their families! And Oregon City should be flourishing and providing these essential services that make a city a viable place to call home. Oregon City cannot afford to not approve this plan.

Thank you for allowing us the opportunity to serve our community and we stand ready to answer any and all questions you have of us.









# City of Oregon City 2020 Blue Ribbon Task Force

## Final Report

# Task Force Members

- Allan Dunn
- Barb Streeter
- Bill Daniels
- Dan Fowler
- Dan Holladay
- Derrick Beneville
- Daphne Wuest
- David Spear
- Don Sligar
- Don Vedder
- Ed Lindquist
- Eddie Allick

- Faye Taylor
- Frank Bocchetti
- Jerry Carr
- Jessica Ross
- Jim Hall
- John Riggs
- John Williams
- Kimberly Dye
- Lori Hunt
- Nathan Watson
- Shirley Smith
- Wendell Baskins

# Meeting Dates

- April 6

- April 13

- April 20

- April 27

- May 14

- May 18

- May 25

- June 1

- June 15

- June 22

- June 29

# Pending Financial Crisis

- If nothing is done, by the end of Fiscal Year 2005/06 (next fiscal year) your general fund is projected to have a deficit of \$133,884

# The Short Term Fix

- To solve the problem for NEXT year, the City of Oregon City need to make cuts of \$133,884 to balance the budget and to find an additional \$700,000 dollars to provide the General Fund a 5% working capital carryover (contingency).



# Short Term Consequences

- We have not provided stabilization for funding for fire service
- The South End Fire Station will remain closed
- No additional police staffing
- Likelihood we will have additional cutbacks in the parks and recreation department, city library, city planning efforts, street lighting, and/or cemetery maintenance.

# Doing what we have always done

- An ongoing pattern of cutting General Fund services and programs
- This tradition of cutting services does respond to the community's growing need for services

# Oregon City is at a Crossroads

- Further budget cuts and service reductions

- OR -

- Commitment to provide long-term stable funding for programs and to respond to population growth

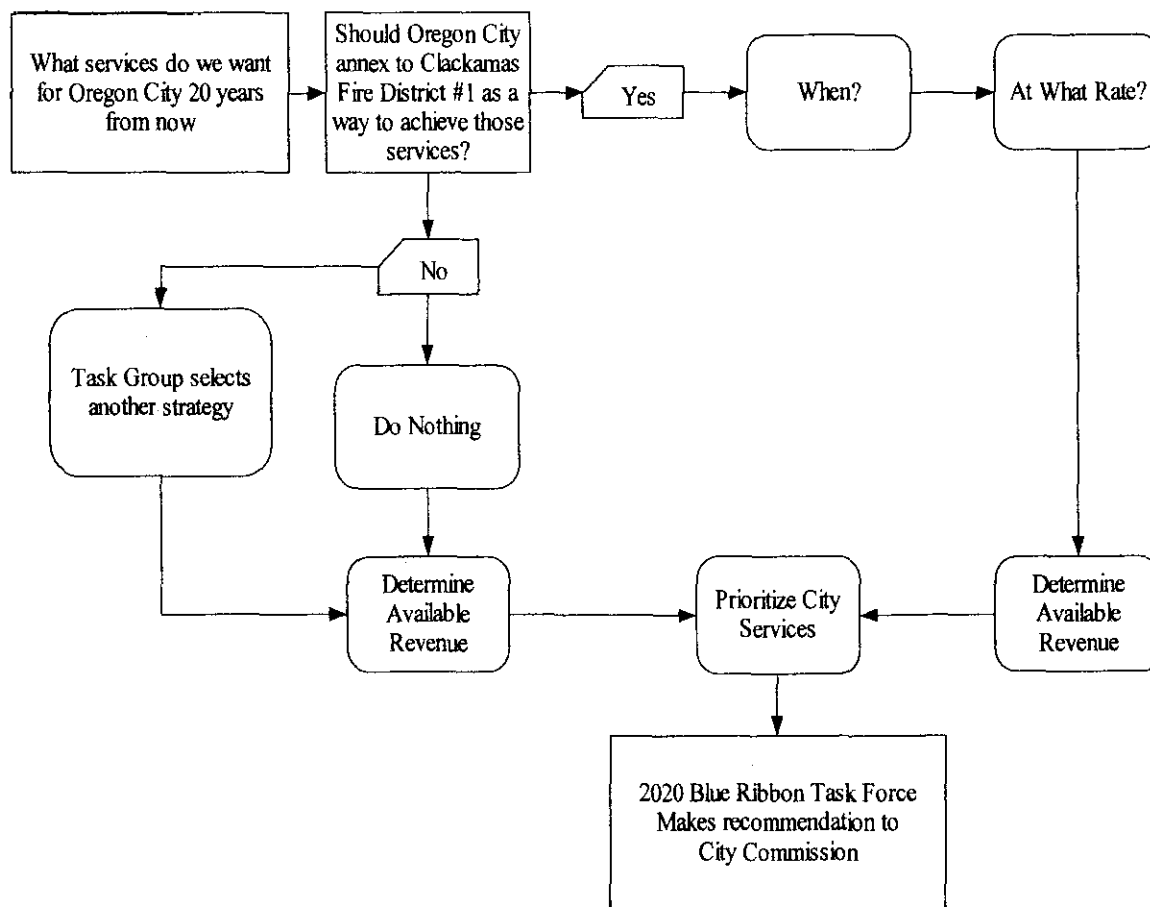
# Blue Ribbon Task Force Mandate

- Should the City of Oregon City consider requesting annexation to Clackamas County Fire District #1; and
- Recommend program priorities and funding for City services

## Oregon City - 2020 Blue Ribbon Task Force

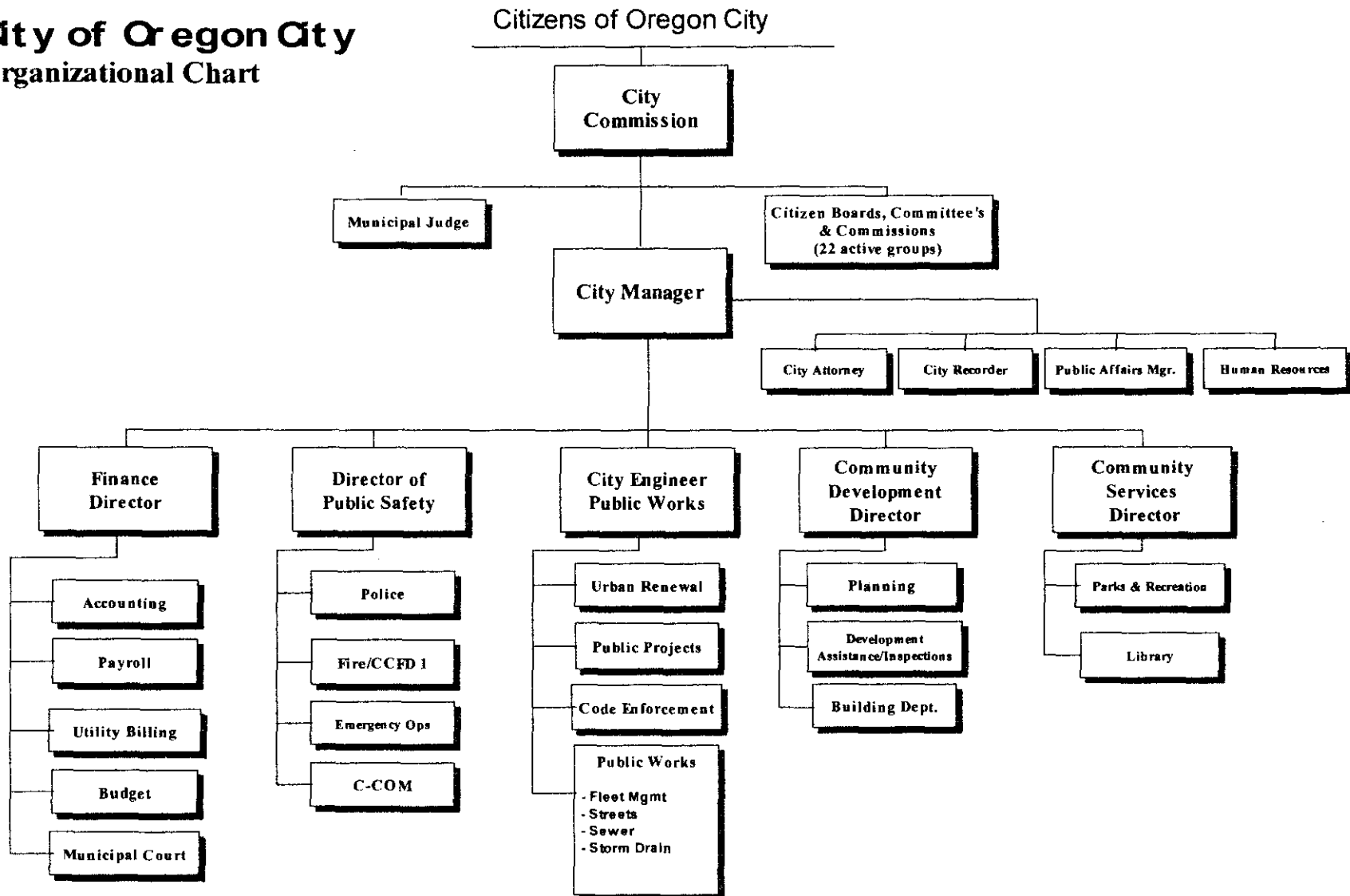
### Decision Flow Chart

Revised: 4/19/04



# City of Oregon City

## Organizational Chart



# Vision and Livability

## ■ Vision

- What kind of community do we wish to be

## ■ Livability

- What standards of service do we want from our City

# City Government Hierarchy of Services

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## Livability Services

Human Services	Open Space & Trails	Design Standards	Recreation	Code Enforcement	Multi Model Transportation	Culture & Arts
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## Community Development Services

Planning	Economic Development	Building Inspections	Development Review	Parks	Urban Renewal	Library
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## Essential Services

Police	Fire	EMS	Water	Sewers	Streets	Storm Drainage
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# No Easy Decision

Cut needed programs and services

- OR -

Raise Taxes

# Summary Service Standards

- Increase Police Staffing
- Stabilize fire funding & Open South End Station.
- ◀ Improve road maintenance
- Improve parks maintenance
- Enhance City's Planning & Development Services
- Expand Library services
- Maintain the swimming pool
- Retain Carnegie

# Service Standards: Police

- Maximum three-minute response to life saving emergencies
- Four-minute response, 80% of the time, to crimes in progress and/or potential threat to life.
- Twenty-minute response, 80% of the time to reports to priority two calls (crimes that are not in progress).
- Maximum twenty-four hour response to priority three calls (calls not involving the initial reporting of a crime, and request for service of a non-criminal nature).
- Clearance rate equal to or above national average
- 30% average available patrol time.

# Service Standards: Fire

- Four-minute travel time response, 90% of the time, for the 1st Unit to structural fires and emergency medical incidents.
- Eight-minute travel time response, 90% of the time, for the 2nd Unit to structural fires and emergency medical incidents.
- Each fire company at paramedic level, 24/7
- Fire inspections of all target hazards at least once per year.
- Fire inspections of general business occupancies at least once every two years

# Service Standards: Streets

- PCI of 55-61 (statewide average) based on the City's 1999 street survey
- Scheduled Pavement Management program to systematically improve each section of city roads on regular basis

# Service Standards: Parks

## Green

- ❑ Irrigate all lawn and planting areas twice weekly during the growing season
- ❑ Mow twice weekly during the growing season

## Clean

- ❑ Clean park restrooms on the a regular schedule

## Safe

- ❑ Inspect and repair all playground equipment on a daily basis during high use season and weekly the rest of the year.
- ❑ Repair and replace broken sidewalks and trip hazards
- ❑ Inspect all Regional, Community and high use Neighborhood Parks on a regular schedule
- ❑ Inspect and repair all park facilities twice per year.

# Service Standards: Parks

## ■ Implement

- ❑ A system of trails connecting parks, schools, and other major city attractions.
- ❑ A system of neighborhood, community, and regional parks

## ■ Offer 75 class/programs per quarter; targeted at various audiences

## ■ Partner or co-sponsor activities or events with 5 different Community organization annually

## ■ Produce a quarterly Community/Program guide and distribute to all OC residents

## Service Standards: Library

- Provide library service 48 hours per week to meet the needs of the local community.
- Provide the services of Reference Librarian and Children's Librarian during all operating hours.
- Participate in the Clackamas County Library Network system in the sharing of resources and economies of scale throughout the county.



# Service Standards: Community Development

## ■ Current Standards (development related permits)

- ❑ Determination of completeness within 30 days
- ❑ Decision within 120 days
- ❑ Building permit/plan review issuance within 2 to 3 weeks

## ■ Planning

- ❑ Major update of Comprehensive Plan every five years
- ❑ Annual code and map review
- ❑ Annual review of land development/annexation process
- ❑ Neighborhood plans – one every two years
- ❑ Concept plans as needed, currently there are three required in the next three years.

# Other Services Options Summary

## **Police**

- ❑ Do away with City police department and just have County Sheriff services for city law enforcement

## **Fire**

- ❑ Recreate city department
- ❑ Annex to Fire Dist.

## **Library**

- ❑ Close City Library – Rely on County Library services
- ❑ Develop smaller satellite libraries.
- ❑ Public/Private Partnership with bookseller

# Service Options - Continued

## **Parks**

- ☐ Eliminate parks department - annex to County Parks/Rec District
- ☐ Public/private partnership to develop recreation/aquatic center
- ☐ Provide parks and facilities only – No organized programs

## **Community Development**

- ☐ Contract with County
- ☐ Contract Engineering Review

## **Other Financing**

- ☐ Make everything Fee for Service

## **Local Option Levy for any or all services**

# BRTF – City Options for Action...

## ■ **Option 1**

- ❑ Status quo (No annexation = Current City Tax Rate of 5.0571)
- ❑ Will require budget cuts of approximately \$1.2 million to achieve balance and provide 8% contingency\*

# BRTF – City Options for Action...

## • **Option 2**

### ☐ No tax increase

- Reduce city rate equal to amount of Fire District = City Tax Rate of 2.6833 (5.0571-2.3738)

### ☐ Will require cuts of approximately \$2.4 million

# BRTF – City Options for Action...

## ■ **Option 3**

- ❑ Annexation only
  - (City reduces tax rate equal to amount now providing to fire = City Tax Rate of \$3.0571)
- ❑ Tax increase of .37 cents
- ❑ Provides stabilization of fire funding
- ❑ Provides funding for 3rd fire station
- ❑ Will require budget cuts of approximately \$1.4 million to achieve balance and 8% contingency

# BRTF – City Options for Action...

## ■ **Option 4**

- ❑ Tax increase of .97 cents
  - City maintains .60 cents = City Tax Rate of \$3.6571
- ❑ Provides stabilization of fire funding
- ❑ Provides funding for 3rd Station
- ❑ Will require cuts of \$541,290 to achieve balance and provide 8% contingency

# BRTF – City Options for Action...

## ■ **Option 5**

- ❑ Tax increase of 1.50
  - (City maintains \$1.50 = City Tax Rate of 4.5571)
- ❑ Provides stabilization of fire funding
- ❑ Provides funding for 3rd fire station
- ❑ Allows city to hire 15 officers over 10 years
- ❑ Provides additional buying power of approximately \$4.3 million in buying power for other staffing, programming, and facility needs
- ❑ Requires no reductions in 10 year planning horizon\*\*



# BRTF – City Options for Action...

## ■ Option 6

- ❑ Tax increase of \$2.37
  - (City maintains current city tax rate = City Tax Rate of Current \$5.0571)
- ❑ Provides stabilization of fire funding
  - Provides funding for 3<sup>rd</sup> Station
- ❑ Allows city to hire 24 officers over 10 years.
- ❑ Provides additional \$8.7 million in buying power for other staffing, programming, and facility needs
- ❑ Requires no reductions in 10 year planning horizon\*\*

# Group Proposals

- Task Force divided into four small groups
- Each group reviewed the options and developed a specific proposal to be presented to entire Task Force

# Group #1 Proposal

- Group One chose Option Six: Annex to CCFD – Retain full \$2.37 per \$1,000 of assessed valuation
- Phase in increase over several years
- All City Services Are Important
- City needs to look at ways of reducing cost/enhancing revenue

# Group #2 Proposal

- Option 4: Annex to CCFD #1 – Retain 60¢ per \$1,000 of assessed valuation  
(Increases property tax 97 cents.)
- Require City find \$120,000 in other budget cuts
- Phase tax increase in over a period of several years
- Lower contingency fund to 5% from 10%
- Lock tax rate recovery into City Charter

# Group #3 Proposal

- Option 5 (modified): Annex to CCFD – Retain \$1.93 per \$1,000 of assessed valuation. (Would increase property taxes.)
- Phase in tax increase over a period of several years
- City would develop a very specific plan on what the money would be spent for and when

# Group #4 Proposal

- Created an Option 7: Do not annex to CCFD
- Place a 5-year public safety property tax levy on ballot, for 50¢ per \$1,000 of assessed valuation
- 24¢ Would go to Police Department to hire two or three new officers
- 26¢ Would be used to have CCFD open and staff South End Fire Station under contract.
- Reduce City's Contingency Fund to 5%

# Final Recommendation

- The City should request that CCFD#1 annex Oregon City.
- City should adjust its tax rate to buffer the increase caused by annexation by not levying its entire permanent rate.
- City should develop a scheduled plan of adjustments to recover their full permanent tax rate over a ten-year period.

# Final Recommendation – Cont.

- The City Commission should seek a charter amendment that locks the implementation plan into the City Charter
  - A future Commission would not attempt a faster recovery of the rate
  - Charter amendment should be flexible enough to slow or stop rate of recovery if necessary
- City and CCFD #1 should schedule the annexation election for the March 2005 election date
- City should schedule the Charter amendment election for the same election



# Final Recommendation – Cont.

- Reduce the contingency goal from 10% to 5% until economic times allow a stronger contingency
- Prioritize service spending with emergency services at the top of the service priorities
- City should address street maintenance by achieving a PCI of between 55-61
- Street maintenance should be funded through a Transportation Maintenance Utility Fee at some point in the near future.
  - Implementation of this fee should be sensitive to the tax rate recovery schedule

# Final Recommendation – Cont.

- City should look to improving or building new city facilities.
- The City Hall/Police Building could be put together with a combination of funds to include, but not be limited to: Tax Increment financing, sale of current facilities, bond (if necessary), other financing

# Final Recommendation – Cont.

- Construction of a new library should be financed through the passage of a capital bond.
  - Bond sales should also be sensitive to the tax rate recovery schedule.
- City should maintain both urban renewal districts and allow the Hilltop to close on schedule, unless new information or needs dictate otherwise.
- Address Parks & Recreation, library service, and Community Development standards as outlined in the written report

# Possible Reductions – Getting to \$1.4 Million

- Reduce your current cemetery program to maintenance only.
  - ❑ You will still be required to do some burials, but you would not continue to sell lots or accept new burials.
  - ❑ Saves approximately \$120,000 per year. Eliminates at least two positions.
  
- Reduce/eliminate some street lighting
  - ❑ Could save \$75,000 per year
  
- Contract out the operations of the Carnegie Center.
  - ❑ You will continue to have some building maintenance cost
  - ❑ IF you can find a vendor willing to enter into a lease – could save \$100k per year
  - ❑ Other option: close Carnegie

# Possible Reductions – Continued

- Eliminate the public affairs position.
  - ❑ Communication with community is critical, you will need to add some clerical assistance to the City Manager's office to assist with this function and to work with neighborhood associations.
  - ❑ Saves about \$35,000 per year
  
- Contract the Community Development Engineering function
  - ❑ There would be a loss of internal efficiency, flexibility and control
  - ❑ Could save \$85,000 per year

# Possible Reductions – Continued

- **Close the Swimming Pool**
  - Total saved: \$185,000 per year
  
- **Eliminate one front desk position**
  - Total saved: \$35,000
  
- **Close the Library**
  - Total saved: \$431,000

# Possible Reductions – Continued

- Close the Swimming Pool
  - Total saved: \$185,000 per year
- Eliminate one front desk position
  - Total saved: \$35,000
- Close the Library
  - Total saved: \$431,000

# Possible Reductions – Continued

## ■ Cut Police/Law Enforcement

- Cut reserves – saves about \$12,000
- Eliminate the Community Services Officers - \$50,000
- Eliminate Dedicated Traffic Enforcement - \$200,000.



# Outcomes

## ■ Improve public safety by:

- ❑ Stabilizing funding for fire and EMS
- ❑ Providing staffing for the South End Fire Station
- ❑ Oregon City residents will be able to participate and be involved in the affairs and decisions of CCFD#1
- ❑ Increase Police staffing

## ■ Cleaner and safer parks

## ■ A more organized and diverse recreation program

# Outcomes - Cont.

- A modern library with enhanced programming
- Stronger planning
- Stronger economic growth
- Improved livability and community appearance.

# Outcomes – Cont.

- Result in no increase to the city's current permanent tax rate
- Buffer the tax increase, by moving back up to the permanent the tax rate over a ten year period.
- Inclusion of the CCFD#1 tax rate into the tax code for Oregon City.

What Road Should We Take...

It Depends.

What type of City do you want?

# A G E N D A

## OREGON CITY COMMISSION

City Commission:  
Alice Norris, Mayor  
Tom Lemons,  
Commission President  
Bob Bailey  
Gary Hewitt  
Doug Neeley

## STUDY SESSION MEETING

Monday, August 2, 2004  
City Hall  
320 Warner Milne Rd.,  
Oregon City, OR 97045  
5:30 PM

5:32p 1.0

### CALL TO ORDER

- 1.1 City Commission Introductions

2.0

### SPECIAL PRESENTATION BLUE RIBBON TASK FORCE

- 2.1 BRTF Presentation  
2.2 Certificates of Recognition to BRTF Members

3.0

### REVIEW WEDNESDAY MEETING AGENDA

- 2.1 Regular City Commission meeting of August 4, 2004

4.0

### FUTURE AGENDA ITEMS

- 4.1  
4.2

5.0

### DECISION ITEMS

- 5.1

6.0

### DISCUSSION ITEMS

- 6.1 Draft Purchasing Manual. (Larry Patterson)  
6.2 Proposed Replacement of TV Equipment and Van for the Stormwater and Wastewater Fleet. (Nancy Kraushaar)  
6.3 Draft Reconfiguration of the Commission Chambers. (Larry Patterson)

7.0

- 6.4 Snack Shack @ Chapin Park.

### ADJOURNMENT

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

POST: Friday, July 30, 2004

City Hall/Municipal Elevator/Pioneer Community Center/Fire Stations 1 & 2/ Public Works/Carnegie Center/Swimming Pool/Library/Mt. View Cemetery/Steve's Market, Clackamas Heights/Cable TV Studio Reader Board/Chair: CIC and Neighborhood Associations/South Metro – Fax: 656-2417/ Oregon City News Fax: 503-786-6977

adjourn  
9:05pm

## **Agenda**

### **Blue Ribbon 2020 Task Force Report**

1. Receive Report from Blue Ribbon Task Force
2. Receive Comments from Task Force Members
3. Questions and Answers
4. Recognition of Task Force Members

# CITY OF OREGON CITY

MEETING DATE:	mon. August 2, 2004	<input type="radio"/> Regular Meeting <input checked="" type="radio"/> Study Session <input type="radio"/> Work Session
LOCATION:	City Hall - 320 Warner Meline Rd, OC	
CONVENE:	5:32p	ADJOURN: 9:05pm

CITY COMMISSION	PRESENT	EXCUSED
Mayor Alice Norris	✓	
Commissioner Tom Lemons	✓	
Commissioner Gary Hewitt		
Commissioner Bob Bailey		
Commissioner Doug Neeley		

STAFF	TITLE	PRESENT
Larry Patterson	City Manager	✓
Edward J. Sullivan	City Attorney	✓
Bill Kabeiseman	Assistant City Attorney	✓
Gordon Huiras	Police Chief and Public Safety Director	✓
Nancy Kraushaar	City Engineer and Public Works Director	✓
Dan Drentlaw	Community Development Director	✓
Dee Craig	Consultant Community Services Director	✓
David Wimmer	Finance Director	✓
Leilani Bronson-Crelly	City Recorder	✓
BRTF Members: Kimberly Dye / Dan Fowler / Lori Hunt / Dave Spear / Don Vedder / Jim Hall / Derrick Beresville / Bill Daniels / Allen Dunn / J. Cam / J. Riggs /		
Chief Norm W		
Scott Palmer	Facilitator BRTF	✓
Vivian Finnegan	Personnel Mgr.	✓

## ADDITIONAL SUPPORT:

Audio Visual Technician	Rene Hinneberg
"The Oregonian" Reporter	Tom Quinn (for BRTF only presentation)

Memo:

To: Larry Patterson, City Manager  
David Wimmer, Finance Director

From: Andy Parks

Date: July 30, 2004

Re: Purchasing policy

As you requested I discussed with City Attorney Bill Kabeiseman my May 6, 2004 memo to you and draft ordinance language to implement changes to the City of Oregon City's purchasing policies. Mr. Kabeiseman agreed with the recommendation to adopt the Attorney General's Model Public Contracting Rules, noting that many Oregon cities were moving in that direction. He also noted that the case law that develops for the AG's rules will be of value. The draft language to implement changes will require additional review and consideration after gaining feedback from the City Commission on the key elements of the policy. And lastly, Mr. Kabeiseman shares the concern of the lack of utilization of the encumbrance system.

I will be prepared and in attendance at the Commission's work session August 2 to present my findings and recommendations included in the May 6 memo, prepare and present a couple of different transactions through bubble type diagrams, present the framework of the exceptions to the AG's rules that have been discussed with staff and counsel, and discussed dollar thresholds for various staff members.

Please let me know if there is anything else you desire.



Memo:

To: Larry Patterson, City Manager  
David Wimmer, Finance Director

From: Andy Parks, Patterson Parks LLC

Date: May 6, 2004

Re: Purchasing Manual

### **Executive Summary**

You requested me to review the City's purchasing policies and practices and those of similar size communities, make recommendations for appropriate changes and to present final policies and procedures. Consistent with this request, I have reviewed purchasing manuals, including policies and practices, from the cities of Ashland, Bend, Lake Oswego, Tigard and Oregon City, and Clackamas County. I also reviewed the State of Oregon Attorney General's Model Public Contract Rules Manual. Additionally, I have performed limited searches on Oregon city web-sites and contacted cities regarding their purchasing policies and practices. My findings are as follows:

- A. All policies use Oregon Revised Statutes (ORS) Section 279 as the basis for their respective policies.
- B. Each entity, with the exception of the cities of Ashland and Lake Oswego, delegate purchasing authority to staff with a maximum purchase of up to \$50,000.
- C. The cities of Ashland and Lake Oswego delegate **all** purchasing authority to staff with an exception for change orders to personal service contracts of over \$75,000 and \$50,000 respectively (dollar amount is for the amount of the change order).
- D. Bend, most recently, updated its policy and has elected to adopt the AG's Model Rules with limited exceptions.
- E. The AG will be performing a significant update of the Model Rules in 2005.
- F. Forms, flowcharts and explanations are provided with each of the manuals, although each could be improved with indexing and a table of contents.

DRAFT for discussion purposes with staff only

Based upon my research and findings, the City of Oregon City has the following options to update its purchasing policies and procedures and create a purchasing manual:

1. Draft a new comprehensive policies and procedures that incorporate all of the legislative changes since the adoption of the current policy. Use the AG's Model Rules as a guide.
2. Adopt the AG's Model Rules with exceptions desired by the City and draft procedures for internal processing and payment.

With either option, the City will need to review and update the purchasing authority the City Commission is willing to delegate to staff. For the entities I reviewed, the cities of Ashland and Lake Oswego are the most progressive requiring very little oversight by the elected body. After considering the policies and discussions with representatives of these cities, I determined adequate safeguards are in place to ensure compliance. City staff appears to communicate with the elected body prior to making decisions on sensitive purchases. The cities of Tigard and Oregon City are the most restrictive with staff's authority to make purchases on behalf of the city. Both Tigard and Oregon City are reviewing the dollar amount of staff authority.

A significant consideration for Oregon City as it reviews the dollar amount of authority is the use of its automated accounting systems capabilities. Lake Oswego, Ashland, Tigard and Bend utilize their automated accounting systems to provide current encumbrances and expenditures to assist staff decision-making. Oregon City's automated accounting system includes the capability to track encumbrances, however, this feature is not currently utilized. This situation creates a challenging environment, particularly near fiscal year end for potential over expenditures of appropriations.

## **Recommendations**

I recommend that Oregon City update its purchasing policy by adopting the AG's model rules with desired exceptions and draft procedures for internal processing and payment. Further, I recommend that the City specify authorized staff and dollar limits that are greater in amount than current practice, e.g., \$50,000 - \$75,000 for materials and services and \$150,000 for capital outlay items included in the budget. Although it may not be practicable or politically acceptable to adopt approval levels similar to Ashland or Lake Oswego, I encourage the City Commission to consider a plan to periodically

DRAFT for discussion purposes with staff only

increase dollar thresholds for staff with the ultimate objective to have staff capable of purchasing all goods and services, professional services, and public improvements that are consistent with the City's adopted budget. To do so will require implementation of the City's encumbrance accounting capabilities.

If the City accepts the recommendations above I suggest appropriate City staff peruse the AG Rules and identify any exceptions they believe appropriate. After receiving any exceptions, I will prepare a schedule with all the exceptions requested and review with City staff and the City's attorney. I will also review with City staff the authority of various staff and the dollar amount of such approvals. Once staff and the City attorney are satisfied with the policy, including exceptions, authorized staff and approval levels, the policy and procedures will be presented to the City Commission for consideration.

Additionally, the City should further evaluate the use of encumbrance accounting to assist staff's purchasing decision-making.

## **Summary Comments on Purchasing Policies/Manuals Reviewed**

### **Ashland**

Accounts Payable and Purchasing Policies Manual – includes general information, flow charts, forms, exhibits, and an appendix. General information includes the scope, objectives, delegation of purchasing authority, definitions, and the range of products and services the City is likely to procure. The definitions include life cycle costing principals and solicitation and the use of the Valdez Principle, which together address protection of natural resources and sustainability.

The flow charts section includes a purchase order overview table indicating acceptable methods of procurement for materials and services for given dollar amount ranges. A flowchart for each procurement method utilized by the City is provided. And separate detailed purchasing procedures are provided for goods and trade services, personal services and public improvements.

The forms section includes the forms utilized by the City for the various procurement processes from initiation of purchase to payment. Forms also include general terms and conditions language included in Request for Proposals (RFP) processes and consultant services contracts. And information on the City's living wage policy is provided.

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The exhibit section includes; purchasing requirements tables for personal services, public improvements and contractor services, and goods and trade services; full description of the Valdez Principles; and checklist for creating specifications.

The appendix section includes; statistics for accounts payable and purchasing, chart of accounts descriptions, glossary, reference to Oregon Revised Statutes website address, Chapter 2.5 of the Ashland Municipal Code – Local Public Contract Review Board, Chapter 2.52 – Purchasing Agent, and Council adopted resolutions.

Ashland's Accounts Payable and Purchasing Policies Manual is a good model. Enhancements that would make the manual more useful include a table of contents or index and page numbering throughout. Without the enhancements, due to lack of codification, the manual is somewhat difficult to use without significant experience with the City and the manual.

The City has a centralized purchasing organization and ***the Ashland City Council has designated purchasing authority, with the exception of addendums to personal service contracts in excess of \$75,000, to City staff.*** The Council serves as the local contract review board.

## **Lake Oswego**

Contracting and Purchasing Procedures – include a comprehensive on-line policy. The policy follows the format of the AG's Model Rules and makes many references to ORS 279. The policy is codified and includes the following sections: Purpose and Organization; General Policy and Exemptions; Public Bidding Rules; Public Improvement Contracts; and Property Disposition. Contracts exempt from competitive bidding and requirements contracts, brand names or marks, competitive request for proposal, waiver of security bid and performance bond, personal services contracts, emergency contracts, and other matters are addressed in the policy.

Lake Oswego does not have a hard-copy manual. And although the on-line policy is very thorough there is not a table of contents or easy search method. Additionally, internal processes and procedures, e.g., purchase orders, requisitions, forms, etc., necessary to carry out the City's policy are not readily available. Lake Oswego's on-line capabilities could be enhanced significantly with the addition of instructions, forms, etc.

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The City has a decentralized purchasing organization and ***the Lake Oswego City Council has designated purchasing authority, with the exception of addendums to personal service contracts in excess of \$50,000, to the City Manager.*** The City Manager is designated in the policy as the "Public Contracting Officer". The Council serves as the local contract review board.

## **Oregon City**

The City's management purchasing and accounts payable procedures indicate that much of the authority for purchases is contained in the City's adopted budget and purchasing is delegated to department heads. However, the City's purchasing policy includes language that is much more limiting and appear to give the City Manager authority for certain purchases but only for very limited amounts. The City's purchasing practices appear to be consistent with the much more limiting language of the policy.

The City's purchasing policy is brief in comparison to the other policies reviewed. Although brief it appears to address most of the City's purchases, however, there have been additions and changes to the ORS and the AG's Model Rules that are not included in the City's policy. The policy appears unclear in some respects to the authority or lack of authority of staff to make purchases on behalf of the City.

The City has a decentralized purchasing organization. The City Manager may award "emergency" contracts with a price under \$25,000. Personal service contracts may only be awarded after approval by the Council. Other specific authority of staff does not appear to be included in the policy. And the policy does not appear to require specific approval of the Council except in certain situations. The Council serves as the local contract review board.

## **Tigard**

In November 2001, the City of Tigard City Council adopted a comprehensive contracting, purchasing, and disposition of personal property Local Contract Review Board Rules. The Administrative Rules (AR) are codified and include the following sections: Contracts exempt from competitive bidding and requirements contracts, Brand names or marks, Public bidding procedures, Competitive request for proposal, Public improvement contracts, Waiver of security bid and performance bond, Property disposition, Personal services contract, emergency

contracts; Specific exemption request; Board exception procedures, temporary exceptions and Recyclable/recycling purchasing guidelines.

The AR make a significant number of references to Oregon Revised Statutes (ORS) Chapter 279 and is patterned on the Attorney General's Model Public Contracting Rules, although more restrictive. The ordinance adopted by the City Council in November 2001 that adopted the AR also directed staff to prepare a manual that includes procedures and forms to implement the AR. Staff completed the manual and the Council approved it approximately four months ago. The manual includes templates, boiler-plate contractual language, forms, how-to instructions, etc.

The City has a centralized purchasing organization and the Council has delegated purchasing authority to City staff for purchases not to exceed \$25,000. The Council serves as the local contract review board.

### **Clackamas County**

Clackamas County Purchasing Manual – the manual is a codified procedures and policy manual that provides a purchasing cycle overview of responsibilities, purchasing department responsibility detail for a comprehensive schedule of possible acquisition scenarios, specific policies and procedures for a comprehensive list of products and services and acquisition methods and an appendix including local contract review board rules and delegation of contract signing authority.

The policies and procedures section of the manual provides a consistent format for procedures to be followed to acquire goods and services. The format includes a purpose statement, references, policy, definitions, and responsibility by department for procedures including actions.

The County has a centralized purchasing organization that from a review of the policies and procedures is involved in most purchases. The County has delegated authority to an identified list of key department heads, managers and the County Administrator to execute contracts on behalf of the County. The authority limit is \$25,000 and for change orders for up to 10 percent of the original contract or \$25,000, whichever is less. The County Commission serves as the local contract review board.

## **Bend**

Bend's Buyers Manual – includes the City's purchasing and procurement policy, authorization levels, procedures, examples and forms documents to adhere to City policy, inventory, 1099 and emergency procedures, auditing process, and copies of the State of Oregon Attorney General Model Public Contracting Rules and Oregon Revised Statutes (ORS) 279 – State purchasing regulations.

The City's purchasing and procurement policy sets direction, instructions, procedures to and authority for City staff. The policy sets forth approval amounts for various staff members, payment practices, exceptions to the AG's model rules, e.g., personal service contracting policy.

The manual includes forms, flowcharts, data entry instructions and examples to assist staff in implementing the City's policies correctly. Bend's manual includes a table of contents however lacks page numbering and as a result is difficult to use, similar to Ashland's manual.

Bend has a centralized purchasing organization for city-wide purchasing policy guidance and implementation and acquisition of items in excess of an established amount. The Council has delegated authority to the City Manager to award and execute contracts not exceeding \$50,000 and change orders of not more than 10% of original contract price, exclusive of personal service contracts, which the City Manager may award and execute without Council approval. The Council serves as the local contract review board.

## **State of Oregon Attorney General's Model Public Contract Rules Manual**

The AG's Model Rules (AG Rules) provides guidance for state and other public contracting agencies engaged in public procurements and contracting. The AG is required within ORS to provide AG Rules and to regularly update these rules as state legislation is enacted. Additionally, agencies that adopt their own purchasing policies are required to review and update if necessary their policies whenever the AG modifies the AG Rules.

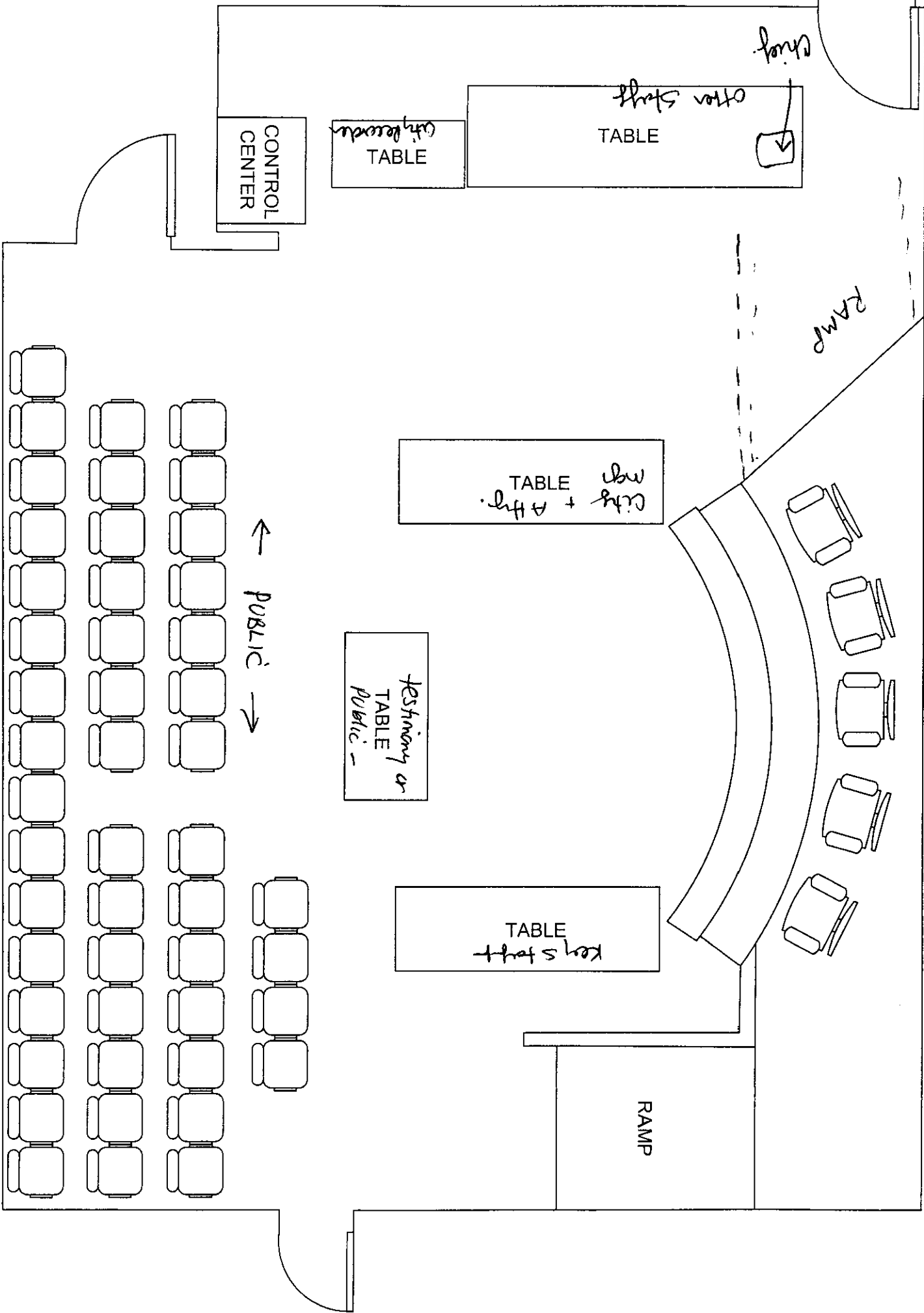
The AG Rules are comprehensive and include rules for any type of purchase a public agency may make, including dollar amount thresholds for various procurement processes. It is clear from my

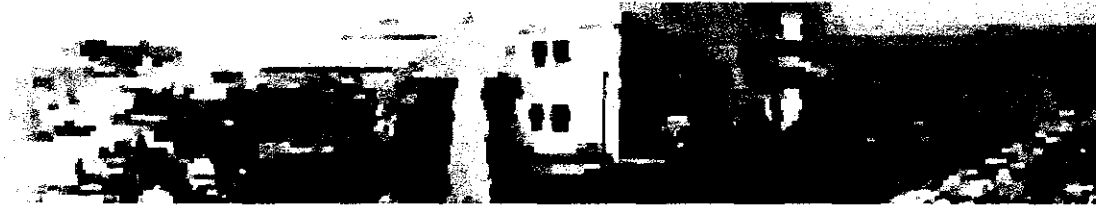
DRAFT for discussion purposes with staff only

review of the city and county purchasing policies above that the policies are grounded in the AG Rules language that existed at the time the various policies were approved.

The AG Rules do not set forth the internal processing methods, e.g., requisitions, purchase orders, blanket p.o.'s, etc., or the payment methods, e.g., credit/debit cards, check, or petty cash.







*Preserving the Past...Building Our Future*

City of Oregon City Purchasing Policy  
City Commission Presentation  
August 2, 2004

## Summary ①

- Reviewed policies and practices
  - Oregon City
  - Ashland
  - Lake Oswego
  - Tigard
  - Clackamas County
  - Bend

## Findings ②

- All policies use ORS Section 279 as basis
- Maximum outright purchasing authority, with exception of Lake Oswego and Ashland, is \$50k
  - LO and Ashland have near unlimited authority
- Cities adopting AG's model rules
- AG significantly updating model rules 2005
- Manuals include forms, flowcharts and explanations

## Options ③

- Draft new comprehensive policies and procedures
  - Use AG Model Rules as guide
- Adopt the Attorney General's Model Public Contract Rules and adopt exceptions
  - Draft procedures for internal processing

## Recommendations ④

- Adopt the Attorney General's Model Public Contract Rules and adopt exceptions
  - Expand professional services
    - E.g., Accounting, financial, planning, economics, real estate, risk management, and insurance.
  - Draft procedures for internal processing
- Authorize specific staff and dollar limits
  - E.g., \$50k for materials and services and \$150k for capital improvements
    - For budgeted items, others to Commission
- Utilize encumbrance accounting capabilities

## Attorney General Model Public <sup>⑤</sup> Contract Rules

- Division 35 - Consultant Selection
  - Supplement political subdivisions purchasing rules
  - Applies only to professional services performed by Architect, Engineer or Surveyor
    - Recommend expanding services that apply
  - Sets forth definitions, List requirements and performance record, selection methods, and protest procedures

## AG's Model Public Contract Rules <sup>⑥</sup>

- Division 35 - Consultant Selection Processes
  - Direct Appointment
  - Informal Selection Procedure
  - Formal Selection Procedure
    - RFQ
    - RFP

## AG's Model Public Contract Rules <sup>⑦</sup> Section 35 - Consultant Selection

- Direct Appointment
  - Estimated fee < \$10K
  - Continuation of earlier contract
    - Estimated fee < \$75K and current contract the result of a formal selection process

## AG's Model Public Contract Rules <sup>⑧</sup> Section 35 - Consultant Selection

- Informal Selection Procedure
  - If estimated fee < \$75k
  - Written solicitation inviting written proposals from a minimum of five prospective consultants
  - Sets for selection criteria but gives flexibility

## AG's Model Public Contract Rules <sup>⑨</sup>

### Section 35 - Consultant Selection

- Formal Selection Procedure
  - If estimated fee exceeds \$75k
    - Does not prohibit City to use formal selection procedure for contracts under \$75k
  - RFQ
  - RFP
    - Both RFQ and RFP are to be widely advertised
    - Includes procedures and selection criteria, which are flexible in their application

## AG's Model Public Contract Rules <sup>⑩</sup>

### Section 40 - Public Improvement Contracts

- Basically restricts a public contracting agency's choice of selection method for public improvement contracts to the traditional price-driven process of competitive bidding
  - Allows for exemptions to use an alternative selection method
- Sets forth bid or proposal evaluation criteria

## AG's Model Public Contract Rules <sup>⑪</sup>

### Section 40 - Public Improvement Contracts

- Exemptions to use an alternative selection method
  - Construction Manager/General Contractor (CM/GC)
  - Design-Build
  - Guaranteed Maximum Price (GMP)
    - May use an RFP process for above
- Requires Contract Review Authority to adopt findings to exempt from standard competitive bidding process

Other

- Use of credit/debit cards
- Petty cash
- Other



*Preserving the Past...Building Our Future*

City of Oregon City Purchasing Policy  
City Commission Presentation  
August 2, 2004



## Summary

- Reviewed policies and practices
  - Oregon City
  - Ashland
  - Lake Oswego
  - Tigard
  - Clackamas County
  - Bend

## Findings

- All policies use ORS Section 279 as basis
- Maximum outright purchasing authority, with exception of Lake Oswego and Ashland, is \$50k
  - LO and Ashland have near unlimited authority
- Cities adopting AG's model rules
- AG significantly updating model rules 2005
- Manuals include forms, flowcharts and explanations

## Options

- Draft new comprehensive policies and procedures
  - Use AG Model Rules as guide
- Adopt the Attorney General's Model Public Contract Rules and adopt exceptions
  - Draft procedures for internal processing

## Recommendations

- Adopt the Attorney General's Model Public Contract Rules and adopt exceptions
  - Expand professional services
    - E.g., Accounting, financial, planning, economics, real estate, risk management, and insurance.
  - Draft procedures for internal processing
- Authorize specific staff and dollar limits
  - E.g., \$50k for materials and services and \$150k for capital improvements
    - For budgeted items, others to Commission
- Utilize encumbrance accounting capabilities

## Attorney General Model Public Contract Rules

- Division 35 - Consultant Selection
  - Supplement political subdivisions purchasing rules
  - Applies only to professional services performed by Architect, Engineer or Surveyor
    - Recommend expanding services that apply
  - Sets forth definitions, List requirements and performance record, selection methods, and protest procedures

## AG's Model Public Contract Rules

- Division 35 - Consultant Selection Processes
  - Direct Appointment
  - Informal Selection Procedure
  - Formal Selection Procedure
    - RFQ
    - RFP

## AG's Model Public Contract Rules Section 35 - Consultant Selection

- Direct Appointment
  - Estimated fee < \$10K
  - Continuation of earlier contract
    - Estimated fee < \$75K and current contract the result of a formal selection process

## AG's Model Public Contract Rules Section 35 - Consultant Selection

- Informal Selection Procedure
  - If estimated fee < \$75k
  - Written solicitation inviting written proposals from a minimum of five prospective consultants
  - Sets for selection criteria but gives flexibility



## AG's Model Public Contract Rules Section 35 - Consultant Selection

- Formal Selection Procedure
  - If estimated fee exceeds \$75k
    - Does not prohibit City to use formal selection procedure for contracts under \$75k
  - RFQ
  - RFP
    - Both RFQ and RFP are to be widely advertised
    - Includes procedures and selection criteria, which are flexible in their application



## AG's Model Public Contract Rules Section 40 - Public Improvement Contracts

- Basically restricts a public contracting agency's choice of selection method for public improvement contracts to the traditional price-driven process of competitive bidding
  - Allows for exemptions to use an alternative selection method
- Sets forth bid or proposal evaluation criteria



## AG's Model Public Contract Rules Section 40 - Public Improvement Contracts

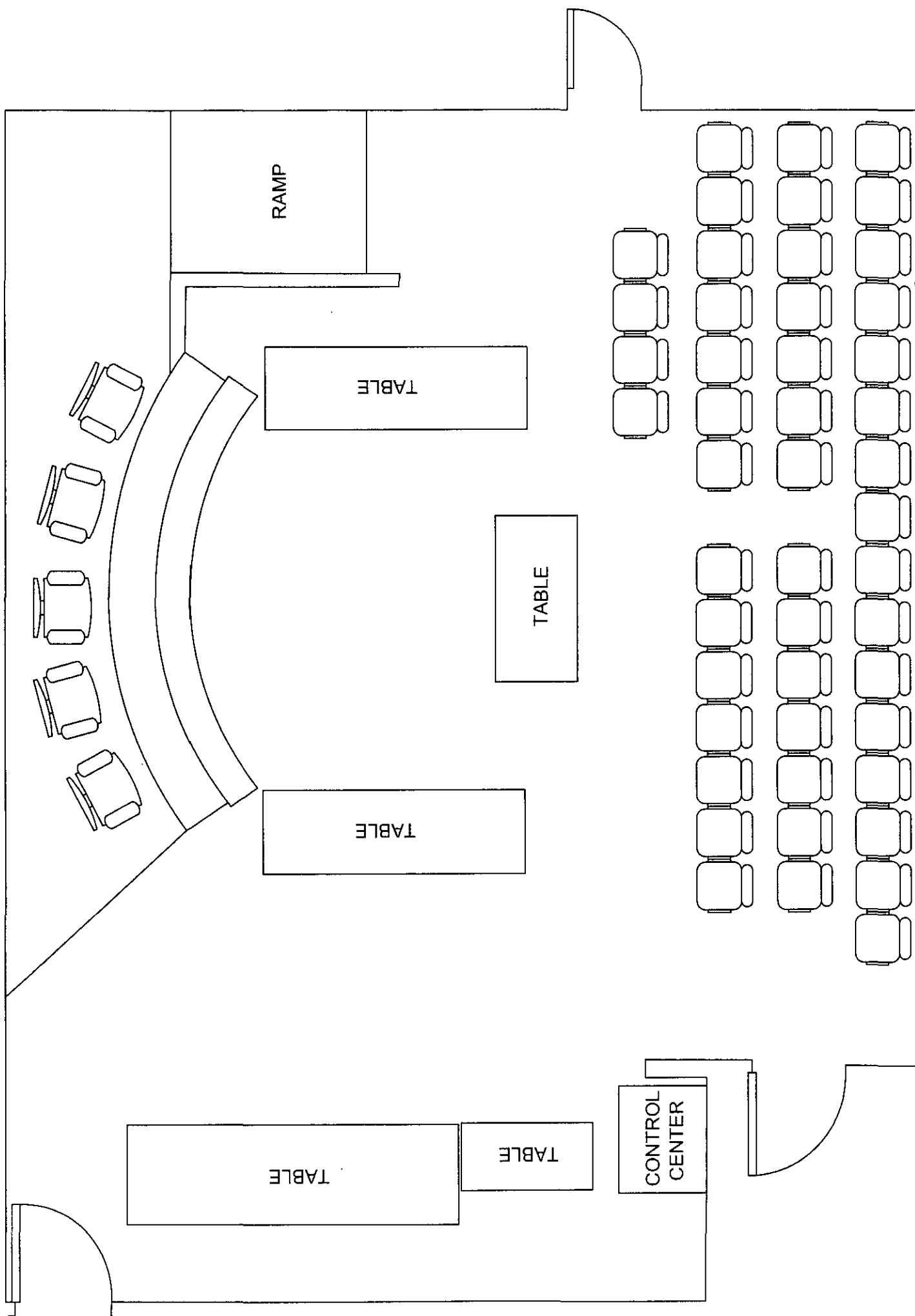
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## Other

- Use of credit/debit cards
- Petty cash
- Other





# A G E N D A

## OREGON CITY COMMISSION

## STUDY SESSION MEETING

City Commission:  
Alice Norris, Mayor  
Tom Lemons,  
Commission President  
Bob Bailey  
Gary Hewitt  
Doug Neeley

Monday, August 2, 2004  
City Hall  
320 Warner Milne Rd.,  
Oregon City, OR 97045  
5:30 PM

---

### 1.0 CALL TO ORDER

- 1.1 City Commission Introductions

### 2.0 SPECIAL PRESENTATION BLUE RIBBON TASK FORCE

- 2.1 BRTF Presentation
- 2.2 Certificates of Recognition to BRTF Members

### 3.0 REVIEW WEDNESDAY MEETING AGENDA

- 2.1 Regular City Commission meeting of August 4, 2004

### 4.0 FUTURE AGENDA ITEMS

- 4.1
- 4.2

### 5.0 DECISION ITEMS

- 5.1

### 6.0 DISCUSSION ITEMS

- 6.1 Draft Purchasing Manual. (Larry Patterson)
- 6.2 Proposed Replacement of TV Equipment and Van for the Stormwater and Wastewater Fleet. (Nancy Kraushaar)
- 6.3 Draft Reconfiguration of the Commission Chambers. (Larry Patterson)

### 7.0 ADJOURNMENT

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

**POST: Friday, July 30, 2004**

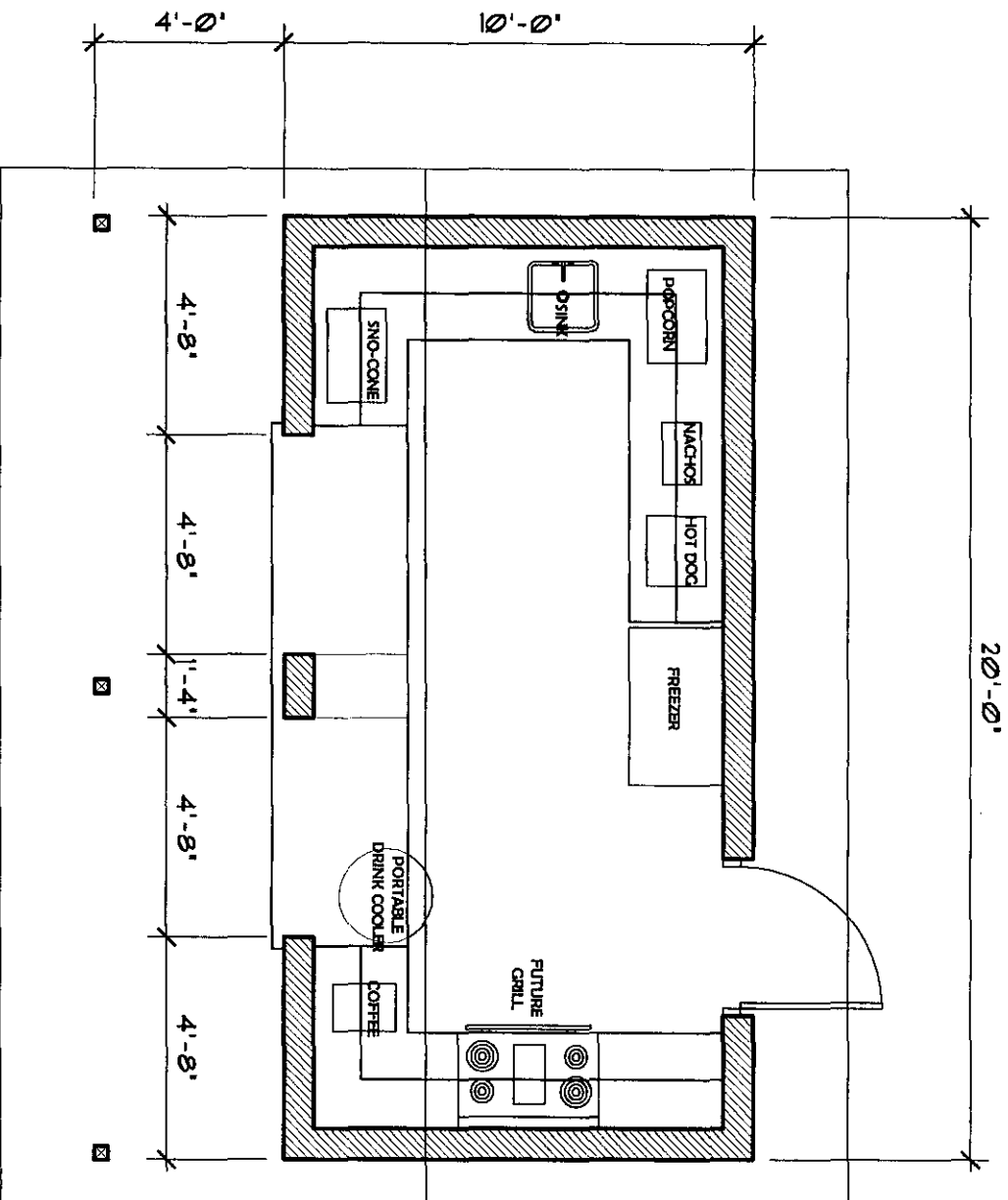
City Hall/Municipal Elevator/Pioneer Community Center/Fire Stations 1 & 2/ Public Works/Carnegie Center/Swimming Pool/Library/Mt. View Cemetery/Steve's Market, Clackamas Heights/Cable TV Studio Reader Board/Chair: CIC and Neighborhood Associations/South Metro – Fax: 656-2417/ Oregon City News Fax: 503-786-6977

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## **Agenda**

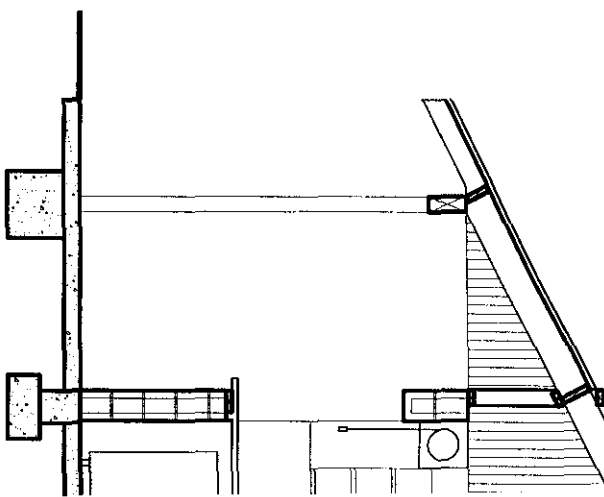
### **Blue Ribbon 2020 Task Force Report**

1. Receive Report from Blue Ribbon Task Force
2. Receive Comments from Task Force Members
3. Questions and Answers
4. Recognition of Task Force Members

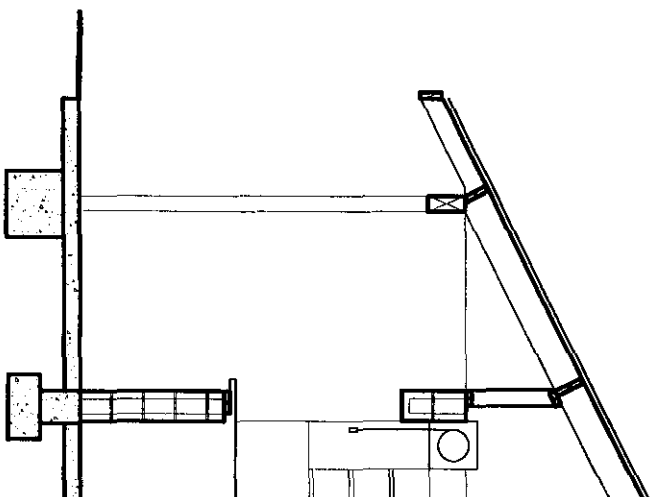


# FLOOR PLAN

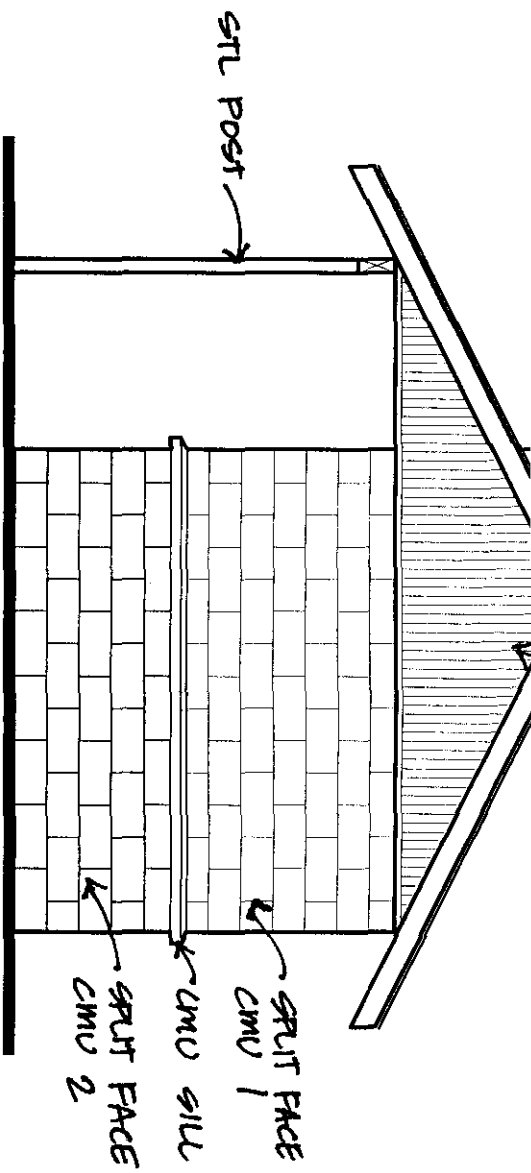
1/4" = 1'-0"



## SECTION OF

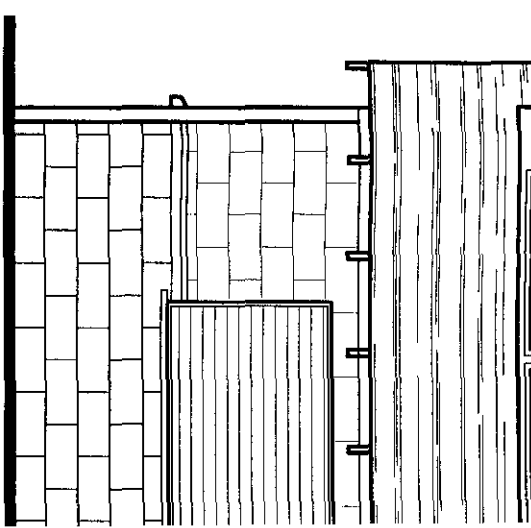
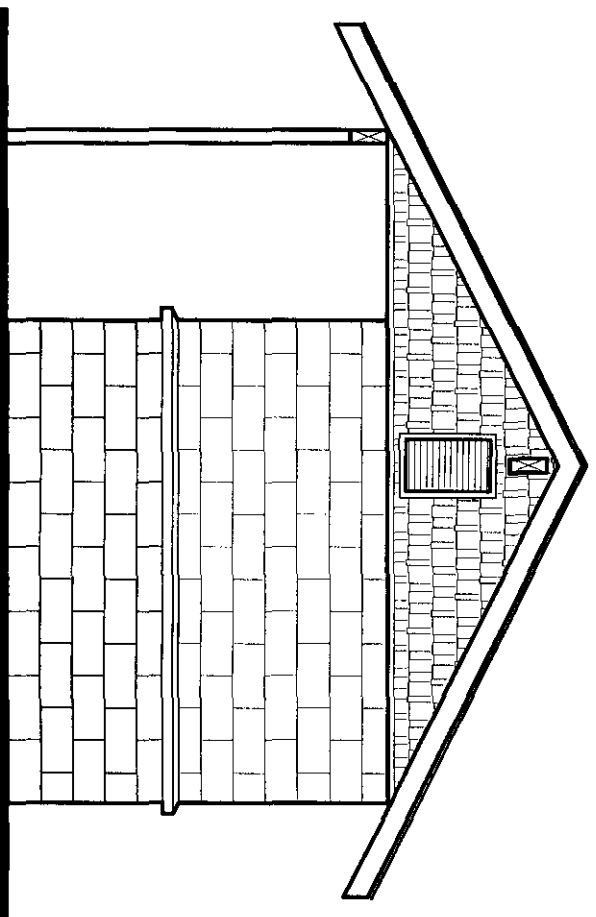


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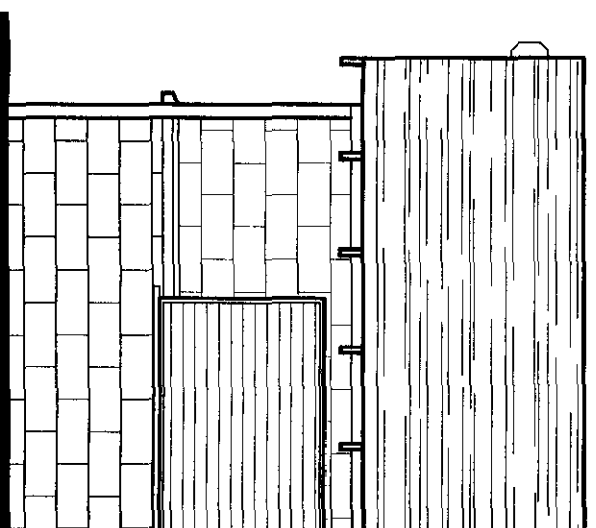


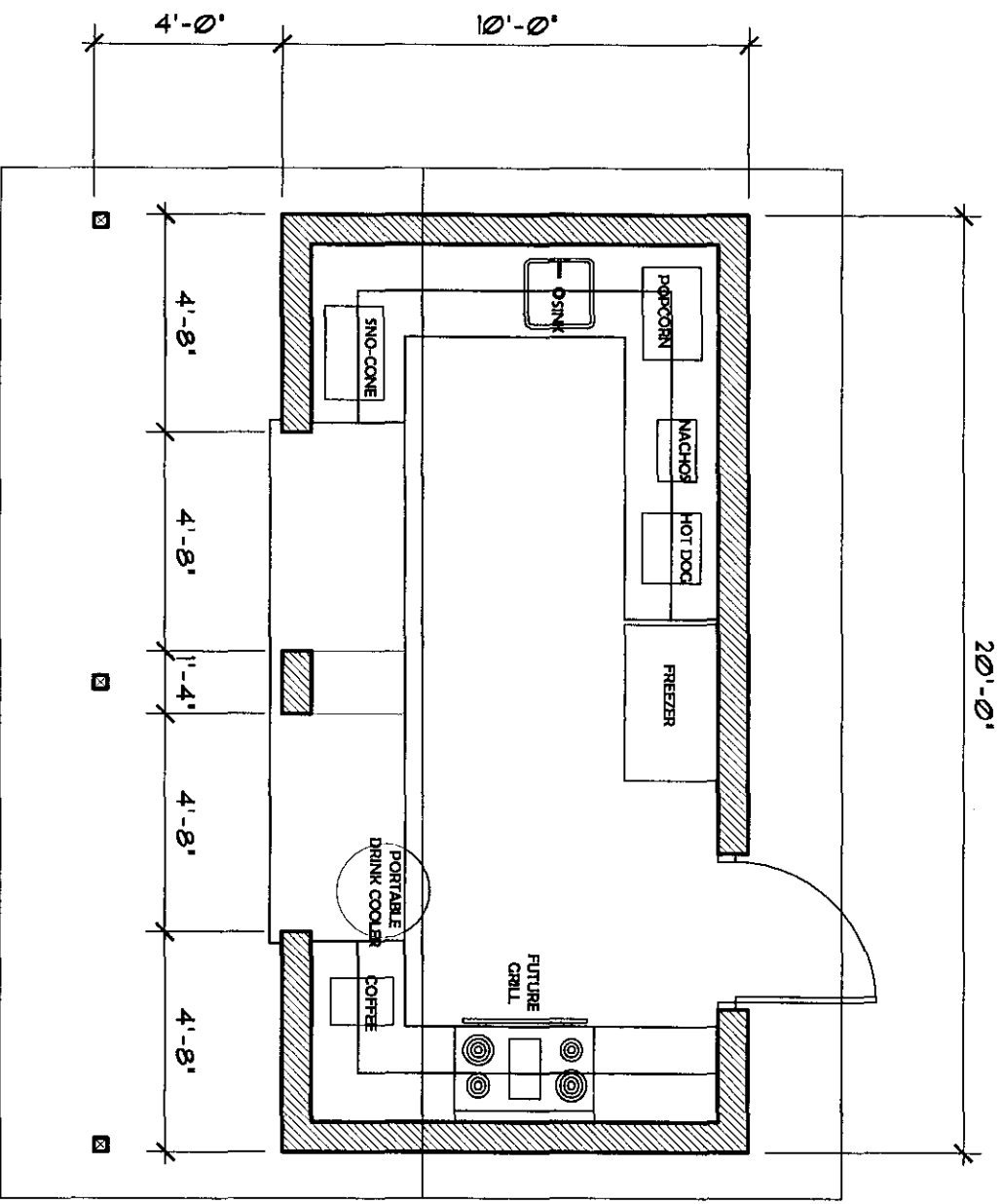
## RIGHT SIDE ELEVATION A

1/4" = 1'-0"



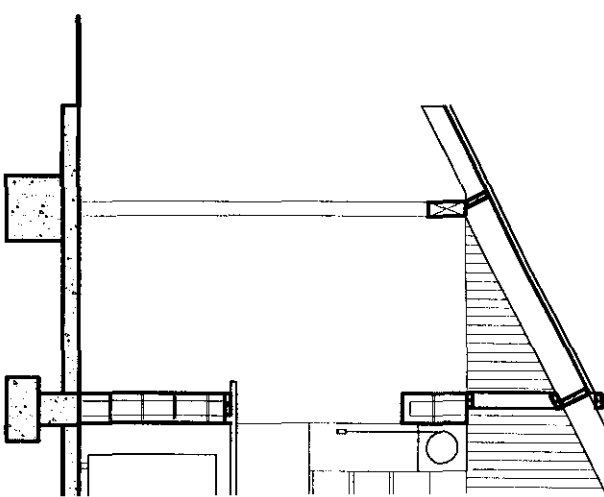
## FRONT ELEVATION



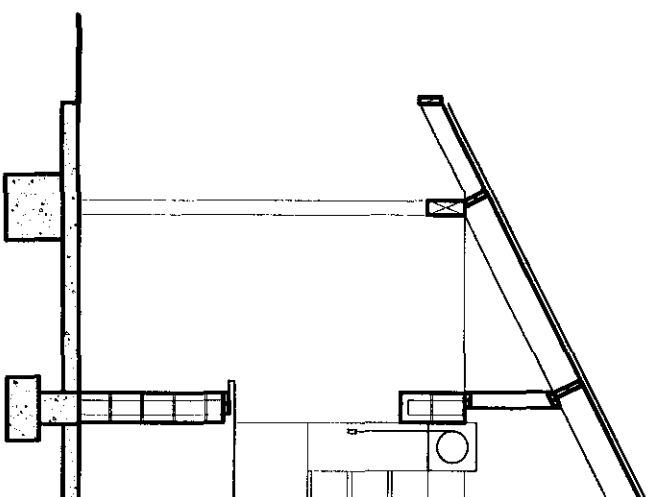


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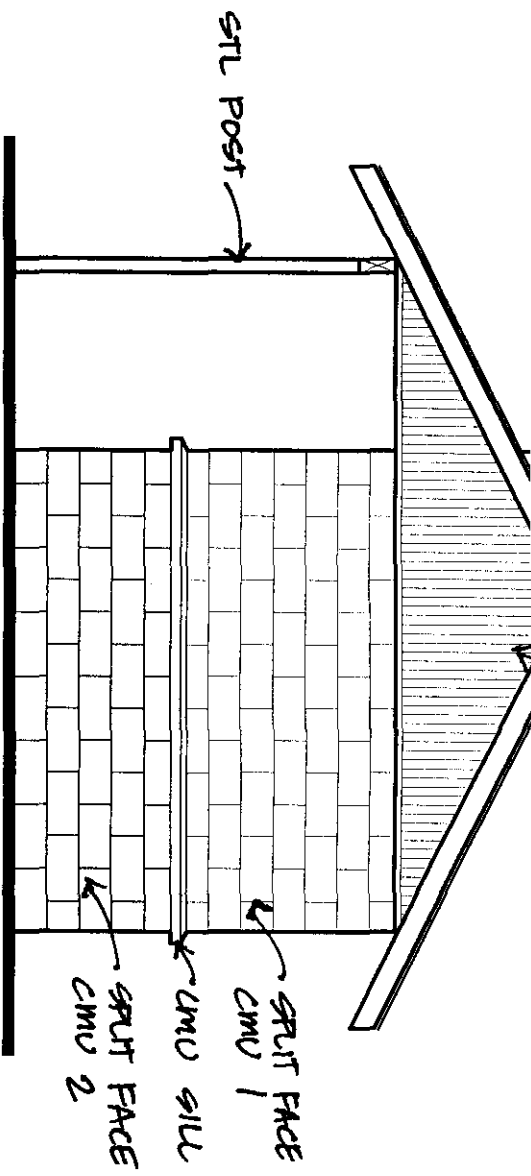
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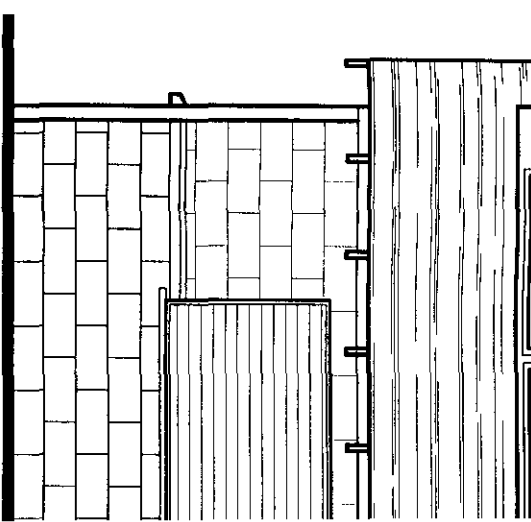
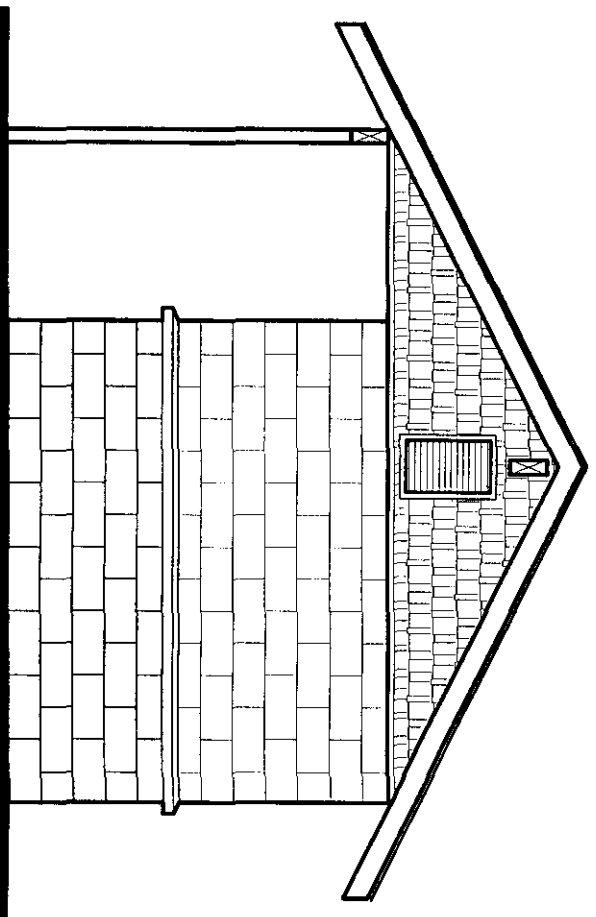


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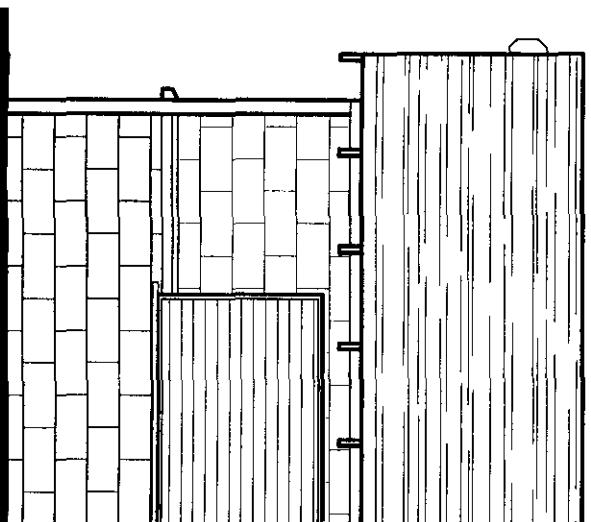


## RIGHT SIDE ELEVATION A

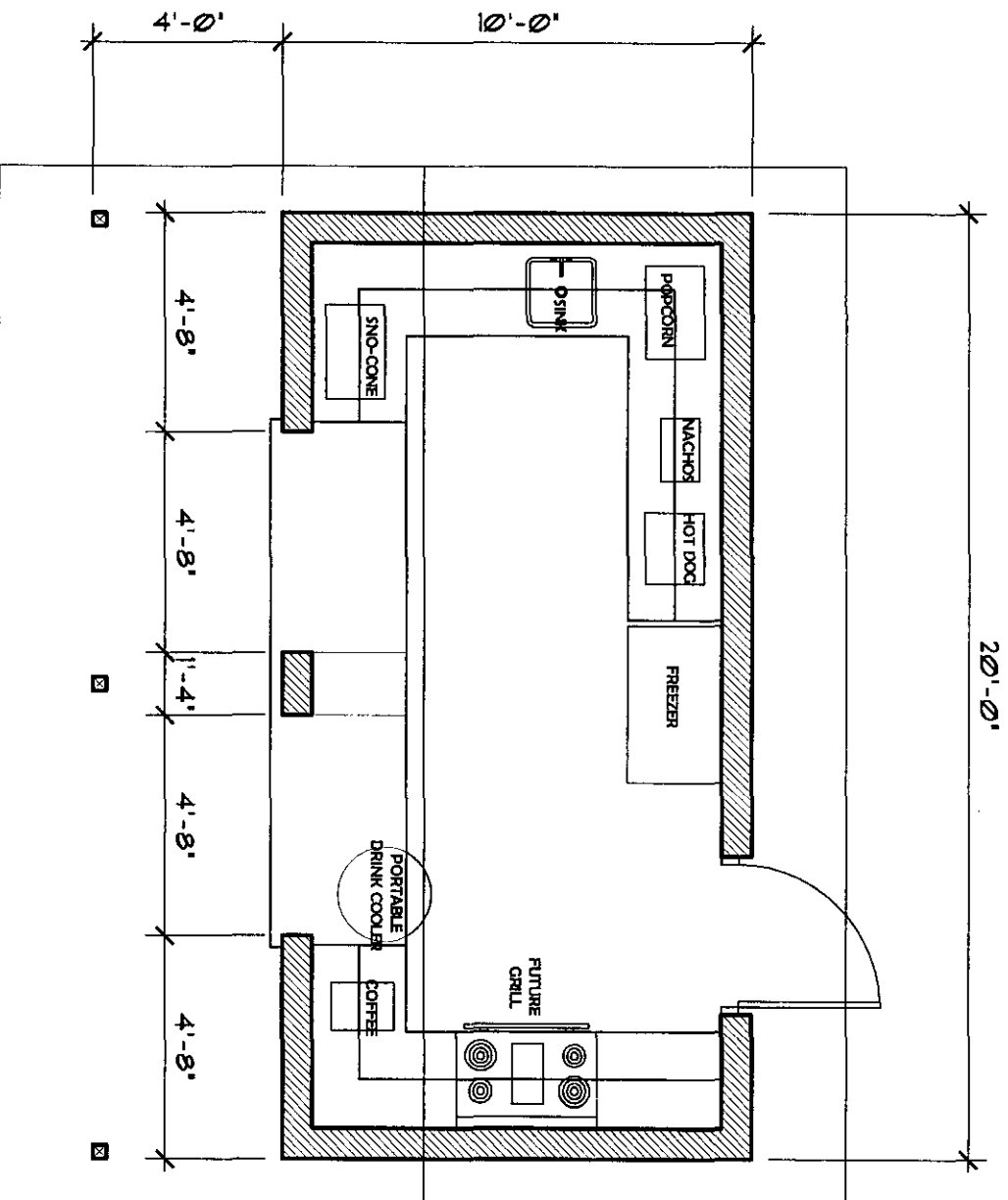
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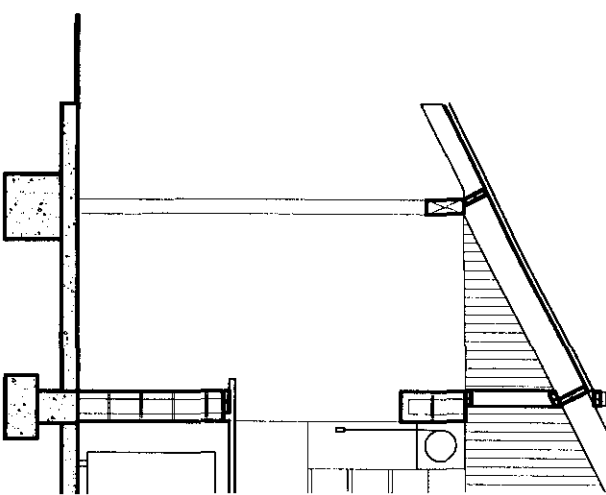




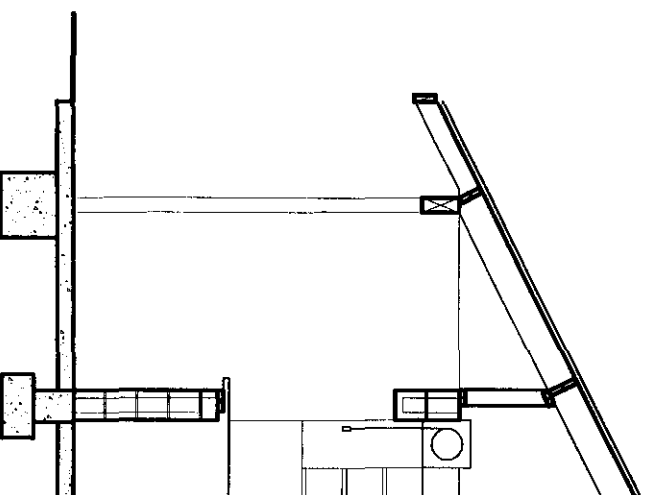


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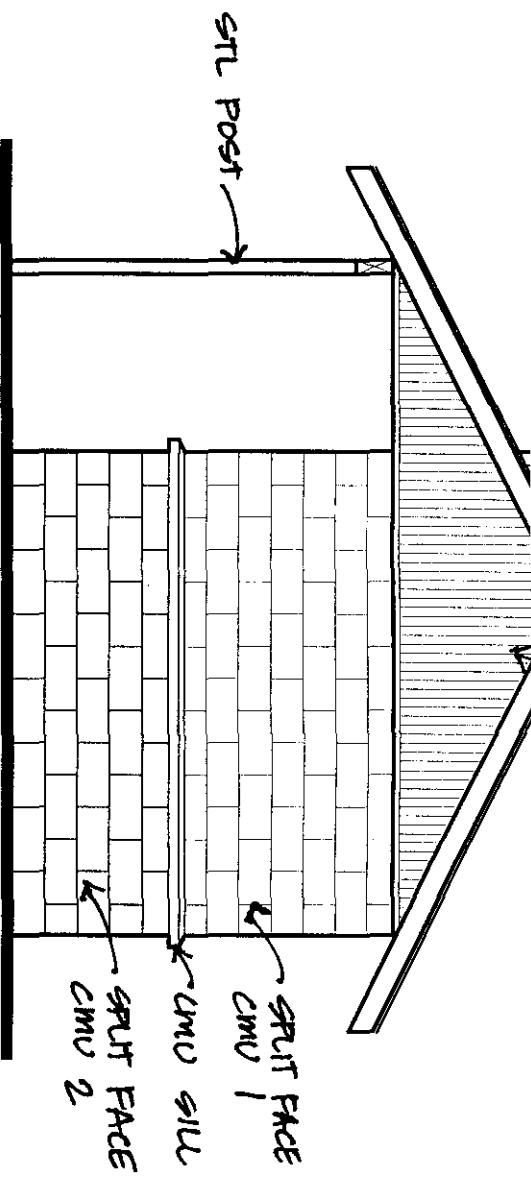
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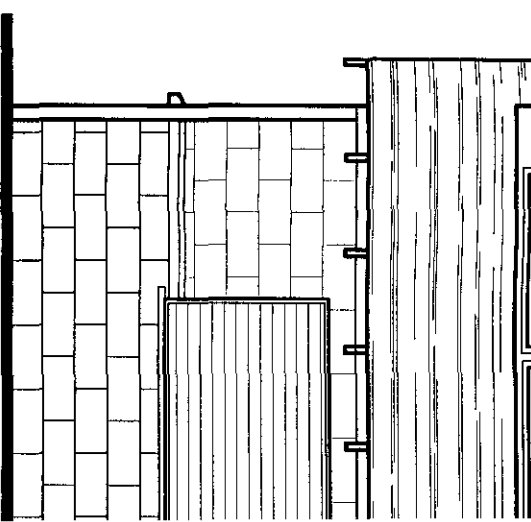
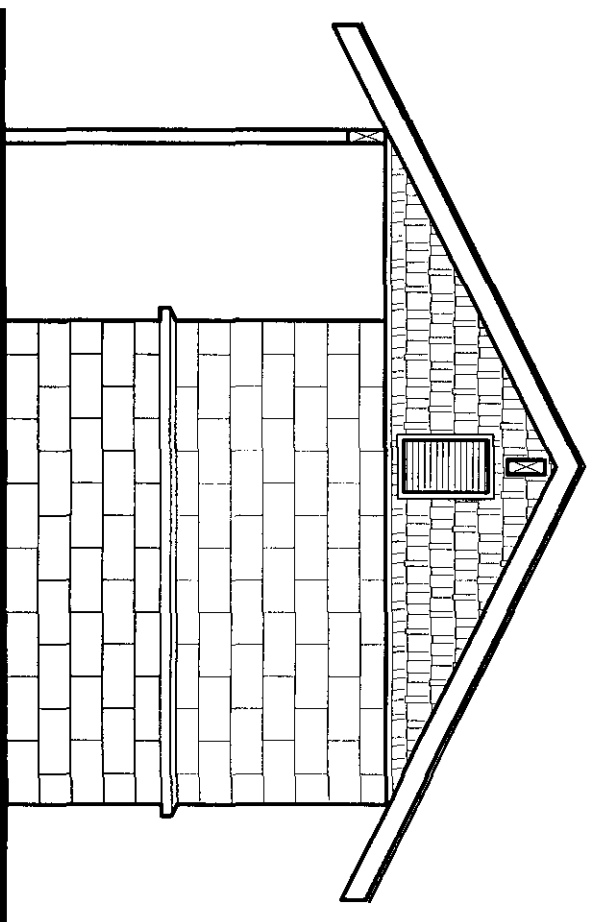


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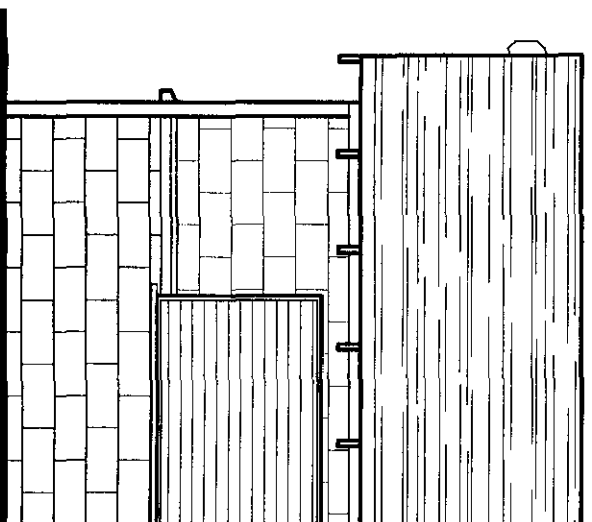


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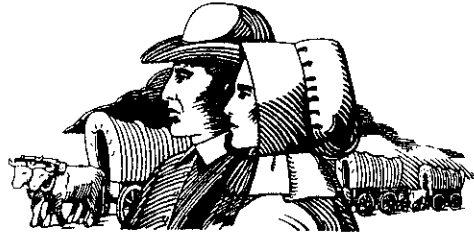


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Hall Chambers  
September 15, 2004 at 5:00 P.M.

The Planning Commission will be attending the Urban Renewal Commission meeting to listen to a presentation from Dave Leland concerning Economic Development opportunities in Oregon City. The Planning Commission Works Session will begin at the conclusion of the presentation in the City Hall Lunch Room.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### PLANNING COMMISSION WORK SESSION CITY HALL LUNCH ROOM

#### 1. WORK SESSION:

*Review and discuss potential "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18<sup>th</sup>, 2004 (Planning File L 03-01).*

*Review Single-Family Housing Design Standards.*

*Review Farm uses in Oregon City.*

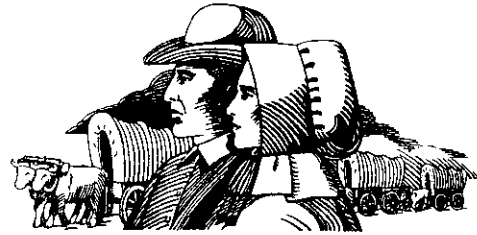
NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.

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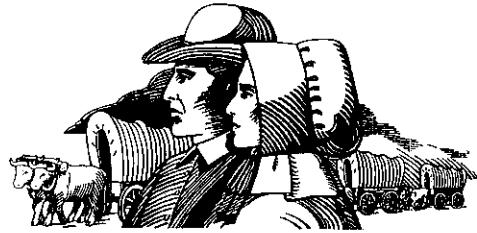
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## City of Oregon City Design Standards

### Irregular lots:

Add a section 17.020.030

- G. Lots that have one or more of the following criteria:
1. 5 or more sides,
  2. A slope (up or down) from front to back, greater than fifteen percent,
  3. Dimensions such that the width (measured along the street frontage) is less than 35% of the depth,
- shall be considered irregular for purposed of administering chapter 17.20 of this code.

On irregular lots, the director may approve an application to construct a dwelling that does not strictly comply with the criteria set forth in sections 17.020.030, but shall assure that the application comports as closely as possible to the criteria with recognition of the constraints of the site.

## Chapter 17.20 Residential Design Standards

### Sections

17.20.010	Purpose
17.20.020	Applicability
17.20.030	Residential Design Options
17.20.040	Residential Design Standards
17.20.050	Main Entrances
17.20.060	Maximum Lot Coverage

### 17.20.010 Purpose.

These design standards:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety on the public way and the front yards by providing “eyes on the street”.
- D. Provide for community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the main entrance of the house.
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

### 17.20.020 Applicability.

The standards in section 17.20.030 through 17.20.050 apply to the street facing facades of all new single-family dwellings, manufactured homes and two-family dwelling units (duplexes) with or without a garage. Additions and alterations that add less than 50% to the existing floor area of the house are exempt from section 17.20.030 through 17.20.050. Additions or alterations that are not visible from the street side of the home are exempt.

The standards in section 17.20.060 – Maximum Lot Coverage shall apply to all new and existing homes in the R-10, R-8 and R-6 single-family dwelling districts.

### 17.20.030 Residential Design Options.

There are six options outlined in 17.20.030 for complying with the residential design standards. Homes on corner lots and through lots shall comply with one of the six options below for the front of the lot. The “non-front” side of the lot shall have windows for a minimum of 15% of the façade and comply with three of the residential design standards in 17.20.040.A.

- A. The garage may be up to 50% of the length of the street-facing façade if:
  1. The garage is not closer to the street than the street-facing façade; and
  2. 4 of the residential design standards in 17.20.040.A are met.

- B. The garage may be up to 60% of the length of the street-facing-façade if:
  - 1. The garage is recessed 2 feet or more from the street-facing façade; and
  - 2. 5 of the residential design standards in 17.20.040.A are met.
- C. The garage may be up to 60% of the length of the street-facing façade and extend up to 4 feet in front of the street-facing façade if:
  - 1. 6 of the residential design standards in 17.20.040.A are met; and
  - 2. 1 of the 2 options in 17.20.040.B is met.
- D. The garage may be up to 50% of the length of the street-facing façade and extend up to 8 feet in front of the street-facing façade if:
  - 1. 7 of the residential design standards in 17.20.040.A are met; and
  - 2. 1 of the 2 options in 17.20.040.B is met.
- E. The garage may be side orientated to the front lot line and up to 32 feet long if:
  - 1. Windows occupy a minimum of 15% of the street-facing wall; and
  - 2. 4 of the residential design standards in 17.20.040.A are met.
- F. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if:
  - 1. The garage does not extend past the street-facing façade; and
  - 2. 6 of the design standards in 17.20.040.A are met; and
  - 3. 1 of the following is met:
    - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
    - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit.

17.20.040 Residential Design Standards.

- A. The residential design standards below shall be provided as required in section 17.20.030 above.
  - 1. Dormers.
  - 2. Gables or hip roof.
  - 3. Recessed entry at least 2 feet behind the front façade and a minimum 5 feet wide.
  - 4. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep with a porch rail.
  - 5. Bay windows.
  - 6. Offset of 16-inches or greater on building face or roof.
  - 7. Windows and main entrance doors that occupy a minimum of 15% of the front façade (not including the roof and excluding any windows in a garage door).
  - 8. Window trim (minimum 4-inches).



9. Front facing balconies.
10. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade.
11. Maximum 8-foot wide garage doors, a garage door designed to resemble 2 smaller garage doors and/or windows in the garage door.
12. A third garage door that is recessed a minimum of 2 feet.

B. The residential design standards below shall be provided as required in section 17.20.030 above. The use of one of the residential design standards below shall not count towards the number of residential design standard required to be provided from Section 17.20.040.A above.

1. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep with a porch rail; or
2. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

17.20.050 Main Entrances.

At least 1 main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street; or
- C. Open onto a covered porch on the front or side of the residence that is at least 60 square feet, a minimum depth of 5 feet and designed with a porch rail.

17.20.060 Maximum Lot Coverage.

The maximum lot coverage for the R-10, R-8 and R-6 single-family dwelling districts shall be 40% of the lot area. Accessory building 200 square feet or less are exempt from the maximum lot coverage calculation.

17.20.70 Exceptions.

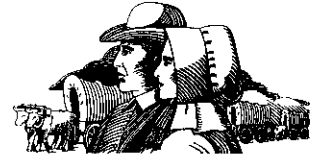
To be added based on discussion and review of Home Builders proposal.

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER-MILNE ROAD  
TEL (503) 657.0891

OREGON CITY, OREGON 97045  
FAX (503) 722.3880



**TO:** Planning Commission

**FROM:** Tony Konkol, Senior Planner

**DATE:** September 15, 2004

**SUBJECT:** Farm Uses

Provided below is a brief summary of various cities approaches to farms and animals.

City	Approach to Farming	Approach Animals
Canby	Farms are only permitted in the Agricultural Zone	Animals other than household pets are not permitted within the city limits. The City administrator may grant special permits for animals other than domestic pets. Signatures of abutting owners are encouraged.
Bend	Agricultural uses are currently permitted in residential districts. However, the city is in the process of revising their code and within those changes agriculture will only be permitted in the largest residential zone bordering the county.	Livestock requires a conditional use in a residential zone and is subject to additional standards.
Springfield	Agricultural uses are permitted in all residential districts. Temporary sales/display of produce is allowed and subject to additional standards.	Farm animals are permitted in low-density residential districts however, additional standards apply.
Tualatin	Agricultural uses are permitted in low-density residential districts.	Animals other than household pets are not permitted within the city limits.
Beaverton	Farms only permitted in the Residential Agricultural District.	Animals other than domestic pets are not permitted within the city limits.



## PC Mailing List

Meeting Date: 9-8-04

Sent On: 9-15-04

Number	Recipients	Sent
10	Copies for Front Table	
1	PC Binder	
1	Front Counter	
1	Dan Drentlaw	\
1	Tony Konkol	\
1	Christina Robertson-Gardiner	\
1	Sean Cook	\
1	Larry Patterson	\
1	Bob Cullison	\
1	Nancy K	\
1	City Recorder	\
1	Fire Department	\
1	Public Works	\
1	Police Department	\
1	Library	\
1	Carnegie Center	\
1	Pioneer Center	\
5	City Commission	\

\*In addition to the names on the following page

Total:

**CICC Chairman/Hillendale Nbrhd**  
 John Hollister  
 1504 Clairmont Way  
 Oregon City, OR 97045

**Barclay Hills Nbrhd Assoc.**  
 Elizabeth Klein, Land Use  
 13569 Jason Lee Drive  
 Oregon City, OR 97045

**Canemah Nbrhd Assoc.**  
 Howard Post, Chairman  
 302 Blanchard Street  
 Oregon City, OR 97045

**Caufield Nbrhd Assoc.**  
 Cathi VanDamm  
 15092 S. Persimmon Way  
 Oregon City, OR 97045

**Caufield Nbrhd Assoc.**  
 Mike Mermelstein, Land Use  
 20114 Kimberly Rose Drive  
 Oregon City, OR 97045

**Gaffney Lane Nbrhd Assoc.**  
 Joan Schultze  
 19413 Stillmeadow Drive  
 Oregon City, OR 97045

**Hazel Grove / Westling Farm N/A**  
 Kathy Hogan, Chairman  
 19721 S. Central Point Road  
 Oregon City, Oregon 97045

**Hillendale Nbrhd. Assoc.**  
 Debbie Watkins, Co-Chairman  
 13290 Clairmont Way  
 Oregon City, OR 97045

**McLoughlin Nbrhd Assoc.**  
 Denyse McGriff, Land Use  
 815 Washington Street  
 Oregon City, OR 97045

**McLoughlin Nbrhd Assoc.**  
 Dean Walch, Co-Chairman  
 516 Madison Street  
 Oregon City, OR 97045

**Park Place Nbrhd. Assoc.**  
 Ralph and Lois Kiefer  
 15119 Oyer Drive  
 Oregon City, OR 97045

**Park Place Nbrhd. Assoc.**  
 Don Slack  
 16163 Widman Court  
 Oregon City, OR 97045

**Rivercrest Nbrhd. Assoc.**  
 Diane McKnight, Chairman  
 161 Barclay Avenue  
 Oregon City, OR 97045

**Rivercrest Nbrhd. Assoc.**  
 Patti Brown, Land Use  
 P.O. Box 1222  
 Oregon City, OR 97045

**South End Nbrhd. Assoc.**  
 Karen Montoya, Chairman  
 137 Deerbrook Drive  
 Oregon City, OR 97045

**South End Nbrhd. Assoc.**  
 Kathy Robertson, Land Use  
 210 Elmer Drive  
 Oregon City, OR 97045

**Canemah Neighborhood Assoc.**  
 Alan Shull  
 713 5<sup>th</sup> Place  
 Oregon City, Oregon 97045

**Garvey Schubert Barer**  
 Bill Kabeiseman  
 121 SW Morrison Street, 11<sup>th</sup> Floor  
 Portland, Oregon 97204

**Planning Commission**  
 Linda Carter  
 1145 Molalla Avenue  
 Oregon City, Or 97045

**Planning Commission**  
 Lynda Orzen  
 14943 Quinalt Ct.  
 Oregon City, Or 97045

**Planning Commission**  
 Dan Lajoie  
 143 John Adams Street  
 Oregon City, OR 97045

**Planning Commission**  
 Tim Powell  
 819 6<sup>th</sup> Street  
 Oregon City, OR 97045

**Planning Commission**  
 Renate Mengelberg  
 2263 South Gilman  
 Oregon City, Or 97045

**Park Place Neighborhood Assoc.**  
 Julie Puderbaugh  
 15022 South Highland Road  
 Oregon City, OR 97045

**DJC**  
 Kurt Shirley  
 PO Box 10127  
 Portland, OR 97296

**Oregonian Metro South-News**  
 365 Warner-Milne Road, Ste. 110  
 Oregon City, Oregon 97045  
**Attn: Steve Mays**

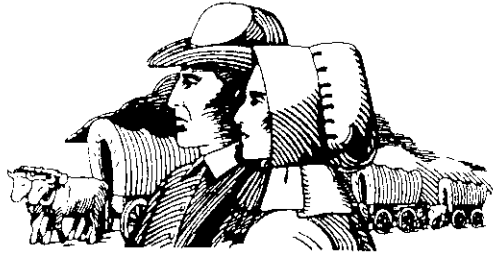
Rene Hinneberg  
**AV Tech**  
 2580 Cambridge Street  
 West Linn, OR 97068

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Commission Chambers - City Hall

October 11<sup>th</sup>, 2004 at 7:00 P.M.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### PLANNING COMMISSION MEETING

1. CALL TO ORDER
2. PUBLIC COMMENT ON ITEMS NOT LISTED ON AGENDA

3. APPROVAL OF MINUTES: *None*

4. HEARINGS:

*Review and discuss potential "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18<sup>th</sup>, 2004 (Planning File L 03-01).*

5. ADJOURN PUBLIC MEETING

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



# CITY OF OREGON CITY

INCORPORATED 1844

Community Development Department

Planning Division

P.O. Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045

Phone: (503) 657-0891 Fax: (503) 722-3880

TO: Planning Commission

FROM: Tony Konkol, Senior Planner

DATE: October 5, 2004

RE: Legislative File L 03-01- Review: Comprehensive Plan Update and Zoning Code Amendments

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Dear Commissioners:

The packet for the October 11, 2004 Planning Commission meeting includes the following:

- Attachment A Written testimony submitted to the City between 8/24/04 and 10/4/04;
- Attachment B The amended Comprehensive Plan Map dated 10/4/04;
- Attachment C The amended Zoning Map dated 10/4/04; and
- Attachment D The revised amendments to the Oregon City Comprehensive Plan and Municipal Code – Version 3.

There have been minor changes throughout the document addressing spelling and grammatical errors and providing consistency of amended code sections. In addition to minor changes throughout the document the following changes are proposed:

1. Policy 2.2.1 has been amended to clarify that Metro's definition of a regional center should be redefined to recognize the unique character of Oregon City and Policy 2.2.5 has been amended to encourage the cultural development of downtown Oregon City. Policy 2.2.13 addresses the future development of office on the first floor in the Downtown Design District.
2. Chapter 10 – Housing of the Comprehensive Plan has been amended to include additional background information concerning State and Metro Requirements. Goal 10.1 has been amended to remove the reference to affordable housing and Goal 10.2 has been added with accompanying Policies to address affordable housing.
3. Chapters' 16.12.030, 16.12.110 and 16.12.360 have been amended to remove Private Streets from the code. Private streets were allowed in Planned Unit Developments, which have been removed from the code, thus the reference to Private Streets in these three chapters is not necessary.

4. Chapter 16.12.290 has been amended to address the orientation of residential homes on collector and minor arterial streets. The proposed amendments allow greater flexibility in the design options for lots on collector and minor arterial streets, including joint driveways and landscape buffering.
5. Chapter 16.12.235 has been amended to reflect the new residential zoning classifications previously adopted by the City.
6. Chapter 17.04 has been amended to clarify the definition of single-family, single-family attached, a duplex and multi-family dwellings. The definition of Home Occupation has been amended to allow the use in an accessory building.
7. Chapter 17.06 has been amended to update the Zoning District Classification tables to accurately reflect the new zoning designations and dimensional standards adopted by the city.
8. Chapters 17.08: R-10, 17.10: R-8, 17.12: R-6, 17.16: R-3.5 and 17.18: R-2 have been amended to reference the new Housing Design Standards of Chapter 17.20 and to remove the previous Garage Standards and Maximum Lot Coverage requirements. The previous language addressing Farm uses has been added to the R-10, R-8 and R-6 permitted uses sections.
9. Chapter 17.20 is a new section to the code that addresses Residential Design Standards and includes standards for garage width, location and housing design standards to be incorporated into new homes and additions to existing homes in excess of 50% of the existing floor area of the dwelling.
10. Chapter 17.22 – Limited Office was previously removed from the code.
11. Chapter 17.24 – Neighborhood Commercial has been amended to allow the Conditional Uses identified in Chapter 17.56 – Conditional Uses of the OCMC and provide a review process for a building in excess of 10,000 square feet. The Limited Uses have been expanded to allow dwelling units on the second floor in conjunction with an approved conditional use. The Parking Standards have been removed from this section and have been incorporated into Chapter 17.52 - Off-Street Parking.
12. Chapter 17.26 – Historic Commercial has been amended to expand the Permitted Uses to include the MUC-1 permitted uses and single-family detached residential units. The Conditional Uses have been amended to allow the condition uses identified in the MUC-1 zone. The Dimensional Standards have been amended to allow greater flexibility when the parcel is not adjacent to a residentially zoned property.
13. Chapter 17.29 – Mixed Use Corridor Conditional Uses have been amended to allow for the review of a single store in excess of 60,000 square feet in the MUC-1 zone. The Parking Standards have been removed from this section and have been incorporated into Chapter 17.52 - Off-Street Parking.
14. Chapter 17.30 – Tourist Commercial was previously removed from the code.
15. Chapter 17.31 – Mixed Use Employment has been amended to remove “Distributing, wholesaling and warehousing” from the Prohibited Uses and include the uses in the Permitted Uses. These uses seem compatible with, and appropriate for, a Mixed Use Employment area.
16. Chapter 17.32 – Commercial has been amended to increase the maximum building height from 35 to 45 feet to allow greater flexibility in building design and maximize the potential use of the site.

17. Chapter 17.34 – Mixed Use Downtown has been amended to rename the “Historic Overlay District” to the “Downtown Design District”. The Permitted Uses have been amended to replace General Commercial uses with Mixed-Use Corridor – 2 uses, which is more restrictive and allows greater review for auto-orientated developments. The parking requirements for developments in the Downtown Design District have been amended to allow the minimum number of offstreet parking stalls to be reduced by half. This will encourage the full use of the site and promote the redevelopment of the existing buildings.

The Conditional Uses have been amended to clarify that drive through facilities are a conditional use for all uses except car washes, which are prohibited.

18. Chapter 17.44 – Unstable Slopes has been renamed Geologic Hazards and amended to limit grading during the wet seasons, limit the size of hillside fills and cuts and minor changes to clarify the construction standards required by the city.
19. Chapter 17.50 – Administration and Procedures has been amended to clarify the noticing requirements for an Appeal of a decision to the City Commission. The Appeal will not be noticed in the newspaper and the notice will only be mailed to those with standing.
20. Chapter 17.52 – Off Street Parking and Loading has been amended to allow the number of required spaces of a development to be reduced if the development is Transit Orientated, includes a Transportation Demand Management Program or Shared Parking is provided. The proposed changes will allow an option to increase the use of the property for building space rather than parking stalls.
21. Chapter 17.54 – Supplemental Zoning Regulations and Exceptions has been amended to require that accessory structures be located behind the front façade of the dwelling unit and the prohibition of seasonal fireworks sales has been removed.
22. Chapter 17.56 – Conditional Uses has been amended to remove assisted living facilities for seniors and public housing projects. The criteria for the placement of Churches and Other Religious Facilities have been removed and staff recommends that the requirements of the underlying zone be utilized.
23. Chapter 17.60 – Variances has been amended to include a Minor Variance procedure that will be reviewed by Staff and an expansion of the definition of a Minor Variance.
24. Chapter 17.61 – Adjustments in the Mixed Use Zones has been removed from the OCMC. The Minor Variance procedures of Chapter 17.60 have been expanded to address the options previously included in this section.
25. Chapter 17.62 – Site Plan and Design Review has been amended to address the Downtown Design District of the Mixed Use Downtown zone and clarify that Site Plan and Design Review is not required in the R-3.5 dwelling district.
26. Chapter 17.68 – Zoning Changes and Amendments has been amended to reference the correct fee schedule.
27. Chapter 17.80 – Communication Facilities has been amended to accurately reflect the new zoning designations of the OCMC.

The most recent proposed Comprehensive Map, Zoning Map, Comprehensive Plan, and Amended Zoning Code are available at City Hall, the Oregon City Library, and on the Oregon City web site.





Planning File L 03-01-Review: Amendments to the Oregon City Comprehensive Plan,  
Plan Map, Municipal Code and Zoning Map.

Comments submitted between August 24, 2004 and October 4, 2004.

Exhibit Number:	Submitted by:	Description:
1.	Mr. and Mrs. Hart	1 page letter submitted 10/04/04
2.	Ms. Lofgren	1 page letter submitted 10/04/04
3.	Mr. Fraedrick and Ms. Monroe	1 page letter submitted 10/04/04
4.	Mr. and Mrs. Tennant	1 page letter submitted 10/04/04
5.	Ms. Puderbaugh – Park Place Neighborhood Association	1 page letter dated 10/01/04
6.	Mr. and Mrs. Abrams	1 page letter dated 9/27/04
7.	Ms. Griffith	2 page letter dated 9/21/04
8.	Mr. Kosel – Central Point Community Planning Organization	2 page letter dated 9/25/04
9.	Ms. Mars Carus Community Planning Organization	2 page letter dated 9/15/04
10.	Mr. Klas	1 page letter dated 9/15/04
11.	Mr. Walch and Ms. McGriff: McLoughlin Neighborhood Association	1 page letter dated 9/13/04
12.	Ms. Mars	2 page letter dated 9/5/04
13.	Elizabeth Graser-Lindsey: Beavercreek Community Planning Organization	1 page letter dated 8/25/04

To whom it may concern:

It is our understanding that new Oregon City ordinances, laws, or covenants are being considered to restrict all forms of farm related activities - animal, nursery type operations on former farm property within the City boundary.

We recently built a home on Wayne Drive, Oregon City, which overlooks the Hammond-Williams property. It was this small strip of land, "green space", behind our property which attracted us to the area.

A small nursery or truck farm operation seems to be the best and most beneficial use of this property.

Open spaces, even in the city are desirable for air + water quality and preservation of indigenous animal life.

We ask the Council to ~~reconsider~~ reconsider restricting proper use of property that is contrary to the owners' wishes.

Respectfully  
John + June Hart  
16414 Wayne Drive  
Oregon City, OR 97045

OCT - 4 PM 4:46  
CITY CLERK

RECEIVED  
CITY OF OREGON13358 Roseberry Ave.  
Oregon City, OR 97045

Dear commissioners -

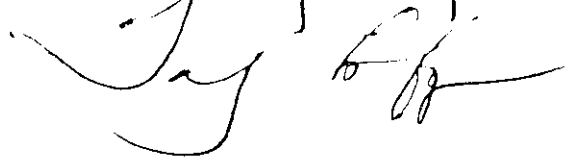
Please reconsider outlawing farming in Oregon City. As a homeowner in this great city I feel you are infringing on personal property rights. Government should not be allowed to "vote" on important issues that involve resident taxpayers. This should have been put on a ballot for the people to decide, not a closed door decision made by a few.

I personally know quite a few people who own 1/2 acre or more who would like the freedom to grow a garden or keep animals to supplement their income.

All people should be able to use their property the way they choose to. Even now there are people making choices to buy property based on starting a business venture. Please do not disappoint the rural residents of your city. Thank you for taking my views into consideration.

Sincerely,

Tammy Lofgren



Gloria Monroe  
Neil Fraedrich  
16400 Wayne Dr.  
Oregon City, Or 97045

10-04-04

RE: Land Use for Holcomb Rd./or - Why We bought this Land

To whom it may concern!

It is our intention to explain our reasoning and our desires for purchasing the property at 16400 Wayne Dr.

We want to live in a semi-rural landscape. Our initial reason for looking at this property is that it was removed from the "City like " atmosphere of suburban living. We talked to neighbors and discovered that Deer roam the fields behind us. We discovered that there were Chickens, Horses, and Goats in the area , and we thought that this would be a wonderful reason to move to this neighborhood.

I have recently become aware of proposed land use changes which May change this, and I do not agree with this kind of action. It would make this area less desirable to live in for us. I am also aware that my neighbors are and have been planning some kind of small commercial venture using the land they own for Specialty Gardening and/or wish to continue with raising their chickens. I support their desire and earnestly hope that they will be enabled to continue as they plan, with out hindrance by zoning issues.

Please allow my opinion to be considered before any action is taken.

Neil Fraedrich

*Neil Fraedrich*  
*Gloria Monroe*

RECEIVED  
OCT 4 4 40 PM '04

Untitled

Oct. 4, 2004

To whom it may concern:

This is to relate that we have no objections to any farming or agriculture activities that may be conducted within the limits of Oregon City.

*William Tennant*

*Janice Tennant*

William and Janice Tennant  
16456 S. Wayne Drive

RECEIVED  
OCT 7 2004  
CLERK OF DISTRICT COURT

04 OCT -4 PM 4:46

Park Place Neighborhood Association  
C/O 15022 S. Highland Road  
Oregon City, Oregon 97045

October 1, 2004

City of Oregon City  
Planning Commission  
City Commission  
320 Warner Milne Road  
Oregon City, Oregon 97045

RE: Farm Zoning

Dear Planning and City Commission:

At the September 20, 2004 General Membership meeting for Park Place Neighborhood Association, the membership voted in favor of supporting revising the statutes to allow farming within the city limits of Oregon City.

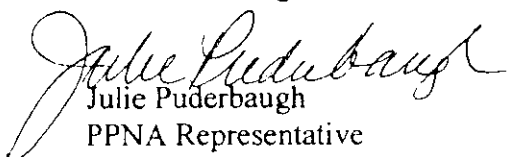
While most of Oregon City is developed, not all of the acreage has been portioned up for subdivisions. There are pockets of property with acreage, especially in the Park Place area, that owners are not planning on developing in the near future. These are people who like living on large parcels of land and the benefits of living on a small farm.

Especially with the impending annexation potential of the Redland Road properties to Holly Lane, the farming deletion should be reconsidered. There are countless acreage properties on Livesay that grow crops and Christmas trees for either income or tax deferral reasons. This area 24, 25 and 26 should be taken into consideration.

The Park Place Neighborhood Association members like the idea of the "rural" feel of Park Place. They want it to be a community that you can still walk or drive to the neighbors to buy eggs or other grown products during the proper growing season. Whether it be food, flowers, Christmas trees or cheese, this is what makes Park Place still feel like the country. That is one of the benefits of living on the edge of the Urban Growth Boundary.

Please reconsider your decision regarding allowing small acreage farming to include direct selling on a seasonal and or limited basis. We are proud of our country feel and would like to keep some of the past as we go forward with the future.

Sincerely,  
Park Place Neighborhood Association

  
Julie Puderbaugh  
PPNA Representative

04 OCT -4 PM 4: 20  
CITY OF OREGON CITY  
PLANNING COMMISSION

Attention O.C. Planning Commissioners,  
we would like for you  
to reconsider the zoning on  
Halcomb Rd. to allow farming.  
During the discussion,  
it would be well to include  
some limitations such  
as pig farming.

Thank you,  
Jim and Lavake Abrams



Dear Commissioners,

Spt 21, '04

It has recently come to my attention that ~~the~~ zoning laws have been changed here in Oregon City that will greatly affect our farming neighbors.

I just have to take time to express my shock and deep disappointment in this change in our community.

I previously lived with my family for 21 years in the heart of Chicago, Ill., and moved to Oregon City during the summer of 1996 (since a relative had a rental available in the historic area at that time).

My family and I have thoroughly enjoyed being in this diverse community. It's difficult for me to convey how deeply delighted we've been to live in this quaint little city with its rich history and lovely homes surrounded about one inch from a beautiful farm.

This is one of the things that we have enjoyed the most being here. We love the fact that when we drive out

of our little neighborhood ~~and~~  
we can enjoy wonderful farms  
and pastures of cows, horses  
goats, chickens, etc. I love that  
our residents here have been free  
to supplement their incomes in  
all of these various ways including  
raising farm animals, growing Christmas  
trees or flowers and many other  
ways.

We love this aspect of living  
in this city. It's great to live  
~~among~~<sup>in</sup> this atmosphere. We don't  
want it to change. Please, let's  
reconsider what we want for  
our residents.

Sincerely,  
Kathy & Griffith

Kathy A. Griffith  
18883 Blue Ridge Dr  
OC, OR 97045

503. 655. 1000

1  
2 Central Point-Leland Road-New Era  
3 Community Planning Organization  
4 11466 Finnegan's Way  
5 Oregon City, Oregon 97045  
6

7 August 31, 2004  
8

9 City of Oregon City  
10 320 Warner Milne Road  
11 Oregon City, Oregon 97045  
12

13 Attention: Honorable Alice Norris  
14

15 Dear Mayor Norris:  
16

17 The Community Planning Organization officers  
18 request that former Section 17.08.020.D. of  
19 the City Municipal Code be added back to the  
20 Code.  
21

22 If the City is concerned with the  
23 compatibility of micro-farms and  
24 subdivisions, then this section could be  
25 modified to be a permitted use only to  
26 applicable properties outside the City limits  
27 but within the Urban Growth Boundary. If, and  
28 when, these properties are annexed into the  
29 City, the use would be grandfathered.  
30

31 The City should not limit the economic  
32 viability of these properties within the UGB,  
33 properties that may be years, if ever, from  
34 being annexed to the City.

35  
36 Thank you for your consideration of this  
37 request.

38  
39  
40  
41 Respectfully submitted,

42  
43  
44  
45 James A. Kosel  
46 Chairperson  
47  
48

RECEIVED  
CITY OF OREGON CITY

15 September 2004  
City of Oregon City  
Bob Bailey, Commissioner

Dear Commissioner Bailey,

At a recent meeting of the Carus Community Planning Organization a vote was taken to address the "farming within the city limits of Oregon City" issue. As we trade with merchants within Oregon City, make use of your transportation system, and at some point may be impacted by your present decisions, we felt it appropriate to comment.

Ms. Tam Seasholtz and you, Commissioner Bailey, were present to give us both sides of this somewhat complex issue. We appreciate your contribution to our understanding of this issue and for the enlightenment regarding numerous aspects of Oregon City that you shared with us.

After considerable deliberation our CPO felt it appropriate to suggest the following for your consideration:

Immediately return the farm ordinance to what it was before your recent changes. Farming, would then be listed as a permitted use.  
Subsequently, after considerable research and deliberation, clearly define the parameters for farming within the city limits.

It would seem unfair to ask Ms. Seasholtz to further delay the start-up date for her business after she has complied with the procedures appropriate for her use. Ms. Seasholtz has also complied with the rigorous requirements of the Department of Agriculture, which address a broad base of issues relevant to public health, safety and the environment.

This should be an issue that involves careful deliberation, research and public input. This cannot be done on a cursory basis. Further care and study should be undertaken to find precedents in other communities. We would welcome the opportunity to participate with you in this process.

Thanking you for your attention, I remain,

Sincerely,

Ariel Mars, Secretary  
Carus Community Planning Organization  
23330 S. Molalla Ave. Oregon City, OR 97045-9575  
503 201-9521

cc: Alice Norris, Mayor  
Commissioner Gary Hewit  
Commissioner Doug Neeley  
Tom Lemons, Commission President  
Linda Carter, Planning Commission Chairman  
Oregon City Planning Commission

September 15, 2004



City of Oregon City  
Community Development Department  
Planning Division  
320 Warner Milne Road  
Oregon City, Oregon 97045  
Fax 503-657-7892

Re: Changes to Municipal Code dated June 18, 2004

Sir:

This letter is to request consideration by the Planning Commission of an apparent shortfall in the new Municipal Code:

Section 17.34.020 permitted uses, V, specifically allows pharmacies in the M.U.D. District. Note that this section does not specifically reference banks.

Section 17.34.030, Conditional uses, A - states "Drive through facilities associated with a bank". G - references pharmacies again.

I could find no other references in the above sections or in section 17.52 about drive-thru facilities associated with any other uses. Nor could we find any information about required stack lengths for drive-thrus.

All of the major pharmacy operators have drive-thru facilities as a part of their operational criteria. Obviously pharmacy drive-thrus do not have the frequency of use that a bank or fast food facility would have.

The planning division is telling us that, since drive-thrus are only referenced for a bank in section 17.34, drive-thrus are not allowed for any other uses. This seems like a serious shortfall in the new municipal code. We respectfully request that the municipal code be revised as soon as possible to address drive-thrus for a variety of other possible uses, and to clarify specific requirements for various drive-thru uses.

Please call with any questions.

Sincerely,

Robert Klas  
Managing Architect

cc: Tony Konkol, Planning Commission

McLOUGHLIN



NEIGHBORHOOD  
ASSOCIATION

September 13, 2004

Oregon City Planning Commission  
City of Oregon City  
P.O. Box 3040  
Oregon City, Oregon 97045

04 SEP 15 AM 9 16  
CITY OF OREGON CITY

RE: Farm uses in Residential zones

Dear Planning Commissioners;

Prior to adoption of the revisions to Title 17- Zoning code, farm uses were an allowed use in residential zones.

*D. Farms commercial or truck gardening and horticultural nurseries  
On a lot not less than twenty-thousand square in area (commercial  
buildings are not permitted).*

It is our understanding that during the initial formulation of the Oregon City comprehensive plan many of the areas that would potentially be annexed were large parcels and could contain active farms uses or possible future farm uses.

It is our understanding that there was an unintended omission of Farm Uses in the new code. The McLoughlin Neighborhood Association supports the reinstatement of farm uses as an allowed use in the "R"- residential zones with the city limits. The Association voted to support this reinstatement at its September 1, 2004 general meeting. We feel that with proper conditions such as a minimum lot size and a provision for limited sales and other standards for farms uses that this would be very compatible in the City.

Thank you in advance for your consideration and we would like to receive additional notification regarding these items and would be interested in participating in a process to finding a solution.

Sincerely,

Dean Walch, Co-Chair

Denyse McGriff, Land use Chair



**HIDDEN CREEK NUBIANS**

Ariel Mars  
23330 S. Molalla Ave.  
Oregon City, OR 97045-9575  
503 201-9521 FX 503 632-3583

5 September 2004

Dear Fellow Rural Oregonian,

The Oregon Land Use Goals, adopted decades ago, have as a central purpose the preservation of agricultural lands. In the past Oregon has always been recognized as a state whose primary focus was on agriculture and related industries. While we have been marginally successfully in maintaining those goals, there has been an increasing amount of pressure on the smaller agricultural holdings. It is this pressure and an increasing concern for preserving the rural nature of our area that prompts this letter.

Ms. Tam Seaholtz of Trails End Gourmet Cheese located in a recently included boundary area of Oregon City has encountered numerous barriers to establishing and licensing a family based agricultural business within these boundaries. Ms. Seaholtz has complied with all of the "on the book" requirements for her small business, the beginning concepts and implementation of which, preceded recently passed Oregon City planning ordinances. Ms. Seaholtz has over time bought property, purchased dairy goats and carefully observed the ordinances and regulations for the establishment of her family based cheese making enterprise.

The last step of this lengthy process was the procurement of a business license from the city of Oregon City. You can imagine her surprise to find that agricultural business' within the OC boundaries have recently been prohibited. Equally surprising was the lack of appropriate public notification and particularly the lack of research and process by the city planning and commissioners regarding this important issue.

Within Clackamas County we have a policy of congruency that addresses all areas of growth and the planning process. I know that in the past Oregon City has addressed the areas of transportation and industry with particular fervor.

Here we have a small family business that is appropriate to the rural nature of Oregon City, and this area, that is not impacting either the road system or other provided services in a negative way. It will provide an income for a local family, preserve our rich agricultural heritage and impact the area in only a positive way. It will not put undue stress on the road system but will in fact provide the basis for furthering additional established agricultural related businesses in the area.

Trails End will be making local purchases relating to their business from many of the established businesses in the area. It will provide a positive revenue source for such

businesses as Coastal Farm Supply which is now relocating to the Oregon City Shopping Center as well as to Wilco and many agricultural and other related businesses in the area.

The ordinance passed by the city of Oregon City will restrict many other small agricultural businesses. People wanting to grow herbs, flowers and other small niche oriented horticultural products will be similarly impacted.

If it is our goal to truly preserve our agricultural heritage, provide minimal impact income producing resources, and maintain the livability of this beautiful Willamette Valley, I urge you to investigate this issue more thoroughly and help to provide a solution.

While I live outside the Oregon City UGB, I too, provide agriculturally based products and utilize the agricultural resources of the Oregon City area. Therefore, any restrictions on resources, heritage or livability in this area is of great concern to me and to other area residents.

Carus CPO will be featuring Ms. Seaholtz as a speaker at our September 9<sup>th</sup> meeting at Stone Creek Church as 21949 S. Hwy. 213 Oregon City at 7 PM. I urge your attention and attendance to this issue.

Sincerely,

Ariel Mars, **HIDDEN CREEK NUBLANS** 23330 S. Molalla Ave OC 503 201-9521

Cc: Oregon City Commissioners  
Clackamas County Commissioners  
Francine Raften, CC Public Affairs  
Linda Carter, Planning Chair OC  
Oregon City Planning Staff  
Alice Norris, Mayor  
Tom Lemons, Commission President  
Kurt Schrader, Senator  
Dr. Elizabeth Graser-Lindsey  
Carus CPO  
Mulino CPO  
Canby Herald  
Molalla Pioneer

Beavercreek Community Planning Organization

P O Box 587  
Beavercreek, OR 97004

25 August 2004

City Commission  
City of Oregon City  
320 Warner Milne Rd  
Oregon City, OR 97045

RE Comprehensive Plan -- Residential Permitted Use, Farming, Supported

Dear City Commissioners

As you may know the Beavercreek Community Planning Organization (CPO) represents residents within the Urban Growth Boundary (UGB) such as those in the Maplelane area as well as those outside in the Beavercreek area. These areas inside the UGB, but outside Oregon City limits, often are used for some form of farming, but may be annexed in the future by Oregon City, and, consequently, these lands could potentially be impacted by the recent change in Conditional Uses in the Oregon City Comprehensive Plan (such as for R-6 to R-10), which no longer allows farming and related uses<sup>1</sup>, but which is under review.

At our August 25, 2004 meeting, the Beavercreek CPO voted in favor<sup>2</sup> of requesting that you maintain the original farm permitted use as existed prior to June 2004.

Your consideration of this request would be appreciated.

Sincerely,



Elizabeth Graser-Lindsey  
Speaker  
(503) 632-5568

2004 SEP -3 PM 3:37  
CITY OF OREGON CITY  
RECEIVED

<sup>1</sup> "Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted)"

<sup>2</sup> The vote of those eligible was 9 yes 5 no 5 abstain. Some members instead would have you revisit your June decision to allow farming to the extent that actual impacts on immediate neighbors be avoided. It was our understanding that Oregon City has not been experiencing conflicts between farming uses and neighbors, but it was understood that pigs or pesticide spraying e.g. could potentially be disturbing, while goats usually would not be.







# CITY OF OREGON CITY

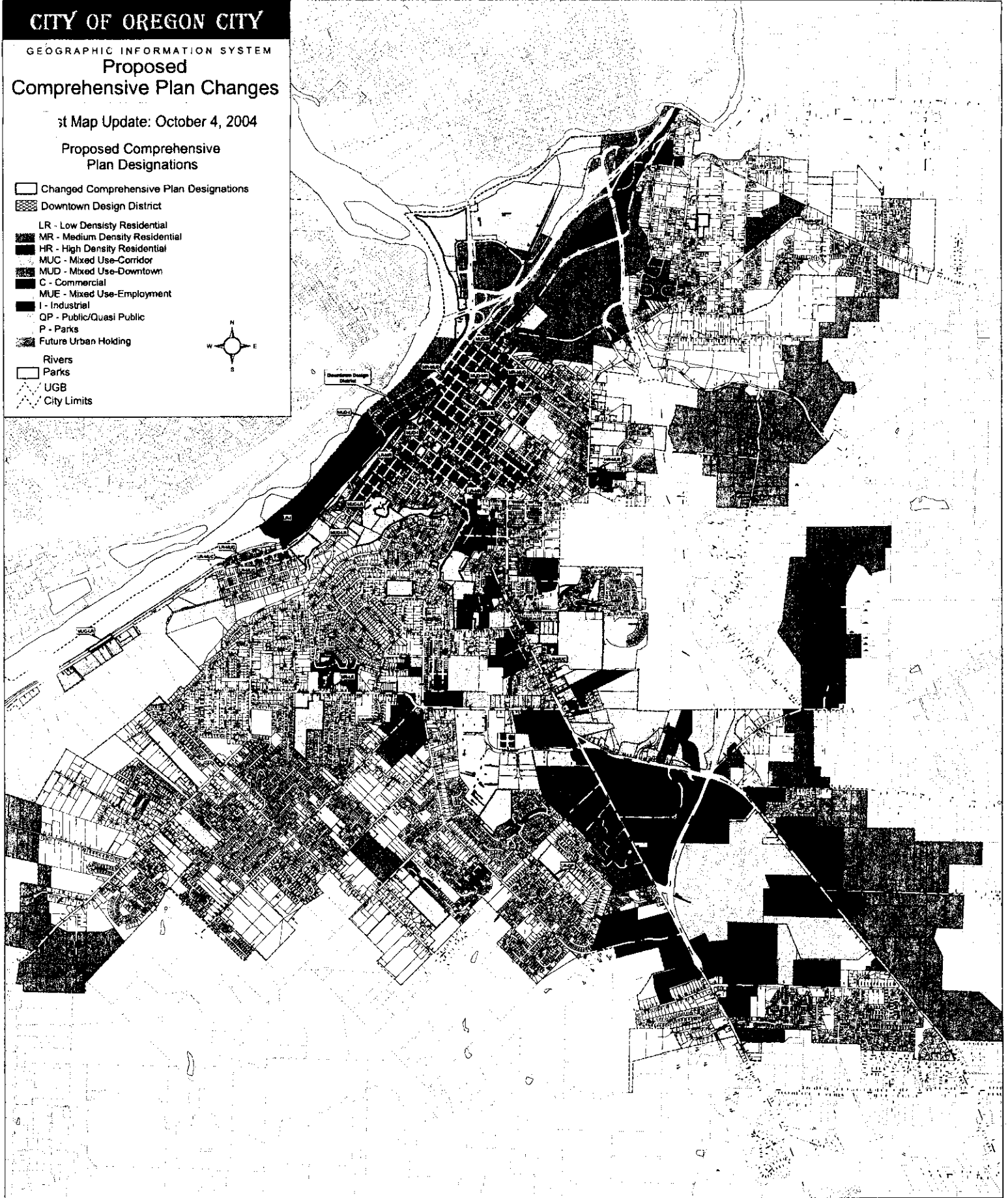
GEOGRAPHIC INFORMATION SYSTEM

## Proposed Comprehensive Plan Changes

1st Map Update: October 4, 2004

### Proposed Comprehensive Plan Designations

-  Changed Comprehensive Plan Designations
-  Downtown Design District
- LR - Low Density Residential
- MR - Medium Density Residential
- HR - High Density Residential
- MUC - Mixed Use-Corridor
- MUD - Mixed Use-Downtown
- C - Commercial
- MUE - Mixed Use-Employment
- I - Industrial
- QP - Public/Quasi Public
- P - Parks
-  Future Urban Holding
- Rivers
-  Parks
-  UGB
-  City Limits



MAP FOR REFERENCE PURPOSES ONLY.  
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.



City of Oregon City



Attachment B

# CITY OF OREGON CITY

GEOGRAPHIC INFORMATION SYSTEM

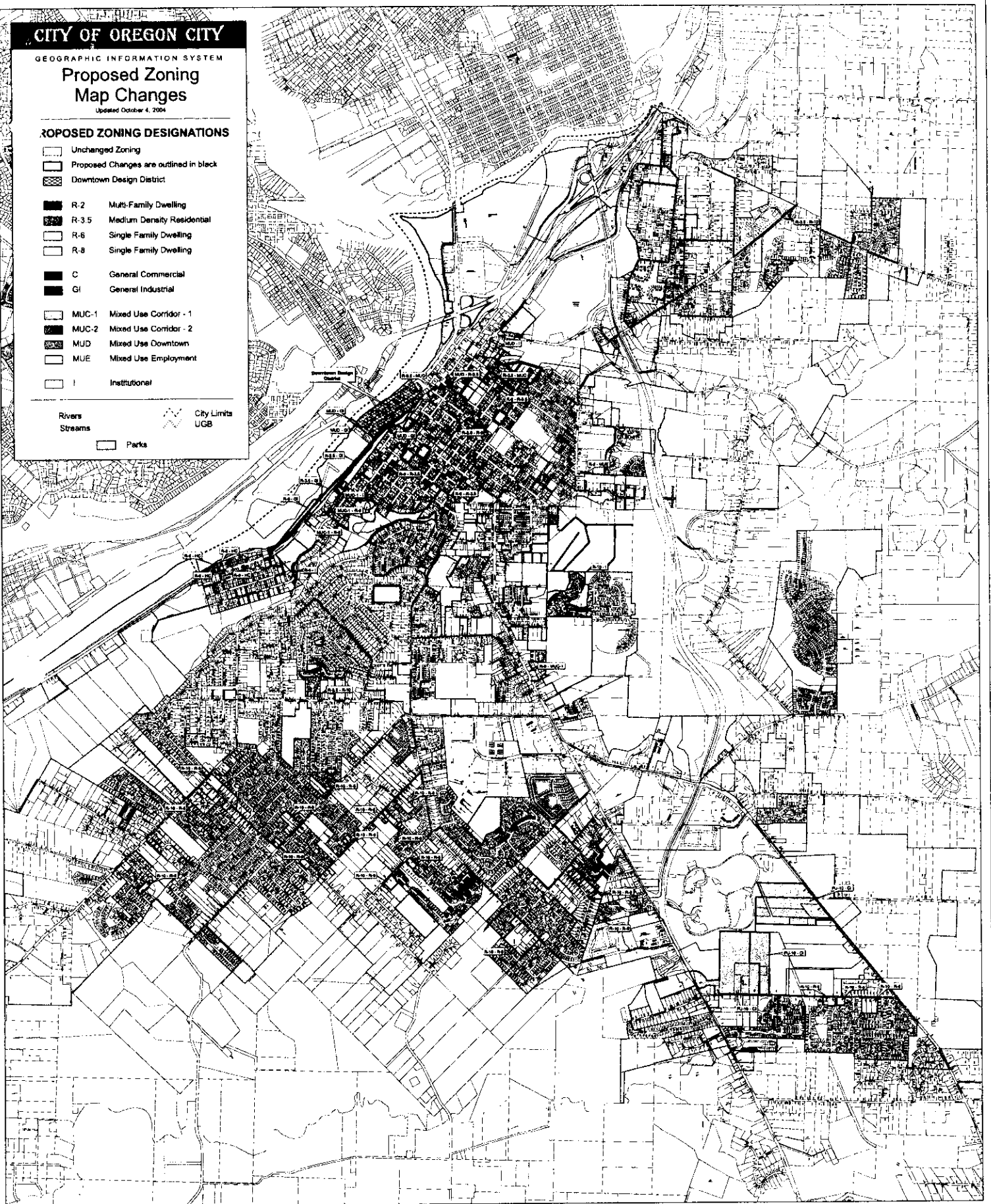
## Proposed Zoning Map Changes

Updated October 4, 2004

### PROPOSED ZONING DESIGNATIONS

- Unchanged Zoning
- Proposed Changes are outlined in black
- Downtown Design District
- R-2 Multi-Family Dwelling
- R-3.5 Medium Density Residential
- R-6 Single Family Dwelling
- R-8 Single Family Dwelling
- C General Commercial
- GI General Industrial
- MUC-1 Mixed Use Corridor - 1
- MUC-2 Mixed Use Corridor - 2
- MUD Mixed Use Downtown
- MUE Mixed Use Employment
- I Institutional

- Rivers
- Streams
- City Limits
- UGB
- Parks



MAP FOR REFERENCE PURPOSES ONLY.  
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.

Please recycle with colored office grade paper.



City of Oregon City



Attachment C

# Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map.

## **City of Oregon City** **Planning Division**

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## OREGON CITY COMPREHENSIVE PLAN AMENDMENTS

### 2. LAND USE

#### GOALS AND POLICIES

##### Goals

##### Goal 2.2: Downtown Oregon City

Develop the Downtown area (which includes the historic downtown area, the “north end” of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

##### Policies

- Policy 2.2.1     Redefine the Metro regional center concept to recognize the unique character of Oregon City while being in accordance with Metro’s 2040 Growth Concept.
- Policy 2.2.2     Support multi-modal transportation options throughout the regional center and to other regional and town centers.
- Policy 2.2.3     Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.
- Policy 2.2.4     Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.
- Policy 2.2.5     Encourage the development of a strong and healthy historic downtown retail, office, cultural and residential center.
- Policy 2.2.6     Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.
- Policy 2.2.7     Explore options for improving downtown vehicle circulation and parking in a manner that promotes revitalization.
- Policy 2.2.8     Implement the Downtown Community Plan and Waterfront Master Plan with regulations and programs that support compatible and complementary mixed-uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial, and retail uses in the regional center, all at a relatively concentrated density.
- Policy 2.2.9     Improve connectivity for vehicles, bicycles, and pedestrians within the downtown and waterfront master plan areas and improve linkages between residential areas to the community beyond.
- Policy 2.2.10    Develop the Clackamette Cove area through the implementation of the Water Front Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office/retail, and family recreation.



- Policy 2.2.11 Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.
- Policy 2.2.12 A master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development which includes changing the overall site to non-industrial land uses.
- Policy 2.2.13 Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limiting residential and office uses to the second floor and above.**
- 

## 10. HOUSING

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 10, Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Oregon City is required by regional and state requirements to provide an adequate supply of vacant and buildable land for future residential growth and ensure that land is designated for a variety of housing types to fit a range of income and need. The housing element and its supporting resource document are intended to satisfy those requirements.

Oregon City recognizes that the health of the city depends on the health of the neighborhoods that form the building blocks of a livable city. The housing goals and policies are intended to ensure that the integrity of existing neighborhoods is protected and that planning for new neighborhoods as the city expands is comprehensive and inclusive of a range of housing types and services to serve residents.

### **Background**

Oregon City is unique in the area for its role in Oregon history and for the age and diversity of its housing stock. Many of the older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. Like many other communities in the Willamette Valley, Oregon City grew more quickly than expected in the 1990s—nearly doubling in size—and more units will be needed to accommodate new residents or citizens wishing to move into different types of housing.

### **Existing Conditions**

This Housing Element summarizes the results of a housing study conducted in 2002 to determine whether existing comprehensive plan and zoning designations would accommodate growth through 2017. The study included an inventory of existing vacant buildable and underutilized land, compared the characteristics of the existing housing stock and demographics in Oregon City and the region, and forecasted housing needs. The housing study became the Housing Element Resource Document and supports this Housing Element. Readers should refer to the resource document for detailed information on Oregon City's demographic composition (2000), residential land inventory (2002), and projected housing need (to 2017).

The housing study revealed that affordability of housing is an issue, as in many jurisdictions. Housing affordability is based on the percentage of monthly income spent on housing. Using the US Department of Housing and Urban Development's standard formula to determine affordability of 30 percent of monthly income, 12 percent of Oregon City residents cannot afford a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment. When compared against the region it is found that 12 percent of the Portland Metro Area cannot afford a studio apartment and 26 percent are not able to afford a two-bedroom apartment. Fair market rents are slightly higher in the Portland Metro Area, making rents less affordable for low and very low incomes when compared to Oregon City.

Other demographic characteristics revealed by the housing study were:

- Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.
- Oregon City has a slightly younger population than the Portland metropolitan area.
- The percentage of female-headed households living in Oregon City in poverty is significantly higher than the Portland metropolitan area (25 percent to just over 20 percent).
- Household income distribution in Oregon City mirrors that of the Portland metropolitan area.
- Oregon City's composition of housing stock by type of housing (e.g., single family detached and multi-family) and the percentage of renters versus owners is similar to that in the Metro area.
- Oregon City has a deficit of land for multifamily units to meet expected demand.

### **State and Metro Requirements**

Both the State of Oregon and Metro have requirements that Oregon City must fulfill with respect to its comprehensive planning for residential needs. The Statewide Planning Goal for Housing (Goal 10) is to provide for the housing needs of citizens of the state. Part of complying with the Housing Goal is ensuring not only that there is an adequate supply of vacant and buildable land for future growth, but also that the land is designated for a variety of housing types to fit a range of income, need, and preference. Compliance with Goal 10 is demonstrated through a housing inventory and analysis, which is also part of Metro's requirements (see below). The housing inventory and analysis that were completed for this updated plan are discussed below.

Oregon City has two Metro requirements to fulfill. The first, related to Metro's 2040 Growth Concept, is discussed in the following paragraphs. The second, related to Title 7 of the Urban Growth Management Functional Plan, concerns provisions for affordable housing and is discussed at the end of this section.

In the mid-1990s, the Metro government adopted the 2040 Growth Concept, which was developed to ensure that the region complies with state goals for land use in a coordinated way and that housing and employment growth can be accommodated equitably across the region. After the establishment of the Metro Urban Growth Boundary (UGB) around the cities, the affected cities and counties negotiated targets for new dwelling units and jobs. In 1994, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units between 1994 and 2017, within the city and the UGB. To comply with the Metro target, Oregon City needed to demonstrate that, after subtracting units built between 1994 and 2002, the land use designations on remaining vacant and underutilized land would accommodate the difference in needed new dwelling units. If Oregon City could not accommodate the new housing units, then the City would need to find other ways to meet the capacity target, most likely through increasing minimum residential densities within the city and UGB.

The 2002 housing inventory revealed that 3,665 dwelling units were built between 1994 and 2002, which left 6,075 new units needed to meet the Metro 2017 target. After accounting for expected future

accessory dwelling units and environmentally constrained land, the overall planned density of residential land in Oregon City and within the UGB was not sufficient to meet the dwelling unit capacity targets established by Metro. Full development of all vacant and partially vacant land under the current comprehensive plan designations would result in only 4,593 new units missing the capacity target by over 1,400 units.

Through the involvement of a citizen advisory group and with input from staff, the City made changes to the comprehensive plan map and to the zoning code. Overall, the changes in the comprehensive plan update provided the additional units needed to meet Metro's 2017 residential target for Oregon City. The 2002 population of 27,270 plus the population expected at build out (including the 2002 UGB expansions at South End Road and Redland Road), yields a population of approximately 45,700 in 20 years.<sup>1</sup>

A new plan map designation of "Mixed Use" was developed to include the mixed use zones planned for downtown as well as other areas of the city suited to combinations of compatible uses. To increase the range of housing available, some areas of the city were recommended to be redesignated to more intense residential uses based on the following locational criteria:

- along arterials or collectors
- close to business districts and employment and education centers
- in the downtown mixed use area
- adjacent to similar more intense densities

In January 2001, Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further the implementation of the Regional Affordable Housing Strategy. The UGMFP amendments require local jurisdictions to consider the adoption of a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as constituting no more than 30% of household income for people making 50% of the Median Household Income (in each jurisdiction). By that definition, an affordable housing unit in Oregon City in 2000 would not cost more than \$570 per month. The housing inventory and analysis completed for the comprehensive plan update showed that the number of lower-cost units in Oregon City was less than the number needed to meet all of the housing needs of the city's lower-income residents. Consequently, this Housing element adopts Title 7 tools and strategies as Goal 10.2 and Policy 10.2.3 below.

Many of the policies for the 1982 comprehensive plan were still relevant and were carried over into the updated plan. Since the housing inventory conducted in 2002 established baseline data for housing, an action item to keep the database current was also added.

## **GOALS AND POLICIES**

### **Goal 10.1: Providing diverse housing opportunities for Oregon City residents.**

**Provide for the planning, development and preservation of a variety of housing types and lot sizes, ~~to provide for needed affordable housing.~~**

#### **Policies**

Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.

<sup>1</sup> Assumes 2.62 per household and 5% vacancy.

- Policy 10.1.2 Ensure active enforcement of the City's Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
- Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
- Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.
- Policy 10.1.5 Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
- Policy 10.1.6 Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)
- Policy 10.1.7 Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

**Goal 10.2: Provide and maintain an adequate supply of affordable housing.**

**Policies**

- Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Map, ensure potential loss of affordable housing is replaced.
- Policy 10.2.2 Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50% of the median income for Oregon City.
- Policy 10.2.3 Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

## OREGON CITY MUNICIPAL CODE AMENDMENTS

### CHAPTER 16.12 LAND DIVISIONS

#### **16.12.030 Street design--Minimum right-of-way.**

All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the street design standards contained in Table 16.12.030 below.

The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

**Table 16.12.030**

#### **STREET DESIGN STANDARDS**

Type of Street	Right-of-Way Width	Pavement Width
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet
Private street	None	20 feet

- B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found that the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

#### **16.12.110 Street design--Private street.**

~~The city discourages the use of private streets and permanent dead end private streets except where construction of a through street is found by the decision maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right of way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the city engineer.~~

- ~~A. Maximum length of two hundred feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the city engineer;~~
- ~~B. Applies only to planned unit developments;~~
- ~~C. Facilities are constructed to city standards;~~
- ~~D. Sidewalk located on one side of the street and may include rolled curbs;~~
- ~~E. Maintenance agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and~~
- ~~F. Minimum of twenty feet pavement width. (Ord. 98-1007 §1(part), 1998)~~

#### **16.12.235 Building sites- Calculations of lot area.**

- A. A subdivision in a ~~R-10, R-8, R-6, R-3.5 or R-2 single family~~ dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

#### **16.12.290 Building site--Setbacks and building location.**

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing ~~and better~~ environment for pedestrians and bicyclists. The objective is to have lots located on a neighborhood collector, collector or minor arterial street shall locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the community development director.
- B. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:
  - 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
  - 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
- C. An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the Community Development Director

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

#### **16.12.360 Minimum improvements--Road standards and requirements.**

- ~~A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and~~

~~so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.~~

AB. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:

1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.

CB. For any public street created pursuant to subsection AB of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 98-1007 §1(part), 1998)

## CHAPTER 17.04 DEFINITIONS

### **Chapter 17.04.220 Dwelling apartments, multi-family or condominium**

A structure located on one tax lot and containing three or more dwelling units in any vertical or horizontal arrangement. "Dwelling apartment" "multi family" means a building or portion thereof designed for residential use and containing three or more dwelling units. (Prior code §11-1-6(part))

### **~~17.04.230 Dwelling, single family.~~**

~~"Single family dwelling" means a detached building designed for and used exclusively as the residence of one family. (Prior code §11-1-6(part))~~

### **~~17.04.235 Single family attached dwellings.~~**

~~Single family attached dwellings mean two attached single family dwelling units that share a common wall but are located on separated lots of a common property line with no setbacks from the common lot line. (Ord. 99-1027 §1, 1999)~~

### **17.04.240 Dwelling, two-family or duplex.**

"Two-family dwelling or duplex" means a building designed or used for residence purposes by not more than two families and containing two dwelling units per lot. (Prior code §11-1-6(part))

### **Chapter 17.04.290 Home Occupation.**

"Home occupation" means an occupation carried ~~an occupation carried~~ on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no audible sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the

home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a single-family dwelling, and not more than one-half of the floor area of one story is devoted to such use. The occupation may ~~shall not~~ be carried on in an accessory building of the residence. (Prior code §11-1-6(part))

#### **17.04.560 Residential zone.**

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-3.5 Dwelling District and R-2 Dwelling District. ~~RC 4 McLoughlin conditional residential district, RD 4 two family dwelling district, RA 2 multi family dwelling district.~~ (Prior code §11-1-6(part))

#### **17.04.624.12 Single-family detached residential units.**

"Single-family detached residential units" means one dwelling unit per lot that is, freestanding and structurally separate from other dwelling units or buildings, ~~located on a lot.~~ (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.04.624.2 Single-family attached ~~detached~~ residential units.**

"Single-family ~~attached detached~~ residential units" means two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots. ~~one dwelling unit, freestanding and structurally separate from other dwelling units or buildings, located on a lot.~~ (Ord. 03-1014, Att. B3 (part), 2003)

### **CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS**

#### **17.06.070 Requirements table.**

To facilitate public understanding of this title and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 92-1024 §3, 1992; prior code §11-3-1)

#### **OREGON CITY STANDARDS**

	Maximum dwelling units per acre (number)	Minimum lot area (square footage)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
R-10 Single-Family	4.4	10,000	35	20	10/8	15	20
R-8 Single-	5.5	8,000	35	15	9/7	15	20



Family							
R-6 Single-Family	7.3	6,000	35	10	9/5	15	20
R-3.5	12.5	SF 3,500 DU 7,000	35	5	9/7 0/9	15	15
R-2 Multi-Family	21.8	2,000 per unit	45	5	0/9	15	Existing 10 New 20
NC Neighborhood Commercial	7.3	*	25	15	10	15	10
HC Historic Commercial	7.3	*	25	15	10	10	10
C-General Commercial	21.8	*	35	10	0	10	10
GI General Industrial	0	—	40	10	0	10	10

## Residential

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	40%	40%	NA	NA
Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

\*See district description for further information

## Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum	3 Stories	3 Stories	60 ft	2.5 Stories	3 Stories

<u>Building Height</u>	<u>(45 ft.)*</u>	<u>(45 ft.)*</u>		<u>(35 ft.)</u>	<u>(35 ft.)</u>
<u>Minimum Building Height</u>	<u>--</u>	<u>--</u>	<u>2 Stories (25 ft.)</u>	<u>--</u>	<u>--</u>
<u>Maximum Lot Coverage</u>	<u>--</u>	<u>Building and Parking Lot -- 80%</u>	<u>Building and Parking Lot -- 90%</u>	<u>Building Footprint -- 10,000 sq. ft.*</u>	<u>Building and Parking Lot -- 80%</u>
<u>Maximum Front Yard Setback</u>	<u>5 ft.*</u>	<u>5 ft.*</u>	<u>5 ft.*</u>	<u>5 ft.*</u>	<u>5 ft.*</u>
<u>Maximum Interior Side Yard Setback</u>	<u>--</u>	<u>0 - 30 ft.*</u>	<u>0 - 33ft.*</u>	<u>0 - 10 ft.*</u>	<u>0-5 ft.*</u>
<u>Maximum Corner Yard Setback</u>	<u>10 ft.*</u>	<u>30 ft.*</u>	<u>20 ft.*</u>	<u>30 ft.*</u>	<u>0-5ft.*</u>
<u>Maximum Rear Yard Setback</u>	<u>10 ft.</u>	<u>0 - 30 ft.*</u>	<u>0 - 33ft.*</u>	<u>0 - 10 ft.*</u>	<u>0 - 20 ft.*</u>

\*See district description for further information

#### Employment, Downtown and Industrial

<u>Standard</u>	<u>MUE</u>	<u>MUD</u>	<u>MUD - Design District</u>	<u>GI</u>	<u>CI</u>
<u>Maximum Building Height</u>	<u>60 ft. / 85 ft.*</u>	<u>45 ft / 75 ft.*</u>	<u>58 ft.</u>	<u>3 Stories (45 ft.)*</u>	<u>45 ft. / 85 ft.*</u>
<u>Minimum Building Height</u>	<u>--</u>	<u>2 Stories (25 ft.)*</u>	<u>2 Stories (25 ft.)*</u>	<u>--</u>	<u>--</u>
<u>Maximum Lot Coverage</u>	<u>Building and Parking Lot -- 80%</u>	<u>Building and Parking Lot -- 90%</u>	<u>Building and Parking Lot -- 100%</u>	<u>--</u>	<u>--</u>
<u>Maximum Front Yard Setback</u>	<u>5 ft.*</u>	<u>20 ft.*</u>	<u>10 ft.*</u>	<u>25ft.*</u>	<u>25ft.*</u>
<u>Maximum Interior Side Yard Setback</u>	<u>50 ft.*</u>	<u>0 ft.*</u>	<u>0 ft.*</u>	<u>25ft.*</u>	<u>25ft.*</u>
<u>Maximum Corner Yard Setback</u>	<u>5 ft.*</u>	<u>20 ft.*</u>	<u>10 ft.*</u>	<u>25ft.*</u>	<u>25ft.*</u>
<u>Maximum Rear Yard Setback</u>	<u>5 - 50 ft.*</u>	<u>*</u>	<u>10 ft.*</u>	<u>25ft.*</u>	<u>25ft. / 100 ft*</u>

\*See district description for further information

### Chapter 17.08 R-10 Single-Family Dwelling District

#### **17.08.020 Permitted uses.**

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. ~~C.~~ Home occupations;

- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- ED. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- FE. Accessory uses, buildings and dwellings;
- GF. Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-2(A))

#### **17.08.040 Dimensional standards.**

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  1. Front yard, twenty feet minimum depth,
  2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
  4. Corner side yard, fifteen feet minimum width,
  5. Rear yard, twenty feet minimum depth,
  6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))
- F. Garage Standards: See Section 17.20 – Residential Design Standards
  - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
  - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
  - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
  - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
  - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
    - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
    - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
  - ~~6. Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
  - ~~7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
    - ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall, or~~
    - ~~b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards. 40% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation

### **Chapter 17.10 - R-8 Single-Family Dwelling District**

#### **17.10.020 Permitted uses.**

Permitted uses in the R-8 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- ~~ED.~~ Temporary real estate offices in model homes located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~FE.~~ Accessory uses, buildings and dwellings;
- ~~GF.~~ Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-3(A))

#### **17.10.040 Dimensional standards.**

Dimensional standards in the R-8 district are:

- A. Minimum lot area, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  - 1. Front yard fifteen feet minimum depth,
  - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  - 3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
  - 4. Corner side yard, fifteen feet minimum width,
  - 5. Rear yard, twenty feet minimum depth,
- 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1030 §1, 1992; Ord. 91-1020 §2(part), 1991; prior code §11-3-3(C))
- F. Garage Standards: See Section 17.20 – Residential Design Standards.
  - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
  - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
  - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
  - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
  - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
    - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
    - ~~b. The garage is part of a two-level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~

6. ~~Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
7. ~~Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
- a. ~~Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
  - b. ~~A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. ~~Maximum Building Coverage: See Section 17.20 – Residential Design Standards, 33% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.~~

### **Chapter 17.12 - R-6 Single-Family Dwelling District**

#### **17.12.020 Permitted uses.**

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);
- ~~ED.~~ Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~EE.~~ Accessory uses, buildings and dwellings;
- GF. Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-4(A))

#### **17.12.040 Dimensional standards.**

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  - 1. Front yard, ten feet minimum depth,
  - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  - 3. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
  - 4. Corner side yard, fifteen feet minimum width,
  - 5. Rear yard, twenty feet minimum depth,
  - 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))
- F. Garage Standards: See Section 17.20 – Residential Design Standards.
  - 1. ~~The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~

- ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and;~~
  - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
  - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
  - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
    - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch; or~~
    - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
  - ~~6. Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
  - ~~7. Exception: Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
    - ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
    - ~~b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards. ~~36% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.~~

### Chapter 17.16 – R-3.5 Dwelling District

#### **17.16.040 Dimensional standards.**

Dimensional standards in the R-3.5 district are:

- A. Minimum Lot Area.
  1. Residential uses, three thousand five hundred square feet per unit.
  2. Non-residential uses, zero minimum;
- B. Minimum lot width, twenty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks.
  1. Front yard, five feet minimum depth,
  2. Interior side yard,
    - Detached unit, 5 feet minimum depth
    - Attached unit, 7 feet minimum depth on the side that does not abut a common property line.
  3. Corner side yard, ten-foot minimum width,
  4. Rear yard, fifteen-foot minimum depth,
  5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 99-1027 §3, 1999; Ord. 91-1020 §2(part), 1991; prior code §11-3-6(C))
  6. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.
- F. Garage Standards: See Section 17.20 – Residential Design Standards
  - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
  - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and;~~

~~On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and  
A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.~~

~~A garage may extend up to 5 feet in front of the longest front façade if:~~

~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch; or~~

~~b. The garage is part of a two-level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~

~~6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.~~

~~7. Exception. Where the street-facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~

~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street-facing garage wall; or~~

~~b. A covered balcony above the garage that is at least the same length as the street-facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~

~~G. Maximum Building Coverage: 45% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.~~

#### **17.16.050 Rebuilding of Damaged Structure:**

~~A structure containing an existing residential use in excess of the R-3.5 density standard that is substantially damaged by fire, other calamity, act of God, or the public enemy may be rebuilt to its original density provided that rebuilding be started within one year following the damage and reconstruction be completed within eighteen months of the time reconstruction is commenced.~~

#### **17.16.0560 Single-family attached residential units and duplex units.**

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.

B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Section 16 for partitions, Section 17.16 and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat. (Ord. 99-1027 §4, 1999)

### **Chapter 17.18 – R-2 Multi-Family Residential District**

#### **17.18.040 Dimensional standards.**

Dimensional standards in the R-2 district are:

A. Minimum lot area:

1. Residential units, 2,000 square feet per unit.
2. Nonresidential uses, No minimum lot area is required

B. Minimum lot width, twenty feet;

C. Minimum lot depth, seventy feet;

D. Maximum building height, four stories, not to exceed fifty-five feet;

## E. Minimum required setbacks:

1. Front yard, five feet minimum depth (May be reduced to zero through Site Plan and Design Review),
2. Side yard, five feet minimum width,
3. Corner side yard, ten feet minimum width,
4. Rear yard
  - a. Residential units prior to adoption of this ordinance, ten feet minimum depth'
  - b. Nonresidential and Multiple family residential units, ten feet minimum depth,
  - a. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;
5. Buffer Area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The Community Development Director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-7(C))
7. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.

## F. Garage Standards: See Section 17.20 – Residential Design Standards.

1. ~~The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
2. ~~The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and;~~
3. ~~On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
4. ~~A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
5. ~~A garage may extend up to 5 feet in front of the longest front façade if:~~
  - a. ~~There is a covered front porch and the garage does not extend beyond the front line of the porch; or~~
  - b. ~~The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
6. ~~Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
7. ~~Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
  - a. ~~Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
  - b. ~~A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~

### Chapter 17.20 Residential Design Standards

#### Sections

<u>17.20.010</u>	<u>Purpose</u>
<u>17.20.020</u>	<u>Applicability</u>
<u>17.20.030</u>	<u>Residential Design Options</u>
<u>17.20.040</u>	<u>Residential Design Standards</u>



- 17.20.050 Main Entrances
- 17.20.060 Maximum Lot Coverage
- 17.20.070 Exceptions

**17.20.010 Purpose.**

These design standards:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety on the public way and the front yards by providing “eyes on the street”.
- D. Provide for community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the main entrance of the house.
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

**17.20.020 Applicability.**

The standards in section 17.20.030 through 17.20.050 apply to the street facing facades of all new single-family dwellings, manufactured homes and two-family dwelling units (duplexes) with or without a garage. An irregular lot, as defined in Section 17.20.070, shall meet 7 of the Residential Design Standards in Section 17.20.040. Additions and alterations that add less than 50% to the existing floor area of the house are exempt from section 17.20.030 through 17.20.050. Additions or alterations that are not visible from the street side of the home are exempt.

The standards in section 17.20.060 – Maximum Lot Coverage shall apply to all new and existing homes in the R-10, R-8 and R-6 single-family dwelling districts.

**17.20.030 Residential Design Options.**

There are six options outlined in 17.20.030 for complying with the residential design standards. Homes on corner lots and through lots shall comply with one of the six options below for the front of the lot. The “non-front” side of the lot shall have windows for a minimum of 15% of the façade and comply with three of the residential design standards in 17.20.040.A.

The garage width shall be measured based on the location of the interior garage walls. The Community Development Director may approve an alternative measurement location if the exterior façade screens a section of the garage or better accomplishes the goals of this section.

- A. The garage may be up to 50% of the length of the street-facing façade if:
  - 1. The garage is not closer to the street than the street-facing façade; and
  - 2. 4 of the residential design standards in 17.20.040.A are met.
- B. The garage may be up to 60% of the length of the street-facing-façade if:
  - 1. The garage is recessed 2 feet or more from the street-facing façade; and
  - 2. 5 of the residential design standards in 17.20.040.A are met.
- C. The garage may be up to 60% of the length of the street-facing façade and extend up to 4 feet in front of the street-facing façade if:
  - 1. 6 of the residential design standards in 17.20.040.A are met; and
  - 2. 1 of the 2 options in 17.20.040.B is met.

- D. The garage may be up to 50% of the length of the street-facing façade and extend up to 8 feet in front of the street-facing façade if:
1. 7 of the residential design standards in 17.20.040.A are met; and
  2. 1 of the 2 options in 17.20.040.B is met.
- E. The garage may be side orientated to the front lot line and extend up to 32 feet in front of the street-facing façade if:
1. Windows occupy a minimum of 15% of the street-facing wall; and
  2. 4 of the residential design standards in 17.20.040.A are met.
- F. Where the street-facing façade of the building is less than 24 feet wide, the garage wall facing the street may be up to 12 feet wide if:
1. The garage does not extend past the street-facing façade; and
  2. 6 of the design standards in 17.20.040.A are met; and
  3. 1 of the following is met:
    - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
    - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit.

**17.20.040 Residential Design Standards.**

- A. The residential design standards below shall be provided as required in section 17.20.030 above.
1. Dormers.
  2. Gables or hip roof.
  3. Building face with 2 or more offsets of 16-inches or greater or a roof overhang of 16-inches or greater
  4. Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.
  5. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep.
  6. Bay window that extends a minimum of 12-inches.
  7. Windows and main entrance doors that occupy a minimum of 15% of the front façade (not including the roof and excluding any windows in a garage door).
  8. Window trim (minimum 4-inches).
  9. Window grids on all front façade windows (excluding any windows in the garage door or front door).
  10. Front facing balconies.
  11. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade.
  12. Maximum 9-foot wide garage doors or a garage door designed to resemble 2 smaller garage doors and/or windows in the garage door.
  13. A third garage door that is recessed a minimum of 2 feet.
  14. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).
- B. The residential design standards below shall be provided as required in section 17.20.030 above. The use of one of the residential design standards below shall not count towards the number of residential design standard required to be provided from Section 17.20.040.A above.
1. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep; or

2. The garage is part of a 2-level facade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

**17.20.050 Main Entrances.**

At least 1 main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street; or
- C. Open onto a covered porch on the front or side of the residence that is at least 60 square feet, a minimum depth of 5 feet.

**17.20.060 Maximum Lot Coverage.**

The maximum lot coverage for the R-10, R-8 and R-6 single-family dwelling districts shall be 40% of the lot area. Accessory building 200 square feet or less are exempt from the maximum lot coverage calculation.

**17.20.070 Exceptions.**

A lot shall be considered irregular for the purposes of this section of the Oregon City Municipal Code and shall comply with 7 of the Residential Design Standards in Section 17.20.040 if one or more of the following apply:

- A. The lot has 5 or more sides; or
- B. A natural up slope of 15% or greater from front to back exists within the building setbacks; or
- C. An R-10, R-8 or R-6 Single Family Dwelling District lot with a width along the street frontage that is 30% or less of the depth of the lot. The lot depth is the perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite, usually rear, lot line.

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**CHAPTER 17.22 LO – LIMITED OFFICE**

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**CHAPTER 17.24 NC – NEIGHBORHOOD COMMERCIAL DISTRICT**

**17.24.010 Designated.**

The neighborhood commercial district allows for small-scale commercial and mixed uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. (Ord. 03-1014, Att. B3 (part), 2003)

**17.24.020 Permitted uses.**

Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops;  
Apparel shop;  
Art gallery, store, supplies;  
Bakery, retail;  
Banks without a drive thru;  
Barbershop;

Beauty parlor;  
Bicycle sales, service, rental;  
Bookstore;  
Candy store; Clothes cleaning and pressing;  
Coffee shop without a drive thru;  
Craft store;  
Custom dressmaking and tailoring;  
Dry cleaners;  
Dry cleaners, self-service;  
Dry cleaning agencies;  
Delicatessen store;  
Drug stores;  
Dry good stores;  
Florist shops;  
Gift shops;  
Grocery, fruit or vegetable store;  
Hardware store;  
Ice-cream store;  
Interior decoration, including drapery and upholstery;  
Jewelry store;  
Laundromat, self-service;  
Laundry agencies;  
Locksmith;  
Music store;  
Plant or garden shop;  
Printing and copy service (no audible sounds beyond the premises);  
Restaurants without a drive thru;  
Seasonal sales, subject to the provisions of Section 17.54.060;  
Shoe sales, repair;  
Small grocery, fruit or vegetable store;  
Stationery store;  
Studio for art, dance, music, photo; and  
Watch and clock repair shop.  
(Ord. 03-1014, Att. B3 (part), 2003)

**17.24.025 Conditional uses.**

**The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.**

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.**

**17.24.030 Limited uses.**

Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 or conditional use as identified in Section 17.24.025.

(Ord. 03-1014, Att. B3 (part), 2003)

**17.24.040 Dimensional standards.**

Dimensional standards in the NC district are:

- A. Maximum building height: two and one half stories, not to exceed thirty-five feet.
- B. Maximum building footprint: ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: none.

- D. Minimum required interior and rear yard setbacks if abutting a residential zone: ten feet.
- E. Maximum Allowed Setback.
  - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  - 2. Interior yard: none.
  - 3. Corner side yard abutting a street: thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- ~~F. Parking Standards. The minimum required off street vehicular parking standards requirements of Chapter 17.52 may be reduced by ten percent for mixed use projects, subject to a determination by the community development director that the project qualifies as a "mixed use" project. (Ord. 03-1014, Att. B3 (part), 2003)~~

## CHAPTER 17.26 HC – HISTORIC COMMERCIAL DISTRICT

### 17.26.020 Permitted uses.

A. Uses permitted in the MUC-1 Mixed Use Corridor District

B. Residential Units, single-family detached

Permitted uses in the HC district are all historic commercial uses, defined as:

Antique shops;  
 Apparel stores;  
 Art, gallery supplies;  
 Bakery, retail;  
 Bookstores;  
 Coffee shops without a drive thru;  
 Craft stores;  
 Delicatessen stores;  
 Drug stores;  
 Florist shops;  
 Gift shops;  
 Grocery, fruit or vegetable stores;  
 Hair salons;  
 Interior decoration, including drapery and upholstery;  
 Jewelry stores;  
 Music stores;  
 Notion or variety stores;  
 Offices;  
 Photography studios;  
 Plant or garden shops;  
 Restaurants without a drive thru;  
 Studios, art, dance, music, photo;  
 Uses, as approved by the community development director, that are consistent with the purpose of the HC zoning district; and  
 Uses permitted in the R-6 single family dwelling district. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(A))

### 17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Conditional Uses listed in the MUC-1 Mixed Use Corridor District Section 17.56.030.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 96-1026 §2, 1996; prior code §11-3-11(B))

#### **17.26.050 Dimensional standards.**

- A. Residential Unit, Single-family detached:
1. Dimensional standards required for the R-6 Single-family dwelling district.
- B. All other uses:
1. Minimum Lot Area: None.
  2. Maximum building height: 35 feet or 3 stories, whichever is less.
  3. Minimum required setbacks if not abutting a residential zone: None.
  4. Minimum required rear yard setback if abutting a residential zone: 20 feet.
  5. Minimum required side yard setbacks if abutting a single-family residential use: 5 feet.
  6. Maximum front yard setback: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).
  7. Maximum interior side yard: None.
  8. Maximum rear yard: None.
  9. Minimum required landscaping (including landscaping within a parking lot): 20 percent.
  1. Residential: five thousand square feet.
  2. Nonresidential: minimum not required.
- ~~B. Minimum Required Setbacks:~~
1. ~~Front yard: fifteen feet minimum depth.~~
  2. ~~Interior side yard: ten feet minimum width.~~
  3. ~~Corner side yard: ten feet minimum width.~~
  4. ~~Rear yard: ten feet minimum depth.~~
- ~~C. Maximum building height: two and one-half stories, not to exceed thirty five feet for new buildings.~~ (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(D))

### **CHAPTER 17.29 MUC – MIXED USE CORRIDOR**

#### **17.29.020 Permitted uses--MUC-1.**

Permitted uses in the MUC-1 district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other small lodging facilities for up to ten guests per night;
- C. Child care facilities;
- D. Health and fitness clubs;
- E. Medical and dental clinics, outpatient, infirmary services;
- F. Museums and cultural facilities;
- G. Offices, including finance, insurance, real estate and government;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- I. Postal services;
- J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Residential units, single-family detached residential existing prior to adoption of this chapter;

- M. Residential units, single-family and two-family attached;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- ~~QR.~~ Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed ten thousand square feet;
- ~~RS.~~ Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;{H}
- ~~ST.~~ Studios and galleries, including dance, art, photography, music and other arts;
- ~~TU.~~ Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- ~~UV.~~ Veterinary clinics or pet hospitals, pet day care. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.29.030 Conditional uses--MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Clubs/lodges;
- B. Car washes;
- C. Drive-in or drive-through facilities;
- D. Emergency services;
- E. Motor vehicle service, parts sales, repair, or equipment rental;
- F. Museums and cultural facilities;
- G. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- H. Public utilities and services;
- I. Religious institutions;
- J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of ten thousand square feet in the MUC-1 zone or of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- K. Schools, including trade schools and technical institutes; and
- L. Vehicle fuel sales. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.29.050 Dimensional standards--MUC-1.

- A. Minimum lot areas: none.
- B. Maximum building height: forty-five feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one-foot of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
  1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  2. Interior side yard: none.
  3. Corner side yard abutting street: thirty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  4. Rear yard: none.
- ~~F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by ten percent for mixed use transit orientated projects, subject to~~

~~a determination by the community development director that the project qualifies as a "mixed-use" project.~~

~~EG.~~ Maximum lot coverage of the building and parking lot: eighty percent.

~~GH.~~ Minimum required landscaping (including landscaping within a parking lot): twenty percent. Ord. 03-1014, Att. B3 (part), 2003)

#### **17.29.060 Dimensional standards--MUC-2.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.
  - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- ~~H. Parking Standards: The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by fifteen percent for mixed-use transit-orientated projects, subject to a determination by the planning director that the project qualifies as a "mixed-use" project.~~
- ~~HJ.~~ Maximum site coverage of building and parking lot: ninety percent.
- ~~IJ.~~ Minimum landscaping requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

## **CHAPTER 17.30 TOURIST COMMERCIAL**

### **17.31 MUE – MIXED USE EMPLOYMENT**

#### **17.31.020 Permitted uses.**

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls;
- B. Banks, savings, credit union, stocks and mortgages;
- C. Banquet, conference facilities and meeting rooms;
- D. Child care facilities;
- E. Clinics, outpatient; infirmary services;
- ~~F. Distributing, wholesaling and warehousing;~~
- ~~GF.~~ Employment training and business services;
- ~~HG.~~ Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities;



- ~~IH.~~ Hospitals, medical centers and emergency service facilities;
- ~~I.~~ Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;<sup>1</sup>
- ~~KJ.~~ Offices; including finance, insurance, real estate and government;
- ~~LK.~~ Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- ~~ML.~~ Postal services;
- ~~NM.~~ Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving;
- ~~ON.~~ Public utilities and services;
- ~~PO.~~ Publicly-owned parks, play fields and community or neighborhood centers;
- ~~QP.~~ Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- ~~RQ.~~ Residential units, single-family detached residential existing prior to adoption of this chapter;
- ~~SR.~~ Software development;
- ~~TS.~~ Transit and passenger rail center and station, exclusive of transit storage areas;
- ~~UF.~~ Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.31.050 Prohibited uses.**

The following uses are prohibited in the MUE district:

- A. Bulk fuel dealerships and storage yards, including card locks;
- B. Concrete mixing and sale;
- C. Contractors equipment yard;
- ~~D. Distributing, wholesaling and warehousing;~~
- ~~DE.~~ Draying, trucking and automobile freighting yard;
- ~~EF.~~ Entertainment centers and facilities, outdoor;
- ~~EG.~~ Foundry casting lightweight non-ferrous metals;
- ~~GH.~~ Ice or cold storage plant;
- ~~HI.~~ Junk yards, salvage yards, wrecking yards, storage yards and recycling centers;
- ~~IJ.~~ Kennels;
- ~~JK.~~ Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment);
- ~~KL.~~ Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home and boat sales, leasing, rental or storage;
- ~~LM.~~ Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers and self-propelled motor homes;
- ~~MN.~~ Self-storage facilities;
- ~~NO.~~ Storage yard for contractor's equipment, transit vehicles and related vehicle or equipment maintenance activities;
- ~~OP.~~ Warehouse/freight movement; and
- ~~PQ.~~ Wholesale and bulk sales. (Ord. 03-1014, Att. B3 (part), 2003)

## **CHAPTER 17.32 C – GENERAL COMMERCIAL**

#### **17.32.040 Dimensional standards.**

- A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district; otherwise, no minimum lot area is required;
- B. Maximum building height not to exceed forty-five ~~thirty-five~~ feet;
- C. Minimum Required Setbacks.
  - 1. Front yard: ten feet minimum depth.
  - 2. Interior side yard: no minimum.
  - 3. Corner side yard: ten feet minimum width.
  - 4. Rear yard: ten feet minimum depth.
 (Editorially amended, Supp. No. 5; prior code §11-3-13(C))

### **17.34 MUD – MIXED USE DOWNTOWN**

#### **17.34.010 Designated.**

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes an Downtown Design District overlay design sub-district ~~design sub-district~~ for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.34.020 Permitted uses.**

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the neighborhood, historic, limited or ~~general commercial~~ Mixed Use Corridor -2 zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040;
- B. Banquet, conference facilities and meeting rooms;
- C. Child care facilities;
- D. Clubs/lodges;
- E. Heath and fitness clubs;
- F. Hotel and motel, commercial lodging;
- G. Indoor recreational facilities, including theaters;
- H. Marinas;
- I. Medical and dental clinics, outpatient and infirmary services;
- J. Museums and cultural facilities;
- K. ~~Office uses, including finance, insurance, real estate and government developments that include offices in the historic overlay district are required to have an MUD permitted use, other than an office use, on the first floor. The office use is limited to the second floor and above of the development;~~
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- M. Postal services;
- N. Publicly-owned parks, play fields and community or neighborhood centers;
- O. Religious institutions, such as churches, mosques and synagogues;
- P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances;

- Q. Residential units, single-family detached residential existing prior to adoption of this chapter;
- R. Residential units, single-family and two-family attached. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- S. Residential Units, multi-family. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- T. Restaurants, eating and drinking establishments;
- U. Retail services, including professional, educational and financial services; laundry and dry-cleaning;
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed sixty thousand square feet (a free standing building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes;
- X. Studios and galleries, including dance, art, photography, music and other arts; and
- Y. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.34.030 Conditional uses.

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Drive-through facilities ~~(except for drive through car washes) associated with a bank;~~
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020(N);
- E. Outdoor recreational facilities;
- F. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment;
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a free standing building with a single store exceeding a footprint of sixty thousand square feet;
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- I. Public utilities; and
- J. Wholesale and bulk retail uses. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.34.040 Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Drive through car wash
- B. Kennels;
- ~~C.B.~~ Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030; and
- ~~D.C.~~ Self-service storage. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.34.060 Dimensional standards--Except for within the Downtown Design District historical overlay area.

- A. Minimum lot area: none.

- B. Minimum floor area ratio for ~~stand alone office, commercial buildings or mixed use buildings with a residential component~~: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
  - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
  - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
  - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 2. Interior side yard: no maximum.
  - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: no maximum.
  - 5. Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
- ~~H. Parking Standards. The minimum required off street vehicular parking standards of Chapter 17.52 may be reduced by twenty five percent for mixed use projects subject to a determination by the community development director that the project qualifies as a "mixed use" project.~~
- Hi. Maximum site coverage including the building and parking lot: ninety percent.
- Ij. Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.34.070 Dimensional standards—Downtown Design District~~Historic area overlay.~~**

- A. Minimum lot area: none.
- B. Minimum floor area ratio for ~~stand alone commercial buildings or mixed use buildings with a residential component~~: 0.5.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setback if abutting a residential zone: twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 2. Interior side yard: no maximum.
  - 3. Corner side yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: no maximum.
  - 5. Rear yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Parking Standards. The minimum number of off-street vehicular parking stalls required in Chapter 17.52 may be reduced by fifty percent. ~~requirements of Chapter 17.52 may be reduced by fifty percent. Off street, vehicular parking requirements may be waived by the community development director if the property is within a parking management district.~~

- I. Maximum site coverage of the building and parking lot: one hundred percent.
- J. Minimum Landscape Requirement. Development within the Downtown Design District historic overlay district is exempt from required landscaping standards in Section 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52. (Ord. 03-1014, Att. B3 (part), 2003)

**CHAPTER 17.44 US – Geologic Hazards UNSTABLE SOILS AND HILLSIDE  
CONSTRAINTS OVERLAY DISTRICT**

**17.44.020 Definitions.**

For the purpose of this chapter, the following definitions are applicable:

“Geotechnical remediation” means construction designed to increase the factor of safety against earth movement.

“Hillside” refers to any area with a slope of twenty-five percent or more.

“Landslide areas” means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. By the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area; or
2. By Portland State University in a study entitled “Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon” (1992).

“Slope” shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The ~~minimum~~ horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
3. The resulting number is the slope expressed as a percentage.

“Unstable slopes” or “unstable soils” includes:

1. Any area identified on the city’s Steep Slope unstable soils and hillside constraint overlay district map;
2. Any other area that is identified on official city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, seismic activity or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

**17.44.060 Development standards.**

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority,

tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any earthwork. Up to a 30-day modification to the October 31 date, and a 45-day modification to the May 1 date may be made by the City Engineer, based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- B. Designs shall minimize the number and size of cuts and fills.
- C. Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

~~Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three feet, plus one-fifth of the vertical height of the cut or fill. An exception to this requirement may be granted so long as the review authority determines there is a negligible risk of landslide, slump or erosion and a slope easement is provided.~~

- D. Grading – fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

~~Except in connection with geotechnical remediation plans approved in accordance with this chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent.~~

- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.
- F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.
- G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.

- H. ~~Unless the property is developed as a planned development pursuant to Chapter 17.64, d~~Density shall be determined as follows:
1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
  2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
  3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.
- I. ~~For those portions of the properties~~ with slopes of twenty-five to thirty-five percent between grade breaks:
1. For those portions of the property with slopes of twenty-five to thirty -five percent, The maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
  2. An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no ~~No~~ more than fifty percent or four thousand square feet of the surface area ~~of an individual lot or parcel, whichever is smaller, shall be~~ graded or stripped of vegetation or covered with structures or impermeable surfaces.
  3. No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.
- J. For those portions of the property with slopes over thirty-five percent between grade breaks:
1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;
  2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of

land use, which it determines are necessary to assure that landslides or property damage will not occur. (Ord. 94-1001 §2(part), 1994)

#### **17.44.100 Construction standards.**

During construction on, ~~or within fifty feet of~~, land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 -- Erosion and Sediment Control.
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
- C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).
- D. ~~In no event shall construction activities aggravate existing conditions.~~ All disturbed vegetation ~~sod~~ shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.
- E. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.
- F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.
- G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- H. Building envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

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### **CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES**

#### **17.50.120 Quasi-judicial hearing process.**

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the planning manager determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the planning manager determines that an appeal of a



Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the city commission.

B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).

C. Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site and all persons who testified either orally or in writing before the hearing body. Notice of the hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).

DE. The planning manager shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.

ED. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:

1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
5. That the commission chair shall call for any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item.

FE. Requests for continuance and to keep open the record: The commission or board, as the case may be, may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the commission or board establishes a time certain and location for the continued hearing. Similarly, the decision-maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The commission or board may limit the factual and legal issues that may be addressed in any continued hearing or open-record period. (Ord. 98-1008 §1(part), 1998)

### **17.50.190 Appeals.**

Appeals of any non-final decisions by the city must comply with the requirements of this section.

A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.

B. A notice of appeal of any Type II, ~~Type-III~~ or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

## CHAPTER 17.52 OFF STREET PARKING AND LOADING

### **17.52.010 Number of spaces required.**

At any time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space. The required number of parking stalls may be reduced if one or more of the following is met:

- A. Transit Oriented Development. The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- B. Transportation Demand Management. The Community Development Director may reduce parking up to 10% when a development can demonstrate, in a parking-traffic study prepared by a traffic engineer:
  - 1. That use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
  - 2. That a Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.
- C. Shared Parking. The Community Development Director may reduce parking requirements up to 50% when:
  - 1. Mixed uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.
  - 2. Shared parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

<u>LAND USE</u>	<u>PARKING REQUIREMENTS</u> The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.
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	<u>MINIMUM</u>	<u>MAXIMUM</u>
Single-Family Dwelling	1.00 per unit	<del>2.00 per unit</del>
Multi-Family: Studio Residential Unit (≤500 sq ft)	1.00 per unit	<del>1.52.00</del> per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	<del>2.50</del> per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	<del>1.25</del> per guest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds
Religious Assembly Building	0.25 per seat	0.25 per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/ Kindergarten	N/A	2 per teacher
Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School	0.20 per # staff and students	0.30 per # staff and students
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/ Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/ Shopping Center	4.10	5.00
Service/Repair Shop/ Automotive or Furniture Store	N/A	1.67

Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/ Gymnasium	N/A	5.00
Sports Club/ Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30
Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	N/A	1.60

(Ord. 03-1014, Att. B3 (part), 2003: prior code §11-5-1)

#### **17.52.070 Pedestrian access in off-street automobile parking areas.**

- A. The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.
- B. All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter ~~11-34~~ of the Uniform Building Code.
- C. Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials. (Ord. 95-1001 §2(part), 1995)

### **CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

#### **17.54.010 Accessory buildings and uses.**

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:
  1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure

with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet. No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure.

2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category ~~when located behind the front building line of the primary structure,~~ provided the structure and its projections:
  - a. Are detached and separated from other structures by at least three feet;
  - b. Do not exceed a height of fourteen feet;
  - c. ~~The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
  - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
  - b. The lot must be in excess of twenty thousand square feet.
  - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
  - d. The accessory structure shall not exceed the height of the primary structure and shall be located behind the front building line of the primary structure.
- C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.
- D. Antenna and Antenna Structures. No noncommercial antenna or antenna structure (including those of extension type) shall exceed the maximum building height standard for the zoning district in which it is located. No antenna or antenna structure shall be located in required yards.
- E. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height.
- F. Conference and Meeting Rooms. Conference or meeting rooms designed primarily for use by employees or clients (or members in the case of trade unions) in furtherance of the principal permitted use.
- G. Barbed Wire and Electric Fences. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-4-1)

#### **17.54.060 Seasonal sales.**

The following standards shall apply to seasonal sales which are limited to:

- A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  2. A business license shall be required pursuant to Title 5 of this code.
- B. Christmas Tree Sales. The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continued no longer than December 26.
1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  2. Signing within the city limits for sales lots located outside the city limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet, each. The placing of signs on property not privately-owned shall be by permission obtained from the city.
  3. A business license shall be required pursuant to Title 5 of this code.
- C. All signing for seasonal sales shall be removed no later than the day after the holiday.
- ~~D. The provisions of subsection A of this section shall be repealed on July 5, 1991. (Ord. 91-1018 §2, 1991; prior code §11-4-6)~~

## CHAPTER 17.56 CONDITIONAL USES

### **17.56.030 Uses requiring conditional use permit.**

Uses requiring conditional use permit are:

- A. Ambulance services in ~~LQ~~, C and GI districts;
- B. Boarding, ~~and~~ lodging houses; ~~and~~ bed and breakfast inns ~~and assisted living facilities for senior citizens;~~
- C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
- D. Cemeteries, crematories, mausoleums and columbariums;
- E. Child care centers and nursery schools;
- F. Churches;
- G. Colleges and universities, excluding residential districts;
- H. Correctional facilities, in the GI district;
- I. Emergency service facilities (police and fire), excluding correctional facilities;
- J. Government and public service buildings;
- K. Helipad in conjunction with a permitted use, excluding residential districts;
- L. Hospitals, excluding residential districts;
- M. Houseboats;
- N. Hydroelectric generating facilities in GI district only;
- O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C and GI districts;
- P. Museums;
- Q. Nursing homes;
- R. Parking lots not in conjunction with a primary use;
- S. Private and public schools;
- T. Private clubs and lodges, excluding residential districts;
- U. Public utilities, including sub-stations (such as buildings, plants and other structures);
- ~~V. Public housing projects;~~
- VW. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;

- ~~WX.~~ Stadiums, arenas and auditoriums, excluding residential districts; and  
~~XV.~~ Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

#### 17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. ~~Churches and Other Religious Facilities. The planning commission may authorize a church as a conditional use if the following dimensional standards are used:~~
  - 1. ~~Minimum lot area, ten thousand square feet;~~
  - 2. ~~Minimum street frontage, one hundred feet;~~
  - 3. ~~Maximum lot coverage, fifty percent for all buildings;~~
  - 4. ~~Maximum building height, fifty feet;~~
  - 5. ~~Minimum depth, one hundred twenty-five feet;~~
  - 6. ~~Minimum setback distance, front yard, thirty feet; rear yard, twenty feet; side yard, twenty feet. Buildings on corner lots shall observe the minimum setbacks on both streets. Side yard and rear yard setbacks shall be increased by five feet for each additional story exceeding two stories or thirty feet, whichever is less.~~

### CHAPTER 17.60 VARIANCES

#### 17.60.0230 Variances--Procedures.

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030 Variances - Grounds.
- D. Minor variances as defined in subsection E of this section shall be processed as a Type II decision, ~~and shall be reviewed pursuant to the requirements in Section 17.50.030(B), and shall address the criteria identified in Section 17.60.040 Minor Variance - Grounds.~~
- E. For the purposes of this section, minor variances shall be defined as follows:
  - 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;

2. Ten percent variances to width, depth and frontage requirements;
3. Twenty percent variances to residential yard/setback requirements, provided that no side yard shall be less than five feet;
4. Ten percent variances to nonresidential yard/setback requirements;
5. ~~Five percent variances to lot area requirements;~~
6. Five percent variance to the minimum required parking stalls.
7. Variances to the Floor Area Requirements and minimum required Building Height in the Mixed Use Districts.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 00-1003 §12, 2000; prior code §11-8-4)

#### **17.60.0320 Variances--Grounds.**

A variance may be granted only in the event that all of the following conditions exist:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;
- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;
- D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;
- E. That the variance requested is the minimum variance which would alleviate the hardship;
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied. (Prior code §11-8-2)

#### **17.60.040 Minor Variance – Grounds.**

A minor variance may be granted only in the event that all of the following conditions exist:

- A. That the minor variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.
- B. That the request is the minimum variance which would alleviate the hardship.
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated; and
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance.
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

### **CHAPTER 17.61 ADJUSTMENTS IN THE MIXED-USE ZONES**



## **CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW**

### **17.62.030 When required.**

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6 and R-3.5, ~~R-6/MH, RC-4, and RD-4~~ zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. (Ord. 94-1002 §1(part), 1994)

### **17.62.050 Standards.**

A. All development shall comply with the following standards:

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.). No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the Downtown Design District ~~central business district~~, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

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## **Chapter 17.68 – ZONING CHANGES AND AMENDMENTS**

### **17.68.060 Filing of an application.**

Applications for amendment, or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the fee schedule in Chapter 17.50 Community Development Department Fee Schedule. (Ord. 91-1007 §1(part), 1991; prior code §11-12-6)

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## **CHAPTER 17.80 COMMUNICATION FACILITIES BUILDING CODE**

### **17.80.020 Definitions.**

The following definitions shall apply to this chapter:

1. Amateur Radio Operators – Also identified as ham radio operators, are licensed by the United States Government.
2. Antenna – Any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna

- (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.
3. Attachment – An antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.
  4. Array – The combination of antennas mounted on a support structure or support tower.
  5. Auxiliary Support Equipment – All equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.
  6. Camouflage – The design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.
  7. Collocation – Use of a common wireless communications support structure or tower for two or more antenna arrays.
  8. Federal Aviation Administration (FAA) – The federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.
  9. Federal Communications Commission (FCC) – The federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
  10. Height – Height shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).
  11. Infrastructure Provider – An applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.
  12. Landscaping – To modify or ornament an area with native vegetation.
  13. Lattice Tower – A support tower characterized by an open framework of lateral cross members that stabilize the tower.
  14. Micro cell – A wireless communications facility consisting of an antenna that is either: (a) four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.
  15. Monopole – A support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.
  16. Radio Frequency (RF) Energy – The energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.
  17. Screening – To effectively obscure to a minimum height of 6 feet the view of the base of a wireless communication facility.
  18. Self-Supporting – Characterized by the independent support of itself or its own weight.
  19. Setback – For purposes of this chapter, a setback is the required distance from any structural part of a wireless communication facility (including support wires, support attachments, and auxiliary support equipment) to the property line of the parent parcel on which the wireless communication facility is located.
  20. Support Structure – An existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.

21. Support Tower – A structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.
22. Temporary Wireless Communication Facility (Temporary WCF) - Any wireless communication facility that is to be placed in use for not more than sixty (60) days, is not deployed in a permanent manner, and does not have a permanent foundation.
23. Utility Pole Placement/Replacement - Placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.
24. Wireless Communications - Wireless Communications shall mean any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.
25. Wireless Communications Facility (WCF) - Any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

26. Zoning Designation Abbreviations:

<del>M-1</del>	<del>Light Industrial</del>	<del>C</del>	<del>General Commercial</del>
<del>M-2</del>	<del>Heavy Industrial</del>	<del>LO</del>	<del>Limited Office</del>
<del>CI</del>	<del>Campus Industrial</del>	<del>LC</del>	<del>Limited Commercial</del>
<del>TC</del>	<del>Tourist Commercial</del>	<del>NC</del>	<del>Neighborhood Commercial</del>

**17.80.040 Collocation of Additional Antenna(s) on Existing Support Towers.**

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC, M-2, M-1, CI, TC, or C.
- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

**17.80.050 Collocation of Additional Antenna(s) on Support Structures.**

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
  1. Property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC; and M-2, M-1, CI, TC or C; and
  2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
  3. Antenna(s) and auxiliary support equipment are setback a minimum of 10 feet from each edge of the support structure and do not exceed a total height of 12 feet or a total width of 8 feet, unless the antenna(s) is less than 4 inches in diameter and does not exceed a total height of 20 feet.
- B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC, M-2, M-1, CI, TC, or C and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and B.

**17.80.060 Collocation of Additional Antenna(s) on Existing Utility Poles, Light Standards, and Light Poles.** The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC, M-2, M-1, CI, TC, or C.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its Facilities in the Streets. The applicant shall pay all applicable fees due for City permits. All construction and maintenance of any and all of the applicant's Facilities within the Streets incident to the applicant's provision of Telecommunications Services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's Facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the City regulating such construction.
- E. Common Users. The applicant's Facilities shall be attached to utility poles, light standards, and light poles located within the Streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's Facilities, provided such collocation does not interfere with the applicant's Facilities or jeopardize the physical integrity of the Structure and provided the owner of the Structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching Facilities to utility poles, light standards, and light poles in the Streets in a manner that minimizes the Facilities' potential incompatibility with adjacent uses.
  1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
    - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
    - b. Triangular "top hat" style antenna mounts are prohibited;
    - c. The device used to mount the Facilities does not project more than ten (10) feet above the utility pole, light standard, or light pole;
    - d. Antennas will be mounted flush with the devised referenced in **Section 17.80.060.F.1.c** or the existing utility pole, light standard, or light pole, within a unicell-style top cylinder, or on davit arms that are no greater than five (5) feet in length as measured from the center of the utility pole, light standard, or light pole;
    - e. The visual impact of any Facilities located in the Streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, Facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
    - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and
    - g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in **Section 17.80.060.F.2.**
  2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this Section, "Replacement Utility Poles, Light Standards, and Light Poles" shall mean a utility pole, light

standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate Facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the Streets. Facilities may be attached to Replacement Utility Poles, Light Standards, and Light Poles in the Streets, provided:

- a. The Replacement Utility Poles, Light Standards, and Light Poles are of sufficient integrity to support the Facilities;
  - b. The Replacement Utility Poles, Light Standards, and Light Poles, and any subsequent Replacements, are no more the twenty (20) feet taller than the Original Utility Pole, Light Standard, or Light Pole; and
  - c. The Utility Pole, Light Standard, or Light Pole the Replacement Utility Pole, Light Standard, or Light Pole replaces is promptly removed.
3. The applicant shall not locate any Facilities, such as cabinets, at grade within the Streets, but may connect its Facilities in the Streets to Facilities located on property adjacent to the Streets in accordance with applicable City codes and with the permission of the adjacent property owner.

#### **17.80.070 Construction or Modification of a Support Tower.**

- A. Site Plan and Design Review. Required if the following exists:
  1. Property is zoned ~~GI, CI, I, C, MUC-2 or MUE; and M-2, M-1, CI, or C;~~ and
  2. No adjacent parcel is zoned for residential use.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
- C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, 500 feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

#### **17.80.110 Design Standards.**

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The Support Tower shall be self-supporting.
- B. Height Limitation. Support Tower and antenna heights shall not exceed the maximum heights provided below.
  1. If the property is zoned:
    - a. ~~GI, CI or I; and M-2, M-1, or CI; and~~
    - b. No adjacent parcel is zoned residential;

the maximum height of a support tower, including antennas, is 120 feet.
  2. If the property is zoned:
    - a. ~~GI, CI or IM-2, M-1, or CI, and an adjacent parcel is zoned residential; or~~
    - b. ~~C, MUC-2 or MUETC, or C;~~

the maximum height of a support tower, including antennas, is 100 feet.
  3. If the property is zoned:
    - a. ~~LO, LC, or MUC-1, MUD or NC;~~

the maximum height of a support tower, including antennas, is 75 feet.

4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is 75 feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
1. New support towers of a height greater than 75 feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
  2. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
  2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
    - a. If the property is zoned:
      - i. GL, CL, I, C, MUC-2 or MUE; and M-2, M-1, CI, or C; and
      - ii. No adjacent parcel is zoned for a residential use;
 the underlying zone setback shall apply;
    - b. If the property is zoned:
      - i. GL, CL, I, C, MUC-2 or MUE and M-2, M-1, CI or C, and an  
adjacent parcel is zoned residential; or
      - ii. MUC-1, MUD TC, LO, LC or NC;
 the setback shall be a minimum of 25 feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
    - c. For all cases other than those identified in Section 17.80.110.D.2.a and b above, the setback shall be a minimum of 25 feet from all adjacent property lines.
- E. Auxiliary Support Equipment. The following standards shall be required.
1. If the property is zoned:
    - a. For GL, CL, I, MUC-1, MUC-2, C, MUD, MUE or NC, M-2, M-1, CI, TC, C, LO, LC, or NC, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak;
    - b. For all cases other than those identified in Section 17.80.110.E.1.a above, the auxiliary support equipment shall be:
      - i. Located in an underground vault to the maximum extent practicable; or
      - ii. The applicant shall demonstrate why locating the auxiliary support equipment underground would limit the applicant's ability to fully utilize camouflage technology that might better suit the particular situation, in which case the standards of Section 17.80.110.E.1.a shall apply.
  2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.

F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.

1. If the property is zoned:
  - a. ~~GIM-2, M-1~~, or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
  - b. For all cases other than those identified in Section 17.80.110.F.1.a above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of 6 feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.

G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:

1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB;
2. For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential parcel's property line.

H. Lighting.

1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

1. Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

1. Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City Street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or

geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.

4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the City. All service providers with facilities within the City of Oregon City shall be required to report in writing to the Planning Manager any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
  - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
  - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
  - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
  - d. Loss or termination of lease with the telecommunications facility for a period of six (6) months or longer.

**17.80.150 Fees.**

Notwithstanding any other provisions of this code, the Community Development Director ~~Planning Manager~~ may require, as part of the application fees for land use permits, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

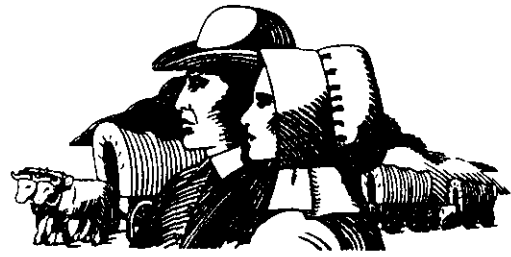


# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

City Commission Chambers - City Hall  
October 18<sup>th</sup>, 2004 at 5:30 P.M.

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.oregoncity.org](http://www.oregoncity.org)) under PLANNING.

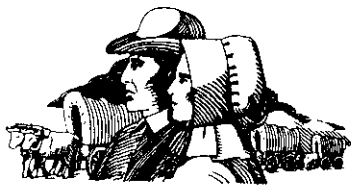
### JOINT CITY COMMISSION AND PLANNING COMMISSION WORK SESSION

#### Work Session Topics:

- 5:30 pm 1. Discussion of City Commission and Planning Commission communication and membership size.
- 5:57 pm 2. Review and discuss recommended "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18<sup>th</sup>, 2004 (Planning File L 03-01).
- 7:41 pm 3. Discussion of the Urban Growth Boundary and "Hard Edges" concepts.

*Adjourn 8:09 pm*

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



# CITY OF OREGON CITY

INCORPORATED 1844

Community Development Department

Planning Division

P.O. Box 3040 - 320 Warner Milne Road - Oregon City, OR 97045

Phone: (503) 657-0891 Fax: (503) 722-3880

TO: Honorable Mayor, City Commission and Planning Commission

FROM: Tony Konkol, Senior Planner

DATE: October 12, 2004

RE: Legislative File L 03-01- Review: Comprehensive Plan Update and Zoning Code Amendments

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Dear Mayor and Commissioners:

The packet for the October 18<sup>th</sup>, 2004 joint City Commission and Planning Commission work session includes the revised amendments to the Oregon City Comprehensive Plan and Municipal Code– Version 4 that were approved unanimously by the Planning Commission at the October 11<sup>th</sup>, 2004 hearing.

There have been minor changes throughout the document addressing spelling and grammatical errors and providing consistency of amended code sections. In addition to minor changes throughout the document the following changes are proposed:

1. Policy 2.2.1 has been amended to clarify that Metro's definition of a regional center should be redefined to recognize the unique character of Oregon City and Policy 2.2.5 has been amended to encourage the cultural development of downtown Oregon City. Policy 2.2.13 addresses the future development of office on the first floor in the Downtown Design District.
2. Chapter 10 – Housing of the Comprehensive Plan has been amended to include additional background information concerning State and Metro Requirements. Goal 10.1 has been amended to remove the reference to affordable housing and Goal 10.2 has been added with accompanying Policies to address affordable housing.
3. Chapters' 16.12.030, 16.12.110 and 16.12.360 have been amended to remove Private Streets from the code. Private streets were allowed in Planned Unit Developments, which have been removed from the code, thus the reference to Private Streets in these three chapters is not necessary.
4. Chapter 16.12.290 has been amended to address the orientation of residential homes on collector and minor arterial streets. The proposed amendments allow greater flexibility in the design options for lots on collector and minor arterial streets, including joint driveways and landscape buffering

5. Chapter 16.12.235 has been amended to reflect the new residential zoning classifications previously adopted by the City.
6. Chapter 17.04 has been amended to clarify the definition of single-family, single-family attached, a duplex and multi-family dwellings. The definition of Home Occupation has been amended to allow the use in an accessory building.
7. Chapter 17.06 has been amended to update the Zoning District Classification tables to accurately reflect the new zoning designations and dimensional standards adopted by the city.
8. Chapters 17.08: R-10, 17.10: R-8, 17.12: R-6, 17.16: R-3.5 and 17.18: R-2 have been amended to reference the new Housing Design Standards of Chapter 17.20 and to remove the previous Garage Standards and Maximum Lot Coverage requirements. The previous language addressing Farm uses has been added to the R-10, R-8 and R-6 permitted uses sections.
9. Chapter 17.20 is a new section to the code that addresses Residential Design Standards and includes standards for garage width, location and housing design standards to be incorporated into new homes and additions to existing homes in excess of 50% of the existing floor area of the dwelling.
10. Chapter 17.22 – Limited Office was previously removed from the code.
11. Chapter 17.24 – Neighborhood Commercial has been amended to allow the Conditional Uses identified in Chapter 17.56 – Conditional Uses of the OCMC and provide a review process for a building in excess of 10,000 square feet. The Limited Uses have been expanded to allow dwelling units on the second floor in conjunction with an approved conditional use. The Parking Standards have been removed from this section and have been incorporated into Chapter 17.52 - Off-Street Parking.
12. Chapter 17.26 – Historic Commercial has been amended to expand the Permitted Uses to include the MUC-1 permitted uses and single-family detached residential units. The Conditional Uses have been amended to allow the condition uses identified in the MUC-1 zone. The Dimensional Standards have been amended to allow greater flexibility when the parcel is not adjacent to a residentially zoned property.
13. Chapter 17.29 – Mixed Use Corridor Conditional Uses have been amended to allow for the review of a single store in excess of 60,000 square feet in the MUC-1 zone. The Parking Standards have been removed from this section and have been incorporated into Chapter 17.52 - Off-Street Parking.
14. Chapter 17.30 – Tourist Commercial was previously removed from the code.
15. Chapter 17.31 – Mixed Use Employment has been amended to remove “Distributing, wholesaling and warehousing” from the Prohibited Uses and include the uses in the Permitted Uses. These uses seem compatible with, and appropriate for, a Mixed Use Employment area.
16. Chapter 17.32 – Commercial has been amended to increase the maximum building height from 35 to 45 feet to allow greater flexibility in building design and maximize the potential use of the site.
17. Chapter 17.34 – Mixed Use Downtown has been amended to rename the “Historic Overlay District” to the “Downtown Design District”. The Permitted Uses have been amended to replace General Commercial uses with Mixed-Use Corridor – 2 uses, which is more restrictive and allows greater review for auto-orientated developments. The parking requirements for developments in the Downtown Design District have been amended to allow the minimum number of offstreet parking

stalls to be reduced by half. This will encourage the full use of the site and promote the redevelopment of the existing buildings.

The Conditional Uses have been expanded to include parking lots not in conjunction with a primary use and drive through facilities for all uses except car washes, which are prohibited.

18. Chapter 17.44 – Unstable Slopes has been renamed Geologic Hazards and amended to limit grading during the wet seasons, limit the size of hillside fills and cuts and minor changes to clarify the construction standards required by the city.
19. Chapter 17.50 – Administration and Procedures has been amended to clarify the noticing requirements for an Appeal of a decision to the City Commission. The Appeal will not be noticed in the newspaper and the notice will only be mailed to those with standing.
20. Chapter 17.52 – Off Street Parking and Loading has been amended to allow the number of required spaces of a development to be reduced if the development is Transit Orientated, includes a Transportation Demand Management Program or Shared Parking is provided. The proposed changes will allow an option to increase the use of the property for building space rather than parking stalls.
21. Chapter 17.54 – Supplemental Zoning Regulations and Exceptions has been amended to require that accessory structures be located behind the front façade of the dwelling unit and the prohibition of seasonal fireworks sales has been removed.
22. Chapter 17.56 – Conditional Uses has been amended to remove assisted living facilities for seniors and public housing projects. The criteria for the placement of Churches and Other Religious Facilities have been removed and staff recommends that the requirements of the underlying zone be utilized.
23. Chapter 17.60 – Variances has been amended to include a Minor Variance procedure that will be reviewed by Staff and an expansion of the definition of a Minor Variance.
24. Chapter 17.61 – Adjustments in the Mixed Use Zones has been removed from the OCMC. The Minor Variance procedures of Chapter 17.60 have been expanded to address the options previously included in this section.
25. Chapter 17.62 – Site Plan and Design Review has been amended to address the Downtown Design District of the Mixed Use Downtown zone and clarify that Site Plan and Design Review is not required in the R-3.5 dwelling district.
26. Chapter 17.68 – Zoning Changes and Amendments has been amended to reference the correct fee schedule.
27. Chapter 17.80 – Communication Facilities has been amended to accurately reflect the new zoning designations of the OCMC.

The most recent proposed Comprehensive Map, Zoning Map, Comprehensive Plan, and Amended Zoning Code are available at City Hall, the Oregon City Library, and on the Oregon City web site.

# Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map.

## **City of Oregon City** **Planning Division**

**Dan Drentlaw – Community Development Director**

For more information, contact:

Tony Konkol, Senior Planner

Christina Robertson-Gardiner, Associate Planner

Sean Cook, Associate Planner

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The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 657-0891.

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## OREGON CITY COMPREHENSIVE PLAN AMENDMENTS

### 2. LAND USE

#### **GOALS AND POLICIES**

##### Goals

##### Goal 2.2: Downtown Oregon City

**Develop the Downtown area (which includes the historic downtown area, the “north end” of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.**

##### Policies

- Policy 2.2.1     Redefine the **Metro** regional center concept to recognize the unique character of Oregon City while being in accordance with Metro’s 2040 Growth Concept.
- Policy 2.2.2     Support multi-modal transportation options throughout the regional center and to other regional and town centers.
- Policy 2.2.3     Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.
- Policy 2.2.4     Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.
- Policy 2.2.5     Encourage the development of a strong and healthy historic downtown retail, office, **cultural** and residential center.
- Policy 2.2.6     Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.
- Policy 2.2.7     Explore options for improving downtown vehicle circulation and parking in a manner that promotes revitalization.
- Policy 2.2.8     Implement the Downtown Community Plan and Waterfront Master Plan with regulations and programs that support compatible and complementary mixed-uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial, and retail uses in the regional center, all at a relatively concentrated density.
- Policy 2.2.9     Improve connectivity for vehicles, bicycles, and pedestrians within the downtown and waterfront master plan areas and improve linkages between residential areas to the community beyond.
- Policy 2.2.10    Develop the Clackamette Cove area through the implementation of the Water Front Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office/retail, and family recreation.

- Policy 2.2.11 Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.
- Policy 2.2.12 A master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development which includes changing the overall site to non-industrial land uses.
- Policy 2.2.13 Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limiting residential and office uses to the second floor and above.**
- 

## 10. HOUSING

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 10, Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Oregon City is required by regional and state requirements to provide an adequate supply of vacant and buildable land for future residential growth and ensure that land is designated for a variety of housing types to fit a range of income and need. The housing element and its supporting resource document are intended to satisfy those requirements.

Oregon City recognizes that the health of the city depends on the health of the neighborhoods that form the building blocks of a livable city. The housing goals and policies are intended to ensure that the integrity of existing neighborhoods is protected and that planning for new neighborhoods as the city expands is comprehensive and inclusive of a range of housing types and services to serve residents.

### **Background**

Oregon City is unique in the area for its role in Oregon history and for the age and diversity of its housing stock. Many of the older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. Like many other communities in the Willamette Valley, Oregon City grew more quickly than expected in the 1990s—nearly doubling in size—and more units will be needed to accommodate new residents or citizens wishing to move into different types of housing.

### **Existing Conditions**

This Housing Element summarizes the results of a housing study conducted in 2002 to determine whether existing comprehensive plan and zoning designations would accommodate growth through 2017. The study included an inventory of existing vacant buildable and underutilized land, compared the characteristics of the existing housing stock and demographics in Oregon City and the region, and forecasted housing needs. The housing study became the Housing Element Resource Document and supports this Housing Element. Readers should refer to the resource document for detailed information on Oregon City's demographic composition (2000), residential land inventory (2002), and projected housing need (to 2017).



The housing study revealed that affordability of housing is an issue, as in many jurisdictions. Housing affordability is based on the percentage of monthly income spent on housing. Using the US Department of Housing and Urban Development's standard formula to determine affordability of 30 percent of monthly income, 12 percent of Oregon City residents cannot afford a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment. When compared against the region it is found that 12 percent of the Portland Metro Area cannot afford a studio apartment and 26 percent are not able to afford a two-bedroom apartment. Fair market rents are slightly higher in the Portland Metro Area, making rents less affordable for low and very low incomes when compared to Oregon City.

Other demographic characteristics revealed by the housing study were:

- Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.
- Oregon City has a slightly younger population than the Portland metropolitan area.
- The percentage of female-headed households living in Oregon City in poverty is significantly higher than the Portland metropolitan area (25 percent to just over 20 percent).
- Household income distribution in Oregon City mirrors that of the Portland metropolitan area.
- Oregon City's composition of housing stock by type of housing (e.g., single family detached and multi-family) and the percentage of renters versus owners is similar to that in the Metro area.
- Oregon City has a deficit of land for multifamily units to meet expected demand.

*as is often the case in county seats*

### State and Metro Requirements

**Both the State of Oregon and Metro have requirements that Oregon City must fulfill with respect to its comprehensive planning for residential needs.** The Statewide Planning Goal for Housing (Goal 10) is to provide for the housing needs of citizens of the state. Part of complying with the Housing Goal is ensuring not only that there is an adequate supply of vacant and buildable land for future growth, but also that the land is designated for a variety of housing types to fit a range of income, need, and preference. **Compliance with Goal 10 is demonstrated through a housing inventory and analysis, which is also part of Metro's requirements (see below). The housing inventory and analysis that were completed for this updated plan are discussed below.**

**Oregon City has two Metro requirements to fulfill. The first, related to Metro's 2040 Growth Concept, is discussed in the following paragraphs. The second, related to Title 7 of the Urban Growth Management Functional Plan, concerns provisions for affordable housing and is discussed at the end of this section.**

In the mid-1990s, the Metro government adopted the 2040 Growth Concept, which was developed to ensure that the region complies with state goals for land use in a coordinated way and that housing and employment growth can be accommodated equitably across the region. After the establishment of the Metro Urban Growth Boundary (UGB) around the cities, the affected cities and counties negotiated targets for new dwelling units and jobs. In 1994, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units between 1994 and 2017, within the city and the UGB. To comply with the Metro target, Oregon City needed to demonstrate that, after subtracting units built between 1994 and 2002, the land use designations on remaining vacant and underutilized land would accommodate the difference in needed new dwelling units. If Oregon City could not accommodate the new housing units, then the City would need to find other ways to meet the capacity target, most likely through increasing minimum residential densities within the city and UGB.

The 2002 housing inventory revealed that 3,665 dwelling units were built between 1994 and 2002, which left 6,075 new units needed to meet the Metro 2017 target. After accounting for expected future accessory dwelling units and environmentally constrained land, the overall planned density of residential land in Oregon City and within the UGB was not sufficient to meet the dwelling unit capacity targets established by Metro. Full development of all vacant and partially vacant land under the current comprehensive plan designations would result in only 4,593 new units missing the capacity target by over 1,400 units.

Through the involvement of a citizen advisory group and with input from staff, the City made changes to the comprehensive plan map and to the zoning code. Overall, the changes in the comprehensive plan update provided the additional units needed to meet Metro's 2017 residential target for Oregon City. The 2002 population of 27,270 plus the population expected at build out (including the 2002 UGB expansions at South End Road and Redland Road), yields a population of approximately 45,700 in 20 years.<sup>1</sup>

A new plan map designation of "Mixed Use" was developed to include the mixed use zones planned for downtown as well as other areas of the city suited to combinations of compatible uses. To increase the range of housing available, some areas of the city were recommended to be redesignated to more intense residential uses based on the following locational criteria:

- along arterials or collectors
- close to business districts and employment and education centers
- in the downtown mixed use area
- adjacent to similar more intense densities

In January 2001, Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further the implementation of the Regional Affordable Housing Strategy. The UGMFP amendments require local jurisdictions to consider the adoption of a number of tools and strategies for promoting the creation and retention of affordable housing. Metro defines an affordable housing unit as constituting no more than 30% of household income for people making 50% of the Median Household Income (in each jurisdiction). By that definition, an affordable housing unit in Oregon City in 2000 would not cost more than \$570 per month. The housing inventory and analysis completed for the comprehensive plan update showed that the number of lower-cost units in Oregon City was less than the number needed to meet all of the housing needs of the city's lower-income residents. Consequently, this Housing element adopts Title 7 tools and strategies as Goal 10.2 and Policy 10.2.3 below.

Many of the policies for the 1982 comprehensive plan were still relevant and were carried over into the updated plan. Since the housing inventory conducted in 2002 established baseline data for housing, an action item to keep the database current was also added.

## **GOALS AND POLICIES**

### **Goal 10.1: Providing diverse housing opportunities for Oregon City residents.**

**Provide for the planning, development and preservation of a variety of housing types and lot sizes.**  
~~to provide for needed affordable housing.~~

#### **Policies**

Policy 10.1.1 Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.

<sup>1</sup> Assumes 2.62 per household and 5% vacancy.

- Policy 10.1.2 Ensure active enforcement of the City's Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
- Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
- Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.
- Policy 10.1.5 Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
- Policy 10.1.6 Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)
- Policy 10.1.7 Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

**Goal 10.2: Provide and maintain an adequate supply of affordable housing.**

**Policies**

- Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Map, ensure potential loss of affordable housing is replaced.
- Policy 10.2.2 Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50% of the median income for Oregon City.
- Policy 10.2.3 Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.

## OREGON CITY MUNICIPAL CODE AMENDMENTS

### CHAPTER 16.12 LAND DIVISIONS

#### **16.12.030 Street design--Minimum right-of-way.**

All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the street design standards contained in Table 16.12.030 below.

The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

**Table 16.12.030**

#### **STREET DESIGN STANDARDS**

<b>Type of Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet
<del>Private street</del>	<del>None</del>	<del>20 feet</del>

- B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found that the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

#### **~~16.12.110 Street design--Private street.~~**

~~The city discourages the use of private streets and permanent dead end private streets except where construction of a through street is found by the decision maker to be impracticable due to topography; some significant physical constraint such as unstable soils, wetlands, natural or historic resource areas, dedicated open space, existing development patterns, or arterial access restrictions. As a minimum, private streets and/or right of way shall comply with the following criteria and, if necessary, slope easements and altered curve radius may be required by the city engineer:~~

- A. ~~Maximum length of two hundred feet. An exception to this may only be permitted if emergency vehicular access and supportive facilities are provided and the application is recommended by the city engineer;~~
- B. ~~Applies only to planned unit developments;~~
- C. ~~Facilities are constructed to city standards;~~
- D. ~~Sidewalk located on one side of the street and may include rolled curbs;~~
- E. ~~Maintenance agreement identifying all owners of the lots in the plat which identifies the maintenance of the private street and mechanism for implementation; and~~
- F. ~~Minimum of twenty feet pavement width. (Ord. 98-1007 §1(part), 1998)~~

#### 16.12.235 Building sites- Calculations of lot area.

- A. A subdivision in a **R-10, R-8, R-6, R-3.5 or R-2** ~~single family~~ dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

#### 16.12.290 Building site--Setbacks and building location.

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, **convenient and aesthetically pleasing** ~~and better~~ environment for pedestrians and bicyclists. **The objective is to have** ~~lots~~ located on a neighborhood collector, collector or minor arterial street ~~shall~~ locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. **All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street.** ~~An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the community development director.~~
- B. **All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:**
  - 1. **No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or**
  - 2. **Allowing a single driveway access per lot will not cause a significant traffic safety hazard.**
- C. **An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the Community Development Director**

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

#### 16.12.360 Minimum improvements--Road standards and requirements.

- ~~A. Subdivision applicants may propose private streets so long as the design for all accessways are reviewed and approved by the city engineer as being adequate for fire and life safety access and so long as the applicant provides a legally binding means for the repair and maintenance of all private streets proposed.~~
- AB.** The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- ~~CB.~~ For any public street created pursuant to subsection **AB** of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 98-1007 §1(part), 1998)

## **CHAPTER 17.04 DEFINITIONS**

### **Chapter 17.04.220 Dwelling apartments, multi-family or condominium**

**A structure located on one tax lot and containing three or more dwelling units in any vertical or horizontal arrangement. "Dwelling apartment" "multi-family" means a building or portion thereof designed for residential use and containing three or more dwelling units. (Prior code §11-1-6(part))**

### **~~17.04.230 Dwelling, single-family.~~**

~~"Single family dwelling" means a detached building designed for and used exclusively as the residence of one family. (Prior code §11-1-6(part))~~

### **~~17.04.235 Single-family attached dwellings.~~**

~~Single-family attached dwellings mean two attached single-family dwelling units that share a common wall but are located on separated lots of a common property line with no setbacks from the common lot line. (Ord. 99-1027 §1, 1999)~~

### **17.04.240 Dwelling, two-family or duplex.**

"Two-family dwelling or duplex" means a building designed or used for residence purposes by not more than two families and containing two dwelling units **per lot**. (Prior code §11-1-6(part))

### **Chapter 17.04.290 Home Occupation.**

"Home occupation" means an occupation carried ~~an occupation carried~~ on solely by the resident of a dwelling house as a secondary use, in connection with which no assistants are employed, no commodities

are sold other than services, no audible sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a single-family dwelling, and not more than one-half of the floor area of one story is devoted to such use. The occupation ~~may~~ **shall not** be carried on in an accessory building of the residence. (Prior code §11-1-6(part))

#### 17.04.560 Residential zone.

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, **R-3.5 Dwelling District and R-2 Dwelling District.** ~~RC-4 McLoughlin conditional residential district, RD-4 two-family dwelling district, RA-2 multi-family dwelling district.~~ (Prior code §11-1-6(part))

#### 17.04.624.12 Single-family detached residential units.

"Single-family detached residential units" means one dwelling unit **per lot that is**, freestanding and structurally separate from other dwelling units or buildings., ~~located on a lot.~~ (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.04.624.2 Single-family attached ~~detached~~ residential units.

"Single-family **attached** ~~detached~~ residential units" means **two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots.** ~~one dwelling unit, freestanding and structurally separate from other dwelling units or buildings, located on a lot.~~ (Ord. 03-1014, Att. B3 (part), 2003)

### CHAPTER 17.06 ZONING DISTRICT CLASSIFICATIONS

#### 17.06.070 Requirements table.

To facilitate public understanding of this title and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height and maximum setback regulations for the various zoning districts is set forth in the following table. For further information, please review the regulations of each individual zoning district. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 92-1024 §3, 1992; prior code §11-3-1)

#### OREGON CITY STANDARDS

	Maximum dwelling units per acre (number)	Minimum lot area (square footage)	Maximum height (feet)	Minimum front yard (feet)	Minimum interior side yard (feet)	Minimum corner side yard (feet)	Minimum rear yard (feet)
R-10 Single-Family	4.4	10,000	35	20	10/8	15	20

R-8 Single-Family	5.5	8,000	35	15	9/7	15	20
R-6 Single-Family	7.3	6,000	35	10	9/5	15	20
R-3.5	12.5	SF 3,500 DU 7,000	35	5	9/7 0/9	15	15
R-2 Multi-Family	21.8	2,000 per unit	45	5	0/9	15	Existing 10 New 20
NC Neighborhood Commercial	7.3	*	25	15	10	15	10
HC Historic Commercial	7.3	*	25	15	10	10	10
C-General Commercial	21.8	*	35	10	0	10	10
GI-General Industrial	0	—	40	10	0	10	10

**Residential**

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	40%	40%	NA	NA
Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

\*See district description for further information

**Commercial**



Standard	C	MUC-1	MUC-2	NC	HC
Maximum Building Height	3 Stories (45 ft)*	3 Stories (45 ft)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 – 33ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5ft.*
Maximum Rear Yard Setback	10 ft.	0 - 30 ft.*	0 – 33ft.*	0 – 10 ft.*	0 – 20 ft.*

\*See district description for further information

#### Employment, Downtown and Industrial

Standard	MUE	MUD	MUD – Design District	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft /75 ft.*	58 ft.	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft)*	2 Stories (25 ft.)*	--	--
Maximum Lot Coverage	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building and Parking Lot – 100%	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	25ft.*	25ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	25ft.*	25ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft*	25ft.*	25ft. / 100 ft*

\*See district description for further information

### Chapter 17.08 R-10 Single-Family Dwelling District

#### 17.08.020 Permitted uses.

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. ~~C. Home occupations;~~
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);**
- ~~ED.~~ Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~FE.~~ Accessory uses, buildings and dwellings;
- GF.** Family day care provider, subject to the provisions of Section **17.54.050**.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-2(A))

#### **17.08.040 Dimensional standards.**

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  - 1. Front yard, twenty feet minimum depth,
  - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  - 3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
  - 4. Corner side yard, fifteen feet minimum width,
  - 5. Rear yard, twenty feet minimum depth,
  - 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))
- F. Garage Standards: **See Section 17.20 – Residential Design Standards**
  - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
  - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
  - ~~3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and~~
  - ~~4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.~~
  - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
    - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
    - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
  - ~~6. Garages may be side-oriented to the front lot line if windows occupy a minimum of 15% of the street-facing wall of the garage.~~
  - ~~7. Exception: Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
    - ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~

~~b. A covered balcony above the garage that is at least the same length as the street-facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~

- G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards. 40% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation

### Chapter 17.10 - R-8 Single-Family Dwelling District

#### **17.10.020 Permitted uses.**

Permitted uses in the R-8 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);**
- ED.** Temporary real estate offices in model homes located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- FE.** Accessory uses, buildings and dwellings;
- GF.** Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-3(A))

#### **17.10.040 Dimensional standards.**

Dimensional standards in the R-8 district are:

- A. Minimum lot area, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  - 1. Front yard fifteen feet minimum depth,
  - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  - 3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
  - 4. Corner side yard, fifteen feet minimum width,
  - 5. Rear yard, twenty feet minimum depth,
- 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1030 §1, 1992; Ord. 91-1020 §2(part), 1991; prior code §11-3-3(C))
- F. Garage Standards: See Section 17.20 – Residential Design Standards.**
  - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street-facing building façade, or~~
  - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street-facing façade, and,~~
  - ~~3. On corner lots, only one street-facing wall must meet the standards in (1) or (2) above, and~~
  - ~~4. A garage wall that faces the street may be no closer to the street than the longest street-facing wall of the house except as provided in subsections (5) and (6) below.~~

5. ~~A garage may extend up to 5 feet in front of the longest front façade if:~~
- ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
  - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
6. ~~Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
7. ~~Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
- ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
  - ~~b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. ~~Maximum Building Coverage: See Section 17.20 – Residential Design Standards. 33% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.~~

### **Chapter 17.12 - R-6 Single-Family Dwelling District**

#### **17.12.020 Permitted uses.**

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (commercial buildings are not permitted);**
- ED.** Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- FE.** Accessory uses, buildings and dwellings;
- GF.** Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-4(A))

#### **17.12.040 Dimensional standards.**

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
- B. Minimum lot width, fifty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  1. Front yard, ten feet minimum depth,
  2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  3. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
  4. Corner side yard, fifteen feet minimum width,
  5. Rear yard, twenty feet minimum depth,

6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))
- F. **Garage Standards: See Section 17.20 – Residential Design Standards.**
- ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
  - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and;~~
  - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
  - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
  - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
    - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
    - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
  - ~~6. Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
  - ~~7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
    - ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
    - ~~b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~
- G. **Maximum Building Coverage: See Section 17.20 – Residential Design Standards. 36% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.**

### Chapter 17.16 – R-3.5 Dwelling District

#### **17.16.040 Dimensional standards.**

Dimensional standards in the R-3.5 district are:

- A. Minimum Lot Area.
  1. Residential uses, three thousand five hundred square feet per unit.
  2. Non-residential uses, zero minimum;
- B. Minimum lot width, twenty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks.
  1. Front yard, five feet minimum depth,
  2. Interior side yard,
    - Detached unit, 5 feet minimum depth
    - Attached unit, 7 feet minimum depth on the side that does not abut a common property line.
  3. Corner side yard, ten-foot minimum width,
  4. Rear yard, fifteen-foot minimum depth,
  5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 99-1027 §3, 1999; Ord. 91-1020 §2(part), 1991; prior code §11-3-6(C))
  6. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.

**F. Garage Standards: See Section 17.20 – Residential Design Standards**

1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or
2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,

On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and

A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.

A garage may extend up to 5 feet in front of the longest front façade if:

- a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or
  - b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.
6. Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.
7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:
- a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or
  - b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.

G. Maximum Building Coverage: 45% of the lot area. Accessory buildings 200 square feet or less are exempt from the maximum building coverage calculation.

**17.16.050 Rebuilding of Damaged Structure**

A structure containing an existing residential use in excess of the R 3.5 density standard that is substantially damaged by fire, other calamity, act of God, or the public enemy may be rebuilt to its original density provided that rebuilding be started within one year following the damage and reconstruction be completed within eighteen months of the time reconstruction is commenced.

**17.16.0560 Single-family attached residential units and duplex units.**

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

- A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
- B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in **Section 16 for partitions**, Section 17.16 and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat. (Ord. 99-1027 §4, 1999)

**Chapter 17.18 – R-2 Multi-Family Residential District**

**17.18.040 Dimensional standards.**

Dimensional standards in the R-2 district are:

- A. Minimum lot area:

1. Residential units, 2,000 square feet per unit.
2. Nonresidential uses, No minimum lot area is required
- B. Minimum lot width, twenty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, four stories, not to exceed fifty-five feet;
- E. Minimum required setbacks:
  1. Front yard, five feet minimum depth (May be reduced to zero through Site Plan and Design Review),
  2. Side yard, five feet minimum width,
  3. Corner side yard, ten feet minimum width,
  4. Rear yard
    - a. Residential units prior to adoption of this ordinance, ten feet minimum depth'
    - b. Nonresidential and Multiple family residential units, ten feet minimum depth,
    - a. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;
  5. Buffer Area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The Community Development Director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
  6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-7(C))
  7. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.
  - F. **Garage Standards: See Section 17.20 – Residential Design Standards.**
    - ~~1. The length of the garage wall facing the street may be up to 40% of the length of the street facing building façade, or~~
    - ~~2. The garage may be up to 50% of the length of the façade if the garage is recessed a minimum of 5 feet from the longest street facing façade, and,~~
    - ~~3. On corner lots, only one street facing wall must meet the standards in (1) or (2) above, and~~
    - ~~4. A garage wall that faces the street may be no closer to the street than the longest street facing wall of the house except as provided in subsections (5) and (6) below.~~
    - ~~5. A garage may extend up to 5 feet in front of the longest front façade if:~~
      - ~~a. There is a covered front porch and the garage does not extend beyond the front line of the porch, or~~
      - ~~b. The garage is part of a two level façade that has a window (minimum 12 square feet, with 4" trim or shutters) on the second level that faces the street.~~
    - ~~6. Garages may be side oriented to the front lot line if windows occupy a minimum of 15% of the street facing wall of the garage.~~
    - ~~7. Exception. Where the street facing façade of the building is less than 24 feet long, the garage wall facing the street may be up to 12 feet long if there is one of the following:~~
      - ~~a. Interior living area above the garage. The living area must be set back no more than 4 feet from the street facing garage wall; or~~
      - ~~b. A covered balcony above the garage that is at least the same length as the street facing garage wall, at least 6 feet deep, and accessible from the interior living area of the dwelling unit.~~

### Chapter 17.20 Residential Design Standards

**Sections**

17.20.010	Purpose
17.20.020	Applicability
17.20.030	Residential Design Options
17.20.040	Residential Design Standards
17.20.050	Main Entrances
17.20.060	Maximum Lot Coverage
17.20.070	Exceptions

**17.20.010 Purpose.****These design standards:**

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety on the public way and the front yards by providing “eyes on the street”.
- D. Provide for community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the main entrance of the house.
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

**17.20.020 Applicability.**

The standards in section 17.20.030 through 17.20.050 apply to the street facing facades of all new single-family dwellings, manufactured homes and two-family dwelling units (duplexes) with or without a garage. An irregular lot, as defined in Section 17.20.070, shall meet 7 of the Residential Design Standards in Section 17.20.040. Additions and alterations that add less than 50% to the existing floor area of the house are exempt from section 17.20.030 through 17.20.050. Additions or alterations that are not visible from the street side of the home are exempt.

The standards in section 17.20.060 – Maximum Lot Coverage shall apply to all new and existing homes in the R-10, R-8 and R-6 single-family dwelling districts.

**17.20.030 Residential Design Options.**

There are six options outlined in 17.20.030 for complying with the residential design standards. Homes on corner lots and through lots shall comply with one of the six options below for the front of the lot. The “non-front” side of the lot shall have windows for a minimum of 15% of the façade and comply with three of the residential design standards in 17.20.040.A.

The garage width shall be measured based on the location of the interior garage walls. The Community Development Director may approve an alternative measurement location if the exterior façade screens a section of the garage or better accomplishes the goals of this section.

- A. The garage may be up to 50% of the length of the street-facing façade if:
  - 1. The garage is not closer to the street than the street-facing façade; and
  - 2. 4 of the residential design standards in 17.20.040.A are met.



- B. The garage may be up to 60% of the length of the street-facing façade if:
  - 1. The garage is recessed 2 feet or more from the street-facing façade; and
  - 2. 5 of the residential design standards in 17.20.040.A are met.
- C. The garage may be up to 60% of the length of the street-facing façade and extend up to 4 feet in front of the street-facing façade if:
  - 1. 6 of the residential design standards in 17.20.040.A are met; and
  - 2. 1 of the 2 options in 17.20.040.B is met.
- D. The garage may be up to 50% of the length of the street-facing façade and extend up to 8 feet in front of the street-facing façade if:
  - 1. 7 of the residential design standards in 17.20.040.A are met; and
  - 2. 1 of the 2 options in 17.20.040.B is met.
- E. The garage may be side orientated to the front lot line and extend up to 32 feet in front of the street-facing façade if:
  - 1. Windows occupy a minimum of 15% of the street-facing wall; and
  - 2. 4 of the residential design standards in 17.20.040.A are met.
- F. Where the street-facing façade of the building is less than 24 feet wide, the garage wall facing the street may be up to 12 feet wide if:
  - 1. The garage does not extend past the street-facing façade; and
  - 2. 6 of the design standards in 17.20.040.A are met; and
  - 3. 1 of the following is met:
    - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
    - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit.

#### Features

#### 17.20.040 Residential Design Standards.

- A. The residential design standards below shall be provided as required in section 17.20.030 above.
  - 1. Dormers.
  - 2. Gables or hip roof.
  - 3. Building face with 2 or more offsets of 16-inches or greater or a roof overhang of 16-inches or greater
  - 4. Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.
  - 5. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep.
  - 6. Bay window that extends a minimum of 12-inches.
  - 7. Windows and main entrance doors that occupy a minimum of 15% of the front façade (not including the roof and excluding any windows in a garage door).
  - 8. Window trim (minimum 4-inches).
  - 9. Window grids on all front façade windows (excluding any windows in the garage door or front door).
  - 10. Front facing balconies.
  - 11. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade.
  - 12. Maximum 9-foot wide garage doors or a garage door designed to resemble 2 smaller garage doors and/or windows in the garage door.

13. A third garage door that is recessed a minimum of 2 feet.
14. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

B. The residential design standards below shall be provided as required in section 17.20.030 above. The use of one of the residential design standards below shall not count towards the number of residential design standard required to be provided from Section 17.20.040.A above.

1. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep; or
2. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

#### **17.20.050 The Main Entrance.**

At least 1 main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street; or
- C. Open onto a covered porch on the front or side of the residence that is at least 60 square feet, a minimum depth of 5 feet.

#### **17.20.060 Maximum Lot Coverage.**

The maximum lot coverage for the R-10, R-8 and R-6 single-family dwelling districts shall be 40% of the lot area. Accessory building 200 square feet or less are exempt from the maximum lot coverage calculation.

#### **17.20.070 Exceptions.**

A lot shall be considered irregular for the purposes of this section of the Oregon City Municipal Code and shall comply with 7 of the Residential Design Standards in Section 17.20.040 if one or more of the following apply:

- A. The lot has 5 or more sides; or
- B. A natural up slope of 15% or greater from front to back exists within the building setbacks; or
- C. An R-10, R-8 or R-6 Single Family Dwelling District lot with a width along the street frontage that is 30% or less of the depth of the lot. The lot depth is the perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite, usually rear, lot line.

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### **CHAPTER 17.22 LO – LIMITED OFFICE**

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### **CHAPTER 17.24 NC – NEIGHBORHOOD COMMERCIAL DISTRICT**

#### **17.24.010 Designated.**

The neighborhood commercial district allows for small-scale commercial and mixed uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. (Ord. 03-1014, Att. B3 (part), 2003)

**17.24.020 Permitted uses.**

Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops;  
Apparel shop;  
Art gallery, store, supplies;  
Bakery, retail;  
Banks without a drive thru;  
Barbershop;  
Beauty parlor;  
Bicycle sales, service, rental;  
Bookstore;  
Candy store; Clothes cleaning and pressing;  
Coffee shop without a drive thru;  
Craft store;  
Custom dressmaking and tailoring;  
Dry cleaners;  
Dry cleaners, self-service;  
Dry cleaning agencies;  
Delicatessen store;  
Drug stores;  
Dry good stores;  
Florist shops;  
Gift shops;  
Grocery, fruit or vegetable store;  
Hardware store;  
Ice-cream store;  
Interior decoration, including drapery and upholstery;  
Jewelry store;  
Laundromat, self-service;  
Laundry agencies;  
Locksmith;  
Music store;  
Plant or garden shop;  
Printing and copy service (no audible sounds beyond the premises);  
Restaurants without a drive thru;  
Seasonal sales, subject to the provisions of Section 17.54.060;  
Shoe sales, repair;  
Small grocery, fruit or vegetable store;  
Stationery store;  
Studio for art, dance, music, photo; and  
Watch and clock repair shop.  
(Ord. 03-1014, Att. B3 (part), 2003)

**17.24.025 Conditional uses.**

**The following conditional uses are permitted when authorized and in accordance with the process and standards contained in Chapter 17.56.**

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.**

**17.24.030 Limited uses.**

Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 or conditional use as identified in Section 17.24.025.  
(Ord. 03-1014, Att. B3 (part), 2003)

#### **17.24.040 Dimensional standards.**

Dimensional standards in the NC district are:

- A. Maximum building height: two and one half stories, not to exceed thirty-five feet.
- B. Maximum building footprint: ten thousand square feet.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: ten feet.
- E. Maximum Allowed Setback.
  - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  - 2. Interior yard: none.
  - 3. Corner side yard abutting a street: thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- ~~F. **Parking Standards.** The minimum required off-street vehicular parking standards requirements of Chapter 17.52 may be reduced by ten percent for mixed-use projects, subject to a determination by the community development director that the project qualifies as a "mixed use" project. (Ord. 03-1014, Att. B3 (part), 2003)~~

### **CHAPTER 17.26 HC – HISTORIC COMMERCIAL DISTRICT**

#### **17.26.020 Permitted uses.**

- A. Uses permitted in the MUC-1 Mixed Use Corridor District
- B. Residential Units, single-family detached

Permitted uses in the HC district are all historic commercial uses, defined as:

Antique shops;  
 Apparel stores;  
 Art, gallery supplies;  
 Bakery, retail;  
 Bookstores;  
 Coffee shops without a drive thru;  
 Craft stores;  
 Delicatessen stores;  
 Drug stores;  
 Florist shops;  
 Gift shops;  
 Grocery, fruit or vegetable stores;  
 Hair salons;  
 Interior decoration, including drapery and upholstery;  
 Jewelry stores;  
 Music stores;  
 Notion or variety stores;  
 Offices;  
 Photography studios;  
 Plant or garden shops;

~~Restaurants without a drive thru;  
 Studios, art, dance, music, photo;  
 Uses, as approved by the community development director, that are consistent with the purpose of  
 the HC zoning district; and  
 Uses permitted in the R-6 single family dwelling district. (Ord. 03-1014, Att. B3 (part), 2003;  
 prior code §11-3-11(A))~~

#### 17.26.030 Conditional uses.

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. ~~Conditional Uses listed in the MUC-1 Mixed Use Corridor District~~ **Section 17.56.030.**  
 (Ord. 03-1014, Att. B3 (part), 2003; Ord. 96-1026 §2, 1996; prior code §11-3-11(B))

#### 17.26.050 Dimensional standards.

- A. **Residential Unit, Single-family detached:**

1. **Dimensional standards required for the R-6 Single-family dwelling district.**

- B. **All other uses:**

1. **Minimum Lot Area: None.**
2. **Maximum building height: 35 feet or 3 stories, whichever is less.**
3. **Minimum required setbacks if not abutting a residential zone: None.**
4. **Minimum required rear yard setback if abutting a residential zone: 20 feet.**
5. **Minimum required side yard setbacks if abutting a single-family residential use: 5 feet.**
6. **Maximum front yard setback: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).**
7. **Maximum interior side yard: None.**
8. **Maximum rear yard: None.**
9. **Minimum required landscaping (including landscaping within a parking lot): 20 percent.**
  1. ~~Residential: five thousand square feet.~~
  2. ~~Nonresidential: minimum not required.~~

- ~~B. Minimum Required Setbacks:~~

1. ~~Front yard: fifteen feet minimum depth.~~
2. ~~Interior side yard: ten feet minimum width.~~
3. ~~Corner side yard: ten feet minimum width.~~
4. ~~Rear yard: ten feet minimum depth.~~

- ~~C. Maximum building height: two and one half stories, not to exceed thirty five feet for new buildings. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(D))~~

### CHAPTER 17.29 MUC – MIXED USE CORRIDOR

#### 17.29.020 Permitted uses--MUC-1.

Permitted uses in the MUC-1 district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other small lodging facilities for up to ten guests per night;
- C. Child care facilities;
- D. Health and fitness clubs;

- E. Medical and dental clinics, outpatient; infirmary services;
- F. Museums and cultural facilities;
- G. Offices, including finance, insurance, real estate and government;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- I. Postal services;
- J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Residential units, single-family detached residential existing prior to adoption of this chapter;
- M. Residential units, single-family and two-family attached;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- QR. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed ten thousand square feet;
- RS. Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;{+}
- ST. Studios and galleries, including dance, art, photography, music and other arts;
- TU. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
- UV. Veterinary clinics or pet hospitals, pet day care. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.29.030 Conditional uses--MUC-1 and MUC-2 zones.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Clubs/lodges;
- B. Car washes;
- C. Drive-in or drive-through facilities;
- D. Emergency services;
- E. Motor vehicle service, parts sales, repair, or equipment rental;
- F. Museums and cultural facilities;
- G. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- H. Public utilities and services;
- I. Religious institutions;
- J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of ten thousand square feet in the MUC-1 zone or of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- K. Schools, including trade schools and technical institutes; and
- L. Vehicle fuel sales. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.29.050 Dimensional standards--MUC-1.

- A. Minimum lot areas: none.
- B. Maximum building height: forty-five feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: none.

- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one-foot of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.
  - 3. Corner side yard abutting street: thirty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- ~~F. Parking Standards. The minimum required off-street vehicular parking standards requirements of Chapter 17.25 may be reduced by ten percent for mixed-use transit orientated projects, subject to a determination by the community development director that the project qualifies as a "mixed-use" project.~~
- FG. Maximum lot coverage of the building and parking lot: eighty percent.
- GH. Minimum required landscaping (including landscaping within a parking lot): twenty percent. Ord. 03-1014, Att. B3 (part), 2003)

#### **17.29.060 Dimensional standards--MUC-2.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.
  - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- ~~H. Parking Standards. The minimum required off-street vehicular parking standards of Chapter 17.25 may be reduced by fifteen percent for mixed-use transit orientated projects, subject to a determination by the planning director that the project qualifies as a "mixed-use" project.~~
- II. Maximum site coverage of building and parking lot: ninety percent.
- II. Minimum landscaping requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

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### **CHAPTER 17.30 TOURIST COMMERCIAL**

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#### **17.31 MUE – MIXED USE EMPLOYMENT**

**17.31.020 Permitted uses.**

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls;
- B. Banks, savings, credit union, stocks and mortgages;
- C. Banquet, conference facilities and meeting rooms;
- D. Child care facilities;
- E. Clinics, outpatient; infirmary services;
- F. Distributing, wholesaling and warehousing;**
- ~~GF.~~ Employment training and business services;
- ~~HG.~~ Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities;
- ~~IH.~~ Hospitals, medical centers and emergency service facilities;
- ~~J.~~ Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;<sup>1</sup>
- ~~KJ.~~ Offices; including finance, insurance, real estate and government;
- ~~LK.~~ Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- ~~ML.~~ Postal services;
- ~~NM.~~ Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving;
- ~~ON.~~ Public utilities and services;
- ~~PO.~~ Publicly-owned parks, play fields and community or neighborhood centers;
- ~~QP.~~ Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;
- ~~RQ.~~ Residential units, single-family detached residential existing prior to adoption of this chapter;
- ~~SR.~~ Software development;
- ~~TS.~~ Transit and passenger rail center and station, exclusive of transit storage areas;
- ~~UT.~~ Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

**17.31.050 Prohibited uses.**

The following uses are prohibited in the MUE district:

- A. Bulk fuel dealerships and storage yards, including card locks;
- B. Concrete mixing and sale;
- C. Contractors equipment yard;
- ~~D. Distributing, wholesaling and warehousing;~~
- ~~DE.~~ Draying, trucking and automobile freighting yard;
- ~~EF.~~ Entertainment centers and facilities, outdoor;
- ~~FG.~~ Foundry casting lightweight non-ferrous metals;
- ~~GH.~~ Ice or cold storage plant;
- ~~HI.~~ Junk yards, salvage yards, wrecking yards, storage yards and recycling centers;
- ~~IJ.~~ Kennels;
- ~~JK.~~ Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment);
- ~~KL.~~ Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home and boat sales, leasing, rental or storage;
- ~~LM.~~ Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers and self-propelled motor homes;
- ~~MN.~~ Self-storage facilities;



- NO. Storage yard for contractor's equipment, transit vehicles and related vehicle or equipment maintenance activities;
- OP. Warehouse/freight movement; and
- PQ. Wholesale and bulk sales. (Ord. 03-1014, Att. B3 (part), 2003)
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## **CHAPTER 17.32 C – GENERAL COMMERCIAL**

### **17.32.040 Dimensional standards.**

- A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district; otherwise, no minimum lot area is required;
- B. Maximum building height not to exceed **forty-five** ~~thirty-five~~ feet;
- C. Minimum Required Setbacks.
1. Front yard: ten feet minimum depth.
  2. Interior side yard: no minimum.
  3. Corner side yard: ten feet minimum width.
  4. Rear yard: ten feet minimum depth.
- (Editorially amended, Supp. No. 5; prior code §11-3-13(C))
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## **17.34 MUD – MIXED USE DOWNTOWN**

### **17.34.010 Designated.**

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the “north-end” area, generally between 5th Street and Abernethy Street and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes an **Downtown Design District** overlay ~~design sub-district~~ for the historic downtown area. **Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district.** The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-1014, Att. B3 (part), 2003)

### **17.34.020 Permitted uses.**

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the neighborhood, historic, limited or ~~general-commercial~~ **Mixed Use Corridor –2** zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040;
- B. Banquet, conference facilities and meeting rooms;
- C. Child care facilities;
- D. Clubs/lodges;
- E. Health and fitness clubs;
- F. Hotel and motel, commercial lodging;
- G. Indoor recreational facilities, including theaters;
- H. Marinas;

- I. Medical and dental clinics, outpatient and infirmary services;
- J. Museums and cultural facilities;
- K. Office ~~uses, including finance, insurance, real estate and government developments that include offices in the historic overlay district are required to have an MUD permitted use, other than an office use, on the first floor. The office use is limited to the second floor and above of the development;~~
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- M. Postal services;
- N. Publicly-owned parks, play fields and community or neighborhood centers;
- O. Religious institutions, such as churches, mosques and synagogues;
- P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances;
- Q. Residential units, single-family detached residential existing prior to adoption of this chapter;
- R. Residential units, single-family and two-family attached. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- S. Residential Units, multi-family. ~~Developments that include residential units in the historic overlay district are required to have an MUD permitted use on the first floor. The residential units are limited to the second floor and above of the development;~~
- T. Restaurants, eating and drinking establishments;
- U. Retail services, including professional, educational and financial services; laundry and dry-cleaning;
- ✓ V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed sixty thousand square feet (a free standing building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes;
- X. Studios and galleries, including dance, art, photography, music and other arts; and
- Y. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

#### 17.34.030 Conditional uses.

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Drive-through facilities (~~except for drive through car washes) associated with a bank;~~
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020(N);
- E. Outdoor recreational facilities;
- ✓ F. **Parking lots not in conjunction with a primary use;**
- GF. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment;
- HG. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a free standing building with a single store exceeding a footprint of sixty thousand square feet;
- IH. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- JH. Public utilities; and
- KJ. Wholesale and bulk retail uses. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.040 Prohibited uses.**

The following uses are prohibited in the MUD district:

- A. **Drive through car wash**
- B. Kennels;
- CB. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030; and
- DE. Self-service storage. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.060 Dimensional standards--Except for within the Downtown Design District ~~historical overlay area.~~**

- A. Minimum lot area: none.
- B. Minimum floor area ratio ~~for stand-alone office, commercial buildings or mixed-use buildings with a residential component:~~ 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
  - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
  - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
  - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 2. Interior side yard: no maximum.
  - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: no maximum.
  - 5. Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
- ~~H. **Parking Standards.** The minimum required off-street vehicular parking standards of Chapter 17.52 may be reduced by twenty-five percent for mixed-use projects subject to a determination by the community development director that the project qualifies as a "mixed-use" project.~~
- HI. Maximum site coverage including the building and parking lot: ninety percent.
- IJ. Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.070 Dimensional standards—Downtown Design District ~~Historic area overlay.~~**

- A. Minimum lot area: none.
- B. Minimum floor area ratio ~~for stand-alone commercial buildings or mixed-use buildings with a residential component:~~ 0.5.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setback if abutting a residential zone: twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.

- G. Maximum Allowed Setbacks.
1. Front yard: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  2. Interior side yard: no maximum.
  3. Corner side yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  4. Rear yard: no maximum.
  5. Rear yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Parking Standards. The minimum **number of off-street vehicular parking stalls required in Chapter 17.52 may be reduced by fifty percent.** ~~requirements of Chapter 17.52 may be reduced by fifty percent.~~ Off street, vehicular parking requirements may be waived by the community development director if the property is within a parking management district.
- I. Maximum site coverage of the building and parking lot: one hundred percent.
- J. Minimum Landscape Requirement. Development within the **Downtown Design District** ~~historie~~ overlay ~~district~~ is exempt from required landscaping standards in Section 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required **and shall be provided per the standards of Chapter 12.08 and Chapter 17.52.** (Ord. 03-1014, Att. B3 (part), 2003)

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**CHAPTER 17.44 US – Geologic Hazards~~UNSTABLE SOILS AND HILLSIDE~~  
CONSTRAINTS OVERLAY DISTRICT**

**17.44.020 Definitions.**

For the purpose of this chapter, the following definitions are applicable:

“Geotechnical remediation” means construction designed to increase the factor of safety against earth movement.

“Hillside” refers to any area with a slope of twenty-five percent or more.

“Landslide areas” means those areas identified as known or potential landslide or mass movement geological hazard areas:

1. By the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area; or
2. By Portland State University in a study entitled “Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon” (1992).

“Slope” shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The ~~minimum~~ horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
3. The resulting number is the slope expressed as a percentage.

“Unstable slopes” or “unstable soils” includes:

1. Any area identified on the city's **Steep Slope** ~~unstable soils and hillside constraint overlay district map~~;
2. Any other area that is identified on official city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, **seismic activity** or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

#### **17.44.060 Development standards.**

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal **and fill and grading** for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

**All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any earthwork. Up to a 30-day modification to the October 31 date, and a 45-day modification to the May 1 date may be made by the City Engineer, based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals.** Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- B. Designs shall minimize the number and size of cuts and fills.
- C. **Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Toes of cuts and fills shall be set back from boundaries of separate private ownerships at least three feet, plus one fifth of the vertical height of the cut or fill. An exception to this requirement may be granted so long as the review authority determines there is a negligible risk of landslide, slump or erosion and a slope easement is provided.~~

- D. **Grading – fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.**

~~Except in connection with geotechnical remediation plans approved in accordance with this chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent.~~

- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.
- F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.
- G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.
- H. ~~Unless the property is developed as a planned development pursuant to Chapter 17.64, d~~Density shall be determined as follows:
  - 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
  - 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
  - 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.
- I. ~~For those portions of the properties~~ with slopes of twenty-five to thirty-five percent between grade breaks:
  - 1. **For those portions of the property with slopes of twenty-five to thirty-five percent,** ~~The~~ maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
  - 2. **An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no** ~~No~~ more than fifty percent or four thousand square feet of the surface area ~~of an individual lot or parcel~~, whichever is smaller, ~~shall be~~ graded or stripped of vegetation or covered with structures or impermeable surfaces.
  - 3. **No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.**
- J. For those portions of the property with slopes over thirty-five percent between grade breaks:
  - 1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is

otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. (Ord. 94-1001 §2(part), 1994)

#### **17.44.100 Construction standards.**

During construction on, ~~or within fifty feet of,~~ land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures **in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.**
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer may authorize brush clearing and test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
- C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).
- D. ~~In no event shall construction activities aggravate existing conditions.~~ All disturbed **vegetation** ~~sed~~ shall be replanted with suitable vegetation as soon as possible during or after completion of construction activities.
- E. Existing vegetative cover shall be maintained to the maximum extent practicable. **No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.**
- F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.
- G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are

not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)

- H. Building envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.**

## **CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES**

### **17.50.120 Quasi-judicial hearing process.**

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- r who request in writing ..*
- A. Once the planning manager determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the planning manager determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the city commission.
  - B. **Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).**
  - C. **Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site and all persons who testified either orally or in writing before the hearing body. ~~Notice of the hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).~~**
  - DE. The planning manager shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
  - ED. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:
    1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
    2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The decision-maker may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
    3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;
    4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
    5. That the commission chair shall call for any ex parte contacts, conflicts of interest or bias before the beginning of each hearing item.



- FE. Requests for continuance and to keep open the record: The commission or board, as the case may be, may continue the hearing from time to time to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as the commission or board establishes a time certain and location for the continued hearing. Similarly, the decision-maker may close the hearing but keep open the record for the submission of additional written material or other documents and exhibits. The commission or board may limit the factual and legal issues that may be addressed in any continued hearing or open-record period. (Ord. 98-1008 §1(part), 1998)

#### **17.50.190 Appeals.**

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, ~~Type-III~~ or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

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### **CHAPTER 17.52 OFF STREET PARKING AND LOADING**

#### **17.52.010 Number of spaces required.**

At any time of erection of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space. **The required number of parking stalls may be reduced if one or more of the following is met:**

- A. **Transit Oriented Development.** The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit. Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.
- B. **Transportation Demand Management.** The Community Development Director may reduce parking up to 10% when a development can demonstrate, in a parking-traffic study prepared by a traffic engineer:
  - 1. That use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
  - 2. That a Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

**C. Shared Parking.** The Community Development Director may reduce parking requirements up to 50% when:

1. **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.
2. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

<u>LAND USE</u>	<u>PARKING REQUIREMENTS</u> The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	<u>MINIMUM</u>	<u>MAXIMUM</u>
Single-Family Dwelling	1.00 per unit	<del>2.00</del> per unit
<b>Multi-Family: Studio Residential Unit</b> ( <del>&lt;500 sq ft</del> )	1.00 per unit	<del>1.52</del> per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	<del>2.50</del> per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit
Hotel/Motel	1.0 per guest room	<del>1.25</del> per guest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds
Religious Assembly Building	0.25 per seat	<del>0.25</del> per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/Kindergarten	N/A	2 per teacher

Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School	0.20 per # staff and students	0.30 per # staff and students
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/ Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/ Shopping Center	4.10	5.00
Service/Repair Shop/ Automotive or Furniture Store	N/A	1.67
Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/ Gymnasium	N/A	5.00
Sports Club/ Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30
Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	N/A	1.60

(Ord. 03-1014, Att. B3 (part), 2003: prior code §11-5-1)

#### **17.52.070 Pedestrian access in off-street automobile parking areas.**

- A. The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.

- B. All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter 1134 of the Uniform Building Code.
- C. Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials. (Ord. 95-1001 §2(part), 1995)

## **CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

### 17.54.010 Accessory buildings and uses.

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:
  - 1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet. No portion of any such structure shall project across a lot line **and the accessory structure shall be located behind the front building line of the primary structure.**
  - 2. Building Footprint from Two Hundred to Six Hundred Square Feet. **The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure.** The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category ~~when located behind the front building line of the primary structure,~~ provided the structure and its projections:
    - a. Are detached and separated from other structures by at least three feet;
    - b. Do not exceed a height of fourteen feet;
    - ~~c. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.~~
  - 3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:
    - a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
    - b. The lot must be in excess of twenty thousand square feet.
    - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. In no case may the accessory building footprint exceed eight hundred square feet.
    - d. The accessory structure shall not exceed the height of the primary structure **and shall be located behind the front building line of the primary structure.**
- C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for

each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.

- D. **Antenna and Antenna Structures.** No noncommercial antenna or antenna structure (including those of extension type) shall exceed the maximum building height standard for the zoning district in which it is located. No antenna or antenna structure shall be located in required yards.
- E. **Swimming Pools.** In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height.
- F. **Conference and Meeting Rooms.** Conference or meeting rooms designed primarily for use by employees or clients (or members in the case of trade unions) in furtherance of the principal permitted use.
- G. **Barbed Wire and Electric Fences.** It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-4-1)

#### **17.54.060 Seasonal sales.**

The following standards shall apply to seasonal sales which are limited to:

- A. **Fireworks Sales.** The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
  - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  - 2. A business license shall be required pursuant to Title 5 of this code.
- B. **Christmas Tree Sales.** The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continue no longer than December 26.
  - 1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  - 2. Signing within the city limits for sales lots located outside the city limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet, each. The placing of signs on property not privately-owned shall be by permission obtained from the city.
  - 3. A business license shall be required pursuant to Title 5 of this code.
- C. All signing for seasonal sales shall be removed no later than the day after the holiday.
- ~~D. The provisions of subsection A of this section shall be repealed on July 5, 1991. (Ord. 91-1018 §2, 1991; prior code §11-4-6)~~

### **CHAPTER 17.56 CONDITIONAL USES**

#### **17.56.030 Uses requiring conditional use permit.**

Uses requiring conditional use permit are:

- A. Ambulance services in ~~LQ, C~~ and GI districts;
- B. Boarding, ~~and~~ lodging houses; ~~and~~ bed and breakfast inns ~~and assisted living facilities for senior citizens;~~
- C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
- D. Cemeteries, crematories, mausoleums and columbariums;

- E. Child care centers and nursery schools;
- F. Churches;
- G. Colleges and universities, excluding residential districts;
- H. Correctional facilities, in the GI district;
- I. Emergency service facilities (police and fire), excluding correctional facilities;
- J. Government and public service buildings;
- K. Helipad in conjunction with a permitted use, excluding residential districts;
- L. Hospitals, excluding residential districts;
- M. Houseboats;
- N. Hydroelectric generating facilities in GI district only;
- O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C and GI districts;
- P. Museums;
- Q. Nursing homes;
- R. Parking lots not in conjunction with a primary use;
- S. Private and public schools;
- T. Private clubs and lodges, excluding residential districts;
- U. Public utilities, including sub-stations (such as buildings, plants and other structures);
- ~~V. Public housing projects;~~
- VW. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
- WX. Stadiums, arenas and auditoriums, excluding residential districts; and
- XY. Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

#### 17.56.040 Criteria and standards for conditional uses.

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.
- C. ~~Churches and Other Religious Facilities. The planning commission may authorize a church as a conditional use if the following dimensional standards are used:~~
  - ~~1. Minimum lot area, ten thousand square feet;~~
  - ~~2. Minimum street frontage, one hundred feet;~~
  - ~~3. Maximum lot coverage, fifty percent for all buildings;~~
  - ~~4. Maximum building height, fifty feet;~~
  - ~~5. Minimum depth, one hundred twenty-five feet;~~
  - ~~6. Minimum setback distance, front yard, thirty feet; rear yard, twenty feet; side yard, twenty feet. Buildings on corner lots shall observe the minimum setbacks on both streets. Side yard and rear yard setbacks shall be increased by five feet for each additional story exceeding two stories or thirty feet, whichever is less.~~

## CHAPTER 17.60 VARIANCES

### **17.60.0230 Variances--Procedures.**

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. **A Variance shall address the criteria identified in Section 17.60.030 Variances – Grounds.**
- D. Minor variances as defined in subsection E of this section shall be processed as a Type II decision, ~~and~~ shall be reviewed pursuant to the requirements in Section 17.50.030(B), **and shall address the criteria identified in Section 17.60.040 Minor Variance - Grounds.**
- E. For the purposes of this section, minor variances shall be defined as follows:
1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
  2. Ten percent variances to width, depth and frontage requirements;
  3. Twenty percent variances to residential yard/setback requirements, provided that no side yard shall be less than five feet;
  4. Ten percent variances to nonresidential yard/setback requirements;
  5. ~~Five percent variances to lot area requirements;~~
  6. **Five percent variance to the minimum required parking stalls.**
  7. **Variances to the Floor Area Requirements and minimum required Building Height in the Mixed Use Districts.**
- (Ord. 03-1014, Att. B3 (part), 2003; Ord. 00-1003 §12, 2000; prior code §11-8-4)

### **17.60.0320 Variances--Grounds.**

A variance may be granted only in the event that all of the following conditions exist:

- A. That the literal application of the provisions of this title would deprive the applicant of rights commonly enjoyed by other properties in the surrounding area under the provisions of this title; or extraordinary circumstances apply to the property which do not apply to other properties in the surrounding area, but are unique to the applicant's site;
- B. That the variance from the requirements is not likely to cause substantial damage to adjacent properties, by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
- C. The applicant's circumstances are not self-imposed or merely constitute a monetary hardship or inconvenience. A self-imposed difficulty will be found if the applicant knew or should have known of the restriction at the time the site was purchased;
- D. No practical alternatives have been identified which would accomplish the same purposes and not require a variance;
- E. That the variance requested is the minimum variance which would alleviate the hardship;
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied. (Prior code §11-8-2)

### **17.60.040 Minor Variance – Grounds.**

**A minor variance may be granted only in the event that all of the following conditions exist:**

- A. That the minor variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title.
- B. That the request is the minimum variance which would alleviate the hardship.
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated; and
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance.
- F. That the variance conforms to the comprehensive plan and the intent of the ordinance being varied.

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#### **CHAPTER 17.61 ADJUSTMENTS IN THE MIXED-USE ZONES**

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#### **CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW**

##### **17.62.030 When required.**

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6 and R-3.5, ~~R-6/MH, RC-4, and RD-4~~ zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones, to planned developments, manufactured dwelling parks, and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. (Ord. 94-1002 §1(part), 1994)

##### **17.62.050 Standards.**

A. All development shall comply with the following standards:

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.). No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the **Downtown Design District**~~central business district~~, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.



## Chapter 17.68 – ZONING CHANGES AND AMENDMENTS

### **17.68.060 Filing of an application.**

Applications for amendment, or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the ~~fee schedule in Chapter 17.50~~ **Community Development Department Fee Schedule**. (Ord. 91-1007 §1(part), 1991; prior code §11-12-6)

## CHAPTER 17.80 COMMUNICATION FACILITIES BUILDING CODE

### **17.80.020 Definitions.**

The following definitions shall apply to this chapter:

1. Amateur Radio Operators – Also identified as ham radio operators, are licensed by the United States Government.
2. Antenna – Any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.
3. Attachment – An antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.
4. Array – The combination of antennas mounted on a support structure or support tower.
5. Auxiliary Support Equipment – All equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.
6. Camouflage – The design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.
7. Collocation – Use of a common wireless communications support structure or tower for two or more antenna arrays.
8. Federal Aviation Administration (FAA) – The federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.
9. Federal Communications Commission (FCC) – The federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
10. Height – Height shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).
11. Infrastructure Provider – An applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.
12. Landscaping – To modify or ornament an area with native vegetation.
13. Lattice Tower – A support tower characterized by an open framework of lateral cross members that stabilize the tower.
14. Micro cell – A wireless communications facility consisting of an antenna that is either: (a) four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (b) if

a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.

15. Monopole - A support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.
16. Radio Frequency (RF) Energy - The energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.
17. Screening - To effectively obscure to a minimum height of 6 feet the view of the base of a wireless communication facility.
18. Self-Supporting - Characterized by the independent support of itself or its own weight.
19. Setback - For purposes of this chapter, a setback is the required distance from any structural part of a wireless communication facility (including support wires, support attachments, and auxiliary support equipment) to the property line of the parent parcel on which the wireless communication facility is located.
20. Support Structure - An existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.
21. Support Tower - A structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.
22. Temporary Wireless Communication Facility (Temporary WCF) - Any wireless communication facility that is to be placed in use for not more than sixty (60) days, is not deployed in a permanent manner, and does not have a permanent foundation.
23. Utility Pole Placement/Replacement - Placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.
24. Wireless Communications - Wireless Communications shall mean any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.
25. Wireless Communications Facility (WCF) - Any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

**26. Zoning Designation Abbreviations:**

<del>M 1</del>	<del>Light Industrial</del>	<del>C</del>	<del>General Commercial</del>
<del>M 2</del>	<del>Heavy Industrial</del>	<del>LO</del>	<del>Limited Office</del>
<del>CI</del>	<del>Campus Industrial</del>	<del>LC</del>	<del>Limited Commercial</del>
<del>TC</del>	<del>Tourist Commercial</del>	<del>NC</del>	<del>Neighborhood Commercial</del>

**17.80.040 Collocation of Additional Antenna(s) on Existing Support Towers.**

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC.M 2, M 1, CI, TC, or C.**

- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

**17.80.050 Collocation of Additional Antenna(s) on Support Structures.**

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
1. Property is zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC; and ~~M-2, M-1, CI, TC or C;~~** and
  2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
  3. Antenna(s) and auxiliary support equipment are setback a minimum of 10 feet from each edge of the support structure and do not exceed a total height of 12 feet or a total width of 8 feet, unless the antenna(s) is less than 4 inches in diameter and does not exceed a total height of 20 feet.
- B. Site Plan and Design Review. Required if the property is zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC ~~M-2, M-1, CI, TC, or C~~** and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.08.050.A and B.

**17.80.060 Collocation of Additional Antenna(s) on Existing Utility Poles, Light Standards, and Light Poles.** The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned **GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC. ~~M-2, M-1, CI, TC, or C.~~**
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its Facilities in the Streets. The applicant shall pay all applicable fees due for City permits. All construction and maintenance of any and all of the applicant's Facilities within the Streets incident to the applicant's provision of Telecommunications Services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's Facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the City regulating such construction.
- E. Common Users. The applicant's Facilities shall be attached to utility poles, light standards, and light poles located within the Streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's Facilities, provided such collocation does not interfere with the applicant's Facilities or jeopardize the physical integrity of the Structure and provided the owner of the Structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching Facilities to utility poles, light standards, and light poles in the Streets in a manner that minimizes the Facilities' potential incompatibility with adjacent uses.
1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
    - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
    - b. Triangular "top hat" style antenna mounts are prohibited;

- c. The device used to mount the Facilities does not project more than ten (10) feet above the utility pole, light standard, or light pole;
  - d. Antennas will be mounted flush with the device referenced in **Section 17.80.060.F.1.c** or the existing utility pole, light standard, or light pole, within a unicell-style top cylinder, or on davit arms that are no greater than five (5) feet in length as measured from the center of the utility pole, light standard, or light pole;
  - e. The visual impact of any Facilities located in the Streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, Facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
  - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and
  - g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in **Section 17.80.060.F.2**.
2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this Section, "Replacement Utility Poles, Light Standards, and Light Poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate Facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the Streets. Facilities may be attached to Replacement Utility Poles, Light Standards, and Light Poles in the Streets, provided:
- a. The Replacement Utility Poles, Light Standards, and Light Poles are of sufficient integrity to support the Facilities;
  - b. The Replacement Utility Poles, Light Standards, and Light Poles, and any subsequent Replacements, are no more than twenty (20) feet taller than the Original Utility Pole, Light Standard, or Light Pole; and
  - c. The Utility Pole, Light Standard, or Light Pole the Replacement Utility Pole, Light Standard, or Light Pole replaces is promptly removed.
3. The applicant shall not locate any Facilities, such as cabinets, at grade within the Streets, but may connect its Facilities in the Streets to Facilities located on property adjacent to the Streets in accordance with applicable City codes and with the permission of the adjacent property owner.

#### **17.80.070 Construction or Modification of a Support Tower.**

- A. Site Plan and Design Review. Required if the following exists:
  - 1. Property is zoned **GI, CI, I, C, MUC-2 or MUE; and M-2, M-1, CI, or C;** and
  - 2. No adjacent parcel is zoned for residential use.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.070.A.
- C. Prohibited Zoning Districts and Locations. No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, 500 feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

**17.80.110 Design Standards.**

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless an adjustment is obtained pursuant to the provisions of Section 17.80.120.

- A. Support Tower. The Support Tower shall be self-supporting.
- B. Height Limitation. Support Tower and antenna heights shall not exceed the maximum heights provided below.
  1. If the property is zoned:
    - a. ~~GI, CI or I; and M-2, M-1, or CI; and~~
    - b. No adjacent parcel is zoned residential;  
the maximum height of a support tower, including antennas, is 120 feet.
  2. If the property is zoned:
    - a. ~~GI, CI or IM-2, M-1, or CI, and an adjacent parcel is zoned residential; or~~
    - b. ~~C, MUC-2 or MUE TC; or C;~~  
the maximum height of a support tower, including antennas, is 100 feet.
  3. If the property is zoned:
    - a. ~~LO, LC, or MUC-1, MUD or NC;~~  
the maximum height of a support tower, including antennas, is 75 feet.
  4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is 75 feet.
- C. Collocation. New support towers shall be designed to accommodate collocation of additional providers.
  1. New support towers of a height greater than 75 feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
  2. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.
- D. Setbacks. The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.
  1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
  2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
    - a. If the property is zoned:
      - i. ~~GI, CI, I, C, MUC-2 or MUE; and M-2, M-1, CI, or C; and~~
      - ii. No adjacent parcel is zoned for a residential use;  
the underlying zone setback shall apply;
    - b. If the property is zoned:
      - i. ~~GI, CI, I, C, MUC-2 or MUE and M-2, M-1, CI or C, and an~~  
adjacent parcel is zoned residential; or
      - ii. ~~MUC-1, MUD TC, LO, LC or NC;~~  
the setback shall be a minimum of 25 feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
    - c. For all cases other than those identified in Section 17.80.110.D.2.a and b above, the setback shall be a minimum of 25 feet from all adjacent property lines.

E. Auxiliary Support Equipment. The following standards shall be required.

1. If the property is zoned:
  - a. For **GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, ~~M-2, M-1, CI, TC, C, LO, LC, or NC,~~** the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak;
  - b. For all cases other than those identified in Section 17.80.110.E.1.a above, the auxiliary support equipment shall be:
    - i. Located in an underground vault to the maximum extent practicable; or
    - ii. The applicant shall demonstrate why locating the auxiliary support equipment underground would limit the applicant's ability to fully utilize camouflage technology that might better suit the particular situation, in which case the standards of Section 17.80.110.E.1.a shall apply.
2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.

F. Landscaping. In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.

1. If the property is zoned:
  - a. **~~GIM-2, M-1,~~** or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;
  - b. For all cases other than those identified in Section 17.80.110.F.1.a above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of 6 feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.

G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:

1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB;
2. For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential parcel's property line.

H. Lighting.

1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

1. Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

1. Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City Street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the City. All service providers with facilities within the City of Oregon City shall be required to report in writing to the Planning Manager any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
  - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
  - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
  - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
  - d. Loss or termination of lease with the telecommunications facility for a period of six (6) months or longer.

**17.80.150 Fees.**

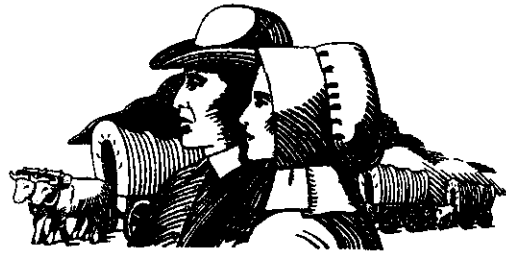
Notwithstanding any other provisions of this code, the **Community Development Director Planning Manager** may require, as part of the application fees for land use permits, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication experts.

# CITY OF OREGON CITY

## PLANNING COMMISSION

320 WARNER MILNE ROAD  
TEL (503) 657-0891

OREGON CITY, OREGON 97045  
FAX (503) 657-7892



## AGENDA

**City Commission Chambers - City Hall**  
**October 18<sup>th</sup>, 2004 at 5:30 P.M.**

The 2004 Planning Commission Agendas, including Staff Reports and Minutes, are available on the Oregon City Web Page ([www.orcity.org](http://www.orcity.org)) under PLANNING.

### **JOINT CITY COMMISSION AND PLANNING COMMISSION WORK SESSION**

#### **Work Session Topics:**

1. Discussion of City Commission and Planning Commission communication and membership size.
2. Review and discuss recommended "clean up" code changes and map amendments as part of the Comprehensive Plan and Zoning Code update that was implemented on June 18<sup>th</sup>, 2004 (Planning File L 03-01).
3. Discussion of the Urban Growth Boundary and "Hard Edges" concepts.

NOTE: HEARING TIMES AS NOTED ABOVE ARE TENTATIVE. FOR SPECIAL ASSISTANCE DUE TO DISABILITY, PLEASE CALL CITY HALL, 657-0891, 48 HOURS PRIOR TO MEETING DATE.



# NOTICE

**NOTICE IS HEREBY GIVEN** that **a JOINT WORK SESSION** will take on October 18, 2004 by the Oregon City - City Commission at **7:00 PM at City Hall**, 320 Warner-Milne Road, Oregon City, Oregon.

**A JOINT WORK SESSION BETWEEN THE CITY COMMISSION AND PLANNING COMMISSION TO DISCUSS THE COMPREHENSIVE PLAN UPDATE AND PLANNING COMMISSION MAKE UP**

**POSTED** this 7<sup>TH</sup> day of October 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

LEILANI BRONSON-CRELLY  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO October 19, 2004**

## Leilani Bronson-Crelly

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**From:** Tony Konkol  
**Sent:** Tuesday, October 12, 2004 1:30 PM  
**To:** Leilani Bronson-Crelly; Christina Robertson-Gardiner; Dan Drentlaw; Daniel Lajoie (E-mail); Linda Carter (E-mail); Lynda Orzen (E-mail); Renate Mengelberg (E-mail); Sean Cook; Tim Powell (E-mail 2); Tim Powell (E-mail); Tony Konkol  
**Subject:** 10/18/04 Work Session at 5:30

Hello all,

I have attached the agenda, memo and code revisions that we will be reviewing with the City Commission next Monday at 5:30. There will be dinner provided and it will be in the lunch room around 4:45.

Let me know if you have any questions.  
Thanks.



041018.pdf



041012\_Memo.pdf




041012\_Code\_Versi  
on 4.pdf

Tony Konkol  
Senior Planner  
City of Oregon City  
320 Warner-Milne Road, PO Box 3040  
Oregon City, OR 97045  
Phone: 503.496.1562  
Fax: 503.722.3880  
E-mail: [tkonkol@ci.oregon-city.or.us](mailto:tkonkol@ci.oregon-city.or.us)

# COMMISSION REPORT: CITY OF OREGON CITY TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 5.1	<b>Topic:</b> Second Reading of Proposed Ordinance No.04-1011, Adoption of the Oregon City Trails Master Plan as an Ancillary Document to the Parks and Recreation Master Plan.
	<b>Report No.:</b> 04- 208	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> T. Konkol	<b>Reviewed By:</b> D. Drentlaw	<b>Approved By:</b> L. Patterson <i>LP</i>

## RECOMMENDATION:

Staff recommends that the City Commission approve the second reading and final adoption of proposed Ordinance No.04-1011. At its October 20, 2004 meeting, the City Commission unanimously approved first reading of this ordinance.

## REASON FOR RECOMMENDATION:

The proposed Oregon City Trails Master Plan (Plan), dated October 2004, was developed through an interactive public process in the which the City worked with the general public, user groups, stakeholders and neighbors to develop a comprehensive trail system in Oregon City and a guide for the development, design and planning of trails over the next 10 years. The Plan provides general route locations, existing trails and facilities, and a framework for the development of design standards and land use criteria for trails ranging from urban to rural in nature. Adoption of the Plan will ensure that trails are integrated into future developments that will serve the recreational and transportation needs of the community.

## BACKGROUND:

On October 20<sup>th</sup>, 2004 the City Commission approved the first reading of Proposed Ordinance 04-1011 as presented. On October 6<sup>th</sup>, 2004 the City Commission reviewed the proposed Oregon City Trails Master Plan and requested additional language be added to pages 4, 8 and 72 to address Heritage Trails. On September 1<sup>st</sup>, 2004 the City Commission requested additional information concerning the trail location and alignment of a segment now identified as "L9 - Abernethy Creek Extension Trail and Loop". The City's consultant, Alta Planning and Design, worked with Commissioner Neeley and City Staff to determine the appropriate location of the Abernethy Creek Extension Trail and Loop. The September 2004 Plan, attached as Attachment A, Exhibit 1 incorporates the changes requested by the City Commission to address the additional Heritage Trail language and Abernethy Creek Extension Trail and Loop.

On August 18<sup>th</sup>, 2004 the City Commission reviewed the proposed Oregon City Trails Master Plan and made corrections to the document. On August 9<sup>th</sup>, 2004, after reviewing the written and oral public testimony and considering the facts presented during the hearing process, the Planning Commission recommended approval, with minor corrections, of Planning File L 04-01, the Oregon City Trails Master Plan, to the City Commission for their consideration by a 5-0 vote. The recommended changes of the Planning Commission have been incorporated into the September 2004 Plan included as Attachment A, Exhibit 1 of this report.

## ATTACHMENTS

- A. Ordinance No. 04-1011 and Notice  
Exhibit 1 - Oregon City Trails Master Plan dated October 2004 (Complete Copy available in the Office of City Recorder)
- B. August 9<sup>th</sup>, 2004 Planning Commission Minutes Excerpt -- Draft (Complete Copy available in the Office of City Recorder)
- C. Staff Report L 04-01, dated July 19<sup>th</sup>, 2004 (Complete Copy available in the Office of City Recorder.)

**ORDINANCE NO. 04-1011**

**AN ORDINANCE ADOPTING THE OREGON CITY  
TRAILS MASTER PLAN**

WHEREAS, the Oregon City Trails Master Plan was developed through an interactive public process in which the City worked with the general public, user groups, stakeholders, and neighbors to develop a framework to develop a comprehensive trails system in Oregon City; and

WHEREAS, the Oregon City Trails Master Plan is intended to guide the development, management, physical infrastructure improvements, and planning efforts over the next fifty years of trail development and acquisition; and

WHEREAS, the Oregon City Trails Master Plan complies and is consistent with Statewide Planning Goals, the Oregon City Comprehensive Plan, the Oregon City Municipal Code, the Oregon City Transportation System Plan, the Waterfront Master Plan, Downtown Community Plan and the Oregon City Park and Recreation Master Plan; and

WHEREAS, notice was mailed and published in local newspapers and public meetings and workshops were held where the objectives and concepts of the Oregon City Trails Master Plan were presented and discussed; and

WHEREAS, on August 9, 2004 the Planning Commission held a public hearing on the proposed Oregon City Trails Master Plan and recommended by a 5-0 vote that the Oregon City Trails Master Plan be adopted by the City Commission; and

WHEREAS, adopting the Oregon City Trails Master Plan is in the best interest of Oregon City to ensure that future developments integrate trails with the growth patterns of the city, will provide recreational and transportation opportunities to the community and will comply with the goals and policies of the Oregon City Parks and Recreation Master Plan;

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** The Oregon City Trails Master Plan, attached as Exhibit 1, is hereby adopted as an Ancillary Document to the Oregon City Parks and Recreation Master Plan, which is an Ancillary Document to the Oregon City Comprehensive Plan, based on the findings contained in the Staff Report.

Read for the first time at a regular meeting of the City Commission held on the 20<sup>th</sup> day of October 2004, and the foregoing ordinance was finally enacted by the City Commission this 3<sup>rd</sup> day of November 2004.

\_\_\_\_\_  
ALICE NORRIS, Mayor

**ATTESTED** to this 3<sup>rd</sup> day of November, 2004

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**LEILANI BRONSON-CRELLY**  
City Recorder

**ORDINANCE NO. 04-1011**  
**Effective Date: December 3<sup>rd</sup>, 2004**

# **NOTICE**

**NOTICE IS HEREBY GIVEN** of a second reading of **Ordinance No. 04-1011**, of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for inspection at the Office of the City Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on November 3, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

## **AN ORDINANCE ADOPTING THE OREGON CITY TRAILS MASTER PLAN**

All interested persons are invited to attend and provide input.

**POSTED** this 27<sup>th</sup> day of October 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

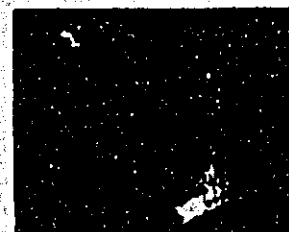
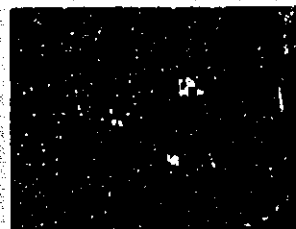
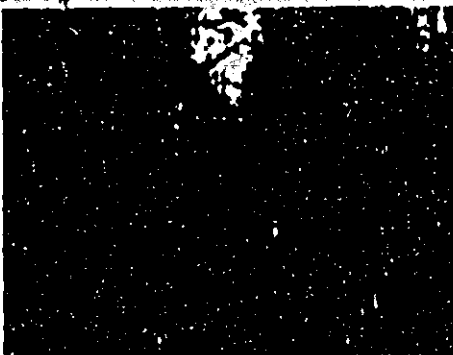
For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

**LEILANI BRONSON-CRELLY**  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO November 4, 2004**

# OREGON CITY

## TRAILS MASTER PLAN



OCTOBER 2004

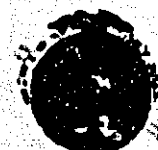


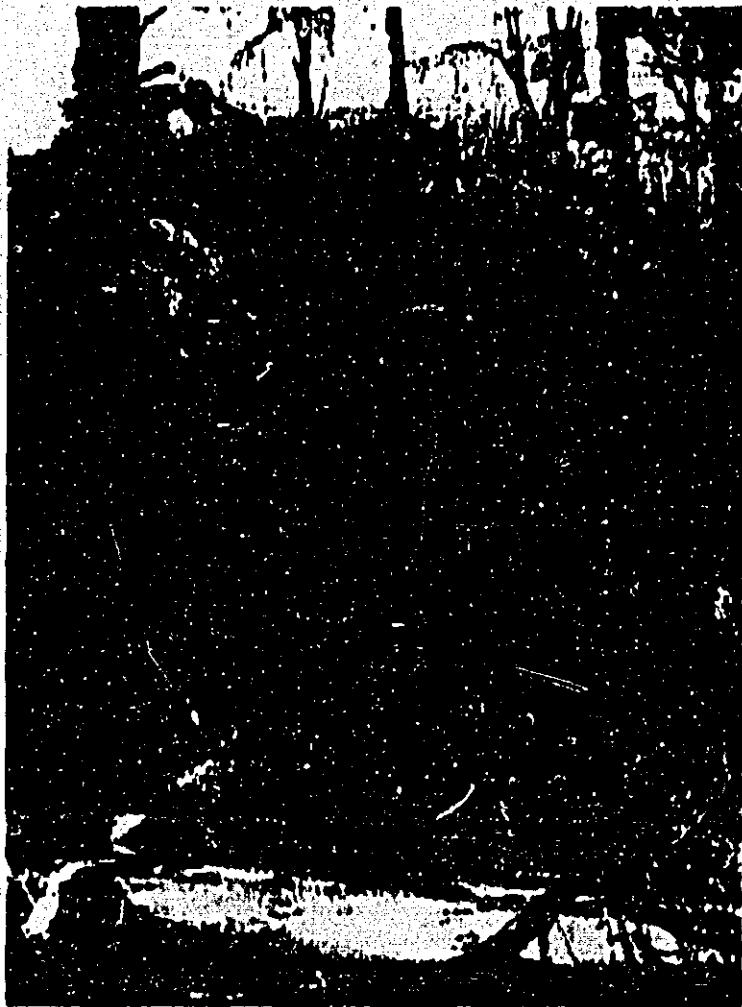
Exhibit:



# OREGON CITY TRAILS MASTER PLAN

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## OREGON CITY, OREGON



Prepared for:  
City of Oregon City

Prepared by:  
**Alta Planning + Design**  
Mia Birk, Principal  
George Hudson, Principal  
Allison Wildman, Planner

In Association With:  
**Adolfson Associates**  
Sarah Hartung

OCTOBER 2004

*Printed on Recycled Content Paper*

City of Oregon City  
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320 Warner Milne Rd.  
Oregon City, Oregon 97045  
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[www.or-city.org](http://www.or-city.org)



**Alta Planning + Design**  
144 NE 28th Avenue  
Portland, Oregon 97232  
(503) 30-6362  
[www.altaplanning.com](http://www.altaplanning.com)



## **ACKNOWLEDGEMENTS**

### **OREGON CITY TECHNICAL ADVISORY COMMITTEE**

Dee Craig, Director of Parks and Recreation  
Nancy Kraushaar, City Engineer/Public Works Director  
Dan Drentlaw, Director of Community Development  
Jim Row, Recreation and Aquatics Manager  
Larry Potter, Park Operation and Facilities Manager  
David Knoll, GIS Coordinator

### **VISIONING WORKSHOP PARTICIPANTS**

Richard Craven  
Shawn Dachler  
Kathy Franco  
Thelma Haggemiller  
Jerry Herman  
Alison Himmelwitz  
Ralph and Lois Kiefer  
George and Dianne Kosboth  
Doug Neeley  
Marcia Sinclair  
Sha Spady  
Dean Walch  
Bill Woods

### **ADDITIONAL THANKS TO...**

Paul Edgar  
Mel Huie, Metro Parks and Greenspaces  
Heather Kent, Metro Parks and Greenspaces  
Jim Morgan, Metro Parks and Greenspaces  
Dennis Muir  
Beth Park

For more information or copies of this report, contact:

Scott Archer, Project Manager, (503) 657-0869, [sarcher@ci.oregon-city.or.us](mailto:sarcher@ci.oregon-city.or.us)

# **Ordinance No. 04-1011**

## **Attachment A, Exhibit 1**

**A full copy of this exhibit, "Oregon City Trails Master Plan," is available on line in .pdf format at:**

**<http://www.orcity.org/meetings-agendas-calendars/city-commission-agendas-minutes.htm>**


**Click onto November 3, 2004 Agenda**

**A hard copy version is available to be read in the Office of the City Recorder, 320 Warner Milne Rd., Oregon City, OR 97045.**

**To purchase a hard copy, make a public records request to the Office of the City Recorder either at the above-noted address or by telephone at 503-496-1505.**

# COMMISSION REPORT: CITY OF OREGON CITY TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 5.2	<b>Topic:</b> Second Reading of Proposed Ordinance No. 04-1014, Repealing Chapter 2.40 and Adopting a new Chapter 2.40, Public Contracting and Purchasing
	<b>Report No.:</b> 04-209	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>POC:</b> Larry Patterson	<b>Reviewed By:</b> David L. Wimmer	<b>Approved By:</b> Larry Patterson <i>[Signature]</i>

## RECOMMENDATION:

Staff recommends that the City Commission approve second reading and final adoption of proposed Ordinance No. 04-1014 repealing Oregon City Municipal Code Chapter 2.40 Public Contracts and adopting a new Chapter 2.40, Purchasing and Public Contracts. At its October 20, 2004 meeting, the City Commission voted 4:1 to approve first reading of this ordinance.

## REASON FOR RECOMMENDATION:

The existing Code has been in place for several years and the dollar limits and procedures do not clearly address the many purchasing and public contracting situations encountered in the current business environment. The new code is proposed to follow the purchasing and procurement procedures in accordance with Oregon Law, including the State of Oregon's Attorney General Model Public Contract Rules Manual ("AG Model Rules") unless specifically provided otherwise in the proposed ordinance. This will allow for a code that will stay current as the State adopts new rules and procedures. Many municipalities in Oregon have successfully adopted this methodology.

## BACKGROUND:

A contractor, Andy Parks, the City Attorney, the Finance Director and other Departments have had input into this process. The concept of adopting this method of maintaining current purchasing and public contracting policies has been presented to the City Commission and received their support.

BUDGET IMPACT: FY(s): N/A

Funding Source: N/A

Attachment 1: Ordinance No. 04-1014 & Notice

## **ORDINANCE 04-1014**

### **AN ORDINANCE REPEALING CHAPTER 2.40 PUBLIC CONTRACTS OF THE OREGON CITY MUNICIPAL CODE (OCMC) AND ADOPTING A NEW CHAPTER 2.40 PUBLIC CONTRACTING AND PURCHASING**

#### **OREGON CITY MAKES THE FOLLOWING FINDINGS:**

WHEREAS, the City Commission recognizes the existing OCMC 2.40 Public Contracts has been in place for several years and the dollar limits and procedures do not clearly address the many purchasing and public contracting situations encountered in the current business environment;

WHEREAS, the City commission desires to repeal the existing OCMC 2.40 and adopt a new ordinance for OCMC 2.40 Public Contracting and Purchasing;

WHEREAS, the new OCMC 2.40 is proposed to follow the purchasing and procurement procedures in accordance with Oregon Law, including the State of Oregon's Attorney General Model Public Contract Rules Manual ("AG Model Rules") unless specifically provided otherwise in the proposed ordinance;

WHEREAS, the proposed new code will stay current as the State adopts new rules and procedures.

#### **NOW, THEREFORE OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** Oregon City Municipal Code ("OCMC") Chapter 2.40 Public Contracts is hereby repealed in its entirety.

**Section 2.** A revised OCMC Chapter 2.40 Public Contracting and Purchasing is hereby adopted as follows:

#### **2.40.010 Purpose.**

Pursuant to Oregon Revised Statutes (ORS) 279.055, the City Commission is designated as the Local Contract Review Board for the City of Oregon City and shall have all of the powers granted by state law to the State Public Contract Review Board with respect to contracting for the City. The City's purchasing and procurement procedures shall be in accordance with Oregon Law, including the State of Oregon's Attorney General Model Public Contract Rules Manual ("AG Model Rules") unless specifically provided otherwise in this chapter. This ordinance, and the forms, accounting policies, administrative procedures, internal controls and such other material and policies created pursuant to this chapter, are intended to provide direction to city staff regarding purchasing practices and purchasing authority of all City staff.

#### **2.40.020 Professional Services.**

A. This section provides the procedures for the award of contracts for professional personal services contracts, including but not limited to services such as financial, accounting, personnel, risk management, insurance, real estate, and economics.

1. For professional services contracts with an anticipated fee of over \$50,000, the services shall be procured consistent with ORS 279.051 and the AG Model Rules for engineering and architecture services.

2. For professional service contracts involving an anticipated fee of more than \$10,000 and less than \$50,000, the City Manager or designee shall solicit at least three prospective contractors, each of whom shall appear to have at least the minimum qualifications for the proposed assignment. The City Manager or designee shall notify each prospective contractor in reasonable detail of the proposed assignment, and determine the prospective contractor's interest and ability to perform the proposed assignment.

a. The City Manager or designee may arrange an interview with any or all of the interested prospective contractors for the assignment by an appropriate City employee or by an interview committee.

b. Following a review of the qualifications and interview, where conducted, of the interested prospective contractors, the City Manager or designee shall select the prospective contractor.

3. For contracts with an anticipated fee of \$10,000 or less, the City Manager or designee may negotiate a contract for such with any qualified contractor.

4. For any professional personal services with anticipated fees of less than \$50,000, the following criteria shall be considered in the evaluation and selection of contractor to perform the required services:

a. Demonstrated specialized experience in the type of work to be performed;

b. Capacity and capability to perform the work, including any specialized services within the time limitations for the work;

c. Educational and professional record, including past record of performance on contracts with governmental agencies and private parties with respect to cost control, quality of work, ability to meet schedules, and contract administration, where applicable;

d. Availability to and familiarity with the area in which the specific work is located, including knowledge of design or techniques peculiar to it, where applicable; and

e. Any other factors relevant to the particular contract.

5. The selection procedures described in Sections 2 and 3 may be waived by the City Manager for either of the following reasons:

a. An emergency exists that could not have been reasonably foreseen and that requires such prompt execution of a contract to remedy the situation and there is not sufficient time to permit utilization of the selection procedures; or

b. The contractor is the only person within a reasonable area who performs the services or work.

c. If the City Manager waives the selection procedures in Section 2 or 3 the City Manager shall submit a written report to the City Commission advising the Commission of the circumstances involved in the decision to waive the procedures.

#### 2.40.030. City Manager Authority.

A. The City Manager, or his designee shall have the authority to take the following actions without specific authorization from the Commission:

1. Advertise bids or proposals when the proposed goods, items and or services are included in the adopted budget and or approved capital improvement programs.
2. Award and execute contracts not exceeding \$50,000 or change orders to contracts up to but not to exceed \$50,000.
3. Recommend to the City Commission whether to approve or not approve contract awards or change orders in excess of \$50,000.

B. The City Manager may delegate the authority to advertise bids or proposals, award and execute contracts, or change orders that do not exceed \$25,000. The delegation may be made either to the Finance Director on a Citywide basis or to other department heads for purchases for which they have direct budget responsibility and accountability.

2.40.040. Finance Director Authority and Responsibilities.

The Finance Director shall create and make available forms, accounting policies, administrative procedures, internal controls and such other material and policies as are necessary to meet the objectives of the City Commission purchasing and procurement policies.

2.40.050. Purchasing from City Employees.

No purchase of any goods or services from City employees shall occur without written authorization of the City Manager. Any such purchase shall be in accordance with the City Personnel Policies and other applicable law.

2.40.060. Purchasing Procedures to be Followed by City Staff.

A. Department heads or their designees have the authority to enter into contracts for amounts up to \$25,000, provided the purchase is one for which the Department head or their designee have budget responsibility and accountability.

B. A purchase over \$25,000, but less than \$50,000, shall be authorized by the City Manager. Any purchase over \$50,000 requires the authorization of the City Commission.

C. Purchases shall not be structured or split so as to avoid the requirements of this section or 2.40.020.

D. Purchases by City staff require completion of a requisition, a purchase order or another appropriate designated form as directed by the Finance Director. The following expenditures shall be exempt from this requirement:

1. Salaries and related employee benefit costs (FICA, federal, state and local withholding, health insurance, worker's compensation, retirement plan contributions, etc.);
2. Travel; including airline tickets, schools, and seminars;
3. Utilities (natural gas, electricity, telephone, cable, etc.);
4. Postage and freight;
5. Interdepartmental charges;
6. Expenditures from petty cash;
7. Credit card purchases;
8. Subscriptions, books and periodicals;



9. State fees; and
10. Emergency repairs.

E. City staff shall, when seeking to purchase goods, improvements or services:

1. Operate within the adopted or amended budget or seek additional budget authority from the City Commission;
2. Plan purchase requirements sufficiently in advance so that orders can be placed in economical quantities;
3. Purchase goods, improvements or services in accordance with adopted policies, procedures and state laws;
4. Submit a requisition, purchase order, check request or other approved form to the Finance Department, unless exempted under 2.40.060(D);
5. Receive and inspect all goods received and return any unsatisfactory items;
6. Submit signed and dated Receiving Report forms immediately to the Finance Department for all goods satisfactorily received.

Read for the first time at a regular meeting of the City Commission held on the 20<sup>th</sup> day of October 2004, and the foregoing ordinance was finally enacted by the City Commission this 3<sup>rd</sup> day of November 2004.

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ALICE NORRIS, Mayor

ATTESTED this 3<sup>rd</sup> day of November 2004

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LEILANI BRONSON-CRELLY  
City Recorder

ORDINANCE NO. 04-1014  
Effective Date: December 3, 2004

Ordinance No. 04-1014

Page 4 of 4

# NOTICE

**NOTICE IS HEREBY GIVEN** of a second reading of  
**an ORDINANCE No. 04-1014**, of the City of Oregon City, Clackamas County,  
Oregon, three copies of which are available for inspection at the Office of the City  
Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on  
November 3, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

**AN ORDINANCE REPEALING CHAPTER 2.40, PUBLIC  
CONTRACTS OF THE OCMC AND ADOPTING A NEW CHAPTER 2.40,  
PUBLIC CONTRACTING AND PURCHASING.**

All interested persons are invited to attend and provide input.

**POSTED** this 27<sup>th</sup> day of October 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at  
503-657-0891, 48-hours prior to meeting date.

**LEILANI BRONSON-CRELLY**  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO November 4, 2004**



# COMMISSION REPORT: CITY OF OREGON CITY TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road---(503) 657-0891



**Agenda Item No.:**

5.3

**Report No.:**

04-210

**Agenda Type:**

DISCUSSION/ACTION

Topic: Second Reading of Proposed Ordinance No. 04-1015, Approval of ZC 04-02, TP 04-13, WR 04-11, which is a Request for a Zone Change from R-10 Single-Family Dwelling to R-8 Single-Family (ZC 04-02) and Approval of a 31-1 Subdivision (TP 04-13) Application within the Water Resource Overlay District (WR 04-11)

**Meeting Date:** November 3, 2004

**Attachments:** ☒ Yes ☐ No

**Prepared By:** Christina Robertson-Gardiner

**Reviewed By:** Dan Drentlaw

**Approved By:** L. Patterson LP

**RECOMMENDATION:** Staff recommends that the City Commission move to approve second reading and final adoption of proposed Ordinance No. 04-1015, which upholds the recommendation made by the Planning Commission on September 13, 2004. At its October 20, 2004 meeting, the City Commission unanimously approved first reading of this ordinance.

**REASON FOR RECOMMENDATION:** Based on the analysis and findings presented in the report (Exhibit 1, Attachment B), the Planning Commission concluded that the Zone Change request, Subdivision application and Water Resource Review satisfies the requirements as described in the Oregon City Comprehensive Plan and the Oregon City Municipal Code.

**BACKGROUND:** The applicant is requesting a consolidated review for a zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District and a 31-lot subdivision (Planning File TP 04-13), a Water Resource Determination (WR 04-11) for a parcel of approximately 8.27-acres identified as Map 3-2E-07DB, Tax Lots 6500, 6400 & 6300 and Clackamas County Map 3-2E-07A, Tax Lot 2200. The sites are located at 19431, 19411, & 19391 Leland Road and 19260 Pease Road. When an application is consolidated, the entire application is process through the highest Land Use process present in the application. For this application, it is a Type IV process for Zone Change approval.

On September 13, 2004, the Planning Commission reviewed the application and recommended that the City Commission approve the request for a Zone Change from R-10 Single-Family Dwelling to R-8 Single-Family (ZC 04-02) and approval of a 31-1 Subdivision (TP 04-13) application within the Water Resource Overlay District (WR 04-11) with a 4 to 0 vote.

**BUDGET IMPACT:** FY(s): N/A Funding Source:

**Exhibits:**

- 1) Ordinance No. 04-1015 & Notice
- 2) Planning Commission Findings of Fact for ZC 04-02, TP 04-13 and WR 04-11
- 3) Draft September 13, 2004 Planning Commission Minutes (Complete copy available in the Office of the City Recorder)
- 4) Exhibits entered at the September 13, 2004 Planning Commission meeting (Complete copy available in the Office of City Recorder)

**ORDINANCE No. 04-1015**

**AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06.030: OF THE OFFICIAL ZONING MAP, OF THE OREGON CITY MUNICIPAL CODE, BY CHANGING CERTAIN DISTRICTS IN CONCERT WITH AN APPROVED SUBDIVISION APPLICATION (TP 04-13) AND ASSOCIATED WATER RESOURCE DELINEATION (WR 04-11)**

WHEREAS, the City of Oregon City has adopted a Zoning Map to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use goals; and

WHEREAS, the City of Oregon City Zoning Map implements the Comprehensive Plan Map by illustrating the location best suited for specific development; and

WHEREAS, the City of Oregon City Zoning Map may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS the subject properties, identified as Clackamas County Map 3-2E-07DB, Tax Lots 6500, 6400 & 6300 and Clackamas County Map 3-2E-07A, Tax Lot 2200, are designated "LR" Low Density Residential in the Oregon City Comprehensive Plan; and

WHEREAS the "LR" Low Density Residential Comprehensive Plan designation may be implemented by the "R-8" Single-Family Dwelling District; and

WHEREAS the owners are requesting to change the zone from "R-10" Single-Family Dwelling District to "R-86" Single-Family Dwelling District for two parcels totaling 8.27-acres; and

WHEREAS the City recognizes that the supportive facts, findings, and conclusions recommend by the Planning Commission on September 13, 2004, and which are contained in the Findings of Fact dated October 12, 2004 and the staff report dated September 7, 2004, demonstrate that the owners have met the burden of proof in demonstrating that the proposed zone change, subdivision and water resource delineation complies with the approval criteria found in the Oregon City Municipal Code Sections 17.68.020, 16.08, 16.12, and 17.49;

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

Section 1. This application (ZC 4-02, TP 04-13, WR 04-11) is hereby approved as to this particular property: Clackamas County Tax Assessor Map 3-2E-07DB, Tax Lots 6500, 6400 & 6300 and Clackamas County Map 3-2E-07A, Tax Lot 2200

Section 2. The Commission also adopts the findings and conclusions that are attached to the Ordinance as Attachment B, and incorporated herein to support the City's approval to amend the zoning map and approve the proposed 31-lot Subdivision and associated Water Resource Delineation.

Section 3. The property described in Attachment A is hereby rezoned from "R-10" Single-Family Residential District to "R-8" Single-Family Residential on the Official Oregon City Zoning Map.

Read for the first time at a regular meeting of the City Commission held on the 20<sup>th</sup> day of October 2004, and the foregoing ordinance was finally enacted by the City Commission this 3<sup>rd</sup> day of November 2004.

**ALICE NORRIS**  
Mayor

ATTESTED this 3<sup>rd</sup> day of November 2004.

**LEILANI BRONSON-CRELLY**  
City Recorder

**ORDINANCE NO. 04-1015**  
Effective Date: December 3, 2004

**ORDINANCE NO. 04-1015**

Page 2 of 2

# NOTICE

**NOTICE IS HEREBY GIVEN** of a second reading of an **ORDINANCE No. 04-1015**, of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for inspection at the Office of the City Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on November 3, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

**AN ORDINANCE AMENDING TITLE 17: ZONING, CHAPTER 17.06.030: OF THE OFFICIAL ZONING MAP, OF THE OCMC, BY CHANGING CERTAIN DISTRICTS IN CONCERT WITH AN APPROVED SUBDIVISION APPLICATION (TP 04-13) AND ASSOCIATED WATER RESOURCE DELINEATION (WR 04-11)**

All interested persons are invited to attend and provide input.

**POSTED** this 27<sup>TH</sup> day of October 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
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For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

**LEILANI BRONSON-CRELLY**  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO November 4, 2004**



**BEFORE THE OREGON CITY PLANNING COMMISSION**

In the Matter of a Request for a Zone )  
Change, Subdivision and Water Quality )  
Resource Determination filed by Tom )  
Gentry Oregon City File Nos. ZC 04-02 )  
TP 04-13 and WR 04-11. )  
)  
)  
)  
)  
)

**FINDINGS OF FACT, CONCLUSIONS OF  
LAW AND FINAL ORDER**

## INTRODUCTION

This matter came before the Oregon City Planning Commission on September 13, 2004 for a public hearing of an application for a consolidated review for a zone change from R-10 Single-Family Dwelling District to R-8 Single-Family Dwelling District (ZC 04-02), a 31-lot subdivision (Planning File TP 04-13), and a Water Resource Determination (WR 04-11) for a parcel of approximately 8.27-acres identified as Map 3-2E-07DB, Tax Lots 6500, 6400 & 6300 and Clackamas County Map 3-2E-07A, Tax Lot 2200. The sites are located at 19431, 19411, & 19391 Leland Road and 19260 Pease Road. The Planning Commission held deliberations and made a final decision on September 13, 2004.

After reviewing the Staff report as well as the testimony, evidence and arguments put forth by the applicant and other participants in the public hearing, the Planning Commission unanimously finds that the criteria for a Zone Change and Subdivision and Water Resource determination have been met as proposed or can be met through the implementation of the conditions of approval and, therefore, **APPROVES** the three requests **WITH CONDITIONS**.

## FACTS

The subject site is located in southwest Oregon City on the southeast side of Leland Road and north of the intersection of Leland Road and McCord Rd.. The sites are located at 19431, 19411, & 19391 Leland Road and 19260 Pease Road. The 8.27-acre site is comprised of 4 properties with 3 existing homes. The site is nearly flat and is occupied by single-family dwellings. Trees on the site are located along S. Pease Road frontage and in the vicinity of the existing residences on the Leland Road frontage. The site is identified within the Oregon City Water Resource Overlay District and the Wet Soils - High Water Table area on the Geologic Hazards map of the Canby and Oregon City Quadrangles, Oregon. The Preliminary Subdivision consists of 31 dwelling units. Access to the site would be from two existing connections to the north and east of the site and a new connection to Pease Road. The applicant proposes a walking path connecting the development to Leland Road.

**17.68.020 Criteria.**

***The criteria for a zone change are set forth as follows:***

***A. The proposal shall be consistent with the goals and policies of the comprehensive plan.***

The proposal will affect approximately 8.37 acres of R-10 zoned property, which allows 10,000 square foot lots. The subject site is located adjacent to the Gentry Highlands I, Pease Road Estates, South Hampton Estates subdivisions, which are zoned R-8 Single-Family and Leland Run, a PUD. Adequate public facilities have been provided to the property and additional housing types and sizes will contribute to the developed character of Oregon City by providing a neighborhood with multiple housing opportunities at multiple price ranges. The applicant estimates that, under the existing R-10 Single-Family zoning designation; the subject site could be subdivided into approximately twenty-two single-family residential lots. An R-8 designation would allow the property to be subdivided into approximately thirty-one lots. The increased density will result in a corresponding decrease in individual lot costs and final per unit costs. Such cost reductions lie at the heart of the city's policy of providing the regional home building industry with resources necessary to provide an adequate supply of flexible and affordable single-family housing opportunities to Oregon City residents. Additionally, Metro's 2040 Recommended Alternative document, which considers the technical findings documented in Metro's *Concepts for Growth* report, recommends the region wide average lot size for new single-family homes be 6,550 square feet, or 6.5 units per acre.

***C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.***

The applicant submitted a Traffic Impact Study (TIS) dated July 2004 for the proposed development (Exhibit 10). John Replinger, Oregon City Consulting Engineer, found that the TIS does not fully address the city's requirements and needs to be supplemented for the city to finalize the evaluation of the impacts of the proposed development. However, based on the information provided, Mr. Replinger considers it unlikely that the supplemental information identified in his September 3, 2004 letter would lead to the need for any mitigation measures, off-site improvements, or an alteration of the subdivision layout. The modest increase of a zone change from R-10 to R-8 is not expected to substantially affect the planned 20-year

transportation system identified within the City's TSP. Additional future analysis for the zone change is not recommended and there is no reason to deny the requested zone change base on traffic impacts. The incremental impact from additional units should be captured under SDC assessments.

The Planning Commission determined this standard is met as proposed or can be met through the implementation of the conditions of approval at the time of development.

***D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment. (Ord. 91-1007 §1(part), 1991; prior code §11-12-2)***

The Oregon City Comprehensive Plan was acknowledged by the Land Conservation and Development Commission on April 16, 1982. The Comprehensive Plan implements the statewide planning goals on a local level. The acknowledged Comprehensive Plan includes specific goals and policies that apply to the proposed Comprehensive Plan change. Therefore, it is not necessary to address the statewide planning goals in response to this criterion.

***Chapter 16.08.050 – Preliminary Subdivision Plat – Narrative Statement***

***The applicant shall explain in detail how and when each of the following public services or facilities is, or will be, adequate to serve the proposed development by the time construction begins:***

- A. Subdivision Description.***
- B. Timely Provision of Public Services and Facilities.***

The applicant has indicated through the submittal, and confirmed by the City's engineer through Conditions of Approval, that all required public facilities and services would be provided prior to final plat recordation.

***Chapter 16.12.010 Minimum Improvements And Design Standards For Land Divisions Purpose And General Provisions.***

***All land divisions shall be in conformance with the policies and design standards established by this chapter and with applicable standards in the city's public facility master plan and city design standards and specifications. In reviewing applications for land division, the city engineer shall take into consideration any approved land divisions and the remaining development potential of adjacent properties. All street, water, sanitary sewer, storm drainage and utility plans associated with any land division must be reviewed and approved by the city engineer prior to construction. All streets, driveways or storm drainage connections to another jurisdiction's facility or right-of-way must be reviewed by the appropriate jurisdiction as a condition of the preliminary plat and when required by law or intergovernmental agreement shall be approved by the appropriate jurisdiction.***



The applicant has indicated through the submittal, and confirmed by the City's engineer through Conditions of Approval, that all required improvements would be provided prior to final plat recordation.

***Chapter 17.49.050 Water quality resource area standards.***

***This section applies to water quality resource areas within the water quality resource area overlay district.***

According to the report, there are no intermittent streams or wetlands on the site. The report does not recommend any buffer area. The City feels significant flow exists through the swale to classify it as an intermittent stream. An intermittent stream would require a 15-foot wide vegetated corridor tract on each side. The drainage appears to be located on the adjacent property approximately 8 feet from the property line. This would require a 7-foot wide vegetated corridor tract along the southwestern property line of lot 22. The vegetated corridor areas are to be improved by removing non-native species, and replanting with non-nuisance plants from the Oregon City native plant list. There is currently a large mapped wetland on tax lot 6900 to the south of the site. The property is currently undergoing planning review for a 47-lot subdivision (TP04-11). The applicant of that subdivision is contending that the wetland has been filled in over time, and will be submitting a request for exemption to the Water Resource Overlay District. If the wetland exemption is given, the required vegetative tract for TP04-13 may be dropped.

**CONCLUSION**

For the above reasons, and based on the applicants proposal and the findings contained in the staff report presented at the September 13, 2004 Planning Commission Hearing, the Planning Commission concludes that the proposed Zone Change (TP 04-02), Subdivision (TP 04-13) and Water Resource Review (WR 04-11) are **APPROVED WITH CONDITIONS** (Exhibits A and B).

**EXHIBITS**

- A. TP 04-13 Conditions of Approval
- B. WR 04-11 Conditions of Approval

## **CONDITIONS OF APPROVAL**

**Planning File: TP 04-13**

**Date: September 13, 2004**

1. The applicant is responsible for this project's compliance to Engineering Policy 00-01. The policies pertain to any land use decision requiring the applicant to provide any public improvements.
2. The applicant shall sign a Non-remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's Capital Improvement regulations in effect at the time of such improvement.
3. The water system shall be designed with loops to Leland Road, Pease Road, and Krafton Terrace. All water mains in dead end streets will have to be extended to the ends of the roadways, and ended with 8-inch gate valves and blow-offs for future extension with development of adjacent properties.
4. Fire hydrants shall be located and installed per Clackamas County Fire District No. 1's requirements.
5. The sanitary sewer system shall be designed to provide for future extension of gravity sanitary sewer mains where needed for development of adjacent properties.
6. Sanitary sewer improvements shall be constructed along the site's street frontages with Leland Road and Pease Road.
7. The underground part of the detention system shall be located in public right-of-way (ROW). A larger pond would be preferred in place of the proposed underground detention. The applicant shall present Staff with alternatives for locating and designing the detention tank/pond so that it can be expanded in the future with development of the properties to the southwest of the site.
8. Storm sewer improvements shall be constructed along the site's street frontages with Leland Road and Pease Road.
9. Traffic calming measures shall be incorporated into the design and construction of the site development.
10. The City requires a ROW dedication along the site frontage with Leland Road to provide 38 feet of ROW on the applicant's side of the centerline of the ROW.
11. The City requires a ROW dedication along the site frontage with Pease Road to provide 22 feet of ROW on the applicant's side of the centerline of the ROW.

12. The City requires ROW dedications of 50 feet for the extension of Kraflon Terrace, 37 feet for B Street, and 53 feet for all other local streets.
13. The City requires a half-street improvement for a minor arterial to provide a 25-foot width of pavement on the applicant's side of the centerline of Leland Road along the project site's frontage with Leland Road. A half-street improvement is defined as to the centerline plus 10 feet. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. The improved street portion the applicant is required to provide includes, but is not to be limited to, base rock, paved half street width of 35 feet (10-foot opposing travel way, 7 feet of turn-lane, 11-foot travel lane, and 8-foot parking lane), curb and gutter, 5-foot planter strip including curb width, 7-foot concrete sidewalk behind the planter strip, city utilities (water, sanitary and storm drainage facilities), curb return radii, curb (handicap) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. Leland Road is under Clackamas County jurisdiction. Improvement to Leland Road must be approved by Oregon City and Clackamas County.
14. The City requires a half-street improvement for a neighborhood collector to provide an 11-foot width of pavement on the applicant's side of the centerline of Pease Road along the project site's frontage with Pease Road. A half-street improvement is defined as to the centerline plus 10-feet. This provides the required improvement on the applicant's portion of the roadway, and allows the opposing travel way to have safe passage on the new gradient. The improved street portion the applicant is required to provide includes, but is not to be limited to, base rock, paved half street width of 21 feet (10-foot opposing travel way, and 11-foot travel lane), curb and gutter, 5-foot planter strip including curb width, 5-foot concrete sidewalk behind the planter strip, city utilities (water, sanitary and storm drainage facilities), curb return radii, curb (handicap) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights.
15. The City requires a half-street improvement for a local street for B Street. The improved street portion the applicant is required to provide for half-streets includes, but is not to be limited to, base rock, paved half-street width of 26 feet, curb and gutter, 5-foot planter strip including curb width, 5-foot concrete sidewalk behind the planter strip, city utilities (water, sanitary and storm drainage facilities), curb return radii, curb (handicap) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights. This also requires the applicant provide at least 70 feet of lot depth for the adjacent property, Tax Map 3-2E-7DB, 006900. This would be as measured perpendicular to the future right-of-way. Right-of-way dedication from the adjacent property, Tax Map 3-2E-7B-003900, would be an acceptable alternative to allow the applicant to construct the required half street improvement.
16. The City requires full-street improvements for local streets other than B Street. The improved street portion the applicant is required to provide for a full-street includes, but is not to be limited to, base rock, paved full-street width of 32 feet, curbs and gutters, 5-foot planter strip including curb width (4-foot planter strip including curb width for

Krafton Terrace), 5-foot concrete sidewalk behind the planter strip, city utilities (water, sanitary and storm drainage facilities), curb return radii, curb (handicap) ramps, centerline monumentation in monument boxes, traffic control devices, street trees, and street lights.

17. The applicant shall receive approval of the street tree plan prior to the issuance of a grading permit for the site. The street tree plan shall also include the planting of street trees on all new streets and along Leland Road and Pease Road.
18. A tree removal and replanting plan is required prior to receiving engineering approval. If trees are later proposed to be removed outside of the building area, the applicant will follow the prescriptive replanting schedule outlined in OCMC 16.12.310-1
19. Ten-foot public utility easements along all street frontages and all easements required for the final engineering plans shall be dedicated to the public on the final plat. All existing and proposed utilities and easements shall be indicated on the construction plans. All off-site utility easements required for this project shall be obtained and submitted to the City prior to approval of the construction plans.
20. The applicant shall follow the conclusions and recommendations of the Geotechnical Engineering Report dated June 1, 2004 (Exhibit 13) by Kirk L. Warner, R.G., and James D. Imbrie, PE, both of GeoPacific Engineering, Inc.
21. The applicant shall provide a revised Landscaping Plan identifying which trees will be removed from the site in relation to the setbacks, utility easements and ROW for the project. The landscaping plan shall be approved by the Planning Department prior to the issuance of a grading permit for the site. Trees that are to be removed that are not located within the ROW, utility easements or setbacks shall be replaced on site.
22. The applicant must plan to construct and complete the entire stormwater system, including the pond and its landscaping prior to recording of the plat. The City will not accept a surety for the pond landscaping unless Staff determines that an adequate planting season is not available prior to submission of the final plat. Even if this is the case, Staff will still require a minimum of an adequate application of hydroseeding/erosion blanket or other means to ensure the pond performs adequately to meet turbidity regulations within the City's Erosion Control regulations.
23. The TIS does not meet City requirements and must be supplemented before the city can finalize its assessment of the impact of the proposal. The applicant shall submit the required supplemental information as spelled out in the September 3, 2004 letter from John Replinger.
24. The applicant shall orientate the front of the home on Lot 1 to face Pease Road. An alternative to the lot orientation, which incorporates landscaping and fencing into the lot and street design, may be approved if it is found to accomplish the objective of this standard by the community development director.

25. Prior to receiving Plat approvals, the applicant shall submit all CC&R's, maintenance agreements, dedications, easements, and related documents for the subdivision

## **CONDITIONS OF APPROVAL**

**Planning File: WR 04-11**


**Date: September 13, 2004**

1. No work shall be done in the wetland areas and along the existing drainage swales without a permit from the Oregon Division of State Lands and the Army Corps of Engineers, if applicable. The applicant shall provide the City copies of the above permits prior to the approval of a grading permit.
2. Prior to the issuance of a grading permit, the applicant shall clearly mark the water quality resource area and the work areas shall be carefully located and marked to reduce potential damage to the resource. Trees shall not be used as anchors for stabilizing construction equipment.
3. The applicant shall create a separate tract which represents the portions of the 15-foot vegetative corridor of the identified intermittent stream that are located on lot 22 of the Subdivision (TP 04-13). This Tract shall be separately deeded or conveyed to the City in the final plat for TP 04-13. The vegetated corridor area is to be improved by removing non-native species, and replanting with non-nuisance plants from the Oregon City native plant list. The property to the south is currently undergoing planning review for a 47-lot subdivision (TP04-11). The applicant of that subdivision is contending that the wetland on their property has been filled in over time, and will be submitting a request for exemption to the Water Resource Overlay District. If the wetland exemption is given, the required vegetative tract for TP04-13 will not be required.



**COMMISSION REPORT: CITY OF OREGON CITY  
TO THE HONORABLE MAYOR AND COMMISSIONERS**

**320 Warner Milne Road—(503) 657-0891**

 INCORPORATED 1844	<b>Agenda Item No.:</b> 4.1	<b>Topic:</b> First Reading of Proposed Ordinance 04-1016, the Adoption of Revisions to the Oregon City Comprehensive Plan, Comprehensive Plan Map and Zoning Map and Amendments to the Oregon City Zoning Code.
	<b>Report No.:</b> 04-211	
	<b>Agenda Type:</b> PUBLIC HEARING	
	<b>Meeting Date:</b> November 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Prepared By:</b> Tony Konkol	<b>Reviewed By:</b> Dan Drentlaw	<b>Approved By:</b> L. Patterson <i>LD</i>

**RECOMMENDATION:** Staff recommends that the City Commission approve the first reading of Ordinance Number 04-1016 that is included as Attachment A of this report.

**REASON FOR RECOMMENDATION:** Ordinance No. 03-1014 required that the Oregon City Planning Commission hold a hearing on August 23<sup>rd</sup>, 2004 to take additional testimony and evidence on the adopted Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Zoning Code in order to make revision or refinements to the documents as necessary. Based on the oral and written testimony provided at public hearings and the work sessions with Oregon City residents and interested parties, the Planning Commission has unanimously recommended minor changes to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Zoning Code that are in the best interest of Oregon City to ensure that the goals and policies of the City can be realized.

**BACKGROUND:** On October 18<sup>th</sup>, 2004 the City Commission and Planning Commission held a joint work session to review the Planning Commission's recommended amendments, identified as Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map – Version 4, and staff was directed to make minor changes to the Comprehensive Plan Text and Amended Zoning Code in preparation for the November 3, 2004 City Commission Hearing. The changes that were made are outlined in the October 27, 2004 Memorandum included as Attachment B of this Commission Report.

On October 11<sup>th</sup>, 2004 the Planning Commission unanimously recommended approval of the Amendments to the Oregon City Comprehensive Plan, Comprehensive Plan Map, Municipal Code and Zoning Map – Version 4 to the City Commission for their review. The initial Planning Commission Public Hearing, as required by Ordinance No. 03-1014, was held on August 23<sup>rd</sup>, 2004.

**ATTACHMENTS**

- A. Ordinance No. 04-1016
  - Exhibit 1 Oregon City Comprehensive Plan and Zoning Code Amendments: 10/27/04 – Version 5
  - Exhibit 2 Oregon City Comprehensive Plan Map: 10/27/04
  - Exhibit 3 Oregon City Zoning Map: 10/27/04
- B. October 27, 2004 Memorandum
- C. Planning File L 03-01 – Review: matrix of the record from August 12, 2004 to October 27, 2004

**ORDINANCE NO. 04-1016**

**AN ORDINANCE ADOPTING REVISIONS TO THE OREGON CITY COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP AND ZONING MAP AND ADOPTING AMENDMENTS TO THE OREGON CITY ZONING CODE.**

WHEREAS, as required by Section 7 of Ordinance No. 03-1014, The Oregon City Planning Commission held a hearing on Monday August 23<sup>rd</sup>, 2004 to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning Code and Zoning Map in order to make revisions or refinements to the documents adopted in Ordinance No. 03-1014; and

WHEREAS, the City has worked with Oregon City residents and interested groups to develop the revisions and refinements to the overall vision, policies and goals for the future growth and development of Oregon City through the revisions to the City's Comprehensive Plan and implementing ordinances; and

WHEREAS, the Comprehensive Plan and Map is intended to guide the management of the City's assets, to support natural, recreational, and economic benefits for the community of Oregon City, and to provide a framework for implementation of identified goals and policies; and

WHEREAS, the Comprehensive Plan and Map complies and is consistent with state statutes, Statewide Planning Goals, Downtown Community Plan, Water Front Master Plan, and the Metro Regional Framework Plan; and

WHEREAS, the amended Zoning Code and Map complies and is consistent with state statutes, Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions on the proposed revisions and refinements to the adopted Comprehensive Plan and Comprehensive Map and Zoning Code and Zoning Map; and

WHEREAS, the Planning Commission held two public hearings on the proposed amendments; and

WHEREAS, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Comprehensive Plan, Comprehensive Map, Zoning Code and Zoning Map and unanimously recommended that the City Commission adopt the revisions; and



WHEREAS, adopting the revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Code and Zoning Map is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized,

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

Section 1. The Oregon City Comprehensive Plan and Oregon City Zoning Code is hereby amended, as provided in Exhibit 1, based on the findings contained in the Staff Report.

Section 2. The Oregon City Comprehensive Plan Map, attached as Exhibit 2, is hereby adopted based on the findings contained in the Staff Report.

Section 3. The Oregon City Zoning Map, attached as Exhibit 3, is hereby adopted based on the findings contained in the Staff Report.

Read for the first time at a regular meeting of the City Commission held on the 3<sup>rd</sup> day of November 2004, and the foregoing ordinance was finally enacted by the City Commission this 17<sup>th</sup> day of November 2004.

---

ALICE NORRIS, Mayor

ATTESTED to this 17<sup>th</sup> day of November, 2004

---

LEILANI BRONSON-CRELLY  
City Recorder

ORDINANCE NO. 04-1016  
Effective Date: December 17<sup>th</sup>, 2004

# NOTICE

**NOTICE IS HEREBY GIVEN** that an **ORDINANCE No. 04-1016**, of the City of Oregon City, Clackamas County, Oregon, three copies of which are available for inspection at the Office of the City Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on November 3, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

**AN ORDINANCE ADOPTING REVISIONS TO THE OREGON CITY COMPREHENSIVE PLAN, COMPREHENSIVE-PLAN MAP AND ZONING MAP AND ADOPTING AMENDMENTS TO THE OREGON CITY ZONING CODE.**

All interested persons are invited to attend and provide input.

**POSTED** this 27<sup>th</sup> day of October 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

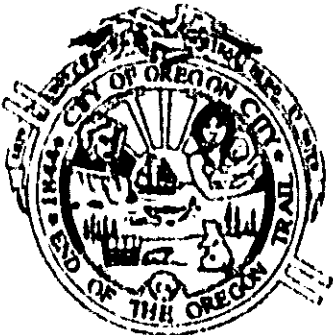

**LEILANI BRONSON-CRELLY**  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO November 4, 2004**

# COMMISSION REPORT: CITY OF OREGON CITY

## TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 3.1	<b>Topic:</b> OLCC: Liquor License Application - Limited On Premises Sales, - New Outlet Applying as a Limited Liability Company Known as KDL Trails End Golf Center - Located at 1107 Abernethy Road, Oregon City	
	<b>Report No.:</b> 04-212		
	<b>Agenda Type:</b> DISCUSSION/ACTION		
	<b>Meeting Date:</b> November 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>Approved By:</b> L. Patterson 
<b>Prepared By:</b> Bronson-Crelly	<b>Reviewed By:</b> Chief Huiras		

### RECOMMENDATION:

Staff recommends City Commission approve Oregon Liquor Control Commission (OLCC) Liquor License application for **KDL Trail's End Golf Center, LLC** who is requesting a New Outlet for a Limited-On Premises Sales type license.

### REASON FOR RECOMMENDATION:

The applicant is applying for a license at a business that does not currently have a license to sell alcohol. The license type known as a "Limited On-Premises Commercial license" which is what the applicant is requesting, allows the holder to sell and serve distilled spirits, wine, malt beverages and cider by the drink for consumption at the place of business as well as allows the sale of kegs of malt beverages "to go."

The owner of this establishment is James H. Kyung and its manager is Christopher Dunnville.

The Oregon City Police Department ran individual background checks on both men and found each to be clear and valid with no significant criminal history.

### BACKGROUND:

Please see attached application.

**BUDGET IMPACT:** FY(s): NA      Funding Source: NA

Attachment 1: OLCC Application

OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION



PLEASE PRINT OR TYPE

Application is being made for:

<b>LICENSE TYPES</b>	<b>ACTIONS</b>
<input type="checkbox"/> Full On-Premises Sales (\$402.60/yr)	<input type="checkbox"/> Change Ownership
<input type="checkbox"/> Commercial Establishment	<input checked="" type="checkbox"/> New Outlet
<input type="checkbox"/> Caterer	<input type="checkbox"/> Greater Privilege
<input type="checkbox"/> Passenger Carrier	<input type="checkbox"/> Additional Privilege
<input type="checkbox"/> Other Public Location	<input type="checkbox"/> Other _____
<input type="checkbox"/> Private Club	
<input checked="" type="checkbox"/> Limited On-Premises Sales (\$202.60/yr)	
<input type="checkbox"/> Off-Premises Sales (\$100/yr)	
<input type="checkbox"/> with Fuel Pumps	
<input type="checkbox"/> Brewery Public House (\$252.60)	
<input type="checkbox"/> Winery (\$250/yr)	
<input type="checkbox"/> Other: _____	

Applying as:

<input type="checkbox"/> Individuals	<input type="checkbox"/> Limited Partnership	<input type="checkbox"/> Corporation	<input checked="" type="checkbox"/> Limited Liability Company
--------------------------------------	--	--------------------------------------	---

FOR CITY AND COUNTY USE ONLY

The city council or county commission:  
CITY OF OREGON CITY  
(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: \_\_\_\_\_ (signature) \_\_\_\_\_ (date)

Name: ALICE NORRIS

Title: MAYOR

---

OLCC USE ONLY

Application Rec'd by: Cam

Date: 10-12-04

90-day authority: ☐ Yes ☒ No

- Applicant(s): [See SECTION 1 of the Guide]  
① KDL TRAILS END Golf Center, LLC
- Trade Name (dba): KDL TRAILS END Golf Center
- Business Location: 1107 Abernethy Rd, Oregon City OR 97045  
(number, street, rural route) (city) (county) (state) (ZIP code)
- Business Mailing Address: 1107 Abernethy Rd, Oregon City OR 97045  
(PO box, number, street, rural route) (city) (state) (ZIP code)
- Business Numbers: (503) 723-684 (503) 723-6809  
(phone) (fax)
- Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No
- If yes to whom: N/A Type of License: N/A
- Former Business Name: \_\_\_\_\_
- Will you have a manager? ☒ Yes ☐ No Name: JAMES KYUNG, OWNER  
(manager must fill out an individual history form)
- What is the local governing body where your business is located? Oregon City  
(name of city or county)
- Contact person for this application: James H. Kyung (503) 723-6811  
(name) (phone number(s))  
1107 Abernethy Rd Oregon City OR 97045 James@trailsendgolf.com  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Christopher Kyung Date 8/24/2004 Date \_\_\_\_\_  
② James Kyung Date Aug. 11, 2004 Date \_\_\_\_\_

1-800-452-OLCC (6522)  
www.olcc.state.or.us

(rev. 09/02)

CITY OF OREGON CITY  
ROUTING SLIP


PA. 100.00 10/18/04  
#6-45853

SUBJECT: KDL Trails End Golf Cntr. DATE: 10.18.04  
REQUEST: OLCC Lmt. On-Prem. License FROM: EB

DEPT		DATE	APPROVED	DENIED	HOLD
BUILDING					
FIRE					
LICENSING	<u>3</u>				
MANAGER	<u>2</u>				
PLANNING					
POLICE	<u>1</u>	<u>10/26/04</u>	<u>YH.</u>		
RECORDER	<u>2</u>				
WATER					

# COMMISSION REPORT: CITY OF OREGON CITY TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road---(503) 657-0891

	<b>Agenda Item No.:</b> 5.4	<b>Topic:</b> Approval of Personal Services Agreement for Audio Visual Contractor
	<b>Report No.:</b> 04-213	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> Bronson-Crelly	<b>Reviewed By:</b> L. Patterson	<b>Approved By:</b> L. Patterson <i>[Signature]</i>

## RECOMMENDATION:

Authorize the City Manager to enter into a personal services agreement with **HK ELECTRICAL ENGINEERS** to provide design development services for audio-visual (AV) updates in the Commission Chambers at City Hall. At its October 6, 2004, meeting, the City Commission approved awarding the bid to Spectrum Systems Design for a fee not to exceed \$13,000. However, following the City Commission meeting, staff discovered that Spectrum was deemed an unresponsive bidder when they could not provide errors and omissions insurance, as required in the request for proposal.

**HK ELECTRICAL ENGINEERS** was the City's audio-visual team's second choice. **HK ELECTRICAL ENGINEERS** is able to provide the required amount of errors and omissions insurance and provide the services for less money than Spectrum.

The reason the City's audio-visual team did not readily accept **HK ELECTRICAL ENGINEERS** as their first choice was because this vendor had never designed AV systems for city commission chambers. The vendor has assured staff that they can seamlessly translate their design services from courtrooms and penal institutions seamlessly into city commission chambers.

## REASON FOR RECOMMENDATION:

For at least the past five years, the quality of the AV system in the chambers has been failing and inconsistent. It at times delivers poor sound quality and at other times delivers poor visual camera quality. The City Commission places at a high priority the ability to provide clear televised communication of its proceedings to its citizens. Other advisory committees of the City Commission use the chambers for different purposes including as a municipal courtroom and a facility for public meeting.

## BACKGROUND:

A request for proposal (RFP) was advertised in the *Daily Journal of Commerce* followed by a mandatory pre-bid meeting on August 19, 2004, in which five vendors attended. The submittal deadline for a proposal was September 7 and three of the five vendors who attended the meeting submitted complete proposals for consideration. A review team was formed consisting of three city employees and an independent contractor who is the AV technician for City Commission and Planning Commission meetings.

The scope of work for this RFP includes reviewing the existing AV system to assess its weaknesses and develop and design an improved system. The contractor will provide a plan, a specific list of equipment, wiring schematics, layout design, and bid specifications for the new system. This contractor will provide a report with recommendation for changes and designs of conceptual equipment layouts for the desired system along with estimated costs associated with their recommendation.

BUDGET IMPACT: FY(s): 2004-2005      Funding Source: Budget Number 409-200-339

Attachment 1: PSA

Attachment 2: Commission Report No. 04-194, October 6, 2004

## **PERSONAL SERVICES AGREEMENT**

THIS AGREEMENT is between the City of Oregon City (City) and **HK ELECTRICAL ENGINEERS, LLC** (Consultant).

- A. City requires services, which Consultant is capable of providing, under terms and conditions hereinafter described.
- B. Consultant is able and prepared to provide such services as City requires, under those terms and conditions set forth.

The Parties Agree as Follows:

1. **Term.**
  - a. The term of this Agreement shall be 30 days from the signing of this Personal Services Agreement, unless sooner terminated pursuant to provisions set forth below. However, such expiration shall not extinguish or prejudice the City's right to enforce this contract with respect to (i) breach of a contract warranty; or (ii) any default or defect in the Consultant's performance that has not been cured.
  - b. The objective of this agreement is to submit a proposal to complete an AV design for the chambers at City Hall.
2. **Scope of Services.** Consultant's services under this Agreement shall consist of the following:  
See attached – Exhibit 'A' - Scope of Work
3. **Consultant Identification.** Consultant shall furnish to City its employer identification number, as designated by the Internal Revenue Service, or Consultant's social security number, as City deems applicable.
4. **Compensation.**
  - a. The City agrees to pay Consultant ~~\$11,500 plus expenses~~
  - b. The City agrees to pay Consultant within 30 days after receipt of Consultants itemized statement. Amounts disputed by the City may be withheld pending settlement.
  - c. The City certifies that sufficient funds are available and authorized for expenditure to finance costs of the Agreement.
  - d. The City shall not pay any amount in excess of the compensation amounts set forth above nor shall the City pay the Consultant any fees or costs which the City reasonably disputes or which the Consultant fails to provide in the proper format and manner as required under paragraph 3.3.
6. **Independent Consultant Status.** The Consultant shall be free from direction and control over the means and manner of providing the labor or service, subject only to the specifications of the desired results. The Consultant is responsible for obtaining

all assumed business registrations or professional occupation licenses required by state or local law. The Consultant shall furnish the tools or equipment necessary for the contracted labor or services.

The Consultant agrees and certifies that:

- a. The Consultant is engaged as an independent contractor and will be responsible for any federal or state taxes applicable to any payments made under this contract.
- b. The Consultant is not eligible for any federal social security, or unemployment insurance payments. The Consultant is not eligible for any PERS or workers compensation benefits from compensation or payments made to the Consultant under this contract.
- c. Consultant has filed federal and state income tax returns in the name of the business as part of the personal income tax return for the previous year for labor or services performed as an independent contractor in the previous year.
- d. The Consultant agrees and certifies that it is a corporation in good standing and licensed to do business in the state of Oregon.

6. Early Termination.

- a. This Agreement may be terminated without cause prior to the expiration of the agreed-upon term:
  - (1) by mutual written consent of the parties.
  - (2) by either party upon 30 days' written notice to the other, delivered by certified mail or in person.
- b. Upon receipt of notice of early termination, Consultant shall immediately cease work and submit a final statement of services for all services performed and expenses incurred since the date of the last submittal of a statement of services.
- c. Any early termination of the Agreement shall be without prejudice to any obligation or liabilities of either party already accrued prior to such termination.
- d. The rights and remedies of City provided in this Agreement relating to defaults by Consultant shall not be exclusive and are in addition to any other rights and remedies provided by law or under this Agreement.

7. No Third Party Beneficiaries. The City and the Consultant are the only parties to this contract and are the only parties entitled to enforce its terms. Nothing in this contract gives, is intended to give, or shall be construed to give or provide any benefit or right, whether directly or indirectly or otherwise, to third persons unless such third persons are individually identified by name herein and expressly described as intended beneficiaries of the terms of this contract.

8. Payment of Laborers; Payment of Taxes

The Consultant shall:

- a. Make payment promptly, as due, to all persons supplying to the Consultant labor and material for the prosecution of the work provided for in the contract documents.



- b. Pay all contributions or amounts due to the State Accident Insurance Fund incurred in the performance of this contract.
  - c. Not permit any lien or claim to be filed or prosecuted against the City on account of any labor or material furnished; and
  - d. Be responsible for all federal, state and local taxes applicable to any compensation or payments paid to the Consultant under this contract and unless the Consultant is subject to backup withholding, the City will not withhold from such compensation or payments an amount(s) to cover the Consultant's federal or state tax obligation.
  - e. If the Consultant fails, neglects or refuses to make prompt payment of any claim for labor or services furnished by any person in connection with this contract as such claim becomes due, the City may pay such claim to the person furnishing the labor or services and charge the amount of the payment against funds due or to become due to the Consultant by reason of the contract.
  - f. The payment of a claim in this manner shall not relieve the Consultant or the Consultant's surety from obligation with respect to any unpaid claims.
  - g. The Consultant and subcontractors, if any, are subject employers under the Oregon Workers' Compensation Law and shall comply with ORS 656.017, which requires provision of workers' compensation coverage for all workers.
9. Subconsultants and Assignment. The Consultant shall neither subcontract any of the work, nor assign any rights acquired hereunder, without obtaining prior written approval from City. City, by this Agreement, incurs no liability to third persons for payment of any compensation provided herein to Consultant.
10. Access to Records. The City shall have access to all books, documents, papers and records of Consultant which are pertinent to this Agreement for the purpose of making audit, examination, excerpts and transcripts.
11. Ownership of Work Product; License. All work products of the Consultant that result from this contract (the work products) are the exclusive property of the City. In addition, if any of the work projects contain intellectual property of the Consultant this is, or could be, protected federal copyright, patent, or trademark laws, or state trade secret laws, the Consultant hereby grants to the City a perpetual, royalty free, fully paid, nonexclusive and irrevocable license to copy, reproduce, deliver, publish, perform, dispose of, use and re-use, in whole or in part, and to authorize others to do so, all such work projects and any other information, designs, plans, or works provided or delivered to the City or produced by the Consultant under this contract. The parties expressly agree that all works produced, taped or recorded pursuant to this contract are works specially commissioned by the City and that any and all such works shall be works made for hire in which all rights and copyright belong exclusively to the City. The Consultant shall not publish, republish, display or otherwise use any work or work products resulting from this contract without the prior written agreement of the City.

12. Compliance with Applicable Law. The Consultant shall comply with all federal state and local laws and ordinances applicable to the work under this contract, including, without limitation, the provisions of ORS 279.312, 279.314, 279.316, 279.320 and 279.555. Without limiting the generality of the foregoing, the Consultant expressly agrees to comply with (i) Title VI of the Civil Rights Act of 1964; (ii) Section V of the Rehabilitation Act of 1973; (iii) the Americans With Disabilities Act of 1990 (pub L No. 101-336), ORS 659.425, and all regulations and administrative rules established pursuant to those laws; and (iv) all other applicable requirements of federal and state civil rights and rehabilitation and other applicable statutes, rules and regulations.
13. Professional Standards. Consultant shall be responsible to the level of competency presently maintained by others practicing in the same type of work in City's community, for the professional and technical soundness, accuracy and adequacy of all work and materials furnished under this authorization.
14. Modification, Supplements or Amendments. No modification, change, supplement or amendment of the provisions of this Agreement shall be valid unless it is in writing and signed by the parties hereto.
15. Indemnity and Insurance.
  - a. Indemnity - The Consultant acknowledges responsibility for liability arising out of the Consultant's negligent performance of this Agreement and shall hold the City, its officers, agents, consultants and employees harmless from and indemnify them for any and all liability, settlements, loss, costs, and expenses, including attorney's fees, in connection with any action, suit, or claim caused or alleged to be caused by the negligent acts, omissions, activities or services by the Consultant, or the agents, consultants or employees of the Consultant provided pursuant to this Agreement.
  - b. Workers Compensation Coverage - The Consultant certifies that the Consultant has qualified for Workers Compensation as required by the State of Oregon. The Consultant shall provide the Owner, within ten (10) days after contract execution, a certificate of insurance evidencing coverage of all subject workers under Oregon's Workers Compensation statutes. The certificate and policy shall indicate that the policy shall not be terminated by the insurance carrier without thirty (30) days advance written notice to the City. All agents or consultants of the Consultant shall maintain such insurance.
  - c. Comprehensive, General and Automobile Insurance - The Consultant shall maintain comprehensive general and automobile liability insurance for protection of the Consultant, and the City, and for their directors, officers, agents, and employees, insuring against liability for damages because of personal injury, bodily injury, death and broad form property damage, including loss of use, and occurring or in any way related to the Consultant's operation, each in an amount not less than \$1,000,000 combined single limit per occurrence/annual aggregate. Such insurance shall name the City as an additional insured with the stipulation

that this insurance, as to the interest of the City, shall not be invalidated by any act or neglect or breach of contract by the Consultant.

- d. **Errors and Omissions Insurance** - The Consultant shall provide the City with evidence of professional errors and omissions liability insurance for the protection of the Consultant and its employees, insuring against bodily injury and property damage arising out of the Consultant's negligent acts, omissions, activities or services in an amount not less than \$500,000 combined single limit. The Consultant shall maintain in force such coverage for not less than three (3) years following completion of the Project. Such insurance shall include contractual liability.

Within ten (10) days after the execution of the Agreement, the Consultant shall furnish the City a certificate evidencing the dates, amounts, and types of insurance that has been procured pursuant to this Agreement. The Consultant will provide for not less than thirty (30) days written notice to the City before the policies may be revised, canceled, or allowed to expire. The Consultant shall not alter the terms of any policy without prior written authorization from the City. The provisions of this subsection apply fully to the Consultant, and its consultants and agents.

16. **Integration.** This Agreement contains the entire agreement between and among the parties, integrates all the terms and conditions mentioned herein or incidental hereto, and supersedes all prior written or oral discussions or agreements between the parties or their predecessors in interest with respect to all or any part of the subject matter hereof.
17. **Legal Expenses.** In the event legal action is brought by City or Consultant against the other to enforce any of the obligations hereunder or arising out of any dispute concerning the terms and conditions hereby created, the losing party shall pay the prevailing party such reasonable amounts for attorneys fees, costs and expenses as may be set by the court. "Legal action" shall include matters subject to arbitration and appeals.
18. **Severability.** The parties agree that if any term or provision of this Agreement is declared by a court to be illegal or in conflict with any law, the validity of the remaining terms and provisions shall not be affected.
19. **Number and Gender.** In this Agreement, the masculine, feminine or neuter gender, and the singular or plural number, shall be deemed to include the others whenever the context so requires.
20. **Captions and Headings.** The captions and headings of this Agreement are for convenience only and shall not be construed or referred to in resolving questions of interpretation or construction.
21. **Calculation of Time.** All periods of time referred to herein shall include Saturdays,

Sundays and legal holidays in the State of Oregon, except that if the last day of any period falls on any Saturday, Sunday or legal holiday, the period shall be extended to include the next day which is not a Saturday, Sunday or such a holiday.

22. Notices. Any notices, bills, invoices, reports or other documents required by this Agreement shall be sent by the parties by United States mail, postage paid, or personally delivered to the addresses below. All notices shall be in writing and shall be effective when delivered. If mailed, notices shall be deemed effective forty-eight (48) hours after mailing, unless sooner received.
23. Nonwaiver. The failure of City to insist upon or enforce strict performance by Consultant of any of the terms of this contract or to exercise any rights hereunder shall not be construed as a waiver or relinquishment to any extent of its rights to assert or rely upon such terms or rights of any future occasion.
24. Information and Reports. Consultant shall, at such time and in such form as City may require, furnish such periodic reports concerning the status of the project, such statements, certificates, approvals, and copies of proposed and executed plans and claims, and other information relative to the project as may be requested by City. Consultant shall furnish City, upon request, with copies of all documents and other materials prepared or developed in relation with or as part of the project. Working papers prepared in conjunction with the project are the property of the City, but shall remain with the Consultant. Copies as requested shall be provided free of cost to the City.
25. City's Responsibilities. City shall furnish Consultant with all available necessary information, data, and materials pertinent to the execution of this Agreement. City shall cooperate with Consultant in carrying out the work herein and shall provide adequate staff for liaison with Consultant.
26. Governing Law; Jurisdiction; Venue. This contract shall be governed and construed in accordance with the laws of the State of Oregon without resort to any jurisdictions conflict of laws, rules or doctrines. Any claim, action, suit or proceeding (collectively, "the claim") between the City and the Consultant that arises from or relates to this contract shall be brought and conducted solely and exclusively within the State of Oregon. If the claim must be brought in a federal forum, then it shall be brought and conducted solely and exclusively within the United States District Court for the District of Oregon. The Consultant, by the signature below of its authorized representative, hereby consents to the in personal jurisdiction of said courts.
27. Authorization. The person signing this contract on behalf of the Consultant hereby covenants and warrants that he/she is authorized to do so and this his/her signature will fully bind the Consultant to the terms and conditions of this contract. Upon the City's request the Consultant shall provide the City with evidence reasonably satisfactory to the City confirming the foregoing covenants and warranties.

Consultant:  
HK Electrical Engineers  
220 E Division, Sherwood, OR 97140  
Attention: Frank Hopkins, Principal

CITY:  
City Manager  
City of Oregon City  
320 Warner Milne Road  
Oregon City, Oregon 97045

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed by their duly appointed officers.

CONSULTANT

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

CITY OF OREGON CITY

By \_\_\_\_\_

City Manager – Larry Patterson

Date: \_\_\_\_\_

## **EXHIBIT 'A'**

### **2.2 Scope of Work**

The scope of work consists of reviewing the existing AV conditions in the commission chambers, developing bid specifications for the desired AV system, providing assistance in evaluating and selecting a contractor to install the system, and provide inspection services during its installation. Designer will be allowed to bid on the desired system. Consultant will meet with a designated City team to discuss the concerns of the current system and develop the AV needs for this room, including a specific list of equipment, electronic machinery, and wiring schematics for an improved system. Consultant will prepare a report with recommendations for changes and designs of conceptual equipment layouts for the desired system along with estimated costs associated with recommendations. Upon completion of draft plan, consultant will attend City Commission meeting(s) to assist in the adoption of report.

The plan shall recommend a project installation schedule and address the following objectives:

- Functional requirements per system
- Equipment location drawings
- Revise selected plans as required
- Final recommendations to the City Commission, staff and interested parties
- Project cost estimates for:
  - Equipment per system
  - Installation/training

### **2.3 Documents Furnished by Consultant**

All documents shall become, and remain, the property of the City. The following documents shall be furnished to the City by the consultant:


- 10 hard copies of completed report
- Electronic version of report

### **2.4 Insurance Requirements**

The consultant must show proof of insurance (workers' compensation, automobile, and errors and omissions) as required by the City's Personal Services Agreement (see Attachment 2).

**COMMISSION REPORT: CITY OF OREGON CITY  
TO THE HONORABLE MAYOR AND COMMISSIONERS**

**320 Warner Milne Road----(503) 657-0891**

 INCORPORATED 1844	<b>Agenda Item No.:</b> 5.5	<b>Topic:</b> Authorization for Property Acquisition, 316 17 <sup>th</sup> Street, Oregon City, OR
	<b>Report No.:</b> 04-214	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 3, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> N. Kraushaar	<b>Reviewed By:</b> N.J.T. Kraushaar	<b>Approved By:</b> Larry Patterson LP

**RECOMMENDATION:**

Staff recommends that the City Commission authorize the City Manager to execute closing documents for the 316 17<sup>th</sup> Street property acquisition.

**REASON FOR RECOMMENDATION:**

The City Manager will represent Oregon City during the closing transactions. The transaction needs final City Commission approval.

**BACKGROUND:**

At their March 3, 2004 meeting, the City Commission authorized the City Manager to negotiate acquisition of the subject property. See attached City Commission Report No. 04-028 for detailed background.

OCPW negotiated a purchase price of \$25,000 plus approximately \$500 in miscellaneous closing costs.

The seller has demolished the residence. The Oregon City Public Works and Parks Departments are working together to regrade and revegetate the site.

**BUDGET IMPACT:** FY(s): 2004-05 – Est. \$25,500

**Funding Source:** Stormwater Fund



Attachment 1 – City Commission Report No. 04-028

Attachment 2 – Map

# COMMISSION REPORT: CITY OF OREGON CITY

## TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 4.1	<b>Topic:</b> The Appeal of the Community Development Director's Approval of a 15- unit Multifamily Building (SP 04-11).  City File #AP 04-06
	<b>Report No.:</b> 04-215	
	<b>Agenda Type:</b> PUBLIC HEARING	
	<b>Meeting Date:</b> November 17, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> Christina Robertson-Gardiner	<b>Reviewed By:</b> Dan Drentlaw	<b>Approved By:</b> L. Patterson 

### RECOMMENDATION:

Staff recommends that the City Commission affirm the Community Development Director's decision approving the application.

### REASON FOR RECOMMENDATION:

The Community Development Director found that Northwest Housing Alternative's application to build a 15-unit multifamily building in the General Commercial Zone met, with conditions, all the applicable criteria for Site Plan and Design Review.

### BACKGROUND:

The Community Development Director approved an application for Site Plan and Design Review (SP 04-11) for a 15-unit multi-family building on September 20, 2004. The subject site is located on Garden Meadow Drive and identified as Clackamas County Map 3-2E-08AB Tax Lot 3200, zoned General Commercial District. The appellants of the decision believe the application does not meet the zoning requirements and will adversely affect the safety, property values and quality of life of the neighborhood. This appeal is on the record and is limited to those issues raised in the Notice of Appeal. The City Attorney will provide an oral report at the hearing. The appellants do not represent a city neighborhood association. The Gaffney Lane Neighborhood Association has not taken a position on this proposal but will be holding an informational meeting with Northwest Housing Alternative on January 25, 2005.

**BUDGET IMPACT:** FY(s): NA      Funding Source: NA

### Attachments:

1. AP 04-06, Appellants Submittal (page 1)
2. November 8, 2004 Letter from Peter Livingston, Swade, Williamson & Wyatt, P.C. (page 9)
3. November 8, 2004 Letter from Tom Lancaster, P.E., Lancaster Engineering (page 14)
4. November 4, 2004 Letter from Martha McLennan, Northwest Housing Alternatives (page 16)
5. November 8, 2004 Letter from Peggy McGuire, Fair Housing Council of Oregon (page 18)
6. November 8, 2004 Letter from Susan Veronica Johnson, Clackamas County Department of Human Services (page 20)
7. November 17, 2004 Letter from Melinda Mowery, Clackamas County Department of Human Services (page 22)
8. November 17, 2004 Letter from David Bachman, Cascade Management, Inc. (page 24)
9. Staff Report of SP 04-11 (City Commission Waiver Packet) (page 26)



# CITY OF OREGON CITY

Community Development Department, 320 Warner Milne Road,  
P.O. Box 3040, Oregon City, OR 97045, (503) 657-0891  
www.ci.oregon-city.or.us

## APPEAL A LAND USE DECISION

FILE # AP 04-06 P04-11 DATE: 9/29/04  
NAME: Mark Brown TELEPHONE #: 503 557-5199  
ADDRESS: 13647 Garden Meadow Dr

ADDRESS OR PROPERTY DESCRIPTION (T/R/S) OF SUBJECT PROPERTY:

Parcel # 32E8AB Tax lot 3200

SUBJECT OF APPEAL: NOTICE OF DECISION DATE: 9/20/04 For File #: SP 04-11

Site Plan and Design Review - 15 unit multi-family

The undersigned hereby appeal(s) the decision of the Community Development Director

concerning the subject case. The decision to approve \_\_\_\_\_ deny \_\_\_\_\_ the application was made  
at a meeting held on \_\_\_\_\_.

**REASONS FOR APPEAL:** Please include a statement identifying which approval criteria are violated by the decision and an explanation of how those criteria are violated, or stating how the decision is otherwise in violation of applicable law. Please see Chapter 17.50 of Oregon City Municipal Code for Administration & Procedures concerning Appeals.

Application does not meet limited land use  
requirements of the associated City Code.

See attached letter

FILING FEE PAID: \_\_\_\_\_ DATE PAID: \_\_\_\_\_ RECEIPT NO.: \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Address \_\_\_\_\_

Property Owner Signature \_\_\_\_\_ Address \_\_\_\_\_

**\*\*SIGNATURES REQUIRED IF APPLICABLE\*\***

[Signature] 13647 Garden Meadow Dr  
Signature Address

\_\_\_\_ Contract Purchaser \_\_\_\_\_ Lessee \_\_\_\_\_ Prospective Purchaser

## **INSTRUCTIONS FOR COMPLETING LAND USE APPLICATIONS**

- 1. All applications must be either typed or printed (black ink). Please make the words easily readable.**
- 2. The application must be submitted with the correct fee**
- 3. If you mail in the application, please check with the Planning Division to ensure that it was received and that all necessary fees and information are with the application form.**
- 4. If you wish to modify or withdraw the application, you must notify the Planning division in writing. Additional fees may be charged if the changes require new public notice and/or if additional staff work is necessary. Any refund will reflect the amount of time staff worked up until the date a letter of withdrawal is received.**
- 5. With the application form, please attach all the information you have available that pertains to the application you are submitting. All applicable standards and criteria must be addressed prior to acceptance of the application. Detailed descriptions, maps, and other relevant information should be attached and will be available for public review.**
- 6. Incomplete applications will be returned.**

This request for appeal is respectively made each of by the following:

Name	Mailing Address	Daytime phone
Austin Batchelor	13640 Garden Meadow Dr.	971-221-8481
JAMES BIZEL	13646 S GARDEN MEADOW DR	503-722-5915
MICHELLE BIZEL	13646 S. GARDEN MEADOW DR	503-722-5915
MARILYN MACK	13657 GARDEN MEADOW DR.	503 722-7445
Eugene Thomas	13640 S. Garden Meadow Dr.	503 723 0889
MARY GOOD	13652 GARDEN MEADOW DR	503 650 5824
PAUL RONCES	13645 GARDEN MEADOW DR	503-723-9921
Brian & Cathy Richards	19452 COCKERMAN DR.	503-702-1668
Rita Schiel	13648 Garden Meadow	503-723-6183
Kevin Bishop	13651 Garden Meadow	503 650-9382
Sherry Olin	13649 Garden Meadow	503-723-4322
Mark Brown	13647 Garden Meadow	503-557-5199
Clark Thomas	19413 Cokeron Dr.	503-650-3629
MATT IRON	13650 Garden Meadow	503/
Gene Patrick	13662 Garden Meadow	503/723-0506
Paul Ronces	13645 GARDEN MEADOW	Unlisted
JOHN BROWN	13647 Garden Meadow	503 557-5196

- The Staff Report Decision did not clearly state the date that the Request for Appeal was due. The letter stated Requests were due "10 days following mailing." We came to find out that the Request was actually due 9 days after mailing. As a result not all parties that submitted written comments were able to be contacted to join this appeal process.

- Therefore, we request that:

- 1. All parties that submitted written comments are allowed to participate in the appeal process.
- Or
- 2. A new Staff Report Decision letter is mailed out and a new due date clearly shown (e.g. due before October 29, 2005, 5:00 p.m. at the City Hall.)

- Please note, if one of the above accommodations cannot be made, we reserve the right to appeal this process to the City Commission and to take whatever additional action may be required to insure that all citizens are included in this process.

04 5. 19 PM 2: 20

RECEIVED  
CITY OF SPRINGFIELD

File No: SP 04-11 Site Plan and Design Review  
Decision Date: September 20, 2004

RE: Appeal to the City Commission and Request for Hearing.

As residents in close proximity to this Development we believe this Development does not meet zoning requirements and in addition will adversely affect our safety, property values and quality of life. Therefore, we (see attached list of appellants) respectively request that an appeal of the Staff Report in this case be brought before the City Commission for appeal and that the Application be denied.

Grounds for appeal are as follow:

1. The site is zoned C-General Commercial and as such the applicant is applying as a R-2 multi-family development. We do not believe that the proposed development meets the definition of a multi-family development as intended by the City. The use of this facility is strictly restricted to individuals that meet the following requirements: The residents must be "extremely low income" and "live with chronic mental illness." The proposed use of this land is NOT multi-family in the traditional meaning. The Developer in his application, under Site & Project Data, defines the proposed use as Special Needs Multi-Family.

We respectively request that the City reject the Limited Land Use Application filed based on not meeting zoning requirements. The Code, 17.18-R-2 Multi-Family Residential District, does not have "Special Needs Multi-Family" as a Permitted use, nor is there a use that resembles the intended use of this facility in this Code section.

If the City will not reject the application of the above comment, we would point out that the Staff Report states that this is not a public housing project, where in fact HUD is responsible for funding the project, HUD will also subsidize the rents and the facility will be operated under strict HUD rules. This is clearly a public housing project. As such, the Limited Land Use application should be denied and the Developer should be required to re-apply for a Condition Use permit.

2. We were instructed by the Planning Department that that all objections to this project had to be based on not meeting City Code. Approval of this project should be based on more than "meeting code." There are many ways this development will adversely affect our neighborhood and lives. (These concerns have been addressed in letters written and should be part of the record at this time. We respectively request that each consul member be given these letters and that they be read.) With these concerns in mind and the fact that the proposed

development is surrounded by a very congested residential neighborhood, retirement housing and a major thoroughfare (Molalla Avenue.) Based on the surroundings, the use of this land would be much better utilized as a profession office complex or some other *passive* use. Please reject the Limited Land Use Application as intrusive and not the best use of the land.

3. City Code requires both Common Open Space and Individual Private Open Space be provided. The applicant has not met this requirement for Individual Open Space as required in the Code and should be required to meet this requirement.

To meet this requirement (based on floor plans on record) would require that Individual Private Open Space be located in ground floor patios and balconies on the 2<sup>nd</sup> floor. The ground floor patios would affect the Spatial and Visual aspect of the front of the building and would not be compatible with the surrounding housing on the front of the building facing Garden Meadow drive. The balconies required would affect the Spatial and Visual aspect of the side and back of the building and would not be compatible (they would be intrusive to the neighbors) with the surrounding housing.

The Code requires that Spatial and Visual Arrangement of buildings be compatible with existing surroundings and that building structures be complimentary to the surrounding area. Since the requirement for Individual Private Open Space cannot be met without violating other sections of the Code, we request that the application be rejected.

We believe that the above reasons justify denying this Application and respectfully request that the Application be denied at this time.

If the Application is not denied, we would like to appeal the Staff Report Decision to require the following:

1. The Staff Decision allows the Developer to provide the minimum allowable number of parking spaces. However, due to the location (across the street from elderly persons and very close to Molalla Avenue) and minimum width of Garden Meadow Drive any street parking at this location may be a public safety hazard. Therefore, We request that the developer provide the maximum amount (i.e. 30 parking spaces) of parking per section 17.52 of the code.

Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

With an increase in parking lot size a Plan (prepared and stamped by a registered Civil Engineer) should be submitted for approval that demonstrates that run-off will equal pre-development rates.

2. We believe that the Transportation Analysis Letter provided does not adequately address our concerns or previous comments submitted. With traffic and pedestrian safety being adversely affected by this development a new study should be performed (and paid for by the developer) by an Engineering firm to insure that the width of Garden Meadow Drive is sufficient and safe. Variables such as traffic count, traffic type, driver experience and elderly and child pedestrians should be taken into account. The report should be submitted for review and comments before any work begins.

Also, Code requires that the developer provide safe bicycle travel. (Note: This comment was submitted and does not appear to have been addressed in the review process. We believe this is a very important aspect of this Development and appeal to the Commission that this comment be adequately addressed.) The Developer is anticipating bicycle traffic and the width of the road should include required bike lanes.

If a bike lane is added and/or the study indicates that a wider road is needed, the developer of this lot should bear ALL (not just in front of parcel 2) the cost of the improvements and the improvements should extend from the Developers property all the way to Molalla Avenue. In addition, with a wider street, Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

3. The following comment was submitted and does not appear to have been addressed in the review process. We believe this is a very important aspect of this Development and appeal to the Commission that this comment be adequately addressed.

Due to the potential increase in traffic, the driver skills/limits of mentally ill persons and the safety concerns that these factors create when making a turn from Garden Meadow Drive onto Molalla Avenue a Safety Study should be conducted (and paid buy the developer) by a Engineering firm to access if a traffic light (both for automobile and pedestrian traffic) is need at this intersection and the impact of traffic flow on Molalla Avenue. If a light is needed, the developer of this property should be responsible for the cost of the improvements and future maintenance.

4. The following comment was submitted and does not appear to have been addressed in the review process. We believe this is a very important aspect of this Development and appeal to the Commission that this comment be adequately addressed.

Code 17.62.040-H gives the Principle Planner the right to require one or more reports to ensure that the "proposed development does not adversely affect the surrounding community." I would suggest that the proposed development will adversely affect the surrounding community and that the Principle Planner should require the developer to prepare and submit reports (prepared by a mutually agreed upon third party) that address the impact and associated costs of this development on the Community and the safety of the surrounding neighborhood. (e.g. Costs associated for City services such as fire and police protection that may result from a facility for "adults who live with chronic mental illness" and the impact on property values when a facility such as this is built in a neighborhood.)

As citizens and property owners we would hope that the City is working diligently to ensure that we maintain a community that provides a high quality of life and is safe for its current residents and taxpayers. We strongly feel that the proposed development does not meet Code requirements, improve the quality of life for the residents of this neighborhood nor does it for the City overall (actually we believe there will be increased demands on City services that will add an additional stress to the City's current budget.) As for safety, we believe that this development poses significant safety risks to the children, elderly and women of this neighborhood. In addition, the proximity to Molalla Avenue, adds significant safety risks to all citizens that travel past the intersection at Garden Meadow Drive and Molalla Avenue.

We respectfully request that the our Appeal be brought before the City Commission.

Respectively,



Mark Brown and fellow Appellants (see attached list)  
September 29, 2004



**SCHWABE, WILLIAMSON & WYATT, P.C.**  
ATTORNEYS AT LAW

PACWEST CENTER, SUITES 1600-1800 • 1211 SOUTHWEST FIFTH AVENUE • PORTLAND, OREGON 97204-3705  
TELEPHONE: 503.222.9981 • FAX: 503.796.2900 • [www.schwabe.com](http://www.schwabe.com)

PETER LIVINGSTON

Admitted in Oregon and Washington

Direct Line: (503) 796-2892

E-Mail: [plivingston@schwabe.com](mailto:plivingston@schwabe.com)

November 8, 2004

**VIA E-MAIL AND FIRST CLASS MAIL**

City Commission  
City of Oregon City  
P.O. Box 3040  
Oregon City, OR 97045-0021

Re: Meadowlark Apartments  
Application # 04-06 (Appeal No. SP 04-11)

Dear Commissioners:

The following information is presented in response to issues raised in the Appeal of a Land Use Decision filed by Mark Brown, on behalf of himself and others ("Appellants"), on September 29, 2004.

A. Grounds for Appeal

1. *Use Classification.* Appellants contend the proposed development does not meet the definition of a multi-family development in the Oregon City Municipal Code ("MC"), because those eligible for residency (low-income and mentally ill) are within a specific subset of the general population. Appellants are incorrect. MC 17.32.020 lists permitted uses in the General Commercial (C) District, including "uses permitted in the R-2 multi-family dwelling district." MC 17.18.020 A. states that "multi-family residential units" are permitted uses in the R-2 district. MC 17.04.220 defines "multi-family" as "a building or portion thereof designed for residential use and containing three or more dwelling units." There is no limitation to "traditional" multi-family development; rather, the category includes all forms of multi-family development.

Although the Meadowlark apartment complex ("the Meadowlark") is being developed and designed for the specific needs of a certain population, it will be a multi-family dwelling. Potential tenants will be required to fill out an application and will be screened. If qualified, they will sign an annual lease. The tenants will live independently, and will be responsible for their own cooking, cleaning, shopping and rent payment.

As noted by staff, in an August 3, 2004 letter, Appellants state that the proposed use is "boarding and lodging" or "institutional." Staff properly rejected this argument. MC 17.04.080 defines "boardinghouse or lodginghouse" as "a dwelling or part thereof, other than a hotel or motel or multiple-family dwelling, where lodging with or without meals is provided,

Portland, Oregon  
503.222.9981

Bend, Oregon  
541.749.4044

Salem, Oregon  
503.399.7712

Seattle, Washington  
206.822.1711

pdx/011111/077771/PLI/1245941.1



for three or more persons." The Meadowlark will not meet this definition; as a multi-family dwelling, it is expressly excluded.

MC 17.04.305 defines "institutional development" as including "residential care facilities." (There are many other listed types of development, none of which is remotely relevant to this application.) MC 17.04.550 A. defines "residential care facility" as

[A] housekeeping unit within a dwelling unit operated for the purpose of providing room, board, care and, when appropriate, a planned treatment or training program of counseling, therapy or other rehabilitative social service, for a group of persons of similar or compatible conditions or circumstances.

Potential residents of the Meadowlark will submit a rental application just as any person would apply for an apartment complex in the open market. They will not apply to be a part of any program or to receive any service package. They are free to end their tenancy per the terms of their lease and are not required to receive any services or treatment as a condition of their tenancy. The Meadowlark will not be a residential care facility. It will be a multi-family residential unit and, as such, it is a permitted use in the C zone.

Appellants incorrectly contend the Meadowlark is a public housing project. The MC does not define "public housing project." In normal parlance, "public housing projects" are those developed by the Public Housing Authority, in this case the Housing Authority of Clackamas County. As staff correctly observes, the Housing Authority of Clackamas County has had no involvement with the development of the Meadowlark. Northwest Housing Alternatives, the non-profit developer, will receive funds from five different sources. HUD is but one source of funds. Other sources include both private and public agencies.

2. *Form of Development.* Appellants express a preference for a different form of development than the Meadowlark. The MC permits a number of uses in the C zone. There is nothing in the law to support Appellants' contention that approval of this application should be based on more than meeting code requirements. Any applicant should be able to apply for any of the permitted uses in the zone, without having to debate the wisdom of the city's decision to allow the use applied for.

Besides, it is not at all clear that the uses preferred by Appellants ("professional office complex or some other *passive* use") would have fewer impacts on the surrounding neighborhood than the Meadowlark. The Meadowlark is consistent with the residential nature of the neighborhood.

3. *Open Space.* Appellants argue both that ground floor patios would not be compatible with "the surrounding housing on the front of the building facing Garden Meadow Drive" and that "[t]he balconies required [on upper floors] would affect the Spatial and Visual aspect of the side and back of the building and would not be compatible (they would be intrusive to the neighbors) with the surrounding housing." Since the Meadowlark will not include ground floor patios and upper-floor balconies, this objection appears to have been met.



Ground floor patios and upper-story balconies are common amenities that are actually detrimental to persons living with mental illness. The mentally ill are often more vulnerable to persons who would take advantage of them, and they can easily become socially isolated. The requirement for private outdoor space with direct access into individual units would make victimization of residents possible without the knowledge of the resident manager and, therefore, would not be appropriate for this project.

The design of the Meadowlark will create a living environment that builds a sense of security and community for residents of the building. To achieve a sense of security, the building provides a single, secure point of entry into the building. Access to the building requires entering a code on a keypad at the front door and entering through the public lobby, which can be monitored by the on-site manager. Residents can feel safe, knowing that only building residents and their guests will be inside the building. This type of design is common in many types of multi-family structures.

To meet the MC requirement for open space and to create a sense of community, the building design incorporates several common spaces to take the place of the private open space. These are intended to encourage social interaction among residents, which will create a sense of community. The large community patio, communal gardening area, and sitting porch all provide open space options. The community gathering room will include a piano and a large screen TV, which will become the social center of the complex. This design meets the needs of this population and the intent of the code, which is to provide open space options for the residents.

A formal request for a reasonable accommodation under the Fair Housing Act was submitted to the City Commission on November 4, 2004. This is intended to assert rights under federal law and to support the staff conclusion under the MC that the Meadowlark proposal includes sufficient open space in the common areas to substitute for the patios and balconies, which will accommodate the needs of this disabled population.

**B. Additional Concerns**

1. *Parking and Landscaping.* Appellants contend that because of the location of the Meadowlark "across the street from elderly persons and very close to Molalla Avenue," and because of the "minimum width of Garden Meadow Drive," street parking "may be a public safety hazard." There is no support in the record for this contention. Nineteen parking spaces will be provided at the Meadowlark, which is consistent with the ratios required in MC 17.52.010. Parking is calculated at the rate of 1.25 spaces per unit for one-bedroom units and 1.5 spaces per unit for two-bedroom units.

MC 17.52.090 addresses parking lot landscaping. MC 17.62.090 addresses the site plan and design review standards applicable to site plan reviews. Staff considered the standards and found that they had been met. Appellants do not contend that staff applied the criteria incorrectly.



MC 17.62.057 E. addresses open space standards for multiple-family buildings. As noted by staff, Standards E-2 and E-3 require a minimum of twenty percent of the gross site to be designated as common open space. Staff found that the submitted plans set aside approximately fifty percent of the site as open space, thereby meeting the standard. Standard E-4 requires each development include at least one common open space area that contains a minimum of five hundred square feet, with no horizontal dimension less than twenty feet. Staff found that the 1,500-square-foot deck area, which will be located at the rear of the building, meets this standard.

2. *Transportation Analysis.*

Appellants contend, without mentioning any evidence, that traffic and pedestrian safety will be adversely affected. Appellants specifically mention safe bicycle travel. Due to the small size of the project, no additional traffic study was required. Nevertheless, Lancaster Engineering submitted a transportation analysis dated June 28, 2004, which concluded, "The proposed development will comply with the [City's] Transportation System Plan with no mitigation required."

Staff conditioned approval (Condition 4) on the submission of a new Traffic Analysis Letter (TAL) that responds to all comments in the August 17, 2004 letter from John Replinger, including a concluding statement about safety issues. This is all that should be required.

Appellants also seek more extensive street improvements than those required by staff. As it stands, the city has conditioned approval on the construction of half-street improvements along the project site's frontage with Garden Meadows Drive. This involves widening the pavement width to 28 feet, curb and gutter, curbside sidewalk, and a street tree easement behind the sidewalk along the site's frontage with Garden Meadows Drive. If the city were to demand more street improvements, it would raise questions of constitutionality (Are exactions roughly proportional to the impacts of the proposed development?) that the city can ill afford to litigate.

3. *Street Light.* Appellants contend that additional study is required to determine if a traffic light is required at the intersection of Garden Meadow Drive and Molalla Avenue. This issue is addressed in the June 28, 2004 TAL.

4. *Adverse Impacts.* Appellants contend the Meadowlark will adversely affect the surrounding community. They specify costs associated with city services, such as fire and police protection, and impacts on property values.

Because the residents of the Meadowlark will be current or previous residents of Oregon City and the surrounding areas of Clackamas County, there should be few, if any, additional costs to the Fire and Police Departments. Cascade Management, the property management agency for this property, will screen the potential residents of the Meadowlark. The on-site manager will be an employee of Cascade Management. It will be his/her responsibility to make sure that residents are complying with the lease terms. Because



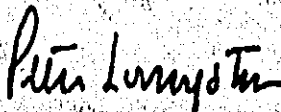
residents will be living in a safe and supportive community, the necessity for services from city agencies should be less than for existing populations who are living in open market properties without such support.

Many studies have been done to assess the impact of housing for special needs populations on property values. The vast majority of these studies have found repeatedly that the specialized housing has no adverse impact on property values.<sup>1</sup>

C. Conclusion

The findings of staff are supported by substantial evidence in the record. These findings may be supplemented should the Commission determine that is appropriate. However, the staff decision is correct and should be affirmed.

Very truly yours,

  
Peter Livingston

PLI:asm

cc: Edward J. Sullivan  
Martha McLennan

---

<sup>1</sup>For example, see a 1996 report published by Michael Dear, Ph.D. of a UCLA project team that reviewed 47 studies on the impact of human service facilities on communities. An excerpt from his conclusion states:

*It seems clear from the studies contained within this bibliography that there is an overwhelming volume of evidence supporting the contention that human service facilities do not significantly impact the market values of properties around them. They do not make proximate properties harder to sell, and they do not destabilize the neighborhood by inducing relocation.*

A 1999 study published by the Urban Institute examined supportive housing facilities in Denver Colorado and found:

*In general, the area within 1,001 to 2,000 feet of any supportive housing site experiences both an increase in the general level of prices and upward trend in house prices relative to the prices of similar homes not near such facilities.*



November 8, 2004

Susan Meamber  
Northwest Housing Alternatives  
2316 SE Willard Street  
Milwaukie, OR 97222

Dear Ms. Meamber:

As you requested, I have reviewed the comments regarding the proposed Meadowlark Apartments on Garden Meadow Drive in Oregon City that pertain to the potential traffic impacts.

Garden Meadow Drive is a low-volume residential local street. There are sidewalks on both sides of the developed portions of the street. The width is about 27 ft and parking is permitted on both sides of the street. This is a typical cross-section for local residential streets. If cars are parked on both sides of the street, there is sufficient width remaining for only one traffic lane. This means that if two cars meet, one must stop and wait for the other to proceed. This type of operation is desirable for residential streets because it reduces traffic speeds and discourages through traffic.

Bicycle lanes are most often striped on collector and arterial streets with higher traffic volumes and speeds. On busier streets, reservation of street space exclusively for bicycles will usually increase safety for bikes. Bike lanes are typically not striped on local residential streets because the low volumes and low speeds do not create safety hazards for bikes. If parking were prohibited on both sides of Garden Meadow Drive and bike lanes were striped, there would not be sufficient remaining width for two traffic lanes. If two cars met, one would be required to drive into a bike lane to pass the other car. Overall, there will be a higher level of safety if bike lanes are not striped.

Because of the low traffic volumes on Garden Meadow Drive, it is apparent that there are not sufficient traffic volumes to warrant the installation of a traffic signal at the Molalla Avenue intersection. In addition, the trips that will be generated by the proposed Meadowlark Apartments are very low. A standard apartment building would add only three exiting trips during the evening peak hour. Because the proposed apartments are intended for disabled and low-income tenants, the actual number of trips is likely to be less. This conclusion is con-



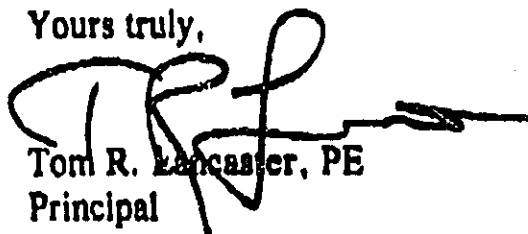
Susan Mcamber  
November 8, 2004  
Page 2

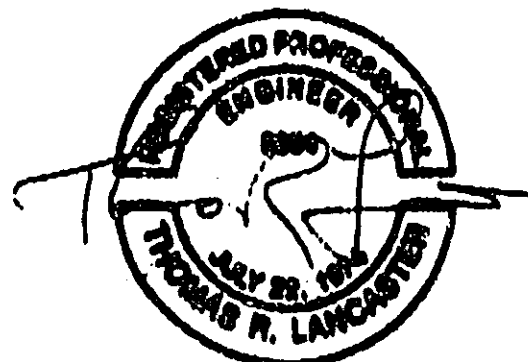
firmed by the City's traffic engineering consultants who states that no traffic mitigation is required. It should also be noted that Cokeron Drive provides a connection to Gaffney Lane, which does have a traffic signal at its intersection with Molalla Avenue.

In summary, the speeds and volumes on Garden Meadow Drive are representative of local residential streets, and no safety or operational deficiencies have been found. The additional traffic that will be generated by the proposed apartment development will be too low to result in a significant impact.

If you any questions or need any additional information, please let me know.

Yours truly,

  
Tom R. Lancaster, PE  
Principal



12-04



2316 SE Willard Street  
Milwaukie, Oregon 97222-7710  
phone: 503-654-1007

web: [www.nwhousing.org](http://www.nwhousing.org)  
mail: [info@nwhousing.org](mailto:info@nwhousing.org)  
fax: 503-654-1319

2004 NOV -8 AM 11:18  
CITY OF OREGON CITY  
RECEIVED

November 4, 2004

City Commission  
City of Oregon City  
P.O. Box 3040  
Oregon City, Oregon 97045-0021

RE: Meadowlark Apartments  
Application # 04-06 (Appeal # SP 04-11)

Dear Mayor Norris & City Commissioners:

This letter is submitted as a formal request for reasonable accommodation in the application of the city's building and land use codes as they apply to the Meadowlark Apartments (Application # 04-06; Appeal # SP 04-11).

The federal Fair Housing Act 42 U.S.C. §§ 3601 – 3619 prohibits discrimination in housing on the basis of disability (42 U.S.C. § 3604(f)(3)(B)). The City of Oregon City agrees to adhere to the Fair Housing Act in its Intergovernmental Agreement under the Clackamas County Community Development Block Grant Program.

One type of disability discrimination prohibited by the Act is the refusal to make reasonable accommodations in rules, policies, practices, or services when such accommodations may be necessary to afford a person with a disability the equal opportunity to use and enjoy a dwelling. A "reasonable accommodation" is a change, exception, or adjustment to a rule, policy, practice, or service that may be necessary for persons with disabilities to have an equal opportunity to use and enjoy a dwelling, including public and common use spaces. Since rules, policies, practices, and services may have a different effect on persons with disabilities than on other persons, treating persons with disabilities exactly the same as others will sometimes deny them an equal opportunity to use or access housing.

The Meadowlark Apartments is a fifteen-unit apartment building providing independent living for persons in recovery from mental illness. This population is considered disabled under the federal Fair Housing Act and requires reasonable accommodation in the design of the building to insure that they can fully use and enjoy these apartments.

City Commission  
Meadowlark Apartments  
November 4, 2004  
Page 2 of 2

The Meadowlark Apartments has requested that the City allow for an adjustment to City Code 17.62.057 E. 5., which typically requires that apartment complexes provide individual private open spaces, in favor of a comparable amount of additional common open space. This minor adjustment to the code is requested as a reasonable accommodation under the federal Fair Housing Act. In our research with mental health professionals, current residents of previous similar projects developed by Northwest Housing Alternatives, and potential future residents of the Meadowlark Apartments, we have determined that this design alternative will provide for the security and socialization opportunities that are associated with the best outcomes in mental health and housing stability for this tenant population. While the intention of the City code is to provide an amenity to the residents of the apartment complex, in this case the requirement would cause a detriment to the targeted tenants.

We would be happy to provide the City Commission with additional information regarding the federal Fair Housing Act and the needs of our projected tenant population upon request. We have numerous reference materials, reports and studies that speak to this issue and can provide contact information with the State Office of Mental Health and Addiction Services, Clackamas County Mental Health and the Fair Housing Council of Oregon who may also be able to provide you with information.

There is an obligation under the Act to provide a timely response to a request for reasonable accommodation. We will consider our request to be addressed in a timely fashion in conjunction with the land use review that is currently pending.

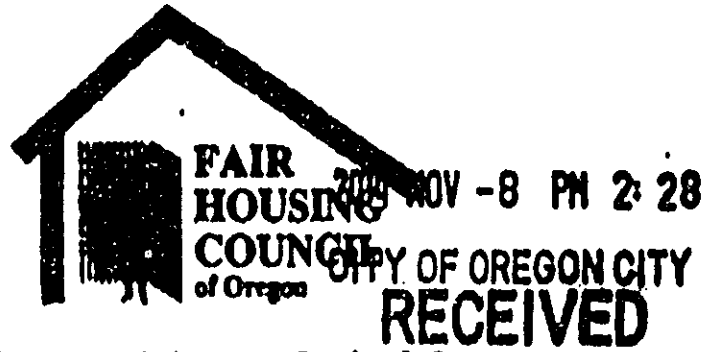
Sincerely,



Martha McLennan  
Executive Director

cc: Christina Robertson-Gardiner ✓





1020 SW Taylor Street, Suite 700 • Portland, Oregon 97205  
 Phone: 503-223-8295 or 1-800-424-3247 (TTY) • Fax 503-223-3396  
 Visit us at: [www.fhco.org](http://www.fhco.org) • e-mail: [information@fhco.org](mailto:information@fhco.org)

Mayor Norris and City Commission  
 City of Oregon City  
 P.O. Box 3040  
 Oregon City, OR 97045

Dear Mayor Norris, Commission President Lemons, and Commissioners:

I am planning to attend the 11/17/04 Commission meeting that will address approval of the residential development known as The Meadowlark Project proposed by NW Housing Alternatives and Housing Opportunities Team. In an effort to make my remarks brief on the 17<sup>th</sup> and to give you the greatest opportunity to review the issues I will address, I am submitting my letter of support at this time. Hopefully the information, contained herein, will identify and clarify some specific areas of interest that will encourage you to support this project.

The Fair Housing Council of Oregon (FHCO) is a private, non-profit agency serving the state of Oregon and SW Washington. Our mission is to provide equal access to housing through education, outreach, and enforcement activities. We conduct activities throughout Oregon to educate individuals about their fair housing rights in order to prevent them from becoming victims and/or to assist them with the enforcement processes available in the event they have already fallen prey to these discriminatory practices.

Of the more than 3,000 calls per year we receive at the FHCO, over 35% relate to discrimination against people with disabilities. The stories we hear from individuals with disabilities and their advocates are heart wrenching. Most of these individuals are people who are living on extremely minimal incomes, have a limited ability to relocate if their housing is substandard or dangerous, and require housing that meets special needs related to their disability or that is close to supportive services so that they may live their lives to the fullest extent possible. If these barriers were not sufficient to prevent equal access to housing opportunities, these people are also the most vulnerable to becoming victims of unlawful practices. They may be targeted for mistreatment by the perpetrators out of fear or misunderstanding or with the belief that these victims will not or cannot speak out against the mistreatment.

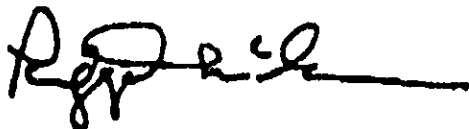
Discrimination is also well documented in neighborhoods and communities in which housing for individuals with disabilities is planned for development. The discrimination may be perpetrated by residents of a community who seek to prevent people with disabilities from moving into the neighborhood or by elected officials and/or policy makers who limit equal opportunity housing choices for people with disabilities by creating or upholding barriers to prevent development of housing designed to meet the needs of people with disabilities. This kind of activity is as much a civil rights violation, interfering with the right to equal access to housing, as if a landlord said to a potential renter, "we don't rent to your kind".

The fair housing laws require special consideration to be given when dealing with housing for people with disabilities. There is an obligation on the part of the decision making body to affirmatively remove barriers or impediments that limit equal opportunity access to housing for this protected class of housing consumers. The Fair Housing Council of Oregon, as an agency working to provide equal access to housing for people who are protected by the fair housing laws, is also harmed by any actions that adversely impact the rights of people with disabilities. When we encounter illegal discrimination we are forced to expend substantial time and resources to counteract the effects of the discriminatory actions as well as divert our scarce resources from scheduled activities in order to meet the more immediate issues identified by our constituency.

We urge you to grant the reasonable accommodation needed by NHA and HOT to create housing that is a safe harbor for mentally ill people by waiving your private open space requirement. We encourage you to prevent illegal housing discrimination from occurring on your watch in your community.

Thank you for considering this input.

Sincerely,



Pegge McGuire  
Executive Director



# CLACKAMAS COUNTY

2004 NOV -8 PM 2:28  
Department of Human Services  
Community Mental Health Center

CITY OF OREGON CITY  
RECEIVED

MELINDA A. MOWERY  
DIRECTOR

To: Oregon City Commission  
PO Box 3040  
Oregon City, OR 97045

From: Susan Veronica Johnson  
998 Library Court  
Oregon City, OR 97045  
503-557-6434

RE: File No. SP 04-11 Meadowlark Apartments

Date: Public Hearing – November 17, 2004  
Submitted – November 8, 2004

I have worked in various capacities for community mental health centers since 1972 including Clackamas County Mental Health (CCMH) since 1978. This includes many years as manager for services to adults with chronic mental illness.

My background: Masters Degree in Counseling, Antioch University, 1973.  
Bachelors Degree in Urban Studies, Fordham University, 1972.

In my capacity as manager and housing developer for CCMH, I have helped develop many different types of housing for adults recovering from mental illness in Clackamas County. For some, in the early phases of their recovery, living in a group home care facility with round-the-clock staff provides the best level of support.

However, for those further along in their recovery, independent, supported living is the best option, from the perspectives of both the mental health professionals and the mentally ill themselves.

Independent, supported housing has the following common features:

- Independence. Each small apartment contains a sleeping and living area, full bathroom and full kitchen.
- Responsibility. Each resident has an individual lease and is individually responsible for utilities.
- Community. These apartments are located in a small apartment building (15-20 units) which provides generous community areas, both inside and out, for residents to socialize and develop support networks among themselves.

- **Security.** One primary apartment building entrance (locked) that provides a measure of security to the building's residents.
- **Support.** A live-in apartment manager functions as a typical resident manager in a commercial apartment complex and provides a level of support.

The design described above offers a unique combination of independence and responsibility bolstered by elements that provide security, support and a sense of community for the residents. Mentally ill people can be very vulnerable to predators. They easily fall victim to people needing money, drugs, sex, a roof over their heads, etc. Having a secure building provides real protection from predators looking for easy prey.

The internal and external community space is used for residents to safely socialize with other residents or visiting friends and family members. At one independent supported apartment in Clackamas County, the families of residents host a communal dinner in the common area monthly to promote ongoing good communication among families, residents and property management staff. Tenants use the common area to watch TV together, BBQ, play cards and board games, do puzzles and just talk.

The above design is geared explicitly to the needs of adults recovering from mental illness who are returning to the work force and recapturing their social roles in society.

Of the lucky few who are living in independent supported apartment buildings in Clackamas County, many have thanked me and stated repeatedly that there is nothing significant they would change in the design of the building if they were given a chance to do so. They repeatedly say they feel safe for the first time in ages and that they feel they can seek support and companionship from other tenants when they choose to.

Exchanging individual outdoor space for generous indoor and outdoor communal space is a reasonable accommodation for people with a psychiatric disability. In the case of Meadowlark, providing individual outdoor space would critically compromise building security, put residents more at-risk and undermine their sense of safety.



# CLACKAMAS COUNTY

2004 NOV -8 PM 2:28 Department of Human Services  
Community Mental Health Center

CITY OF OREGON CITY  
RECEIVED

MELINDA A. MOWERY  
DIRECTOR

## TESTIMONY TO THE OREGON CITY COMMISSION

RE: The MEADOWLARK APARTMENTS  
FILE NO.: SP 04-11  
DATE: 11-17-04

FROM: Melinda Mowery, Director  
Clackamas County Mental Health  
2151 Kaen Road  
Oregon City, OR 97045  
503-742-5333

Please accept my written testimony. I am the Director of the County's Mental Health Division. I am also a Psychiatric Mental Health Nurse Practitioner with 30 years of experience in the field of mental health. I hope you will find my comments helpful to your deliberations.

Annually, the Mental Health Center serves approximately 3000 adults with mental illness who live in the Clackamas County. People receiving service live in all parts of the County.

- Safe, suitable housing in a community of one's choosing is critical to recovery from mental illness. All of us want a place to call home. It is no different for a person with mental illness. Research over many years has demonstrated how fundamental safe and secure housing is for someone challenged by mental illness. If you have been following the Oregonian series on the Oregon State Hospital, you may know that many people are ready to leave the hospital but they need the next step of supported housing.
- Clackamas County Mental Health has been a champion of the Meadowlark Project since its inception. Meadowlark is part of our long-term business plan to develop community housing for people with mental illness throughout Clackamas County. Having safe, suitable housing with supports from our agency is the equation that helps adults with mental illness recover their social roles as workers and as sons, daughters, aunts, uncles, brothers and sisters.

We are currently working on projects located in Milwaukie and Wilsonville. The Milwaukie facility opens this month. We plan to develop housing in Sandy and other more rural parts of the County. The Villebois development in Wilsonville will ultimately include 275 residential units for people with mental illness. It is important that projects be located throughout the County to both give residents choice, but also to create opportunities for people to live in their home communities or near their families whenever possible.

- Architecturally, this building is designed to be an asset to the location while at the same time having a design customized to best accommodate the needs of the residents. The design, with one secure entrance and generous internal and external communal space, specifically meets the needs of the people who will live at Meadowlark. This is a minimal reasonable accommodation request for the disabled residents.

I strongly encourage your support of this project. Thank you for your time and your attention to my testimony.



**CASCADE MANAGEMENT INC.**  
Full-Service Property Management Throughout Oregon

2004 NOV -8 PM 2:28

**CITY OF OREGON CITY  
RECEIVED**

Phone 503-682-7788  
Fax 503-682-5656  
8532 SW St. Helens Drive  
Suite 201  
Wilsonville, Oregon 97070  
[www.cascade-management.com](http://www.cascade-management.com)

November 17, 2004

City Commissioners  
City Hall Commission Chambers  
320 Warner-Milne Road  
Oregon City 97045

Re: Meadowlark Apartments

To Whom It May Concern:

We represent Northwest Housing Alternatives as the Property Management Agent for Meadowlark Apartments in Oregon City. Cascade Management, Inc. is a third party agent hired to lease the units at Meadowlark and manage all of the day to day operations including supervision of an on-site manager. Cascade Management specializes in the industry of low income and affordable housing including those units built to house persons of special needs which includes seniors and the disabled. Cascade Management currently manages two other properties nearly identical to Meadowlark. One of these properties is Fisher Ridge in Oregon City. We took the job at Fisher Ridge knowing what a great addition to the community it would become. To this date we are very pleased to be managing Fisher Ridge since it is a great asset to the neighborhood it resides in. The residents at Fisher Ridge do an excellent job of maintaining their units and we have significantly less lease violations and criminal activity (literally none) than is found in traditional market rate housing. We have significant interest in these facts since we are the lessor for the residents at Fisher Ridge and would have the responsibility as the lessor for Meadowlark. As the lessor, we hold the ultimate responsibility for the actions of the residents. Cascade Management does therefore have the same interest as all residents of Oregon City in making sure we correctly screen and manage the applicants and residents.

It is difficult to draw a profile of the types of residents that would occupy Meadowlark. We can say that we do extensive background screening and check for persons with criminal convictions especially those related to drug activity, violence and sex crimes. We also screen for previous rental history and credit history to make sure the resident will properly care for the unit

CASCADE MANAGEMENT, INC.

and respect their neighbors rights as residents. We will also make sure that each resident will succeed in an independent living situation and is effectively working with case management to succeed as they move their lives forward. It can obviously be seen that a terrifically designed building like Meadowlark is a great opportunity for its residents. *It is also a great opportunity for Cascade Management and the community as similar properties in our portfolio are the easiest for us to manage.* The reason they are easier is based on three basic facts. First, working with active case management in the building practically insures the residents success. Second, the resident population is fewer in numbers with typically only one resident per apartment. This translates into less traffic in the building and no parking issues or other facility use issues typically found in dense multifamily populations. Third, there is significantly less criminal and lease violations that need to be managed in part due to the above factors and in part due to the sense of community the residents acquire when they live in the building.

Cascade Management is excited for the opportunity to be involved with The Meadowlark Apartments and would view it as a great opportunity for the neighborhood and current residents of Oregon City. Based on our experience, we have no question it would be a great asset to any community.

Sincerely,



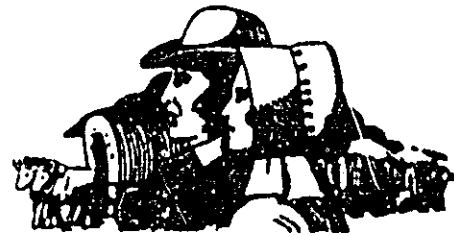
David G. Bachman  
President



# CITY OF OREGON CITY

## LIMITED LAND USE DECISION

20 WARNER MILNE ROAD OREGON CITY, OREGON 97045  
TEL (503) 657-0891 FAX (503) 657-7892



## STAFF REPORT AND DECISION

Date: September 20, 2004

**FILE NO.:** SP 04-11 Site Plan and Design Review

**APPLICANT/** Bergsund DeLaney Architecture and Planning, P.C.  
Anne DeLaney  
449 Willamette Street  
Eugene, Oregon 97401

**OWNER:** Northwest Housing Alternatives  
C/o Susan Meamber  
2116 SE Willard Street  
Milwaukie, Oregon 97222

**REQUEST:** The applicant is seeking approval of a Site Plan and Design Review for the construction of a 15-unit multi-family building in the General Commercial District..

**LOCATION:** A parcel identified as Clackamas County Map 3-2E-08AB, Tax Lot 3200 (0.76 acres, zoned General Commercial District).

**REVIEWER:** Christina Robertson-Gardiner, Associate Planner  
Jay Toll, Senior Engineer, P.E.  
Dan Drentlaw, Community Development Director

**VICINITY MAP:** See Exhibit 1

**DECISION:** Approval with Conditions

*The decision of the Planning Manager is final unless appealed to the City Commission within ten (10) days following the mailing of this notice. Only persons who commented in writing to the Planning Manager may appeal this limited land use decision. The request for a hearing shall be in writing. The request for a hearing shall demonstrate how the party is aggrieved or how the proposal does not meet the applicable criteria. The application, decision (including specific conditions of approval), and supporting documents are available for inspection at the Oregon City Planning Division. Copies of these documents are available (for a fee) upon request.*

**IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.**

## CRITERIA:

Section 17.18	"C" General Commercial
Section 17.52	Off-Street Parking and Loading
Section 17.62	Site Plan and Design Review

## BASIC FACTS:

1. The subject property is located on the north side of Garden Meadow Drive one tax lot away from the intersection of Garden Meadow Drive and Molalla Avenue and is identified as Clackamas County Map 3-2E-08AB, Tax Lot 3200 (0.76 acres)
2. The subject property is zoned "C", General Commercial District and the Oregon City Comprehensive Plan designation is "C", Commercial.
3. The Applicant is proposing the construction of 15-unit multifamily apartment complex. (14-one bedroom units and 1-two bedroom unit.) A site plan layout of the proposal is presented in Exhibit 2.
4. Surrounding land uses are as follows:
  - North: Two-family Residential Subdivision and Molalla Avenue Commercial
  - East: Vacant Commercial Property and Molalla Avenue Commercial
  - South: Senior Retirement Living and Molalla Avenue Commercial
  - West: Two-family Residential Subdivision
5. Transmittals on the proposal were sent to various City departments, affected agencies and property owners within 300 feet. Many neighbors submitted public comments regarding this project. Their main concerns were focused on parking, traffic impact and the background of the proposed residents (Exhibit 4). Other relevant comments affecting the proposed site plan and design review application are incorporated into the analysis and findings section below.

## ANALYSIS AND FINDINGS:

### *Chapter 17.18 - RA-2, Multi-family Dwelling District*

The subject property is zoned "C", General Commercial. An apartment complex is a permitted use in this zone. Per OCMC 17.32.040 "Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district" The dimensional standards for Multi-Family dwellings are 4,000 square feet for each of the first two units, and 2,000 square feet for each additional unit. The subject property is 33,517 square feet in size.

The applicant is proposing a 15-unit apartment building consisting of 14 self sufficient one bedroom units and one two bedroom manager's unit. This project is proposed to serve a very targeted audience of low-income adults who live with chronic mental illness.

Citizens' comments have contended that the proposed use does not fit under the 17.18 General Commercial permitted uses. Instead, they believe that the use is more closely related to boarding and lodging houses, which is a Conditional Use in OCMC 17.56.

Staff does not agree with the neighbor's contention that this project should be reviewed under a Conditional Use Review. Boarding and lodging houses are generally single occupancy rooms and not self-sufficient units. The Conditional Use Chapter also lists public housing projects as subject to Conditional Use Review. Staff also believes that this project is not a public housing project. It is built and run by a private developer not the local housing agency (Housing Authority of

Clackamas County). For these reasons, staff agrees with the applicant and views this proposal as a permitted use.

The proposed buildings are reportedly 35 feet tall, which is under the maximum height limit of three-stories not to exceed 55 feet.

**Finding:** This standard is met.

#### **Section 17.52 Off-Street Parking and Loading**

##### **17.52.010 Number of spaces required**

In April of 2001, the City of Oregon City's Transportation System Plan (TSP) was adopted as the guiding document for parking standards. The parking requirements in the TSP are identified as 1.25 spaces for a one-bedroom unit (17.5 spaces) and 1.50 spaces for a two-bedroom unit (15 spaces). The Applicant is proposing 19 spaces. As such, the number of parking spaces complies with the standard.

**Finding:** The proposed project meets the standard.

##### **17.52.020 Administrative Provisions**

The required number of parking spaces is located not more than 500 feet away from the new apartment buildings.

**Finding:** The proposed project meets the standard.

##### **17.52.030 Design Review**

Parking lots are required to be separated from public right-of-way by a landscaped area at least 5 feet wide. The applicant has proposed a landscaping Plan (Exhibit 2- LA-1) that shows landscape areas greater than 5 feet.

**Finding:** The proposed project meets the standard.

##### **17.52.040 Carpool and vanpool parking**

New retail, office, commercial and industrial developments with twenty-five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park-and-ride facilities with twenty-five or more parking spaces, shall identify the spaces available for carpool and vanpool parking. The proposal is not one of the uses listed above. Therefore, this criterion does not apply.

##### **17.52.050 Bicycle parking—purpose—applicability**

The proposal consists of multi-family development; therefore the bicycle parking standards apply.

##### **17.52.060 Bicycle parking standards**

The proposed multi-family use requires 1 bicycle parking space per unit. Therefore, 15 bicycle parking spaces are required. The Applicant has shown bicycle parking spaces on the preliminary site plan inside of the building, which is allowed by code, but does not indicate how many spaces are provided. The applicant has also proposed bicycle parking in the back patio area. Prior to the issuance of building permits, the application shall show that there is adequate space inside the building to provide 15 bicycle

spaces both in and outside of the building. These spaces shall be accessible from the sidewalk and ideally be covered from the weather.

Finding: The proposal can meet this standard by complying with Condition of Approval #9.

**17.52.070 Pedestrian access in off-street automobile parking areas**

The off-street parking and loading site plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the uses being served. The preliminary site plan shows 5' sidewalks in the area of the new parking lot that directly connects to the side entrance of the building.

Finding: This standard is met.

**17.52.080 Conversion of existing parking**

No existing parking is proposed to be converted; therefore this section does not apply.

**17.52.090 Parking lot landscaping**

Parking lot landscaping can be counted toward the fifteen percent minimum total site landscaping. *One tree shall be planted for every eight parking spaces.* These trees shall be evenly distributed throughout the parking lot as both interior and perimeter landscaping to provide shade.

Parking lots with over twenty spaces shall have a minimum 10% of the interior of the gross area of the parking lot devoted to landscaping. "Interior parking lot landscaping," means landscaping located inside the surfaced area used for on-site parking and maneuvering. Pedestrian walkways or any impervious surface in the landscaped areas are not to be counted in the percentage. In addition, the perimeter landscaping shall not be included in the 10% figure.

All areas in a parking lot not used for parking, maneuvering, or circulation shall be landscaped. Irrigation facilities shall be located so that landscaped areas can be properly maintained and so that the facilities do not interfere with vehicular or pedestrian circulation.

All plant materials, including trees, shrubbery and groundcover shall be selected for their appropriateness to the site, drought tolerance, year-round greenery and coverage and staggered flowering periods. Species found on the Oregon City native plant list are strongly encouraged and species found on the Oregon City nuisance plant list are prohibited. Required landscaping trees (two trees) shall have a *three-inch minimum caliper size*, according to American Nurseryman Standards. The applicant's landscape plan does not show the two interior parking lot trees to be 3 inches in caliper. Therefore, The applicant shall supply a revised landscape plan that correctly identifies the two parking trees to be at least 3 inches in caliper.

The Applicant supplied the City with a preliminary Landscaping Plan (Exhibit 2-LA-1) that appears to meet the above standards if the applicant complies with Condition of Approval # 10.

Finding: This standard is met.

*Section 17.62.050 - Site Plan and Design Review Standards*

**Standard A-1: (Landscaping)**

A minimum of fifteen percent of the lot area shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping shall include a mix of vertical (trees) and horizontal elements (grass, groundcover, etc.) According to information provided by the Applicant, the proposed landscaped areas exceeds the 15% minimum requirement. The proposed landscape plan, prepared by a registered landscape architect has provided a good mix of both vertical and horizontal vegetation.

Finding: The Applicant has complied with this standard.

**Standard A-2: (Materials, Colors, and Compatibility with Existing Surroundings)**

This standard addresses compatibility with surrounding development. The size, shape, height, and spatial and visual arrangement of uses, structures, fences, and walls, including color and material selection, shall be compatible with existing surroundings and future allowed uses. The Applicant is proposing to construct a two-story 15-unit building that is approximately 35 feet tall. According to their narrative, the applicant is proposing to locate the parking lot adjacent to the commercial property on the east of the site and situate the building back from the existing residential development on the west. The applicant additionally is proposing to install a perimeter fence and landscape screening. The Applicant has submitted both color and material boards, which utilize muted colors and design. Staff finds, the proposed development to be compatible with the uses and design of both the adjoining duplex development and commercial uses along the Molalla Avenue Corridor.

Finding: This standard is met.

**Standard A-3: (Grading)**

This site is located in the Caufield Drainage Basin as designated in the City's Drainage Master Plan. Erosion control is critical for the development of this site to provide best management practices for the storm water that will impact the downstream receiving waters.

The Applicant has provided a preliminary grading and erosion control plan that appears to meet City code. Grading shall be in accordance with the requirements of Chapter 15.48 and the Public Works Stormwater and Grading Design Standards.

The Engineering Division will review the applicant's grading and erosion control plan as part of the final Engineering review.

Finding: The Applicant can meet this standard by complying with Engineering Policy 00-01 as presented in Condition of Approval # 1.

**Standard A-4: (Unstable Soils and Hillside Constraint Overlay)**

The subject property is not located in the Unstable Soils and Hillside Constraint Overlay District.

Finding: This standard is not applicable.

#### **Standard A-5: (Drainage/Erosion Control/Water Quality)**

Issues regarding Drainage and Erosion Control shall be in compliance with the City of Oregon City's Engineering Policies. This site is located in the Caufield Drainage Basin as designated in the City's Drainage Master Plan. Drainage impacts from this site are significant. This site drains to Caufield Creek. Erosion control is critical for the future development of this site to provide best management practices for the storm water that will impact the downstream receiving waters.

There is an existing City storm sewer inlet on the northern side of Garden Meadows Drive approximately 175 feet east of the project site. The inlet drains into a 12-inch storm line that runs across the northern corner of the property on the southern side of Garden Meadows Drive and ties into a 30-inch storm line on the western side of Molalla Avenue, which drains southerly towards Caufield Creek.

The Applicant has proposed a preliminary private under ground water quality and detention system along the northeastern property boundary. The plans show all impervious areas of the site being collected and piped through a water quality manhole and into an underground detention system. The detention system then discharges through a proposed storm sewer line eastward down the northern side of Garden Meadows Drive and into the existing City storm inlet.

The Applicant has proposed a storm drainage system that appears to be workable with a few changes, such as providing storm manholes for the proposed public storm line running down Garden Meadows Drive. No hydrology or hydraulics calculations have been submitted for review.

Hydrology and hydraulics calculations shall be submitted to the Engineering Division, and will be reviewed with the applicant's construction plans as part of the final Engineering review.

Detention, and water quality improvements are required to mitigate the impacts of this development.

**Finding:** The Applicant can meet this standard by complying with Conditions of Approval # 1 and # 2.

#### **Standard A-6: (Parking)**

This section has been addressed under findings for Chapter 17.52 as described previously.

#### **Standard A-7: (Curbs and Sidewalks)**

There are existing curb & gutter, and curbside sidewalk along the northern side of Garden Meadows Drive to the southwest of the project site.

The applicant has proposed installing curb & gutter and a 5' curbside sidewalk along the site's frontage along Garden Meadows Drive as part of half-street improvements required in the Conditions of Approval of MP99-04. The proposal is to extend the existing street section along the entire site frontage.

**Finding:** The Applicant can meet this standard by complying with Conditions of Approval # 4 and # 6.



**Standard A-8: (Circulation Patterns – ingress, egress and emergency access)**

( This standard requires that areas for ingress and egress on public thoroughfares be located in the interest of public safety as determined by the review authority. Reasonable access for emergency services (fire and police) shall be provided.

The Applicant submitted a Transportation Analysis Letter (TAL) for Meadowlark Apartments, prepared by Geoffrey A. Judd, E.I.T., of Lancaster Engineering and dated June 23, 2004, to the City for review. John Replinger, the City's Consulting Traffic Engineer, has responded to the submitted TAL in a letter dated August 17, 2004. Prior to obtaining Building Permits, the Applicant shall provide an updated TAL that responds to all comments in the August 17, 2004 letter from John Replinger. The Applicant shall provide a TAL, which has been wet signed by the professional engineer in responsible charge of the work, and include a concluding statement about safety issues.

Finding: The Applicant can meet this standard by complying with Conditions of Approval # 4.

**Standard A-9: (Maintenance)**

The owner is responsible for on-site maintenance of buildings and landscaping for the subject property.

Finding: The Applicant has satisfies this standard.

**Standard A-10: (Outdoor Lighting)**

( This standard addresses the provision of outdoor lighting. A preliminary lighting plan was shown on the preliminary site plan for the subject property. However, no light intensities were shown. As a part of the Final Engineering Review, the Applicant shall provide a photometric plan that shows the location of proposed light fixtures with the intensity of each new light. Glare shall not cause illumination in excess of 0.5 foot-candles of light to the adjacent parcels.

Finding: The Applicant can meet the standard by complying with Condition of Approval # 11.

**Standard A-11: (Site Design and Tree Resources)**

This standard addresses the preservation and incorporation of existing tree resources on the subject property. According to the Applicant's narrative and preliminary site plan, no trees over 6-inch caliper are proposed to be removed.

Finding: The Applicant meets this standard.

**Standard A-12: (Water Resources Overlay District)**

The subject property is not located within the City's Water Resource Area Overlay District.

Finding: This standard is non-applicable.

**Standard A-13: (Natural Resources)**

( The subject site is not located in a High Water Table area and no identified natural resources are located on the site.

Finding: The Applicant meets this standard.

**Standard A-14: (Other Agency Regulations)**

No outside agency comments were received.

Finding: The Applicant complies with this standard

**Standard A-15: (Public Water and Sanitary Sewer Facilities)**

**Public Water**

Currently, City services including public water and sewer are available for the subject property. There is an existing 12-inch City waterline in Garden Meadows Drive. There is an existing fire hydrant located directly across Garden Meadows Drive from the western edge of the proposed driveway to the site.

The Applicant has not proposed providing additional public water lines with the development of this site.

**Fire Requirements**

There is an existing fire hydrant located directly across Garden Meadows Drive from the western edge of the proposed driveway to the site. No additional fire hydrants have been proposed. Fire hydrants shall be installed as required by Clackamas County Fire District No. 1. New fire hydrants in Oregon City are required to be public fire hydrants connected to looped public 8-inch waterlines, or have backflow preventers installed for dead-end lines longer than 40 feet. If additional fire hydrants are required by the fire department to service this development, fire hydrants and additional waterlines will be required and must be built to city standards. The Applicant has proposed a water system that appears to meet City code. Modifications will be necessary if additional fire hydrants are required

**Sanitary Sewer**

There is an existing 12-inch gravity sanitary sewer main in Molalla Avenue. There are no existing laterals stubbed to the site.

The Applicant has proposed connecting a new private sanitary sewer line to the existing sanitary sewer in Molalla Avenue. This line is to be located in the Garden Meadows Drive right-of-way (ROW).

The City does not allow private utilities in the public ROW. The proposed sewer line will have to be constructed to meet City standards, or be constructed across the adjacent property with a sanitary sewer easement.

Revised sanitary sewer plans shall be submitted to the Engineering Division, and will be reviewed with the applicant's construction plans as part of the final Engineering review.

The Applicant has not proposed a sanitary sewer system that meets City code.

Finding: The Applicant can meet this standard by complying with Conditions of Approval # 1, # 5, and # 6.

**Standard A-16: (City's Transportation Plan and Design Standards)**

Garden Meadows Drive is classified as a Local Street in the Oregon City Transportation System Plan, which requires a right-of-way (ROW) width of 42-54 feet. Currently, Garden Meadows Drive appears to have a ROW width of 40 feet. The Applicant has not proposed any new ROW dedication along the project's site frontages with Garden Meadows Drive.



With the dedication of a 5-foot wide street tree easement located between the back of the sidewalk and the public utility easement, no additional dedication will be required at this time.

## **Streets**

Garden Meadows Drive is classified as a Local Street in the Oregon City Transportation System Plan, which requires a pavement width of 20 to 32 feet. The existing street's pavement width is approximately 25-feet with curbs and gutter. Currently there are no sidewalks along the site's frontage. The pavement appears to be in good condition.

The Applicant has proposed half-street improvements, which include widening pavement width to 28 feet, curb & gutter, curbside sidewalk, and a street tree easement behind the sidewalk along the site's frontage with Garden Meadows Drive. This will allow for two travel lanes and parking on both sides.

The Applicant shall construct half-street improvements along the project site's frontage with Garden Meadows Drive.

**Finding:** The Applicant can meet this standard by complying with Conditions of Approval # 4 and # 10.

### **Standard A-17: (Major Industrial, Retail and Office development pedestrian access)**

The proposal for the construction of an apartment complex is not a major industrial, institutional, retail, or office development.

**Finding** This standard is not applicable.

### **Standard A-18: (Tri-Met regulations relating to industrial, commercial or office)**

Garden Meadow Drive is not considered a transit street based on the City of Oregon City's TSP. Therefore, no new Tri-met related improvements are required at this time.

**Finding** This standard is not applicable.

### **Standard A-19: (Underground Utilities)**

According to the Applicant's narrative, all utilities to serve the proposed buildings shall be provided underground.

**Finding:** The Applicant can meet this standard by complying with Condition of Approval # 1.

### **Standard A-20: (Access for physically handicapped)**

Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes. Currently, there is a proposed pedestrian connection to public right-of-way, which will include sidewalks as a part of this development. All sidewalk construction shall be in compliance with ADA standards. Further specific compliance with ADA standards occurs with the review of building permits by the Building Division. The proposed development is required to obtain a building permit prior to any site construction.

Finding: The Applicant can meet this standard by complying with Condition of Approvals #1 and 8.

**Standard A-21: (Bicycle and Pedestrian Travel)**

This section has been addressed under findings for standard A-7 and Section 17.52.

**Standard A-22: (Office Parks and Commercial Centers)**

This proposal is not part of an office park or commercial center.

Finding: This standard is not applicable.

**Section 17.62.057- Multiple-family building standards.**

This section is intended to promote the design of multiple-family buildings through a range of design choices that would ensure aesthetically pleasing and functional architecture.

**B. Applicability.**

In addition to Section 17.62.050 requirements, multi-family buildings shall comply with design standards contained in this section.

Finding: This standard applies.

**C. Housing Model Variety.**

"Housing model" is distinguished from other housing models, if it has at least three characteristics that clearly distinguish it from other housing models including, but not limited to, different floor plans, exterior materials, roof lines, garage placement, or building facades. Any development of twenty-four or less multiple-family units shall have at least two different types of housing models.

The Applicant is proposing 15 units with three different housing models

Finding: The Applicant meets this standard.

**D. Relationship of Buildings to Streets and Parking.**

**Standard D-1:** Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings. Based on the Applicant's site plan, none of the parking is in front (of the proposed building).

Finding: The Applicant meets this standard.

**Standard D-2:** Multiple-family developments shall be placed no farther than twenty feet from the front property line. A deeper front yard setback may be approved through site plan and design review if the setback area incorporates enhanced pedestrian spaces and amenities, including but not limited to, street furniture, public art or other such deliberately shaped area and/or a feature or amenity that, in the judgment of the appropriate decision maker, integrates well with adjoining areas. The proposal site plan shows the closest building to the front property line is located 18 feet 6 inches from the front property line.

Finding: The Applicant meets this standard.

**Standard D-3:** Street-facing facades for every building containing four or more dwelling units shall have at least one building entry or doorway facing any adjacent streets. The facade oriented to a street shall also include windows, doorways, and a structured transition from public to private areas using built elements such as porch features, arbors, low walls, trellis work and/or similar elements integrated with planting. The Applicant's elevation of the building shows a street facing façade with porches and windows.

Finding: The Applicant meets this standard.

#### **E. Open Space.**

Open space shall be provided in all multiple-family developments.

**Standard E-2 and E-3:** A minimum of twenty percent of the gross site area shall be designated and permanently reserved as common open space. The Applicant has shown approximately 50% of the site is designated as open space.

Finding: The Applicant meets this standard.

**Standard E-4:** Each development shall include at least one common open space area that contains a minimum of five hundred square feet, with no horizontal dimension less than twenty feet. The Applicant's site plan shows a large open space deck area located at the rear of the building, which contains 1,500 square feet.

Finding: The Applicant meets this standard.

**Standard E-5:** Each multiple-family development shall provide individual private open space for each dwelling unit. Private open space is a semi-enclosed area, which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, balconies, terraces, roof top gardens, verandas, and decks. According to information provided the Applicant, they have provided interior community and exterior open space that they feel can meet both the intent of the code and the needs of the residents.

The rear 1,500 square foot deck area with a community gardens is much larger than required for exterior open space. Staff feels that the remaining 1,000 square feet can be used in the calculation of private open space (48 square feet for units on the second floor (9) and 96 square feet for units on the first floor (6)). This results in a total of 1,008 square feet required for individual open space. If the applicant provides a revised site plan that shows a 1,508 square feet deck, staff feels that the applicant has provided an alternative that can meet the needs of the resident population and the intent of the code, which is to provide open space options for the residents.

Finding: The Applicant can meet this standard by complying with Condition of Approval # 12.

**Standard E-6:** Ground level private open space shall be visually and physically separated from common open space through the use of perimeter landscaping or fencing. Per the discussion above, no private open space is proposed.

Finding: This standard is not applicable.

### **Section 17.62.060 – Building Structures**

As described under Standard A-2, the proposed buildings are compatible with the surrounding area. The site is not in a designated historic area.

Finding: The proposed application meets this standard.

### **Section 17.62.070 – On-Site Pedestrian Access**

All commercial, industrial, institutional and multi-family residential developments shall provide an on-site pedestrian circulation system that provides convenient, accessible and direct route design. The on-site pedestrian circulation system shall provide direct and barrier-free connections between buildings and existing public rights-of-way, pedestrian/bicycle accessways and other on-site pedestrian facilities while minimizing out-of-direction travel. The current proposal shows adequate on-site circulation, including a pedestrian connection to the public right-of-way, which will include sidewalks as a part of this development.

Finding: The Applicant meets this standard.

### **Section 17.62.080 – Special Development Standards Along Transit Streets**

Based on the TSP, Garden Meadow Drive is not considered a transit street.

Finding: This standard is not applicable.

## CONCLUSION:

( sed on the analysis and findings as described above, staff concludes that the proposal for the creation of an apartment complex located on a parcel identified as Clackamas County Map 3-2E-08AB, Tax Lot 3200 in Oregon City can meet City standards, subject to the conditions of approval.

Therefore, the Planning Manager approves Site Plan and Design Review for City File# SP 04-11 based upon the findings and exhibits contained in this staff report and subject to the Conditions of Approval. Final Engineering review and fulfillment of the conditions of approval is required prior to receiving a building permit for the subject buildings.

## EXHIBITS:

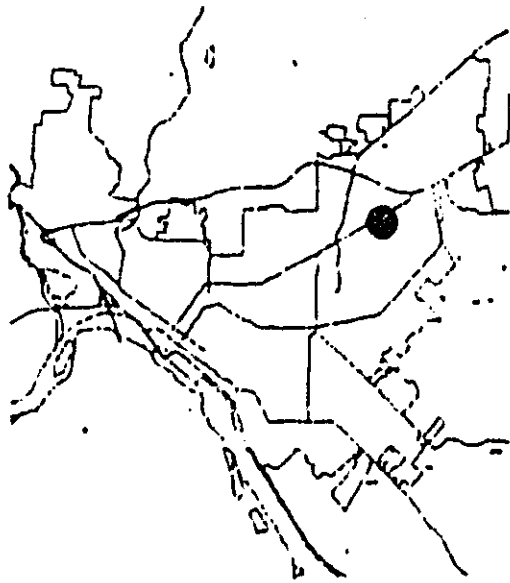
1. Vicinity Map
2. Applicant's Submittal (on file)
3. Agency Comments
  - a. Traffic Engineers Comments, John Replinger, DEA
  - b. Public Works Comments
4. Public Comments (on file)
  - a. Letter from Roy and Myrlene Curl, dated July 19, 2004
  - b. Letter from Robert Quinn, dated July 20, 2004
  - c. Letter from Mark J. Brown, dated July 27, 2004
  - d. Letter and Petition from Matt Troy, dated July 27, 2004  
Addendum dated August 2, 2004
  - e. Letter from Rozelia Bishop and Sherry W. Oljar, dated July 27, 2004
  - f. Letter from James and Michelle Bizek and Mark J. Brown, dated July 31, 2004
  - g. Letter from Matt Troy, dated July 31, 2004
  - h. Letter from Matt Troy, dated August 2, 2004
  - i. Letter from Mark Brown, dated August 3, 2004
  - j. Letter from 19283 S. Cokeron Drive and Mark Brown, dated August 3, 2004
  - k. Letter from H. Morgan and Mark Brown, dated August 3, 2004
  - l. Letter from M. Troy and Mark Brown, dated August 3, 2004
  - m. Letter from Tanya Morris and Mark Brown, dated August 3, 2004
  - n. Letter from Clark Morris and Mark Brown, dated August 3, 2004
  - o. Letter from A. Batchelor, C L. Smith and Mark Brown, dated August 3, 2004
  - p. Letter from S. M. and Mark Brown, dated August 3, 2004
  - q. Letter from E. and Mark Brown, dated August 3, 2004
  - r. Letter from Brad T. and Mark Brown, dated August 3, 2004
  - s. Letter from Jon James and Mark Brown, dated August 2, 2004 and August 2, 2004
  - t. Letter from Margie and Gene Partick and Mark Brown, dated August 3, 2004 and August 2, 2004
  - u. Letter from Elaine Thomas and Mark Brown, dated August 3, 2004 and August 2, 2004

- v. Letter from Marilyn Mack and Mark Brown, dated August 3, 2004
- w. Letter from Rita Schiel and Mark Brown, dated August 3, 2004
- x. Letter from Raul Ronces and Mark Brown, dated August 3, 2004 and February 8, 2004
- y. Letter from Rozella Bishop and Mark Brown, dated August 3, 2004
- z. Letter from Sara Brown and Mark Brown, dated August 3, 2004 and August 4, 2004
- aa. Letter from Elvy Dunlap and Mark Brown, dated August 3, 2004
- bb. Letter from Monty Good, Matt Troy and Mark Brown, dated August 3, 2004
- cc. Letter from Matthew Troy and Mark Brown, dated August 3, 2004
- dd. Letter from V. Todd Wheeler, dated August 4, 2004
- ee. Letter from Reid Keith, dated July 20, 2004
- 5. Engineering Policy 00-01
- 6. June 28, 2004 Transportation Analysis Letter, Lancaster Engineering (on file)
- 7. February 27, 2003 Geotech Report, Squier/Kleinfelder

## Conditions of Approval for SP 04-11

1. The Applicant is responsible for this project's compliance to Engineering Policy 00-01 (Exhibit 5). These policies pertain to any land use decision requiring the Applicant to provide any public improvements.
2. Detention and water quality facilities are required to mitigate the impacts of this development. Final design of these facilities will be done during Engineering Review.
3. The applicant shall comply with Conditions of Approval from City of Oregon City Planning File No. MP99-04.
4. Prior to obtaining Building Permits, the Applicant shall provide an updated TAL that responds to all comments in the August 17, 2004 letter from John Replinger.
5. Any fire hydrants and additional waterlines required by the Fire Department will be constructed to city standards prior to receiving a certificate of occupancy for any of the subject buildings.
6. Revised sanitary sewer plans shall be submitted to the Engineering Division, and will be reviewed with the applicant's construction plans as part of the final Engineering review.
7. The Applicant shall sign a Non-Remonstrance Agreement for the purpose of making sanitary sewer, storm sewer, water or street improvements in the future that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement.
8. The applicant shall construct half-street improvements for a local street along the project site's frontage with Garden Meadows Drive, which includes widening the pavement width to 28 feet, curb & gutter, curbside sidewalk, and a street tree easement behind the sidewalk along the site's frontage with Garden Meadows Drive.
9. Prior to the issuance of building permits, the application shall show that there is adequate space to provide 15 bicycle spaces both in and outside of the building. These spaces shall be accessible from the sidewalk and ideally be covered from the weather.
10. The applicant shall supply a revised landscape plan that correctly identifies the two parking trees to be at least 3 inches in caliper.
11. As a part of the final Engineering Review, the Applicant shall provide a photometric plan that shows the location of proposed light fixtures with the intensity of each new light. Glare shall not cause illumination in excess of 0.5 foot-candles of light to the adjacent parcels.
12. Prior to final Engineering Approval, the applicant shall provide a revised site plan, which shows the rear deck enlarged to 1,508 square feet.

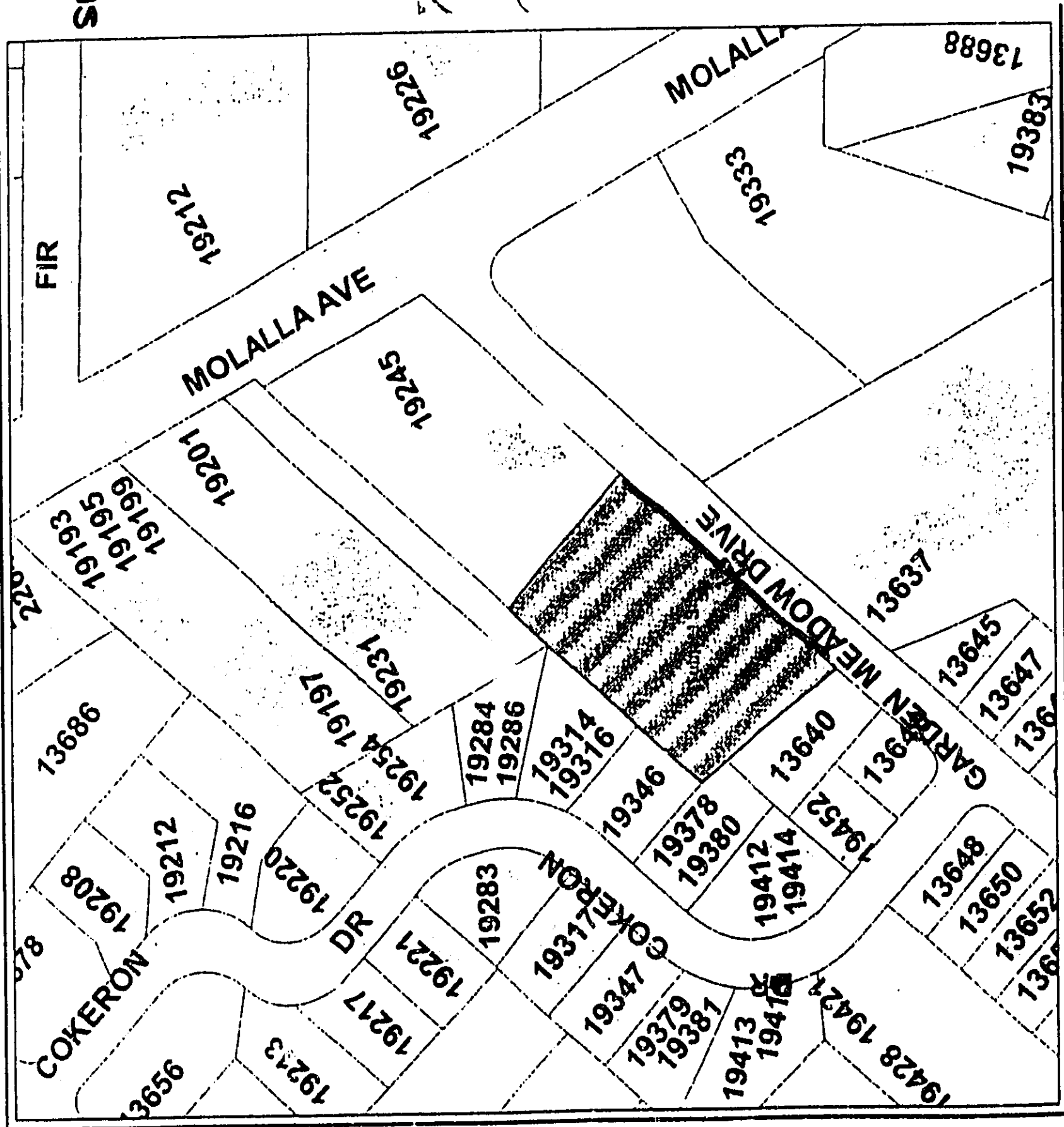
# SIGNS PLACEMENT



City of Oregon City  
PO Box 3840  
320 Warner Millne Road  
Oregon City, OR 97045

The data on this map is the best information available from the records of the City of Oregon City. Errors and omissions may exist.

# Exhibit





**Site Plan and Design Review Application Narrative**

**Date: June 21, 2004**

**Project:** Meadowlark Apartments  
Garden Meadows Drive  
Oregon City, OR

**Owner:** Northwest Housing Alternatives  
2316 SE Willard Street  
Milwaukie, OR 97222

**Site & Project Data:**

Location: Garden Meadow Drive and Molalla Avenue  
Map & Tax lot: 3S-2E-08AB Lot 3200 Parcel 2  
Site Area: .77 acres  
Zoning: C- General Commercial  
Topography: Slopes towards NE Corner  
Existing Vegetation: Grassy with some existing trees at back property line as shown on site plan  
Existing Improvements: None  
100-year floodplain: NO  
Previous Land use Decisions: MP 99-04, 2 Lot Partition  
Proposed Use: Special Needs Multi-family  
Proposed Number of Units: (1) 2-bedroom and (14) 1-bedroom units  
Proposed Number of Parking Spaces: 19

**Project Description**

Meadowlark is a small affordable, apartment complex for extremely low-income adults who live with chronic mental illness. The development will consist of a single, 2-story building comprised of fourteen 1-bedroom units, one 2-bedroom manager's unit and community social spaces for use by the residents and their guests. All units, though compact, are completely self-sufficient with a full kitchen and bath so residents are able to live independently in a supportive community setting. Site improvements include communal outdoor spaces (covered front porch and landscaped patio) for resident socializing and gardening, landscaping and irrigation and off street automobile and bike parking.

**Zoning**

The site is zoned C- General Commercial. However, because the proposed use is multi-family residential, the R-2 dimensional standards apply.

**17.18.040 Dimensional standards.**

*on file*

Dimensional standards in the R-2 district are:

**A. Minimum lot area:**

1. Residential units, 2,000 square feet per unit.

*Based on a site area of .77 acres (33,541.2 sf), 16.7 units are allowed on the site. Fifteen units are proposed for the project.*

**B. Minimum lot width, twenty feet;**

*Lot width is 243 ft.*

**C. Minimum lot depth, seventy feet;**

*Lot depth is 145 ft.*

**D. Maximum building height, four stories, not to exceed fifty-five feet;**

*Proposed building height is two stories at 35'-0".*

**E. Minimum required setbacks:**

1. Front yard, five feet minimum depth (May be reduced to zero through Site Plan and Design Review)

*18'-6" front yard setback proposed.*

2. Side yard, five feet minimum width,

*30'-0" side yard setback proposed.*

3. Corner side yard, ten feet minimum width,

*Not applicable*

4. Rear yard

a. Residential units prior to adoption of this ordinance, ten feet minimum depth'

b. Nonresidential and Multiple family residential units, ten feet minimum depth,

c. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;

*30'-0" rear yard setback proposed.*

**Site Plan and Design Review****17.62.050 Standards.**

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping shall include a mix of vertical (trees) and horizontal elements (grass, groundcover, etc.). The principal planner shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the central business district, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

*The site area for the project is .77 acres or 33,517 sf. The parking area, building footprint and patio/sidewalk area total 16,357 sf, preserving 51 percent of the site for landscaping. The landscaping will be a combination of existing and new trees, planting beds of shrubs and ground cover. As we do not anticipate needing to remove any of the existing trees on the perimeter of the site, they will be incorporated into the overall landscape plan.*

2. The size, shape, height, and spatial and visual arrangement of uses, structures, fences, and walls, including color and material selection, shall be compatible with existing surroundings and future allowed uses. Consideration may be given to common driveways, shared parking, increased setbacks, building heights, and the like.

*Our site sits between a neighborhood of single-family homes (to the southwest and northwest) and the commercial development facing Molalla Ave. An assisted living facility is located across Garden Meadow Avenue. Multi-family residential is an excellent use to make this transition between the low-density residential and commercial uses.*

#### ***Spatial and Visual Arrangement of Uses and Structures***

*In designing our site layout, we have elected to locate our parking area along the property edge adjacent to the commercial uses where it is closer to Molalla Avenue and minimizes any potential impact of any increased traffic on the adjoining neighborhood. We have located the building with increased setbacks adjacent to the lower density residential uses. In addition, we are proposing to clear out the thicket areas below the tree canopy along the property lines and erect a fence and landscape screening. Due to the natural topography of the site our building will sit quite a bit lower than the existing adjacent single-family dwellings immediately adjacent to the site.*

#### ***Form & Mass***

*Our 2-story building is arranged in an L-shape, with the two legs of the form facing the street and the parking area. This arrangement allows us to create a strong street edge while reducing the massing along the adjacent properties. It also allows the development of a semi-private courtyard behind the building for the residents. The courtyard is enclosed on two sides by the building and on two sides by a sloped landscape buffer area along the adjacent property edges. Keystone block landscape walls will allow the grade along these buffer edges to remain close to existing grades. The main street elevation and massing is composed of a 2-story mass with a single-story front porch that stretches along 50% of the building façade with a gabled entry element facing the street. The lower porch breaks up the massing of the building and provides covered outdoor space for the residents with views to the street and Mt. Hood beyond.*

3. Grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.

*Grading for the site will be designed in accordance with all technical design standards. The final design will endeavor to balance the cut and fill required for the building location and parking while minimizing the alteration to the natural grade of the site and existing drainage patterns. A system of low landscape retaining walls and berms will be used to knit the building into the site. See preliminary grading plan for more information.*

4. Development subject to the requirements of the unstable slopes overlay district shall comply with the requirements of that district. The review authority may impose such conditions as are necessary to minimize the risk of erosion and slumping and assure that landslides and property damage will not occur.

*Our site is not located in an unstable slopes overlay district.*

5. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

*Drainage for the site will be designed in accordance with all city technical design standards. Stormwater runoff from all impervious surfaces (roof, patio, walks and parking area) will be collected and released into the city's stormwater system at a rate equal to predevelopment flows. On-site detention for major storm events will be provided through an oversized pipe. See preliminary utility plan for more information.*

6. Parking, including carpool, vanpool and bicycle parking, shall comply with city parking standards. Off-street parking and loading-unloading facilities shall be provided in a safe well-designed and efficient manner and shall be buffered from the street and from adjacent residential zones by means of landscaping or by a low fence or wall not greater than three feet six inches in height, but not to the extent of restricting visibility necessary for safety and security. Off-street parking design shall consider the layout of parking, opportunities to reduce the amount of impervious surface, storage of all types of vehicles and trailers, shared parking lots and common driveways, garbage collection and storage points; and the surfacing, lighting, screening, landscaping, concealing and other treatment of the same. The review authority, at its discretion, may reduce the required number of off-street parking spaces for the purpose of preserving an existing specimen tree. Carpool, vanpool and bicycle parking shall be provided in accordance with Section 17.52.040 through 17.52.070.

*We are providing 19 parking spaces per the ratios in the table in Section 17.52.010:*

(14) 1-bedroom units at 1.25 spaces per unit =	17.5
(1) 2-bedroom unit at 1.5 spaces per unit =	1.5
Total	19.0

As is evident from our proposed site plan, there is sufficient room on the site to comply with the off-street parking requirements of the code. However, due to the characteristics of the resident population the project is designed to serve, we anticipate needing only a fraction of the parking we are proposing to provide. Our residents rely heavily on public transportation and bicycles for their transportation needs. At Fisher Ridge, a similar HUD 811 project for persons with mental disabilities located in Oregon City, only 4 residents out of 19 use a private automobile – a ratio of less than .25 per unit. From our perspective, it seems a waste of financial and natural resources to build parking that will never be used. Not only is it an unnecessary expense, but also it creates an unnecessary burden on the city's stormwater system.

We would like to formally ask Oregon City if there is an administrative mechanism (i.e. without requesting a variance to reduce the parking requirements) to address this issue. Our proposal would be to reduce the amount of parking constructed for the project to 10 spaces, providing a ratio of .67 spaces per unit. We would rough grade the remaining area for future installation of additional parking if the project should require it. Landscaping would simply be lawn, allowing for ease of removal if additional parking should ever be necessary.

If it is not possible to reduce the parking ratio without a variance application, we will construct the full parking area as shown on the attached plans. In any case, the parking area shall be constructed as follows to meet the standards:

#### **Screening**

The parking area is setback 20 ft. from the public ROW with landscape screening between the sidewalk and the parking area.

#### **Access**

A single access provided from Garden Meadows Drive will serve the parking area. The 20 ft. wide driveway and apron shall meet Oregon City public works standards.

#### **Surfacing**

The parking area will be paved with asphalt, or if the budget allows, pervious concrete to reduce storm water runoff.

#### **Drainage**

The drainage shall be design by a licensed civil engineer. If standard asphalt surfacing is used, stormwater will be collected, treated and conveyed to the city's stormwater system at pre-development flow rates. If pervious concrete is used,

*the stormwater will percolate through the surfacing into the subgrade as it currently does.*

#### *Lighting*

*Lighting for the parking area will be provided as shown on the drawings, sufficient for security and safety of the residents. The low cut off, energy efficient fixtures will direct the light to the parking area avoiding adverse impacts on adjacent properties and the night sky.*

#### *Dimension Requirements*

*For 90 degree parking, the stalls will be 8.5 ft x 18 ft. with a 24 ft. wide back out aisle. One HC parking space (9 ft. x 18 ft.) and access aisle will be provided as part of the total 19 spaces.*

7. Sidewalks and curbs shall be provided in accordance with the city's transportation master plan and street design standards. Upon application, the planning commission may waive this requirement in whole or in part in those locations where there is no probable need, or comparable alternative location provisions for pedestrians are made.

*We are proposing half street improvements along our property's street frontage in compliance with the Conditions of Approval of the Limited Land Use Decision MP 99-04, 2 Lot Partition. Garden Meadows Drive does not have sufficient ROW width to provide a planter strip between the new curb and a sidewalk. Instead, per MP 99-04, we will extend the existing curbside sidewalk from the adjacent property along our entire street frontage. Approved street trees will be located behind the sidewalk.*

8. Circulation boundaries within the boundary of the site shall facilitate direct and convenient pedestrian and bicycle access. Consideration shall include the layout of the site with respect to the location, number, design and dimensions of all vehicular and pedestrian accesses, exits, drives, walkways, bikeways, pedestrian/bicycle access ways, buildings, emergency equipment ways, and other related facilities. Ingress and egress locations on public thoroughfares shall be located in the interest of public safety and determined by the review authority. Reasonable access for emergency services (fire and police) shall be provided.

*Pedestrian access on the site connects the building entry, parking and back patio to the new public sidewalk within the public ROW. In addition, a second set of steps and a sidewalk from the porch provide convenient access directly to the parking and refuse enclosure from the building interior. Bicycle access shares the pedestrian sidewalks to the front and back of the building. Bike parking is located both inside the building and in the back patio area. Emergency access to building is provided directly from Garden Meadows Drive. Police, fire and ambulance service may access the building directly from the Garden Meadows Drive or enter the parking area.*

9. There shall be provided adequate means to ensure continued maintenance and necessary normal replacement of private common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agency.

*As a project funded by the U.S. Department of Housing and Urban Development (HUD), the owner of the project is required to maintain sufficient replacement reserves for short and long-term maintenance needs. A professional management company, specializing in the management of HUD projects, has been selected and will provide an on-site manager to over see daily operational issues and coordination of the short and long-term maintenance of the building and grounds.*

10. Outdoor lighting shall be provided in a manner that enhances security, is appropriate for the use, and avoids adverse impacts on surrounding properties. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light.

*Outdoor lighting consisting of low cut-off fixtures shall be mounted on poles (16 ft. max.) and building walls as shown on site plan. No illumination in excess of 0.5 footcandles shall spill on to adjacent properties.*

11. Site planning, including the siting of structures, roadways and utility easements, shall provide for the protection of tree resources. Trees of six-inch caliper or greater measured four feet from ground level shall, whenever practicable, be preserved outside buildable area. Where the planning manager determines that it is impractical or unsafe to preserve such trees, the trees shall be replaced in accordance with an approved landscape plan that includes new plantings of similar character at least two inches to two and one-half inches in caliper. Specimen trees shall be preserved where practicable. Where these requirements would cause an undue hardship, the review authority may modify the requirements in a manner which, in its judgment, reasonable satisfies the purposes and intent of this subsection. The review authority may impose conditions to avoid disturbance to tree roots by grading activities and to protect trees and other significant vegetation identified for retention from harm. Such conditions may include, if deemed necessary by the review authority, the advisory expertise of a qualified consulting arborist or horticulturist both during and after site preparation, and a special maintenance and management program to provide protection to the resources as recommended by the arborist or horticulturist.

*We are proposing to keep all the existing trees greater than 6-inch caliper on the site. For maintenance and health, we will prune the existing trees as needed.*

12. Development shall be planned, designed, constructed and maintained to protect water resources in accordance with the requirements of the city's water resources overlay district, Chapter 17.49, as applicable.

*The site is not located in the city's water resources overlay district.*

13. Development shall comply with applicable city regulations protecting natural resources. For inventoried natural resources, the siting and design of buildings and other improvements shall be appropriate to protect these resources as provided by the comprehensive plan and this title. Elsewhere, development shall be planned, designed and constructed to avoid or minimize adverse impacts on natural resources to the extent practicable.

*The site is not located in a natural resource area.*

14. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the principal planner or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

*Not applicable. The project will not produce noise or noxious products of any kind.*

15. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing offsite systems if necessary to provide adequate public facilities. The city may require oversizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where oversizing is required, the developer may request reimbursement from the city for oversizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

*We propose to connect directly to the existing 12" public water line in Garden Meadows Drive.*

*For sanitary service, we are proposing to construct a private sanitary lateral from the existing 12" sanitary line in Molalla Ave. to our site. We propose to construct this private lateral (rather than a public line) within the public easement along Garden Meadows Drive due to the fact that our site is the only*



*property this line will ever serve. All sites around our property are currently served by other public sanitary lines.*

16. Adequate right-of-way and improvements to streets, pedestrian ways, bike routes and bikeways, and transit facilities shall be provided, consistent with the city's transportation master plan and design standards and this title. Consideration shall be given to the need for street widening and other improvements in the area of the proposed development impacted by traffic generated by the proposed development. This shall include, but not be limited to, improvements to the right-of-way, such as installation of lighting, signalization, turn lanes, median and parking strips, traffic islands, paving, curbs and gutters, sidewalks, bikeways, street drainage facilities and other facilities needed because of anticipated vehicular and pedestrian traffic generation.

*We are proposing half street improvements along our property's street frontage of Garden Meadows Drive in compliance with the Conditions of Approval of the Limited Land Use Decision MP 99-04, 2 Lot Partition. Some text in this decision suggests that development of either parcel created in the partition might trigger the requirement for street improvements along the perimeter of both parcels, including the frontage along Molalla Ave. for Parcel 1 and the Garden Meadows Drive frontage along both Parcel 1 and 2. In March 2003, Northwest Housing Alternatives requested an interpretation of the language in the decision from Dan Drentlaw from Oregon City Community Development. His interpretation of MP 99-04 states, "a landowner is responsible for implementing the street improvements for the street segments that abut the landowner's parcel. Accordingly, Northwest Housing Alternatives, should it acquire Parcel 2 at this location, would be responsible for only the half street improvements on the portion of Garden Meadows Drive fronting Parcel 2". The letter from Mr. Drentlaw is attached to this statement.*

17. Major industrial, institutional, retail and office developments shall provide direct, safe and convenient bicycle and pedestrian travel as appropriate both within the development and between the development and other residential or neighborhood activity centers such as shopping, schools, parks and transit centers. Where practicable, new office parks and commercial developments shall enhance internal pedestrian circulation through clustering of buildings, construction of pedestrian ways, or similar techniques. Bicycle parking facilities shall be required as part of new multifamily residential developments of four units or more, new retail, office and institutional developments, and all transit transfer stations and park-and-ride lots.

*Bicycle parking shall be provided at a ratio of 1 space per unit for the project. Seven spaces will be provided within the building in a designated bike storage room. Eight spaces will be provided behind the building in the courtyard. Bike loops will be provided for security locks at the exterior location.*

18. If Tri-Met, upon review of an application for an industrial, institutional, retail or office development, recommends that a bus stop, bus turnout lane, bus shelter, bus

landing pad or transit stop connection be constructed at the time of development, the review authority shall require such improvement, using designs supportive of transit use, if the development is of a type which generates transit ridership and the review authority determines that the recommended condition is reasonably related to the scale and intensity of the development. Where transit service is or reasonably can be made available to serve the site, the development shall include sidewalks or pedestrian easements as necessary to provide safe and direct access to transit stops.

*Not applicable to multi-family residential use.*

19. All utility lines shall be placed underground.

*Power, phone, and cable services will be located underground.*

20. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

*Access for physically handicapped residents and visitors is provided to the main entrance of the building via a 1:20 maximum slope sidewalk just to the SW of the steps leading to the main entry porch. The route from the designated handicapped parking stall, both on the site and in the public ROW will not exceed the 1:20 slope ratio, as well. Required exit routes from the building will also not exceed a 1:20 slope for accessibility.*

21. Pedestrian/bicycle accessways shall be provided as appropriate in accordance with the requirements and standards in Chapter 12.24 and such other design standards as the city may adopt.

*Not Applicable.*

22. In office parks and commercial centers, clustering of buildings shall be provided to the extent reasonably practicable to facilitate off-site pedestrian access. If located along transit streets, clustering of buildings near the transit street shall be provided to the extent reasonably practicable to facilitate access by transit.

*Not Applicable.*

#### **17.62.057 Multiple-family building standards.**

In addition to Section 17.62.050 requirements, multiple-family buildings shall comply with design standards contained in this section.

C. Housing Model Variety. "Housing model" is distinguished from other housing models, if it has at least three characteristics that clearly distinguish it from other housing models

including, but not limited to, different floor plans, exterior materials, roof lines, garage placement, or building facades.

1. Any development of ten or more multiple-family units shall have at least two different types of housing models.
2. Any development of twenty-five or more multiple-family units shall have at least three different types of housing models.
4. Any development of fifty or more multiple-family units shall have at least four different types of housing models.

*In our building of 15 units, there will be at least 3 unit types:*

- 2-bedroom manager's unit
- Standard 1-bedroom unit
- Fully accessible 1-bedroom unit

#### D. Relationship of Buildings to Streets and Parking.

1. Parking areas shall be located behind buildings, below buildings, or on one or both sides of buildings.

*The parking area is located to the side of our building.*

2. Multiple-family developments shall be placed no farther than twenty feet from the front property line. A deeper front yard setback may be approved through site plan and design review if the setback area incorporates enhanced pedestrian spaces and amenities, including but not limited to, street furniture, public art or other such deliberately shaped area and/or a feature or amenity that, in the judgment of the appropriate decision maker, integrates well with adjoining areas.

*The front yard setback is 18'-6" from the front property line.*

3. Street-facing facades for every building containing four or more dwelling units shall have at least one building entry or doorway facing any adjacent streets. The facade oriented to a street shall also include windows, doorways, and a structured transition from public to private areas using built elements such as porch features, arbors, low walls, trellis work and/or similar elements integrated with planting.

*The main entry to the building faces Garden Meadows Drive. This principal elevation includes modulation of building massing, windows from both public rooms and private units, a front porch for residents, landscape retaining walls and extensive foundation plantings. A transition from the street to the building is created through a landscape buffer, a change in elevation from the street, and the entry porch.*

#### E. Open Space.

1. Open space shall be provided in all multiple-family developments.

*Open space is provided for the residents in both the front and the back of the building. A sitting porch on the south side of the building provides residents a view of the street activity and Mt. Hood beyond. While the semi-private patio provides recreational area for resident barbeques, parties and gardening.*

2. A minimum of twenty percent of the gross site area shall be designated and permanently reserved as common open space.
3. Open space may include required setbacks and buffer yards. Streets, rights-of-way, driveways, parking spaces, or public facilities shall not qualify as open space

*Including required setbacks and buffer yards, approximately 50 % of our site area is designated as exterior open space. In addition, 600 sf of interior space of the building is programmed for common use facilities for the residents.*

4. Each development shall include at least one common open space area that contains a minimum of five hundred square feet, with no horizontal dimension less than twenty feet.
  - a. Any development of ten or more multiple-family units shall have at least five hundred square feet of open space.

*The patio area is approximately 1,500 sf. with horizontal dimensions in both directions of at least 30 ft.*

5. Each multiple-family development shall provide individual private open space for each dwelling unit. Private open space is a semi-enclosed area, which is intended for use strictly by the occupants of one dwelling unit. Private open space may include porches, balconies, terraces, roof top gardens, verandas, and decks. Dwellings located at finished grade, or within five feet of finished grade, shall provide a minimum of ninety-six square feet of private open space per dwelling unit, with no dimension less than six feet. Dwellings located more than five feet above finished grade shall provide a minimum of forty-eight square feet with no dimension less than six feet.

*The needs of the individuals who will be living at Meadowlark are not significantly different from the general adult population. However, there are two unique population characteristics that have been important to address in the design of the project. Individuals living with mental illness are often more likely to feel socially isolated and to feel more vulnerable to unknown situations. We strongly feel that the requirement for private outdoor spaces with direct access into individual dwelling units is not appropriate for the project.*

*From the beginning of the project, the design intent has been to create a living environment that will foster a sense of community and security for everyone living in the building. To this end, the building incorporates*

*several community spaces – unlike standard apartment complexes – that are intended to encourage social interaction among residents. The community living room with a large screen TV and piano is the heart of this effort. Shared laundry and computer facilities, a communal gardening area, a sitting porch and semi-private patio provide opportunity for social interaction between neighbors on a daily basis. In addition, the building provides a secure environment by requiring entrance to the building through the public lobby with an intercom security system. Residents can feel assured that only residents of the building and their guests will be inside the building.*

6. Ground level private open space shall be visually and physically separated from common open space through the use of perimeter landscaping or fencing. (Ord. 01-1002 §4, 2001)

*Not applicable.*

# MEADOWLARK APARTMENTS

## OREGON CITY, OR

### SITE DATA

PROJECT NAME	MEADOWLARK APARTMENTS
PROJECT ADDRESS	1000 N. 10TH ST., OREGON CITY, OR 97133
PROJECT TYPE	APARTMENT BUILDING
PROJECT SIZE	100,000 SQ. FT.
PROJECT STATUS	PLANNING
PROJECT OWNER	MEADOWLARK APARTMENTS, LLC
PROJECT ARCHITECT	BERGUND DELANEY ARCHITECTS, P.C.
PROJECT ENGINEER	BERGUND DELANEY ARCHITECTS, P.C.
PROJECT LANDSCAPE ARCHITECT	BERGUND DELANEY ARCHITECTS, P.C.
PROJECT CIVIL ENGINEER	BERGUND DELANEY ARCHITECTS, P.C.

### PROJECT TEAM

**OWNER**  
MEADOWLARK APARTMENTS, LLC  
1000 N. 10TH ST., OREGON CITY, OR 97133  
TEL: 503.261.1234  
FAX: 503.261.1235  
WWW.MEADOWLARKAPARTMENTS.COM

**ARCHITECT**  
BERGUND DELANEY ARCHITECTS, P.C.  
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TEL: 503.261.1234  
FAX: 503.261.1235  
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**LANDSCAPE ARCHITECT**  
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FAX: 503.261.1235  
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**CIVIL**  
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1000 N. 10TH ST., OREGON CITY, OR 97133  
TEL: 503.261.1234  
FAX: 503.261.1235  
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### SHEET LIST

1. SITE PLAN  
2. FLOOR PLAN  
3. SECTION  
4. ELEVATION  
5. LANDSCAPE PLAN  
6. CIVIL PLAN  
7. ELECTRICAL PLAN  
8. MECHANICAL PLAN  
9. PLUMBING PLAN  
10. FIRE PROTECTION PLAN

### NOTES

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE OREGON BUILDING CODE AND THE OREGON ELECTRICAL CODE.

2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

3. THE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE BUILDING.

4. THE LANDSCAPE ARCHITECT SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE LANDSCAPE.

5. THE CIVIL ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE CIVIL WORK.

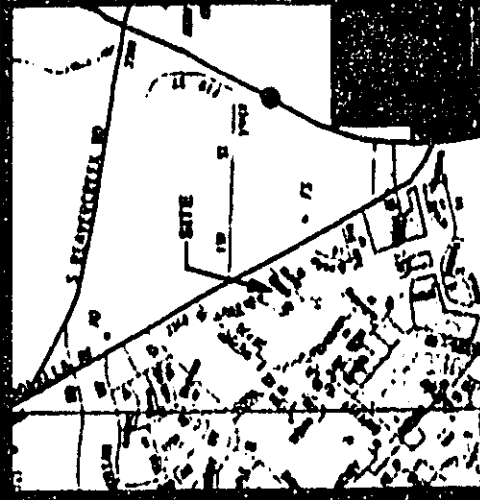
6. THE ELECTRICAL ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE ELECTRICAL SYSTEM.

7. THE MECHANICAL ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE MECHANICAL SYSTEM.

8. THE PLUMBING ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE PLUMBING SYSTEM.

9. THE FIRE PROTECTION ENGINEER SHALL BE RESPONSIBLE FOR THE DESIGN AND CONSTRUCTION OF THE FIRE PROTECTION SYSTEM.

### VICINITY MAP



BERGUND DELANEY ARCHITECTS, P.C.  
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DATE	01/11/2007
BY	BERGUND DELANEY
FOR	MEADOWLARK APARTMENTS
PROJECT	MEADOWLARK APARTMENTS
LOCATION	1000 N. 10TH ST., OREGON CITY, OR 97133
SCALE	AS SHOWN
STATUS	PLANNING

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**LEGEND**

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1. The survey was conducted in accordance with the Oregon Surveying Act, Chapter 208, ORS, and the rules and regulations of the Board of Surveying and Mapping, Oregon State Board of Surveying and Mapping, Salem, Oregon.

2. The survey was conducted by the following persons: [List of names]

3. The survey was conducted on the following dates: [List of dates]

4. The survey was conducted at the following location: [List of locations]

5. The survey was conducted for the following purpose: [List of purposes]

6. The survey was conducted for the following owner: [List of owners]

7. The survey was conducted for the following use: [List of uses]

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10. The survey was conducted for the following interest: [List of interests]

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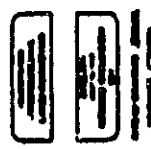
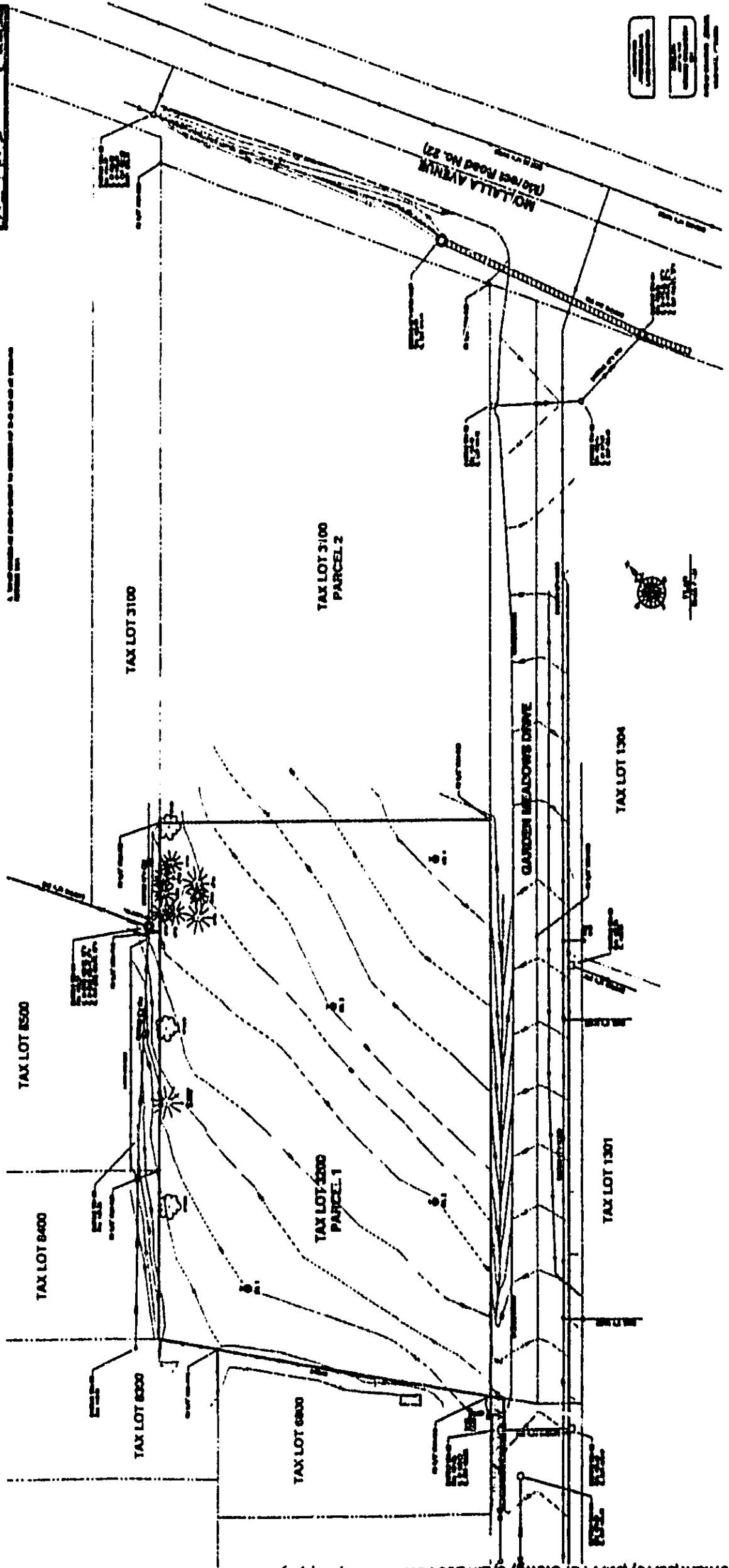
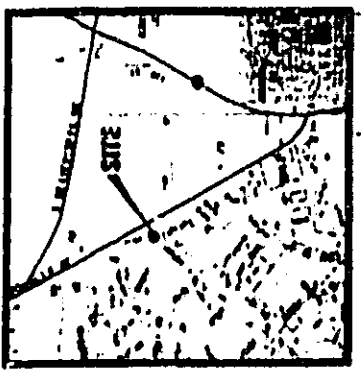
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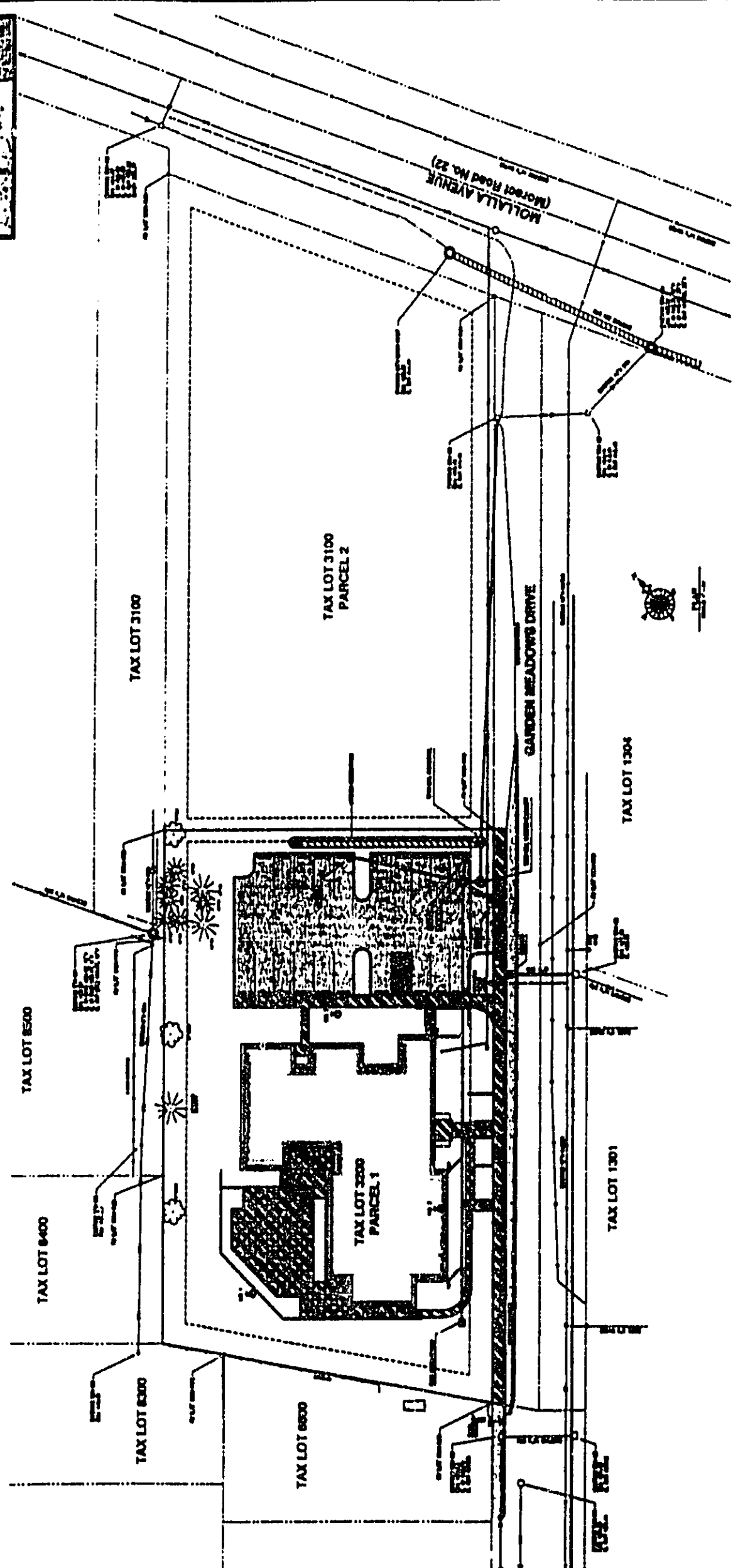
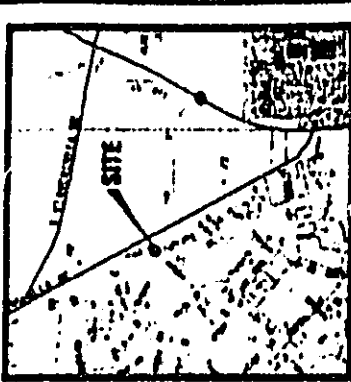


**TOPOGRAPHIC SURVEY**

1		1									
Maplewood Apartments Tax Lot 2200, Map 2-20-000 Oregon City, Oregon		NW Planning Associates, Inc. 2710 SE Wilson Street Portland, Oregon 97202 503-244-1000									
<div>COMPASS ENGINEERING</div> <div>SURVEYING • ENGINEERING • PLANNING</div> <div>1000 NE Oregon Street, Suite 100 Portland, Oregon 97232 503-244-1000</div>		<div></div> <table><tr><td>DATE</td><td>BY</td><td>CHECKED</td><td>APPROVED</td></tr><tr><td>10/1/00</td><td>J. L. Smith</td><td>J. L. Smith</td><td>J. L. Smith</td></tr></table>		DATE	BY	CHECKED	APPROVED	10/1/00	J. L. Smith	J. L. Smith	J. L. Smith
DATE	BY	CHECKED	APPROVED								
10/1/00	J. L. Smith	J. L. Smith	J. L. Smith								

**LEGEND**

1"	100'
2"	200'
3"	300'
4"	400'
5"	500'
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38"	3800'
39"	3900'
40"	4000'
41"	4100'
42"	4200'
43"	4300'
44"	4400'
45"	4500'
46"	4600'
47"	4700'
48"	4800'
49"	4900'
50"	5000'
51"	5100'
52"	5200'
53"	5300'
54"	5400'
55"	5500'
56"	5600'
57"	5700'
58"	5800'
59"	5900'
60"	6000'
61"	6100'
62"	6200'
63"	6300'
64"	6400'
65"	6500'
66"	6600'
67"	6700'
68"	6800'
69"	6900'
70"	7000'
71"	7100'
72"	7200'
73"	7300'
74"	7400'
75"	7500'
76"	7600'
77"	7700'
78"	7800'
79"	7900'
80"	8000'
81"	8100'
82"	8200'
83"	8300'
84"	8400'
85"	8500'
86"	8600'
87"	8700'
88"	8800'
89"	8900'
90"	9000'
91"	9100'
92"	9200'
93"	9300'
94"	9400'
95"	9500'
96"	9600'
97"	9700'
98"	9800'
99"	9900'
100"	10000'



**PRELIMINARY SITE IMPROVEMENTS**

<p>DATE: 11/11/2011          DRAWN BY: J. L. LEE          CHECKED BY: J. L. LEE          PROJECT: Meadowlark Apartments          SHEET: 1 OF 2</p>	<p><b>COMPASS ENGINEERING</b>          ENGINEERS • ARCHITECTS • PLANNERS          2319 SE Willard Street          Portland, Oregon 97223          503-844-1207</p>	<p>HY/Housing Alternatives, Inc.          2319 SE Willard Street          Portland, Oregon 97223          503-844-1207</p>	<p>Meadowlark Apartments          Tax Lot 3100, Imp. 3-23-04B          Oregon City, Oregon</p>
--	--	--	--





**BERGSUND**  
**DELANEY**  
 Architects & Planners, P.C.  
 100 Wisconsin Avenue, Suite 200  
 Washington, D.C. 20005

**LANDSCAPE ARCHITECT**  
**BERGSUND**  
**DELANEY**  
 100 Wisconsin Avenue, Suite 200  
 Washington, D.C. 20005

**REVISIONS**

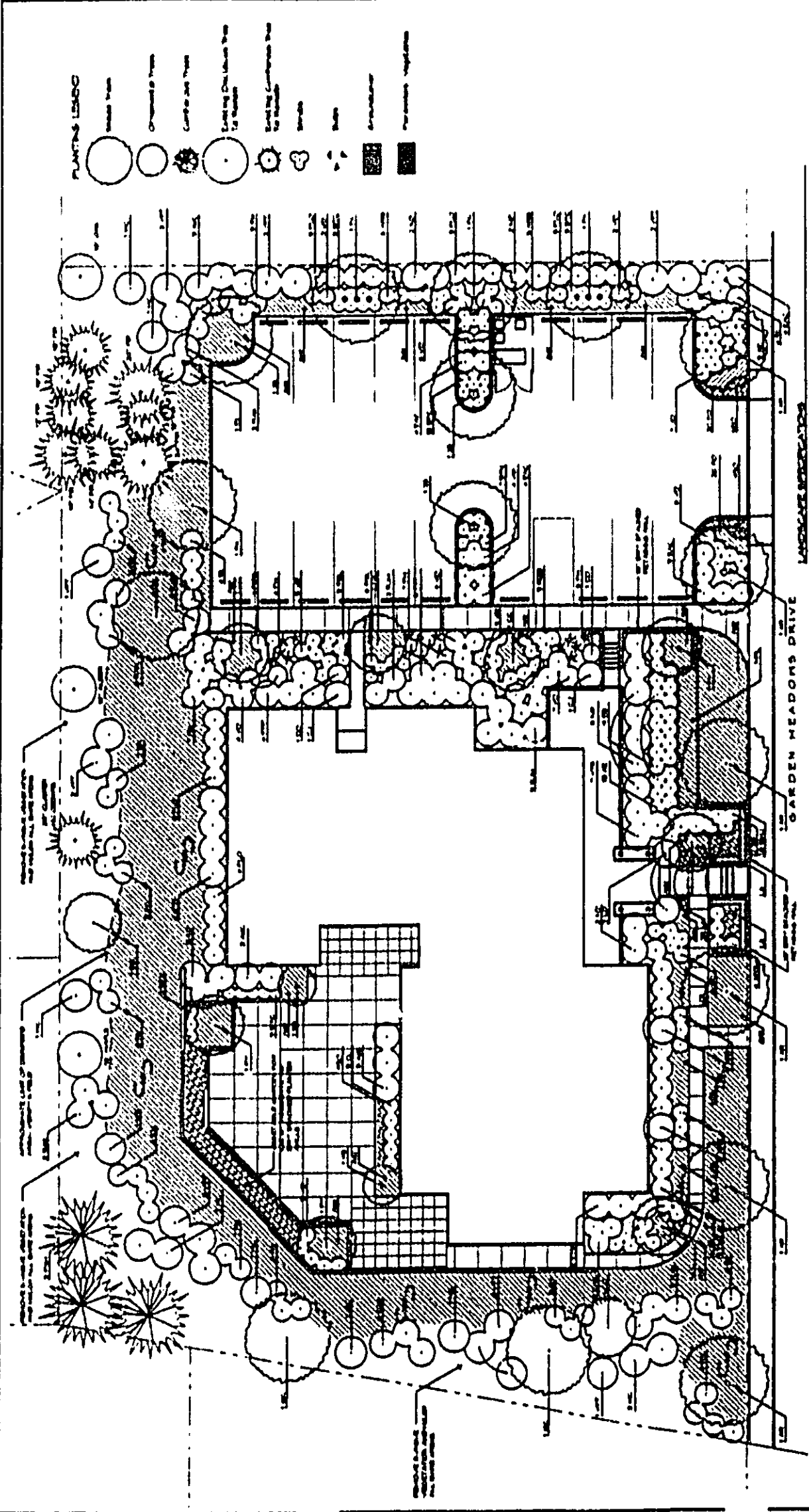
NO.	DATE	DESCRIPTION
1		
2		
3		
4		

**MEADOWLARK APARTMENTS**  
 1115 M STREET, N.W.  
 WASHINGTON, D.C. 20004  
 GARDEN MEADOWS DRIVE

**DESIGN**  
**REVIEW**

**DATE**  
**BY**

**LA-1**



**LANDSCAPE SPECIFICATIONS**

1. The landscape design is based on the architectural plan and the site conditions. The design is intended to provide a functional and aesthetically pleasing environment for the residents of the Meadowlark Apartments.
2. The landscape design includes the following elements:
  - a. Planting: The plan shows the location and quantity of trees, shrubs, and ground cover to be planted. The plants are selected based on their suitability for the site conditions and their ability to provide shade and screening.
  - b. Hardscape: The plan shows the location and quantity of hardscape elements, including walkways, patios, and retaining walls. The hardscape is designed to provide a functional and durable environment for the residents.
  - c. Irrigation: The plan shows the location and quantity of irrigation equipment, including sprinklers and valves. The irrigation system is designed to provide adequate water to the plants throughout the growing season.
3. The landscape design is intended to be a living document that will evolve over time as the plants grow and the site conditions change. The design is intended to provide a functional and aesthetically pleasing environment for the residents of the Meadowlark Apartments.

**PLANT SCHEDULE**

SYMBOL	PLANT NAME	QUANTITY	NOTES
1	PLANT NAME	1	
2	PLANT NAME	2	
3	PLANT NAME	3	
4	PLANT NAME	4	
5	PLANT NAME	5	
6	PLANT NAME	6	
7	PLANT NAME	7	
8	PLANT NAME	8	
9	PLANT NAME	9	
10	PLANT NAME	10	
11	PLANT NAME	11	
12	PLANT NAME	12	

**PLANT SCHEDULE**

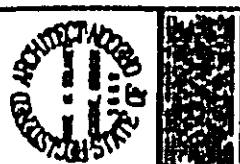
SYMBOL	PLANT NAME	QUANTITY	NOTES
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2	PLANT NAME	2	
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4	PLANT NAME	4	
5	PLANT NAME	5	
6	PLANT NAME	6	
7	PLANT NAME	7	
8	PLANT NAME	8	
9	PLANT NAME	9	
10	PLANT NAME	10	
11	PLANT NAME	11	
12	PLANT NAME	12	

**LANDSCAPE PLAN**  
 NOT FOR CONSTRUCTION  
 FOR REVIEW ONLY

## MEADOWLARK APARTMENTS

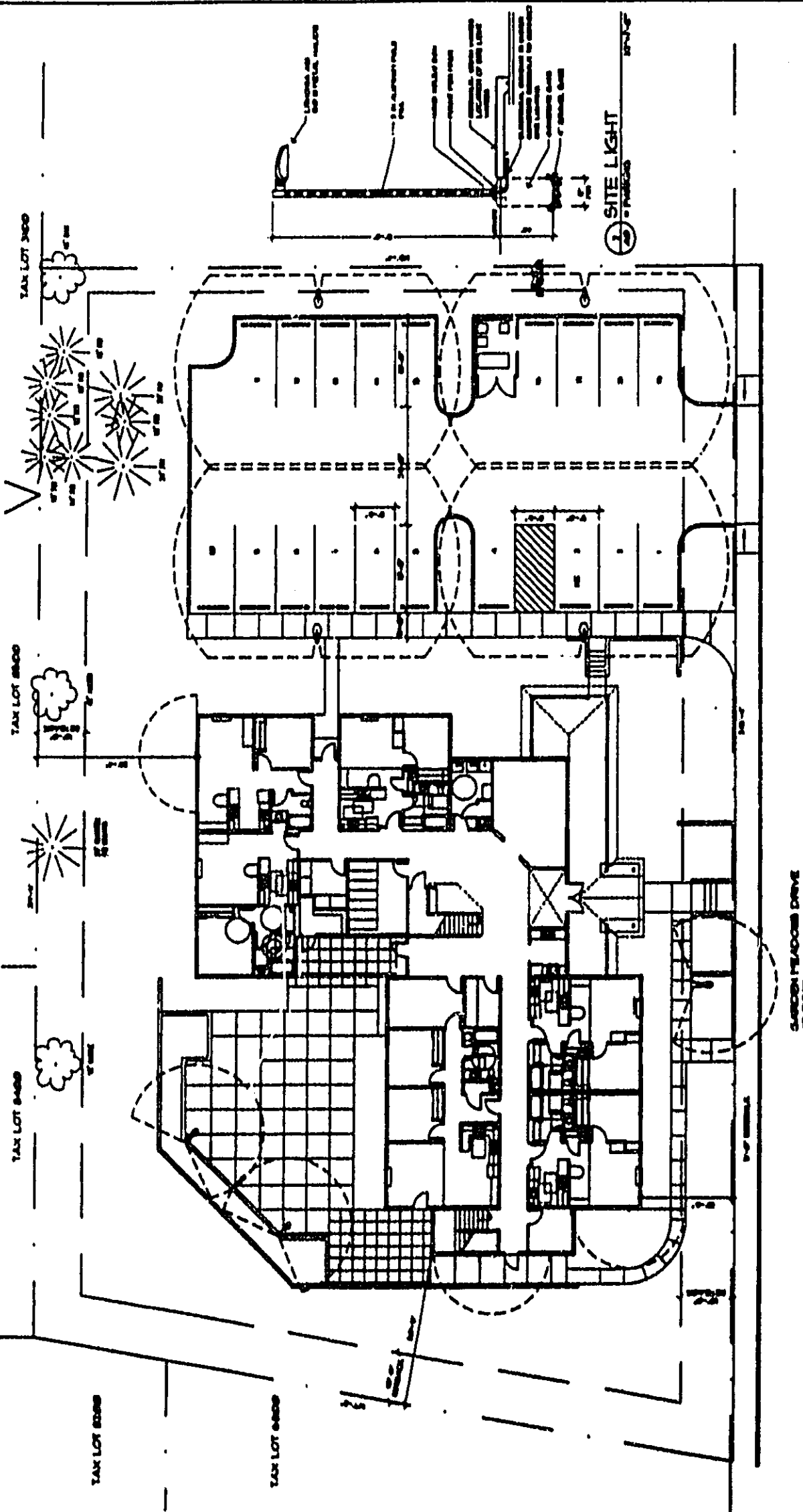
NORTHWEST POLICE DEPARTMENT  
 2500 15TH AVENUE  
 DENVER, COLORADO 80202

1	
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4	
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BERGSUND  
DELANEY

■ BERGSUND  
 ■ DELANEY  
 ■ Anderson & Plonky, P.C.



~~EXHIBIT PLAN~~

## MEADOWLARK APARTMENTS

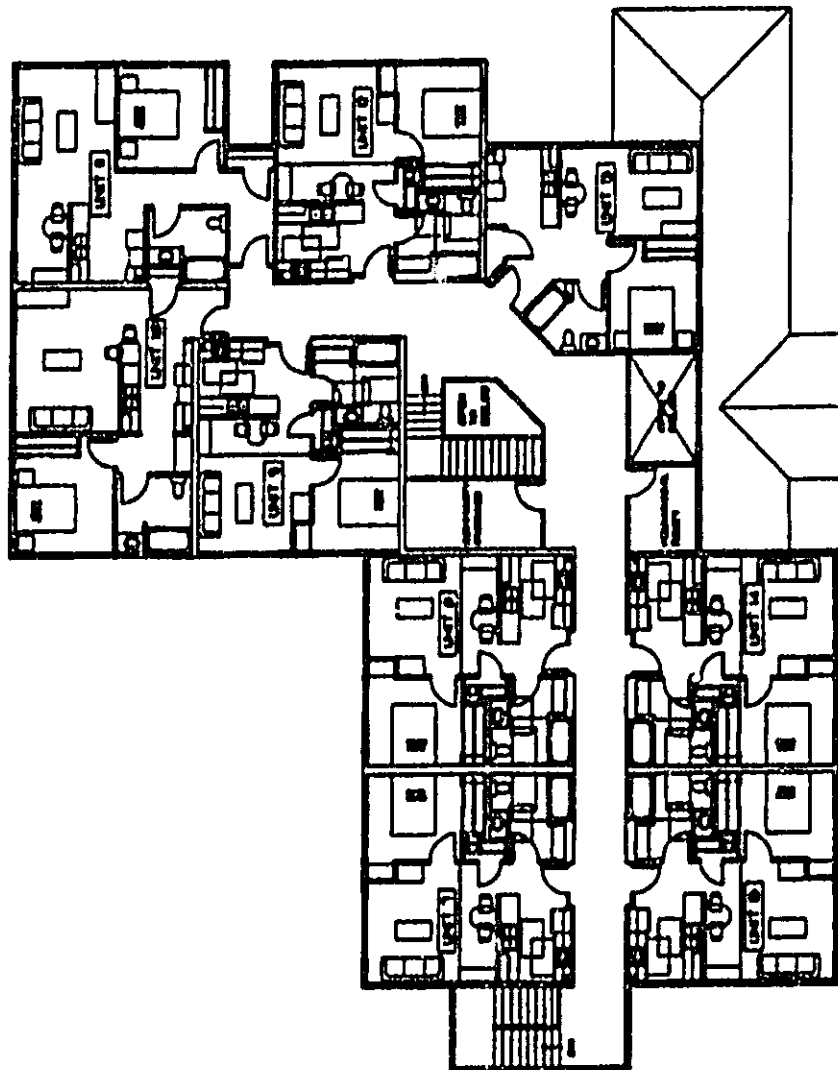
NOVEMBER 1971  
JOURNAL OF THE  
NORTHWESTERN ASTRONOMICAL SOCIETY

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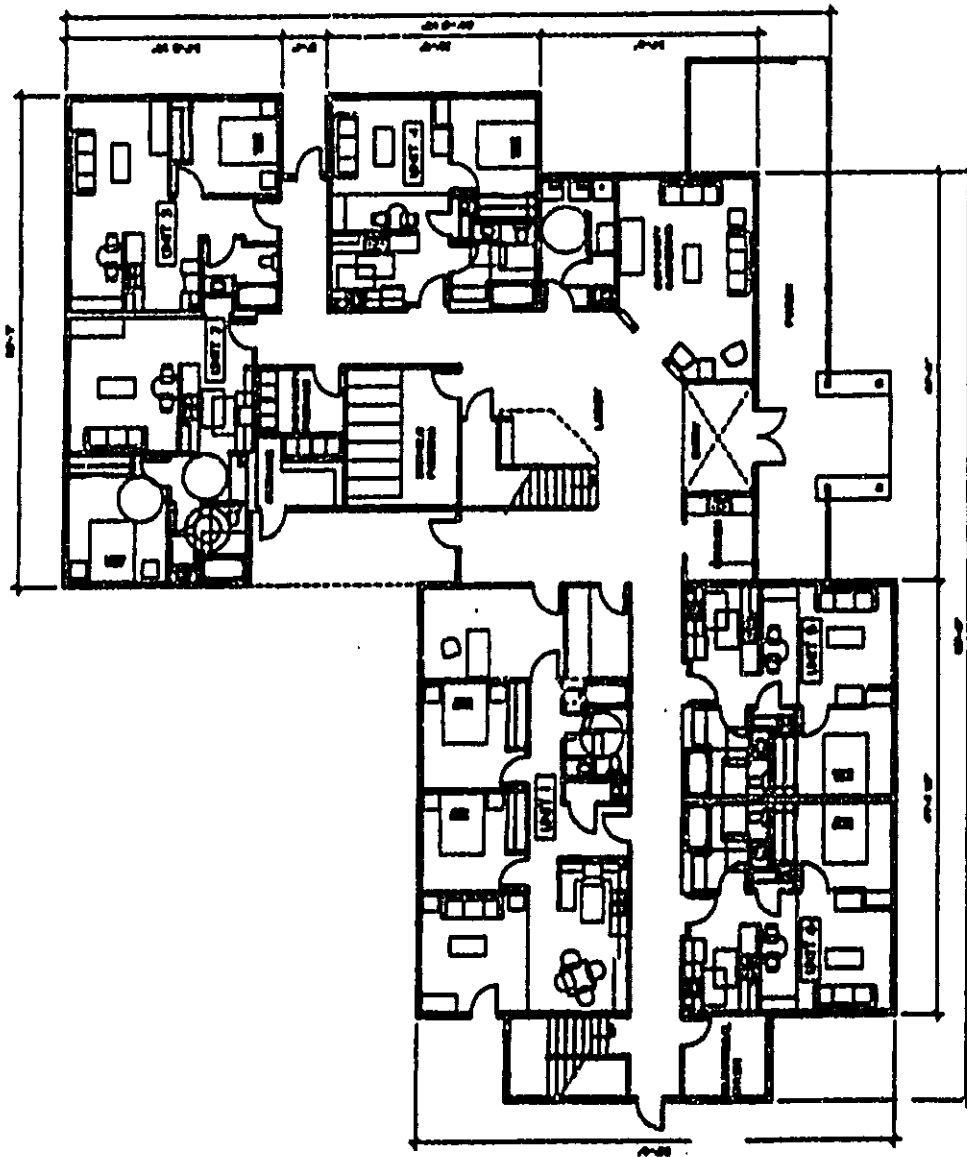


• BERGSUND  
• DELANEY  
• Architects & Planners, P.C.  
1400 Wisconsin Avenue, Suite 1000, Washington, DC 20005  
202.331.1000

**② SECOND FLOOR PLAN**



**1** **FIRST FLOOR PLAN**

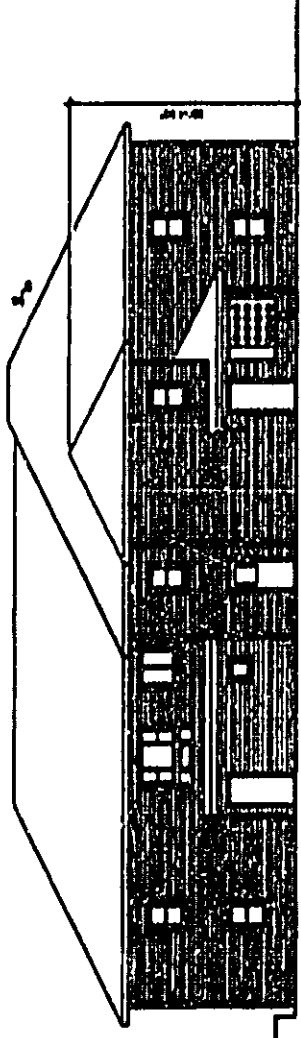


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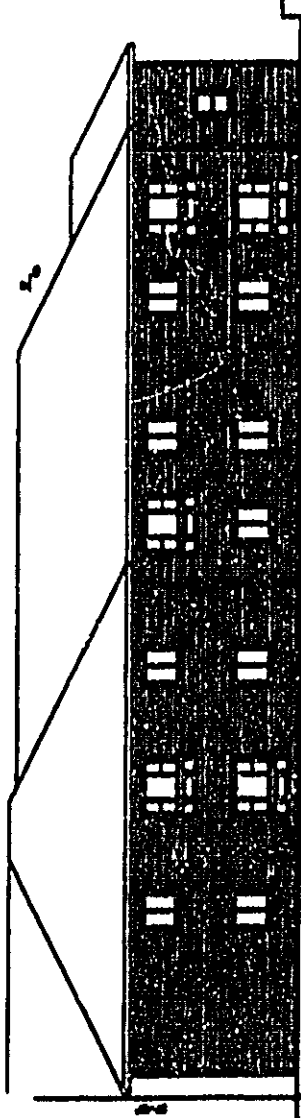


**BERGSUND**  
Architect & Planning, P.C.  
1000 NE Oregon Street, Suite 200  
Portland, Oregon 97232  
503.255.1234

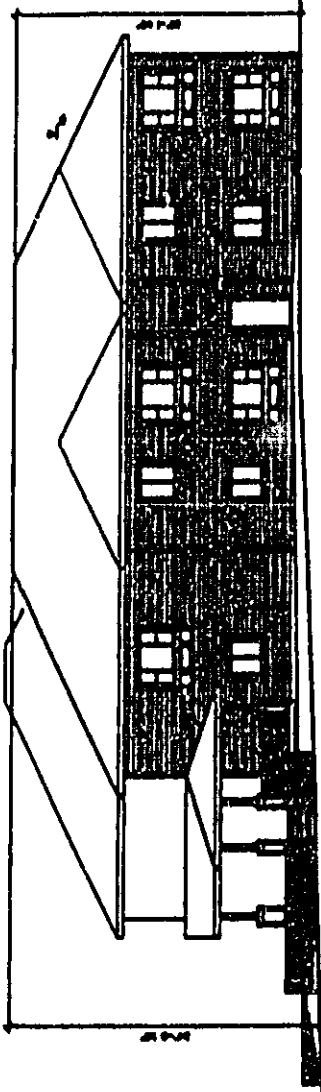
WEST ELEVATION



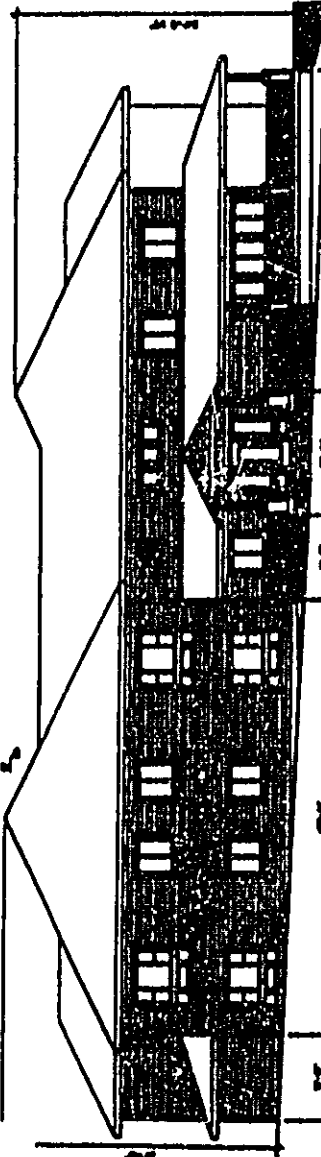
NORTH ELEVATION



EAST ELEVATION



SOUTH ELEVATION - STREET



TYPICAL EXTERIOR MATERIALS:  
CLADDING: BRICK  
ROOFING: ASPH/FLT  
PAINT: EXTERIOR - WHITE  
PAINT: INTERIOR - WHITE  
FLOORING: CARPET  
FLOORING: HARDWOOD  
FLOORING: TILE  
FLOORING: POLISHED CONCRETE  
FLOORING: GRASS  
FLOORING: ASPHALT  
FLOORING: GRAVEL  
FLOORING: SAND



DAVID EVANS  
AND ASSOCIATES INC.

August 17, 2004

Ms. Christina Robertson-Gardiner  
City of Oregon City  
PO Box 351  
Oregon City, OR 97045

**SUBJECT: REVIEW OF TRANSPORTATION ANALYSIS LETTER – MEADOWLARK  
APARTMENTS – SP 04-11**

Dear Ms. Robertson-Gardiner:

In response to your request, I have reviewed the Transportation Analysis Letter (TAL) for the Meadowlark Apartments. The TAL was prepared by Geoffrey A. Judd of Lancaster Engineering. The TAL is dated June 23, 2004.

The TAL describes a proposal to construct a 15-unit apartment complex on Garden Meadow Drive approximately 260 feet west of Molalla Avenue.

**Overall**

I find the TAL to be adequate for the city to evaluate impacts of the proposed development. There are two minor deficiencies that should be made conditions of approval. I concur with the conclusion that the development will have no significant impact on the transportation system, that the development complies with the Transportation System Plan, and no mitigation will be required.

**Comments**

1. *Trip Generation.* The study uses appropriate rates for apartments from ITE *Trip Generation*. No reduction was taken for the possibility of lower traffic due to the planned occupancy of the complex. AM peak, PM peak, and daily rates were provided.
2. *Site Plan and Access.* The site plan and figure attached to the TAL provide information on the site access and the distance between driveways along Garden Meadow Drive, as required.
3. *Site Driveways.* The site plan shows a driveway that meets city driveway width standards.
4. *Site Driveway Spacing.* The site plan shows the driveway in a location that meets spacing requirements.
5. *Site Distance.* The TAL uses appropriate methods to conclude that the sight distance listed in the AASHTO manual is met.

Ms. Christina Robertson-Gardiner  
August 17, 2004  
Page 2

6. *Safety Issues.* The TAL states that nearby driveways will have relatively low traffic volumes and that conflicts are unlikely to occur.
7. *TSP and Functional Classification Consistency.* The TAL contains adequate references to the review of the TSP and the streets to satisfy this requirement.

#### **Conclusion and Recommendations**

I find the TAL meets the essential City requirements for a TAL and find that the development proposal does not require off-site mitigation measures to address transportation impacts of the development. There are two minor deficiencies with the TAL that should be addressed as conditions of approval:

- The first is the absence of a concluding statement with safety analysis of driveway locations and conflicts. The engineer should add his conclusion that there are no inherent safety issues associated with the design and location of the site driveways.
- The second requirement is that the Professional Engineer in responsible charge of the work should sign and seal the TAL.

If you have any questions or need any further information concerning this review, please call me at 503-223-6663.

Sincerely,

**DAVID EVANS AND ASSOCIATES, INC.**

John Replinger, PE  
Senior Transportation Engineer

JGRE:pao

o:\project\o\orct0009\correspo\technical reviews\2004\sp04-11.doc

**TRANSMITTAL**

July 16, 2004

**HOUSE DISTRIBUTION**

☒ BUILDING OFFICIAL *JD*  
☒ ENGINEERING MANAGER *JD / TIA*  
☒ FIRE CHIEF  
☒ PUBLIC WORKS- OPERATIONS  
☒ CITY ENGINEER/PUBLIC WORKS DIRECTOR  
☒ TECHNICAL SERVICES (GIS) *JD / TIA*  
☒ PARKS MANAGER  
☒ ADDRESSING  
☒ POLICE  
☒ TRAFFIC ENGINEER  
☒ Mike Baker @ DEA *TIA*

**MAIL-OUT DISTRIBUTION**

☒ CICC  
☒ NEIGHBORHOOD ASSOCIATION (N.A.) CHAIR  
☒ N.A. LAND USE CHAIR  
☐ CLACKAMAS COUNTY - Joe Marek  
☐ CLACKAMAS COUNTY - Ken Kent  
☐ ODOT - Sonya Kazen  
☐ ODOT - Gary Hunt  
☐ SCHOOL DIST 62  
☐ TRI-MET  
☐ METRO - Brenda Bernards  
☐ OREGON CITY POSTMASTER  
☐ DLCD

RETURN COMMENTS TO:

Christina Robertson-Gardiner, Associate Planner

COMMENTS DUE BY:

August 4<sup>th</sup>, 2004

HEARING DATE:

Type II - Not applicable

HEARING BODY:

XX Staff Review;      PC;      CC

REFERENCE TO

FILE # & TYPE:

SP 04-11

DRAWER:

Christina Robertson-Gardiner, Associate Planner

APPLICANT:

Bergsund DeLaney Architecture and Planning, P.C., Anne DeLaney

REQUEST:

The applicant is seeking approval of a Site Plan and Design Review for the construction of a 15-unit multi-family building in the General Commercial District.

LOCATION:

Clackamas County Map 3-2E-08AB, Tax Lot 3200

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations. Please check the appropriate spaces below.

☐ The proposal does not conflict with our interests.

☐ The proposal conflicts with our interests for the reasons stated below.

☒ The proposal would not conflict our interests if the changes noted below are included.

☐ The following items are missing and are needed for review

*See comment & plan sheets*

Exhibit 3b

Signed

Title

*John P. Smith* 8/12/04  
*Operations Manager*

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.



MEMORANDUM  
City of Oregon City

DATE: July 22, 2004

TO: John Lewis, Public Works Operations Manager  
SUBJECT: Comment Form for Planning Information Requests

File Number SP 04-11

Name/Address: Garden Meadow Drive & Molalla Avenue  
Proposed 15 unit called Meadowlark Apartments

---

Water:

Existing Water Main Size = 12"

Existing Location = Garden Meadows Drive

Upsizing required? Yes ☐ No ☒ Size Required See Water Master Plan inch

Extension required? Yes ☐ No ☒

Looping required? Yes ☐ No ☒ Per Fire Marshal

From:

To:

New line size =

Backflow Preventor required? Yes ☒ No ☐

Pressure Reducing Valve required for 70 psi or higher.

Clackamas River Water lines in area? Yes ☐ No ☒

Easements Required? Yes ☐ No ☐

See Engineer's comments

Recommended easement width  ft.

Water Divisions additional comments No ☐ Yes ☒ Initial ell Date 7/22/04  
Consult Water Master Plan.

Water comments are made on the preliminary plan sheet # 1/2. Backflow preventers are required after the domestic, irrigation and fire sprinkler systems. Should another fire hydrant or fire sprinkler system be installed for the 15 unit apartment building? See sheet 1/2 for water comments.

MEMORANDUM  
City of Oregon City

DATE: 28-Jul-04  
TO: John Lewis, Public Works Operations Manager  
SUBJECT: Comment Form for Planning Information Requests  
  
FILE NO. SP 04-11  
NAME: Clackamas County Map 3-2E-08AB, Tax Lot 3200 Garden Meadow Drive

Streets:

Classification:

Major Arterial	_____	Minor Arterial	_____
Collector	_____	Local	<u>X</u> _____

Additional Right Of Way Required?      Yes X \_\_\_\_\_      No \_\_\_\_\_

Jurisdiction:

City X \_\_\_\_\_      County \_\_\_\_\_      State \_\_\_\_\_

Existing width = \_\_\_\_\_ feet

Required width = \_\_\_\_\_ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required?      Yes \_\_\_\_\_      No X \_\_\_\_\_

Transit Street?      Yes \_\_\_\_\_      No X \_\_\_\_\_      Line No= \_\_\_\_\_

See Department additional comments      No \_\_\_\_\_      Yes X \_\_\_\_\_      Initial P.I. \_\_\_\_\_

1. A conflict may exist in reference to parcel numbers on drawings, planning's letter of interpretation of cost apportionment for street improvements dated March 10, 2003 references NHA's purchase of parcel 2, the drawings show development of parcel 1 by NHA. Street improvement needs would change according to which parcel NHA would be developing.

Community Development Department, 320 Warner Millne Road,  
P.O. Box 3040, Oregon City, OR 97045. (503) 657-0891 Fax: (503) 657-7892  
[www.ci.oregon-city.or.us](http://www.ci.oregon-city.or.us)

**REQUEST:**

## Type II

- ☐ Partition  
☒ Site Plan/Design Review  
☐ Subdivision  
☐ Extension  
☐ Modification

### Type III

- ☐ Conditional Use  
☐ Variance  
☐ Planned Development  
☐ Modification

Type III / IV

- ☐ Plan Amendment  
☐ Zone Change  
Other  
☐ Annexation\*

**OVERLAY ZONES:** ☐ Water Resources ☐ Unstable Slopes/Hillside Constraint

**Please *print or type* the following information to summarize your application request:**

APPLICATION # SP 04-11 (Please use this file # when contacting the Planning Division)

APPLICANT'S NAME: Anne DeLaney Bergsund DeLaney Architecture and Planning, P.C.

PROPERTY OWNER (if different): Northwest Housing Alternatives

PHYSICAL ADDRESS OF PROPERTY: \_\_\_\_\_

DESCRIPTION: TOWNSHIP: 3S RANGE: 2E SECTION: 08AB TAX LOT(S): 3200 Parcel 2

PRESENT USE OF PROPERTY: Unimproved

**PROPOSED LAND USE OR ACTIVITY:**

Construction of 15 units of Multi-Family Housing

### DISTANCE AND DIRECTION TO INTERSECTION:

240' to the NW

**CLOSEST INTERSECTION:** *Garden Meadows Dr. & Molalla*

PRESENT ZONING: C - General Commercial

TOTAL AREA OF PROPERTY: 33,517 s.f.

### Land Divisions

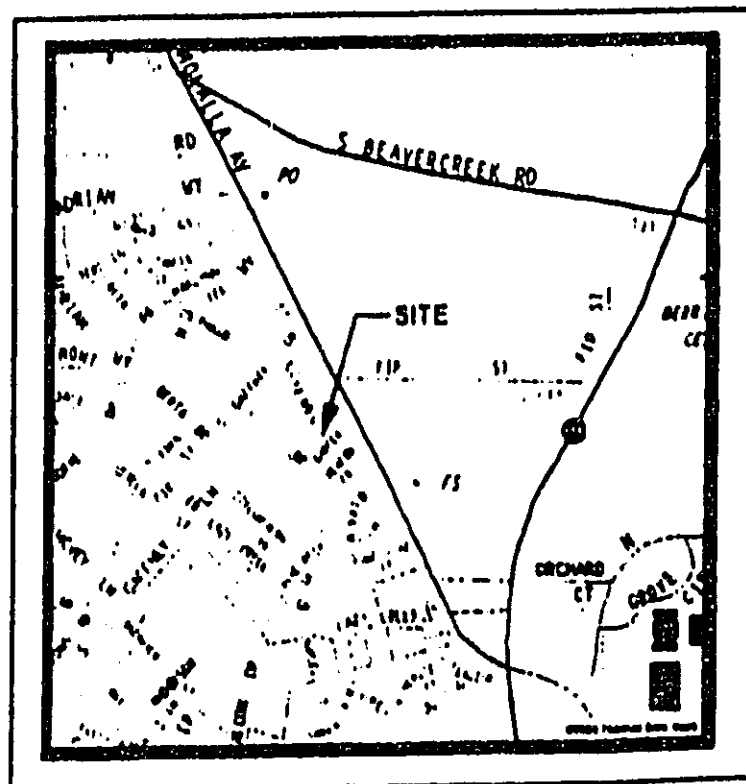
PROJECT NAME: \_\_\_\_\_

NUMBER OF LOTS PROPOSED: \_\_\_\_\_

MINIMUM LOT SIZE PROPOSED: \_\_\_\_\_

MINIMUM LOT DEPTH PROPOSED: \_\_\_\_\_

**MORTGAGEE, LIENHOLDER, VENDOR, OR SELLER: OUR  
CHAPTER 227 REQUIRES THAT IF YOU RECEIVE THIS  
NOTICE, IT MUST BE PROMPTLY FORWARDED TO  
PURCHASER**



**Please See Separate Annexation Submittal Checklist**

MEMORANDUM  
City of Oregon City

DATE: 4/6/2004  
TO: John Lewis, Public Works Manager  
SUBJECT: \_\_\_\_\_  
  
FILE NO. PA04-08  
NAME: Northwest Housing Alternatives

Storm Sewer:

Existing Line Size= 12 inch None Existing \_\_\_\_\_

Upsizing required? See Storm Drainage Master Plans

Extension required? Yes X No \_\_\_\_\_

From: site

To: Existing

Detention and treatment required? yes

On site water resources: None known X Yes \_\_\_\_\_

Storm Department additional comments?: No \_\_\_\_\_ Yes X Initial CC

The existing storm pipe to the north is in a public easement. Elevations may not allow connection. The line extends thru the parking lot of Shucks auto parts, and outfalls into a catch basin and in turn to a roadside ditch along Molalla Ave. See attached map. Capacity is a engineering question

The new storm should be 12-inches in diameter inside the Public R.O.-W. Connection to the existing storm in garden meadows dr. should occur in a new manhole installed over the existing 12" storm. Detention tank private. Water quality nh private. Provide profile drawing for public storm drainage facilities. (see sheet 1 of 2)

*[Signature]* 8/12/04

MEMORANDUM  
City of Oregon City

DATE: 4-6-04  
TO: John Lewis, Public Works Operations Manager  
SUBJECT: Comment Form for Planning Information Requests  
FILE NO. PA04-08  
NAME: Northwest Housing Alternatives

Sanitary Sewer:

Existing Sewer Main Size= 8"

Existing Location= Garden Meadow Dr. and Molalla Ave.

Existing Lateral being reused? Yes \_\_\_\_\_ No X

Upsizing required? See Sanitary Sewer Master Plan

Extension required? No \_\_\_\_\_ Yes X

Pump Station Required? See Sanitary Sewer Master Plan

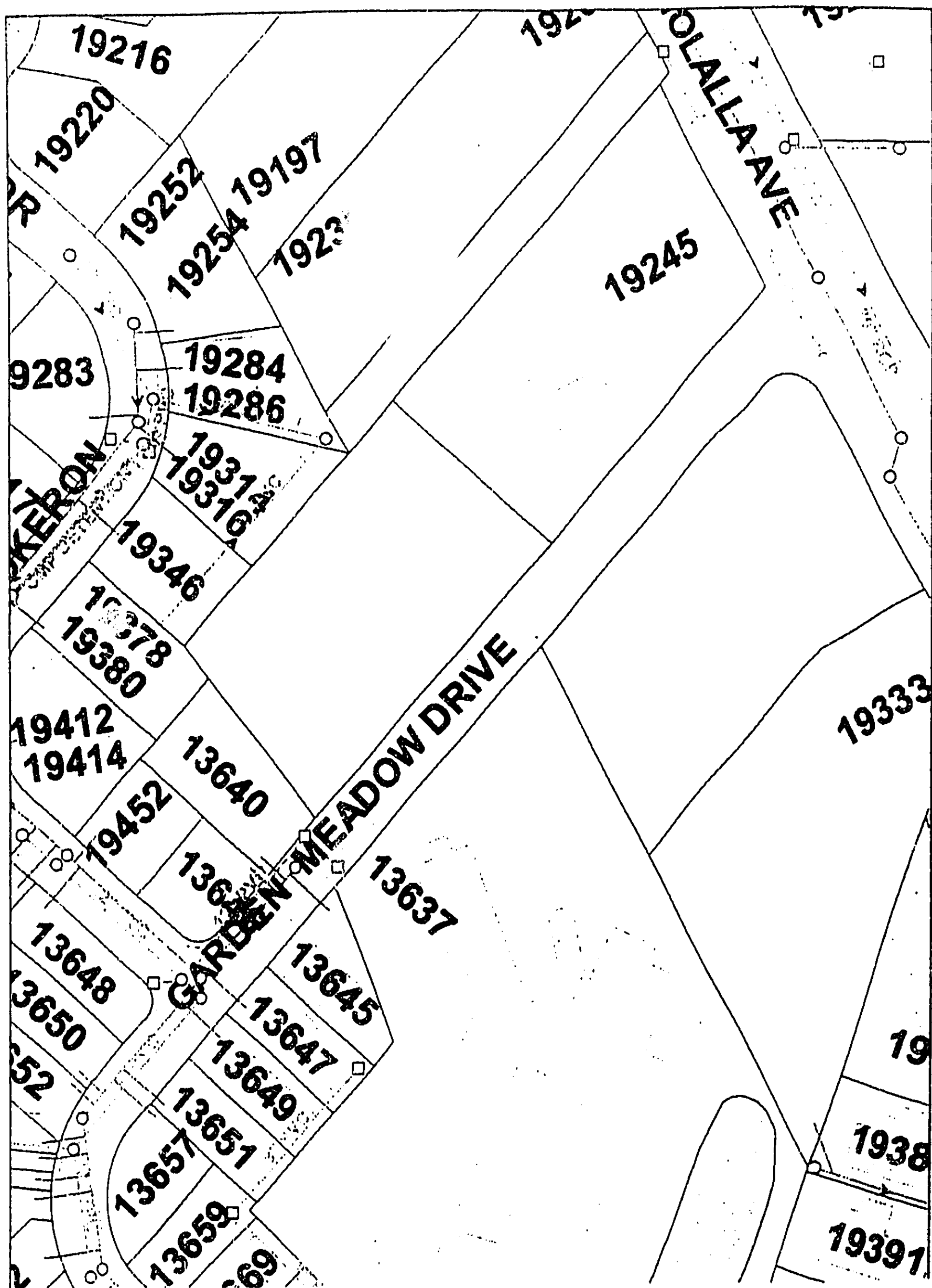
Industrial Pre-treatment required? If non-residential Contract Tri-City Service District

Easements Required? Yes x \_\_\_\_\_ No \_\_\_\_\_

Recommended Easement Width ? \_\_\_\_\_ feet

Sanitary Sewer additional comments? No \_\_\_\_\_ Yes X \_\_\_\_\_ Initial CC

It is preferable that the sewer be connected to the manhole on Garden Meadow Dr. If the elevations do not work out then the sewer should be extended from Molalla Ave as a main public sewer line. Long lateral lines under the public street are discouraged. See attached map



MEMORANDUM  
City of Oregon City

DATE: 28-Jul-04  
TO: John Lewis, Public Works Operations Manager  
SUBJECT: Comment Form for Planning Information Requests  
  
FILE NO. SP 04-11  
NAME: Clackamas County Map 3-2E-08AB, Tax Lot 3200 Garden Meadow Drive

Streets:

Classification:

Major Arterial \_\_\_\_\_ Minor Arterial \_\_\_\_\_  
Collector \_\_\_\_\_ Local X \_\_\_\_\_

Additional Right Of Way Required? Yes X \_\_\_\_\_ No \_\_\_\_\_

Jurisdiction:

City X \_\_\_\_\_ County \_\_\_\_\_ State \_\_\_\_\_

Existing width = \_\_\_\_\_ feet

Required width = \_\_\_\_\_ feet

Roadway Improvements? See Transportation System Plan

Bicycle Lanes Required? Yes \_\_\_\_\_ No X \_\_\_\_\_

Transit Street? Yes \_\_\_\_\_ No X \_\_\_\_\_ Line No= \_\_\_\_\_

See Department additional comments No \_\_\_\_\_ Yes X \_\_\_\_\_ Initial P.I. \_\_\_\_\_

1. A conflict may exist in reference to parcel numbers on drawings, planning's letter of interpretation of cost apportionment for street improvements dated March 10, 2003 references NHA's purchase of parcel 2, the drawings show development of parcel 1 by NHA. Street improvement needs would change according to which parcel NHA would be developing.

04 JUL 23 PM 12:01

RECEIVED  
CITY OF OREGON CITY

JULY 19, 2004

FILE NO. SP 04-11, SITE PLAN AND DESIGN REVIEW

DEAR CHRISTINA ROBERTSON-GARDINER,  
ASSOCIATE PLANNER

We are not for this approval, because the size of this lot is not large enough to put 15 units without going several stories high.

Also, most people have two cars per family and there is not enough off street parking for 30 cars.

We also feel this will bring down property value in the surrounding areas.

Garden Meadow Drive is a narrow street and we do not think it would accommodate the extra traffic this would create.

We would like to see the zoning stay General Commercial District or Single Family Dwelling.

Thank you.

ROY & MYRLINE CURL  
19317 COKERON DR.  
OREGON CITY, OREGON 97045  
503-655-4696



Roy CURL  
19317 Cokeron Dr  
D.C. Dr 97045



Oregon City Planning Division  
Oregon City Hall 320 Warner  
Milne Road  
Oregon City, Oregon 97045

57045+2034

Robert H. QUINN - 2105 Revere Ave.  
West Hill, OR 97068

F

# RDQ Properties, LLC

Tel: 503-656-9888

Cell: 503-680-3395

Fax#: (503)-656-8011

A

X

ATTENTION TO: CHRISTINA Robertson-Gardiner

File #  
~~SP04-11~~ SP04-11

LOCATION  
~~MAP 3-2E-08AB~~ MAP 3-2E-08AB, Tax Lot 3200

PAGES 2 (WITH COVER SHEET)

## Message:

Date: 7-20-04

- ① too much "TRAFFIC" for a 15 unit apt,  
on garden meadow ~~or~~ - it's too NARROW!
- ② Reduce apt. size to "5" units.
- ③ People in senior "Rest Home" wander in street  
all the time and are at RISK!

**FAX US AT#: (503)-656-8011**

PLEASE CALL US IF THIS FAX WAS NOT RECEIVED PR

## NOTICE OF LIMITED LAND USE APPLICATION

Mailed on: July 16, 2004

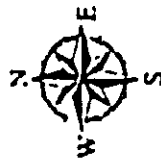
<b>COMMENT DEADLINE:</b>	Written comments on this Type II application must be received by the Oregon City Planning Division, located at Oregon City Hall (320 Warner Milne Road, Oregon City, Oregon 97045 or mailed to P.O. Box 3040, Oregon City, Oregon 97045) no later than <b>August 4, 2004</b> .
<b>FILE NUMBER:</b>	SP 04-11: Site Plan and Design Review
<b>APPLICANT:</b>	Bergsund DeLancy Architecture and Planning, P.C. Anne DeLancy 449 Willamette Street Eugene, Oregon 97401
<b>OWNER:</b>	Northwest Housing Alternatives 2116 SE Willard Street Milwaukie, Oregon 97222
<b>REQUEST:</b>	The applicant is seeking approval of a Site Plan and Design Review for the construction of a 15-unit multi-family building in the General Commercial District.
<b>LOCATION:</b>	A parcel identified as Clackamas County Map 3-2E-08AB, Tax Lot 3200 (0.76 acres, zoned General Commercial District).
<b>CONTACT PERSON:</b>	Christina Robertson-Gardiner, Associate Planner (503) 657-0891
<b>NEIGHBORHOOD ASSOCIATION:</b>	Gaffney Lane Neighborhood Association
<b>CRITERIA:</b>	<b>Administration and Procedures</b> are set forth in <b>Chapter 17.50, Site Plan &amp; Design Review</b> in <b>Chapter 17.62, Off-Street Parking and Loading</b> in <b>Chapter 17.52</b> , and <b>"C" General Commercial District</b> in <b>Chapter 17.32</b> of the Oregon City Municipal Code. The City Code Book is available on-line at <a href="http://www.orecity.org">www.orecity.org</a>

The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division, City Hall, 320 Warner-Milne Road, during regular business days (8 am- 1 pm). Copies of these materials may be obtained for a reasonable cost.

Any interested party may submit written comments prior to the issuance of the Planning Manager's decision. Written comments must be received at City Hall within 14 days of this notice, and no later than the close of business on **August 4, 2004**, to be considered by the Planning Manager. The Planning Manager's decision will be based on the applicant's submittal, departmental and agency comments, letters from the public, and available information applicable to the criteria. Notice of the decision shall be sent to the applicant and to those persons submitting comments and providing a return address.

Please be advised that any issue that is intended to provide a basis for appeal must be raised in writing during the 14-day comment period with sufficient specificity to afford the City and the parties an opportunity to respond to the issue. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city to respond to the issue, will preclude any appeal on that issue. The Planning Manager's decision may be appealed to the City Commission by parties with standing. Any appeal will be based on the record.

072

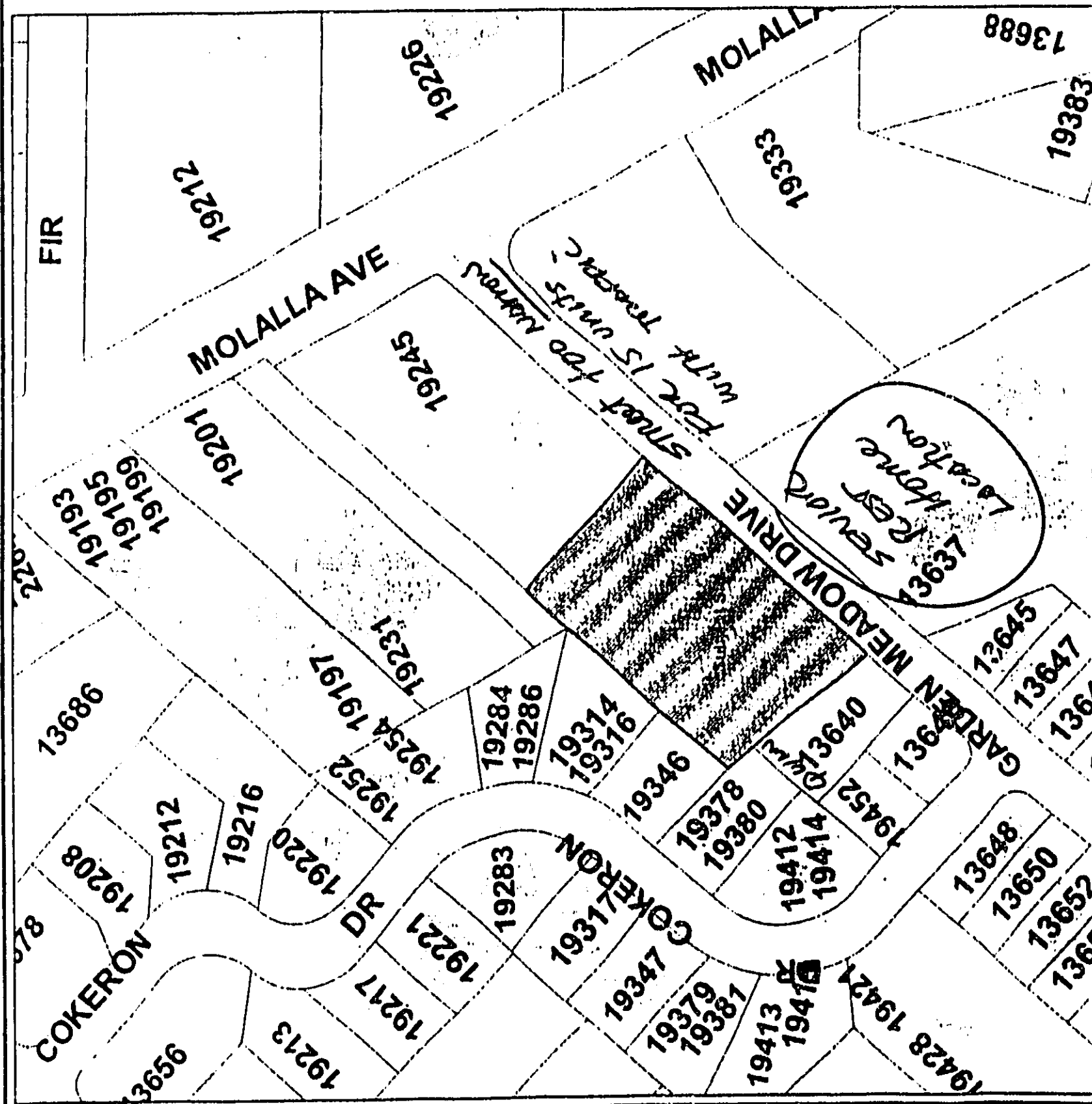


City of Oregon City  
P.O. Box 3040  
3520 Warner Miller Road  
Oregon City, OR 97045

The data on this map is the best information available from the records of the City of Oregon City. Errors and omissions may exist.

Map created with OCMAP 2004

07/16/2004



04 AUG -4 AM 8: 52

RECEIVED  
CITY OF OREGON CITY  
July 27, 2004

To Whom It May Concern:

This letter is intended to protest the application of the 15 unit multifamily building in Clackamas County Map 3-2E-08AB, Tax Lot 3200. The building of the 15 unit multifamily building on a street that already has congestion issues would create a dangerous environment for the people in the neighborhood, and would be in direct conflict with code 17.02.020 of the General Provisions Section set in the Oregon City Code, which states the purpose of the code is to prevent congestion and safety hazards.

Directly across the street from the area referenced above is a retirement center. The people that live there are elderly and walk through the neighborhood to get their exercise daily. A 15 unit multifamily complex on .76 acres to build on a 2 lane street with elderly people living directly across the street is a combination for disaster. Many of these people are elderly and can't see or hear very well, adding that much congestion directly across the street will be a huge hazard to them as well as the drivers.

Cars are allowed to be parked in front of houses on Garden Meadow Drive . When a car is parked on the street there is only room for one lane in that point in the road for cars to drive. It doesn't seem that there is enough parking on a lot only 0.76 acres to put a 15 unit multifamily building. There will be overflow into the street causing more parking congestion and the road to be narrow. Miller paint was just built right across the street of the location referenced in paragraph 1, and the entrance to the parking lot for the Miller Paint is on Garden Meadow Dr. also ( just before the entrance to the retirement center). If there is any overflow from parking in the lot referenced in paragraph 1 it will end up on our street causing more "one lane" areas on Garden Meadow Drive. Creating hazardous congestion.

There is already a hazard with the traffic on Garden Meadow Drive because the road is used as a short cut to get to Gaffney Lane. This is a neighborhood of families, in other words, this means that there are many children in the neighborhood. The addition of this 15 unit multifamily complex would cause a hazard to the people in the neighborhood farther down on Garden Meadow Drive because of the additional traffic also taking this short cut. The road was not built to accommodate the traffic conditions caused by the short cut to Gaffney Lane, and should this building be allowed to be built would cause a larger traffic hazard to the children in the neighborhood then there already is now.

The undersigned agree that the request for a 15 unit multifamily building in Tax Lot 3200 Map 3-2E-08AB not be granted based on the above referenced reasons. We the undersigned agree that this will increase traffic through Garden Meadow Drive (short cut to Gaffney Lane) congestion in parking, and most importantly cause abnormal traffic hazards to the elderly, children and people that live on Garden Meadow Drive.

Thank you,

*Mark JB*  
13647 Garden Meadow

04 AUG -2 AM 11: 50

RECEIVED  
CITY OF OREGON CITY

July 27, 2004

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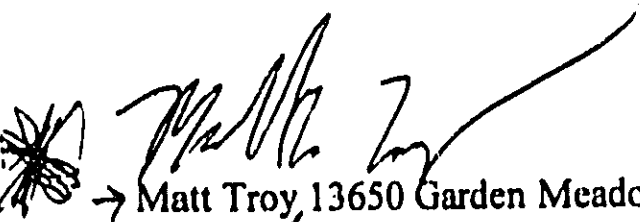
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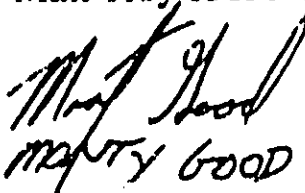
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Thank you,

Adelindan ! Street is 25 ft  
4/02/04 Across - Standard  
local street is 30 ft  
- too narrow for volume 15 unit

Exhibit 4d

 → Matt Troy 13650 Garden Meadow Dr. Oregon City OR 97045

1.  13652 GARDEN MEADOW DR O.C. OR 97045  
MATT TROY

2. Marilyn Mack 13657 Garden Meadow Dr., O.C., OR 97045

3. Elaine F. Thomas 13660 S. Garden Meadow Dr. 97045  
Elaine F. Thomas

4. Margie Patrick 13662 So. Garden Meadow Dr., OR  
OR. 97045

5. Rita Schiel 13648 Garden Meadow Dr. O.C. 97045

6. David M Bell 13658 Garden meadows O.C. 97045

7. Jannette Baker 13656 S. GARDEN MEADOW DR. O.C. 97045

8. Austin & Christina Batchelor 13640 Garden Meadow Dr.  
Oregon City  
97045

The signatures above have read page 1 of this letter and agree to its contents, and are therefore opposed to the approval of the application file number SP 04-11 on the notice of limited land use application.

04 AUG -3 PM 4: 37

RECEIVED  
CITY OF OREGON CITY

July 27, 2004

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Thank you,

*Rozella Bishop*



Rozella Bishop  
13651 S Garden Meadows Dr.  
Oregon City, OR 97045

*Sherry W. Oljar*



Mrs. Sherry W. Oljar  
PO Box 1058  
Oregon City, OR 97045

Exhibit 4e



'04 AUG -4 AM 8:52

RECEIVED  
CITY OF OREGON CITY

July 31, 2004

To: Oregon City Planning Manager  
RE: Application for 15-unit multi-family building on Clackamas County Map 3-2E-08AB, Tax Lot 3200

As a nearby residential owner I wish to express my concerns regarding this proposal. Clearly there is substantial concern in the neighborhood regarding increased traffic and street parking; I too foresee increased congestion and safety hazards to not only the current population of Garden Meadow Drive and adjacent streets but also to the future residents of this project.

Garden Meadow Drive is narrower than it ought to be often resulting in difficulty entering and exiting our driveways. Visibility is obstructed. Any increase in traffic or street parking would only increase the hazards to both vehicular traffic and foot traffic. We see frequent use of our neighborhood streets by the residents of the existing assisted living facility for both recreation and as a safer way to access the shopping district; unfortunately they often are not using the sidewalks. I would expect the same patterns from the residents of the proposed facility.

I have great concern over placing "adults who live with chronic mental illness"<sup>1</sup> whose needs "are not significantly different from the general adult population"<sup>2</sup> in the same neighborhoods as families with children. Personally, I would be only steps away. Oregon City residents are very sensitive to potential danger toward our families after the Weaver situation. It is only natural that parents and future parents especially would respond with extreme reservations.

Thank you for considering our comments in your decision making process.

Sincerely,

James and Michelle Bizak  
13646 S. Garden Meadow Drive  
Oregon City, OR 97045

*Mark J Brown  
13647 Garden Meadow Dr.*

<sup>1</sup> Page 1, Site Plan and Design Review Application Narrative

<sup>2</sup> Page 12, Site Plan and Design Review Application Narrative

04 AUG -4 PM 2: 23

RECEIVED  
CITY OF OREGON CITY

136412  
July 31, 2004

To: Oregon City Planning Manager  
RE: Application for 15-unit multi-family building on Clackamas County Map 3-2E-08AB, Tax Lot 3200

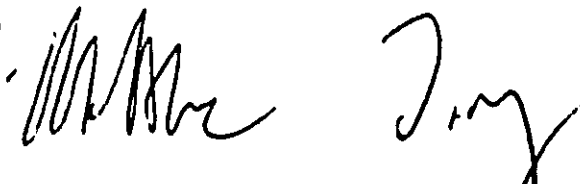
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Thank you for considering our comments in your decision making process.

Sincerely,



13650 Garden Meadow Dr.

Oregon City, OR 97045

<sup>1</sup> Page 1, Site Plan and Design Review Application Narrative

<sup>2</sup> Page 12, Site Plan and Design Review Application Narrative

04 AUG -2 PM 12:10

RECEIVED  
CITY OF OREGON CITY

The <sup>trip</sup> generation summary #  
for the 15 UNIT Apartment complex's  
~~the~~ numbers are absolutely absurd.  
They are estimating completely low  
for volume of houses.

One cause for concern is the  
chronic mental disorder<sup>334</sup> in a family oriented  
neighborhood. After the Ward Weaver incident  
naturally people are concerned about who  
moves into the neighborhood. Our children  
play outside up and down the street.  
I don't feel it appropriate to put that  
fetal of housing in a neighborhood with  
elderly home across the street and a high  
volume of children.

Exhibit 4h

Thank you

Walt Tug

13650 Garden Meadows Dr.

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON-CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

As a property owner and resident I would like to present my written comments on the application by Northwest Housing Alternatives for their proposed development of the Lot 3S-2E-08AB Lot 3200

1. The site is zoned C-General Commercial and as such the applicant is applying as a R-2 multi-family development. I do not believe that the proposed development meets the definition of a multi-family development as intended by the City. The use of this facility is strictly restricted to individuals that meet the following requirements: The residents must be "extremely low income" and "live with chronic mental illness." With these restrictions, I would suggest that the use of this facility falls some where between Boarding/Lodging and Institutional and is NOT multi-family in the traditional meaning. The Developer in his application, under Site & Project Data, defines the proposed use as Special Needs Multi-Family.

Based on comment #1, I respectfully request that the City reject the Limited Land Use Application filed based on not meeting zoning requirements. The Code, 17.18-R-2 Multi-Family Residential District, does not have "Special Needs Multi-Family" as a Permitted use, nor is there a use that resembles the intended use of this facility in the Code.

If the Application cannot be rejected on the above comment, I would like to put the following comments into record.

2. The proposed development is surrounded by a very congested residential neighborhood, retirement housing and a major thoroughfare (Molalla Avenue.) Based on the surroundings, the use of this land would be much better utilized as a profession office complex or some other *passive* use. Please reject the Limited Land Use Application as intrusive and not the best use of the land.
3. The applicant is proposing to provide the minimum allowable number of parking spaces. However, due to the location (across the street from elderly persons and very close to Molalla Avenue) and minimum width of Garden Meadow Drive any street parking at this location may be a public safety hazard. Therefore, I request that the developer provide the maximum amount (i.e. 30 parking spaces) of parking per section 17.52 of the code.

Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

( With an increase in parking lot size a Plan (prepared and stamped by a registered Civil Engineer) should be submitted for approval that demonstrates that run-off will equal pre-development rates.

4. Individual Open Space. The applicant has not met this requirement (and their reason for not providing Individual Open Space substantiates that the intended use of this land is not for multi-family housing.) and should be required to meet this requirement.

The applicant should re-submit Plans showing this requirement is met. Also, no individual open spaces should be allowed on the section of the building facing Garden Meadow Drive. Such spaces would substantially affect the Spatial and Visual Arrangement of Uses and Structures as specified in the code.

In addition, Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

5. Due to traffic and pedestrian safety being adversely affected by this development a study should be performed (and paid for by the developer) by an Engineering firm to insure that the width of Garden Meadow Drive is sufficient and safe. Variables such as traffic count, traffic type, driver experience and elderly and child pedestrians should be taken into account. The report should be submitted for review and comments before any work begins.

( Also, Code requires that the developer provide safe bicycle travel. The Developer is anticipating bicycle traffic and the width of the road should include required bike lanes.

If a bike lane is added and/or the study indicates that a wider road is needed, the developer of this lot should bear ALL (not just in front of parcel 2) the cost of the improvements and the improvements should extend from the Developers property all the way to Molalla Avenue. In addition, with a wider street, Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

6. Due to the potential increase in traffic, the driver skills/limits of mentally ill persons and the safety concerns that these factors create when making a turn from Garden Meadow Drive onto Molalla Avenue a Safety Study should be conducted (and paid buy the developer) by a Engineering firm to access if a traffic light (both for automobile and pedestrian traffic) is need at this intersection and the impact of traffic flow on Molalla Avenue. If a light is needed, the developer of this property should be responsible for the cost of the improvements and future maintenance.

7. Code 17.62.040-H gives the Principle Planner the right to require one or more reports to ensure that the "proposed development does not adversely affect the surrounding community." I would suggest that the proposed development will adversely affect the surrounding community and that the Principle Planner should require the developer to prepare and submit reports that address the impact (and associated costs) of this development on the Community (e.g. City services such as fire and police protection that may result from a facility for "adults who live with chronic mental illness") and the safety of the surrounding neighborhood.
8. Applicant is proposing a 12-inch gravity sewer line. I would strongly recommend that a study be done (by a Civil Engineering firm) to see if this is sufficient. My experience with facilities with a population of residents with chronic mental illness is that objects (e.g. towels, sheets, adult diapers) end up in the sewer causing lines and pumping stations get plugged. This could adversely affect the sewer (or pumping stations) down stream of this facility resulting in large costs to the City and the potential of sewage spills.

I am not an expert on City Code; however, I am a concerned citizen of Oregon City. As a citizen and a property owner I would hope that the City is working diligently to ensure that we maintain a community that provides a high quality of life and is safe for its current residents and taxpayers. I strongly feel that the proposed development does not improve the quality of life for the residents of this neighborhood nor does it for the City overall (actually I believe there will be increased demands on City services that will add an additional stress to the City's current budget.) As for safety, I believe and so do my neighbors, that this development poses significant safety risks to the children, elderly and women of this neighborhood. In addition, the proximity to Molalla Avenue, adds significant safety risks to all citizens that travel past the intersection at Garden Meadow Drive and Molalla Avenue.

I respectfully request that the Planning Commission reject this Limited Land Use Application at this time.

If the Planning Commission will not reject this Land Use Application, I would like to request that a public hearing be held to consider the objections outlined here and any other objections that my neighbors and citizens of Oregon City may have.

Respectively,

Mark J. Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Signed

8-3-04

Date

19283 S. Cokeron Dr.

Address

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Signed

8/3/04  
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Address  
OC OR  
97045

04 AUG -4 AM 8:51

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CITY OF OREGON CITY

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August 3, 2004

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19284 Luker Dr.  
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Respectively,

Michael J. Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

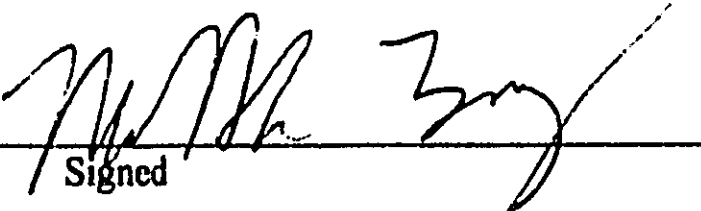
Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Signed

08/03/04  
Date

13650 Garden Meadow Dr.  
Address

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

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Respectively,

Merle J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Tanya Morris  
Signed

8-3-04  
Date

19347 S. Cokeren DR.  
Address Oregon City, OR 97045

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

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Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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(  
Clara A. M... 8-3-04  
Signed Date  
19413 Coberon Dr. Oregon City  
Address

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August 3, 2004

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8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8 51

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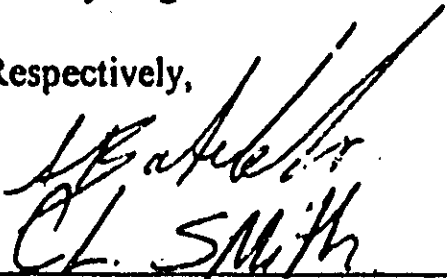
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Date

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Address

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Respectively,

Michael J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Signed

8/3/04  
Date

13664 GARDEN MEADOW DR.  
Address

OREGON CITY 97045

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

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Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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8/3/04  
Date

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Address

Oregon City, Or 97045

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Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Brad Timmer  
Signed

Date

8/3/04

13668 Garden Meadow Dr.  
Address  
OREGON CITY, OR 97035

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

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8/3/04  
Date

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,04 AUG -4 AM 8: 51

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CITY OF OREGON CITY

August 3, 2004

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Re: File Number SP 04-11

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Jon James  
Signed

8-2-04  
Date

19316 COKERON DRIVE  
Address

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I respectfully request that the Planning Commission reject this Limited Land Use Application at this time.

If the Planning Commission will not reject this Land Use Application, I would like to request that a public hearing be held to consider the objections outlined here and any other objections that my neighbors and citizens of Oregon City may have.

Respectively,

Michael J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardner) August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

As a citizen of Oregon City and a neighbor to the proposed Development, I would like to go on Record as to having many concerns (some of which are outlined in the attached letter) about the Safety and affect of this development on our neighborhood and City.

At this time, I respectfully request that the Planning Commission reject this Limited Land Use Application.

If the Planning Commission will not reject this Land Use Application, I would like to request that a public hearing be held to consider the objections outlined here and any other objections that my neighbors and citizens of Oregon City may have.

Respectively,

(Margie & Gene Patrick)  
Signed

8/2/04  
Date

13662 So. Garden Meadow Dr.  
Address

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

As a property owner and resident I would like to present my written comments on the application by Northwest Housing Alternatives for their proposed development of the Lot 3S-2E-08AB Lot 3200.

1. The site is zoned C-General Commercial and as such the applicant is applying as a R-2 multi-family development. I do not believe that the proposed development meets the definition of a multi-family development as intended by the City. The use of this facility is strictly restricted to individuals that meet the following requirements: The residents must be "extremely low income" and "live with chronic mental illness." With these restrictions, I would suggest that the use of this facility falls some where between Boarding/Lodging and Institutional and is NOT multi-family in the traditional meaning. The Developer in his application, under Site & Project Data, defines the proposed use as Special Needs Multi-Family.

Based on comment #1, I respectfully request that the City reject the Limited Land Use Application filed based on not meeting zoning requirements. The Code, 17.18-R-2 Multi-Family Residential District, does not have "Special Needs Multi-Family" as a Permitted use, nor is there a use that resembles the intended use of this facility in the Code.

If the Application cannot be rejected on the above comment, I would like to put the following comments into record.

2. The proposed development is surrounded by a very congested residential neighborhood, retirement housing and a major thoroughfare (Molalla Avenue.) Based on the surroundings, the use of this land would be much better utilized as a profession office complex or some other *passive* use. Please reject the Limited Land Use Application as intrusive and not the best use of the land.
3. The applicant is proposing to provide the minimum allowable number of parking spaces. However, due to the location (across the street from elderly persons and very close to Molalla Avenue) and minimum width of Garden Meadow Drive any street parking at this location may be a public safety hazard. Therefore, I request that the developer provide the maximum amount (i.e. 30 parking spaces) of parking per section 17.52 of the code.

Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.



( With an increase in parking lot size a Plan (prepared and stamped by a registered Civil Engineer) should be submitted for approval that demonstrates that run-off will equal pre-development rates.

4. Individual Open Space. The applicant has not met this requirement (and their reason for not providing Individual Open Space substantiates that the intended use of this land is not for multi-family housing.) and should be required to meet this requirement.

The applicant should re-submit Plans showing this requirement is met. Also, no individual open spaces should be allowed on the section of the building facing Garden Meadow Drive. Such spaces would substantially affect the Spatial and Visual Arrangement of Uses and Structures as specified in the code.

In addition, Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

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Respectively,

Michael J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8: 51

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

As a citizen of Oregon City and a neighbor to the proposed Development, I would like to go on Record as to having many concerns (some of which are outlined in the attached letter) about the Safety and affect of this development on our neighborhood and City.

At this time, I respectfully request that the Planning Commission reject this Limited Land Use Application.

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Respectively,

Elaine F. Thomas

Signed

8/2/04

Date

13660

Address

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Respectively,

Neil J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:52

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Cardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Respectively,

Marilyn Mack  
Signed

8/03/04 M.  
8/02/04  
Date

13657 Garden Meadow Dr., O.C., OR. 97045  
Address

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

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Respectively,

Michael J. Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 AM 8:52

RECEIVED  
CITY OF OREGON CITY

August 3, 2004

To: Oregon City Planning Division (Christina Robertson-Gardiner)

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

As a citizen of Oregon City and a neighbor of the proposed Development, I would like to go on record as to having many concerns (safety, traffic, etc.) about the development and its effect on the neighborhood and City.

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Respectively,

  
Signed

8-3-04  
Date

13648 Garden Meadow Dr.  
Address

O.C. 97045

Exhibit 4w

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

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Respectively,

Mark J. Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:52

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

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Respectively,

Raul Rences  
Signed

2-8-04  
Date

13645 GARDEN MEADOW DRIVE  
Address

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August 3, 2004

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Respectively,

Mark J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 AM 8:52

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Respectively,

*Royall Bishop*  
Signed

8/3/04  
Date

13651 Garden Meadow Ln.  
Address

*O. City Oregon - 97045*

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Neil J. Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

04 AUG -4 PM 1:48

RECEIVED  
CITY OF OREGON CITY

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August 3, 2004

Re: File Number SP 04-11

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Sara Brown  
Signed

8/4/04  
Date

13647 Garden Meadow Dr.  
Address

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Neil J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 PM 2: 23

RECEIVED  
CITY OF OREGON CITY

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Chris Robertson-Gardiner  
Signed

8-3-04  
Date

19421 Coleridge Dr.  
Address

O.C.

Oregon 97045

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

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04- AUG -4 PM 2: 23

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August 3, 2004

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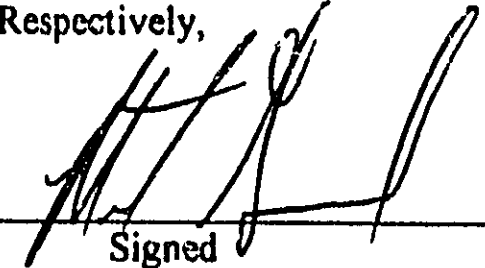
Parcel: County Map 3-2E-08AB, Tax Lot 3200

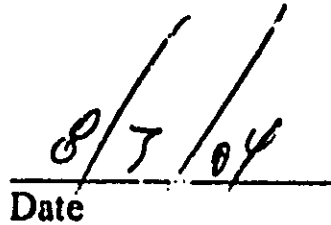
As a citizen of Oregon City and a neighbor to the proposed Development, I would like to go on Record as to having many concerns (some of which are outlined in the attached letter) about the Safety and affect of this development on our neighborhood and City.

At this time, I respectfully request that the Planning Commission reject this Limited Land Use Application.

If the Planning Commission will not reject this Land Use Application, I would like to request that a public hearing be held to consider the objections outlined here and any other objections that my neighbors and citizens of Oregon City may have.

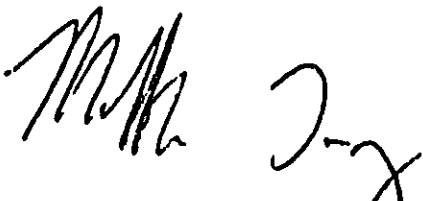
Respectively,

  
Signed

  
Date

MONTY GOOD  
13652 GARDEN MEADOW DR.  
Address

OREGON CITY OR 97045

  
13650 Garden Meadow Dr  
Oregon City OR 97045

To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

As a property owner and resident I would like to present my written comments on the application by Northwest Housing Alternatives for their proposed development of the Lot 3S-2E-08AB Lot 3200.

1. The site is zoned C-General Commercial and as such the applicant is applying as a R-2 multi-family development. I do not believe that the proposed development meets the definition of a multi-family development as intended by the City. The use of this facility is strictly restricted to individuals that meet the following requirements: The residents must be "extremely low income" and "live with chronic mental illness." With these restrictions, I would suggest that the use of this facility falls some where between Boarding/Lodging and Institutional and is NOT multi-family in the traditional meaning. The Developer in his application, under Site & Project Data, defines the proposed use as Special Needs Multi-Family.

Based on comment #1, I respectfully request that the City reject the Limited Land Use Application filed based on not meeting zoning requirements. The Code, 17.18-R-2 Multi-Family Residential District, does not have "Special Needs Multi-Family" as a Permitted use, nor is there a use that resembles the intended use of this facility in the Code.

If the Application cannot be rejected on the above comment, I would like to put the following comments into record.

2. The proposed development is surrounded by a very congested residential neighborhood, retirement housing and a major thoroughfare (Molalla Avenue.) Based on the surroundings, the use of this land would be much better utilized as a profession office complex or some other *passive* use. Please reject the Limited Land Use Application as intrusive and not the best use of the land.
3. The applicant is proposing to provide the minimum allowable number of parking spaces. However, due to the location (across the street from elderly persons and very close to Molalla Avenue) and minimum width of Garden Meadow Drive any street parking at this location may be a public safety hazard. Therefore, I request that the developer provide the maximum amount (i.e. 30 parking spaces) of parking per section 17.52 of the code.

Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.



With an increase in parking lot size a Plan (prepared and stamped by a registered Civil Engineer) should be submitted for approval that demonstrates that run-off will equal pre-development rates.

4. Individual Open Space. The applicant has not met this requirement (and their reason for not providing Individual Open Space substantiates that the intended use of this land is not for multi-family housing.) and should be required to meet this requirement.

The applicant should re-submit Plans showing this requirement is met. Also, no individual open spaces should be allowed on the section of the building facing Garden Meadow Drive. Such spaces would substantially affect the Spatial and Visual Arrangement of Uses and Structures as specified in the code.

In addition, Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

5. Due to traffic and pedestrian safety being adversely affected by this development a study should be performed (and paid for by the developer) by an Engineering firm to insure that the width of Garden Meadow Drive is sufficient and safe. Variables such as traffic count, traffic type, driver experience and elderly and child pedestrians should be taken into account. The report should be submitted for review and comments before any work begins.

Also, Code requires that the developer provide safe bicycle travel. The Developer is anticipating bicycle traffic and the width of the road should include required bike lanes.

If a bike lane is added and/or the study indicates that a wider road is needed, the developer of this lot should bear ALL (not just in front of parcel 2) the cost of the improvements and the improvements should extend from the Developers property all the way to Molalla Avenue. In addition, with a wider street, Applicant should also submit a new Plan for review and approval to insure that the percentages of lot space devoted to landscaping and open space is adhered to. The applicant should also be held to set backs that reflect the current neighborhood's look.

6. Due to the potential increase in traffic, the driver skills/limits of mentally ill persons and the safety concerns that these factors create when making a turn from Garden Meadow Drive onto Molalla Avenue a Safety Study should be conducted (and paid by the developer) by a Engineering firm to access if a traffic light (both for automobile and pedestrian traffic) is need at this intersection and the impact of traffic flow on Molalla Avenue. If a light is needed, the developer of this property should be responsible for the cost of the improvements and future maintenance.

7. Code 17.62.040-H gives the Principle Planner the right to require one or more reports to ensure that the "proposed development does not adversely affect the surrounding community." I would suggest that the proposed development will adversely affect the surrounding community and that the Principle Planner should require the developer to prepare and submit reports that address the impact (and associated costs) of this development on the Community (e.g. City services such as fire and police protection that may result from a facility for "adults who live with chronic mental illness") and the safety of the surrounding neighborhood.
8. Applicant is proposing a 12-inch gravity sewer line. I would strongly recommend that a study be done (by a Civil Engineering firm) to see if this is sufficient. My experience with facilities with a population of residents with chronic mental illness is that objects (e.g. towels, sheets, adult diapers) end up in the sewer causing lines and pumping stations get plugged. This could adversely affect the sewer (or pumping stations) down stream of this facility resulting in large costs to the City and the potential of sewage spills.

I am not an expert on City Code; however, I am a concerned citizen of Oregon City. As a citizen and a property owner I would hope that the City is working diligently to ensure that we maintain a community that provides a high quality of life and is safe for its current residents and taxpayers. I strongly feel that the proposed development does not improve the quality of life for the residents of this neighborhood nor does it for the City overall (actually I believe there will be increased demands on City services that will add an additional stress to the City's current budget.) As for safety, I believe and so do my neighbors, that this development poses significant safety risks to the children, elderly and women of this neighborhood. In addition, the proximity to Molalla Avenue, adds significant safety risks to all citizens that travel past the intersection at Garden Meadow Drive and Molalla Avenue.

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Respectively,

Neil J Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR 97045

04 AUG -4 PM 2: 23

RECEIVED  
CITY OF OREGON CITY

( To: Oregon City Planning Division (Christina Robertson-Gardiner)

August 3, 2004

Re: File Number SP 04-11

Parcel: County Map 3-2E-08AB, Tax Lot 3200

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Respectively,

Mark J. Brown  
Signed

8/3/04  
Date

13647 Garden Meadow Dr  
Address  
OC OR  
97045

Matthew Tray  
13650 Garden Meadow Dr. OR CITY, OR 97045

04 AUG -4 PM 12: 59

1 of 3

RECEIVED  
CITY OF OREGON CITY

August 4, 2004

**Submitted To:**

Oregon City Planning Division  
320 Warner Milne Road  
Oregon City, OR 97045

**From:**

V. Todd Wheeler  
19380 Cokeron Dr.  
Oregon City, OR 97045

RE: Land Use Application for parcel 3-2E-08AX, Tax lot 3200 (.076 acres)

Dear Sirs,

I am Todd Wheeler, owner of residence at 18380 Cokeron Drive, Oregon City. I am submitting these comments in opposition of the proposed 15 unit, multi-family building applied for at the above location.

Let me preface my comments by stating that we enjoy living in our neighborhood. It is uncommonly close knit, and we watch out for each other and all of the children that live here.

The proposed site is located directly adjacent to my property. Among the concerns that I have regarding this proposed development are:

Traffic: Garden Meadow Dr., as with many streets in the general vicinity (including Cokeron Dr.) is already narrow due to the variance granted during primary development of the neighborhood. During high volume periods of daily traffic it is already cumbersome to negotiate, and to turn Northbound onto or from Molalla Ave. Adding a 15 unit apartment building, directly across the street from a retirement home and very close to a new retail development will exacerbate the problem significantly, and not just during high traffic periods. Due to the variance, the streets are so narrow that if cars are parked on each side, a vehicle traveling down the street only has a little clearance on both sides. -In cases where cars are parked on both sides of the streets traffic is limited to one-way only. There is not enough width for 2 cars to pass in opposing directions.

-This illuminates a serious issue regarding access from emergency vehicles and/or potential disasters. It would be (and currently is) difficult for emergency vehicles to negotiate these streets. If the neighborhoods needed to be evacuated or cleared quickly it would be very difficult to exit given the narrowness of the street. . Which brings me to the next point;

**Parking:** Space is already limited in this neighborhood. Since it's probable that there will be at least an additional 20-30 cars in a unit this size, parking will spill out into the street onto both sides of Garden Meadows, and potentially into Cokeron. The streets are already constricted, and battling passage through to Molalla Ave. or for parking and space is not an appealing prospect to me as a homeowner.

**Noise:** This neighborhood already is affected by noise from residents along Cokeron Dr., Garden Meadows, Gaffney Lane as well as the retail establishments on the West AND East sides of Molalla Ave. Adding this proposed structure as well as an additional 15-60 additional residents will only add to this.

**Long Term vision for Oregon City:** Within ¼ mile of the proposed structure are 15-20 rental duplexes, an extremely run-down Cinnamon Tree Apartment complex, some halfway homes, two sizeable retirement communities, as well as established retail and other commercial businesses. Miller Paint just went in over the last few months. Let's not kid ourselves here. This is a very dense pocket of the community. I do not feel that stuffing such a large structure into .75 of an acre is the right place for such a building.

**Property Value:** I am concerned about how this type of unit will adversely affect the property value of my home. According to the plans that have been filed, this unit is for low-income rehabilitation housing. I would ask City Planners how this would increase the property value of homes in this area. There are already at least 2 additional halfway houses within 2 blocks of this site. We came very close to not purchasing the property because of all the rentals within the neighborhood. If the proposed building had been present, then we most certainly would not have purchased this property.

**View:** Not that there is a spectacular view of the post office and firehouse from our backyard, but we can see Mount Hood. This new building would obstruct that view. The height of this structure will also affect our privacy.

**Stress on limited infrastructure and services:** Our Fire Department and Police Department are already limited by budget and resources. (Our Firehouse off of Molalla is using a trailer to accommodate the on-shift team).

I would ask City Planners to please look forward 10-15 or more years forward as they make development decisions for the community. Is Oregon City becoming a place where you would recommend families to live? When we came to OC in 2000, we were very mindful that the city, in terms of development, would soon be on a critical cusp for future growth. We were impressed with new businesses like Haggen Market, but not very pleased with the location of Goodwill. The Hilltop community is very spotty and patchy in terms of residential focus. I would equate the proposed development as making as much sense as allowing another bar or pub into Old Town, down by the Courthouse. There are already a number of similar units in the neighborhood, yet nearly 2 miles to the nearest park. Please consider the taxpaying homeowners of this community. Our long-term interest in the community is dependant on the direction and careful planning of the City.

08-

Respectfully,

*V. Todd Wheeler*

V. Todd Wheeler  
19380 Cokeron Dr..  
Oregon City, OR, 97045



July 20, 2004

Christina Robertson-Gardiner  
P.O. Box 3040  
Oregon City, OR. 97045

Dear Christina Robertson-Gardiner,

SUBJECT: FILE NUMBER SP 04-11

We feel as homeowners and parents living at 19283 Cokeron Dr. that by you allowing a large apartment building to be built in our neighborhood, it will bring down property values and be an eye sore. It will create a lot more traffic in area where a lot of children play in the street. And it will be out of place in a neighborhood that has all one and two family dwellings. We ask you to please consider the comments of myself and fellow neighbors and reject the application.

Sincerely,



Reid Keith

RECEIVED  
CITY OF OREGON CITY  
2004 JUL 23 PM 12:08

19283 S. COKERON DR.  
OREGON CITY, OR. 97045

Exhibit 4cc

**CITY OF OREGON CITY**  
**ENGINEERING POLICY 00-01**  
**Guidelines for Development**

**EFFECTIVE: April 10, 2000**

**PREPARED BY**  
**COMMUNITY DEVELOPMENT DEPARTMENT**

**320 Warner-Milne Road**

**Post Office Box 3040**

**Oregon City, Oregon 97045-0304**

**Telephone: (503) 657-0891**

**Engineering Division**

**Exhibit 5**

**Applicability.** This policy applies to applicants for land use decisions and site plan reviews with regard to providing public improvements and submittal of documentation. The following sections outline some of the important requirements and helpful hints for those unfamiliar with providing public improvements as required by the Oregon City Municipal Code and Oregon City Public Works Standards. This is not an all-inclusive list of City requirements and does not relieve the applicant from meeting all applicable City Code and Public Works Standards.

**Availability of Codes and Standards.** Copies of these City Codes and Standards are available at City Hall for a nominal price. Some engineering firms in the local metropolitan area already own these Codes and Standards to enable them to properly plan, design, and construct City projects.

### **General**

- Applicants shall design and construct all required public works improvements to City Standards. These Standards include the latest version in effect at the time of application of the following list of documents: Oregon City Municipal Code, Water Master Plan, Transportation Master (System) Plan, Sanitary Sewer Master Plan, and the Drainage Master Plan. It includes the Public Works Design Standards, which is comprised of Sanitary Sewer, Water Distribution System, Stormwater and Grading, and Erosion Control. This list also includes the Street Work Drawings, Appendix Chapter 33 of the Uniform Building Code (by reference), and the Site Traffic Impact Study Procedures. It may also include the City of Oregon City Review Checklist of Subdivision and Partition Plats when the development is a Subdivision, Partition, or Planned Unit Development.

### **Water (Water Distribution System Design Standards)**

- The applicant shall provide water facilities for their development. This includes water mains, valves, fire hydrants, blow-offs, service laterals, and meters.
- All required public water system improvements shall be designed and constructed to City standards.
- The Fire Marshall shall determine the number of fire hydrants and their locations. Fire hydrants shall be fitted with a Storz metal face adapter style S-37MFL and cap style SC50MF to steamer port. This adapter is for a 5-inch hose. All hydrants to be completed, installed, and operational before beginning structural framing. Hydrants shall be painted with Rodda All-Purpose Equipment Enamel (1625 Safety Orange Paint) and all chains shall be removed from the fire hydrants.
- Backflow prevention assemblies are required on all domestic lines for commercial buildings, all fire service lines, and all irrigation lines. Backflow prevention assemblies are also required on residential domestic lines greater than or equal to 2-inch diameter. These assemblies are also required where internal plumbing is greater than 32 feet above the water main. The type of backflow prevention device required is dependent on the degree of hazard. City Water Department personnel, certified as cross connection inspectors, shall determine the type of device to be installed in any specific instance. All backflow prevention devices shall be located on the applicant's property and are the

property owner's responsibility to test and maintain in accordance with manufacturer's recommendations and Oregon statutes.

- The applicant shall verify that there are no wells on site, or if any wells are on the site prior to connecting to the public water system, the applicant shall:
  - Abandon the well per Oregon State requirements and provide copies of the final approval of well abandonment to the City; or
  - Disconnect the well from the home and only use the well for irrigation. In this case, the applicant shall install a back flow preventor on the public service line. The applicant shall also coordinate with the City water department to provide a cross connection inspection before connecting to the public water system.

#### **Sanitary Sewer (Sanitary Sewer Design Standards)**

- The applicant shall provide sanitary sewer facilities to their development. This includes gravity mains, manholes, stub outs, and service laterals.
- All required public sanitary sewer system improvements shall be designed and constructed to City standards.
- Applicant must process and obtain sanitary sewer system design approval from DEQ.
- Any existing septic system on site shall be abandoned and certification documentation provided from Clackamas County before recording the plat or obtaining a certificate of occupancy.

#### **Stormwater (Stormwater and Grading Design Standards)**

- The applicant shall provide stormwater and detention facilities for their development. This includes the stormwater mains, inlets, manholes, service laterals for roof and foundation drains, detention system if necessary, control structure if necessary, inflow and outflow devices if necessary, and energy dissipaters if necessary.
- The applicant shall design and construct required public stormwater system improvements to City standards. Each project is to coordinate with the City Drainage Master Plan, the Public Works Stormwater and Grading Standards, and the appropriate individual Basin Master Plan (if adopted) and incorporate recommendations from them as directed.
- The applicant shall design the stormwater system to detain any increased runoff created through the development of the site, as well as convey any existing off-site surface water entering the site from other properties.
- The applicant shall submit hydrology/detention calculations to the City Engineering Division for review and approval before approval of construction plans. The applicant shall provide documentation to verify the hydrology and detention calculations. The applicant shall show the 100-year overflow path and shall not design the flow to cross any developed properties.

### Dedications and Easements

- The applicant shall obtain and record all off-site easements required for the project before City approval of construction plans.

### Streets

- The applicant shall provide street facilities to their site including within the site and on the perimeter of the site where it borders on existing public streets. This includes half- and full-street width pavement as directed, curbs, gutters, planter strips or tree wells as directed, street trees, sidewalks, and bicycle lanes (when required by the type of street classification). This also includes city utilities (water, sanitary and storm drainage facilities), traffic control devices, centerline monumentation in monument boxes, and street lights in compliance with the City Code for Oregon City and its various Master Plans. Half-street improvements include an additional 10-foot wide pavement past the centerline subject to City review of existing conditions.
- After installation of the first lift of asphalt, applicant shall provide asphalt berms or another adequate solution, as approved by the City Engineering Division, at storm catch basins or curb inlets on all streets. This ensures positive drainage until the applicant installs the second lift of asphalt.
- All street names shall be reviewed and approved by the City (GIS Division 657-0891, ext.168) prior to approval of the final plat to ensure no duplicate names are proposed in Oregon City or the 9-1-1 Service Area.
- All street improvements shall be completed and temporary street name signs shall be installed before issuance of building permits.
- The applicant is responsible for all sidewalks in their development. The applicant may transfer the responsibility for the sidewalks adjacent to the right-of-way as part of the requirement for an individual building permit on local streets. However, failure to do so does not waive the applicant's requirement to construct the sidewalks. Applicant shall complete sidewalks on each residential lot within one year of City acceptance of public improvements for the project (e.g.; subdivision, partition, or Planned Unit Development) unless a building permit has been issued for the lot.
- Applicant shall install sidewalks along any tracts within their development, any pedestrian/bicycle accessways within their development, along existing homes within the development's property boundaries, and all handicap access ramps required in their development at the time of street construction.
- Street lights shall typically be owned by the City of Oregon City under PGE plan "B" and installed at the expense of the applicant. The applicant shall submit a street light plan, subject to City and PGE approval, prepared by a qualified electrical contractor. Streetlights shall be placed at street intersections and along streets at property lines. The required lights shall be installed by a qualified electrical contractor. Streetlights are to be spaced and installed per recommendations of the Illuminating Engineering Society of North America as published in their current issue of IES, RP-8 to provide adequate lighting for safety of drivers, pedestrians, and other modes of transportation. Streetlights shall be 100-watt high-pressure sodium fixtures mounted on fiberglass poles with a

25-foot mounting height unless otherwise specified. The applicant shall dedicate any necessary electrical easements on the final plat. All streetlights and poles shall be constructed of material approved by PGE for maintenance by PGE.

### Grading And Erosion Control

- The applicant's engineer shall submit rough grading plan with construction plans. The engineer shall certify completed rough grading elevations to  $\pm 0.1$  feet. For single family residential developments, a final residential lot-grading plan shall be based on these certified grading elevations and approved by the City Engineer before issuance of a building permit. If significant grading is required for the residential lots due to its location or the nature of the site, rough grading shall be required of the developer before the acceptance of the public improvements. (See Geotechnical section for cut and fill certification issues on building lots or parcels) There shall not be more than a maximum grade differential of two (2) feet at all site boundaries. Final grading shall in no way create any water traps, or create other ponding situations. Submit one copy (pertinent sheet) of any residential lot grading for each lot (e.g., 37 lots equals 37 copies).
- Applicants shall obtain a DEQ 1200c permit when their site clearing effort is over five (5) acres, as modified by DEQ. Applicant shall provide a copy of this permit to the City before any clearing efforts are started.
- An Erosion Prevention and Sedimentation Control Plan shall be submitted for City approval. Applicant shall obtain an Erosion Control permit before any work on site.
  - Dewatering excavations shall not be allowed unless the discharge water meets turbidity standards (see next bullet) or is adequately clarified before it enters on-site wetlands, drainage courses, and before it leaves the site. Discharge from man-made, natural, temporary, or permanent ponds shall meet the same standard.
  - Construction activities shall not result in greater than 10 percent turbidity increase between points located upstream and downstream of construction activities.
  - Effective erosion control shall be maintained after subdivision site work is complete and throughout building permit issuance.
  - Plans shall document erosion prevention and control measures that will remain effective and be maintained until all construction is complete and permanent vegetation has been established on the site.
  - Responsible party (site steward) for erosion control maintenance throughout construction process shall be shown on the Erosion Control Plan.
  - Staff encourages applicant to select high performance erosion control alternatives to minimize the potential for water quality and fish habitat degradation in receiving waters.

### Geotechnical

- Any structural fill to accommodate public improvements shall be overseen and directed by a geotechnical engineer. The geotechnical engineer shall provide test reports and certification that all structural fill has been placed as specified and provide a final

( summary report to the City certifying all structural fill on the site before City approval and acceptance of public improvements.

- Any cut or fill in building lots or parcels beyond the rough grading shall be subject to the Building Division's requirements for certification under the building permit.

### Engineering Requirements

- Design engineer shall schedule a pre-design meeting with the City of Oregon City Engineering Division before submitting engineering plans for review.
- Street Name/Traffic Control Signs. Approved street name signs are required at all street intersections with any traffic control signs/signals/stripping.
- Applicant shall pay City invoice for the manufacture and installation of permanent signs for street names and any traffic control signs/signals/stripping.
- Bench Marks. At least one benchmark based on the City's datum shall be located within the subdivision.
- Other Public Utilities. The applicant shall make necessary arrangements with utility companies for the installation of underground lines and facilities. The City Engineer may require the applicant to pay these utility companies to use trenchless methods to install their utilities in order to save designated and marked trees when the utility crosses within a dripline of a tree marked, or identified, to be saved. Applicant to bear any additional costs that this may incur.
- Technical Plan Check and Inspection Fees. The current Technical Plan Check and Inspection Fee shall be paid before approval of the final engineering plans for the required site improvements. The fee is the established percentage of a City-approved engineer's cost estimate or actual construction bids as submitted by the applicant. Half of the fee is due upon submitting plans for final approval; the other half is due upon approval of the final plans.
- It is the City's policy that the City will only provide spot check inspection for non public-funded improvements, and the applicant's engineer shall provide inspection and surveying services necessary to stake and construct the project and prepare the record (as-built) drawings when the project is complete.
- Applicant shall submit two (2) sets of final engineering plans for initial review by the City Engineering Division to include the drainage report (wet signed by the responsible engineer), and the cost estimate with half of the Technical Plan Check fee. The engineering plans shall be blackline copies, 24" x 36". Blue line copies are not acceptable.
- For projects such as subdivisions, partitions, and Planned Unit Developments, the applicant shall submit a completed copy of the City's latest final subdivision and partition plat checklist, and a paper copy of the preliminary plat.
- Two (2) copies of any revised documents (in response to redlined comments) will be required for subsequent reviews, if necessary.
- The applicant shall submit, for the final City approval, six (6) copies of the plans with one full set wet signed over the engineer's Professional Engineer Oregon stamp.

- Minimum Improvement Requirements. Applicant shall provide a surety on land division developments for uncompleted work before a plat is recorded as required by a Land Division Compliance Agreement (available in hard copy or electronic version from City Engineer office). This occurs if the applicant wishes to record the final plat before completion of all required improvements. Surety shall be an escrow account or in a form that is acceptable to the City Attorney.
- Upon conditional acceptance of the public improvements by the City, the applicant shall provide a two-year maintenance guarantee as described in the Land Division Compliance Agreement. This Maintenance Guarantee shall be for fifteen (15) percent of the engineer's cost estimate or actual bids for the complete public improvements.
- The applicant shall submit a paper copy of the record (as-built) drawings, of field measured facilities, to the City Engineer for review before building permits are issued beyond the legal limit. Upon approval of the paper copy by the City Engineer, applicant shall submit a bond copy set and two 4-mil mylar record drawings sets.
- The applicant shall submit one full set of the record (as-built) drawings, of field measured facilities, on AutoCAD files on CD-ROM or 3.5-inch diskette, in a format acceptable to the City Engineer, and include all field changes.
- One AutoCAD file of the preliminary plat, if applicable, shall be furnished by the applicant to the City for addressing purposes. A sample of this format may be obtained from the City Geographical Information System Division. This information, and documents, shall be prepared at the applicant's cost.
- The applicant's surveyor shall also submit, at the time of recordation, a copy of the plat on a CD-ROM or 3.5-inch diskette to the City in a format that is acceptable to the City's Geographic Information System Division.
- The City reserves the right to accept, or reject, record drawings that the City Engineer deems incomplete or unreadable that are submitted to meet this requirement. The applicant shall be responsible for all costs associated with meeting this condition. The applicant shall ensure their engineer submits the record drawings before the City will release final surety funds or residential building permits beyond the legal limit.
- Final Plat Requirements, if applicable. The final plat shall comply with ORS 92.010 through 92.190, and City Code. In addition the following requirements shall be required:
  - The applicant, and their surveyor, shall conform to the City's submittal and review procedures for the review and approval of plats, easements, agreements, and other legal documents associated with the division of this parcel.
  - Show the City Planning File Number on the final plat, preferably just below the title block.
  - A blackline copy of the final plat illustrating maximum building envelopes shall be submitted to the Planning Division concurrently with submittal of the plat to ensure setbacks and easements do not conflict.
  - Use recorded City control surveys for street centerline control, if applicable.
  - Tie to City GPS Geodetic Control Network, County Survey reference PS 24286, and use as basis of bearings. Include ties to at least two monuments, show measured versus record, and the scale factor. Monuments may be either GPS stations or other



monuments from prior City control surveys shown on PS 24286. If ties are to prior City control surveys, monument ties shall be from the same original control survey. The tie to the GPS control can be part of a reference boundary control survey filed for the land division.

- Show state plane coordinates on the Point of Beginning.
- The civil construction drawings, once approved by the City Engineering Division, shall have an approval period of one year in which to commence with construction. The plans and drawings shall be valid, once the City Engineer holds the preconstruction conference and construction activity proceeds, for as long as the construction takes. If the construction drawings expire before construction commences, the applicant shall ensure the civil construction documents and plans conform to the latest Standards, Specifications, and City Codes that are in place at the time of the update. The applicant shall bear the cost associated with bringing them into conformance, including additional technical plan check and review costs.
- The applicant shall include a statement in proposed Conditions, Covenants, and Restrictions (CC & R's), plat restrictions, or some other means acceptable to the City Attorney for:
  - Maintaining surface runoff patterns established for each lot,
  - Maintaining any proposed storm lines or detention, and
  - Conformance by individual lot owner to the City's erosion control standards when establishing or renovating landscaping.
  - The applicant shall submit the proposed method and statement to the Planning staff for review and approval, before final plat approval.
- Construction vehicles and other vehicles associated with the development shall only use the entrance as approved by the City Engineering Division to enter their site and these vehicles shall park or wait on the construction site. The applicant should provide a specified area of off street parking for the site's construction workers which meets the erosion/sedimentation control measures. Supplier vehicles and trailers (hauling vehicles) and actual construction vehicles shall not park, or wait, in such a manner that would block or hinder access for emergency vehicles. This includes private vehicles belonging to construction workers, supplier vehicles and trailers, and actual construction vehicles.
- Site construction activity is to only occur between 7:00 AM and 6:00 PM on Monday through Friday; between 9:00 AM and 6:00 PM on Saturday. No site improvement construction activity is allowed on Sunday. Construction activity includes all field maintenance of equipment, refueling, and pick up and delivery of equipment as well as actual construction activity.
- The applicant shall ensure that all applicable outside agencies are contacted and any appropriate approvals obtained for the construction of the project. The applicant shall supply copies of approvals to the City. Failure to do so shall be a justification for the City to prevent the issuance of a construction or building permit or to revoke an issued permit for this project.
- The applicant shall be responsible for paying all fees associated with the recording of documents such as non-remonstrance agreements, easements, and dedications.

- Should the applicant, or any assigns or heirs, fail to comply with any of the conditions set forth here, the City may take the appropriate legal action to ensure compliance. The applicant shall be responsible for any City legal fees and staff time associated with enforcing these conditions of approval.

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June 28, 2004

Susan Meamber  
Northwest Housing Alternatives  
2316 SE Williard Street  
Miwaukie, OR 97222

*RE: Meadowlark - Transportation Analysis Letter*

Dear Susan:

This letter is written to address the City of Oregon City's criteria for a Transportation Analysis Letter for a proposed residential apartment development in Oregon City. The site is located on the northwest side of Garden Meadow Drive, approximately 260 feet southwest of Molalla Avenue.

This letter will discuss in detail the trip generation of the proposed development, the access spacing of the driveway, the sight distance at the driveway, and the safety of the driveway and along the site frontage.

Garden Meadow Drive is under the jurisdiction of City of Oregon City and is classified as a Local Street. It is generally a two-lane facility in the vicinity of the study area with no striping or posted speed. There are curbs and sidewalks along both sides of the roadway south of the site. To the north of the site, there are curbs and sidewalks only on the eastern side of the roadway. There are no bike lanes on either side of the roadway. There is on-street parking along both sides of the roadway.

In order to estimate the number of trips that will be generated by the proposed development, trip rates from the manual *TRIP GENERATION*, Seventh Edition, published by the Institute of Transportation Engineers (ITE), were used. Trip rates from land-use code 220, *Apartment*, were used. The trip rates are based on the number of dwelling units of the proposed development. For the purpose of this report it was assumed that all dwelling units would be occupied and there would be no vacancy.

The following table shows the trip generation estimates for the proposed development. Detailed trip generation calculations are attached to this letter.

Exhibit 6



Susan Meamber

June 28, 2004

Page 2 of 3

#### TRIP GENERATION SUMMARY

	Entering Trips	Exiting Trips	Total Trips
<i>15 Apartments</i>			
AM Peak Hour	2	6	8
PM Peak Hour	6	3	9
Weekday	50	50	100

It is likely that these trip generation estimates in the table are higher than what will actually occur on the site. The proposed development is being designed as disabled and/or low income housing. Therefore, the number of residents owning and driving vehicles will likely be lower than a normal apartment development.

The driveway for the proposed development is located approximately 260 feet from the intersection of Molalla Avenue at Garden Meadow Drive. The City of Oregon City has no formal access spacing standards, but a review of the roadway and potential safety conflicts was performed.

The sight distance at the proposed driveway along Garden Meadow Drive was measured and evaluated. Since there is no posted speed along Garden Meadow Drive, it was assumed to be 25 mph due to the functional classification and the residential nature of the roadway.

Required sight distance was calculated from the intersection sight distance equations given in *A POLICY ON GEOMETRIC DESIGN OF HIGHWAYS AND STREETS*, published in 2001 by the American Association of State Highway and Transportation Officials (AASHTO). The measurements are based on an eye height of 3.5 feet and an object height of 3.5 feet above the road, with the driver's eye 15 feet behind the edge of the near side travel lane. For the proposed driveway, this sight distance is 280 feet.

The measured sight distance was greater than 300 feet in either direction. Therefore, the sight distance is adequate for the proposed site driveway.



Susan Meamber

June 28, 2004

Page 3 of 3

Several access driveways are located on both sides of Garden Meadow Drive in the vicinity of the site. However, each of these driveways will be relatively low traffic volume. As such, it is unlikely that conflicts will occur between any of the existing driveways and the proposed driveway. A figure showing the approximate location and distance from the site driveway is attached to this letter.

A review of the City's Transportation System Plan (TSP) indicated was conducted including but not limited to the functional classification of Garden Meadow Drive, the current zoning of the site, and access spacing requirements in order to determine if the proposed development would comply. The proposed development will comply with the TSP with no mitigations required.

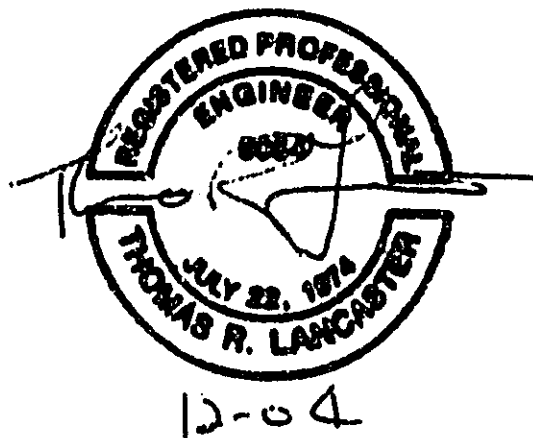
If you have any questions regarding this information, please don't hesitate to call.

Yours truly,

Geoffrey A. Judd, E.I.T.  
Senior Transportation Analyst

Attachments:

Trip Generation Estimates  
Figure





## TRIP GENERATION CALCULATIONS

*Land Use:* Apartment  
*Land Use Code:* 220  
*Variable:* Occupied Dwelling Units  
*Variable Value:* 15

### AM PEAK HOUR

*Trip Rate:* 0.51

	Enter	Exit	Total
Directional Distribution	20%	80%	
Trip Ends	3	5	8

### PM PEAK HOUR

*Trip Rate:* 0.62

	Enter	Exit	Total
Directional Distribution	65%	35%	
Trip Ends	6	3	9

### WEEKDAY

*Trip Rate:* 6.72

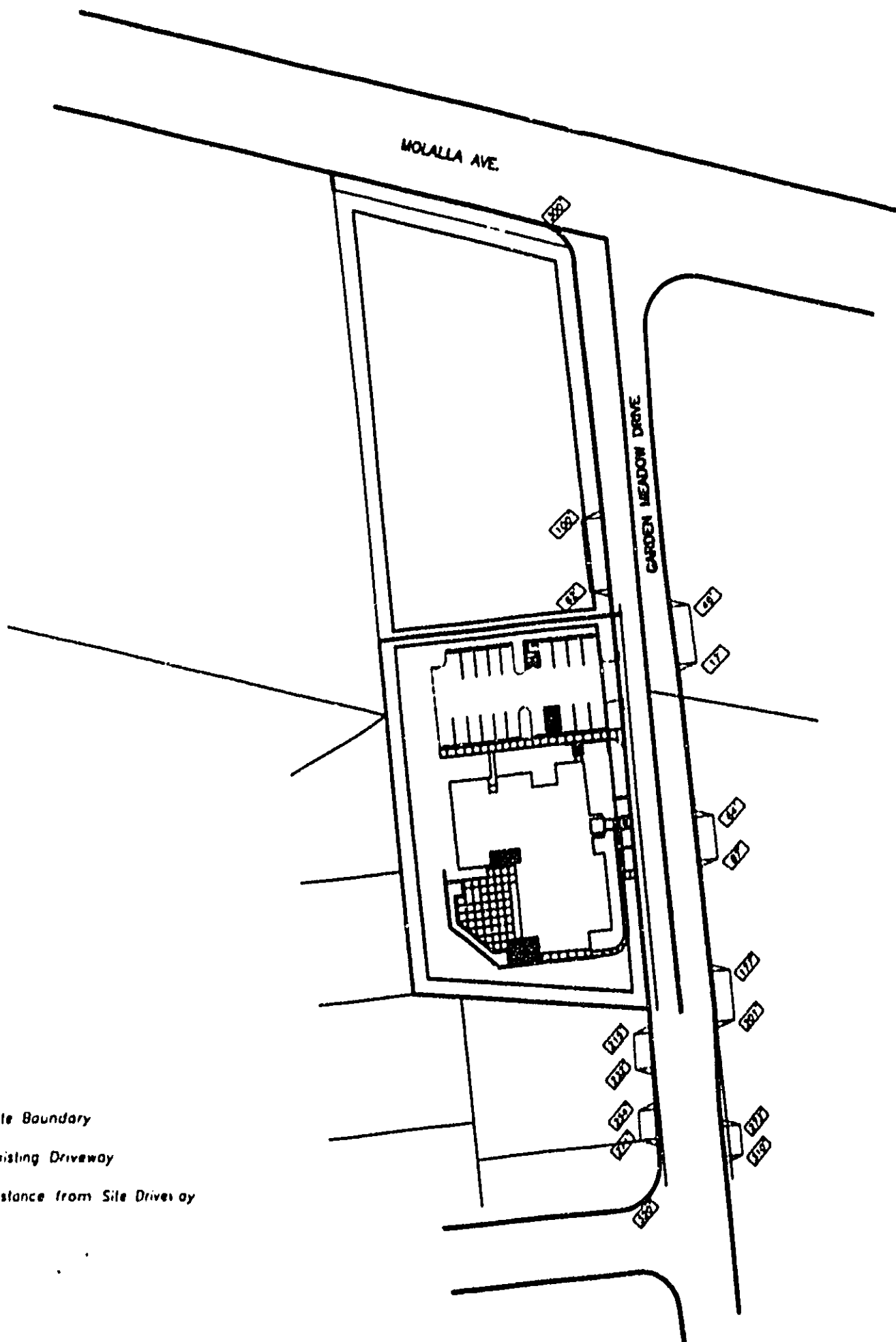
	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	50	50	100

### SUNDAY

*Trip Rate:* 5.86

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	44	44	88

Source: TRIP GENERATION, Seventh Edition



**Legend**

- Site Boundary
- Existing Driveway
- XXX' Distance from Site Driveway



Not to Scale

**Site Plan**

## **1.0 INTRODUCTION**

### **1.1 GENERAL**

Kleinfelder completed a geotechnical exploration related to the design and construction of a two-story housing building proposed north of Garden Meadow Drive and west of Molalla Avenue in Oregon City, Oregon as shown on the Site location Map, Figure 1. The purpose of the geotechnical exploration was to explore the surface and subsurface conditions and based on the conditions encountered, provide recommendations pertaining to geotechnical aspects of the proposed development as outlined below in Section 1.3.

### **1.2 PROJECT DESCRIPTION**

The proposed site (site) is located north of Garden Meadow Drive, approximately 240 feet west of Molalla Avenue, in Oregon City, Oregon. The site is rectangular-shaped, undeveloped, and covers approximately 0.8 acres.

The proposed site development plan prepared by Bergsund Delaney Architecture & Planning, PC, entitled "Northwest Housing Alternatives, HUD 811 Proposal, Oregon City, Oregon," dated June 3, 2003, was provided by Northwest Housing Alternatives, Inc. (NHA). From a discussion with the architect, we understand that the proposed building will be a two-story wood frame structure, with either slab-on-grade, or crawl space. We have assumed that the anticipated structure loading consists of 40 kip column loads and 3 kips/foot wall loads. An elevator, if included in the final design, will require a five-foot deep pit. Associated development on site includes paved parking and driveway, and landscape areas. From a discussion with Compass Engineering, we understand that roof runoff may be disposed in a drywell and a stormwater detention pond, located on the eastern portion of the site, would be used for site runoff. We expect site grading will be minimal, less than two feet of cut and fill.

### **1.3 AUTHORIZATION AND SCOPE OF WORK**

The scope of geotechnical services for this project is described in our proposal 06002PROP/POR4P024, dated February 13, 2004. The proposed scope of work was authorized by NHA on February 13, 2004.

This report presents the results of the Geotechnical Exploration that includes the following tasks:

1. Collect and review readily available geotechnical and geologic data for the project area.
2. Perform a geotechnical site reconnaissance prior to the subsurface investigation.



3. Conduct a subsurface investigation consisting of 3-4 soil test pits to depths ranging between 10 and 15 feet to provide information relative to soil, groundwater, and other geologic conditions in the vicinity of the proposed development.
4. Perform a soil infiltration test in general accordance with the King County, Washington Stormwater Design Manual.
5. Conduct limited laboratory testing in general accordance with appropriate American Society for Testing Materials (ASTM) standards to check the visual soil classifications and to provide estimates of engineering parameters necessary for geotechnical design.
6. Based on the field exploration and laboratory testing programs, provide discussions and recommendations regarding the following:
  - Regional geology and seismicity;
  - General site surface and subsurface conditions;
  - Shallow foundation design including soil contact pressures, embedment depths, resistance to lateral loads, and settlements;
  - Earthwork construction including site preparation, fill placement and compaction;
  - Recommendations for floor slab support
  - Anticipated excavation conditions;
  - Recommended slopes for temporary excavations;
  - Groundwater conditions and potential groundwater problems;
  - Pavement design;
  - Mitigation of deleterious soil conditions, if appropriate.

Environmental sampling and testing of the soil and groundwater to evaluate the potential presence of hazardous materials was not included in the scope of work for the geotechnical subsurface exploration program. This Geotechnical Exploration Report does not include an assessment of existing or potential environmental concerns associated with this site.

## **2.0 FIELD AND LABORATORY INVESTIGATIONS**

### **2.1 FIELD EXPLORATIONS**

A member of the Squier | Kleinfelder engineering staff conducted a preliminary site reconnaissance to observe surface conditions and locate test pit sites. The geotechnical subsurface exploration program consisted of six backhoe test pits (Test Pits TP-1 through TP-4) in the locations shown on the Site Plan, Figure 2. The test pit locations were located in the field by taping and pacing from known landmarks. The test pits were excavated on February 19, 2004 using a Deere 310SE trackhoe from W.G. Moe & Sons, our subcontractor. The test pits were advanced to depths approximately between 10 and 12 feet below existing ground surface. Appendix A contains four test pit logs.

The test pits were advanced under the full time observation of a member of the Squier | Kleinfelder engineering staff who maintained a log of each test pit, visually classified the soils encountered according to the Unified Soil Classification System, and obtained disturbed samples at selected depths. Our typical sampling interval was 5 feet, or change of soil type, whichever was less. Samples were stored in moisture tight bags and returned to our laboratory for further examination and testing.

After completion, each test pit was backfilled to near the ground surface with excavated soil. Note that backfilled test pits have not been compacted to standards required for engineered structures described elsewhere in this report. Additional compaction may be required if engineered structures are planned for these areas.

The stratigraphic contacts indicated for each boring represent the approximate boundaries between soil types; actual transitions may be more gradual. The soil and groundwater conditions depicted are only for the specific dates and locations reported, and therefore, are not necessarily representative of other locations and times.

### **2.2 LABORATORY TESTING**

Soil samples obtained from the borings were returned to Kleinfelder's laboratory for further examination and testing to refine the field classifications and to evaluate physical properties of the soils which may affect the geotechnical aspects of project design and construction.

The laboratory testing program included the following:

- Moisture content tests in general accordance with ASTM Test Method D2216;

- Liquid Limit, Plastic Limit, and Plasticity Index of soils in general accordance with ASTM Test Method D 4318;

Moisture content and Atterberg Limits tests are included on the test pit logs in Appendix A. Atterberg Limits test results are also shown in Appendix B.

### **3.0 SITE CONDITIONS**

#### **3.1 REGIONAL GEOLOGY**

The site is located on the northern portion of the Portland Basin, which is a tectonic depression of the Miocene age (approximately 16 million year old) Columbia River Basalt bedrock. The bedrock basin is filled with sedimentary deposits of mudstone, sandstone and conglomerates of Pliocene age (approximately 5 to 2 million years old). The sandstone and conglomerate unit is known as the Troutdale Formation, which is interpreted to be covered by a thin veneer of Pleistocene and Holocene age (approximately 2 million to less than 10,000 years old) alluvial deposits.

Surface deposits on the project site are mapped on the Geologic Map of Canby and Oregon City Quadrangles, Oregon, as Boring Lavas (Qtb). This unit is described as light gray, open textured, olivine basalt. This rock weathers to red clay interspersed with large boulders.

#### **3.3 SURFACE CONDITIONS**

The proposed site is located north of Garden Meadow Drive, approximately 240 feet west of Molalla Avenue, in Oregon City, Oregon. The site is rectangular-shaped, undeveloped, and covers approximately 0.8 acres. The site covers approximately 0.8 acres and is currently undeveloped. The site is currently covered with dense blackberry brambles, scattered trees and is grass covered. The site is relatively flat, with total vertical relief of less than about five feet based on visual observation.

#### **3.4 SUBSURFACE CONDITIONS**

As discussed in Section 2.1, subsurface conditions at the site were explored by advancing four test pits. Logs summarizing the subsurface conditions encountered in the test pits are presented in Appendix A. Exploration locations are shown on the Site Plan, Figure 2. The soil conditions observed during the subsurface investigation are relatively consistent across the site and are summarized below.

**SUBSURFACE EXPLORATION AND  
GEOTECHNICAL REPORT  
PROPOSED MEADOWLARK APARTMENTS  
ADJACENT TO 19245 S. MOLALLA AVENUE  
OREGON CITY, OREGON  
SQUIER | KLEINFELDER PROJECT # 41306**

**February 27, 2003**

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A Report Prepared For:

Ms. Susan Meamber  
Northwest Housing Alternatives, Inc.  
2316 SE Willard Street  
Milwaukie, OR 97222

**SUBSURFACE EXPLORATION AND GEOTECHNICAL REPORT  
PROPOSED MEADOWLARK APARTMENTS  
ADJACENT TO 19245 S. MOLALLA AVENUE  
OREGON CITY, OREGON**

Squier | Kleinfelder Project Number 41306

Prepared By:

for Robert L. Stephens, P.E.  
Senior Geotechnical Engineer

Reviewed By:

Said Behboodi, P.E.  
Principal Professional

**SQUIER | KLEINFELDER, INC.  
15050 SW Koll Parkway, Suite L  
Beaverton, OR 97006**

**February 27, 2004**

## **EXECUTIVE SUMMARY**

Squier | Kleinfelder completed a subsurface exploration and geotechnical engineering study for use in design and construction of a three-story housing building proposed adjacent to 19245 S. Molalla Avenue in Oregon City, Oregon. This project location is shown on the Site Location Map, Figure 1. Based on the results of our investigation, the site is geotechnically suitable for the proposed construction. Key design items are summarized below, and are discussed in greater detail in the body of this report.

**Soils:** Subsurface conditions are generally comprised of stiff to very stiff silty clay to depths of 3 to 4 feet overlying dense gravel and cobbles in a silty matrix that extends to maximum explored depth of 12.0 feet below existing ground surface (bgs). See Section 3.4.1.

**Groundwater:** Groundwater was encountered during test pit excavation at depths ranging from 4 to 10 feet below ground surface. Variation in groundwater levels should be expected seasonally, annually, and from location to location. See Section 3.4.2.

**Site Earthwork Recommendations:** All areas that will receive structural fill, pavement, or structures should be stripped to a depth that is sufficient to remove vegetation, significant roots larger than one-half inch in diameter, and any other deleterious materials encountered. We anticipate that required stripping depths will be 12 inches or less. However, significantly deeper stripping should be anticipated in localized areas where trees and shrubs are removed.

Near surface fine-grained soils have a significant proportion of fines and will therefore be moisture sensitive. However, provided they are properly moisture conditioned, they are generally suitable for use as structural fill. If possible, site earthwork should be scheduled for dry summer weather. Subgrade preparation and proof rolling recommendations are provided in Sections 5.1.1 and 5.1.3 respectively, structural fill material and placement recommendations are provided in Section 5.1.4.

**Compaction:** We recommend that fills intended to support structures and slabs be placed in horizontal lifts not exceeding about 8 inches in thickness and be compacted to at least 92 percent of the maximum dry density based on ASTM D 1557. See Section 5.1.5.

**Slopes:** No significant permanent cut or fill slopes are anticipated for this project. However, we recommend that finished cut or fill slopes up to 5 feet in height be no steeper than 2H:1V (Horizontal:Vertical). All permanent slopes will require erosion protection. See Section 5.6.

**Shallow Foundations:** Based upon the soils encountered, shallow spread foundations can be used for this project provided footing excavations are prepared in accordance with the recommendations provided in Section 5.2. Based on our understanding of the project, the assumed building foundation loads used to develop the recommendations included below are limited to strip footing loads not exceeding 3 kips/foot and column loads not exceeding 40 kips. Footings may be designed for bearing pressures up to 2,500 pounds per square foot. This value can be increased by 1/3 for the inclusion of wind or seismic forces. See Section 4.2.

**Slabs-on-Grade:** To reduce the potential for underslab moisture problems, we recommend that floor slabs be underlain by a minimum 6-inch thick layer of free draining, crushed rock and that slabs be established 6 inches or more above adjacent final grades. Alternatively, proper sloping may be used adjacent to slabs to provide adequate drainage away from structures. An impermeable membrane should be installed if moisture sensitive floor coverings are used. For floor slabs supported on subgrades that are prepared in accordance with the preceding recommendations the floor slab may be designed for a modulus of subgrade reaction (k) of 150 pounds per cubic inch. See Section 5.3.

**Excavations/Subsurface Structures:** Based upon our explorations, we anticipate that most of the excavations for cuts and utilities can be accomplished using conventional equipment. Boulders may be encountered in excavations deeper than about 3 feet. In our opinion, the near surface clay encountered in the borings would generally be considered a Type B soil when applying OSHA excavation regulations. See Section 5.4.

**Seismic Hazards and Design:** Based on the soils encountered at the site, UBC Soil Type  $S_c$  is recommended for use in design. The corresponding UBC normalized response spectra calculated using these coefficients is considered adequate for the project site. Based on the soils encountered during the exploration program and the geologic information reviewed, no site specific seismic concerns were identified during our seismic hazards analysis. See Sections 4.0.

**Subsurface Infiltration Rate:** Based on one infiltration test conducted at the site, an unfactored infiltration rate of 0.02 inches per minute was determined. See Section 5.7.

This summary is intended for introductory and reference use only. A thorough reading of the entire report is essential for understanding the geotechnical design concepts and limitations.

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## **FIGURES**

1. Site Location Map
2. Site Plan

## **APPENDICES**

- A. Boring Logs
- B. Laboratory Test Results
- C. Authorization to Use

### **3.4.1 SOILS**

**Silty Clay (CL) (Topsoil)** – The site is covered by silty clay with organics to depths 1 foot below ground surface (bgs). The silty clay soils are brown of low to medium plasticity.

**Silty Clay (CL)** – The topsoil unit is underlain by silty clay similar to the topsoil, but without organics to depths of 3 to 4 feet bgs. The clayey silt soils are brown, reddish brown, white, yellow, black, and light gray, moist, stiff to very stiff, and of low to medium plasticity.

**Cobbles and Boulders** The silty clay is underlain by cobbles and boulders in a silty sandy matrix to the maximum depth explored of 10-12 feet bgs. This unit was observed to contain boulders up to 4 feet in maximum dimension. This geologic unit represents weathered bedrock and was easily excavated using the trackhoe.

### **3.4.2 GROUNDWATER**

Groundwater was encountered at depths varying from 4 to 10 feet bgs in the cobble/boulder unit during exploration. Groundwater appeared as discreet seeps in the sidewalls of the test pits. Variation in groundwater levels should be expected seasonally, annually, and from location to location.

## **4.0 SEISMIC SETTING AND HAZARDS**

### **4.1 SEISMIC SETTING**

(The information provided below, including the relative earthquake hazard information is summarized from Mabey, Meier and Palmer, 1995)

The Vancouver-Portland area is susceptible to the effects of earthquakes from the following three sources: Crustal earthquakes (generally within depths of 10 miles below the surface); intraplate earthquakes which occur at depth of approximately 50 miles within the Juan de Fuca plate as it is subducted beneath the North America plate; and subduction zone earthquakes within the zone where the Juan de Fuca plate begins subducting beneath the North America plate.

Crustal earthquakes are the most common and are the source of the few moderate earthquakes that have originated in the Vancouver-Portland area in recorded history. Although many faults have been mapped in the area, the potential activity of specific faults has generally not been well defined. No known Holocene faults (known or suspected activity within the last 10,000 years) cross the site. Therefore, potential for catastrophic effects at the site from fault rupture is judged to be minimal. However, there is still the potential for significant effects from ground motions

due to nearby crustal events. The nearest potentially active fault as designated by Geomatrix (1995) is the Bolton Fault, located approximately 4 to 5 miles southwest of the subject site. Numerous faults described by Geomatrix (1995) as Quaternary (suspected activity within the last 750,000 years) or Probable Quaternary (suspected activity within the last 1.8 million years) are mapped in the Vancouver-Portland area.

The earthquakes that occurred in the Puget Sound area in 1949 and 1965 were intraplate earthquakes. It is now believed that similar earthquakes could be centered within the Portland area. No subduction zone earthquakes have occurred off the coast of Oregon, Washington or southern British Columbia in recorded history; however, recent studies have found evidence suggesting the region has been subjected to very large subduction zone earthquakes on an average of every 350-600 years. Either type of earthquake, should it occur during the life of the proposed project, would potentially have a significant regional impact.

#### 4.2 SEISMIC HAZARDS

**Liquefaction** - The soils encountered in subsurface exploration of the site consist of stiff to very stiff cohesive clay soils underlain by cobbles and boulders within the depths explored. Groundwater was encountered during exploration. In our opinion, the site may be classified as having minimal risk related to seismically induced liquefaction.

**Landslide/Lateral Spreading** - Because the site is classified as minimal risk related to seismically induced liquefaction and significant site grading is not anticipated, we conclude that there are no significant earthquake induced landslide/lateral spreading hazards at this site.

**Ground Amplification** - The soils encountered during our subsurface investigation generally contained stiff to very stiff clay soils overlying weathered bedrock. Based on this information, we do not anticipate significant amplification of underlying bedrock motions as they are propagated to the surface during a seismic event. For structures such as those proposed for the site, seismic structural design in accordance with the UBC requirements as discussed in the following section should be adequate.

#### 4.3 SEISMIC DESIGN

The Vancouver-Portland area lies within Seismic Zone 3 as defined in the State of Oregon Structural Specialty Code (1997). Based on our experience in the project area, structural design utilizing the procedures outlined in the Uniform Building Code for Seismic Zone 3 is considered adequate for this type of project.

Based on the subsurface information, we classified the site soil profile for the site response study as Soil Profile Type  $S_c$  based on Table 16-J of the 1997 UBC.  $S_c$  is defined as a soil profile consisting of very dense soils where the upper 100 feet of the soil profile has an average shear wave velocity between 360 m/s (1,200 feet/sec) and 760 m/s (2,500 feet/sec) or SPT  $N > 50$ , or  $S_u > 2,000$  psf. This soil type relates to a Seismic Coefficient,  $C_s$  of 0.33 in Table 16-Q and a Seismic Coefficient,  $C_v$  of 0.45 in Table 16-R. The corresponding normalized response spectra shown on Figure 16-3 of the 1997 UBC is considered adequate for the project site. Significant site amplification is not anticipated.

## **5.0 CONCLUSIONS AND RECOMMENDATIONS**

Based on the results of the field exploration, laboratory testing, and engineering analyses performed, it is our opinion that the proposed project is geotechnically feasible as planned, provided the recommendations of this report are incorporated in project design and construction.

### **5.1 SITE EARTHWORK RECOMMENDATIONS**

#### **5.1.1 SITE PREPARATION**

All areas that will receive structural fill, pavement, or structures should be stripped to a depth that is sufficient to remove vegetation, significant roots larger than one-half inch in diameter, and any other deleterious materials encountered. We anticipate that the required stripping depths will be 12 inches. However, significantly deeper stripping should be anticipated in localized areas where trees and shrubs are removed.

Stripped organic soils will not be suitable for re-use as structural fill. Stripped topsoil and existing imported fill (less any debris) can be stockpiled for use in landscaped areas or berms, if desired. Unwanted soil and other stripped material should be exported from the site.

Following site stripping, we recommend that the top 8 inches of subgrade that will support fills, structures, and pavements be scarified and compacted to at least 92 percent relative compaction where relative compaction is based on the modified Proctor test method (AASHTO T-180 or ASTM D 1557).

#### **5.1.2 WET WEATHER CONSTRUCTION CONSIDERATIONS**

The near surface soils are fine grained and will therefore be highly moisture sensitive. Proceeding with site earthwork operations using these soils during wet weather could add significant costs to the project. We therefore recommend that, if possible, site clearing,

preparation, and earthwork be completed during periods of warm, dry weather when soil moisture can be controlled by aeration.

During or subsequent to wet weather, drying or compacting the near surface on-site soils will be very difficult or impossible. It will be necessary to amend the on-site soils, or import granular materials for use as structural fill, and it may be necessary to install a granular working pad to support construction traffic. A 12-inch granular working pad should be sufficient for light construction traffic. For heavy construction traffic roads, the granular working pad thickness should be increased to 24 inches. Delays in site earthwork activities should be anticipated during periods of heavy rain. In addition, site clearing and stripping activities will expose very "tender" subgrades that are subject to disturbance (severe pumping and loss of equipment support) if construction traffic is allowed on the subgrade while wet conditions exist.

Local ordinances may require contractors to mitigate the tracking of fines from the site to improved streets, and the use of silt fences and other means to control erosion and sediment transport during construction is recommended.

### **5.1.3 PROOF ROLLING**

Following stripping and subgrade preparation, and prior to placement of structural fill or base course, we recommend that the site be proof rolled with a fully loaded 10 to 12 yard dump truck or other suitably loaded rubber tired construction vehicle. Any areas that pump, weave, or appear soft or muddy should be scarified, dried, and compacted, or else over-excavated and backfilled with compacted structural fill as discussed in Section 5.1.4. If significant time passes between completion of subgrade preparation and commencement of other construction activities, or if significant traffic has been routed across the site, we recommend that the site be similarly proof rolled before placement of base rock or paving. A representative of our firm should observe this operation.

### **5.1.4 STRUCTURAL FILL MATERIALS**

This section contains our general recommendations for suitable structural fill material and its placement.

Structural fill should only be installed on a subgrade that has been prepared in accordance with the preceding recommendations. Fill material should consist of relatively well-graded soil, or an approved rock product, that is free of organic material and debris, and contains no particles greater than 4 inches nominal diameter. The suitability of soil for use as compacted structural fill will depend on the gradation and moisture content of the soil when it is placed. As the amount of

finer (that portion finer than the US Standard No. 200 sieve) increases, soil becomes increasingly sensitive to small changes in moisture content and compaction becomes more difficult to achieve. Soils containing more than about 5 percent fines cannot consistently be compacted to a dense, non-yielding condition when the water content is significantly greater (or significantly less) than optimum.

The soils encountered at the site during our subsurface investigation program are generally suitable for placement as structural fill during warm dry weather when moisture content can be maintained by air drying and/or addition of water. At the time of our exploration, the in-situ moisture content of the near surface clay soil was about 24 to 41 percent. Although the moisture content of the near surface soils can be expected to vary depending on the time of year and recent weather conditions, the on-site soils may require drying and discing during placement to achieve adequate compaction, particularly if placed during warm dry weather. Water trucks will also be required for dust control during warm dry weather.

The silt and clay fraction of the near-surface soils is moisture sensitive, and during wet weather native on-site soils may become unworkable because of excess moisture content. In order to reduce moisture content some discing and drying of native soils may be required following wet weather. If moisture content of the near surface soils cannot be reduced by air drying it may be necessary to grade the site with granular soils that do not contain more than 5% passing the No. 200 sieve. Either imported or on-site granular soils that are used for engineered fill should be uniformly moisture conditioned to within  $\pm 2$  percent of the optimum moisture content and compacted in thin lifts using suitable mechanical compaction equipment. We recommend that fills intended to support structures or pavements be placed in horizontal lifts not exceeding about 8 inches in loose thickness and be compacted to at least 92 percent of the maximum dry density as determined by the modified Proctor test method (AASHTO T-180 or ASTM D 1557).

## **5.2 FOUNDATION RECOMMENDATIONS**

### **5.2.1 GENERAL**

Based upon the soils encountered during the site investigation shallow foundations can be designed in accordance with the following sections of this report. The assumed building foundation loads used to develop the recommendations included below are limited to strip footing loads not exceeding 3 kips/foot and column loads not exceeding 40 kips. The structures should be able to accommodate total settlements of as much as 1 inch and differential settlements not less than 0.5 inch.

## **5.2.2 SHALLOW SPREAD FOOTING FOUNDATION RECOMMENDATIONS**

### ***Footing Preparation***

Based on our understanding of the subsurface conditions, conventional shallow, spread footings are suitable for support of proposed structures bearing directly on undisturbed cobble/boulder soils or on a two-foot thick pad of compacted structural fills. Excavations for structural fill should extend horizontally beyond the edge of the footing by the amount of the vertical excavation below planned footing subgrade. All footing excavations should be trimmed neat and footing subgrades should be carefully prepared. Any loose or softened material should be removed from the footing excavation prior to placing rebar and/or concrete.

It is recommended that the footing excavations be observed by a representative of the geotechnical engineer prior to placing steel and concrete to verify that the recommendations of this report have been followed.

### ***Frost Penetration/Footing Embedment Depths***

We recommend that exterior footings be founded a minimum of 18 inches below the lowest adjacent exterior grade to lie below seasonal frost penetration depths. We recommend that interior footings have a minimum embedment of 12 inches.

### ***Footing Widths/Bearing Pressure***

Individual column footings and continuous strip footings should have minimum widths of 24 and 18 inches, respectively. Building footings may be designed for a maximum allowable bearing pressure of 2,500 pounds per square foot (psf). This applies to dead plus frequently applied live loads and may be increased by up to one-third for the inclusion of wind or seismic forces.

We note that the above-stated bearing pressures are net values, and the weight of concrete in the portions of the foundations that extend below grade can be neglected in proportioning the foundations.

### ***Settlements***

Based on our interpretation of the subsurface profile we estimate that the total settlement of footings founded on natural soils, or properly compacted fill, will be less than 1 inch, with less than 1/2 inch of differential settlement. Loose fill and disturbed soil not removed from the footing excavation prior to placement of concrete may result in increased settlement.

### ***Lateral Resistance***

The soil resistance available to withstand lateral foundation loads is a function of the frictional resistance which can develop on the base and the passive resistance which can develop on the face of below-grade elements of the structure as these elements tend to move into the soil. For spread footings founded on a granular leveling course placed in accordance with the above recommendations, the allowable frictional resistance may be computed using a coefficient of friction of 0.30 applied to vertical dead-load forces. The allowable passive resistance on the face of footings or other embedded foundation elements may be computed using an equivalent fluid pressure of 250 pounds per cubic foot (pcf) (triangular distribution) for the near surface on-site soils. The top 6 inches of the adjacent soils should be neglected when calculating the lateral resistance capacity of the soil. The above coefficient of friction and passive equivalent fluid density values include a factor of safety of about 1.5.

### ***5.2.3 DRAINAGE***

Seasonal groundwater levels and perched groundwater following rain and other precipitation events may be expected to fluctuate up to near the existing ground surface. Perimeter footing drains are recommended for exterior footings. All drainage systems should be sloped to drain by gravity to a storm sewer or other positive outlet. Water from downspouts, and surface water should be independently collected and routed to a storm sewer or other positive outlet. This water must not be allowed to enter the bearing soils.

Landscaping adjacent to buildings should be sloped to drain surface water away from perimeter footings.

## **5.3 INTERIOR FLOOR SLABS**

The subgrade under all floor slab areas should be prepared in accordance with Section 5.1. To reduce the potential for underslab moisture problems, we recommend that, where possible, floor slabs be established 6 inches or more above surrounding final grades. Alternatively, proper sloping may be used adjacent to slabs to provide adequate drainage away from foundation subgrades. Above grade floor slabs should be underlain by a capillary break consisting of a minimum 6-inch thick layer of compacted crushed rock with 100 percent passing the 1-inch sieve and less than 5 percent passing the No. 4 sieve. We recommend the granular layer be compacted to between 90 and 92 percent of the maximum dry density as determined by the modified Proctor (ASTM D 1557).



For floor slabs supported on subgrades that are prepared in accordance with the preceding recommendations the floor slab may be designed for a modulus of subgrade reaction (k) of 150 pounds per cubic inch.

If floor moisture is a critical consideration due to storage of materials directly on the floor slab, or because of the use of glued down impervious floor coverings such as tile or linoleum, we recommend the use of an underslab impermeable membrane. Normally a thin sand layer is placed above and below the membrane to protect it from punctures during construction, and to assist in the curing of the concrete floor slab. To maximize water tightness, the membrane must be installed in accordance with the manufacturer's recommendations.

If floor slabs must be located at or below the adjacent ground surface we should be contacted for additional recommendations.

Even with a capillary break or vapor barrier placed as outlined above, there is the possibility some floor moisture or dampness may occur because of inadequate perimeter drainage or other unforeseen conditions, i.e. plumbing leaks and broken water lines. These post-construction conditions should be addressed separately by qualified specialists with local knowledge of slab moisture protection systems, flooring design and other components that may be influenced by moisture intrusion. Our investigation addresses present subgrade conditions for slab support only and does not evaluate future potential conditions unless specifically stated otherwise.

#### **5.4 EXCAVATIONS**

Based upon our explorations, we anticipate that most of the excavations for cuts and utilities can be accomplished using conventional equipment. However, cobbles and boulders up to four feet in largest dimension were observed beginning at depths of three to four feet below existing ground surface in the exploratory test pits. We expect that additional boulders may be encountered in excavations throughout the site. Excavation of boulders may require additional means beyond those required for excavation of fine-grained soil present at shallower depths in the test pits. If boulders protrude above proposed subgrade elevations (structures or utilities), they should be removed and replaced with compacted structural fill.

The near surface soils encountered during our field investigation typically consist of stiff to very stiff clay that typically will not stand at steep slopes for long periods of time. Any excavations that personnel must enter should be adequately sloped or shored if they are deeper than 4 feet, or if loose soils or groundwater seepage are encountered.

### INFILTRATION TEST RESULTS

Test Location	Test Depth Below Ground Surface (feet)	Soil Description	Infiltration (1) Rate (inches/hour)
TP-4 (see Fig. 2)	3.5	Silty CLAY	0.02

(1) The infiltration rate values above do not contain a safety factor.

Please note that the above infiltration rates do not contain a factor of safety. The data represents field infiltration rates obtained in three test runs in relatively undisturbed native soil.

In general accordance with the King County, Washington test methodology, the infiltration rates reported were conducted in a 12-inch ID casing with one foot of fluid head. The low infiltration rate is due to the high proportions of fines.

Unanticipated soil conditions may be encountered during construction. Field design adjustments should be anticipated to address variable soil conditions encountered during construction. Such design adjustments may include deeper excavation and/or installation of additional length of infiltration trench or dry wells. We recommend that infiltration systems be tested at the time of construction to confirm adequate capacity.

#### 5.8 PAVEMENT RECOMMENDATIONS

Pavement design is based on considerations of predicted traffic volumes, soil subgrade conditions, and acceptable maintenance levels. Some owners prefer to construct a minimum pavement to lower construction costs, and are willing to accept the need for occasional patching. Others may choose a more durable pavement section that is designed to last for 20 years or more with minimal maintenance. The recommendations contained herein outline a somewhat conventional approach using American Association of State Highway Transportation officials (AASHTO) pavement design methods. The pavement is designed for a life of 20 years but some patching, crack sealing, or seal coating is likely to be required during that time.

The pavement is divided into two principal areas: parking areas that are intended for automobile traffic only (5,000 ESAL's); and delivery routes that will have occasional truck traffic (30,000 ESAL's). Pavement designs assume that heavy construction traffic will not be allowed on finished pavement sections.

Based on our experience with the clay and silt soils, we assumed a CBR value of 3 for the compacted clayey subgrade.

Considering the information discussed above, we recommend a pavement section of 3 inches of asphalt concrete over 6 inches of crushed rock base for general automobile parking areas. In areas of concentrated traffic such as entrance and exit bays, main drive lanes, and areas used by heavy vehicles such as delivery and garbage trucks, we recommend that the section be increased to 3.5 inches of asphalt over 10 inches of crushed rock base.

In addition, it is recommended that all pavements conform to the following criteria:

- Areas that are to receive pavement should be stripped and prepared in accordance with the recommendations in Section 5.1.
- We also recommend that the top 8 inches of subgrade that will support pavements be scarified and compacted to at least 92 percent of maximum dry density based on the modified Proctor test method (AASHTO T-180 or ASTM D 1557).
- All trench backfills, including utility and sprinkler lines, should be properly placed and adequately compacted to provide a stable subgrade.
- The aggregate base should be compacted to a minimum of 95 percent of the maximum dry density as determined by the ASTM D-1557 test method.
- The aggregate base and asphaltic concrete should conform to the specifications stated in the current Oregon Department of Transportation, Standard Specifications for Highway Construction.

## **6.0 REFERENCES**

Coduto P. D., 1994, Foundation Design – Principles and Practices, Prentice Hall, Inc., New Jersey.

Geomatrix Consultants, 1995, Seismic Design Mapping State of Oregon: Final Report, prepared for Oregon Department of Transportation under personal services contract 11688.

International Conference of Building Officials, 1997 Uniform Building Code-Structural Engineering Design Provisions, Volume 2.

Martin, G.R. and Lew, M., March 1999. Recommended Procedures for Implementation of DMG Special Publication 117, Guidelines for Analyzing and Mitigating Liquefaction Hazards in California. Southern California Earthquake Center, University of Southern California.

Orr, Elizabeth L., Orr, William N., and Baldwin, Ewart M., 1992, *Geology of Oregon*, Fourth ed., Kendall/Hunt Publishing Company, Dubuque, Iowa.

OSHA Health and Safety Standards for Excavations, 29 CFR Part 1926.

Swanson, R.D., MacFarland, W.D., Gonthier, J.B., Wilkinson, J.M., 1993. A description of Hydrogeologic Units in the Portland Basin, Oregon and Washington. United States Geological Survey, Water-Resources Investigations Report 90-4196.

Hull, Donald A., 1979. *Geology and Geologic Hazards of Northwest Clackamas County, Oregon*. State of Oregon, Department of Geology and Mineral Industries, Bulletin 99.

## **7.0 ADDITIONAL SERVICES**

### **7.1 PLANS AND SPECIFICATIONS REVIEW**

Because the design details for the proposed project were not available at the time this report was prepared, we strongly recommend that Squier | Kleinfelder be given the opportunity to review the geotechnical aspects of the project plans and specifications as the design is being developed to confirm the applicability of our recommendations, or to make appropriate modifications.

In the event Squier | Kleinfelder is not, at a minimum, retained to review the final project plans and specifications to evaluate if our recommendations have been properly interpreted, we will assume no responsibility for misinterpretation of our recommendations.

### **7.2 CONSTRUCTION OBSERVATION AND TESTING**

We recommend that all earthwork construction be monitored by a representative from Squier | Kleinfelder, including site preparation, placement of structural fill and trench backfill, construction of slab and roadway subgrades, and all foundation excavations. The purpose of these services would be to provide Squier | Kleinfelder the opportunity to observe the soil conditions encountered during construction, evaluate the applicability of the recommendations presented in this report to the soil conditions encountered, and recommend appropriate changes in design or construction procedures if conditions differ from those described herein.

In addition, we offer the following services to assist in your construction:

- Inspection and testing of concrete and masonry;
- Inspection and testing of structural steel;

- Inspection and testing of pavements; and
- Inspection and testing of fireproofing and roofing materials.

## **8.0 UNCERTAINTY AND LIMITATIONS**

We have prepared this report for use by Northwest Housing Alternatives, Inc. and their design team for design and construction of this project. The data and report should be provided to prospective contractors for their bidding or estimating purposes, but our report, conclusions, and interpretations should not be considered as warranty of the subsurface conditions. Experience has shown that subsurface soil and groundwater conditions can vary significantly over small distances. Inconsistent conditions can occur between explorations and not be detected by a geotechnical study. If, during future site operations, subsurface conditions are encountered which vary appreciably from those described herein, Squier | Kleinfelder should be notified for review of the recommendations of this report, and revision of such if necessary. If the scope of the proposed construction changes from that described in this report, including foundation loads or excavation depths outside the limits assumed in this report, our recommendations should also be reviewed.

We recommend that we be retained to provide continuing geotechnical services as the project proceeds through design. We also recommend that we be retained to monitor the geotechnical aspects of construction in order to evaluate compliance with our recommendations, particularly those activities outlined in Section 5.0 of this report.

This report may be used only by the Client and for the purposes stated, within a reasonable time from its issuance. Any party other than those referenced above that wish to rely on the report should complete the Application for Authorization to Use, included in Appendix B. Unauthorized use of this report by any party other than the Client will release Squier | Kleinfelder from all liability resulting from unauthorized use of the report.

Land use, site conditions (both on- and off-site), or other factors may change over time and could materially affect our findings. Therefore, this report should not be relied upon after 24 months from its issue, or in the event that the site conditions change. Squier | Kleinfelder should be notified if the project is delayed by more than 24 months from the date of this report so that a review of site conditions can be made, and recommendations revised if appropriate.

The scope of work for this subsurface exploration and geotechnical report did not include environmental assessments or evaluations regarding the presence or absence of wetlands or

In our opinion the near surface clay soils encountered in the borings would generally be considered a Type B soil when applying OSHA excavation regulations. For Type B soils the maximum recommended slope inclination is 1H:1V. Deeper cobble/boulder soils would generally be considered a Type A soil when applying OSHA excavation regulations. For Type A soils the maximum recommended slope inclination is 1.5H:1V. Flatter slopes and/or trench shields may be required if loose soils and/or water are encountered along the slope face.

The recommended maximum inclination for temporary slopes assumes that the ground surface behind the cut slopes is level, that surface loads from equipment and materials are kept a sufficient distance away from the top of the slope (typically at least half the slope height), and that utility trench excavations are completed and backfilled prior to the construction of structures adjacent to the excavations. If these assumptions are not valid, we should be contacted for additional recommendations.

If groundwater is encountered within the depths required for installation of utilities, dewatering of trench excavations should be possible using a system of ditches directing water inflow to a sump where water can be removed by a pump. During wet weather, earthen berms or other methods should be used to prevent runoff water from entering excavations. All runoff water and groundwater encountered within the excavation(s) should be collected and disposed of outside the construction limits.

Stability of temporary excavations is the responsibility of the contractor, who must maintain safe excavation slopes and/or shoring. Excavations must comply with the current requirements of OSHA and the State of Oregon. We are providing this information solely as a service to our client. Under no circumstances should the information provided be interpreted to mean that Kleinfelder is assuming responsibility for construction site safety or the contractor's activities.

The contractor should be aware that slope height, slope inclination, or excavation depths (including utility trench excavations) should in no case exceed those specified in local, state, and/or federal safety regulations (e.g., OSHA Health and Safety Standards for Excavations, 29 CFR Part 1926, or successor regulations). Such regulations are strictly enforced and, if they are not followed, the Owner, Contractor, and/or earthwork and utility subcontractors could be liable for substantial penalties.

## 5.5 RETAINING WALLS

We understand that the only proposed retaining walls for the proposed project would be for an elevator pit that would be about 5 feet deep. We assume that this pit will consist of a box or cylindrical structure that will be fully restrained at the top. The lateral soil pressures acting on

retaining walls will depend on the nature, density and configuration of the soil behind the wall, and the amount of lateral wall movement that can occur as backfill is placed. The at-rest earth pressure against walls that are restrained at the top and with level backfill may be taken as equivalent to the pressure exerted by a fluid weighing 62 pounds per cubic foot (pcf) (triangular distribution). The above recommended lateral soil pressure does not include the effects of hydrostatic pressures, sloping backfill surfaces, or surcharges such as traffic loads or other surface loading. Surcharge effects should be considered as appropriate. Footings for retaining walls should be designed as recommend for shallow foundations.

Positive drainage should be provided behind retaining walls by placing a zone of free-draining sand and gravel containing less than 2 percent fines (material passing No. 200 sieve) against the wall. The drainage zone should be at least 12 inches thick (measured horizontally) and extend from the base of the wall to within 1 foot of the finished ground surface behind the wall. Normally the backfill is capped with one foot or so of topsoil, clay, or pavement, so that surface infiltration does not overload the drainage system. This backfill should be separated from native soils or constructed fill by a geotextile fabric. To reduce backfill pressures, we recommend that this fill be compacted to 90% of ASTM D 1557 within five feet of the wall. In addition, we recommend that any backfill that is placed within five feet of the wall (measured horizontally) be compacted with light-weight, hand-operated compaction equipment. Over-compaction of this fill can greatly increase wall pressures.

A perforated drainpipe having a minimum diameter of 4 inches should be embedded within the free-draining material at the base of the wall along its entire length. This drainpipe should discharge into a tightline leading to an appropriate collection and disposal system.

## **5.6 PERMANENT SLOPES**

No significant permanent cut or fill slopes are anticipated for this project. However, we recommend that finished cut or fill slopes up to 5 feet in height be no steeper than 2H:1V (Horizontal:Vertical). All permanent slopes will require erosion protection.

## **5.7 INFILTRATION TESTS**

Infiltration test data are presented in the following table.

hazardous substances in the soil, surface water, or groundwater at this site. Environmental assessments are provided in separate reports.

This firm does not practice or consult in the field of safety engineering. We do not direct the contractor's operations, and we cannot be responsible for the safety of personnel other than our own on the site; the safety of others is the responsibility of the contractor. The contractor should notify the owner if he considers any of the recommendations presented herein unsafe.



## 9.0 PROFESSIONAL AUTHENTICATION


This report has been prepared and reviewed by the undersigned. This report is void if original seal and signature are not present.

Prepared By:

Reviewed By:



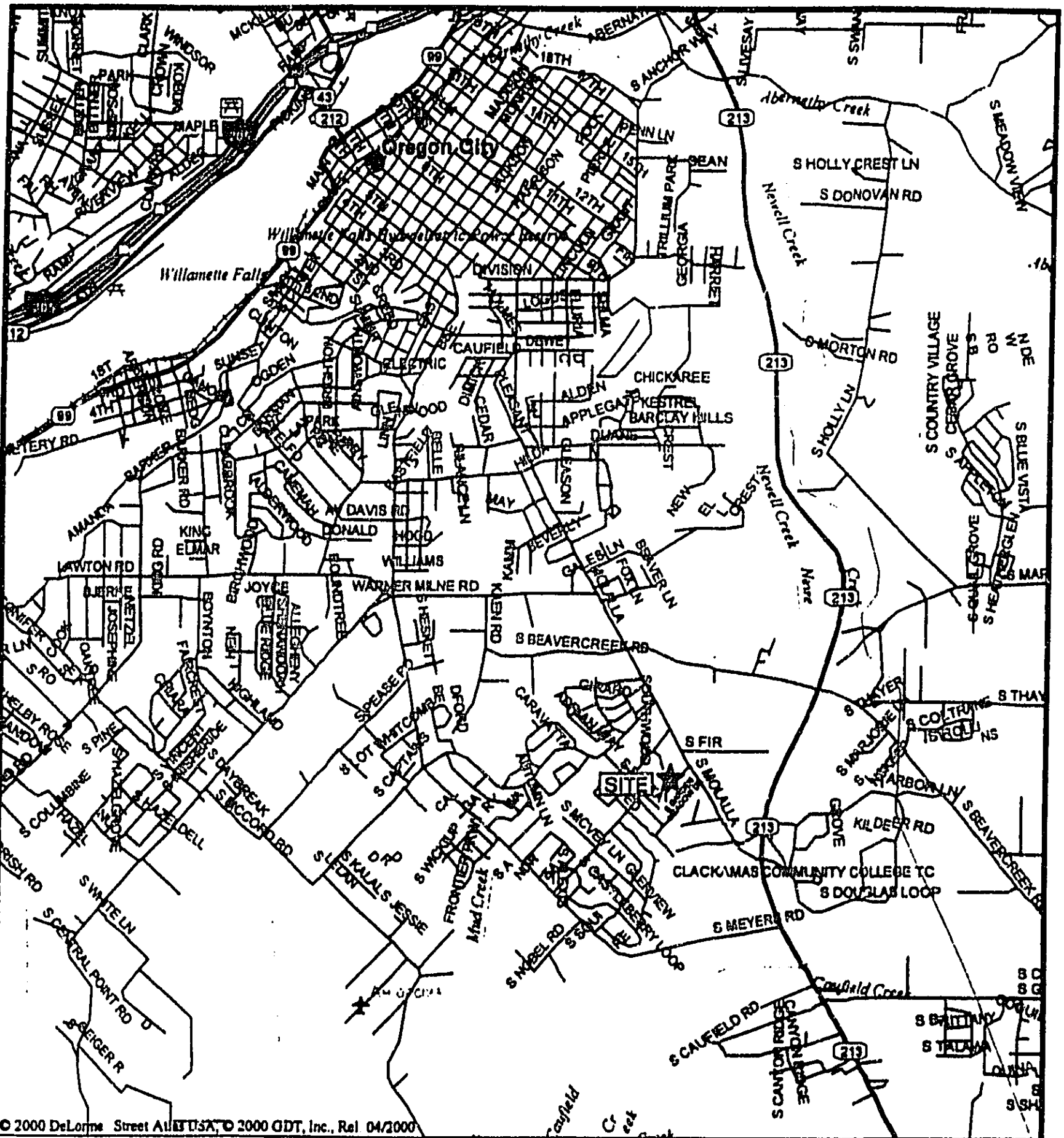
Robert L. Stephens, P.E.  
Senior Geotechnical Engineer

  
Saiid Behboodi, P.E.  
Principal Consultant

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## Figures

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© 2000 DeLorme Street Atlas Co., © 2000 GDT, Inc., Rel 04/2000

Mag 14.00  
Thu Feb 28 16:16 2004

Scale 1:31,250 (at center)  
2000 Feet  
1000 Meters

- Local Road
- Major Connector
- State Route
- Rest Area



VICINITY MAP  
MEADOWMARK APARTMENTS  
S. MOLALLA AVE.  
OREGON CITY, OREGON

L12004\Project\41306 02/04 TLK

Project # 41306

FIGURE 1

TWO FAMILY  
DWELLING  
DISTRICT

2-STORY BUILDING  
15 UNITS  
(14) 1-BED  
(1) 2-BED

BLACKBERRIES

GENERAL COMMERCIAL

GARDEN MEADOW DRIVE

TO MOLALLA AVE.

LEGEND

TP-1



TEST PIT LOCATIONS

TWO FAMILY  
DWELLING  
DISTRICT



**SQUIER/KLEINFELDER**

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SITE PLAN  
MEADOWLARK APARTMENTS  
S. MOLALLA AVE.  
OREGON CITY, OREGON

L:\2004\Projects\413

7/04 BLK

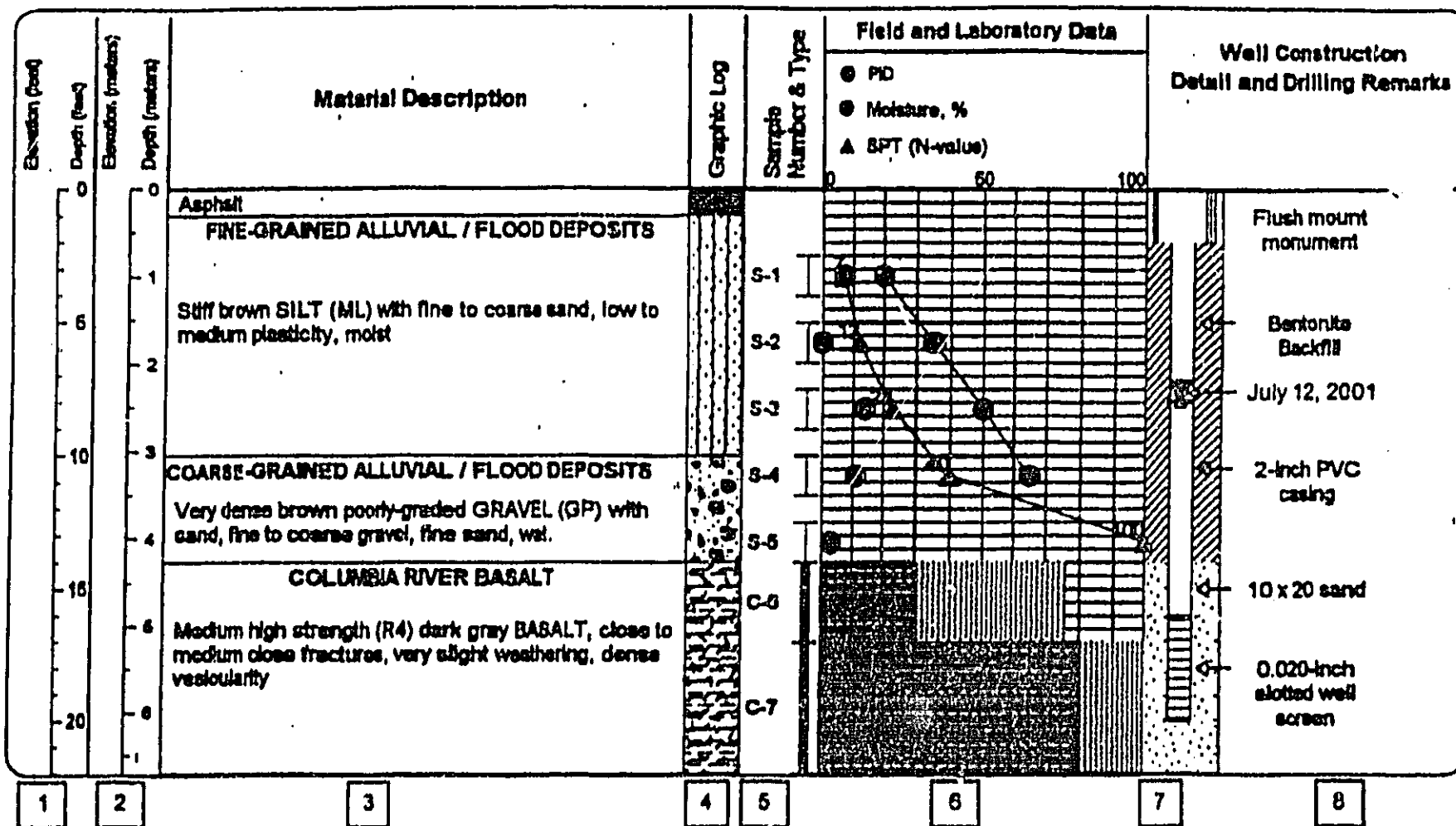
PROJECT # 41306

FIGURE 2

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## Annendix A

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



### LOG COLUMN DESCRIPTIONS

- 1 **Elevation:** Elevation (metric and english) referenced to project datum.
- 2 **Depth:** Distance (metric and english) below the ground surface.
- 3 **Material Description:** Description of subsurface soil and rock material encountered. Division lines between deposits are based on field observations and changes in recovered material. Solid lines depict boundaries between units described in the report. Dashed and dotted lines represent changes in lithology within an individual unit. Changes may be gradual in nature or occur over a longer interval than indicated on the log.  
  
Soil classifications are based on the Visual-Manual Procedure, ASTM D2488 and include moisture, color, and relative density/consistency. Soil and rock descriptions in the boring logs are based upon field classifications, modified as appropriate by laboratory classification tests.
- 4 **Graphic Log:** Graphic depiction of subsurface material encountered (refer, Sheet 2).
- 5 **Sample Number:** Sample identification number.  
**Sample Type:** Type of sample collected at depth interval shown (refer, Sheet 2).
- 6 **Field and Laboratory Data:** Graphical presentation of field and laboratory data (refer, Sheet 2).  
  
**SPT (N-Value):** Unless otherwise noted, the Standard Penetration Test (SPT) N-Value is the number of blows required to drive a standard (2.0-inch) split-spoon sampler a distance of 1 foot using a 140-lb. hammer, dropped 30 inches (ASTM D 1586).  
  
**Core Recovery:** The total length of core recovered in the core barrel expressed as a percentage of the length of the sampled interval. Rock Quality Designation (RQD) is graphically portrayed for each core run.
- 7 **Well Construction:** Graphic depiction of well construction.
- 8 **Remarks:** Comments on well construction materials and observations regarding drilling and sampling activities. Dates for water level readings.

MEADOWLARK APARTMENTS  
S. MOLLALA AVE.  
OREGON CITY, OREGON

### BORING LOG LEGEND


Sheet 1 of 2

-  2-inch O.D. Split-Spoon Sampler
-  3-inch O.D. Split-Spoon Sampler
-  3-inch O.D. Shelby Tube Sampler
-  Rock Core
-  Water Level During Drilling
-  Approximate Static Water Level
-  Bag Sample
-  2-inch I.D. slide hammer sampler

Shear Strength, T.S.F. (approx.)

 Torvane


 Pocket Penetrometer

 Standard Penetration Resistance, Blows per Foot

 Natural Water Content, %

 Photoluminescence Detector (PID)

#### ATTERBERG LIMITS

 Liquid Limit  
Natural Water Content  
Plastic Limit

### TYPICAL SOIL SYMBOL DEFINITIONS

#### Surficial Materials

 Pavement section


 Fill materials

 Fill materials with descriptor

#### Coarse-grained Soils

 Poorly graded GRAVEL with sand and cobbles/boulders

 Poorly graded GRAVEL with sand

 Poorly graded GRAVEL with sand, silt, and cobbles/boulders

 SILTY GRAVEL with sand

 SILTY GRAVEL with sand and cobbles

 Poorly graded SAND

 Poorly graded SAND with gravel

 Poorly graded SAND with silt

 SILTY SAND with gravel

 SILTY SAND

#### Fine-grained Soils

 SILT

 SILT with sand

 Organic SILT / SILT with organics

 SANDY CLAY

 CLAY

 CLAYEY SILT


#### Bedrock Units

 Weathered BASALT bedrock

 BASALT

### TYPICAL WELL SYMBOL DEFINITIONS


 Flush monument set in concrete.

 Bentonite seal, well casing shown where applicable.

 Filter pack, well casing shown where applicable.

 Transducer cable in bentonite seal.

 Vibrating-wire transducer in sand filter

 Grout seal, well casing shown where applicable.

#### Stratigraphic Boundaries

 Primary Unit Boundary

 Internal Material Boundary

 Minor or Gradational Material Boundary

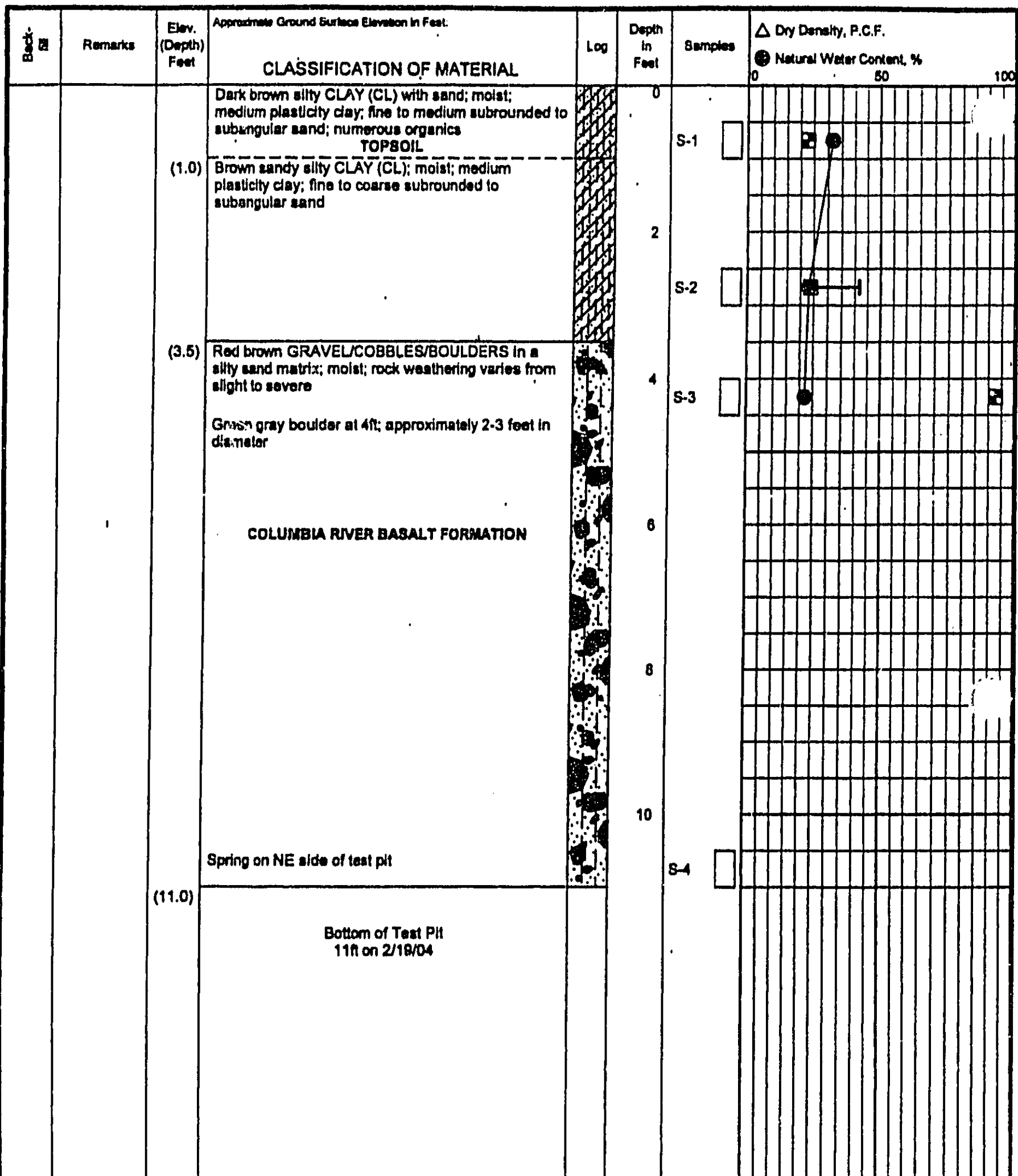
Note: Stratigraphic and material boundaries shown on boring logs may reflect changes in lithology or material that are gradual in nature or occur over a greater interval than reflected on the log.

MEADOWLARK APARTMENTS  
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## BORING LOG LEGEND

Sheet 2 of 2

 SQUIER KLEINFELDER  
41306



## LEGEND

- I = 2.0" O.D. Split Spoon Sample
- II = 3.0" O.D. Thin-Walled Sample
- = Sample Not Recovered
- ⊗ = Jar Sample
- = Bag Sample
- ▣ = CBR Test Sample
- ~ = Seepage

Equipment: Track Hoe 310 SE Deere

▽ Ground Water Level as Measured on Date Shown (May Vary with Time of Year)

### ATTERBERG LIMITS

— Liquid Limit  
 — Natural Water Content  
 — Plastic Limit

#### NOTE:

Lines representing the interface between soil/rock units of differing description are approximate only and may indicate gradual transition

0.0 2.5 5.0

Shear Strength, T.S.F. (approx.)

■ Torvane

▣ Pocket Penetrometer

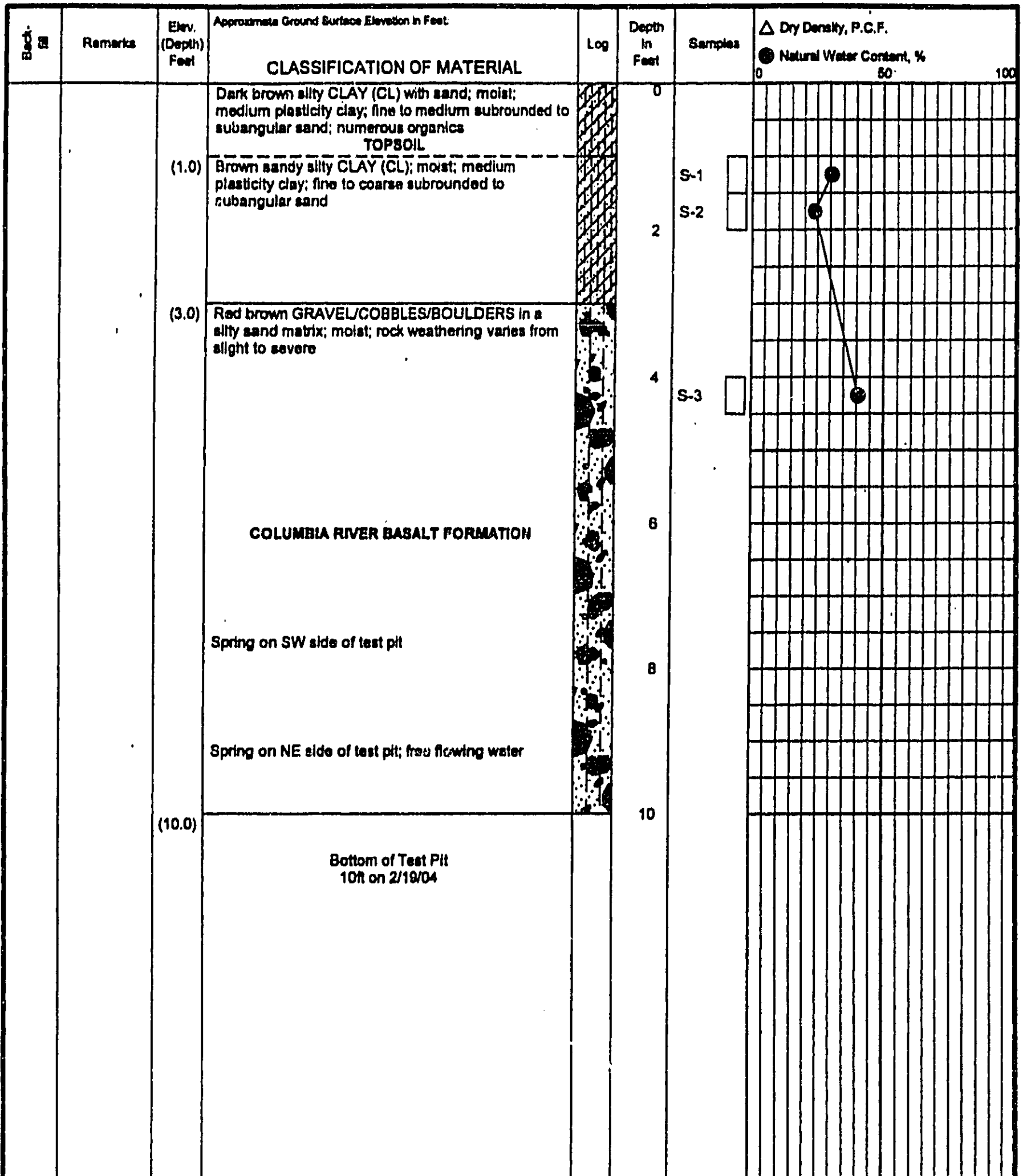
Meadowmark Apartments  
Garden Meadow Dr, Oregon City

**TEST PIT TP-1**

**SQUIER ASSOCIATES**

41306





### LEGEND

- I = 2.0" O.D. Split Spoon Sample
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Equipment: Track Hoe 310 SE Deere

▽ Ground Water Level as Measured on Date Shown (May Vary with Time of Year)

**ATTERBERG LIMITS**  
 — Liquid Limit  
 — Natural Water Content  
 — Plastic Limit

0.0 2.5 5.0  
 Shear Strength, T.S.F. (approx.)  
 ☒ Torvane  
 ☒ Pocket Penetrometer

Meadowmark Apartments  
 Garden Meadow Dr, Oregon City

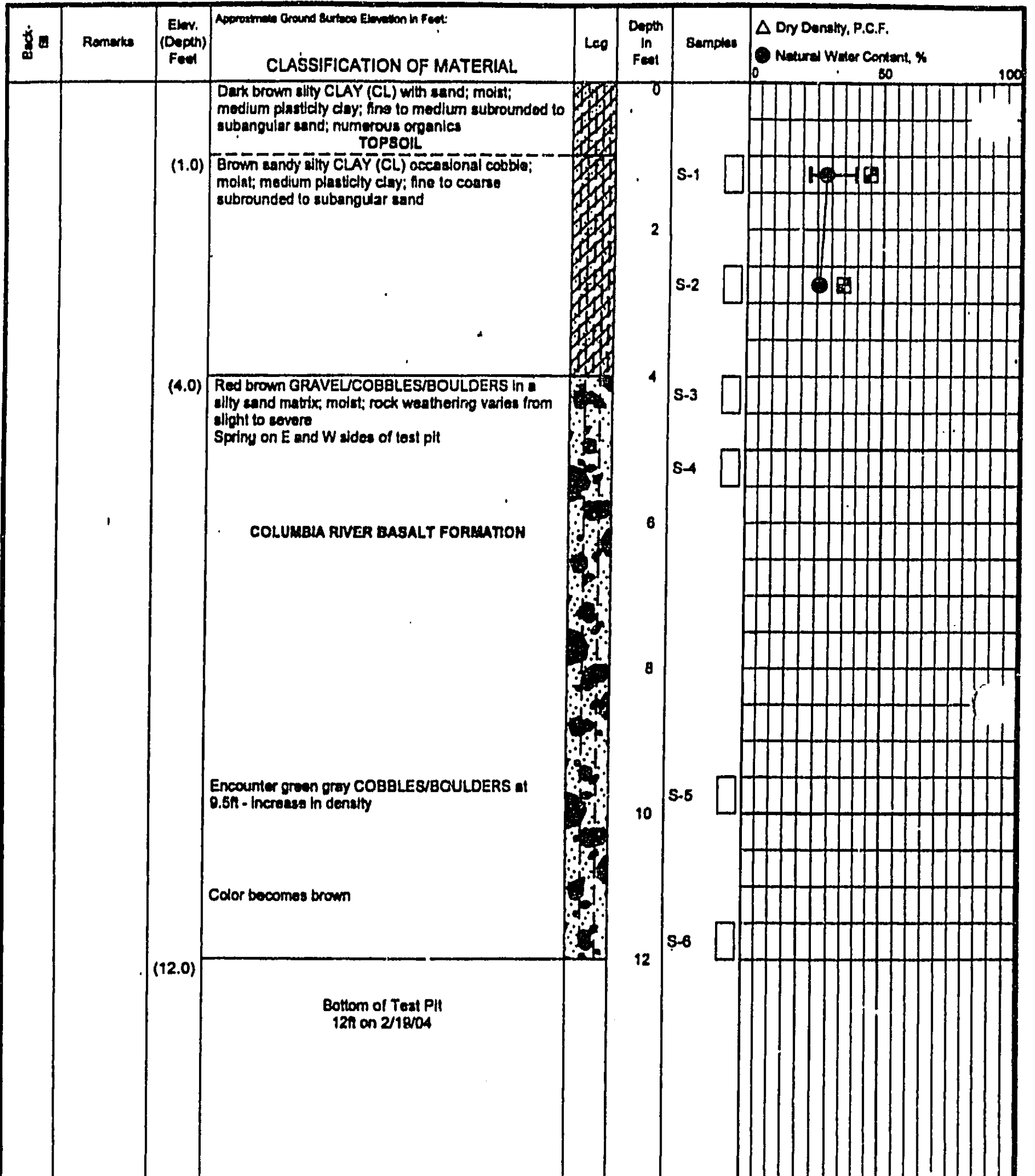
**TEST PIT TP-2**

**SQUIER ASSOCIATES**

41308

### NOTE:

Lines representing the interface between soil/rock units of differing description are approximate only and may indicate gradual transition



### LEGEND

- I = 2.0" O.D. Split Spoon Sample
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- ☒ = Jar Sample
- = Bag Sample
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
#### NOTE:

Lines representing the interface between soil/rock units of differing description are approximate only and may indicate gradual transition

Equipment: Track Hoe 310 SE Deere

▽ Ground Water Level as Measured on Date Shown (May Vary with Time of Year)

#### ATTERBERG LIMITS

 Liquid Limit  
 Natural Water Content  
 Plastic Limit

0.0 2.5 5.0

Shear Strength, T.S.F. (approx.)

☒ Torvane

☒ Pocket Penetrometer

Meadowlark Apartments  
Garden Meadow Dr, Oregon City

**TEST PIT TP-3**

**SQUIER ASSOCIATES**

41308

Back- E	Remarks	Elev. (Depth) Feet	Approximate Ground Surface Elevation in Feet:  CLASSIFICATION OF MATERIAL	Log	Depth in Feet	Samples	△ Dry Density, P.C.F. ● Natural Water Content, % 0                      50                      100
			Dark brown silty CLAY (CL) with sand; moist; medium plasticity clay; fine to medium subrounded to subangular sand; numerous organics TOPSOIL		0		
		(1.0)	Brown sandy silty CLAY (CL) occasional cobble; moist; medium plasticity clay; fine to coarse subrounded to subangular sand		2	S-1	
						S-2	
		(3.5)				S-3	
			Bottom of Test Pit 3.5ft on 2/19/04				

# LEGEND

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- ☒ = Jar Sample
- ☐ = Bag Sample
- ☒ = CBR Test Sample
- ~ = Seepage

## NOTE:

Lines representing the interface between soil/rock units of differing description are approximate only and may indicate gradual transition

Equipment: Track Hoe 310 SE Deere

▽ Ground Water Level as  
Measured on Date Shown  
(May Vary with Time of Year)

## ATTERBERG LIMITS

← Liquid Limit  
← Natural Water Content  
← Plastic Limit

0.0                      2.5                      5.0

Shear Strength, T.S.F. (approx.)

■ Torvane

☒ Pocket Penetrometer

Meadowlark Apartments

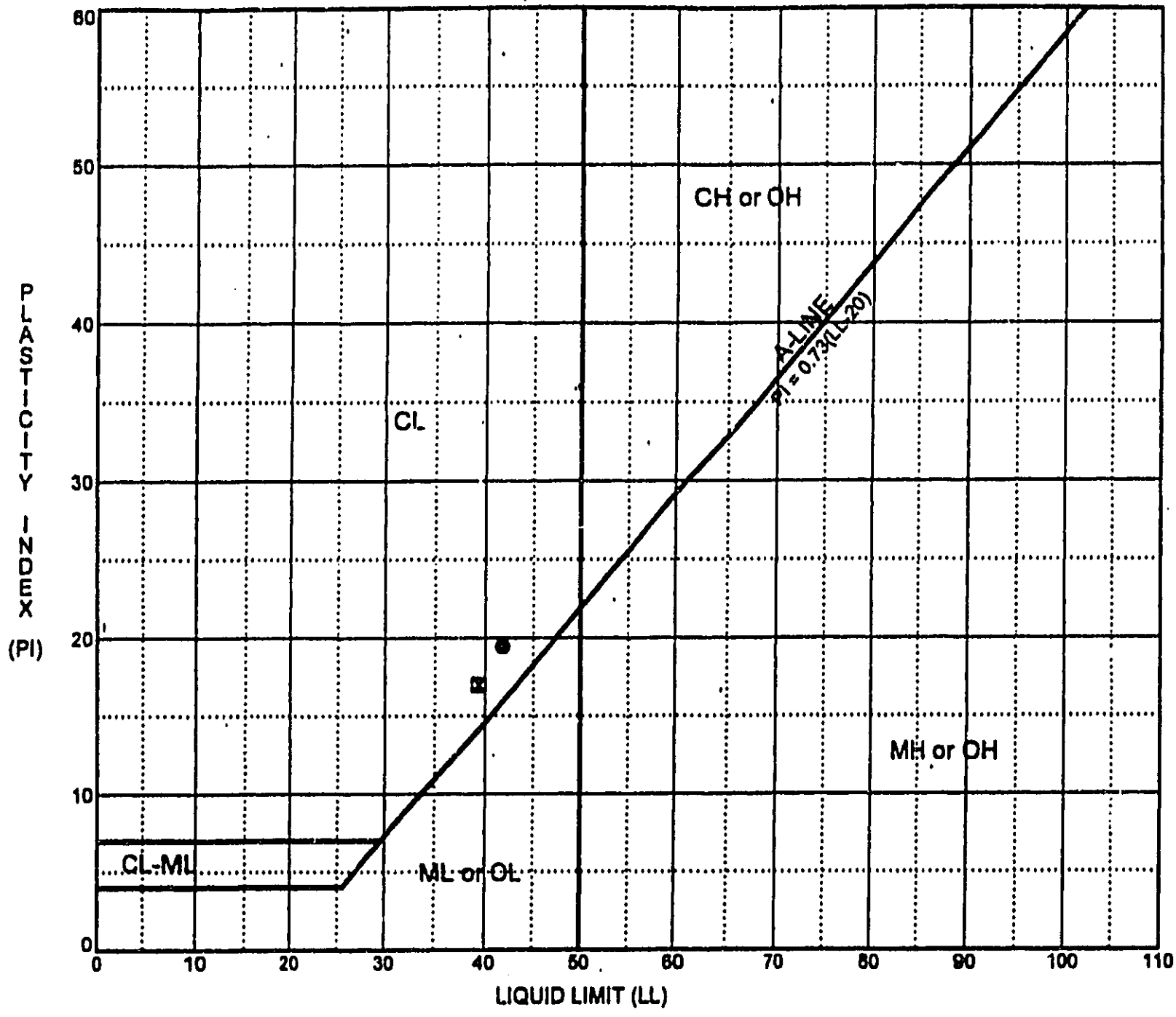
Garden Meadow Dr, Oregon City

**TEST PIT TP-4**

**SQUIER ASSOCIATES**

41306

## Appendix B



TP-B-	SAMPLE	DEPTH FT.	USCS UNIT	LL	PL	PI	WC %	VISUAL-MANUAL CLASSIFICATION
● TP-1	S-2	2.5	CL	42	22	19	23.2	Brown silty CLAY
■ TP-3	S-1	1.0	CL	39	22	17	28.2	Dark brown silty CLAY

NOTE: Atterberg Limits were performed on minus NO. 40 sieve size material

GROUP Unified Soil Classification System (USCS)  
Fine-Grained Soil Groups

- OL Organic Silts & Organic Silty Clays  
Low Plasticity
- ML Inorganic Clayey Silts to & Very Fine Sands  
Slight Plasticity
- CL Inorganic Clays  
Low to Medium Plasticity
- OH Organic Clays & Silts  
Medium to High Plasticity
- MH Inorganic Silts & Clayey Silts  
High Plasticity
- CH Inorganic Clays  
High Plasticity

LL = Liquid Limit  
PL = Plastic Limit  
PI = Plasticity Index  
WC% = Water Content %

Meadowlark Apartments  
Garden Meadow Dr, Oregon City

PLASTICITY CHART

Reviewed

SK ATTERBERG 41306 (PJ) NEVER TYP GOT 2/25/04

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## Appendix C

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## APPLICATION FOR AUTHORIZATION TO USE

**SUBSURFACE EXPLORATION AND GEOTECHNICAL REPORT  
PROPOSED MEADOWLARK APARTMENTS  
ADJACENT TO 19245 S. MOLALLA AVENUE  
OREGON CITY, OREGON  
KLEINFELDER PROJECT NO. 41306  
FEBRUARY 27, 2004**

**Squier | Kleinfelder**  
15050 SW Koll Pkwy, Suite L  
Beaverton, OR 97006  
(503) 644-9447  
fax (503) 643-1905

To whom it may concern:

Applicant understands and agrees that the Geotechnical Investigation Report for the subject site is a copyrighted document, that Squier | Kleinfelder, Inc., is the copyright owner and that unauthorized use or copying of the Geotechnical Investigation Report is strictly prohibited without the express written permission of Kleinfelder. Applicant understands that Squier | Kleinfelder may withhold such permission at its sole discretion, or grant permission upon such terms and conditions as it deems acceptable.

Applicant agrees to accept the contractual terms and conditions between Squier | Kleinfelder and Northwest Housing Alternative, Inc, originally negotiated for preparation of this report. Use of this Geotechnical Investigation Report without permission releases Squier | Kleinfelder from any liability that may arise from use of this report.

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### To be Completed by Applicant

\_\_\_\_\_  
(company name)

\_\_\_\_\_  
(address)

\_\_\_\_\_  
(city, state, zip)

\_\_\_\_\_  
(telephone)

\_\_\_\_\_  
(FAX)

By: \_\_\_\_\_

Title: \_\_\_\_\_

Date: \_\_\_\_\_

### For Squier | Kleinfelder's use only

\_\_\_\_\_ approved for re-use with additional fee of \$ \_\_\_\_\_  
\_\_\_\_\_ disapproved, report needs to be updated


By: \_\_\_\_\_  
(Kleinfelder, Inc. project manager)

Date: \_\_\_\_\_

# COMMISSION REPORT: CITY OF OREGON CITY

## TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road—(503) 657-0891

	<b>Agenda Item No.:</b> 5.1	<b>Topic:</b> Findings of Fact, Conclusions of Law and Final Order for the Appeal (AP 04-05) of the Planning Commission's Conditional Approval of a 43-lot Planned Unit Development (PD 04-01) and Associated Water Resource Mitigation Plan (WR 04-09).
	<b>Report No.:</b> 04-216	
	<b>Agenda Type:</b> Discussion/Decision	
	<b>Meeting Date:</b> November 17, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> T. Konkol	<b>Reviewed By:</b> D. Drentlaw	<b>Approved By:</b> L. Patterson

### RECOMMENDATION:

Staff recommends that the City Commission adopt the Findings of Fact, Conclusions of Law and Final Order in Oregon City File No. AP 04-05, included as attachment A of this Commission Report, denying the requested appeal and affirming the Planning Commission's decision to approve with conditions the applications identified as PD 04 - 01 and WR 04 - 09.

### REASON FOR RECOMMENDATION:

Based on the analysis of the record and the testimony provided at the October 20, 2004 public hearing, the City Commission believes that the proposed applications for the Planned Unit Development and Water Resource mitigation plan are consistent with the goals and policies of the Oregon City Comprehensive Plan and meet the requirements of the Oregon City Municipal Code identified as appeal issues by the Appellant. The City Commission unanimously denied AP 04 - 05.

### BACKGROUND:

The Planning Commission held a public hearing on this application on August 9, 2004, at which time the written record was left open an additional 21 days and a special meeting was scheduled for August 30, 2004. The Planning Commission had all the evidence and argument to be used in their decision on August 26, 2004. No testimony or evidence was allowed at the August 30, 2004 hearing; but rather the Commission deliberated and made its decision. The Planning Commission unanimously approved Planning Files PD 04-01 and WR 04-09 with conditions.

The applicant sought approval to build a 43 dwelling Planned Unit Development on several parcels that are surrounded by subdivisions on the northeast and northwest, a Planned Unit Development to the southwest and Central Point Road to the southeast. The proposal includes 2.08 acres of open space, which includes a water resource area, to be dedicated to the city that will be added to 1.42 acres to be bought by the city for the creation of a Neighborhood Park that is identified as needed in the Parks and Recreation Master Plan.

### ATTACHMENTS

A. Findings of Fact, Conclusions of Law and Final Order in Oregon City File No. AP 04-05



**BEFORE THE OREGON CITY  
CITY COMMISSION**

**In the Matter of an Appeal by the )  
Hazel Grove/Westling Farms )  
Neighborhood Association of the )  
City Planning Commission's )  
Approval of a 43-lot Planned Unit )  
Development (PD 04-01) and )  
associated Water Resource )  
Mitigation Plan (WR 04-09); Oregon )  
City File No. AP 04-05. )**

**FINDINGS OF FACT, CONCLUSIONS  
OF LAW AND FINAL ORDER IN  
OREGON CITY FILE No. AP 04-05.**

## I. INTRODUCTION

MJF Development (the "Applicant") submitted applications for a 43-lot Planned Unit Development ("PUD") and associated Water Resource Review on a 12.01-acre site in the City. The Planning Commission held an evidentiary hearing on August 9, 2004, after which the record was held open for 21 days in accordance with ORS 197.763. The Planning Commission then deliberated and unanimously approved the applications at a special meeting on August 30, 2004. On October 20, 2004, the City Commission held an on-the-record hearing, limited to the issues raised on appeal, and tentatively voted to deny the appeal and affirm the Planning Commission's decision approving the applications for the reasons set forth in these findings of fact, conclusions of law, and final order.

## II. FINDINGS

Hazel Grove/Westling Farm Neighborhood Association (the "Appellant") raised 30 issues on appeal. One additional alleged procedural error was raised at the hearing regarding a staff-annotated version of the Appellant's appeal. All of the issues on appeal are addressed below.

### A. Procedural Issues.

The following procedural errors were raised by Appellant in its appeal or by audience members at the October 20, 2004, public hearing.

1. "We (the HG/WF Neighborhood Association) are requesting that this application be thrown out. The Planning Commissioner/s on August 30<sup>th</sup> had predetermined the outcome of the hearing prior to their deliberations among each other. This is an unethical approach to determining a development and therefore, should be considered null and void." (Emphasis in the original.)

Findings. There are several issues involved in this appeal item. First, there is no legal support for the remedy that Appellant seeks, i.e., that the Planning Commission decision be declared "null and void." Instead, the City must make a decision to approve or deny an application; it cannot simply declare a decision "void." Second, Appellant appears to focus on whether the Planning Commission had arrived at a decision prior to the August 30<sup>th</sup> meeting. The Appellant did not provide any basis for concluding that the Planning Commission, as a body, had reached a decision prior to the scheduled deliberations; the Appellant did, however, focus on the statements of a particular Planning Commissioner and use those statements to suggest that all of the Commissioners had come into the August 30<sup>th</sup> meeting with pre-conceived notions. There is no legal requirement that Planning Commissioners enter into deliberations with no preconceived notion of what decision they will make.<sup>1</sup> In this instance, the evidentiary record was closed at least a week prior to the August 30<sup>th</sup> deliberations, and the Planning

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<sup>1</sup> Appellant has identified no information in the record, or provided any information from outside of the record, indicating that the Planning Commission as a whole met outside of the special meeting and arrived at a decision.

Commissioners had the opportunity to review all of the evidence in the record during that time. It is to be expected, then, that some or all of the individual Planning Commissioners might have some idea of how they might vote prior to deliberations and an actual vote being taken.

Even though the City does not believe that any procedural error occurred with respect to this appeal issue, any error in the thought process of the members of the Planning Commissioners is cured by the independent review supplied by the City Commission based on the Planning Commission record and review issues presented by the Appellant. For the foregoing reasons, this ground for appeal is denied.

2) "Planning Commissioners did not take into account the 170+ neighborhood signatures 'opposing' this project or the neighborhood residents objecting to this project on Aug. 9<sup>th</sup>, i.e., called the neighborhood a vocal minority."

Findings. The Planning Commission hearing on this matter extended until 11:30 p.m., and all parties that wished to were able to address the Planning Commission. The Planning Commission left the written record open for an additional 7 days to accept new evidence and arguments (as well as additional time for rebuttal evidence and final argument) and held a special meeting to make a decision on this application to ensure that there was enough time to discuss the applications and the issues raised by interested parties before taking a final vote. From the City Commission's review of the proceedings, it appears that the Planning Commission took great care to listen to and respond to the neighbors concerns and review all of the material, including the petition provided by the neighbors. (See Planning Commission record at 362-378.)

Further, the Appellant did not identify which approval criterion is implicated by this appeal issue, and the City does not believe that there is any such approval criterion. For the foregoing reasons, this ground for appeal is denied.

3) "Planning commissioners getting outside information not entered into the record prior to meeting."

Findings. At the August 30, 2004, meeting, the Planning Commission members were specifically polled by City staff about any bias, conflict of interest or ex parte contacts that they may have had. The hearing was then opened for anyone in the audience to question or challenge any of the Commission members about any of those issues. No one from the audience raised any concerns or questioned any of the Commission members. A number of the Appellant's representatives were present at that meeting and did not raise any concerns about outside information or other ex parte contacts. Thus, any claims of bias or ex parte contact have been waived.

Further, the City Commission's independent review of the Planning Commission's decision, based on the evidentiary record before the Planning Commission and the appeal issues raised, has cured any procedural error alleged in this appeal issue. For the foregoing reasons, this ground for appeal is denied.

4) "The developer did not schedule or attend a meeting with the city-recognized neighborhood association as required by 17.50.050."

Findings. A meeting with the applicable City-recognized neighborhood association is now required before submittal of a development application under the current post-June 2004 development code; however, the pre-June 2004 development code, which is applicable to this application, did not require a meeting with the neighborhood association. The pre-June 2004 version of the OCMC 17.50.050(A) states:

"Prior to submitting an application for any form of permit, the applicant shall schedule and attend a pre-application conference with city staff to discuss the proposal. The applicant *may also* schedule and attend a meeting with the city-recognized neighborhood association in whose territory the application is proposed." (Emphasis added.)

Even though no meeting was required, representatives of the applicant did meet with interested neighbors about the Jennifer Run project on March 10, 2004 and discussed the project with them. The meeting was noticed to all neighboring property owners within 300 feet of the development site. For the foregoing reasons, this appeal issue is denied.

5) The record before the City Commission on appeal is incomplete, because it does not include an annotated copy of the Appellant's appeal.

Findings. At the hearing, an audience member alleged that the record before the City Commission on appeal was incomplete, because it did not include an annotated copy of the Appellant's appeal that the audience member had seen in the appeal file prior to the appeal hearing. The annotated copy of Appellant's appeal was properly excluded from the appeal record, because the only items that may be included in the appeal record in this case are those items that were before the Planning Commission at the time it made its decision. Staff notes with respect to an appeal filed after the Planning Commission made its decision are not items that were before the Planning Commission at the time it made its decision. For the foregoing reasons, this appeal issue is denied.

#### B. Other Issues.

1) "Average density does not meet requirement."

Findings. Oregon City Municipal Code ("OCMC") section 17.64.030 sets out the density requirements for a PUD, and requires that a PUD contain at least 80% of the gross density allowed by the underlying zone. The subject properties are zoned R-10 and the R-10 zone designation allows up to 4.4 dwelling units per acre. OCMC 17.06.070. The project area will contain 10.35 acres once the lot line adjustment is completed and the 1.42 acres to be purchased by the City is removed. These adjustments will still allow the site to be developed under the R-10 zoning with up to 45 units. The proposed development contains 43 units, which is 96% of the gross density allowed in the R-10 zone. Therefore, the evidence in the record demonstrates that the application meets the density requirement in the City's code. For the foregoing reasons, this appeal issue is denied.

- ( 2) "Some flag lots do not connect to City streets."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. The only provision in the City code that addresses flag lots is OCMC 16.12.238(C); however, that code provision was adopted on June 18, 2004, after the subject applications were deemed complete. Under ORS 227.178(3)(a), the fixed goal post rule, this code provision does not apply to the applications. For the foregoing reasons, this appeal issue is denied.

- 3) "Inadequate detailed information on storm water drainage system and sanitary sewer system."

Findings. The City Engineer has reviewed the need for minimum public facilities improvements under Title 16 of the OCMC and has concluded that the improvements can and will be designed to City specifications and standards as set out in the City's master plan and Public Works Storm Water and Grading Design Standards. (See Planning Commission record at 202-203, 211, 266-267, 256-257, 313 and 398-400.) The Commission has also reviewed the applicable information and believes that it meets City requirements. Accordingly, the evidence in the record demonstrates that the application meets the City's code regarding storm water drainage and sanitary sewer systems. For the foregoing reasons, this appeal issue is denied.

- ( 4) "Inadequate detailed information on preserving wetland area."

Findings. The staff report for the Water Resource application explains that the location of all Title 3 wetlands have been identified and delineated. A certified professional wetland scientist has submitted a conceptual mitigation plan. The Commission has reviewed this plan and found that it meets the applicable approval criteria. Accordingly, the evidence in the record supports the conclusion that the application meets the City's code regarding preservation of wetlands. For the foregoing reasons, this appeal issue is denied.

- 5) "Inadequate terminology for water resource."

Findings. It is not clear what the Appellant means by "inadequate terminology"; however, after a review of the record, the Commission concludes that the water resources located on the site were properly identified, delineated, and protected by the proposed mitigation plans. Accordingly, the evidence in the record demonstrates that the application meets the City's code regarding water resources. For the foregoing reasons, this appeal issue is denied.

- 6) "Inadequate detailed information on removing vegetation and replacing with plants at wetland area."

( Findings. As explained above, the applicant has submitted a conceptual mitigation plan. The Commission has reviewed this plan and found that it meets the applicable approval criteria. Accordingly, the evidence in the record demonstrates that the application

meets the City's code regarding mitigation in the wetland area. For the foregoing reasons, this appeal issue is denied.

7) "Inadequate information on size of 'park,' i.e., wetland buffer not taken into account."

Findings. As the staff report for the PUD notes, the proposed park will be a total of 3.5 acres in size, and will include 1.42 acres to be purchased by the City and 2.08 acres to be provided by the Applicant. The combination purchase and dedication of property will provide a needed Neighborhood Park in the area as identified in the Parks and Recreation Master Plan. The 2.08 acres includes the water feature and its buffer. The staff report and supporting maps adequately identifies and addresses the size of the park and took into account the wetland buffer. Therefore, the evidence in the record demonstrates that the application meets the applicable City code requirements. For the foregoing reasons, this appeal issue is denied.

8) "Lack of discussion on the timeline it takes to develop a park."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. Nothing in the city code requires establishing a timeline for when the park land will be improved and available for use. OCMC 17.64.040(D)<sup>2</sup> requires the preservation of at least twenty percent of the total gross area as common open space to meet recreation needs. The Applicant has satisfied this requirement. For the foregoing reasons, this appeal issue is denied.

9) "Planning commissioners had a lack of information on parks in area."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is

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<sup>2</sup> OCMC 17.62.040(D) provides as follows:

"Open Space and Landscaping. The applicant shall provide at least twenty percent of the total gross area as common open space for the recreational needs of the development's residents either on-site or off-site and in close proximity to the development (within one-quarter mile). The open space area may be in private ownership. A portion of the required open space may be used as a buffer between different uses. No less than twenty feet in width shall be used for transitional buffers in addition to the underlying zone setback. The open space shall provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, basketball, baseball, running and walking areas. Land area to be used for the open space area and landscaping that is required in this section shall not include streets, rights-of-way, driveways, parking spaces or public facilities. Unless otherwise allowed, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for city review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities."

unable to identify any. As a general matter, however, the Oregon City Parks and Recreation Master Plan, which was reviewed by the Planning Commission, has identified the need for a Neighborhood Park in the area and the proposed park will help fulfill that need. For the foregoing reasons, this appeal issue is denied.

10) "Inadequate information on enforcing 'pedestrian development' with parking at a maximum."

Findings. It is not clear which review criteria the Appellant believes requires "pedestrian development." The private street proposed in conjunction with the water resource area and the neighborhood park will have sidewalks on both sides of the street. The Applicant will also provide a full local street improvement for Hazelnut Avenue that will include a planter strips and a sidewalk on the southwest side. The Applicant has indicated that it will design the proposed street improvements to comply with the City requirements for pedestrian and bicycle safety, including handicap ramps at the intersections. The Applicant will also provide a landscaped pedestrian path linking the proposed park to Central Point Road. These pedestrian-oriented development features will also be enforced by the conditions of approval. Accordingly, the evidence in the record demonstrates that the application meets the City's code requirements for pedestrian facilities. For the foregoing reasons, this appeal issue is denied.

11) "Planning commissioners did not take into account the trees that will be felled to make room for a road."

Findings. The appeal did not identify which approval criteria were implicated by this issue. At the appeal hearing, an attorney for one of the neighbors pointed to OCMC 17.64.040(G) as the relevant approval criterion. OCMC 17.64.040(G) states, in relevant part:

"Streets, buildings and other site elements shall be designed and located to preserve the maximum number of significant trees . . . , significant natural resources, jurisdictional wetlands, and natural [sic] (i.e., natural features)."

The argument raised by the attorney was that the application does not preserve the maximum number of significant trees, as required by the approval criterion, because the construction of Hazelnut Avenue will require some significant trees to be removed, and because providing access to the development from Westwood Drive would save more trees.

The Commission disagrees that the application does not preserve the maximum number of significant trees on the subject site. The PUD form of development was chosen as a way to cluster development so as to preserve the majority of the trees in the proposed park area. The attorney did not elaborate on how a connection from Westwood Drive could provide adequate circulation and access to and through the site or how such a connection could be aligned to provide those functions while preserving significant trees on the site. Indeed, it appears that using Westwood Drive as the primary access for the site would require the removal of more significant trees than the currently proposed Hazelnut Avenue, as the alignment of the Westwood Drive stub runs directly through the middle of the grove of trees otherwise preserved by Hazelnut Avenue.

The Commission notes that the Applicant aligned Hazelnut Avenue and the adjoining sidewalk to avoid a significant tree on the southwest side of Hazelnut Avenue, and located public facilities to preserve several significant trees within the developed area. Evidence in the record demonstrates that the Applicant has designed the site elements to preserve the maximum number of significant trees. For the foregoing reasons, this appeal issue is denied.

12) "Lack of discussion regarding public transportation."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. It is also not clear what aspect of public transportation is at issue. As a general matter, the Applicant has provided a pedestrian connection for walking from the development towards transit lines in South End Road and Warner-Milne Road. The Applicant has also provided five to seven-foot sidewalks throughout the development, and a 15-foot wide pedestrian accessway connection to Central Point Road. For the foregoing reasons, this appeal issue is denied.

13) "20% of open space becomes City's property and therefore does not leave 20% open space for PUD as required under PUD code requirements."

Findings. OCMC 17.64.040(D) requires that an applicant provide as least 20% of the total gross area as common space in a PUD. The proposal includes a 2.08-acre open space in one tract, containing the water quality resource area, representing 20.1% of the gross area of the property. The gross area of the site is 10.35 acres after the purchase of 1.42 acres by the City and the proposed lot line adjustments. These 2.08 acres would be dedicated and added to the adjacent 1.42 acres bought by the City for the creation of a Neighborhood Park, which the Parks and Recreation Master Plan identifies as a need in this area. The Applicant has met this requirement by providing an open space that is 2.08 acres in size and 20.1% of the gross area of the property. The Appellant does not cite to any code provision or other applicable law that requires that the open space remain in private ownership. Rather, OCMC 17.64.040(D) states that "the open space area may be in private ownership," which suggests that the open space may alternatively be in public ownership. Accordingly, the commission interprets this approval criterion to allow the open space to be in either private or public ownership, and, under that interpretation, the application meets this approval criterion.

At the hearing, an attorney for one of the neighbors also alleged that the 20% open space requirement was not met, because, under his interpretation of OCMC 17.64.040(D), the 20% open space requirement must be calculated without including "the proposed access road" in the site calculation. The attorney then went on to argue that the Applicant could not use the land being set aside for the City park to make up the difference and satisfy the open space requirement. The neighbor's attorney is incorrect in his interpretation of OCMC 17.64.040(D). OCMC 17.64.040(D) requires 20% of the total gross area of the site to be dedicated as open space. Per Plan Sheet 1 of the Applicant's submittal, the total gross area of the PUD is 450,700 square feet.<sup>3</sup> The proposed open space is 90,806 square feet – 20.1% of the total gross area.

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<sup>3</sup> This number does not include 61,708 square feet to be purchased by the City for park use or 10,831 square feet for public roadway dedication.



( See Planning Commission record at 311.) Further, the 20% open space area does not include any streets, rights-of-way or any other item prohibited by OCMC 17.64.040(D). Because the Applicant meets the approval criterion according to its terms, it is irrelevant whether or not the proposed City parkland could be used to satisfy it. Therefore, the evidence in the record demonstrates that the application meets OCMC 17.64.040(D). For the foregoing reasons, this appeal issue is denied.

14) "Inadequate police and fire."

Findings. OCMC 17.64.040(E)<sup>4</sup> requires the Applicant to demonstrate that there are adequate fire and police services available to serve the proposed PUD. It is not clear what it is about the police and fire services the Appellant believes is inadequate, but with respect to fire service, the comments received from Clackamas County Fire District No. 1 did not indicate that there are inadequate fire services available to serve the development. With respect to police service, the Public Safety Director indicated that the City's police department is understaffed citywide; however, as noted in the Staff Report, the proposed development does not increase the density allowed in the base zone, it is surrounded by subdivisions on three sides, and it is served by a minor arterial. Further, development of infill lots, such as the proposed site, helps to prevent urban sprawl and reduces response time for emergency services. Therefore, the evidence in the record demonstrates that the application meets the applicable City code requirements. For the foregoing reasons, this appeal issue is denied.

15) "Inadequate information as to whether new or old policies apply to this application."

Findings. On June 18, 2004, the City amended its Comprehensive Plan and development code. According to ORS 227.178(3)(a), approval or denial of an application must be based on the standards and criteria that were in effect at the time the application was first submitted. In this case, the applications were submitted prior to June 2004, and thus, the pre-June 2004, Comprehensive Plan goals and policies, and development code are applicable as a matter of state law. For the foregoing reasons, this appeal issue is denied.

16) "Transitional housing is not compatible with surrounding area."

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<sup>4</sup> OCMC 17.64.040(E) provides as follows:

"Timely Provision of Public Services and Facilities. As part of the preliminary PUD plan, the applicant shall demonstrate, or provide a suitable guarantee of, adequate capacity in each of the following public services or facilities to serve the proposed PUD:

"1. Water;

"2. Sanitary sewer;

"3. Stormwater management;

"4. Traffic system and transportation infrastructure, including streets, roads, transit, pedestrian and bicycle facilities;

"5. Schools; and

"6. Fire and police services."

**Findings.** The Comprehensive Plan Housing Goal, Policy 6, indicates that any density transfer within a PUD shall demonstrate compatibility with adjacent residential development. The main argument from the Appellant and other neighbors opposed to the proposed development is that the single-family attached housing units, and the lots on which they will be constructed, are incompatible with the surrounding neighborhood, because they are somewhat smaller than some of the existing houses and lots in the surrounding neighborhood.<sup>5</sup>

The Commission disagrees that the proposed development is incompatible with the adjacent residential development. The applicant has proposed a combination of larger lot sizes at the exterior of the site with extensive landscaping, which will provide similar housing types and lot sizes to the adjacent properties. The smaller lots with the attached housing units are incorporated into the interior of the project, such that there will be little to no visual difference between the adjacent residential development and the proposed development from the vantage point of the adjacent residential development. According to the evidence in the record, the proposed lots and minimum structure sizes that abut existing neighborhoods are sized to ensure that they are comparable to the adjacent residential development. Specifically, the lots to the north are a minimum of 9,700 square feet and abut existing lots of approximately 10,000 square feet. The houses on these lots will be a minimum of 2,000 square feet and abut existing houses of 1,800 to 2,400 square feet. Similarly, the lots to the south are a minimum of 7,600 square feet and abut existing lots of approximately 7,000 square feet. The houses on these lots will be a minimum of 1,800 to 2,000 square feet and abut existing housing of 1,300 to 1,500 square feet. The minimum structure sizes noted on the perimeter lots, as well as all other lots in the PUD, are required by Condition of Approval 26.

In addition to the comparable lot and structure sizes, the Applicant has also proposed that the backyard setbacks abutting existing residential development be increased from the code-required 20 feet to 30 feet. The Applicant has also proposed design guidelines that limit the replication of house plans, require covered front porches on all homes, require all front loading garages to be located no closer to the street than the front porch, and require brick or stone on the front facades of the houses. The proposed guidelines exceed the requirements of the City's development code and the City believes that these guidelines, along with all of the other steps the Applicant has taken to ensure compatibility with the adjacent neighborhood, will ensure that the proposed development is compatible with the adjacent residential neighborhood, thereby meeting the applicable approval criterion.

At the hearing, there was a concern that the proposed development did not meet the requirements of OCMC 17.64.040(C)<sup>6</sup>, which controls adjustments to the dimensional

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<sup>5</sup> It is worth noting that the City code does not define or otherwise mention the term "transitional housing."

<sup>6</sup> OCMC 17.64.040(C) provides as follows:

"Adjustments to Dimensional Standards. All dimensional standards that would otherwise apply to a property or development may be adjusted in the context of a PUD without a separate variance application. In all developments, the perimeter of the development shall meet the underlying zone's setbacks. However, unless an adjustment is specifically

standards of the underlying zone for the proposed PUD development and helps to ensure compatibility with the adjacent development. As noted in the staff report, the PUD application complies with this approval criterion. (See Planning Commission record at 214-215.) For the foregoing reasons, this appeal issue is denied.

17) "Not taken into account that the proposed project is on the border of the UGB."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. The relevant inquiry for consideration is not the proximity of the proposed development to the City's urban growth boundary, but whether the proposed development is allowed in the underlying zone and whether it meets the purposes of the PUD ordinance. A PUD at the density proposed is permitted in an R-10 zone and the application otherwise meets the purposes of the PUD ordinance. For the foregoing reasons, this appeal issue is denied.

18) "Inadequate information on home value impact on surrounding neighborhood properties."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. For the foregoing reason, this appeal issue is denied.

19) "No discussion regarding the increased road maintenance needed caused by the development."

Findings. The Appellant does not identify which approval criterion is violated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. As a general matter, the City currently maintains Central Point Road and surrounding public streets. The Applicant has proposed a new half-street improvement for Central Point Road that will reduce maintenance on the new section of the roadway, as well as new local streets designed to current City standards. The Applicant will also pay the applicable systems development charges for improvement projects identified in the Transportation System Plan. For the foregoing reasons, this appeal issue is denied.

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requested and explained in the PUD application or recommended by the city, the dimensional standards of the underlying zone will apply. The applicant may request, and the decision maker may approve, adjustments from all dimensional requirements of the underlying zone except that gross density shall not be less than eighty percent of the gross density allowed by the underlying zoning designation. Adjustments from all other dimensional standards may be allowed if the adjustments(s), in the context of the entire PUD and in conjunction with any mitigation, better achieve the purposes and requirements of this chapter than would strict compliance with the dimensional standards of the underlying zone; and if allowing the adjustment(s) does not significantly adversely affect adjacent properties. Adjustments granted pursuant to this section are not subject to the requirements in Chapter 17.60 of this code."

20) "No discussion on the traffic impact on Vincent Drive, Skellenger Way, Hazel Grove or South End roads."

Findings. As a factual matter, this appeal issue is incorrect. The study methodology, study area and traffic impacts from the proposed development on the surrounding transportation system were addressed in a traffic impact study submitted by the Applicant, which was prepared by a professional transportation engineer and approved by City staff. Based on the site trip distribution analysis it was determined that Central Point Road, on which the site has frontage, would receive a majority of the trips generated from the development. Since this route was determined to receive a majority of the trips, the Level of Service was calculated for the intersections of the new local street to serve as site access, Partlow Road and Warner Parrott Road with Central Point Road. The additional traffic generated by this development at the intersections of Vincent Drive, Skellenger Way, Hazel Grove Road and South End Road were reviewed and the impacts created in relation to the existing traffic conditions and Levels of Service were determined to be minor, thus were not required to be reviewed further. Traffic impacts were addressed in the staff report and the Planning Commission decision as part of the applicable approval criteria. For the foregoing reasons, this appeal issue is denied.

21) "Planning commissioners did not know project well enough to make decision, i.e., calling land a 'forest,' calling the park a 5 acre park, single level homes, etc."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. For the foregoing reason, this appeal issue is denied.

22) "Planning commissioners making prejudicial remarks toward neighborhood as well as prejudicial remarks regarding 'single women with children,' 'divorced women' and retirees."

Findings. The Appellant does not identify which approval criterion is implicated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. As a general matter, however, it appears that the Appellant is referring to comments individual Planning Commissioners made regarding provision of housing for a diverse population, and those comments do not appear on their face to be prejudicial. (See Planning Commission record at 52.) Instead, the Commissioners specifically stated that the proposed project is consistent with the City's Comprehensive Plan goals and policies, and the goals of the region, because it will provide housing opportunities for those who may not be able to afford a large house on a large lot, or who may simply want to downsize from such a housing option. For the foregoing reasons, this appeal issue is denied.

23) "The developer's attorney talking with the Planning Department during planning commissioners proceedings."

Findings. The Appellant does not identify which approval criterion is violated by this issue or how it would otherwise cause a violation of applicable law, and the City is

unable to identify any. Nothing in the City code or state law prohibits planning staff from speaking with an applicant or an applicant's representative at anytime, even during a Planning Commission meeting. For the foregoing reasons, this appeal issue is denied.

24) "Inadequate information on what a 'quality home' is."

Findings. The Appellant does not identify which approval criterion is violated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. For the foregoing reasons, this appeal issue is denied.

25) "Planning commissioners wanted a win, win, win situation for all involved in this project. They failed to make this happen."

Findings. The Appellant does not identify which approval criterion is violated by this issue or how it would otherwise cause a violation of applicable law, and the City is unable to identify any. The critical question is whether the application complies with the City's code, and the City has found that it does. For the foregoing reasons, this appeal issue is denied.

### **III. CONCLUSION**

For the reasons noted above, the City Commission has determined that the Applicant has met its burden of proof with respect to the PUD and Water Resource applications, and affirms the Planning Commission's decision with respect to the Planned Unit Development application, PD 04-01 and associated Water Resource mitigation plan, WR 04-09.

ADOPTED this 17<sup>th</sup> day of November 2004.

OREGON CITY COMMISSION



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Alice Norris, Mayor

# COMMISSION REPORT: CITY OF OREGON CITY

## TO THE HONORABLE MAYOR AND COMMISSIONERS

320 Warner Milne Road—(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 5.2	<b>Topic:</b> Second Reading of Ordinance No. 04-1016, the Adoption of Revisions to the Oregon City Comprehensive Plan, Comprehensive Plan Map and Zoning Map and Amendments to the Oregon City Zoning Code.
	<b>Report No.:</b> 04-217	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 17, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>Prepared By:</b> T. Konkol	<b>Reviewed By:</b> D. Drentlaw 	<b>Approved By:</b> L. Patterson

**RECOMMENDATION:** Staff recommends that the City Commission approve the second reading of Ordinance Number No. 04-1016 that is included as Attachment A of this report.

**REASON FOR RECOMMENDATION:** Ordinance No. 03-1014 required that the Oregon City Planning Commission hold a hearing on August 23<sup>rd</sup>, 2004 to take additional testimony and evidence on the adopted Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Zoning Code in order to make revision or refinements to the documents as necessary. Based on the oral and written testimony provided at public hearings and the work sessions with Oregon City residents and interested parties, the Planning Commission has unanimously recommended minor changes to the Comprehensive Plan, Comprehensive Plan Map, Zoning Map and Zoning Code that are in the best interest of Oregon City to ensure that the goals and policies of the City can be realized.

**BACKGROUND:** On November 3, 2004 the City Commission held a public hearing and took testimony concerning the proposed amendments to the Comprehensive Plan text, Plan Map, Zoning Map and Zoning Code. After completion of the public hearing and deliberations the Commission voted 5-0 to approve the first reading of Ordinance 04-1016 as proposed. On October 18<sup>th</sup>, 2004 the City Commission and Planning Commission held a joint work session to review the Planning Commission's recommended amendments, identified as Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map – Version 4, and staff was directed to make minor changes to the Comprehensive Plan Text and Amended Zoning Code in preparation for the November 3, 2004 City Commission Hearing. The changes that were made are outlined in the October 27, 2004 Memorandum included as Attachment B of this Commission Report.

On October 11<sup>th</sup>, 2004 the Planning Commission unanimously recommended approval of the Amendments to the Oregon City Comprehensive Plan, Comprehensive Plan Map, Municipal Code and Zoning Map – Version 4 to the City Commission for their review. The initial Planning Commission Public Hearing, as required by Ordinance No. 03-1014, was held on August 23<sup>rd</sup>, 2004.

### ATTACHMENTS

A. Ordinance No. 04-1016 and Notice

Exhibit 1 Oregon City Comprehensive Plan and Zoning Code Amendments: 10/27/04 – Version 5

Exhibit 2 Oregon City Comprehensive Plan Map: 10/27/04

Exhibit 3 Oregon City Zoning Map: 10/27/04

**ORDINANCE NO. 04-1016**

**AN ORDINANCE ADOPTING REVISIONS TO THE OREGON CITY COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP AND ZONING MAP AND ADOPTING AMENDMENTS TO THE OREGON CITY ZONING CODE.**

WHEREAS, as required by Section 7 of Ordinance No. 03-1014, The Oregon City Planning Commission held a hearing on Monday August 23<sup>rd</sup>, 2004 to take testimony and evidence on the Comprehensive Plan and Plan Map, as well as the Zoning Code and Zoning Map in order to make revisions or refinements to the documents adopted in Ordinance No. 03-1014; and

WHEREAS, the City has worked with Oregon City residents and interested groups to develop the revisions and refinements to the overall vision, policies and goals for the future growth and development of Oregon City through the revisions to the City's Comprehensive Plan and implementing ordinances; and

WHEREAS, the Comprehensive Plan and Map is intended to guide the management of the City's assets, to support natural, recreational, and economic benefits for the community of Oregon City, and to provide a framework for implementation of identified goals and policies; and

WHEREAS, the Comprehensive Plan and Map complies and is consistent with state statutes, Statewide Planning Goals, Downtown Community Plan, Water Front Master Plan, and the Metro Regional Framework Plan; and

WHEREAS, the amended Zoning Code and Map complies and is consistent with state statutes, Statewide Planning Goals, the amended Oregon City Comprehensive Plan, the Downtown Community Plan, the Metro Regional Framework Plan, the Oregon City Transportation System Plan, and the Oregon City Park and Recreation Master Plan; and

WHEREAS, the Planning Commission and the City Commission both held publicly noticed work sessions on the proposed revisions and refinements to the adopted Comprehensive Plan and Comprehensive Map and Zoning Code and Zoning Map; and

WHEREAS, the Planning Commission held two public hearings on the proposed amendments; and

WHEREAS, the Planning Commission, based on the oral and written testimony they received at the public hearings, adopted minor revisions to the Comprehensive Plan, Comprehensive Map, Zoning Code and Zoning Map and unanimously recommended that the City Commission adopt the revisions; and

WHEREAS, adopting the revisions to the Comprehensive Plan, Comprehensive Plan Map, Zoning Code and Zoning Map is in the best interest of Oregon City to ensure that the goals and policies of the City can be realized,

**NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:**

Section 1. The Oregon City Comprehensive Plan and Oregon City Zoning Code is hereby amended, as provided in Exhibit 1, based on the findings contained in the Staff Report.

Section 2. The Oregon City Comprehensive Plan Map, attached as Exhibit 2, is hereby adopted based on the findings contained in the Staff Report.

Section 3. The Oregon City Zoning Map, attached as Exhibit 3, is hereby adopted based on the findings contained in the Staff Report.

Read for the first time at a regular meeting of the City Commission held on the 3<sup>rd</sup> day of November 2004, and the foregoing ordinance was finally enacted by the City Commission this 17<sup>th</sup> day of November 2004.

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ALICE NORRIS, Mayor

ATTESTED to this 17<sup>th</sup> day of November, 2004

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LEILANI BRONSON-CRELLY  
City Recorder

ORDINANCE NO. 04-1016  
Effective Date: December 17<sup>th</sup>, 2004



# NOTICE

**NOTICE IS HEREBY GIVEN** that second reading of  
**an ORDINANCE No. 04-1016**, of the City of Oregon City, Clackamas County,  
Oregon, three copies of which are available for inspection at the Office of the City  
Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on  
November 17, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

**AN ORDINANCE ADOPTING REVISIONS TO THE OREGON CITY  
COMPREHENSIVE PLAN, COMPREHENSIVE PLAN MAP AND  
ZONING MAP AND ADOPTING AMENDMENTS TO THE OREGON  
CITY ZONING CODE.**

All interested persons are invited to attend and provide input.

**POSTED** this 9th day of November 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at  
503-657-0891, 48-hours prior to meeting date.

**LEILANI BRONSON-CRELLY**  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO November 18, 2004**

# **Amendments to the Oregon City Comprehensive Plan, Plan Map, Municipal Code and Zoning Map.**

## **City of Oregon City Planning Division**

**Dan Drentlaw – Community Development Director**

For more information, contact:

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Phone: (503) 657-0891

City of Oregon City Planning Division

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Phone: (503) 657-0891

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The Planning Division is committed to providing equal access to information and hearings. For equal access to information, call the Planning Division at (503) 657-0891.

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**OREGON CITY COMPREHENSIVE PLAN AMENDMENTS****2. LAND USE****GOALS AND POLICIES****Goals****Goal 2.2: Downtown Oregon City**

Develop the Downtown area (which includes the historic downtown area, the "north end" of the downtown, Clackamette Cove, and the End of the Oregon Trail area) as a quality place for shopping, living, working, cultural and recreational activities, and social interaction. Provide walkways for foot and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.

**Policies**

- Policy 2.2.1    Redefine the Metro regional center concept to recognize the unique character of Oregon City while being in accordance with Metro's 2040 Growth Concept.
- Policy 2.2.2    Support multi-modal transportation options throughout the regional center and to other regional and town centers.
- Policy 2.2.3    Develop and promote a vision for the economic development and redevelopment of the downtown area that solidifies the Downtown Community Plan and Waterfront Master Plan.
- Policy 2.2.4    Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the regional center develops to its maximum capacity and realizes its full potential.
- Policy 2.2.5    Encourage the development of a strong and healthy historic downtown retail, office, cultural and residential center.
- Policy 2.2.6    Work with major stakeholders, develop and implement a strategy to help the historic downtown area enhance its position as a retail district. Such a strategy might include funding for a "Main Street" or similar program.
- Policy 2.2.7    Explore options for improving downtown vehicle circulation and parking in a manner that promotes revitalization.
- Policy 2.2.8    Implement the Downtown Community Plan and Waterfront Master Plan with regulations and programs that support compatible and complementary mixed-uses, including housing, hospitality services, restaurants, civic and institutional, offices, some types of industrial, and retail uses in the regional center, all at a relatively concentrated density.
- Policy 2.2.9    Improve connectivity for vehicles, bicycles, and pedestrians within the downtown and waterfront master plan areas and improve linkages between residential areas to the community beyond.
- Policy 2.2.10    Develop the Clackamette Cove area through the implementation of the Water Front Master Plan to achieve a balance between the natural and built environments, including wildlife habitat, multi-family residential development, office/retail, and family recreation.

- Policy 2.2.11** Investigate an interpretive scheme that incorporates the End of the Oregon Trail Interpretive Center, the waterfront, and downtown. Describe environmental, social, and historic aspects including the concept of a greenway along Abernethy Creek and nearby structures of historic significance.
- Policy 2.2.12** A master plan will be required at the Blue Heron Paper Company site at such time as the property owner proposes a large-scale development which includes changing the overall site to non-industrial land uses.
- Policy 2.2.13** Monitor the redevelopment within the Downtown Design District and investigate the need to require retail and service uses on the first floor and limiting residential and office uses to the second floor and above.
- 

## 10. HOUSING

This section of the Oregon City Comprehensive Plan is intended to comply with Statewide Planning Goal 10, Housing. This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Oregon City is required by regional and state requirements to provide an adequate supply of vacant and buildable land for future residential growth and ensure that land is designated for a variety of housing types to fit a range of income and need. The housing element and its supporting resource document are intended to satisfy those requirements.

Oregon City recognizes that the health of the city depends on the health of the neighborhoods that form the building blocks of a livable city. The housing goals and policies are intended to ensure that the integrity of existing neighborhoods is protected and that planning for new neighborhoods as the city expands is comprehensive and inclusive of a range of housing types and services to serve residents.

### Background

Oregon City is unique in the area for its role in Oregon history and for the age and diversity of its housing stock. Many of the older homes and buildings have historical significance. Therefore, housing planning in the city is aimed at both development of new housing units and preservation or careful redevelopment of older historic housing units. Like many other communities in the Willamette Valley, Oregon City grew more quickly than expected in the 1990s—nearly doubling in size—and more units will be needed to accommodate new residents or citizens wishing to move into different types of housing.

### Existing Conditions

This Housing Element summarizes the results of a housing study conducted in 2002 to determine whether existing comprehensive plan and zoning designations would accommodate growth through 2017. The study included an inventory of existing vacant buildable and underutilized land, compared the characteristics of the existing housing stock and demographics in Oregon City and the region, and forecasted housing needs. The housing study became the Housing Element Resource Document and supports this Housing Element. Readers should refer to the resource document for detailed information on Oregon City's demographic composition (2000), residential land inventory (2002), and projected housing need (to 2017).

The housing study revealed that affordability of housing is an issue, as in many jurisdictions. Housing affordability is based on the percentage of monthly income spent on housing. Using the US Department of Housing and Urban Development's standard formula to determine affordability of 30 percent of monthly income, 12 percent of Oregon City residents cannot afford a studio apartment, and over 23 percent are not able to afford a two-bedroom apartment. When compared against the region it is found that 12 percent of the Portland Metro Area cannot afford a studio apartment and 26 percent are not able to afford a two-bedroom apartment. Fair market rents are slightly higher in the Portland Metro Area, making rents less affordable for low and very low incomes when compared to Oregon City.

Other demographic characteristics revealed by the housing study were:

- Oregon City has a higher percentage of its total population in group quarters (3.5 percent) than the Portland Metro Area (1.8 percent). The number of residents seeking housing in group quarters (nursing or residential care facilities) is likely to increase as the population ages over the next 20 years.
- Oregon City has a slightly younger population than the Portland metropolitan area.
- The percentage of female-headed households living in Oregon City in poverty is significantly higher than the Portland metropolitan area (25 percent to just over 20 percent).
- Household income distribution in Oregon City mirrors that of the Portland metropolitan area.
- Oregon City's composition of housing stock by type of housing (e.g., single family detached and multi-family) and the percentage of renters versus owners is similar to that in the Metro area.
- Oregon City has a deficit of land for multifamily units to meet expected demand.

#### **State and Metro Requirements**

The Statewide Planning Goal for Housing (Goal 10) is to provide for the housing needs of citizens of the state. Both the State of Oregon and Metro have requirements that Oregon City must fulfill with respect to its comprehensive planning for residential needs. Part of complying with the Housing Goal is ensuring not only that there is an adequate supply of vacant and buildable land for future growth, but also that the land is designated for a variety of housing types to fit a range of income, need, and preference. Compliance with Goal 10 is demonstrated through a housing inventory and analysis, which is also part of Metro's requirements (see below). The housing inventory and analysis that were completed for this updated plan are discussed below.

Oregon City has two Metro requirements to fulfill. The first, related to Metro's 2040 Growth Concept, is discussed in the following paragraphs. The second, related to Title 7 of the Urban Growth Management Functional Plan, concerns provisions for affordable housing and is discussed at the end of this section.

In the mid-1990s, the Metro government adopted the 2040 Growth Concept, which was developed to ensure that the region complies with state goals for land use in a coordinated way and that housing and employment growth can be accommodated equitably across the region. After the establishment of the Metro Urban Growth Boundary (UGB) around the cities, the affected cities and counties negotiated targets for new dwelling units and jobs. In 1994, Metro and Clackamas County estimated that Oregon City should expect to accommodate 9,940 additional units between 1994 and 2017, within the city and the UGB. To comply with the Metro target, Oregon City needed to demonstrate that, after subtracting units built between 1994 and 2002, the land use designations on remaining vacant and underutilized land would accommodate the difference in needed new dwelling units. If Oregon City could not accommodate the new housing units, then the City would need to find other ways to meet the capacity target, most likely through increasing minimum residential densities within the city and UGB.

The 2002 housing inventory revealed that 3,665 dwelling units were built between 1994 and 2002. This left 6,075 new units needed to meet the Metro 2017 target. After accounting for expected future accessory dwelling units and environmentally constrained land, the overall planned density of residential land in Oregon City and within the UGB was not sufficient to meet the dwelling unit capacity targets established by Metro. Full development of all vacant and partially vacant land under the current comprehensive plan designations would result in only 4,593 new units missing the capacity target by over 1,400 units.

Through the involvement of a citizen advisory group and with input from staff, the City made changes to the comprehensive plan map and to the zoning code. Overall, the changes in the comprehensive plan update provided the additional units needed to meet Metro's 2017 residential target for Oregon City. The 2002 population of 27,270 plus the population expected at build out (including the 2002 UGB expansions at South End Road and Redland Road), yields a population of approximately 45,700 in 20 years.<sup>1</sup>

A new plan map designation of "Mixed Use" was developed to include the mixed use zones planned for downtown as well as other areas of the city suited to combinations of compatible uses. To increase the range of housing available, some areas of the city were recommended to be redesignated to more intense residential uses based on the following locational criteria:

- along arterials or collectors
- close to business districts and employment and education centers
- in the downtown mixed use area
- adjacent to similar more intense densities

In January 2001, the Metro Council adopted amendments to the Regional Framework Plan and Urban Growth Management Functional Plan (UGMFP) to further implement the Regional Affordable Housing Strategy. The UGMFP amendments require local jurisdictions to consider the adoption of a number of tools and strategies to promote the creation and retention of affordable housing. Metro defines an affordable housing unit as constituting no more than 30% of household income for people making 50% of the Median Household Income (in each jurisdiction). By that definition, an affordable housing unit in Oregon City in 2000 would not cost more than \$570 per month. The housing inventory and analysis completed for the comprehensive plan update showed that the number of lower-cost units in Oregon City was less than the number needed to meet all of the housing needs of the city's lower-income residents. Consequently, this Housing element adopts Title 7 tools and strategies as Goal 10.2 and Policy 10.2.3 below.

Many of the policies for the 1982 comprehensive plan were still relevant and were carried over into the updated plan. Since the housing inventory conducted in 2002 established baseline data for housing, an action item to keep the database current was also added.

## **GOALS AND POLICIES**

### **Goal 10.1: Providing diverse housing opportunities for Oregon City residents.**

**Provide for the planning, development and preservation of a variety of housing types and lot sizes.**

#### **Policies**

**Policy 10.1.1** Maintain the existing residential housing stock in established older neighborhoods by maintaining existing comprehensive plan and zoning designations where appropriate.

<sup>1</sup> Assumes 2.62 per household and 5% vacancy.

- Policy 10.1.2 Ensure active enforcement of the City's Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.
- Policy 10.1.3 Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.
- Policy 10.1.4 Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring needed affordable housing is provided.
- Policy 10.1.5 Allow Accessory Dwelling Units under specified conditions in single-family residential designations with the purpose of adding affordable units to the housing inventory and providing flexibility for homeowners to supplement income and obtain companionship and security.
- Policy 10.1.6 Allow site-built manufactured housing on individual lots in single-family residential zones to meet the requirements of state and federal law. (Pursuant to state law, this policy does not apply to land within designated historic districts or residential land immediately adjacent to a historic landmark.)
- Policy 10.1.7 Use a combination of incentives and development standards to promote and encourage well-designed single-family subdivisions and multi-family developments that result in neighborhood livability and stability.

**Goal 10.2: Provide and maintain an adequate supply of affordable housing.**

**Policies**

- Policy 10.2.1 Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Map, ensure potential loss of affordable housing is replaced.
- Policy 10.2.2 Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50% of the median income for Oregon City.
- Policy 10.2.3 Support the provision of Metro's Title 7 Voluntary Affordable Housing Production Goals.
- Policy 10.2.4 Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development related fee's and/or increases in residential density (density bonuses).



## OREGON CITY MUNICIPAL CODE AMENDMENTS

### TITLE 16 – LAND DIVISIONS

#### CHAPTER 16.12 – MINIMUM IMPROVEMENTS AND DESIGN STANDARDS FOR LAND DIVISIONS

##### **16.12.030 Street design—Minimum right-of-way.**

All land divisions shall provide adequate right-of-way and pavement width. Adequate right-of-way and pavement width shall be provided by:

- A. Complying with the street design standards contained in Table 16.12.030 below.

The street design standards are based on the classification of streets that occurred in the Oregon City Transportation System Plan, in particular, the following figures provide the appropriate classification for each street in Oregon City: Figure 5-1: Functional Classification System and New Roadway Connections; Figure 5-3: Pedestrian System Plan; Figure 5.6: Bicycle System Plan; and Figure 5.7: Public Transit System Plan. These figures from the Oregon City Transportation System Plan are incorporated herein by reference in order to determine the classification of particular streets.

**Table 16.12.030**

#### **STREET DESIGN STANDARDS**

<b>Type of Street</b>	<b>Right-of-Way Width</b>	<b>Pavement Width</b>
Major arterial	124 feet	98 feet
Minor arterial	114 feet	88 feet
Collector street	86 feet	62 feet
Neighborhood collector street	81 feet	59 feet
Local street	54 feet	32 feet
Alley	20 feet	16 feet

- B. The applicant may submit an alternative street design plan that varies from the street design standards identified above. An alternative street design plan may be approved by the city engineer if it is found that the alternative allows for adequate and safe traffic, pedestrian and bicycle flows and transportation alternatives and protects and provides adequate service for the residents of the land division as well as the surrounding community. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

##### **16.12.235 Building sites- Calculations of lot area.**

- A. A subdivision in the R-10, R-8, R-6, R-3.5 or R-2 dwelling district may include lots that are up to ten percent less than the required minimum lot area of the applicable zoning designation provided the entire subdivision on average meets the minimum site area requirement of the underlying zone. The average lot area is determined by calculating the total site area devoted to dwelling units and dividing that figure by the proposed number of dwelling lots.

**16.12.290 Building site--Setbacks and building location.**

This standard ensures that lots are configured in a way that development can be orientated toward streets to provide a safe, convenient and aesthetically pleasing environment for pedestrians and bicyclists. The objective is to have lots located on a neighborhood collector, collector or minor arterial street locate the front yard setback on and orientate the front of the primary structure to face the neighborhood collector, collector or minor arterial street.

- A. All lots located on a neighborhood collector, collector or minor arterial shall be orientated to front the street. Corner lots may have a side yard facing the street.
- B. All lots proposed with a driveway and lot orientation on a collector or minor arterial shall combine driveways into one joint access per two or more lots unless the City Engineer determines that:
  - 1. No driveway access may be allowed since the driveway(s) would cause a significant traffic safety hazard; or
  - 2. Allowing a single driveway access per lot will not cause a significant traffic safety hazard.
- C. An alternative design, such as a landscaped boulevard or access road, consistent with the intent of this section, may be approved by the Community Development Director

Garage setbacks in residential areas shall be a minimum of twenty feet from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be set back a minimum of five feet in residential areas. Any special building setback lines established in a subdivision or partition shall be shown on the preliminary and final plats or guaranteed through deed restrictions or easements. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1007 §1(part), 1998)

**16.12.360 Minimum improvements--Road standards and requirements.**

- A. The creation of a public street and the resultant separate land parcels shall be in conformance with requirements for subdivisions or partitions. However, the decision-maker may approve the creation of a public street to be established by deed without full compliance with the regulations applicable to subdivisions or partitions where any of the following conditions exist:
  - 1. The establishment of the public street is initiated by the city commission and is declared essential for the purpose of general traffic circulation and the partitioning of land is an incidental effect rather than the primary objective of the street;
  - 2. The tract in which the street is to be dedicated is within an isolated ownership either not over one acre or of such size and characteristics as to make it impossible to develop building sites for more than three dwelling units.
- B. For any public street created pursuant to subsection A of this section, a copy of a preliminary plan and the proposed deed shall be submitted to the planning manager and city engineer at least ten days prior to any public hearing scheduled for the matter. The plan, deed and any additional information the applicant may submit shall be reviewed by the decision-maker and, if not in conflict with the standards of Title 16 and Title 17, may be approved with appropriate conditions. (Ord. 98-1007 §1(part), 1998)

## **TITLE 17 – ZONING**

### **CHAPTER 17.04 DEFINITIONS**

#### **Chapter 17.04.220 Dwelling apartments, multi-family or condominium**

A structure located on one tax lot and containing three or more dwelling units in any vertical or horizontal arrangement.

#### **17.04.240 Dwelling, two-family or duplex.**

"Two-family dwelling or duplex" means a building designed or used for residence purposes by not more than two families and containing two dwelling units per lot (Prior code §11-1-6(part))

#### **Chapter 17.04.290 Home Occupation.**

"Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use, in connection with which no assistants are employed, no commodities are sold other than services, no sounds are heard beyond the premises, and there is no display, advertisement or sign board except such signs as by this title may be permitted in the district where the home or occupation is situated, including such occupations as lawyer, public accountant, artist, writer, teacher, musician, home office of a physician, dentist or other practitioner of any of the healing arts, or practices of any art or craft of a nature to be conveniently, unobstructively and inoffensively pursued in a single-family dwelling, and not more than one-half of the floor area of one story is devoted to such use. The occupation may be carried on in an accessory building of the residence. (Prior code §11-1-6(part))

#### **17.04.560 Residential zone.**

"Residential zone" shall include any of the following zoning districts: R-10 single-family dwelling district, R-8 single-family dwelling district, R-6 single-family dwelling district, R-3.5 Dwelling District and R-2 Dwelling District. (Prior code §11-1-6(part))

#### **17.04.624.1 Single-family detached residential units.**

"Single-family detached residential units" means one dwelling unit per lot that is freestanding and structurally separate from other dwelling units or buildings. (Ord. 03-1014, Att. B3 (part), 2003)

#### **17.04.624.2 Single-family attached residential units.**

"Single-family attached residential units" means two or more dwelling units attached side by side with some structural parts in common at a common property line and located on separate and individual lots.

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### **CHAPTER 17.06 - ZONING DISTRICT CLASSIFICATIONS**

#### **17.06.070 Requirements table.**

To facilitate public understanding of this title and for the better administration and convenience of use thereof, the following summary of maximum dwelling units per acre, minimum lot area per dwelling unit, maximum building height and maximum setback regulations for the various zoning districts is set forth in

the following table. For further information, please review the regulations of each individual zoning district. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 92-1024 §3, 1992; prior code §11-3-1)

### OREGON CITY STANDARDS

#### Residential

Standard	R-10	R-8	R-6	R-3.5	R-2
Minimum Lot Size	10,000 sq. ft.*	8,000 sq. ft.*	6,000 sq. ft.*	3,500 sq. ft.*	2,000 sq. ft.*
Maximum Height	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	2.5 Stories (35 ft.)*	4 Stories (55 ft.)*
Maximum Building Lot Coverage	40%	40%	40%	NA	NA
Minimum Front Yard Setback	20 ft.	15 ft.	10 ft.	5 ft.	5 ft.*
Minimum Interior Side Yard Setback	10 ft. / 8 ft.	9 ft. / 7 ft.	9 ft. / 5 ft.	Detached – 5 ft. Attached – 7 ft.	5 ft.
Minimum Corner Side Yard Setback	15 ft.	15 ft.	15 ft.	10 ft.	10 ft.
Minimum Rear Yard Setback	20 ft.	20 ft.	20 ft.	15 ft.	*
Garage Standards Applicable	Yes*	Yes*	Yes*	Yes*	Yes*
Garage Setbacks	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley	20 ft from ROW 5 ft. from alley

\*See district description for further information

#### Commercial

Standard	C	MUC-1	MUC-2	NC	HC
Maximum Building Height	3 Stories (45 ft.)*	3 Stories (45 ft.)*	60 ft	2.5 Stories (35 ft.)	3 Stories (35 ft.)
Minimum Building Height	--	--	2 Stories (25 ft.)	--	--
Maximum Lot Coverage	--	Building and Parking Lot – 80%	Building and Parking Lot – 90%	Building Footprint – 10,000 sq. ft.*	Building and Parking Lot – 80%
Maximum Front Yard Setback	5 ft.*	5 ft.*	5 ft.*	5 ft.*	5 ft.*
Maximum Interior Side Yard Setback	--	0 - 30 ft.*	0 - 33 ft.*	0 - 10 ft.*	0-5 ft.*
Maximum Corner Yard Setback	10 ft.*	30 ft.*	20 ft.*	30 ft.*	0-5 ft.*

Maximum Rear Yard Setback	10 ft.	0 - 30 ft.*	0 - 33 ft.*	0 - 10 ft.*	0 - 20 ft.*
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\*See district description for further information

#### Employment, Downtown and Industrial

Standard	MUE	MUD	MUD - Design District	GI	CI
Maximum Building Height	60 ft. / 85 ft.*	45 ft. / 75 ft.*	58 ft.	3 Stories (45 ft.)*	45 ft. / 85 ft.*
Minimum Building Height	--	2 Stories (25 ft.)*	2 Stories (25 ft.)*	--	--
Maximum Lot Coverage	Building and Parking Lot - 80%	Building and Parking Lot - 90%	Building and Parking Lot - 100%	--	--
Maximum Front Yard Setback	5 ft.*	20 ft.*	10 ft.*	25 ft.*	25 ft.*
Maximum Interior Side Yard Setback	50 ft.*	0 ft.*	0 ft.*	25 ft.*	25 ft.*
Maximum Corner Yard Setback	5 ft.*	20 ft.*	10 ft.*	25 ft.*	25 ft.*
Maximum Rear Yard Setback	5 - 50 ft.*	*	10 ft.*	25 ft.*	25 ft. / 100 ft.*

\*See district description for further information

### **CHAPTER 17.08 R-10 SINGLE-FAMILY DWELLING DISTRICT**

#### **17.08.020 Permitted uses.**

Permitted uses in the R-10 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-2(A))

#### **17.08.040 Dimensional standards.**

Dimensional standards in the R-10 district are:

- A. Minimum lot areas, ten thousand square feet;
- B. Minimum lot width, sixty-five feet;
- C. Minimum lot depth, eighty feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;

- E. Minimum required setbacks:
    - 1. Front yard, twenty feet minimum depth,
    - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
    - 3. Interior side yard, ten feet minimum width for at least one side yard; eight feet minimum width for the other side yard,
    - 4. Corner side yard, fifteen feet minimum width,
    - 5. Rear yard, twenty feet minimum depth,
    - 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-2(C))
  - F. Garage Standards: See Section 17.20 – Residential Design Standards
  - G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards.
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## **CHAPTER 17.10 - R-8 SINGLE-FAMILY DWELLING DISTRICT**

### **17.10.020 Permitted uses.**

Permitted uses in the R-8 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);
- E. Temporary real estate offices in model homes located and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-3(A))

### **17.10.040 Dimensional standards.**

Dimensional standards in the R-8 district are:

- A. Minimum lot area, eight thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, seventy-five feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum required setbacks:
  - 1. Front yard fifteen feet minimum depth,
  - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
  - 3. Interior side yard, nine feet minimum for at least one side yard, seven feet minimum for the other side yard,
  - 4. Corner side yard, fifteen feet minimum width,
  - 5. Rear yard, twenty feet minimum depth,
  - 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 92-1030 §1, 1992; Ord. 91-1020 §2(part), 1991; prior code §11-3-3(C))
- F. Garage Standards: See Section 17.20 – Residential Design Standards.

G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards.

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#### **CHAPTER 17.12 - R-6 SINGLE-FAMILY DWELLING DISTRICT**

##### **17.12.020 Permitted uses.**

Permitted uses in the R-6 district are:

- A. Single-family detached residential units;
- B. Publicly-owned parks, playgrounds, playfields and community or neighborhood centers;
- C. Home occupations;
- D. Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on site is permitted);
- E. Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- F. Accessory uses, buildings and dwellings;
- G. Family day care provider, subject to the provisions of Section 17.54.050.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1014 §2(part), 1994; Ord. 92-1026 §1(part), 1992; prior code §11-3-4(A))

##### **17.12.040 Dimensional standards.**

Dimensional standards in the R-6 district are:

- A. Minimum lot areas, six thousand square feet;
  - B. Minimum lot width, fifty feet;
  - C. Minimum lot depth, seventy feet;
  - D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
  - E. Minimum required setbacks:
    - 1. Front yard, ten feet minimum depth,
    - 2. Attached and detached garage, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet in residential areas.
    - 3. Interior side yard, nine feet minimum width for at least one side yard; five feet minimum width for the other side yard,
    - 4. Corner side yard, fifteen feet minimum width,
    - 5. Rear yard, twenty feet minimum depth,
    - 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-4(C))
  - F. Garage Standards: See Section 17.20 – Residential Design Standards.
  - G. Maximum Building Coverage: See Section 17.20 – Residential Design Standards.
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#### **CHAPTER 17.16 – R-3.5 DWELLING DISTRICT**

##### **17.16.040 Dimensional standards.**

Dimensional standards in the R-3.5 district are:

- A. Minimum Lot Area.
  - 1. Residential uses, three thousand five hundred square feet per unit.
  - 2. Non-residential uses, zero minimum;
- B. Minimum lot width, twenty-five feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, two and one-half stories, not to exceed thirty-five feet;
- E. Minimum Required Setbacks.
  - 1. Front yard, five feet minimum depth,
  - 2. Interior side yard,
    - Detached unit, 5 feet minimum depth
    - Attached unit, 7 feet minimum depth on the side that does not abut a common property line.
  - 3. Corner side yard, ten-foot minimum width,
  - 4. Rear yard, fifteen-foot minimum depth,
  - 5. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 99-1027 §3, 1999; Ord. 91-1020 §2(part), 1991; prior code §11-3-6(C))
  - 6. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.
- F. Garage Standards: See Section 17.20 – Residential Design Standards

**17.16.050 Single-family attached residential units and duplex units.**

The following standards apply to single-family dwellings, in addition to the standards in Section 17.16.040.

- A. Maintenance Easement. Prior to building permit approval, the applicant shall submit a recorded mutual easement that runs along the common property line. This easement shall be 10 feet in width. A lesser width may be approved by the Community Development Director if it is found to be sufficient to guarantee rights for maintenance purposes of structure and yard.
- B. Conversion of Existing Duplexes. Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the requirements in Section 16 for partitions, Section 17.16 and the State of Oregon One and Two Family Dwelling Specialty Code prior to final recordation of the land division replat. (Ord. 99-1027 §4, 1999)

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**CHAPTER 17.18 – R-2 MULTI-FAMILY RESIDENTIAL DISTRICT**

**17.18.040 Dimensional standards.**

Dimensional standards in the R-2 district are:

- A. Minimum lot area:
  - 1. Residential units, 2,000 square feet per unit.
  - 2. Nonresidential uses, No minimum lot area is required
- B. Minimum lot width, twenty feet;
- C. Minimum lot depth, seventy feet;
- D. Maximum building height, four stories, not to exceed fifty-five feet;
- E. Minimum required setbacks:
  - 1. Front yard, five feet minimum depth (May be reduced to zero through Site Plan and Design Review),
  - 2. Side yard, five feet minimum width,
  - 3. Corner side yard, ten feet minimum width,
  - 4. Rear yard



- a. Residential units prior to adoption of this ordinance, ten feet minimum depth'
- b. Nonresidential and Multiple family residential units, ten feet minimum depth,
- a. Single Family attached residential units and duplex development after adoption of this ordinance, twenty feet minimum depth;
- 5. Buffer Area. If a multi-family residential unit in this district abuts R-10, R-8, or R-6 use, there shall be required a landscaped yard of ten feet on the side abutting the adjacent zone in order to provide a buffer area and landscaping thereof shall be subject to site plan review. The Community Development Director may waive any of the foregoing requirements if it is found that the requirement is unnecessary on a case-by-case basis.
- 6. Solar balance point, setback and height standards may be modified subject to the provisions of Section 17.54.070. (Ord. 91-1020 §2(part), 1991; prior code §11-3-7(C))
- 7. Attached and detached garages, twenty feet minimum depth from the public right-of-way where access is taken, except for alleys. Garages on an alley shall be setback a minimum of five feet.
- F. Garage Standards: See Section 17.20 – Residential Design Standards.

## CHAPTER 17.20 RESIDENTIAL DESIGN STANDARDS

### Sections

17.20.010	Purpose
17.20.020	Applicability
17.20.030	Residential Design Options
17.20.040	Residential Design Standards
17.20.050	Main Entrances
17.20.060	Maximum Lot Coverage
17.20.070	Exceptions

### **17.20.010 Purpose.**

These design standards are intended to:

- A. Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- B. Ensure that there is a physical and visual connection between the living area of the residence and the street.
- C. Improve public safety on the public way and the front yards by providing "eyes on the street".
- D. Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- E. Prevent garages from obscuring or dominating the main entrance of the house.
- F. Provide guidelines for good design at reasonable costs and with multiple options to achieve the purposes of this chapter.

### **17.20.020 Applicability.**

The standards in section 17.20.030 through 17.20.050 apply to the street-facing facades of all new single-family dwellings and two-family dwelling units (duplexes) with or without a garage. Dwellings on an irregular lot, as defined in Section 17.20.070, shall meet at least 7 of the residential design elements in Section 17.20.040.A. Additions and alterations that add less than 50% to the existing floor area of the house are exempt from section 17.20.030 through 17.20.050. Additions or alterations that are not visible from the street side of the home are exempt.

The standards in section 17.20.060 – Maximum Lot Coverage shall apply to all new and existing homes in the R-10, R-8 and R-6 single-family dwelling districts.

**17.20.030 Residential Design Options.**

There are six options outlined in 17.20.030 for complying with the residential design standards. Homes on corner lots and through lots shall comply with one of the six options below for the front of the lot. The "non-front" side of the lot shall have windows for a minimum of 15% of the façade and comply with three of the residential design elements in 17.20.040.A.

The garage width shall be measured based on the location of the interior garage walls. The Community Development Director may approve an alternative measurement location if the exterior façade screens a section of the garage or better accomplishes the goals of this section.

- A. The garage may be up to 50% of the length of the street-facing façade if:
  - 1. The garage is not closer to the street than the street-facing façade; and
  - 2. 4 of the residential design elements in 17.20.040.A are provided.
- B. The garage may be up to 60% of the length of the street-facing façade if:
  - 1. The garage is recessed 2 feet or more from the street-facing façade; and
  - 2. 5 of the residential design elements in 17.20.040.A are provided.
- C. The garage may be up to 60% of the length of the street-facing façade and extend up to 4 feet in front of the street-facing façade if:
  - 1. 6 of the residential design elements in 17.20.040.A are provided; and
  - 2. 1 of the 2 options in 17.20.040.B is provided.
- D. The garage may be up to 50% of the length of the street-facing façade and extend up to 8 feet in front of the street-facing façade if:
  - 1. 7 of the residential design elements in 17.20.040.A are provided; and
  - 2. 1 of the 2 options in 17.20.040.B is provided.
- E. The garage may be side-orientated to the front lot line and extend up to 32 feet in front of the street-facing façade if:
  - 1. Windows occupy a minimum of 15% of the street-facing wall; and
  - 2. 4 of the residential design elements in 17.20.040.A are provided.
- F. Where the street-facing façade of the building is less than 24 feet wide, the garage may be up to 12 feet wide if:
  - 1. The garage does not extend past the street-facing façade; and
  - 2. 6 of the residential design elements in 17.20.040.A are provided; and
  - 3. 1 of the following is provided:
    - a. Interior living area above the garage is provided. The living area must be set back no more than 4 feet from the street-facing garage wall; or
    - b. A covered balcony above the garage is provided. The covered balcony must be at least the same length as the street-facing garage wall, at least 6 feet deep and accessible from the interior living area of the dwelling unit.

**17.20.040 Residential Design Elements.**

- A. The residential design elements below shall be provided as required in section 17.20.030 above.

1. Dormers, which are projecting structures built out from a sloping roof housing a vertical window.
2. a. Gable roof, which is a roof sloping downward in two parts from a central ridge, so as to form a gable at each end; or  
b. Hip roof, which is a roof having sloping ends and sides meeting at an inclined projecting angle.
3. Building face with 2 or more offsets of 16-inches or greater or a roof overhang of 16-inches or greater
4. Recessed entry at least 2 feet behind the front façade and a minimum 8 feet wide.
5. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep.
6. Bay window that extends a minimum of 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.
7. Windows and main entrance doors that occupy a minimum of 15% of the front façade (not including the roof and excluding any windows in a garage door).
8. Window trim (minimum 4-inches).
9. Window grids on all front façade windows (excluding any windows in the garage door or front door).
10. Front facing balcony that projects from the wall of the building and is enclosed by a railing or parapet.
11. Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of 60 square feet of the street façade.
12. Maximum 9-foot wide garage doors or a garage door designed to resemble 2 smaller garage doors and/or windows in the garage door.
13. A third garage door that is recessed a minimum of 2 feet.
14. The garage is part of a 2-level façade that has a window (minimum 12 square feet) with window trim (minimum 4-inches).

B. The residential design elements, 1 and 2 below, shall be provided as required in section 17.20.030 above in addition to the residential design elements required in Section 17.20.040.A above.

1. Minimum 60 square-foot covered front porch that is a minimum 5 feet deep; or
2. The garage is part of a 2-level façade. The 2<sup>nd</sup> level façade shall have a window (minimum 12 square feet) with window trim (minimum 4-inches).

**17.20.050 Main Entrances.**

The main entrance for each structure shall:

- A. Face the street; or
- B. Be at an angle up to 45 degrees from the street; or
- C. Open onto a covered porch that is at least 60 square feet with a minimum depth of 5 feet on the front or, in the case of a corner lot, the side of the residence.

**17.20.060 Maximum Lot Coverage.**

The maximum lot coverage for the R-10, R-8 and R-6 single-family dwelling districts shall be 40% of the lot area. Accessory building 200 square feet or less are exempt from the maximum lot coverage calculation.

**17.20.070 Exceptions.**

A lot shall be considered irregular for the purposes of this section of the Oregon City Municipal Code and shall comply with 7 of the Residential Design Elements in Section 17.20.040.A if one or more of the following apply:

- A. The lot has 5 or more sides; or

- B. A natural uphill slope within the building setbacks of 15% or greater from the front property line to the rear property line; or
- C. An R-10, R-8 or R-6 Single Family Dwelling District lot with a front property line that is 30% or less of the depth of the lot. The lot depth is the perpendicular distance measured from the mid-point of the front lot line to the mid-point of the opposite, usually rear, lot line.

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#### **CHAPTER 17.22 LO – LIMITED OFFICE**

This chapter is removed from the code.

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#### **CHAPTER 17.24 NC – NEIGHBORHOOD COMMERCIAL DISTRICT**

##### **17.24.010 Designated.**

The neighborhood commercial district allows for small-scale commercial and mixed uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. (Ord. 03-1014, Att. B3 (part), 2003)

##### **17.24.020 Permitted uses.**

Permitted uses in the NC district are neighborhood commercial uses, as defined as:

Antique Shops;  
Apparel shop;  
Art gallery, store, supplies;  
Bakery, retail;  
Banks without a drive thru;  
Barbershop;  
Beauty parlor;  
Bicycle sales, service, rental;  
Bookstore;  
Candy store;  
Coffee shop without a drive thru;  
Computer or audio equipment sales  
Craft store;  
Custom dressmaking and tailoring;  
Dry cleaners;  
Dry cleaners, self-service;  
Dry cleaning agencies;  
Delicatessen store;  
Drug stores;  
Dry good stores;  
Florist shops;  
Gift shops;  
Grocery, fruit or vegetable store;  
Hardware store;  
Ice-cream store;

( Interior decoration, including drapery and upholstery;  
Jewelry store;  
Laundromat, self-service;  
Laundry agencies;  
Locksmith;  
Music store;  
Plant or garden shop;  
Printing and copy service (no audible sounds beyond the premises);  
Restaurants without a drive thru;  
Seasonal sales, subject to the provisions of Section 17.54.060;  
Shoe sales, repair;  
Stationery store;  
Studio for art, dance, music, photo; and  
Watch and clock repair shop.  
(Ord. 03-1014, Att. B3 (part), 2003)

**17.24.025 Conditional uses.**

The following conditional uses are permitted when approved in accordance with the process and standards contained in Chapter 17.56.

- A. Any use permitted in the Neighborhood Commercial District that has a building footprint in excess of 10,000 square feet.

**17.24.030 Limited uses.**

( Dwelling units are permitted above the ground floor if in conjunction with a permitted use as identified in Section 17.24.020 or conditional use as identified in Section 17.24.025.

( (Ord. 03-1014, Att. B3 (part), 2003)

**17.24.040 Dimensional standards.**

Dimensional standards in the NC district are:

- A. Maximum building height: two and one half stories, not to exceed thirty-five feet.  
B. Maximum building footprint: ten thousand square feet.  
C. Minimum required setbacks if not abutting a residential zone: none.  
D. Minimum required interior and rear yard setbacks if abutting a residential zone: ten feet.  
E. Maximum Allowed Setback.  
1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).  
2. Interior yard: none.  
3. Corner side yard abutting a street: thirty feet, provided the site plan and design review requirements of Section 17.62.055 are met.  
4. Rear yard: none.

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**CHAPTER 17.26 HC – HISTORIC COMMERCIAL DISTRICT****17.26.020 Permitted uses.**

- ( A. Uses permitted in the MUC-1 Mixed Use Corridor District  
B. Residential Units, single-family detached

**17.26.030 Conditional uses.**

The following conditional uses and their accessory uses are permitted in this district when authorized by and in accordance with the standards contained in Chapter 17.56:

- A. Conditional uses listed in the MUC-1 Mixed Use Corridor District.  
(Ord. 03-1014, Att. B3 (part), 2003; Ord. 96-1026 §2, 1996; prior code §11-3-11(B))

#### **17.26.050 Dimensional standards.**

- A. Residential Unit, Single-family detached:
1. Dimensional standards required for the R-6 Single-family dwelling district.
- E. All other uses:
1. Minimum Lot Area: None.
  2. Maximum building height: 35 feet or 3 stories, whichever is less.
  3. Minimum required setbacks if not abutting a residential zone: None.
  4. Minimum required rear yard setback if abutting a residential zone: 20 feet.
  5. Minimum required side yard setbacks if abutting a single-family residential use: 5 feet.
  6. Maximum front yard setback: 5 feet (May be extended with Site Plan and Design Review section 17.62.055).
  7. Maximum interior side yard: None.
  8. Maximum rear yard: None.
  9. Minimum required landscaping (including landscaping within a parking lot): 20 percent.

(Ord. 03-1014, Att. B3 (part), 2003; prior code §11-3-11(D))

### **CHAPTER 17.29 MUC – MIXED USE CORRIDOR**

#### **17.29.020 Permitted uses—MUC-1.**

Permitted uses in the MUC-1 district are defined as:

- A. Banquet, conference facilities and meeting rooms;
- B. Bed and breakfast and other lodging facilities for up to ten guests per night;
- C. Child care facilities;
- D. Health and fitness clubs;
- E. Medical and dental clinics, outpatient; infirmary services;
- F. Museums, libraries and cultural facilities;
- G. Offices, including finance, insurance, real estate and government;
- H. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- I. Postal services;
- J. Publicly-owned parks, playgrounds, play fields and community or neighborhood centers;
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;
- L. Residential units, single-family detached residential existing prior to adoption of this chapter;
- M. Residential units, single-family and two-family attached;
- N. Residential units, multi-family;
- O. Restaurants, eating and drinking establishments without a drive through;
- P. Retail services, including personal, professional, educational and financial services; laundry and dry-cleaning;
- Q. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood commercial,

- historic commercial or limited commercial districts, provided the maximum footprint for a stand alone building with a single store does not exceed sixty thousand square feet;
- R. Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes;
  - S. Studios and galleries, including dance, art, photography, music and other arts;
  - T. Utilities: basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers.
  - U. Veterinary clinics or pet hospitals, pet day care. (Ord. 03-1014, Att. B3 (part), 2003)

**17.29.030 Conditional uses--MUC-1 and MUC-2 zones.**

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in Chapter 17.56:

- A. Clubs/lodges;
- B. Car washes;
- C. Drive-in or drive-through facilities for a permitted or conditional use;
- D. Emergency and ambulance services;
- E. Motor vehicle service, parts sales, repair, or equipment rental;
- F. Museums and cultural facilities;
- G. Outdoor markets that do not meet the criteria of Section 17.29.020(H);
- H. Public utilities and services such as pump stations and sub stations;
- I. Religious institutions;
- J. Retail trade, including gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores and any other use permitted in the neighborhood, historic or limited commercial districts that have a footprint for a stand alone building with a single store in excess of sixty thousand square feet in the MUC-1 or MUC-2 zone;
- K. Schools, including trade schools and technical institutes; and
- L. Vehicle fuel sales. (Ord. 03-1014, Att. B3 (part), 2003)

**17.29.050 Dimensional standards--MUC-1.**

- A. Minimum lot areas: none.
- B. Maximum building height: forty-five feet or three stories, whichever is less.
- C. Minimum required setbacks if not abutting a residential zone: none.
- D. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one-foot additional yard setback for every one-foot of building height over thirty-five feet.
- E. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be extended with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.
  - 3. Corner side yard abutting street: thirty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- F. Maximum lot coverage of the building and parking lot: eighty percent.
- G. Minimum required landscaping (including landscaping within a parking lot): twenty percent. Ord. 03-1014, Att. B3 (part), 2003)

**17.29.060 Dimensional standards--MUC-2.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

- D. Maximum building height: sixty feet.
- E. Minimum required setbacks if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setbacks if abutting a residential zone: twenty feet, plus one foot additional yard setback for every two feet of building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: five feet (may be expanded with Site Plan and Design Review Section 17.62.055).
  - 2. Interior side yard: none.
  - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: none.
- H. Maximum site coverage of building and parking lot: ninety percent.
- I. Minimum landscaping requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

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#### **CHAPTER 17.30 TC – TOURIST COMMERCIAL**

This chapter is removed from the code.

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#### **CHAPTER 17.31 MUE – MIXED USE EMPLOYMENT**

##### **17.31.020 Permitted uses.**

Permitted uses in the MUE district are defined as:

- A. Auditoriums, exhibition halls;
- B. Banks, savings, credit union, stocks and mortgages;
- C. Banquet, conference facilities and meeting rooms;
- D. Child care facilities;
- E. Clinics, outpatient; infirmary services;
- F. Distributing, wholesaling and warehousing;
- G. Employment training and business services;
- H. Health and fitness clubs, including tennis courts and swimming pools, but exclusive of spectator sports facilities;
- I. Hospitals, medical centers and emergency service facilities;
- J. Industrial uses limited to the design, light manufacturing, processing, assembly, packaging, fabrication and treatment of products made from previously prepared or semi-finished materials;<sup>1</sup>
- K. Offices; including finance, insurance, real estate and government;
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- M. Postal services -- public and private;
- N. Printing, publishing, bookbinding, graphic or photographic reproduction, blueprinting or photo processing, photo engraving;
- O. Public utilities and services including pump stations and sub stations;
- P. Publicly-owned parks, play fields and community or neighborhood centers;
- Q. Research and development offices and laboratories, related to scientific, educational, electronics and communications endeavors;



- R. Residential units, single-family detached residential existing prior to adoption of this chapter;
- S. Software development;
- T. Transit and passenger rail center and station, exclusive of transit storage areas;
- U. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, water tanks, telephone exchange and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

**17.31.050 Prohibited uses.**

The following uses are prohibited in the MUE district:

- A. Bulk fuel dealerships and storage yards, including card locks;
- B. Concrete mixing and sale;
- C. Contractors equipment yard;
- D. Draying, trucking and automobile freighting yard;
- E. Entertainment centers and facilities, outdoor;
- F. Foundry casting lightweight non-ferrous metals;
- G. Ice or cold storage plant;
- H. Junk yards, salvage yards, wrecking yards, storage yards and recycling centers;
- I. Kennels;
- J. Machinery, equipment or implement sales, service or rental relating to farming and construction (heavy equipment);
- K. Motor vehicle, travel trailer, recreation vehicle, motorcycle, truck, manufactured home and boat sales, leasing, rental or storage;
- L. Recreational vehicle (RV) parks, including sites established or maintained for travel trailers, truck campers, camping trailers and self-propelled motor homes;
- M. Self-storage facilities;
- N. Storage yard for contractor's equipment, transit vehicles and related vehicle or equipment maintenance activities;

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**CHAPTER 17.32 C – GENERAL COMMERCIAL****17.32.040 Dimensional standards.**

- A. Minimum Lot Area. Buildings hereafter built wholly or used partially for dwelling purposes shall comply with the dimensional standards in the R-2 multi-family dwelling district; otherwise, no minimum lot area is required;
- B. Maximum building height not to exceed forty-five feet;
- C. Minimum Required Setbacks.
  - 1. Front yard: ten feet minimum depth.
  - 2. Interior side yard: no minimum.
  - 3. Corner side yard: ten feet minimum width.
  - 4. Rear yard: ten feet minimum depth.(Editorially amended, Supp. No. 5; prior code §11-3-13(C))

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**CHAPTER 17.34 MUD – MIXED USE DOWNTOWN**

**17.34.010 Designated.**

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street and some of the area bordering McLoughlin Boulevard. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a Downtown Design District overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment. (Ord. 03-014, Att. B3 (part), 2003)

**17.34.020 Permitted uses.**

Permitted uses in the MUD district are defined as:

- A. Any use permitted in the neighborhood, historic, limited or Mixed Use Corridor-2 zone districts, unless otherwise restricted in Sections 17.34.030 or 17.34.040;
- B. Banquet, conference facilities and meeting rooms;
- C. Child care facilities;
- D. Clubs/lodges;
- E. Health and fitness clubs;
- F. Hotel and motel, commercial lodging;
- G. Indoor recreational facilities, including theaters;
- H. Marinas;
- I. Medical and dental clinics, outpatient and infirmary services;
- J. Museums and cultural facilities;
- K. Office uses;
- L. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;
- M. Postal services;
- N. Publicly-owned parks, play fields and community or neighborhood centers;
- O. Religious institutions, such as churches, mosques and synagogues;
- P. Repair shops, for office equipment, bicycles, electronic equipment, shoes and small appliances;
- Q. Residential units, single-family detached residential existing prior to adoption of this chapter;
- R. Residential units, single-family and two-family attached. ;
- S. Residential Units, multi-family. ;
- T. Restaurants, eating and drinking establishments;
- U. Retail services, including professional, educational and financial services; laundry and dry-cleaning;
- V. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a free standing building with a single store does not exceed sixty thousand square feet (a free standing building over sixty thousand square feet is allowed as long as the building contains multiple stores);
- W. Senior housing, including congregate care, residential care and assisted living, nursing homes and other types of group homes;
- X. Studios and galleries, including dance, art, photography, music and other arts; and
- Y. Utilities. Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.030 Conditional uses.**

The following uses are permitted in this District when authorized and in accordance with the process and standards contained in Chapter 17.56.

- A. Drive-through facilities (drive-through car washes are prohibited);
- B. Emergency services;
- C. Hospitals;
- D. Outdoor markets that do not meet the criteria of Section 17.34.020(L);
- E. Outdoor recreational facilities;
- F. Parking structures and lots not in conjunction with a primary use;
- G. Repairs shop for small engines, such as lawnmowers, leaf blowers and construction-related equipment;
- H. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a free standing building with a single store exceeding a foot print of sixty thousand square feet;
- I. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;
- J. Public utilities; and
- K. Wholesale and bulk retail uses. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.040 Prohibited uses.**

The following uses are prohibited in the MUD district:

- A. Drive through car wash
- B. Kennels;
- C. Outdoor storage and sales, not including outdoor markets allowed in Section 17.34.030; and
- D. Self-service storage. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.060 Mixed Use Downtown Dimensional standards—for properties located outside of the Downtown Design District.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.30.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:
  - 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;
  - 2. Property within five hundred feet of the End of the Oregon Trail Center property; and
  - 3. Property within one hundred feet of single-family detached or detached units.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 2. Interior side yard: no maximum.
  - 3. Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: no maximum.
  - 5. Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.

- H. Maximum site coverage including the building and parking lot: ninety percent.
- I. Minimum landscape requirement (including parking lot): ten percent. (Ord. 03-1014, Att. B3 (part), 2003)

**17.34.070 Mixed Use Downtown Dimensional standards—for properties located within the Downtown Design District.**

- A. Minimum lot area: none.
- B. Minimum floor area ratio: 0.5.
- C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.
- D. Maximum building height: fifty-eight feet.
- E. Minimum required setbacks, if not abutting a residential zone: none.
- F. Minimum required interior and rear yard setback if abutting a residential zone: twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.
- G. Maximum Allowed Setbacks.
  - 1. Front yard: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 2. Interior side yard: no maximum.
  - 3. Corner side yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
  - 4. Rear yard: no maximum.
  - 5. Rear yard abutting street: ten feet provided the site plan and design review requirements of Section 17.62.055 are met.
- H. Parking Standards. The minimum number of off-street vehicular parking stalls required in Chapter 17.52 may be reduced by fifty percent.
- I. Maximum site coverage of the building and parking lot: one hundred percent.
- J. Minimum Landscape Requirement. Development within the Downtown Design District overlay is exempt from required landscaping standards in Section 17.62.050(A)(1). However, landscaping features or other amenities are required, which may be in the form of planters, hanging baskets and architectural features such as benches and water fountains that are supportive of the pedestrian environment. Where possible, landscaped areas are encouraged to facilitate continuity of landscape design. Street trees and parking lot trees are required and shall be provided per the standards of Chapter 12.08 and Chapter 17.52. (Ord. 03-1014, Att. B3 (part), 2003)

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**CHAPTER 17.44 US – Geologic Hazards**

**17.44.020 Definitions.**

For the purpose of this chapter, the following definitions are applicable:

"Geotechnical remediation" means construction designed to increase the factor of safety against earth movement.

"Hillside" refers to any area with a slope of twenty-five percent or more.

"Landslide areas" means those areas identified as known or potential landslide or mass movement geological hazard areas:

- 1. By the State of Oregon Department of Geology and Mineral Industries (DOGAMI) in Bulletin 99, Geology and Geological Hazards of North Clackamas County, Oregon (1979), or in any subsequent DOGAMI mapping for the Oregon City area; or
- 2. By Portland State University in a study entitled "Environmental Assessment of Newell Creek Canyon, Oregon City, Oregon" (1992).

"Slope" shall be calculated as follows:

1. For lots or parcels individually or cumulatively greater than ten thousand square feet in size, between grade breaks, obtain the vertical distance, divide by the horizontal distance and multiply by one hundred. The horizontal distance to be used in determining the location of grade breaks shall be fifty feet;
2. For lots or parcels ten thousand square feet or smaller in size, obtain the vertical distance across the lot or parcel, divide by the horizontal distance and multiply by one hundred;
3. The resulting number is the slope expressed as a percentage.

"Unstable slopes" or "unstable soils" includes:

1. Any area identified on the city's Steep Slope map;
2. Any other area that is identified on official city, county or federal or state agency maps as being subject to soil instability, slumping or earth flow, high ground water level, landslide or erosion, seismic activity or for which field investigation, performed by a suitably qualified geotechnical engineer or engineering geologist who is licensed in Oregon and derives his or her livelihood principally from that profession, confirm the existence of or potential for a severe hazard. (Ord. 94-1001 §2(part), 1994)

#### **17.44.060 Development standards.**

Notwithstanding any contrary dimensional or density requirements of the underlying zone, the following standards shall apply to the review of any development proposal subject to this chapter:

- A. All developments shall be designed to avoid unnecessary disturbance of natural topography, vegetation and soils. To the maximum extent practicable as determined by the review authority, tree and ground cover removal and fill and grading for residential development on individual lots shall be confined to building footprints and driveways, to areas required for utility easements and for slope easements for road construction, and to areas of geotechnical remediation.

All grading, drainage improvements, or other land disturbances shall only occur from May 1 to October 31. Erosion control measures shall be installed and functional prior to any disturbances. The City Engineer may allow grading, drainage improvements or other land disturbances to begin before May 1 (but no earlier than March 16) and end after October 31 (but no later than November 31), based upon weather conditions and in consultation with the project geotechnical engineer. The modification of dates shall be the minimum necessary, based upon the evidence provided by the applicant, to accomplish the necessary project goals. Temporary protective fencing shall be established around all trees and vegetation designed for protection prior to the commencement of grading or other soil disturbance.

- B. Designs shall minimize the number and size of cuts and fills.
- C. Exposed cut slopes, such as those for a street, driveway accesses, or yard area, greater than seven feet in height (as measured vertically) shall be terraced. Cut faces on a terraced section shall not exceed five feet. Terrace widths shall be a minimum of three feet and shall be vegetated. Total cut slopes shall not exceed a vertical height of fifteen feet. Except in connection with geotechnical remediation plans approved in accordance with the chapter, cuts shall not remove the toe of any slope that contains a known landslide or is greater than twenty-five percent slope. The top of cut slopes not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.
- D. Grading – fills. No terracing shall be allowed except for the purpose of developing a level building pad and for providing vehicular access to the pad. Fill slopes shall not exceed a total vertical height of 20 feet. The toe of the fill slope area not utilizing structural retaining walls shall be located a minimum of one-half the height of the cut slope from the nearest property line.

- E. Any structural fill shall be designed by a suitably qualified and experienced civil or geotechnical engineer licensed in Oregon in accordance with standard engineering practice. The applicant's engineer shall certify that the fill has been constructed as designed in accordance with the provisions of this chapter.
- F. Retaining walls shall be constructed in accordance with the Uniform Building Code adopted by the state of Oregon.
- G. Roads shall be the minimum width necessary to provide safe vehicle and emergency access, minimize cut and fill and provide positive drainage control. The review authority may grant a variance from the city's required road standards upon findings that the variance would provide safe vehicle and emergency access and is necessary to comply with the purpose and policy of this chapter.
- H. Density shall be determined as follows:
  - 1. For those areas with slopes less than twenty-five percent between grade breaks, the allowed density shall be that permitted by the underlying zoning district;
  - 2. For those areas with slopes of twenty-five to thirty-five percent between grade breaks, the density shall not exceed two dwelling units per acre except as otherwise provided in subsection I of this section;
  - 3. For those areas with slopes over thirty-five percent between grade breaks, development shall be prohibited except as otherwise provided in subsection J of this section.
- I. For properties with slopes of twenty-five to thirty-five percent between grade breaks:
  - 1. For those portions of the property with slopes of twenty-five to thirty-five percent, the maximum residential density shall be limited to two dwelling units per acre; provided, however, that where the entire site is less than one-half acre in size, a single dwelling shall be allowed on a lot or parcel existing as of January 1, 1994 and meeting the minimum lot size requirements of the underlying zone;
  - 2. An individual lot or parcel with slopes between twenty-five and thirty-five percent shall have no more than fifty percent or four thousand square feet of the surface area, whichever is smaller, graded or stripped of vegetation or covered with structures or impermeable surfaces.
  - 3. No cut into a slope of twenty-five to thirty-five percent for the placement of a housing unit shall exceed a maximum vertical height of 15 feet for the individual lot or parcel.
- J. For those portions of the property with slopes over thirty-five percent between grade breaks:
  - 1. Notwithstanding any other city land use regulation, development other than roads, utilities, public facilities and geotechnical remediation shall be prohibited; provided, however, that the review authority may allow development upon such portions of land upon demonstration by an applicant that failure to permit development would deprive the property owner of all economically beneficial use of the property. This determination shall be made considering the entire parcel in question and contiguous parcels in common ownership on or after January 1, 1994, not just the portion where development is otherwise prohibited by this chapter. Where this showing can be made on residentially zoned land, development shall be allowed and limited to one single-family residence. Any development approved under this chapter shall be subject to compliance with all other applicable city requirements as well as any applicable state, federal or other requirements;

2. To the maximum extent practicable as determined by the review authority, the applicant shall avoid locating roads, utilities, and public facilities on or across slopes exceeding thirty-five percent.
- K. The review authority shall determine whether the proposed methods of rendering a known or potential hazard site safe for construction, including proposed geotechnical remediation methods, are feasible and adequate to prevent landslides or damage to property and safety. The review authority shall consult with the city's geotechnical engineer in making this determination. Costs for such consultation shall be paid by the applicant. The review authority may allow development in a known or potential hazard area as provided in this chapter if specific findings are made that the specific provisions in the design of the proposed development will prevent landslides or damage. The review authority may impose any conditions, including limits on type or intensity of land use, which it determines are necessary to assure that landslides or property damage will not occur. (Ord. 94-1001 §2(part), 1994)

#### **17.44.100 Construction standards.**

During construction on land subject to this chapter, the following standards shall be implemented by the developer:

- A. All development activity shall minimize vegetation removal and soil disturbance and shall provide positive erosion prevention measures in conformance with OCMC Chapter 17.47 – Erosion and Sediment Control.
- B. No grading, clearing or excavation of any land shall be initiated prior to approval of the grading plan, except that the city engineer shall authorize the site access, brush to be cleared and the location of the test pit digging prior to approval of such plan to the extent needed to complete preliminary and final engineering and surveying. The grading plan shall be approved by the city engineer as part of the city's review under this chapter. The developer shall be responsible for the proper execution of the approved grading plan.
- C. Measures shall be taken to protect against landslides, mudflows, soil slump and erosion. Such measures shall include sediment fences, straw bales, erosion blankets, temporary sedimentation ponds, interceptor dikes and swales, undisturbed buffers, grooving and stair stepping, check dams, etc. The applicant shall comply with the measures described in the Oregon City Public Works Standards for Erosion and Sedimentation Control (Ordinance 99-1013).
- D. All disturbed vegetation shall be replanted with suitable vegetation upon completion of the grading of the steep slope area.
- E. Existing vegetative cover shall be maintained to the maximum extent practicable. No grading, compaction or change in ground elevation, soil hydrology and/or site drainage shall be permitted within the drip line of trees designated for protection, unless approved by the City.
- F. Existing perennial and intermittent watercourses shall not be disturbed unless specifically authorized by the review authority. This includes physical impacts to the stream course as well as siltation and erosion impacts.
- G. All soil erosion and sediment control measures shall be maintained during construction and for one year after development is completed, or until soils are stabilized by revegetation or other measures to the satisfaction of the city engineer. Such maintenance shall be the responsibility of the developer. If erosion or sediment control measures are not being properly maintained or are not functioning properly due to faulty installation or neglect, the city may order work to be stopped. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 94-1001 §2(part), 1994)
- H. Building envelopes. All newly created lots, either by subdivision or partition, shall contain building envelopes with a slope of 35% or less.

**CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES****17.50.070 Completeness review and 120-day rule.**

- A. Upon submission, the Community Development Director shall date stamp the application form and verify that the appropriate application fee has been submitted. The Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information must be submitted to make the application complete.
- B. The applicant has 180 days from the date the application was made to submit the missing information or, on the 181<sup>st</sup> day, the application shall be rejected and all materials and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the 180-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Division of:

- a. All the missing information;
- b. Some of the missing information and written notice from the applicant that no other information will be provided; or
- c. Written notice from the applicant that none of the missing information will be provided.

**17.50.120 Quasi-judicial hearing process.**

All public hearings pertaining to quasi-judicial permits, whether before the planning commission, historic review board, or city commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.

- A. Once the planning manager determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the planning commission or historic review board, as applicable. Once the planning manager determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under Section 17.50.190, the planning division shall schedule a hearing before the city commission.
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with Section 17.50.090(B).
- C. Written notice of an appeal hearing before the City Commission shall be sent by regular mail no later than 14 days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.
- D. The planning manager shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be pronounced to those in attendance:



1. That the hearing will proceed in the following general order: staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;
  2. That all testimony and evidence submitted, orally or in writing, must be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria must be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;
  3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the city and all parties to respond to the issue, will preclude appeal on that issue to the state land use board of appeals;
  4. Any party wishing a continuance or to keep open the record must make that request while the record is still open; and
  5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.
  6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open-record period. (Ord. 98-1008 §1(part), 1998)

#### **17.50.190 Appeals.**

Appeals of any non-final decisions by the city must comply with the requirements of this section.

- A. Type I decisions by the planning manager are not appealable to any other decision-maker within the city.
- B. A notice of appeal of any Type II, III or IV decision must be received in writing by the planning division within ten calendar days from the date notice of the challenged decision is provided to those entitled to notice. Late filing of any appeal shall be deemed a jurisdictional defect and will result in the automatic rejection of any appeal so filed.

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### **CHAPTER 17.52 OFF STREET PARKING AND LOADING**

#### **17.52.010 Number of spaces required.**

The construction of a new structure or at the time of enlargement or change in use of an existing structure within any district in the city, off-street parking spaces shall be provided in accordance with this section. Where calculation in accordance with the following list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space. The required number of parking stalls may be reduced if one or more of the following is met:

- A. Transit Oriented Development. The Community Development Director may reduce the required number of parking stalls up to 10% when it is determined that a commercial business center or multi-family project is adjacent to or within 1,000 feet of an existing or planned public transit.

Also, if a commercial center is within 1,000 feet of a multi-family project, with over 80 units and pedestrian access, the parking requirements may be reduced by ten percent.

- B. **Transportation Demand Management.** The Community Development Director may reduce the required number of parking stalls up to 10% when a development can demonstrate, in a parking-traffic study prepared by a traffic engineer:
1. That use of alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and minimum city parking requirements.
  2. That a Transportation Demand Management (TDM) Program has been developed for approval by the City Engineer. The plan will contain strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.
- C. **Shared Parking.** The Community Development Director may reduce the required number of parking stalls up to 50% when:
1. **Mixed uses.** If more than one type of land use occupies a single structure or parcel of land, the total requirements for off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (i.e., the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of 50%, as determined by the Community Development Director.
  2. **Shared parking.** Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within 1,000 feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument establishing the joint use.

LAND USE	PARKING REQUIREMENTS	
	The parking requirements are based on spaces per 1,000 square feet gross leasable area unless otherwise stated.	
	MINIMUM	MAXIMUM
Single-Family Dwelling	1.00 per unit	
Multi-Family: Studio	1.00 per unit	1.5 per unit
Multi-Family: 1 bedroom	1.25 per unit	2.00 per unit
Multi-Family: 2 bedroom	1.5 per unit	2.00 per unit
Multi-Family: 3 bedroom	1.75 per unit	2.50 per unit
Boarding/Lodging House	Case Specific	Case Specific
Mobile Homes	N/A	2.00 per unit

Hotel/Motel	1.0 per guest room	1.25 per guest room
Club/Lodge	To meet requirements of combined uses	To meet requirements of combined uses
Welfare/Correctional Institution	N/A	1 per 5 beds
Nursing Home/Rest home	N/A	1 per 5 beds
Hospital	N/A	1 per 1.5 beds
Religious Assembly Building	0.25 per seat	0.5 per seat
Library/Reading Room	N/A	2.50
Preschool Nursery/Kindergarten	N/A	2 per teacher
Elementary/Junior High School	N/A	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School	0.20 per # staff and students	0.30 per # staff and students
College/Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students
Auditorium/Meeting Room	N/A	0.25 per seat
Stadium/Arena/Theater	N/A	0.25 per seat
Bowling Alley	N/A	2 per alley
Dance Hall/Skating Rink	N/A	5.00
Moorages	N/A	1 per boat berth
Retail Store/Shopping Center	4.10	5.00
Service/Repair Shop/Automotive or Furniture Store	N/A	1.67
Bank	N/A	3.33
Office	2.70	3.33
Medical or Dental Clinic	N/A	3.33
Fast Food with Drive Thru	N/A	5.00
Other Eating Establishments	N/A	5.00
Drinking Establishment/Pool Hall	N/A	5.00
Mortuaries	N/A	0.25 per seat
Swimming Pool/Gymnasium	N/A	5.00
Sports Club/Recreation Facilities	4.30	5.40
Tennis/Racquet Ball Courts	1.00	1.30

Movie Theater	0.30 per seat	0.40 per seat
Storage Warehouse/ Freight Terminal	0.30 per gross sq-ft	0.40 per gross sq-ft
Manufacturing/ Wholesale Establishment	1.60 per gross sq-ft	1.67 per gross sq-ft
Light Industrial/ Industrial Park	N/A	1.60

(Ord. 03-1014, Att. B3 (part), 2003; prior code §11-5-1)

#### **17.52.070 Pedestrian access in off-street automobile parking areas.**

- A. The off-street parking and loading plan shall identify the location of safe, direct, well lighted and convenient pedestrian walkways connecting the parking area and the use being served.
- B. All pedestrian walkways constructed within parking lots shall be raised to standard sidewalk height. All surface treatment of pedestrian walkways shall be firm, stable and slip resistant, and shall comply with Chapter 11 of the Uniform Building Code.
- C. Where an accessible pedestrian walkway crosses or adjoins a vehicular way, the boundary between the areas shall be defined by a marked crossing having a continuous, detectable marking not less than thirty-six inches wide. Where pedestrian walkways cross driving aisles, they shall be clearly marked with contrasting slip resistant materials. (Ord. 95-1001 §2(part), 1995)

### **CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS**

#### **17.54.010 Accessory buildings and uses.**

Accessory buildings and uses shall comply with all requirements for the principal use except where specifically modified by this title and shall comply with the following limitations:

- A. Signs. Signs shall be permitted as provided in Chapter 15.28.
- B. Dimensional Requirements. The following setbacks and other dimensional requirements shall apply to all accessory structures and uses:
  1. Building Footprint Less than Two Hundred Square Feet. An interior side or rear yard setback behind the front building line may be reduced to three feet for any detached accessory structure with a building footprint which is less than two hundred square feet in area and does not exceed a height of fourteen feet. No portion of any such structure shall project across a lot line and the accessory structure shall be located behind the front building line of the primary structure.
  2. Building Footprint from Two Hundred to Six Hundred Square Feet. The accessory building must be constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division. The accessory structure shall be located behind the front building line of the primary structure. The interior side and rear yard setbacks may be reduced to three feet for one accessory structure, and its projections, within this category provided the structure and its projections:
    - a. Are detached and separated from other structures by at least three feet;
    - b. Do not exceed a height of fourteen feet;
  3. Building Footprint Over Six Hundred Square Feet. One accessory structure with a building footprint in excess of six hundred square feet may be approved by the planning division. An accessory structure footprint in excess of six hundred square feet must meet the setback requirements of the district in which it is located, and must also meet the following provisions:

- a. The accessory building must be compatible with the primary structure and constructed with the same exterior building materials as that of the primary structure, or an acceptable substitute to be approved by the planning division.
  - b. The lot must be in excess of twenty thousand square feet.
  - c. The building footprint of the accessory structure shall not exceed the building footprint of the primary structure. If the accessory building footprint exceeds eight hundred square feet.
  - d. The accessory building shall not exceed the height of the primary structure and shall be located behind the rear lot line of the primary structure.
- C. Private Stable. A private stable may be permitted on a lot having a minimum area of twenty thousand square feet. The capacity of a stable shall not exceed one horse or other domestic hoofed animal for each twenty thousand square feet of lot area. A stable shall be located not less than twenty-five feet from any street line.
- D. Antenna and Antenna Structures. No noncommercial antenna or antenna structure (including those of extension type) shall exceed the maximum building height standard for the zoning district in which it is located. No antenna or antenna structure shall be located in required yards.
- E. Swimming Pools. In-ground and above-ground swimming pools shall be constructed not less than three feet from the side or rear yard lines. Swimming pools shall comply with the front yard requirement for the principal building. A pool must be surrounded by a fence no less than four feet in height.
- F. Conference and Meeting Rooms. Conference or meeting rooms designed primarily for use by employees or clients (or members in the case of trade unions) in furtherance of the principal permitted use.
- G. Barbed Wire and Electric Fences. It is unlawful for any person to erect any electric fence or any fence constructed in whole or in part of barbed wire or to use barbed wire as a guard to any parking lot or parcel of land, except as erected in connection with security installations at a minimum height of six feet, providing further that prior written approval has been granted by the city manager. (Ord. 03-1014, Att. B3 (part), 2003; prior code §11-4-1)

#### **17.54.060 Seasonal sales.**

The following standards shall apply to seasonal sales which are limited to:

- A. Fireworks Sales. The annual season for fireworks sales shall commence no sooner than June 23 and continue no longer than July 5.
  1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  2. A business license shall be required pursuant to Title 5 of this code.
- B. Christmas Tree Sales. The annual season for Christmas tree sales shall commence no sooner than the day after Thanksgiving and shall continue no longer than December 26.
  1. Signing shall not exceed thirty-two square feet for each frontage and shall be limited to the premises of the sale site.
  2. Signing within the city limits for sales lots located outside the city limits shall be limited to no more than two signs, the dimensions of which shall not exceed twelve square feet, each. The placing of signs on property not privately-owned shall be by permission obtained from the city.
  3. A business license shall be required pursuant to Title 5 of this code.
- C. All signing for seasonal sales shall be removed no later than the day after the holiday.

## **CHAPTER 17.56 CONDITIONAL USES**

### **17.56.030 Uses requiring conditional use permit.**

Uses requiring conditional use permit are:

- A. Ambulance services in C and GI districts;
- B. Boarding, lodging houses and bed and breakfast inns;
- C. Boat repair, for boats not exceeding twenty-five feet in length, in the C district;
- D. Cemeteries, crematories, mausoleums and columbariums;
- E. Child care centers and nursery schools;
- F. Churches;
- G. Colleges and universities, excluding residential districts;
- H. Correctional facilities, in the GI district;
- I. Emergency service facilities (police and fire), excluding correctional facilities;
- J. Government and public service buildings;
- K. Helipad in conjunction with a permitted use, excluding residential districts;
- L. Hospitals, excluding residential districts;
- M. Houseboats;
- N. Hydroelectric generating facilities in GI district only;
- O. Motor vehicle towing and temporary storage in the GI district; recreational vehicle storage in C and GI districts;
- P. Museums;
- Q. Nursing homes;
- R. Parking lots not in conjunction with a primary use;
- S. Private and public schools;
- T. Private clubs and lodges, excluding residential districts;
- U. Public utilities, including sub-stations (such as buildings, plants and other structures);
- V. Sales and service establishments of manufactured homes and recreational vehicles in C and GI districts;
- W. Stadiums, arenas and auditoriums, excluding residential districts; and
- X. Welfare institutions and social service organizations, excluding residential districts. (Ord. 03-1014, Att. B3 (part), 2003; Ord. 98-1004 §§1, 2, 1998; Ord. 91-1025 §2, 1991)

### **17.56.040 Criteria and standards for conditional uses.**

In addition to the standards listed herein in Section 17.56.010, which are to be considered in the approval of all conditional uses and the standards of the zone in which the conditional use is located, the following additional standards shall be applicable:

- A. Building Openings. The city may limit or prohibit building openings within fifty feet of residential property in a residential zone if the openings will cause glare, excessive noise or excessive traffic which would adversely affect adjacent residential property as set forth in the findings of the planning commission.
- B. Additional Street Right-of-Way. The dedication of additional right-of-way may be required where the city plan indicates need for increased width and where the street is inadequate for its use; or where the nature of the proposed development warrants increased street width.

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## **CHAPTER 17.60 VARIANCES**

### **17.60.020 Variances--Procedures.**

- A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D of this section shall apply when applicable.
- B. A nonrefundable filing fee, as listed in Section 17.50.480, shall accompany the application for a variance to defray the costs.
- C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in Section 17.60.030 Variances -- Grounds.
- D. Minor variances, as defined in subsection E of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in Section 17.50.030(B), and shall address the criteria identified in Section 17.60.030 Variance - Grounds.
- E. For the purposes of this section, minor variances shall be defined as follows:
1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;
  2. Variances to width, depth and frontage requirements of up to 10%;
  3. Variances to residential yard/setback requirements of up to 20%, provided that no side yard shall be less than five feet;
  4. Variances to nonresidential yard/setback requirements of up to 10%;
  5. Variances to lot area requirements of up to 5%;
  6. Variances to the minimum required parking stalls of up to 5%; and
  7. Variances to the Floor Area Requirements and minimum required Building Height in the Mixed Use Districts.
- (Ord. 03-1014, Att. B3 (part), 2003; Ord. 00-1003 §12, 2000; prior code §11-8-4)

#### **17.60.030 Variance -- Grounds.**

A variance may be granted only in the event that all of the following conditions exist:

- A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;
- B. That the request is the minimum variance that would alleviate the hardship;
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.
- D. Any impacts resulting from the adjustment are mitigated;
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.

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### **CHAPTER 17.61 -- ADJUSTMENTS IN THE MIXED-USE ZONES**

This chapter is removed from the code.

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## **CHAPTER 17.62 SITE PLAN AND DESIGN REVIEW**

### **17.62.030 When required.**

Site plan and design review shall be required for all development of real property in all zones except the R-10, R-8, R-6 and R-3.5 zoning districts, unless otherwise provided for by this title or as a condition of approval of a permit. Site plan and design review shall also apply to all conditional uses and non-residential uses in all zones and partitions and residential development within overlay districts. No building permit or other permit authorization for development shall be issued prior to site plan and design review approval. Parking lots and parking areas accessory to uses regulated by this chapter also shall require site plan and design review approval. Site plan and design review shall not alter the type and category of uses permitted in zoning districts. (Ord. 94-1002 §1(part), 1994)

### **17.62.050 Standards.**

A. All development shall comply with the following standards:

1. A minimum of fifteen percent of the lot area being developed shall be landscaped. Natural landscaping comprised of native species shall be retained where possible to meet the landscaping requirement. Landscape design and landscaping areas shall serve their intended functions and not adversely impact surrounding areas. The landscaping plan shall be prepared by a registered landscape architect and include a mix of vertical (trees and shrubs) and horizontal elements (grass, groundcover, etc.). No bark mulch shall be allowed except under the canopy of shrubs and within two feet of the base of trees. The Community Development Department shall maintain a list of trees, shrubs and vegetation acceptable for landscaping. For properties within the Downtown Design District, and for major remodeling in all zones subject to this chapter, landscaping shall be required to the extent practicable up to the fifteen percent requirement. Landscaping also shall be visible from public thoroughfares to the extent practicable.

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## **CHAPTER 17.66 – MANUFACTURED DWELLINGS**

This chapter is removed from the code.

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## **CHAPTER 17.68 – ZONING CHANGES AND AMENDMENTS**

### **17.68.060 Filing of an application.**

Applications for amendment, or change in this title shall be filed with the planning division on forms available at City Hall. At the time of filing an application, the applicant shall pay the sum listed in the Community Development Department Fee Schedule. (Ord. 91-1007 §1(part), 1991; prior code §11-12-6)

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## **CHAPTER 17.80 - COMMUNICATION FACILITIES**

### **17.80.020 Definitions.**

The following definitions shall apply to this chapter:



1. Amateur Radio Operators – Also identified as ham radio operators, are licensed by the United States Government.
2. Antenna – Any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), micro cell, and parabolic antenna (dish). The antenna does not include the support structure or tower.
3. Attachment – An antenna or other piece of related equipment affixed to a transmission tower, building, light, utility pole, or water tower.
4. Array – The combination of antennas mounted on a support structure or support tower.
5. Auxiliary Support Equipment – All equipment necessary to provide wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning units, and emergency generators. For the purpose of this chapter, auxiliary support equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary support equipment does not include support towers or structures.
6. Camouflage – The design and construction of a wireless communications facility (WCF) to resemble an object that is not a wireless communication facility and which is typically present in the environment.
7. Collocation – Use of a common wireless communications support structure or tower for two or more antenna arrays.
8. Federal Aviation Administration (FAA) – The federal regulatory agency responsible for the safety of the nation's air traffic control system, including airspace impacted by wireless communications support structures and towers.
9. Federal Communications Commission (FCC) – The federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
10. Height – Height shall mean the distance measured from the original grade at the base of the wireless communication facility to the highest point on the wireless communication facility, including the antenna(s) and lightning rod(s).
11. Infrastructure Provider – An applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.
12. Landscaping – To modify or ornament an area with native vegetation.
13. Lattice Tower – A support tower characterized by an open framework of lateral cross members that stabilize the tower.
14. Micro cell – A wireless communications facility consisting of an antenna that is either: (a) four (4) feet in height and with an area of not more than five hundred eighty (580) square inches; or (b) if a tubular antenna, no more than four (4) inches in diameter and no more than six (6) feet in length.
15. Monopole – A support tower composed of a single upright pole, engineered to be self-supporting, and used to support one or more antenna(s) or array(s). A monopole does not include towers requiring guy wires or lattice cross supports.
16. Radio Frequency (RF) Energy – The energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video, and other data information.
17. Screening – To effectively obscure to a minimum height of 6 feet the view of the base of a wireless communication facility.
18. Self-Supporting – Characterized by the independent support of itself or its own weight.
19. Setback – For purposes of this chapter, a setback is the required distance from any structural part of a wireless communication facility (including support wires, support attachments, and auxiliary support equipment) to the property line of the parent parcel on which the wireless communication facility is located.

20. Support Structure - An existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and billboard signs. Support structures do not include support towers, buildings or structures used for residential purposes, utility poles, light standards, or light poles.
21. Support Tower - A structure designed and constructed exclusively to support a wireless communication facility or an antenna array, including, but not limited to, monopoles, lattice towers, guyed towers, and self-supporting towers.
22. Temporary Wireless Communication Facility (Temporary WCF) - Any wireless communication facility that is to be placed in use for not more than sixty (60) days, is not deployed in a permanent manner, and does not have a permanent foundation.
23. Utility Pole Placement/Replacement - Placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.
24. Wireless Communications - Wireless Communications shall mean any personal wireless services as defined by the Federal Telecommunications Act of 1996 as amended, including but not limited to cellular, personal communications services, specialized mobile radio, enhanced specialized mobile radio, paging, similar Federal Communications Commission-licensed commercial wireless telecommunications services, and wireless telecommunications services for public safety that currently exist or that may be developed in the future.
25. Wireless Communications Facility (WCF) - Any un-staffed facility for the transmission and/or reception of radio frequency signals, which includes, but is not limited to, all auxiliary support equipment, any support tower or structure used to achieve the necessary elevation for the antenna, transmission and reception cabling and devices, and all antenna arrays.

**17.80.040 Collocation of Additional Antenna(s) on Existing Support Towers.**

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on an existing wireless communication facility support tower.

- A. Compatibility Review. Required for property zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC.
- B. Site Plan and Design Review. Required for all cases other than those identified in Section 17.80.040.A.

**17.80.050 Collocation of Additional Antenna(s) on Support Structures.**

The following standards shall apply for the placement of antenna(s) and auxiliary support equipment on a support structure.

- A. Compatibility Review. Required if the following exist:
  1. Property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC; and
  2. Property is not located in the McLoughlin or Canemah Historical Conservation Districts; and
  3. Antenna(s) and auxiliary support equipment are setback a minimum of 10 feet from each edge of the support structure and do not exceed a total height of 12 feet or a total width of 8 feet, unless the antenna(s) is less than 4 inches in diameter and does not exceed a total height of 20 feet.
- B. Site Plan and Design Review. Required if the property is zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC and does not meet all the criteria of Section 17.80.050.A.
- C. Conditional Use Review. Required for all cases other than those identified in Sections 17.80.050.A and B.

**17.80.060 Collocation of Additional Antenna(s) on Existing Utility Poles, Light Standards, and Light Poles.** The following standards shall apply for the collocation of additional antenna(s) on existing utility poles, light standards, and light poles that meet the following requirements:

- A. Site Plan and Design Review. Required for property zoned GI, CI, I, C, MUC-1, MUC-2, MUE, MUD or NC.
- B. Conditional Use Review. Required for all cases other than those identified in Section 17.80.060.A.
- C. Permits. The applicant shall apply for and obtain all permits necessary for the construction, installation, and operation of its Facilities in the Streets. The applicant shall pay all applicable fees due for City permits. All construction and maintenance of any and all of the applicant's Facilities within the Streets incident to the applicant's provision of Telecommunications Services shall, regardless of who performs installation and/or construction, be and remain the responsibility of the applicant.
- D. Installation of Equipment. The applicant's Facilities shall be installed and maintained in accordance with the laws of the State of Oregon and the ordinances and standards of the City regulating such construction.
- E. Common Users. The applicant's Facilities shall be attached to utility poles, light standards, and light poles located within the Streets. The applicant shall also allow and encourage other wireless carriers to collocate facilities on the utility poles, light standards, and light poles with the applicant's Facilities, provided such collocation does not interfere with the applicant's Facilities or jeopardize the physical integrity of the Structure and provided the owner of the Structure consents to such collocation.
- F. Scale of Facilities. This section establishes standards for attaching Facilities to utility poles, light standards, and light poles in the Streets in a manner that minimizes the Facilities' potential incompatibility with adjacent uses.
1. Facilities may be collocated on existing utility poles, light standards, and light poles, provided:
    - a. Facilities do not jeopardize the physical integrity of the utility pole, light standard, or light pole;
    - b. Triangular "top hat" style antenna mounts are prohibited;
    - c. The device used to mount the Facilities does not project more than ten (10) feet above the utility pole, light standard, or light pole;
    - d. Antennas will be mounted flush with the device referenced in Section 17.80.060.F.1.c or the existing utility pole, light standard, or light pole, within a unicast-style top cylinder, or on davit arms that are no greater than five (5) feet in length as measured from the center of the utility pole, light standard, or light pole;
    - e. The visual impact of any Facilities located in the Streets must be minimized by utilizing the smallest antennas, equipment, and equipment cabinets available that will satisfy engineering requirements and the service objectives of the site. Whenever possible, Facilities shall be painted or otherwise treated architecturally so as to minimize visual impacts;
    - f. All antennas, cabling, mounting hardware, and associated microcell/equipment cabinets mounted on an existing utility pole, light standard, or light pole must be painted to match the color of the utility pole, light standard, or light pole. If cabinets require a special heat-reducing paint finish, they must be a neutral color such as beige, off-white, or light gray; and
    - g. The existing utility pole, light standard, or light pole is not replaced with a taller utility pole, light standard, or light pole, except as authorized in Section 17.80.060.F.2.
  2. Replacement Utility Poles, Light Standards, and Light Poles. For purposes of this Section, "Replacement Utility Poles, Light Standards, and Light Poles" shall mean a utility pole, light standards, or light pole that a) replaces an existing or original utility pole, light standard, or light pole to accommodate Facilities; and b) does not result in an increase in the total number of utility, guy, or support poles in the Streets. Facilities may be attached to Replacement Utility Poles, Light Standards, and Light Poles in the Streets, provided:

- a. The Replacement Utility Poles, Light Standards, and Light Poles are of sufficient integrity to support the Facilities;
  - b. The Replacement Utility Poles, Light Standards, and Light Poles, and any subsequent Replacements, are no more than twenty (20) feet taller than the Original Utility Pole, Light Standard, or Light Pole; and
  - c. The Utility Pole, Light Standard, or Light Pole the Replacement Utility Pole, Light Standard, or Light Pole replaces is promptly removed.
3. The applicant shall not locate any Facilities, such as cabinets, at grade within the Streets, but may connect its Facilities in the Streets to Facilities located on property adjacent to the Streets in accordance with applicable City codes and with the permission of the adjacent property owner.

**17.80.070 Construction or Modification of a Support Tower.**

**A. Site Plan and Design Review.** Required if the following exists:

1. Property is zoned GI, CI, I, C, MUC-2 or MUE; and
2. No adjacent parcel is zoned for residential use.

**B. Conditional Use Review.** Required for all cases other than those identified in Section 17.80.070.A.

**C. Prohibited Zoning Districts and Locations.** No new support towers shall be permitted within the Canemah Historic Neighborhood, McLoughlin Conservation District, The Oregon Trail-Barlow Road Historic Corridor, 500 feet of the Willamette Greenway Corridor, or any new Historic Districts unless the applicant can demonstrate that failure to allow the support tower would effectively prevent the provision of communication services in that area. If the applicant makes such a demonstration, the minimum height required to allow that service shall be the maximum height allowed for the tower.

**17.80.110 Design Standards.**

Installation, collocation, construction, or modification of all support towers, structures, and antennas shall comply with the following standards, unless an adjustment is obtained pursuant to the provisions of Section 17.80.120.

**A. Support Tower.** The Support Tower shall be self-supporting.

**B. Height Limitation.** Support Tower and antenna heights shall not exceed the maximum heights provided below.

1. If the property is zoned:
  - a. GI, CI or I; and
  - b. No adjacent parcel is zoned residential;  
the maximum height of a support tower, including antennas, is 120 feet.
2. If the property is zoned:
  - a. GI, CI or I, and an adjacent parcel is zoned residential; or
  - b. C, MUC-2 or MUE;  
the maximum height of a support tower, including antennas, is 100 feet.
3. If the property is zoned:
  - a. MUC-1, MUD or NC;  
the maximum height of a support tower, including antennas, is 75 feet.
4. For all cases other than those identified in Section 17.80.110.B.1-3 above, the maximum height of a support tower, including antennas, is 75 feet.

**C. Collocation.** New support towers shall be designed to accommodate collocation of additional providers.

1. New support towers of a height greater than 75 feet shall be designed to accommodate collocation of a minimum of two additional providers either outright or through future modification of the tower.
2. New support towers of a height between 60 feet and 75 feet shall be designed to accommodate collocation of a minimum of one additional provider either outright or through future modification of the tower.

**D. Setbacks.** The following setbacks shall be required from property lines, not the lease area, for support towers, auxiliary support equipment, and perimeter fencing.

1. Support towers not designed to collapse within themselves shall be setback from all property lines a distance equal to the proposed height of the support tower.
2. Support towers designed to collapse within themselves shall be setback from the property line a distance equal to the following:
  - a. If the property is zoned:
    - i. GI, CI, I, C, MUC-2 or MUE; and
    - ii. No adjacent parcel is zoned for a residential use;the underlying zone setback shall apply;
  - b. If the property is zoned:
    - i. GI, CI, I, C, MUC-2 or MUE and an adjacent parcel is zoned residential; or
    - ii. MUC-1, MUD or NC;the setback shall be a minimum of 25 feet from all adjacent residentially zoned property lines and the underlying zoning setback for all other adjacent property lines; or
  - c. For all cases other than those identified in Section 17.80.110.D.2.a and b above, the setback shall be a minimum of 25 feet from all adjacent property lines.

**E. Auxiliary Support Equipment.** The following standards shall be required.

1. If the property is zoned:
  - a. For GI, CI, I, MUC-1, MUC-2, C, MUD, MUE or NC, the auxiliary support equipment footprint shall not exceed an area of 340 square feet and 15 feet in height at the peak;
  - b. For all cases other than those identified in Section 17.80.110.E.1.a above, the auxiliary support equipment shall be:
    - i. Located in an underground vault to the maximum extent practicable; or
    - ii. The applicant shall demonstrate why locating the auxiliary support equipment underground would limit the applicant's ability to fully utilize camouflage technology that might better suit the particular situation, in which case the standards of Section 17.80.110.E.1.a shall apply.
2. Only one auxiliary accessory cabinet shall be allowed per service provider located on a support structure.

**F. Landscaping.** In all zoning districts, existing vegetation shall be preserved to the maximum extent practicable. Screening of a site is mandatory.

1. If the property is zoned:
  - a. GI or CI, and no adjacent parcel is zoned residential, landscaping may not be required if water quality issues are addressed and appropriate screening around the facility is proposed;

- b. For all cases other than those identified in Section 17.80.110.F.1.a above, landscaping shall be placed completely around the perimeter of the wireless communication facility, except as required to gain access. The minimum planting height shall be a minimum of 6 feet at the time of planting, densely placed so as to screen the facility. The landscaping shall be compatible with vegetation in the surrounding area, and shall be kept healthy and well maintained as long as the facility is in operation. Failure to maintain the site will be grounds to revoke the ability to operate the facility.

G. Noise Reduction. Noise generating equipment shall be baffled to reduce sound level measured at the property line to the following levels except during short durations for testing and operation of generators in emergency situations:

1. For any property where no adjacent parcel is zoned residential, the sound level at the property line shall not be greater than 50 dB;
2. For all other cases, the sound level shall not be greater than 40 dB when measured at the nearest residential parcel's property line.

H. Lighting.

1. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited.
2. Strobe lighting is prohibited unless required by the Federal Aviation Administration.
3. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment shall be initiated by motion detecting lighting. The lighting shall be the minimal necessary to secure the site, shall not cause illumination on adjacent properties in excess of a measurement of 0.5 footcandles at the property line, and shall be shielded to keep direct light within the site boundaries.

I. Color.

1. Unless otherwise required by the Federal Aviation Administration, all support towers and antennas shall have a non-glare finish and blend with the natural background.

J. Signage.

1. Support towers and antenna(s) shall not be used for signage, symbols, flags, banners, or other devices or objects attached to or painted on any portion of a wireless communication facility.

K. Access Drives.

1. On a site with an existing use, access shall be achieved through use of the existing drives to the greatest extent practicable. If adequate intersection sight distance is unavailable at the existing access intersection with a City Street, an analysis of alternate access sites shall be required.
2. Site shall be serviced by an access adequate to ensure fire protection of the site.
3. New access drives shall be paved a minimum of 20 feet deep from the edge of the right-of-way (though the use of pervious paving materials such as F-mix asphalt, pavers, or geotech webbing is encouraged) and designed with material to be as pervious as practicable to minimize stormwater runoff.
4. New access drives shall be reviewed for adequate intersection sight distances.

L. Informing the City. All service providers with facilities within the City of Oregon City shall be required to report in writing to the Planning Manager any changes in the status of their operation.

1. An annual written statement shall be filed with the Planning Manager verifying continued use of each of their facilities in the City's jurisdiction as well as continued compliance with all state and federal agency regulations.
2. The report shall include any of the following changes:
  - a. Changes in or loss of Federal Communication Commission license from the Federal Communication Commission to operate;
  - b. Receipt of notice of failure to comply with the regulations of any other authority over the business or facility;
  - c. Change in ownership of the company that owns wireless communication facility or provides telecommunications services; or
  - d. Loss or termination of lease with the telecommunications facility for a period of six (6) months or longer.


















**17.80.150 Fees.**

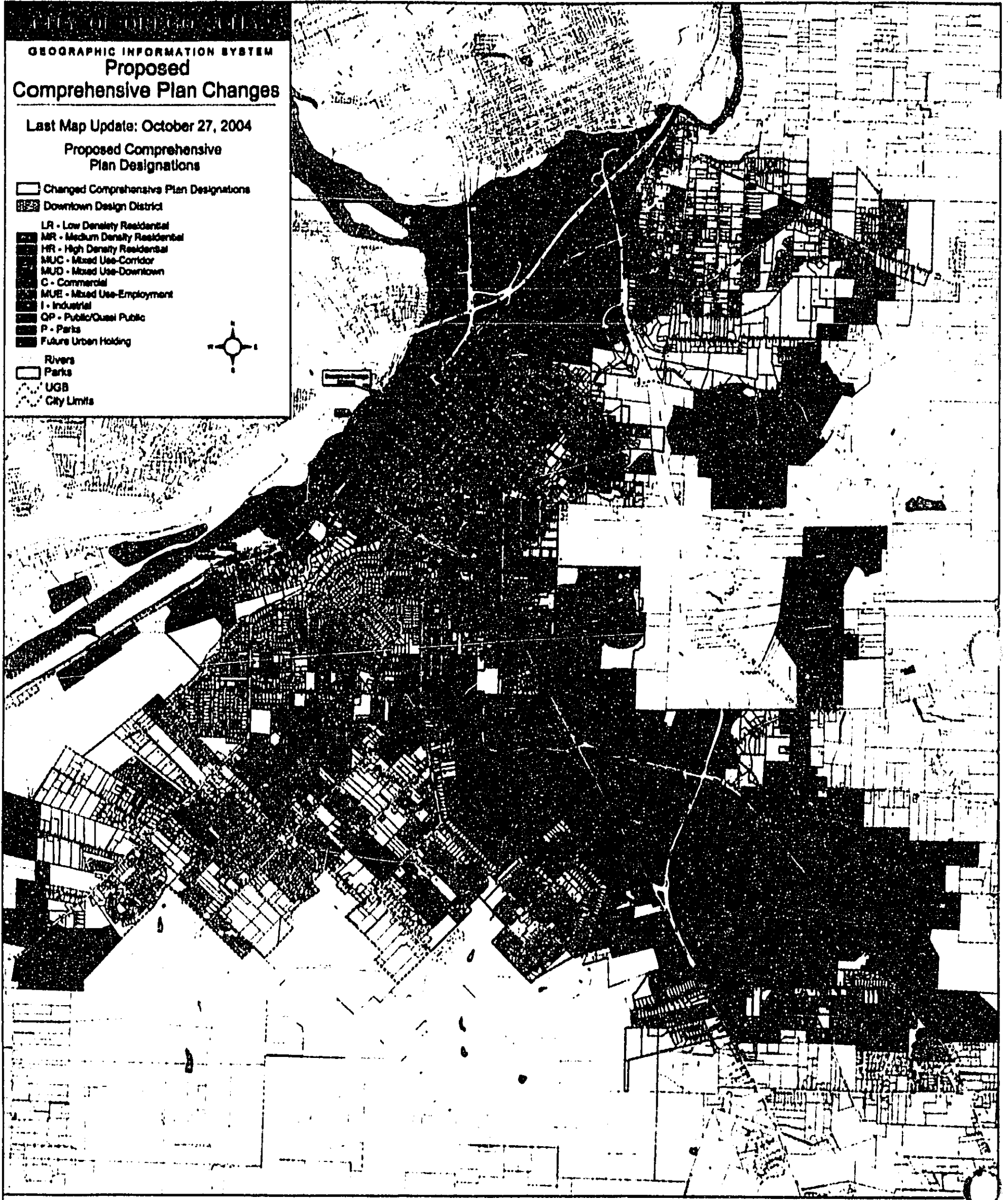
Notwithstanding any other provisions of this code, the Community Development Director may require, as part of the application fees for land use permits, an amount sufficient to recover all of the City's costs in retaining consultants to verify statements made in conjunction with the permit application, to the extent that verification requires telecommunication expenses.

**CITY OF OREGON CITY**  
**GEOGRAPHIC INFORMATION SYSTEM**  
**Proposed**  
**Comprehensive Plan Changes**

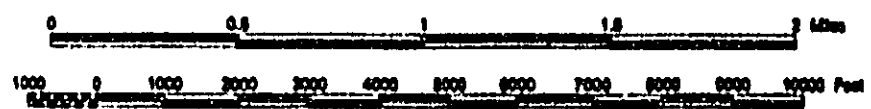
Last Map Update: October 27, 2004

**Proposed Comprehensive  
Plan Designations**

-  Changed Comprehensive Plan Designations
-  Downtown Design District
-  LR - Low Density Residential
-  MR - Medium Density Residential
-  HR - High Density Residential
-  MUC - Mixed Use-Corridor
-  MUD - Mixed Use-Downtown
-  C - Commercial
-  MUE - Mixed Use-Employment
-  I - Industrial
-  OP - Public/Quasi Public
-  P - Parks
-  Future Urban Holding
-  Rivers
-  Parks
-  UGB
-  City Limits



MAP FOR REFERENCE PURPOSES ONLY.  
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.



City of Oregon City  
07/10/04

Attachment A  
Exhibit 2



GEOGRAPHIC INFORMATION SYSTEM

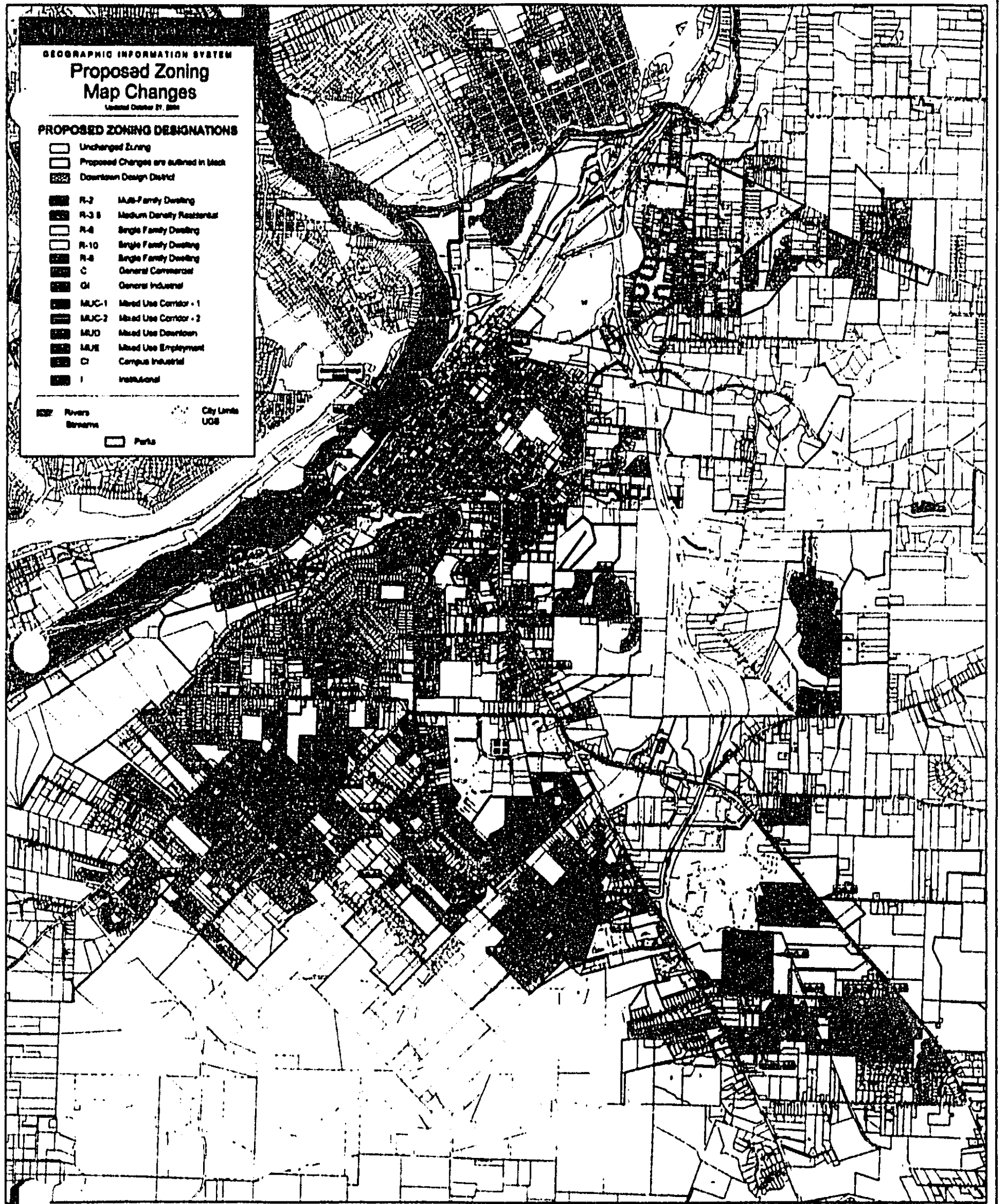
# Proposed Zoning Map Changes

Updated October 27, 2004

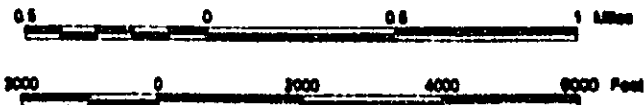
## PROPOSED ZONING DESIGNATIONS

- Unchanged Zoning
- Proposed Changes are outlined in black
- Downtown Design District
- R-2 Multi-Family Dwelling
- R-3.5 Medium Density Residential
- R-4 Single Family Dwelling
- R-10 Single Family Dwelling
- R-8 Single Family Dwelling
- C General Commercial
- GI General Industrial
- MUC-1 Mixed Use Corridor - 1
- MUC-2 Mixed Use Corridor - 2
- MUO Mixed Use Downtown
- MUE Mixed Use Employment
- CI Campus Industrial
- I Institutional

- Rivers
- Streams
- City Limits
- UOB
- Parks



MAP FOR REFERENCE PURPOSES ONLY.  
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Notification of any errors will be appreciated.




Attachment A  
Exhibit 3

Please recycle with colored office grade paper.

ES&S

**COMMISSION REPORT: CITY OF OREGON CITY  
TO THE HONORABLE MAYOR AND COMMISSIONERS**

320 Warner Milne Road---(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 3.2	<b>Topic:</b> Restrictive Covenant Non-Remonstrance Agreement For The Bailey Estates Subdivision  (PD03-03)
	<b>Report No.:</b> 04-218	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 17, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> John Knapp	<b>Reviewed By:</b> Jay Toll	<b>Approved By:</b> L. Patterson

**RECOMMENDATION:**

It is recommended that the City Commission adopt a motion accepting this Restrictive Covenant Non-Remonstrance Agreement and authorize the Mayor and City Recorder to execute it.

**REASON FOR RECOMMENDATION:**

This agreement provides a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purpose of making various public improvements. The agreement is attached for Commission review.

**BACKGROUND:**

On the November 17, 2004, agenda is the Restrictive Covenant Non-Remonstrance Agreement for the Bailey Estates subdivision project – City Planning File No. PD03-03.

The developer's representative (Chicago Title) has already prematurely recorded said agreement, which shall be re-recorded after being executed by the city.

Map No. 3-2E-16B

Tax Lot 100 & 501

Bailey Estates subdivision  
(PD03-03)

**BUDGET IMPACT:** FY(s): N/A

Funding Source: N/A

Attachments: Restrictive Non-Remonstrance Agreement

*AFTER RECORDING RETURN TO:*

City Recorder (Leilani Bronson-Crelly)  
P.O. Box 3040  
Oregon City, Oregon 97045-0304

Map No.: 3-2E-16B  
Tax Lots: 100 & 501  
Planning No.: PD2003-03

Grantor: Heritage Homes of Molalla (Denise Heiser, V.P.)

**CITY OF OREGON CITY, OREGON**

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT  
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-14)**

**RE-RECORDED**

**DOCUMENT COVER PAGE**

**NOTE: Document has been re-recorded as to include City of Oregon City Commission Approval,  
superceding Clackamas County Recorder's Document No. 2004-101072**

Attachment 1

51  
68  
AFTER RECORDING RETURN TO:

City Recorder (Leilani Bronson-Crelly)  
P.O. Box 3040  
Oregon City, Oregon 97045-0304

Map No.: 3-2E-16B  
Tax Lots: 100 & 501  
Planning No.: PD2003-03

Clackamas County Official Records  
Sherry Hall, County Clerk

2004-101072



\$51.00

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11/02/2004 10:19:06 AM

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Cnt#1 Sln#4 MELISSA

\$30.00 \$11.00 \$10.00

Grantor: Heritage Homes of Portland

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT  
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)**

The undersigned legal owners of the property described below (the "Property") hereby waive any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the Bailey Estates.

Oregon City Planning File No. PD2003-03

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify

regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.

The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the GRANTOR has executed this instrument this 15<sup>th</sup> day of November, 2004; if a corporate grantor, it has caused its name to be signed and seal affixed by its officers, duly authorized thereto by order of its board of directors.

**NOTICE: No stamp or corporate seal is allowed over any typed information.**

Individuals, general partnerships

Corporation/limited partnership

\_\_\_\_\_  
(Signature No. 1)

Hen Tag Homes of Mobile, Inc.  
(Corporation/Partnership Name)

\_\_\_\_\_  
(Signer's No. 1 - Printed Name)

Denise Heiser, V.P.  
(Signature No. 1)

\_\_\_\_\_  
(Signature No. 2)

Denise Heiser, Vice President  
(Signer's No. 1 - Name, Title)

\_\_\_\_\_  
(Signer's No. 2 - Printed Name)

\_\_\_\_\_  
(Signature No. 2)

\_\_\_\_\_  
(Signature No. 3)

\_\_\_\_\_  
(Signer's No. 2 - Name, Title)

\_\_\_\_\_  
(Signer's No. 3 - Printed Name)

\_\_\_\_\_  
(Signature No. 3)

(if executed by a corporation  
affix corporate seal below)

\_\_\_\_\_  
(Signer's No. 3 - Name, Title)

**NOTICE TO NOTARIES:** No notary stamp or corporate seal is allowed over any typed information.

Personal Acknowledgment

STATE OF OREGON )

County of \_\_\_\_\_ )

) ss.

On this \_\_\_\_\_ day of November, 2004, before me, \_\_\_\_\_ the undersigned Notary Public, personally appeared \_\_\_\_\_ and \_\_\_\_\_ and acknowledged the foregoing instrument to be his/her/their voluntary act(s) and deed(s).

NOTARY PUBLIC FOR OREGON

My Commission Expires: \_\_\_\_\_

Stamp seal below

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
(Grantor's Name and Address)

City of Oregon City

P.O. Box 3040

320 Warner Milne Road

Oregon City, OR 97045-0304

(Grantee's Name and Address)

Accepted on behalf of the City of Oregon City on the condition that the easement granted is free and clear from any taxes, liens, and encumbrances.

Mayor

\_\_\_\_\_  
City Recorder

Page 3 -

Corporate Acknowledgment

STATE OF OREGON )

County of Clackamas )

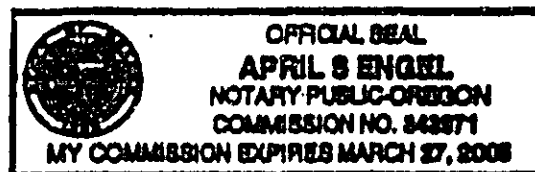
) ss.

On this 15<sup>th</sup> day of November, 2004, before me, \_\_\_\_\_ the undersigned Notary Public, personally appeared \_\_\_\_\_ and \_\_\_\_\_ who being duly sworn, each for himself/herself and not one for the other did say that the former is the \_\_\_\_\_ president and that the latter is the \_\_\_\_\_ secretary of

\_\_\_\_\_ a corporation, and that the seal affixed to the foregoing instrument was signed and sealed in behalf of said corporation by authority of its board of directors; and each of them acknowledged said instrument to be its voluntary act and deed.

NOTARY PUBLIC FOR OREGON

My Commission Expires: March 27, 2005  
Stamp seal below



3

STATE OF OREGON                    )  
  ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of November, 2004, before me, \_\_\_\_\_,  
the undersigned Notary Public, personally appeared \_\_\_\_\_

☐ personally known to me  
☐ proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument, and acknowledged that they executed it.

**NOTICE: No stamp or corporate seal is allowed over any typed information.**  
Stamp seal below

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary's signature

My commission expires: \_\_\_\_\_

STATE OF OREGON                    )  
  ) ss.  
County of \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, \_\_\_\_\_,  
the undersigned Notary Public, personally appeared \_\_\_\_\_

☐ personally known to me  
☐ proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument, and acknowledged that they executed it.

**NOTICE: No stamp or corporate seal is allowed over any typed information.**  
Stamp seal below

WITNESS my hand and official seal.

\_\_\_\_\_  
Notary's signature

My commission expires: \_\_\_\_\_

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant  
Non-Remonstrance Agreement is free and clear from taxes, liens, and encumbrances.

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
City Recorder

Page 4 -

9

# EXHIBIT "A"

ENGINEERING PLANNING

13910 SW Galbreath Dr. Suite 100  
SHIRKWOOD, OR 97140



SURVEYING

FORESTRY

TELEPHONE (503) 925-8799  
FAX (503) 925-8969  
E-MAIL: aks@aks-eng.com

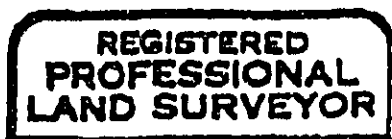
## EXHIBIT "A"

A subdivision of the land described in Document No. 2004-025512, excepting therefrom Tract "A" of Partition Plat 1998-0042, located in the Northeast One-Quarter and Northwest One-Quarter of Section 16, Township 3 South, Range 2 East, Willamette Meridian, City of Oregon City, Clackamas County, Oregon, being more particularly as follows:

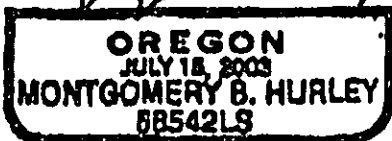
Beginning at the Initial Point, being the Southwest corner of Tract "A" per Partition Plat 1998-0042; thence S88°16'38"E 189.93 feet to a point, said point being the Southeast corner of Parcel 2 per Partition Plat 1998-0042; thence N01°09'24"E 272.33 feet to a point, said point being on the Southerly right-of-way line of Glen Oak Road (County Road number 881); thence along said right-of-way, S88°15'31"E 113.90 feet to a point; thence continuing along said right-of-way line, S88°26'04"E 93.98 feet to a point; thence leaving said right-of-way line, S00°55'36"W 820.25 feet to a point, said point being the Southwest corner of Lot 18 per Plat of "Glen Oak Meadows"; thence N88°24'43"W 400.97 feet to a point, said point being Southerly point of Document Number 93-020240; thence N01°08'37"E 548.60 feet to the said Initial Point.

The above described contains 6.34 acres, more or less. The basis of bearings and legal description is per Survey Number 2003-330 recorded with Clackamas County Surveyor's Office.

11-1-04



*Montgomery B. Hurley*



5



# EXHIBIT "B"

## EXHIBIT "B" BAILEY ESTATES

DOC. NO. 93-020240  
N01°08'37"E 548.60'

INITIAL POINT

LOCATED IN THE NORTHEAST  
ONE-QUARTER AND NORTHWEST  
ONE-QUARTER OF SECTION 16,  
TOWNSHIP 3 SOUTH, RANGE 2  
EAST, WILLAMETTE MERIDIAN, CITY  
OF OREGON CITY, CLACKAMAS  
COUNTY, OREGON

TRACT  
"A"  
S88°16'38"E 189.93'

PARTITION PLAT  
1998-0042

N01°09'24"E 272.33'

PARCEL 2 PARCEL 1

TOTAL COVERED AREA=  
6.34 ACRES±

DOCUMENT NUMBER 2004-025512

"MEADOWOOD" PLAT NO. 3844  
N88°24'43"W 400.97'

S88°26'04"E 588.1531'E  
93.98' 113.90'

GLEN OAK ROAD (COUNTY ROAD NO. 881)  
(HANS A. FAUSKE ROAD)

S00°55'35"W 820.25'

"GLEN OAK MEADOWS" PLAT NO. 3788

BASIS OF BEARINGS AND MAP IS PER SURVEY  
NUMBER 2003-130, RECORDED WITH THE CLACKAMAS  
COUNTY SURVEYOR'S OFFICE

11-1-04

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

*Montgomery B. Hurley*  
OREGON  
JULY 14, 2003  
MONTGOMERY B. HURLEY  
5854215  
RENEWAL DATE: 6/30/05

SCALE 1" = 100 FEET



ENGINEERING • PLANNING • SURVEYING • FORESTRY  
LICENSED IN OR & WA  
**AKS**  
ENGINEERING & FORESTRY  
13910 SW GALEBREATH DR.  
SUITE 100  
SHERWOOD, OR 97140  
PHONE: (503) 925-8799  
FAX: (503) 925-8969  
E-MAIL: aks@aks-eng.com

STATE OF OREGON }  
COUNTY OF CLACKAMAS } ss.

I, SHERRY HALL, County Clerk of the State of Oregon for the County of Clackamas, do hereby certify that the foregoing copy of

6 pg deed record  
# 2004-101072 on 11-2-04

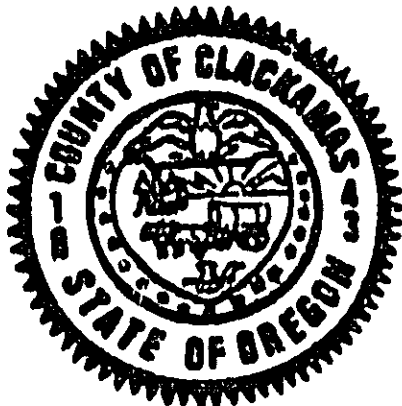
has been by me compared with the original, and that it is a correct transcript therefrom, and the whole of such original, as the name appears on file and of record in my office and in my care and custody.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal this 4th day of

November, 2004.


SHERRY HALL, Clerk

By: [Signature]  
Deputy



**COMMISSION REPORT: CITY OF OREGON CITY  
TO THE HONORABLE MAYOR AND COMMISSIONERS**

320 Warner Milne Road----(503) 657-0891

 INCORPORATED 1844	<b>Agenda Item No.:</b> 3.3	<b>Topic:</b> Restrictive Covenant Non-Remonstrance Agreement For The Carrington Place Subdivision  (TP99-11)
	<b>Report No.:</b> 04-219	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 17, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> John Knapp	<b>Reviewed By:</b> Dean Norlin	<b>Approved By:</b> L. Patterson

**RECOMMENDATION:**

It is recommended that the City Commission adopt a motion accepting this Restrictive Covenant Non-Remonstrance Agreement and authorize the Mayor and City Recorder to execute it.

**REASON FOR RECOMMENDATION:**

This agreement provides a waiver of any and all rights to remonstrate against the formation of a Local Improvement District by the City of Oregon City for the purpose of making various public improvements. The agreement is attached for Commission review.

**BACKGROUND:**

On the November 17, 2004, agenda is the Restrictive Covenant Non-Remonstrance Agreement for the Carrington Place subdivision project – City Planning File No. TP99-11.

The developer's representative (Chicago Title) has already prematurely recorded said agreement, which shall be re-recorded after being executed by the city.

Map No. 3-2E-09D      Tax Lot 700 & 1101      Carrington Place subdivision  
(TP99-11)

**BUDGET IMPACT:** FY(s): N/A      Funding Source: N/A

**Attachments:** Restrictive Non-Remonstrance Agreement

**AFTER RECORDING RETURN TO:**

City Recorder (Leilani Bronson-Crelly)  
P.O. Box 3040  
Oregon City, Oregon 97045-0304

Map No.: 3-2E-09D  
Tax Lots: 700 & 1101  
Planning No.: TP99-11

Grantor: Carrington Place, LLC (Tim Aldinger)  
& Craig A. Smith

**CITY OF OREGON CITY, OREGON**

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT  
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-14)**

**RE-RECORDED**

**DOCUMENT COVER PAGE**

**NOTE: Document has been re-recorded as to include City of Oregon City Commission Approval,  
superceding Clackamas County Recorder's Document No. 2004-100030**

5  
AFTER RECORDING RETURN TO:

City Recorder, Lellani Bronson-Crelly  
P.O. Box 3040  
Oregon City, Oregon 97045-0304



\$46.00

00763641200401000300050058

10/29/2004 02:34:13 PM

D-OD Cnt=1 Sin=6 BEVERLY  
\$25.00 \$11.00 \$10.00

Map No.: 32E090  
Tax Lot: 700 + 1101  
Planning No.: TP99/M003-04

Grantor: Carrington Place, LLC  
and Craig A. Smith

**RESTRICTIVE COVENANT NON-REMONSTRANCE AGREEMENT  
(PURSUANT TO CITY OF OREGON CITY ORDINANCE NO. 00-1014)**

The undersigned legal owners of the property described below (the "Property") hereby waive any and all right to remonstrate against the formation of a Local Improvement District (LID) by the City of Oregon City (City) for the purpose of making sanitary sewer, storm sewer, water or street improvements that benefit the Property and assessing the cost to benefited properties pursuant to the City's capital improvement regulations in effect at the time of such improvement. This non-remonstrance agreement is executed in consideration of not being required by the City to make the above-mentioned improvements at this time as a condition of land use approval of the Subdivision "Carrington Place"

Oregon City Planning File No. TP99-11/M003+04

For the purpose of this Covenant:

"Sanitary Sewer Improvements" includes pipelines or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting wastes to an ultimate point for treatment or disposal.

"Storm Sewer Improvements" includes pipelines, swales, detention or retention devices or conduits and all other structures, devices, appurtenances and facilities used in collecting or conducting storm water flow to an ultimate point for treatment or disposal.

"Water Improvements" includes pipelines, conduits, meters, hydrants and all other structures, devices, appurtenances and facilities used in collecting, treating or conveying drinking water from a source of supply to water consumers and other water users.

"Street Improvements" includes streets, sidewalks, curbs, gutters, street lighting and all other structures, devices, appurtenances, facilities and improvements used to serve cars, bicycles, pedestrians and other modes of transportation and conveyance.

"Right to remonstrate against the formation of an LID" refers solely to a property owner's right under the City Charter and Code to be counted as part of an extraordinary majority of property owners that can, in certain circumstances, suspend proceedings on the formation of an LID. The waiver of this right herein does not limit or otherwise restrict the ability of a property owner bound by this covenant to appear at any of the required public hearings and testify

regarding the formation of the LID, whether the boundaries include all benefited property, the equity of the assessment formula, the scope and nature of the project or of the final assessment, or any other issue regarding the LID.

This covenant shall run with the land and be binding upon the undersigned and upon all subsequent owners of property.


The property subject to this covenant is described as follows:

-- SEE ATTACHED EXHIBITS "A" (Legal Description) and "B" (Survey, Plat, etc) --

In construing this covenant and where the context so requires, the singular includes the plural and all grammatical changes shall be implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the grantors have executed this instrument this 28th day of October, 2004

GRANTOR:

  
Printed Name: Tim Aldinger  
Tim Aldinger & Assoc.  
Carrington Place LLC

GRANTOR:

  
Printed Name: Craig A. Smith

ADDRESS:

6140 SW Macadam Ave.  
Portland OR 97236

ADDRESS:

1445 SE Columbia Way  
Vancouver WA 98661

2

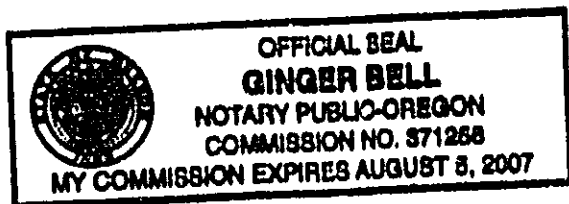
STATE OF OREGON           )  
  ) ss.  
County of Clackamas       )

On this 28th day of Oct., 2004 before me, a notary public,  
the undersigned Notary Public, personally appeared Tim Aldinger, President of Aldinger & Associates  
Inc., member of Carrington Place LLC and Craig A. Smith

☐ personally known to me

☒ proved to me on the basis of satisfactory evidence to be the person(s) whose  
name(s) is/are subscribed to the within instrument, and acknowledged that they executed it.

**NOTICE: No stamp or corporate seal is allowed over any typed information.**  
Stamp seal below



WITNESS my hand and official seal.

Ginger Bell  
Notary's signature  
My commission expires: 8/5/07

Accepted on behalf of the City of Oregon City on the condition that the Restrictive Covenant  
Non-Remonstrance Agreement is free and clear from taxes, liens, and encumbrances.

\_\_\_\_\_  
Mayor

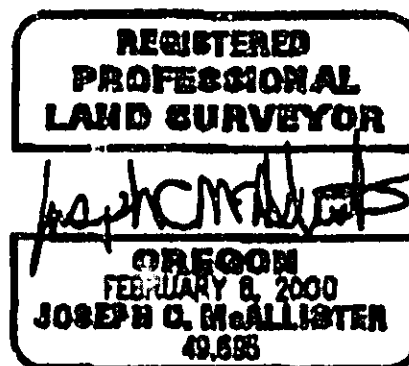
\_\_\_\_\_  
City Recorder

LEGAL DESCRIPTION  
CARRINGTON PLACE OUTBOUNDS

JOB NO. 4180.1  
11/28/04 JCM

A TRACT OF LAND IN THE SOUTHEAST ONE-QUARTER OF SECTION 9, AND THE SOUTHWEST ONE-QUARTER OF SECTION 10, TOWNSHIP 3 SOUTH, RANGE 2 EAST, WILLAMETTE MERIDIAN, CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD WITH A 3-1/4 INCH BRASS DISC STAMPED "LAND DEV CONSULTANTS", AT THE SOUTHWEST CORNER OF SECTION 9, TOWNSHIP 3 SOUTH, RANGE 2 EAST, W.M., CLACKAMAS COUNTY, OREGON; THENCE ALONG THE SOUTH LINE OF SAID SECTION 9, N.89°52'19"W., 578.00 FEET; THENCE N.00°32'00"W., 20.00 FEET TO A 5/8 INCH IRON ROD WITH A YELLOW PLASTIC CAP STAMPED "COMPASS ENGINEERING", THE INITIAL POINT AND THE BEGINNING OF A BOUNDARY LINE AGREEMENT RECORDED IN FEE NO. 2003-085088, CLACKAMAS COUNTY DEED RECORDS; THENCE ALONG SAID BOUNDARY LINE AGREEMENT, N.00°32'00"W., 728.93 FEET TO THE TERMINUS OF SAID AGREEMENT LINE; THENCE ALONG A BOUNDARY LINE AGREEMENT RECORDED IN FEE NO. 94-050228, CLACKAMAS COUNTY DEED RECORDS, S.89°41'43"E., 457.08 FEET; THENCE CONTINUING ALONG SAID BOUNDARY LINE AGREEMENT, N.49°27'44"E., 412.18 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF BEAVERCREEK ROAD (MARKET ROAD NO. 11)(30.00 FEET FROM CENTERLINE); THENCE ALONG SAID RIGHT-OF-WAY LINE, S.40°27'34"E., 250.00 FEET; THENCE S.49°29'47"W., 159.78 FEET; THENCE S.02°20'59"W., 140.79 FEET; THENCE N.89°44'15"W., 218.21 FEET; THENCE S.02°20'59"W., 110.00 FEET TO THE NORTH LINE OF "GLEN OAKS ADDITION NO. 2", PLAT NO. 1882, CLACKAMAS COUNTY PLAT RECORDS; THENCE ALONG SAID NORTH LINE, N.89°44'15"W., 381.77 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE ALONG THE WEST LINE OF SAID PLAT AND THE EXTENSION THEREOF, S.00°33'22"E., 451.02 FEET TO THE NORTH RIGHT-OF-WAY LINE OF GLEN OAK ROAD (COUNTY ROAD NO. 881)(20.00 FEET FROM CENTERLINE); THENCE ALONG SAID NORTH RIGHT-OF-WAY LINE, N.89°52'19"W., 207.76 FEET TO THE INITIAL POINT, CONTAINING 360,661 SQUARE FEET, MORE OR LESS.



DATE OF SIGNATURE: 10-28-04  
VALID UNTIL: 12/31/2004





SCALE: 1" = 150'

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR  
*Joseph C. McAllister*  
OREGON  
FEBRUARY 6, 2000  
JOSEPH C. McALLISTER  
49895

DATE OF SIGNATURE: 10-28-04  
VALID UNTIL 12/31/2004

MOSS CAMPUS  
OREGON CITY SCHOOL DISTRICT

S28°41'43"E 457.00'

CARRINGTON PLACE  
360,861 SQUARE FEET

BEAVERCREEK ROAD (MARKET ROAD NO. 11)  
S67°23'41"E 280.00'  
S67°23'41"E 158.78'

TAX LOT 100

TAX LOT 200

N88°44'15"W 216.21'

TAX LOT 1102

N88°44'15"W 381.77'

LOT 4

LOT 5

LOT 6

LOT 7

LOT 3

LOT 2

LOT 1

"GLEN OAKS CREST ADDITION NO. 2"  
PLAT NO. 1882

POINT OF COMMENCEMENT  
5/8" IRON ROD WITH 3-1/4"  
BRASS DISC STAMPED  
"LAND DEV CONSULTANTS"

N88°32'19"W 207.78'

N88°32'19"W 878.00'  
GLEN OAKS ROAD (COUNTY ROAD NO. 881)

N00°32'00"W 20.00'

INITIAL POINT  
5/8" IRON ROD WITH YELLOW  
PLASTIC CAP STAMPED  
"COMPASS ENGINEERING"

EXHIBIT "B"




**COMPASS ENGINEERING**

ENGINEERING SURVEYING PLANNING  
604 S.E. LACE ROAD (503) 853-8833 PHONE  
MELBOURNE, OREGON 97223 WWW.COMPASS-ENGINEERING.COM

IN THE SE 1/4 SECTION 9 & SW 1/4 SECTION 10  
T.3S., R.2E., W.M., CITY OF OREGON CITY  
CLACKAMAS COUNTY, OREGON

**COMMISSION REPORT: CITY OF OREGON CITY  
TO THE HONORABLE MAYOR AND COMMISSIONERS**

**320 Warner Milne Road--(503) 657-0891**

 INCORPORATED 1844	<b>Agenda Item No.:</b> 5.3	<b>Topic:</b> Emergency First and Second Reading of Proposed Ordinance No. 04-1017, Establishing a Process for Claims Made Under Measure 37
	<b>Report No.:</b> 04-220	
	<b>Agenda Type:</b> DISCUSSION/ACTION	
	<b>Meeting Date:</b> November 17, 2004	<b>Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
<b>Prepared By:</b> Dan Drentlaw	<b>Reviewed By:</b> Dan Drentlaw	<b>Approved By:</b> L. Patterson <i>LP</i>

**RECOMMENDATION:**

Approve first and second reading (under the declaration of an emergency) of Proposed Ordinance No. 04-1017, which establishes a procedure for claims made under the recently approved ballot measure 37, which has an effective date of December 2, 2004.

**REASON FOR RECOMMENDATION:**

Measure 37 requires payment of compensation or waiver of regulations when certain land use regulations are enacted or enforced against property. The proposed ordinance details how claims will be reviewed and processed.

**BACKGROUND:**

In accordance with section VIII of the City Charter, it is necessary that this ordinance be considered for immediate adoption, since the City Commission is not scheduled to meet again until December 1, 2004, one day prior to the effective date of Ballot Measure 37. Therefore, an ordinance that establishes a process for claims is needed immediately and will be effective upon City Commission approval.

**BUDGET IMPACT:** FY(s): \_\_\_\_\_

**Funding Source:** \_\_\_\_\_

**Attachments:**

1. City Attorney Cover Memo
2. Ordinance No. 04-1017 and Notice



G A R V E Y S C H U B E R T B A R E R

## MEMORANDUM

TO: Honorable Mayor and Oregon City Commissioners      **Commission Report No. 04-220  
Attachment 1**

CC: Larry Patterson  
Ed Sullivan  
Dan Drentlaw

FROM: Bill Kabeiseman  
Assistant City Attorney

DATE: November 10, 2004

RE: Measure 37 Implementing Ordinance No. 04-1017

FILE NO.: 34758-00100

---

Ordinance No. 04-1017 has been prepared to respond to Ballot Measure 37 adopted by the people of the state of Oregon on November 2, 2004. As the Commission knows, Measure 37 is addressed to land use regulations and requires the City to either pay compensation or waive enforcement of a land use regulation if that regulation was not in effect when that person, or certain related relatives, obtained the property and the land use regulation in question reduces the value of the property. The full extent of Measure 37 is not clear and may not become clear for some time. There is a potential for the legislature to clear up some of the ambiguities regarding the measure, but it is more likely that litigation will reveal the full reach of the measure. In any event, this ordinance is an attempt to set in place some procedures to allow the City to process claims made under Measure 37.

Before turning to the substance of the claims processing ordinance it is worth noting that, although Measure 37 specifically allows a city to adopt claims processing procedures, it explicitly states that "in no event shall these procedures act as a prerequisite to the filing of a compensation claim." In other words, the processing ordinance will help the City process claims and may also assist claimants in assessing their claims, a failure of the claimant to participate in the process will not preclude a claim for compensation.

The ordinance contains seven sections. The first one simply sets out the purpose of the ordinance while the second one adopts definitions, most of which are taken directly from the language of the measure. The next section sets out the specific procedures to be used in processing the claims and, perhaps most importantly, identifies the information that will help the City process any claim that is filed with the City. Once a claim is filed, the next section sets out the responsibility of the City Manager to process and analyze claims, with the expectation that most claims will go to the City Commission for final resolution on whether to deny the claim, compensate the property owner or waive a land use

regulation. The final section provides that a neighboring property owner may institute a claim for lost property value as a result of a waiver of a land use regulations.

The Commission should be aware that, because of the ambiguity of Measure 37, several of the provisions in this ordinance have the potential to cause future legal issues. Some particular issues are identified below:

Section 2.60.060(4) states as follows:

"If the City Commission chooses to waive or modify a land use regulation, the waiver or removal shall be personal to the claimant(s) and shall automatically become invalid and void upon the transfer of any ownership interest in the subject property by the claimant to anyone."

The text of Measure 37 is unclear with respect to the extent of the waiver that is required by the measure. This provision takes the position that the waiver is personal only to the owner of the property at the time the claim is made. However, there are alternative interpretations of the provisions of Measure 37. This issue will likely be a focus of legislation, litigation or both. If the Commission wants to adopt an implementing ordinance that poses less risk of prompting a lawsuit against the city, the Commission could delete this subsection.

Section 2.60.070 allows the City to recover a processing fee from a claimant equal to the full cost of processing a claim. The fee would be payable regardless of whether the claim was successful or not. If a claimant refused to participate in the claims process, this provision would likely result in higher costs, because the burden would be on City staff to research the property and applicable ordinances at time of acquisition. Measure 37 is unclear with respect to whether a city can require a property owner with a valid Measure 37 claim to pay a processing fee. If the Commission wishes to pursue a more conservative course, it could limit the requirement to payment of a fee to claims that the city determines are not valid, or delete this subsection.

Finally, section 2.60.080 authorizes suits by neighbors against property owners who receive a waiver of land use regulations. Cities have the authority to authorize such suits, but such a provision will likely provoke a response from the proponents of Measure 37. This aspect of the claims processing ordinance may also be the subject of legislation, litigation or both.

Because Measure 37 will become effective December 2, 2004, 14 days from the date of the City Commission meeting, we recommend that the ordinance be adopted as an emergency ordinance.

PDX\_DOCS:342376.1 [34758-00100]  
11/10/04 9:58 AM

**ORDINANCE NO. 04-1017**

**AN ORDINANCE ADOPTING A NEW CHAPTER OF THE OREGON CITY MUNICIPAL CODE PROVIDING A PROCESS FOR PROCESSING REAL PROPERTY COMPENSATION CLAIMS UNDER BALLOT MEASURE 37, ADOPTED NOVEMBER 2, 2004, AND DECLARING AN EMERGENCY**

**WHEREAS,** On November 2, 2004, the voters of the State of Oregon approved Ballot Measure 37, which amended Oregon Revised Statutes Chapter 197 to require payment of compensation or waiver of regulations when certain land use regulations are enacted or enforced against property; and

**WHEREAS,** The constitutional amendments adopted by Ballot Measure 37 are effective December 2, 2004; and

**WHEREAS,** Ballot Measure 37 does not set forth a specific process for reviewing claims for compensation, but specifically allows for such a process; and

**WHEREAS,** It is in the best interests of the City to establish such a process in order to assess and process claims in a timely manner; and

**WHEREAS,** In accordance with the City of Oregon City Charter, Section VIII, it is necessary that this ordinance be considered for immediate adoption. The City Commission is not scheduled to meet again until December 1, 2004. Measure 37 is effective December 2, 2004. An ordinance that adopts a process for Measure 37 claims is needed immediately. Copies of this ordinance have been distributed to the Mayor and members of the City Commission and have been made available for public inspection at least one week before its adoption;

Now, therefore,

**OREGON CITY ORDAINS AS FOLLOWS:**

**Section 1.** Title 2 of the Oregon City Municipal Code is amended to add a new chapter 60, Real Property Compensation, to read as follows:

**Chapter 2.60**

**REAL PROPERTY COMPENSATION**

**Sections:**

<b>2.60.010</b>	<b>Purpose</b>
<b>2.60.020</b>	<b>Definitions</b>
<b>2.60.030</b>	<b>Procedures</b>
<b>2.60.040</b>	<b>City Manager Investigation And Recommendation</b>
<b>2.60.050</b>	<b>City Commission Public Hearing</b>
<b>2.60.060</b>	<b>City Commission Action On Claim</b>
<b>2.60.070</b>	<b>Processing Fee</b>

## **2.60.080 Private Cause Of Action**

**2.60.010 - PURPOSE.** This Real Property Compensation Ordinance is intended to implement the provisions added to Chapter 197 of Oregon Revised Statutes by Ballot Measure 37 (November 2, 2004). These provisions establish a prompt, open, thorough and consistent process that enables property owners an adequate and fair opportunity to present their claims to the city; preserves and protects limited public funds; and establishes a record of the city's decision capable of judicial review.

**2.60.020 – DEFINITIONS.** As used in this Ordinance, the following words and phrases mean:

- A. City Manager.** The City Manager of Oregon City or his or her designee.
- B. Claim.** A claim filed under Ballot Measure 37.
- C. Exempt Land Use Regulation.** A land use regulation that:
  - (1) Restricts or prohibits activities commonly and historically recognized as public nuisances under common law;
  - (2) Restricts or prohibits activities for the protection of public health and safety, such as fire and building codes, health and sanitation regulations, solid or hazardous waste regulations, and pollution control regulations;
  - (3) Is required in order to comply with federal law;
  - (4) Restricts or prohibits the use of property for the purpose of selling pornography or performing nude dancing; or
  - (5) Was enacted prior to the date of acquisition of the property by the owner or a family member of the owner who owned the subject property prior to acquisition or inheritance by the owner, whichever occurred first.
- D. Family Member.** Includes the wife, husband, son, daughter, mother, father, brother, brother-in-law, sister, sister-in-law, son-in-law, daughter-in-law, mother-in-law, father-in-law, aunt, uncle, niece, nephew, stepparent, stepchild, grandparent, or grandchild of the owner of the property, an estate of any of the foregoing family members, or a legal entity owned by any one or combination of these family members or the owner of the property.
- E. Land Use Regulation.** Includes:
  - (1) Any statute regulating the use of land or any interest therein;
  - (2) Administrative rules and goals of the Land Conservation and Development Commission;
  - (3) Local government comprehensive plans, zoning ordinances, land division ordinances, and transportation ordinances;
  - (4) Metropolitan service district regional framework plans, functional plans, planning goals and objectives; and
  - (5) Statutes and administrative rules regulating farming and forest practices.
- F. Owner.** The present owner of the property, or any interest therein.
- G. Valid Claim.** A claim submitted by the owner of real property that is subject to a land use regulation adopted or enforced by the city that restricts the use of the private real property in a manner that reduces the fair market value of the real property.

## **2.60.030 - PROCEDURES.**

**A.** A person seeking to file a claim under this ordinance must be the present owner of the property that is the subject of the claim at the time the claim is submitted. The claim shall be filed with the city manager's office, or another city office if so designated by the city manager.

**B.** A claim shall include:

(1) The name(s), address(es) and telephone number(s) of all owners, and anyone with any interest in the property, including lien holders, trustees, renters, lessees, and a description of the ownership interest of each;

(2) The address, tax lot, and legal description of the real property that is the subject of the claim, together with a title report issued no more than 30 days prior to the submission of the claim that reflects the ownership interest in the property, or other documentation reflecting sole ownership of the property by the claimant, and the date the property was acquired;

(3) A list of the property owners within 300 feet of the property that is the subject of the claim according to the County Assessor's current assessment rolls;

(3) A copy of or citation to the current land use regulation(s) that allegedly restricts the use of the real property and allegedly causes a reduction in the fair market value of the subject property;

(4) An explanation of how the current land use regulation at issue restricts the use of the identified property and causes a reduction in the fair market value of the property;

(5) The amount of the claim, based on the alleged reduction in value of the real property supported by an appraisal by an appraiser licensed by the Appraiser Certification and Licensure Board of the State of Oregon; and

(e) Copies of any leases, Covenants, Conditions and Restrictions ("CCR's), or any other limitations known to the claimant, whether recorded or not, that are applicable to the real property, if any, that impose restrictions on the use of the property.

(3) Notwithstanding a claimant's failure to provide all of the information required by subsection (2) of this section, the city may review and act on a claim.

#### **2.60.040 – CITY MANAGER INVESTIGATION AND RECOMMENDATION.**

(1) Following an investigation of a claim, the city manager shall forward a recommendation to the city commission that the claim be:

(a) Denied;

(b) Investigated further;

(c) Declared valid, and waive or modify the land use regulation, or compensate the claimant upon completion of an appraisal; or

(d) Evaluated with the expectation of the city acquiring the property by condemnation.

(2) If the city manager's recommendation is that a claim be denied, and no elected official informs the city manager within 14 days that the official disagrees, then the city manager may deny the claim. If an elected official objects, then the city manager shall wait an additional seven days to see whether two more elected officials object to the proposed denial. If they do, then the city manager shall schedule a work session with the city commission. If not, the city manager may deny the claim.

**2.60.050-- CITY COMMISSION PUBLIC HEARING.** If the City Manager does not deny the claim as authorized by OCMC 2.60.040 above, the City Commission shall

conduct a public hearing before taking final action on a recommendation from the city manager. Notice of the public hearing shall be provided to the claimant, to owners and occupants of property within 300 feet of the perimeter of the subject property, and neighborhood groups or community organizations officially recognized by the City Commission whose boundaries include the subject property. However, the failure to provide the notice required by this section shall not affect or invalidate any subsequent proceedings or any waiver or modification of a land use regulation.

#### **2.60.060 - CITY COMMISSION ACTION ON CLAIM.**

(1) Upon conclusion of the public hearing, and prior to the expiration of 180 days from the date the claim was filed, the City Commission shall:

- (a) Determine that the claim does not meet the requirements of Measure 37 and this Ordinance, and deny the claim; or
- (b) Adopt a Resolution with findings therein that supports a determination that the claim is valid and either

- (i) Direct that the claimant be compensated in an amount set forth in the Resolution for the reduction in value of the property, or

- (ii) Waive, modify or direct that the challenged land use regulation not be applied to the property.

(2) The City Commission's decision to waive or modify a land use regulation or to compensate the owner shall be based on whether the public interest would be better served by compensating the owner or by removing or modifying the challenged land use regulation with respect to the subject property.

(3) If the City Commission removes or modifies the challenged land use regulation, it may, at its discretion, put back into effect with respect to the subject property, all of the land use regulations in effect at the time the claimant acquired the property.

(4) If the City Commission chooses to waive or modify a land use regulation, the waiver or removal shall be personal to the claimant(s) and shall be the minimum waiver or modification that is necessary to avoid the need to pay compensation pursuant to the terms of state law.

(5) The waiver or modification automatically becomes invalid and void upon the transfer of any ownership interest in the subject property by the claimant to anyone.

#### **2.60.070 - PROCESSING FEE.**

(1) The city manager shall maintain a record of the city's costs in processing a claim, including the costs of obtaining information required by section 3 of this ordinance that is not provided to the city by the claimant. Following final action by the city on the claim at the local level, the city manager shall send to the property owner a bill for the actual costs, including staff costs, appraisal fees and legal costs, that the city incurred in reviewing and acting on the claim.

(2) If the property owner does not pay the amount due within 30 days, then the city shall pursue collection, including filing a lien on the property.

**2.60.080 - PRIVATE CAUSE OF ACTION.** If the city commission's approval of a claim by removing or modifying a land use regulation causes a reduction in value of other property located in the vicinity of the claimant, the neighbor(s) shall have a cause of



action in state circuit court to recover from the claimant the amount of the reduction, and shall also be entitled to attorney's fees.

Read for the first and second time at a regular meeting of the City Commission held on November 17, 2004, and the foregoing ordinance was enacted as an emergency by the City Commission this 17<sup>th</sup> day of November 2004.

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ALICE NORRIS, Mayor

ATTESTED to this 17<sup>th</sup> day of November 2004

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LEILANI BRONSON-CRELLY, City Recorder

ORDINANCE NO. 04-1017  
Effective Date: November 17, 2004

# NOTICE

**NOTICE IS HEREBY GIVEN** that both first and second readings of an **ORDINANCE No. 04-1017**, of the City of Oregon City, Clackamas County, Oregon, shall be read at the November 17<sup>th</sup> meeting, of which three copies are available for inspection at the Office of the City Recorder, 320 Warner-Milne Road, Oregon City, Oregon.

Said Ordinance will be considered by the City Commission at its meeting on November 17, 2004, at 7:00 o'clock p.m.

The title of said Ordinance is as follows:

**AN ORDINANCE ADOPTING A NEW CHAPTER OF THE OREGON CITY MUNICIPAL CODE PROVIDING A PROCESS FOR PROCESSING REAL PROPERTY COMPENSATION CLAIMS UNDER BALLOT MEASURE 37, ADOPTED NOVEMBER 2, 2004, AND DECLARING AN EMERGENCY**

All interested persons are invited to attend and provide input.

**POSTED** this 10th day of November 2004, by direction of the City Recorder.

Places of posting are as follows:

1. City Hall, 320 Warner-Milne Road, Oregon City, Oregon.
2. Municipal Elevator, 300 Seventh Street, Oregon City, Oregon.
3. Pioneer Community Center, 615 Fifth Street, Oregon City, Oregon.
4. Oregon City Library, 362 Warner-Milne Road, Oregon City.

For special assistance due to disability, please call City Hall at 503-657-0891, 48-hours prior to meeting date.

**LEILANI BRONSON-CRELLY**  
City Recorder

**PLEASE DO NOT REMOVE PRIOR TO November 18, 2004**