



Home Builders Association
of Metropolitan Portland

February 26, 2018

Denyse McGriff, Chair
Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

Subject: Lot Size Averaging

Dear Chair McGriff and Commissioners:

The HBA of Metropolitan Portland appreciates the opportunity to comment on the proposed modification to the city's community development code, specifically the portion dealing with lot size averaging.

We would like to express our support for keeping the lot size averaging code language as is, without any of the proposed modifications included in the staff report. The Lot size averaging provision of the Oregon City community development code is an extremely useful tool to maximize the efficiency of developable land within a given development.

Our region is experiencing a housing crisis because there is a severe shortage of homes of all types and price points. It would seem counter intuitive to our association to alter the city code in a way that will cost buildable lots that are perfectly serviceable by existing infrastructure, within a city's urban growth boundary, and help that city meet their density standards.

The HBA cannot support code changes that take housing options off of the table.

We appreciate your consideration of the above noted items.

Respectfully,

James Adkins
Home Builders Association of Metropolitan Portland

From: [Laura Terway](#)
To: [Debbie Derusha](#)
Cc: [Kelly Reid](#)
Subject: Re: Comments for 2/26 Planning Commission
Date: Sunday, February 25, 2018 4:22:31 PM

Thank you, we will enter it into the record.

-Laura Terway

On Feb 25, 2018, at 4:12 PM, Debbie Derusha <dcderusha1@comcast.net> wrote:

Hi Laura,

My name is Debbie DeRusha. My husband and I have been residents of Oregon City since 1993. Being self employed, we have been working hard at building our retirement nest egg with real estate in Oregon City. We are the owners of three residential homes, two very popular adult care homes, and two developable small acreage lots, all adjacent to our primary residence. We are good stewards of the property we own as is evidenced by our neighbor's continuing compliments. Oregon City is our home and we are proud of it.

When we purchased our first home all the surrounding land was farm land and fields. We are now surrounded by hundreds of single family homes, seeing Oregon City explode with new residents. Our extended neighborhood are young families who have come to Oregon City for the great schools and more rural, affordable living. Now we see parents of those same families moving into town to be near grandkids.

Under the current code, we could add four new homes on the small acreage that we bought specifically for that purpose. Since there is an existing house, lot averaging rules are applied to gain those four houses. Any reduction to that code will negatively impact our ability to bring that plan to fruition.

In preparation for providing our feedback on the lot averaging proposal, we watched the related videos of commission meetings. Two things were apparent: 1) citizen complaints have been the basis of the push for a change, and, 2) the specificity of the complaint is unclear (is it lot size being too small, is it one specific development with a power line easement, ...). We consulted with Laura Terway to get clarification. She referred us to the newly inserted language in the Proposed Draft Code Changes in tonight's agenda documents. The six options proposed further support the need for clarity in the intended outcome. In the videos, Commission Chair McGriff expressed repeatedly that the City Commission tasked them with fixing a problem. What exactly is that problem?

Until a specific proposal is named it is difficult to assess our position. So, for now, we offer these comments:

The request to change the lot averaging code seems to be related to, at least in part, one large development and how it has impacted its neighbors. Too many

times we see rules changed for all because of the actions of a few, thereby creating unintended consequences. If a code change is necessary, we would request that smaller, infill developments, like ours, be part of the consideration. There are many small acreage sites in Oregon City whose owners don't know this code change will affect them. Their future potential may be in jeopardy.

Because the smaller developments need to conform with all other development codes and their related costs, losing just one lot could mean the demise of the entire project. This is the case for us.

Without a development potential that makes financial sense, the only allure that small acreage holds for an owner is a big single family home, or a flag lot. The city then loses the density it needs, tax revenue, and additional affordable housing.

I know I'm preaching to the choir but it's worth saying it: the more we limit the ability to build housing the less affordable it is. Whether limiting larger developments by five lots or denying the small acreage home builder any opportunity, housing units lost will inflate the costs of those that exist.

We have lived through so much development that perhaps we are less emotionally impacted by its pervasiveness. We knew it was inevitable. It happened on the west side of Portland, and once it was discovered that Oregon City really wasn't all that far away, we were next. We are pleased that Oregon City is an attractive place to live. Clearly, many people want to live here. The Commission Chair Person is right when she says we are a unique and proud community. We should welcome those who want to be part of our great City, new families, extended families and job seekers alike.

Once the ambiguity is removed, I'm sure our city officials will find a solution. We would like to suggest that the solution not inhibit smaller developments from being a viable component of our city's resources for affordable housing, added tax revenue and needed infill.

We would like to request a continuance of this process to allow time to analyze options and explore consequences. We would also like to request that the current code remain the same for developments with 10 or fewer lots. Depending on the Commission's recommendation we feel it would be prudent to solicit further comments from a more targeted audience of citizens.

Respectfully submitted,
Debbie & Craig DeRusha

Laura Terway

From: Nathan McCarty <McCartyN@aks-eng.com>
Sent: Friday, January 05, 2018 8:23 AM
To: Laura Terway
Cc: Chris Goodell; Monty Hurley
Subject: Lot Reductions Proposed Code Revisions
Attachments: 5837 20170807 Lindsay Anne Estates Too - Preliminary Land Use Subdivision Plan.pdf;
5837 20180102 Prelim Plat with New Code.pdf

Laura,

To summarize what was discussed at the stakeholder's meeting yesterday morning, if the draft code language was adopted by the City and effective and we didn't already have the Lindsay Anne Estates Too application in/approved, it would have reduced the density by 5 lots. See attached. It wouldn't meet the City's minimum density requirement unless the PGE easement was taken out of the site's net developable area for the calculation.

We also discussed looking at other potential layouts of Lindsay Anne Estates Too. After looking into it, changing the "Up to 25% of the lots in a subdivision..." to 50% or all (100%) would not have affected this layout as only two of the lots were less than 6,000 S.F.

If the 125' wide PGE easement was taken out of the site's net developable area for the calculation (and considered unbuildable), lots 3 and 28 would be negatively affected.

It is the change of the code from twenty percent less than the required minimum lot area to ten percent less that would have reduced the number of lots on this project by 5 lots.

If you have further questions, or want to discuss other effects of the code changes to this project, please contact Chris Goodell in our office (copied on this email).

Regards,
Nathan McCarty - EI



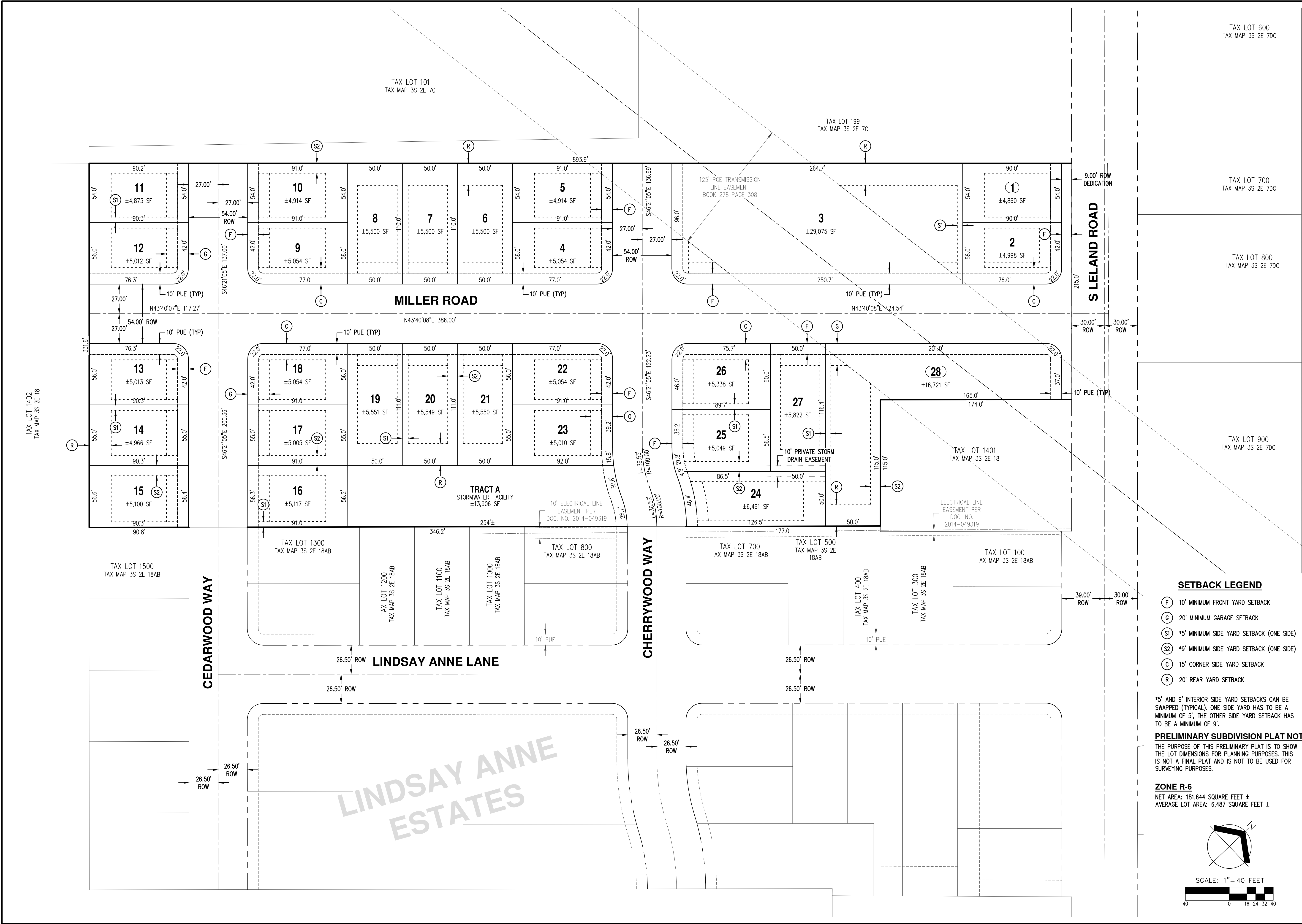
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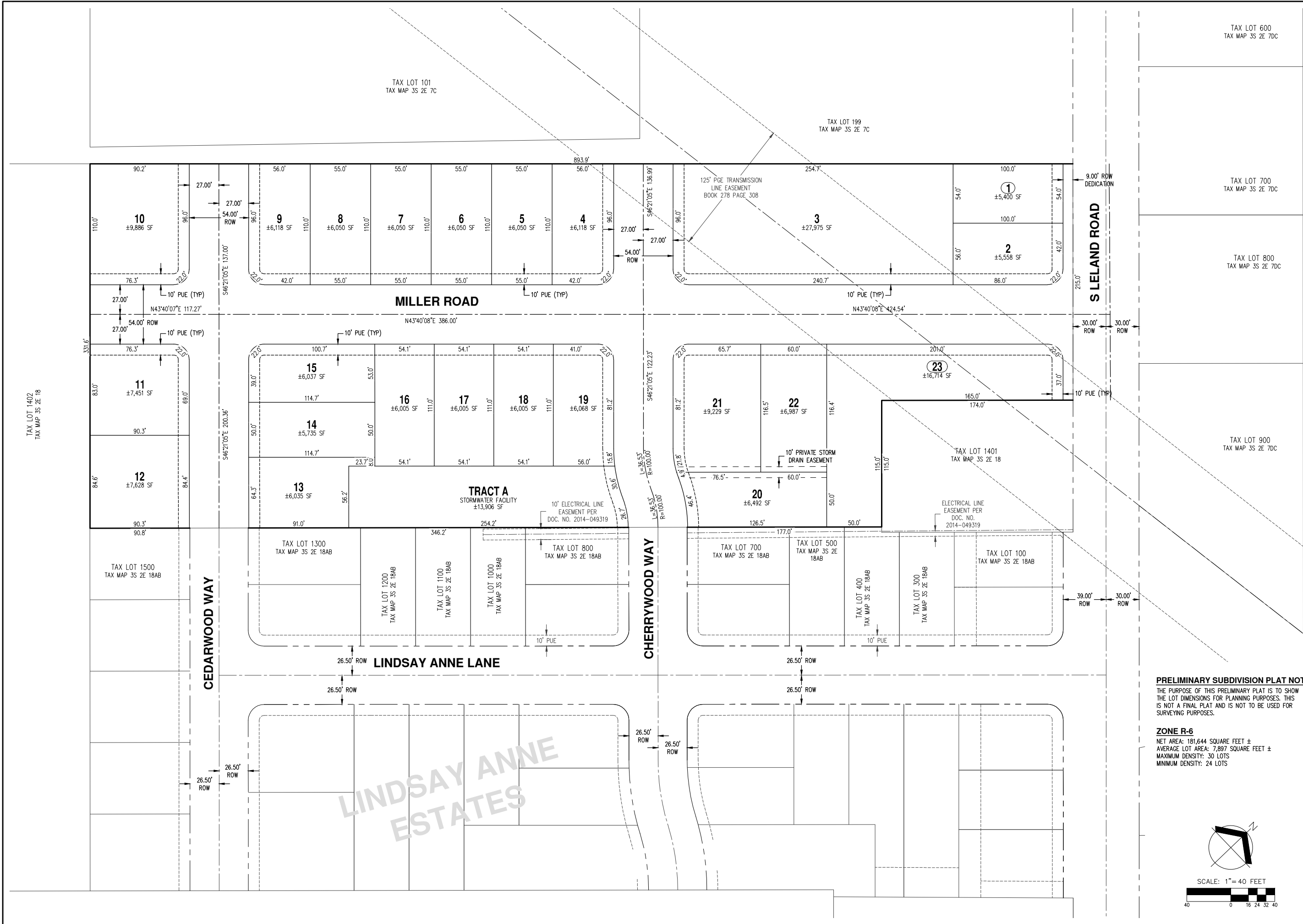
LINDSAY ANNE
ESTATES TOO
OREGON CITY
OREGON
CLACKAMAS COUNTY TAX MAP 3-2E-18
TAX LOT 1400

PRELIMINARY SUBDIVISION
PLAT WITH BUILDING
SETBACKS

DESIGNED BY: VHN
DRAWN BY: NMC
CHECKED BY: MBH
SCALE: AS NOTED
DATE: 08/07/2017

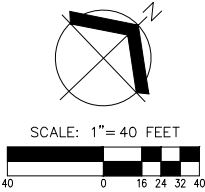
RECEIVED FOR
RECORD
NOT FOR
CONSTRUCTION
COUNTY CLERK
CLERK
RENEWAL DATE: 6/30/19
REVISIONS

JOB NUMBER
5837
SHEET
P1-03



PRELIMINARY SUBDIVISION PLAT NOTE:
THE PURPOSE OF THIS PRELIMINARY PLAT IS TO SHOW THE LOT DIMENSIONS FOR PLANNING PURPOSES. THIS IS NOT A FINAL PLAT AND IS NOT TO BE USED FOR SURVEYING PURPOSES.

ZONE R-6
NET AREA: 181,644 SQUARE FEET ±
AVERAGE LOT AREA: 7,897 SQUARE FEET ±
MAXIMUM DENSITY: 30 LOTS
MINIMUM DENSITY: 24 LOTS



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LINDSAY ANNE
ESTATES TOO
OREGON CITY
OREGON
CLACKAMAS COUNTY TAX MAP 3-2E-18
TAX LOT 1400

PRELIMINARY SUBDIVISION
PLAT (PER PROPOSED
CODE CHANGES)

DESIGNED BY:	VHN
DRAWN BY:	NMC
CHECKED BY:	MBH
SCALE:	AS NOTED
DATE:	01/02/2018
PROFESSIONAL SEAL NOT FOR CONSTRUCTION COMPTONERY B. HURLEY RENEWAL DATE: 6/30/19	
REVISIONS	
JOB NUMBER 5837	
SHEET 1	

From: [Mike Mitchell](#)
To: [Kelly Reid](#)
Subject: Re: code revisions - typos, etc
Date: Friday, January 19, 2018 8:36:08 AM
Attachments: [OCMC Code Revisions redline version typos. etc. V2.docx](#)

Kelly,
Thanks for walking me through this. Here is the corrected version for the record.

Have a great weekend!
Mike

On Thu, Jan 18, 2018 at 5:23 PM, Kelly Reid <kreid@orcity.org> wrote:

Mike,

Good catches - thanks for combing through it all!

It's probably best if you send me a corrected version yourself. I will at it to the official record for this item. And yes, you can absolutely comment in person as well. Monday is a work session and the Planning Commission typically does allow for public comment at work sessions, although it is not part of the legal process.

Thanks,

Kelly Reid, AICP, Planner

Oregon City Planning Division

[221 Molalla Ave, Ste. 200](#)

[Oregon City, OR 97045](#)

[\(503\) 496-1540](#)

kreid@orcity.org

City Website: www.orcity.org/planning

Mapping Tools: <https://maps.orcity.org>

From: Mike Mitchell [mailto:mike.k.mitchell@gmail.com]

Sent: Thursday, January 18, 2018 4:25 PM

To: Kelly Reid <kreid@orccity.org>

Subject: RE: code revisions - typos, etc

Can you correct my typo, or should I send you a correct version? I would like this to be submitted as public comment, as long as as I can also comment in person at Monday's meeting.

Mike

On Jan 18, 2018 3:28 PM, "Kelly Reid" <kreid@orccity.org> wrote:

Thanks Mike. Would you like this to be added to the record as a public comment?

Kelly Reid, AICP, Planner

Oregon City Planning Division

[221 Molalla Ave, Ste. 200](#)

[Oregon City, OR 97045](#)

[\(503\) 496-1540](#)

kreid@orccity.org

City Website: www.orccity.org/planning

Mapping Tools: <https://maps.orccity.org>

From: Mike Mitchell [mailto:mike.k.mitchell@gmail.com]

Sent: Thursday, January 18, 2018 3:03 PM

To: Kelly Reid <kreid@orccity.org>

Subject: code revisions - typos, etc

Kelly,

Rather than spend time at the Planning Commission meeting on little stuff, please take a look at these typos, etc that I found and think should be corrected.

I plan to attend the meeting Monday night to bring up some other items that I think need to be re-visited.

Thanks,

Mike Mitchell

OCMC Code Revisions red-lined version - typos, etc.

#1: 17.04.420: the first sentence revises "thirteen" to "sixteen". The second sentence still says "thirteen".

#2: 17.58.40 section C.2.a: Second sentence as redlined reads: "The standards of subparagraph C.2.b. below shall be met when the value of , as determined by the community development director....". That sentence doesn't seem to make sense... value of what?

#3: 17.62.050 section A.21.a.iv: should be "batten", not "baton".

#4: 17.62.050 section A.21.c.3.: should be "troweled", not "toweled".

#5: Table 1-17.62.65: The abutting property/maximum number should be ".5", not ".05".

#6: 17.62.065 section D.4 Pedestrian Accessways: the words "a high pressure sodium bulb with" should be removed (since the intent is to make this section technology agnostic).

Submitted by Mike Mitchell

1/18/2018

From: [Paul Edgar](#)
To: [Laura Terway](#)
Cc: [Christina Robertson-Gardiner](#); [Kelly Reid](#)
Subject: OCMC 17.49.(O)80 Draft Code Amendments
Date: Wednesday, January 24, 2018 3:36:04 PM

I am looking at the Planning Commission Work Session Document with Draft Code Amendments. dated 1/22/2018

file:///C:/Users/Paul/AppData/Local/Packages/Microsoft.MicrosoftEdge_8wekyb3d8bbwe/TempState/Downloads/Draft%20Code%20Amendments.pdf

In **RED**, it lists new changes to be brought before the Planning Commission.

The following uses are allowed within the NROD and do not require the issuance of an NROD permit:

OCMC 17.49.(O)80, You are asking for what is currently in City Code to be changed to this.

D: Fences in which posts disturb no more than one hundred square feet of ground surface outside of the top of bank of water bodies.

What is currently in OCMC code for Fence Post, within NROD, currently in OCMC Code, that requires this change?

Fence Posts that are "**pressure treated, with toxic chemicals**", in NROD Overlay and within 50 feet of a creek or body of water, what are all of the current OCMC codes that regulate this environment?

When you are also in the Canemah National Register Historic District Overlay, what additional OCMC Codes, need to be considered?

When a Fence is built or planned to be built or re-built into the Platted ROW, what is required to allow that to happen, what are the OCMC Codes and requirements that applies to this?

I am also looking at a letter dated September 27, 2017 From: Christina Robertson-Gardiner, To: Laura Terway, RE: 302 3rd Avenue - Ervin Carothors House, CODE REVIEW

Page 2.

OCMC 17.49.(O)70 Prohibited uses, C. Utility service using a single utility pole or where no more than one hundred square feet of ground surface is disturbed outside of the top-of-bank of water bodies and where the disturbed area is restored to pre-construction conditions.

From reading this it appears, that this OCMC 17.49.(O)70 did not apply and that is the reason for this Code Amendment being requested in these **Draft Code Amendments: OCMC 17.49.(O)80.D ??**

Additionally on page 4. we need greater clarity where you spell out HRB Policy #6 (First Adopted 9/88; Revised 6/91) - Policy on Construction of Fences and Walls and the paragraph "Fence or Wall Height".

Front yard fences or walls and corner side yard fences or walls should be no more than 42 inches in height and shall not create a traffic site obstruction (as defined in Chapter 10.32 of the Oregon City Municipal Code). Along rear yards and interior side yards (beyond the front yard setback, fences or walls may be up to six (6) feet in height.

Please help provide a better clarity - understanding of what the Legal Interpretation is of a "corner side yard"?

The house at 302 3rd Avenue, has a corner side on Ganong Street and there appears to be a fence that is built to a height of approximately six (6) feet in height and it also appears to be approximately eight (8) to ten (10) feet into the Ganong Street ROW. And in addition it blinds the view of motor vehicles and pedestrians that are driving or walking on the 3rd & 4th Avenues and Ganong Streets. The obstructed view is very dangerous as this route is the primary access road for maybe 50 residents, that can generate over 500 incidents of travel daily. It has also been identified as a primary designated route for the proposed McLoughlin to Canemah Trail and a walking route used by many within the Canemah neighborhood. In the winter time this area of Ganong Street is especially dangerous (I have had a car accident here), with more darkness, wet and slippery streets, it grade of incline/decline and the speed of motor vehicles allowed to drive at 25 MPH. Important to this speed that motor vehicles are allowed at 25 MPH is the feet per second that they can be traveling and what that represents in adding to the danger contingencies, with this street obstruction of view.

Paul Edgar, Friends of Canemah

From: Paul Edgar
To: Laura Terway
Subject: Re: OCMC 17.49.[0]80 Draft Code Amendments
Date: Wednesday, January 24, 2018 4:24:08 PM

Laura, we need some answers and clarity to these questions that are in this email, not just including them in the record. Where we have ? question marks, it was our hope that everyone can get clarity.

The lack of clarity, creates problems and contention, but worse is the division in the Canemah Historic District and other neighborhoods. The faster we get clarity, the City positions/answers questions, long term resolution can follow. Building and re-building a six (6') high fence out in to the Right-of-Way of Ganong Street, that makes it more dangerous to public safety, needs clarification. What is the Legal answer to what is a side on a corner lot? The questions on NROD need answers.

Please help, Paul

On 1/24/2018 3:48 PM, Laura Terway wrote:

Paul, Thank you for the comments, we will include them in the record.

Laura Terway, AICP, Community Development Director
City of Oregon City
503.496.1553

From: Paul Edgar [<mailto:pauloedgar@g.com>]
Sent: Wednesday, January 24, 2018 3:36 PM
To: Laura Terway
Cc: Christina Robertson-Gardiner; Kelly Reid
Subject: OCMC 17.49.[0]80 Draft Code Amendments

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Paul Edgar, Friends of Canemah

From: replinger-associates@comcast.net
To: [Kelly Reid](#)
Subject: Re: Land Use Application Transmittal L 17-04
Date: Tuesday, January 02, 2018 10:17:31 AM

Kelly:

I don't think there is any transportation impact from these changes.

Let me know if you think there's something I missed.

John

John Replinger, PE
Replinger & Associates LLC
6330 SE 36th Avenue
Portland, OR 97202
503-719-3383
replinger-associates@comcast.net

From: "Kelly Reid" <kreid@orccity.org>
Cc: "Laura Terway" <lterway@orccity.org>
Sent: Friday, December 22, 2017 5:02:24 PM
Subject: Land Use Application Transmittal L 17-04

Good Evening,

The following application for code amendments and changes to the City's Development code has been submitted. The application materials may be found here:

<https://www.orccity.org/planning/project/l-17-04-development-code-updates>

Any interested party may testify at the public hearing or submit written testimony at or prior to the hearing. **Written comments must be received at City Hall by January 11, 2018 to be included in the Planning Commission staff report.**

PLANNING COMMISSION HEARING DATE:

On **January 22, 2018** the **City of Oregon City - Planning Commission** will conduct a public hearing at 7:00 p.m. in the City Hall Commission Chambers at City Hall, 625 Center Street, Oregon City 97045 to consider the following Type IV application:

FILE NUMBER: LE-17-04
APPLICANT: City of Oregon City Planning Division
625 Center Street
Oregon City, OR 97045
REQUEST: Amendments to various Chapters of the Oregon City Municipal Code to update and correct development codes. Includes changes to regulations that govern property development and land use processes.
LOCATION: City-wide
CONTACT PERSON: Kelly Reid, AICP, Planner (503) 722-3789
NEIGHBORHOOD ASSN: City-wide
CRITERIA: Administration and Procedures set forth in Chapter 17.50 and Zoning Changes and Amendments in Chapter 17.68 of the Oregon City Municipal Code. An electronic version of the proposed amendments is available on the city's website www.orcity.org

Kelly Reid, AICP
Planner, City of Oregon City
(503) 496-1540
kreid@orcify.org

From: [Laura Terway](#)
To: [Kelly Reid](#)
Subject: Fwd: Ordinances 18-1004 and 18-1005
Date: Saturday, January 20, 2018 6:24:53 PM

-Laura Terway

Begin forwarded message:

From: Roseann Sheeon <rsheeon@yahoo.com>
Date: January 20, 2018 at 6:06:45 PM PST
To: literway@orcify.org
Subject: Ordinances 18-1004 and 18-1005

We are new to Oregon City. Over the last two years the growth with no consideration for the overcrowded schools and traffic patterns is unconscionable! My grandson has 33 students in his 5th grade classroom. As a retired teacher...that is an impossible number for the teacher and the children. Please DO NOT pass these two items until the infrastructure is addressed and fixed.

Carl and Roseann Sheeon
[20257 Quinalt Dr](#)
[503.722.3890](#)

Sent from my iPad