

November 27, 2017

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**VIA EMAIL**

Ms. Denyse McGriff, Chair  
City of Oregon City Planning Commission  
221 Molalla Ave, Suite 200  
Oregon City, OR 97045

**Re: City of Oregon File No. AN 17-01, TP 17-07 and ZC 17-03 (the “Applications”)**

Dear Chair McGriff and Members of the Oregon City Planning Commission:

This office represents PDX Development, Inc., the Applicant. This letter identifies certain issues that may arise in the public hearing and the Applicant’s response to those issues.

**1. School capacity is not an issue unless the school district raises the issue.**

ORS 195.110(13)(a)-(c) prohibits school capacity as a basis for denial of a residential development application unless the issue is raised by the school district (**Exhibit 1**). The school district has not raised school capacity as an issue in the Applications.

**2. The Applications satisfy Oregon City Municipal Code (“OCMC”) 17.68.020.A-D.**

OCMC 17.68.020.A-D contain the approval criteria for a zoning map amendment. The Applications requests approval of a change from the FU-10 zone to the R-6 zone. The Applications contains substantial evidence demonstrating that each approval criterion is satisfied.

The Planning Commission can find that the criteria for the zoning map amendment are satisfied.

**3. The street capacity is adequate based on the Applicant’s Transportation Impact Study and the City’s Traffic Engineer’s analysis.**

OCMC 16.08.025.B. requires that the applicant demonstrate that affected street intersections will have adequate capacity in order for the zoning map amendment to be approved. The Applicant submitted a Traffic Impact Study (the “TIS”) by Mr. Todd Mobley dated August 3, 2017. The TIS concluded that all affected intersections will have adequate capacity following the zoning map amendment. The City’s Traffic Engineer, Mr. John Replinger, has reviewed the TIS and agreed with the Applicant’s TIS, concluding that affected street intersections will have adequate capacity.

4. **OCMC 16.12.050, “Calculations of Lot Area”, is a clear and objective standard that allows up to 20% of the lots to be less than the minimum lot size if the average lot size meets the zone’s minimum lot size.**

OCMC 16.12.050 provides for lot size reductions subject to clear and objective standards. The Applications proposes 28 lots. Some of the lots are less than the minimum lot size in the R-6 zone. However, the average lot size of 6487 square feet meets the requirement of this standard.

The Planning Commission can find that OCMC 16.12.050 is a clear and objective standard applicable to all subdivisions. Because the Applications satisfy the requirements of OCMC 16.12.050, the Applications’ proposed lot averaging meets this approval criterion.

5. **The Applications satisfy Oregon City Comprehensive Plan (the “Plan”) Goal 2.4, “Neighborhood Livability”.**

Plan Goal 2.4, “Neighborhood Livability”, provides as follows”:

**“Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City, while implementing the goals and policies of the other sections of the Comprehensive Plan.”**

The other relevant Plan Policies are as follows:

- Plan Policy 2.4.3 provides: **“Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.”** The proposed subdivision provides connectivity with adjacent neighborhoods.
- Plan Goal 10.1, “Diverse Housing Opportunities” provides: **“Provide for the planning, development and preservation of a variety of housing types and lot sizes.”** The proposed subdivision provides a variety of lot sizes.
- Plan Policy 10.1.3 provides: **“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.”** Plan Policy 10.1.3 is not applicable to quasi-judicial applications because it is a direction for the establishment of zoning districts. Alternatively, if it does apply, the Planning Commission can find that it is satisfied because the Applications implements the Plan Designation.

- Plan Policy 10.4 provides: **“Aim to reduce isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.”** The Applications support the affordability of housing and diversity of income groups by providing a variety of lot sizes.
6. **The Planning Commission can find that Plan Goal 11.1 is not applicable or, if it is, that it is satisfied.**

Plan Goal 11.1 provides:

**“Serve the health, safety, education, welfare and recreational needs of all Oregon City residents through the planning and provision of adequate public facilities.”**

The Planning Commission can find that this Plan Goal does not apply to a development application. Instead, it is a more general Plan Goal for the City to follow in adoption of implementing regulations. ORS 197.175(2)(b) provides that cities with acknowledged comprehensive plans apply those Plans to land use decisions. Nevertheless, not every Plan Goal and Policy is an approval criterion for a land use decision.

Alternatively, if Plan Goal 11.1 is applicable to the Applications, the Planning Commission can find that substantial evidence in the whole record shows that adequate public facilities are provided for in the subdivision.

7. **Conclusion.**

The Applications contain substantial evidence demonstrating that each approval criterion is satisfied. For this reason, the Applicant respectfully requests that the Planning Commission follow the Planning Department’s recommendation and recommend to the Oregon City Commission that it approve the Applications.

Ms. Denyse McGriff, Chair  
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Very truly yours,

A handwritten signature in black ink, appearing to read "Michael C. Robinson". The signature is fluid and cursive, with the first name "Michael" being more prominent than the last name "Robinson".

Michael C. Robinson

MCR:rsr  
Enclosure

cc: Ms. Laura Terway (via email) (w/encl.)  
Ms. Christina Robertson-Gardiner (via email) (w/encl.)  
Mr. Bruce Ament (via email) (w/encl.)  
Mr. Monty Hurley (via email) (w/encl.)  
Mr. Chris Goodell (via email) (w/encl.)

13) A city or county may deny an application for residential development based on a lack of school capacity if:

- (a) The issue is raised by the school district;
- (b) The lack of school capacity is based on a school facility plan formally adopted under this section; and
- (c) The city or county has considered options to address school capacity.