



**REPORT DATE:** September 3, 2018 (Revised Findings)

**FILE NO.:** Legislative File: LEG-18-00001  
Proposed Housing and Other Development and Zoning Code Amendments

**HEARING DATES:** Planning Commission  
Monday, September 10<sup>th</sup>, 2018, Continued from August 27, 2018  
7:00 p.m., City Hall - Commission Chambers  
625 Center Street, Oregon City, OR 97045

**APPLICANT:** City of Oregon City – Planning Division  
Laura Terway, AICP, Community Development Director  
698 Warner Parrott Rd, Oregon City, Oregon 97045

**CONSULTANTS:** 3J Consulting  
Steve Faust, Principal  
  
JET Planning  
Elizabeth Decker, Principal

**REVIEWER:** Pete Walter, AICP, Planner

**REQUEST:** Adopt Amendments to the Oregon City Municipal Code

**LOCATION:** City-wide.

**RECOMMENDATION:** Staff recommends approval of the proposed amendments to the Planning Commission and City Commission. See last page for full recommendation.

*17.50.170 - Legislative hearing process.*

*A. Purpose. 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 community development director 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. The community development director'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 community development director 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 community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

*(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 10-1003, § 1(Exh. 1), 7-7-2010)*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 657-0891.

**I. PROPOSAL**

The proposal includes amendments to the text of the Oregon City Municipal Code including:

- Amendments from an equitable housing project which identified opportunities to support and incentivize a diverse, quality, physically accessible, affordable housing choices with access to opportunities, services and amenities as well as the removal of barriers.
- General clarifications and efficiencies
- A variety of amendments identified by city staff

The City of Oregon City is interested in understanding the barriers and solutions to facilitating diverse, physically accessible, affordable housing choices within the city with access to opportunities, services

and amenities. The Equitable Housing Policy project, initiated in 2017, includes a thorough review of housing-related development standards, policies, fees, and procedures. The project goal is to make equitable housing more accessible by providing greater flexibility in zoning and development policies, informational materials for homeowners and developers to illustrate review processes, and mapping tools to guide housing development in amenity-rich neighborhoods. The outcome of the project will be a series of amendments to development standards and recommended process improvements that will result in clear paths toward additional housing units within Oregon City.

Attached to this narrative by reference are all of the supporting information provided on the process on the City website as well as all meeting agendas, summaries, technical documents, and work products.

## II. DECISION-MAKING CRITERIA:

The remainder of this report details compliance of the proposed code amendments with the applicable state, regional and local requirements.

### **Oregon City Comprehensive Plan**

Comprehensive Plan Maintenance and Implementation - Regular Review and Update.

#### **Considerations**

Section 2 – Land Use of the 2004 Oregon City Comprehensive Plan indicates that the regular review and updated of the Comprehensive Plan should consider the following:

- 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 by regional, state and federal governmental agencies.*

#### **Findings:**

#### **CODE CHANGES FOR EQUITABLE HOUSING**

The Equitable Housing project was initiated in response to the known regional problem of limited housing supply and skyrocketing housing prices affecting the Portland Metro Area and Oregon City. There is a mismatch between supply and demand of housing that is leading to limited availability and affordability challenges for many households.

Single-family detached homes, a traditional free-standing house with a yard and space for 3.2 children, dominate the supply but comes at a high cost that is increasingly out of reach, leading to homelessness in some cases. With smaller households more and more common, the city's needs don't match the homes available.

#### **Limited Housing Choices**

Looking at the latest census data, in Oregon City, 71% of residential units are single-family detached homes, dominating the housing market. All other housing types make up 29% of the housing options, combined, ranging from manufactured homes and floating homes to 20 unit apartment complexes.

### ***Alternative Housing Opportunities***

Within the remaining 29% of Oregon City's Housing stock, there are a surprising number of options. The most popular alternative is multifamily apartments, and these are even more diverse when broken down by size which is really varied. Townhouses are the next most common option, followed by manufactured homes in the existing parks within the city, then 3-4 unit multiplex buildings and duplexes. The least popular options currently are ADUs, where city records only show 23 have been constructed in the past 10 years, and no existing cottage housing units though several are under review currently.

### ***Housing Prices***

Housing prices are increasingly unaffordable, which is typically defined as spending more than 35% of household income on housing. Almost 24% of homeowners with a mortgage have unaffordable costs, and over 40% of renters cannot afford housing costs. Overall, one in four households are struggling to pay for housing.

### ***Homelessness***

At the extreme, housing unaffordability, partially linked to limited housing options and limited housing supply, is leading to increased numbers of people experiencing homelessness. 322 individuals experiencing homelessness in 2017 count, over half under 18. There is a 93% increase in students experiencing homelessness in the past decade. The City Commission has recognized this and made addressing homelessness a City priority.

Temporary housing for the homeless community is not listed as a permitted, conditional, or prohibited use in the Municipal Code and thus is not allowed. In response to the need to provide temporary housing for the homeless community during inclement weather, the City Commission passed several emergency resolutions over the past few years to suspend the zoning code in order to allow such facilities to operate on a temporary basis when the weather is cold. The locations of these facilities were within the Mixed Use Corridor, Mixed Use Downtown and "R-3.5" Dwelling Districts. For this reason, the proposed code amendments include, in addition to a new definition for "shelters", identifies year-round shelters a conditional use in residential zones for up to 10 beds, and a permitted use in the Mixed Use Corridor and Mixed Use Downtown zones.

### ***Household Sizes are Shrinking***

In addition to the high cost of housing, current housing choices are increasingly a poor fit for our households.

55% of households are 1-2 people, at various life stages. Since many households are trending this way there needs to be flexibility either in how we use our homes or flexibility to move to a different home

that best meets our needs. This share is expected to increase. Only 37% of homes have children, also a historical driver for single-family detached homes that is changing, as compared to 71% of housing stock of currently single-family homes, which might be too big or too expensive for these small households.

### ***Code Audit – Equitable Housing***

The first step in the Equitable Housing Project was an audit of current regulations, processes, and incentives to identify existing barriers and areas for improvement in current residential development regulations. Audit findings guided the development of regulatory amendments and policy changes in later phases of the project.

The audit process began with review of adopted plans, regulations, policies and internal procedures. Information sources incorporated into this public review draft include:

- Development code, land division standards, and engineering standards;
- Background documents including long-range planning documents;
- Development review procedures including available informational materials for developers;
- Development review fees including permit fees and System Development Charges (SDCs);
- Previous residential land use decisions and development history; and
- Best practices from policy experts and surrounding jurisdictions.

City staff also provided insight into how regulations and policies work “in the real world” as applied. The public review draft of the audit incorporated public input from stakeholder interviews with a variety of residential development professionals. The final audit findings incorporated additional public input from a survey of the development community, and PAT/TAT review comments at meetings in October 2017. The final audit findings were released in early November.

The audit acknowledges the wide universe of plans, policies, and regulations at federal, state and local levels that impact the availability and affordability of housing choices, with a particular focus on local development regulations that can be analyzed and revised as part of the Equitable Housing Policy project. Those development regulations are designed to implement adopted long-range and housing plans. Plan revisions are generally not recommended at this time based on audit findings; the long-range vision as articulated in adopted plans is in line with providing needed variety of housing units, and the focus for this project is facilitating development of that vision through development regulations. For further information, these plans are detailed and referenced in the Code Audit Report, dated October 17, 2017.

### ***ADDITIONAL CODE CHANGES***

The remaining code changes include general clarifications and efficiencies made to the development code. These are a large variety of amendments identified by city staff during previous development

review processes. A portion of the code amendments have been suggested by the development community as barriers to development, some from the stakeholder interviews associated with the Equitable Housing project, and other suggested changes from the public as well as the Planning Commission.

The changes proposed are summarized in tabular format in the attachment titled "Summary of Proposed Draft Amendments to the Oregon City Municipal Code". Specific tracked changes or red-lined versions of the city code chapters are also attached.

## CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

### **17.68.010 Initiation of the amendment.**

*A text amendment to this title or the comprehensive plan, or an amendment to the zoning map or the comprehensive plan map, may be initiated by:*

- A. A resolution by the commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division presented on forms and accompanied by information prescribed by the planning commission.*

*All requests for amendment or change in this title shall be referred to the planning commission.*

**Finding: Complies as Proposed.** This request is for text amendments to the Oregon City Municipal Code and was initiated by the Planning Division upon direction from the City Commission to facilitate more equitable housing choices.

### **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.*

**Finding: Complies as Proposed.** Consistency with the Oregon City Comprehensive Plan (OCCP) Goals and Policies follow starting on page 7.

- 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.*

**Finding: Complies as Proposed/Not Applicable.** The capacity of the respective public facilities and services to support the proposal is addressed below.

#### *Water and Sewer Capacity*

Please refer to the attached memorandum from Wallace Engineering. The memorandum provides an assessment of the water and sanitary sewer system implications of the code amendments proposed in support of the Equitable Housing project. The purpose of this memorandum is to determine the impact of increased density on the water supply and distribution system, and the sanitary sewer collection

system. Wastewater treatment is provided by the Tri-City Sewer District, which has provided separate comments.

The Wallace Engineering memorandum concludes that the 160 additional dwelling units anticipated beyond current planning projections as part of proposed code amendments will not have an adverse impact on the future (2035) peak sanitary flows projected as part of the 2014 Sanitary Sewer Master Plan (SSMP) and future (2030) water demand projected as part of the 2012 Water Distribution Master Plan (WMP). The code amendments encourage increased housing densities, and if overall future growth is at a faster rate than anticipated by the SSMP and WMP, then the capital projects identified in each respective plan may need to be completed sooner than anticipated and the prioritization of the projects may need to change. The recommended capital improvement programs in each respective plan will adequately accommodate future growth projections including the 160 additional dwelling units. Completion of capital projects will be in a planned and orderly manner through prioritization of the projects and allocations of the City's annual project funding that is recovered through utility fees and system development charges for the respective utilities.

South Fork Water Board (SFWB), Oregon City's water provider, has indicated that SFWB will be able to provide water service to the additional 160 units over the current projection of 7,962 households anticipated.

#### *Schools*

The proposal was sent to the Oregon City School District (OCSD) for comment. OCSD has been informed of the proposal since the beginning of the project. The school district has not indicated that it is incapable of supporting the additional uses allowed by the proposal either now or in the future.

#### *Police and Fire Protection*

Oregon City Police Department and Clackamas Fire District capacity would not be affected by the proposal, since proposal does not change existing service areas.

#### *Wastewater Treatment*

Tri-City Sewer District indicates that the proposal does not conflicts with their interests.

#### *Storm Drainage*

This proposal does not change the city's adopted policies and technical documents related to storm water management and erosion control.

#### *Transportation*

Impacts to the transportation system are addressed under (C) below.

Based on the various analyses provided, public facilities and services are presently capable of supporting the uses allowed by the proposal, or can be made available prior to issuing a certificate of occupancy.

**This criterion is met.**

*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.*



**Finding: Complies as Proposed.** The impacts of the proposal on the transportation system were reviewed by the City’s Transportation Consultant, Replinger and Associates. Please refer to Mr. Replinger’s analysis and memorandum which is attached to this narrative. The memorandum provides an assessment of the transportation implications of the code amendments proposed in support of the Equitable Housing project. The memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or “TPR”).

Mr. Replinger’s overall conclusion is that the proposed code amendments do not result in a significant change in the number of dwelling units and more traffic than anticipated and planned for in Oregon City’s Transportation System Plan (TSP) adopted in 2013. Therefore, the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments.

**This criterion is met.**

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

**Finding: Complies as Proposed.** The acknowledged Oregon City Comprehensive Plan (OCCP) addresses all of the applicable Statewide Planning goals unless the Statewide Goal is inapplicable. The relevant sections of the OCCP implemented by this proposal, and the applicable Statewide Goals is indicated below.

Statewide Planning Goal	OCCP Section / Goal(s) Implemented by this Proposal
1: Citizen Involvement	1. Citizen Involvement / Goals 1.1, 1.2, 1.4, 1.5, 1.8
2: Land Use Planning	2. Land Use Planning / Goals 2.1 – 2.7
3: Agricultural Lands	3. Not applicable within UGB
4: Forest Lands	4. Not applicable within UGB
5: Natural Resources, Scenic and Historic Areas, and Open Spaces	5. Open Spaces, Scenic and Historic Areas, and Natural Resources / Goals 5.2, 5.3, 5.4
6: Air, Water and Land Resources Quality	6. Quality of Air, Water, and Land Resources / Goals 6.1-6.3
7: Areas Subject to Natural Hazards	7. Natural Hazards / Goal 7.1
8: Recreation Needs	8. Parks and Recreation / Not applicable.
9: Economic Development	9. Economic Development / Goal 9.2
10: Housing	10. Housing / Goals 10.1, 10.2
11: Public Facilities and Services.	11. Public Facilities / Goals 11.1, 11.6, 11.7
12: Transportation	12: Transportation / Goal 12.1
13: Energy Conservation	13. Energy Conservation / Goal 13.1
14: Urbanization	14. Urbanization / Goal 14.2
15: Willamette River Greenway	Not affected by this proposal.
16: Estuarine Resources	Not applicable.
17: Coastal Shorelands	Not applicable.
18: Beaches and Dunes	Not applicable.
19: Ocean Resources	Not applicable.

Detailed responses to the OCCP goals and policies are provided in the remainder of this narrative.

## **OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES**

### **OCCP SECTION 1 – CITIZEN INVOLVEMENT**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement, which requires local governments “to develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.” The Citizen Participation Goal in the 1976 Land-Use Policies for Oregon City is to “provide an active and systematic process for citizen and public agency involvement in the land use decision-making for Oregon City.” The goal is based on the philosophy that a neighborhood program would provide the best means for citizens to become involved in the planning process.*

#### **OCCP Goal 1.1 Citizen Involvement Program**

*Implement a Citizen Involvement Program that will provide an active and systematic process for citizen participation in all phases of the land-use decision making process to enable citizens to consider and act upon a broad range of issues affecting the livability, community sustainability, and quality of neighborhoods and the community as a whole.*

##### **OCCP Policy 1.1.1**

*Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.*

#### **OCCP Goal 1.2 Community and Comprehensive Planning**

*Ensure that citizens, neighborhood groups, and affected property owners are involved in all phases of the comprehensive planning program.*

##### **OCCP Policy 1.2.1**

*Encourage citizens to participate in appropriate government functions and land-use planning.*

#### **OCCP Goal 1.4 Community Involvement**

*Provide complete information for individuals, groups, and communities to participate in public policy planning and implementation of policies.*

##### **OCCP Policy 1.4.1**

*Notify citizens about community involvement opportunities when they occur.*

#### **OCCP Goal 1.5 Government/Community Relations**

*Provide a framework for facilitating open, two-way communication between City representatives and individuals, groups, and communities.*

#### **OCCP Goal 1.8 Advisory Committees**

*Establish and support citizen advisory committees and commissions.*

**OCCP Policy 1.8.1**

*Identify the areas of City government in which the counsel of a formal citizen advisory committee or commission is warranted if funding is available to provide appropriate staff support.*

**OCCP Policy 1.8.2**

*Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.*

**Finding: Complies as Proposed.** Many of these plan policies do not apply to this proposal as the proposed code changes will have no effect on the city-wide community involved program. However, where these policies apply, the proposal is consistent. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole.

The project kicked off in August 2017 with recruitment for the Project Advisory Team (PAT) with appointments by the Mayor in late September. The following positions are represented on the PAT.

- Citizen Involvement Committee (2)
- Single-Family Developer Interest (1)
- Multi-Family/Mixed Use Developer Interest (1)
- Business Community (OC Chamber, Main Street or OC Business Alliance) (1)
- At large (Youth, Elderly, Working Family) (3)
- Technical Advisory Team member (1)
- Developer of regulated affordable housing (1)
- An organization representing low income families and/or communities of color (1)
- Additional at-large position to be filled if needed based on any additional needs (1)
- City Commission (1)
- Planning Commission (1)
- Oregon City Resident (2)

Additionally, a variety of methods have been used to engage citizens in the process. This includes:

- Project Website with regular updates (<https://www.orcity.org/planning/equitable-housing>)
- Email Updates announcing upcoming Meetings
- Social Media (Postings on the City Facebook Page by Community )
- Mailing List (more than 250 subscribers)
- Project Advisory Team Meetings
- Staff Presentations at Community Meetings
- Work Sessions
- Surveys
- Press Releases
- Public Notices (for Adoption Process)

The following community meetings were held:

- Project Advisory Team Application Process – August 2017
- Stakeholder Interviews: Fall 2017
- Citizen Involvement Committee: October 2, 2017
- Development Stakeholder Group: October 5, 2017
- Technical Advisory Team Meeting: October 24, 2017
- Project Advisory Team Meeting: October 24, 2017
- Technical Advisory Team Meeting: January 9, 2018
- Project Advisory Team Meeting: January 9, 2018
- Technical Advisory Team Meeting: March 6, 2018
- Project Advisory Team Meeting: March 6, 2018
- Citizen Involvement Committee: April 2, 2018
- Online Survey #1: Mid-April, 2018
- Planning Commission Work Session: April 23, 2018
- Technical Advisory Team Meeting: May 1, 2018
- Project Advisory Team Meeting: May 1, 2018
- Online Survey #2: Early May, 2018
- Public Workshop: May 15, 2018
- City Commission Work Session: May 16, 2018
- Transportation Advisory Committee: June 19, 2018
- Technical Advisory Team Meeting: June 21, 2018
- Project Advisory Team Meeting: June 21, 2018

The 15-member Project Advisory Team represents a broad group of stakeholders of Oregon City which included two representatives of the Citizen Involvement Committee. The CIC is comprised of representatives from all of the active Neighborhood Associations, who report back to the neighborhood associations at their respective meetings. Staff also provided presentations to the CIC throughout the project (see above).

The complete code amendment package was discussed at the following meetings:

- Citizen Involvement Committee: July 2, 2018, 7pm, City Hall
- Planning Commission Work Session #1: July 9th, 2018, 7pm, City Hall
- McLoughlin Neighborhood Association Meeting: July 11th, 2018, 7pm, Public Library
- Natural Resources Committee: July 11th, 2018, 7pm, City Hall
- Development Stakeholders Meeting: July 12, 2018, 7:30am, Community Development
- Open House: July 23rd, 4-6pm, City Hall
- Planning Commission Work Session #2: July 23rd, 2018, 7pm, City Hall
- Historic Review Board: July 24, 2018: 6pm
- Open House #2: August 13, 2018
- Natural Resources Committee: August 8, 2018
- Development Stakeholders Meeting: August 9, 2018
- PC Hearing #1: August 13, 7pm, City Hall
- PC Work Session #3: August 13, 7:10pm, City Hall

- Open House #3: August 20, 5-6:45 pm, City Hall

The following meetings are anticipated as of the date of this report.

- PC Work Session #4: August 20, 7pm, City Hall
- PC Work Session #5: August 27, 5:30pm, City Hall
- PC Hearing #2: August 27, 7pm, City Hall
- City Commission (CC) Work Session #2: September 5, City Hall
- PC Work Session #6: September 10, 5 pm, City Hall
- PC Hearing #3: September 10, 7pm, City Hall
- Tentative PC #4 (if needed): September 24, 7pm, City Hall
- Tentative CC Work Session #3: October 3rd, 7pm, City Hall
- Tentative CC Hearing #1: November 7th, 7pm, City Hall
- Tentative CC Hearing #2: November 21st, 7pm, City Hall

In addition, the application was posted on the City project website, emailed to various entities including neighborhood associations and the Citizen Involvement Committee, and posted in a general circulation newspaper.

Three on-line surveys were conducted in October 2017, late February, 2018, and June 2018 to gauge support for the various proposals. Results of the surveys were posted on the city's project website and shared with the Project Advisory Team.

The proposed amendments clarify administration and procedures of various land use processes. These include:

- Simplify the Type III land use notification process by allowing notice by direct email rather than by placing notices in the newspaper for the acknowledged Neighborhood Associations and Citizen Involvement Committee.
- Remove a seldom used and overly discretionary provision in the administration procedures that allowed reconsideration of a staff decision without public notice and comment.
- Clarify that the appeals process for a Historic Review Board (HRB) decision is the same as for other quasi-judicial (Type III) decisions.
- Provide clarity for the public, staff, and development community by clearly articulating how development is processed and the procedures for appealing said development.
- The equitable housing project includes the development of a variety of education materials, maps and a cost estimating tool to assist prospective homeowners and builders in understanding the requirements for the various housing types proposed.

## **OCCP SECTION 2 – LAND USE PLANNING**

*Land Conservation and Development Commission (LCDC) Statewide Planning Goal 2, Land Use Planning, establishes a land-use planning process and policy framework with which local Comprehensive Plans must comply. Another influence on local plans in the Portland metropolitan area is Metro's 2040 Growth Concept (1995), which defines regional growth and development, including a vision for Downtown Oregon City as a Regional Center.*

**OCCP Goal 2.1 Efficient Use of Land**

*Ensure that property planned for residential, commercial, office, and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

**Finding: Complies as Proposed.** The proposals for additional dwelling unit types in existing zones would create incentives for new development to use land more efficiently. For infill situations in the lower density zones, modest increases to building footprints and the allowance for internal conversions and corner lot duplexes on lots that are already served by existing infrastructure will improve the efficiency of public infrastructure investments.

This Goal is also supported by the existing zoning map. This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle access, which would provide improved walking and bicycle access to nearby amenities. All three adopted concept plans for the UGB areas that have not yet been annexed to the city: Park Place, South End, and Beaver Creek Road, have all been conceptually designed to result in vibrant, walkable, amenity rich neighborhoods with active community centers. The additional housing choices that this proposal would allow, particularly for medium and high density residential and mixed use zones in the concept plan areas, would further serve to implement the Comprehensive Plan designations and concept plans for these areas.

In addition, the application proposed to raise the height limit for properties within the Mixed Use Downtown District as well as amend how the height of development is measured in the floodplain both of which result in potentially a higher density of development which will result in a more efficient use of land. **The proposal is therefore consistent with this goal and policy.**

**OCCP Policy 2.1.1**

*Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

**Finding: Complies as Proposed.** The proposals for additional dwelling unit types in existing zones would create incentives for new development to use land more efficiently. The minimum FAR (Floor Area Ratio) in the mixed use zones would remain unchanged.

When appropriate, existing off-street parking standards for multi-family development, 3-4 plexes, townhomes, duplexes, internal conversions and accessory dwelling units would be simplified, minimized or waived. The minimum parking for multi-family is currently based on the number of bedrooms. As this is the only housing type which considers the number of bedrooms for parking minimums, the proposal would create a single parking minimum which reduces the parking standards for units with multiple bedrooms. Furthermore, parking requirements for Accessory Dwelling Units, Internal Conversions, Cluster housing, and attached housing units would be further clarified to either remove the parking requirement entirely or simplify the requirement to one space per unit. Evidence strongly suggests that mandating parking for “missing middle” housing, rather than leaving it to the discretion of the owner to provide, is a significant barrier for homeowners contemplating adding such units to the city’s housing stock. Removing and reducing parking requirements will create incentives to use land more efficiently for both new developments and existing infill situations.

The side yard setbacks in the low density and medium density residential districts are currently two different widths, for example in the R-10 zone the side yard setback is 10 feet on one side and 8 feet on the opposite. This has been quite confusing for property owners trying to understand the setback requirements a future adjacent home, as well as attempting to plan for a minor addition. In order to add simplicity and clarity for homeowners and the development community, the proposal would reduce the larger side setback to match that of the smaller.

The amendments include an incentive to add reduced rate units by allowing a density bonus in the R-2 district (of up to 20%) for units below a certain AMI for a designated time. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 2.1.2*

*Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.*

**Finding: Complies as Proposed.** The proposal would allow a wider variety of residential units in more configurations including detached cottages and duplexes in the low-density zones, additional options for townhouses and multiplex residential in the medium-density zones, and smaller-scale garden-style apartments in the high-density zone. Because there is no minimum size for dwellings, smaller “tiny homes” with permanent foundations and utility connections would be allowed in cluster projects in any zone. This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle access, which would provide improved walking and bicycle access to nearby amenities. All three adopted concept plans for the UGB areas that have not yet been annexed to the city: Park Place, South End, and Beavercreek Road have all been conceptually designed to result in vibrant, walkable, amenity-rich neighborhoods with active community centers. The additional housing choices that this proposal would allow, particularly for medium and high density residential and mixed use zones in the concept plan areas, would further serve to implement the Comprehensive Plan designations and concept plans for these areas.

In addition, the amendments include a proposal that parking lots in the MUC and MUD districts would be utilized more efficiently by allowing property owners to open their off-street parking to the public or any other use while they are not utilizing it. For example, an office downtown could allow parking for the public (free or for charge) after the office is closed. The proposal would allow general parking (not associated with a use within 1,000 feet) outright, as opposed to a conditional use required today. **The proposal is therefore consistent with this policy.**

#### ***OCCP 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 pedestrian and bicycle traffic, preserve views of Willamette Falls and the Willamette River, and preserve the natural amenities of the area.*

**Finding: Complies as Proposed.** These proposals will help to promote the development of the downtown area.

The proposed code amendments will continue to allow apartment and live-work uses in the downtown area which is zoned Mixed Use Downtown (MUD). The proposal would allow outdoor food carts and mobile vendors in the Willamette Falls Downtown District (WFDD) and require a minimum residential density of 17.4 units per net acre for new all residential development in these districts.

The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement.

The current restriction on building height limits of 45' for properties between Main Street and McLoughlin Boulevard and 11th and 16th Streets; and for properties within one hundred feet of single-family detached or detached units will be removed with this proposal. This would allow building heights in these areas to be constructed up to the 75' height limit already permitted in the majority of the MUD zone. Although the City has not adopted any view corridors, the increased height may reduce views for a small number of properties, in exchange for increased development within the regional center. The current code restriction provides no rationale for reduced height for the properties between Main Street and McLoughlin Boulevard and 11th and 16th Streets; and for properties within one hundred feet of single-family detached or detached units. The reduced height for properties within 100 feet of a single-family home reduces the height of many properties along the southern portion of Main Street within the regional center. The lack of a clear rationale for these restrictions, where no view shed is identified and no other reasons are otherwise specified is inconsistent with the majority of the Metro regional center designation for Oregon City.

Regional centers are hubs of commerce and local government services serving hundreds of thousands of people. They are characterized by multiple-story, compact employment and housing development served by high-quality transit. In the Metro 2040 Growth Concept, Oregon City is one of eight regional centers that are poised to become the focus of transit and highway improvements necessary to support additional growth. Removing these height limits will support this effort.

**The proposal is therefore consistent with this policy.**

*OCCP Policy 2.2.5*

*Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.*

**Finding: Complies as Proposed.** The current restriction on building height limits of 45' is proposed to be removed for properties between Main Street and McLoughlin Boulevard and 11th and 16th Streets; and for properties within one hundred feet of single-family detached or detached units is proposed. This would allow building heights in these areas to be constructed up to the 75' height limit already permitted in the majority of the MUD zone. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height



measurement. These proposals will help to promote the development of the downtown area. Though the City has not adopted any view corridors, the proposal would increase building height in some locations. The increased height may reduce views for a small number of properties, in exchange for greater use of land through increased development within the regional center. The rationale for reduced height for the properties between Main Street and McLoughlin Boulevard and 11th and 16th Streets; and for properties within one hundred feet of single-family detached or detached units is proposed could not be reasonably identified and is inconsistent with the majority of the regional center, including adjacent properties. The reduced height for properties within 100 feet of a single-family home reduces the height of many properties along the southern portion of Main Street within the regional center. **The proposal is therefore consistent with this policy.**

### ***OCCP Goal 2.3 Corridors***

*Focus transit-oriented, higher intensity, mixed-use development along selected transit corridors.*

**Finding: Complies as Proposed.** This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with higher capacity and width for better pedestrian and bicycle access in accordance with the City's adopted Transportation System Plan. **To the extent that it is applicable, this proposal is therefore consistent with this policy.**

### ***OCCP Goal 2.4 Neighborhood Livability***

*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.*

**Finding: Complies as Proposed.** As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. Many of the proposed housing options can be collectively referred to as "missing middle housing," defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of sizes and scales across a variety of neighborhoods. These options provide improved livability in accordance with Housing Goal 10 of the Comprehensive Plan while ensuring compatibility with existing neighborhoods through improved dimensional and design standards for each dwelling unit type. These proposals are intended to fit in with existing patterns of residential development city wide, if and when property owners choose to take advantage of the code provisions. A critical component of a neighborhood that provides a sense of place is that of the existing residences residing within its boundaries. The proposed amendments allow residents to age in place and provide opportunities for a wider variety of housing options so they may remain within their neighborhoods rather than being priced out. It is the hope of the project that neighbors and family members may have a choice to live close to one another with additional housing choices.

Metro Code 3.07.1220 - *Residential Density* provides that "Metro shall not require any city or county to authorize an increase in the residential density of a single-family neighborhood in an area mapped solely as Neighborhood." (Ordinance 02-969B, Sec. 3. Ordinance 15-1357.) This policy pertains to the Metro Design Types map adopted as part of the Metro 2040 Growth Concept. The proposed code amendments may result in slight density increases in neighborhoods, but Metro is not requiring the City to do so. Most of the residential areas in Oregon City are mapped as neighborhoods, and the proposed

amendments are consistent with this policy since they respond to and are driven by local needs and goals in the Oregon City Comprehensive Plan and identified in the 2017-2019 City Commission Goals and Policies, not by Metro.

In addition, the proposed amendments include design requirements which mitigate the increased density. For example, corner duplexes in the low density residential zones may not have more than one external door on a façade, additions to single-family homes are limited for a period of time before and after internal conversions, and duplexes within the medium density districts must comply with design standards ensuring design compatibility. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 2.4.2*

*Strive to establish facilities and land uses in every neighborhood that help give vibrancy, a sense of place, and a feeling of uniqueness; such as activity centers and points of interest.*

**Finding: Complies as Proposed.** The proposed code amendments would increase equitable housing options throughout the city in existing and new neighborhoods to provide diverse, quality, physically accessible and potentially more affordable housing choices with access to opportunities, services and amenities. The new unit types proposed, such as corner duplexes, cluster housing, 3-4 plexes and accessory dwellings could add diversity and uniqueness interest to existing residential areas. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 2.4.5*

*Ensure a process is developed to prevent barriers in the development of neighborhood schools, senior and childcare facilities, parks, and other uses that serve the needs of the immediate area and the residents of Oregon City.*

**Finding: Complies as Proposed.** The proposed code amendments would increase housing opportunities for residents seeking to downsize from a traditional single family detached house to a more manageable dwelling type. This is a trend that is happening both locally and nationally as the baby boomer generation ages and retires, and as people live longer lives on fixed incomes. Allowing older residents to remain in their homes and "age in place" provides the opportunity for greater community support and services to those residents. The proposed code amendments would increase housing opportunities for younger and residents seeking to rent or buy housing as well.

The amendments also include a definition of transitional shelter and allow them as permitted in the MUC and MUD districts. The amendments would allow for clarity to the public as well as shelter providers as to where the shelters could locate and serve our houseless residences.

Temporary housing for the homeless community is not listed as a permitted, conditional, or prohibited use in the Municipal Code and thus is not allowed. In response to the need to provide temporary housing for the homeless community during inclement weather, the City Commission passed several emergency resolutions over the past few years to suspend the zoning code in order to allow such facilities to operate on a temporary basis when the weather is cold. The locations of these facilities were within the Mixed Use Corridor, Mixed Use Downtown and "R-3.5" Dwelling Districts. For this reason, the proposed code amendments include, in addition to a new definition for "shelters", identifies

year-round shelters a conditional use in residential zones for up to 10 beds, and a permitted use in the Mixed Use Corridor and Mixed Use Downtown zones. **The proposal is therefore consistent with this policy.**

### ***OCCP Goal 2.5 Retail and Neighborhood Commercial***

*Encourage the provision of appropriately scaled services to neighborhoods.*

#### ***OCCP Policy 2.5.3***

*Review design standards and the sign code to ensure compatibility with existing neighborhoods.*

**Finding: Complies as Proposed.** The proposals include either new or revised design standards for single-family detached homes, duplexes, 3-4 plexes, townhouses, accessory dwelling units, cluster housing, internal conversions, manufactured homes, and live-work units. As stated in the code amendments, the residential design standards are intended to:

- Enhance Oregon City through the creation of attractively designed housing and streetscapes.
- Ensure that there is a physical and visual connection between the living area of the residence and the street.
- Improve public safety by providing "eyes on the street".
- Promote community interaction by designing the public way, front yards and open spaces so that they are attractive and inviting for neighbors to interact.
- Prevent garages from obscuring or dominating the primary facade of the house.
- Provide design guidelines including clear and objective standards for good design at reasonable costs and with multiple options to achieve the purposes of this chapter, and an alternative review process for alternative designs.

In order to retain the character of the existing neighborhoods, the proposed amendments include design requirements which mitigate the increased density. For example, corner duplexes in the low density residential zones may not have more than one external door on a façade, additions to single-family homes are limited for a period of time before and after internal conversions, and duplexes within the medium density districts must comply with design standards. **The proposal is therefore consistent with this policy**

### ***OCCP Goal 2.6 Industrial Land Development***

*Ensure an adequate supply of land for major industrial employers with family-wage jobs.*

#### ***OCCP Policy 2.6.5***

*Ensure that land-use patterns create opportunities for citizens to live closer to their workplace.*

**Finding: Complies as Proposed.** This proposal does not amend the zoning map and therefore it does not apply. However, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle and pedestrian access, which would provide improved walking and bicycle access to nearby amenities. Greater housing supply and a wider range of housing choices generally has the potential to allow residents to live closer to their workplace, particularly if the housing is located close to pedestrian and bicycles amenities, transit corridors and employment areas. **The proposal is therefore consistent with this policy.**

### ***OCCP Goal 2.7 Oregon City Comprehensive Plan Land-Use Map***

*Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.*

**Finding: Complies as Proposed.** This proposal does not amend the Comprehensive Plan Land-Use Map, which will continue to serve as the long-range planning guide for land use development.

### **OCCP SECTION 3: AGRICULTURAL LANDS**

**Finding: Complies as Proposed.** The proposed amendments would not preclude the use of agricultural lands. The Comprehensive Plan, Section 3, Agricultural Lands, P.23 states: “Goal 3 states that only land that lies outside Urban Growth Boundaries can be classified as agricultural. Oregon City, which lies wholly within an Urban Growth Boundary, therefore contains no agricultural land according to this definition. However, Oregon City supports preserving designated farm lands in rural areas outside its city limits by encouraging compact growth within the city. The efficient use of urban land in Oregon City slows urban expansion into rural areas. Section 14, Urbanization, discusses appropriate and timely urban expansion.” **The proposal is therefore consistent with Statewide Goal 3.**

### **OCCP SECTION 4: FOREST LANDS**

**Finding: Complies as Proposed.** The proposed amendments would not preclude the use of forest lands. Under Goal 4, land is considered forest land if it was acknowledged as such when the goal was adopted. Oregon City has not identified any forest lands within its city limits and has therefore not adopted any goals or policies related to commercial forestry. However, Oregon City recognizes the importance of preserving trees in the urban environment and has adopted goals and policies pertaining to tree preservation. The proposed amendments do not include any changes to current acknowledged tree preservation codes or policies. **The proposal is therefore consistent with Statewide Goal 4.**

### **OCCP SECTION 5: OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES**

*This section addresses Land Conservation and Development Commission (LCDC) Statewide Planning Goal 5, which requires that open spaces and natural, scenic, and historic resources be protected. Oregon City is blessed with a wealth of natural resources that visually and physically contribute to its high quality of life and provide a range of ecosystem services. The city’s steep topography is carved into 13 watersheds, which benefit from western Oregon’s ample rain and collectively support a wide variety of habitats. Oregon City is home to a number of species of fish, wildlife, and plants that are regionally and nationally significant.*

#### **OCCP Goal 5.2 Scenic Views and Scenic Sites**

*Protect the scenic qualities of Oregon City and scenic views of the surrounding landscape.*

##### **OCCP Policy 5.2.1**

*Identify and protect significant views of local and distant features such as Mt. Hood, the Cascade Mountains, the Clackamas River Valley, the Willamette River, Willamette Falls, the Tualatin Mountains, Newell Creek Canyon, and the skyline of the city of Portland, as viewed from within the city.*

##### **OCCP Policy 5.2.2**

*Maximize the visual compatibility and minimize the visual distraction of new structures or development within important viewsheds by establishing standards for landscaping, placement, height, mass, color, and window reflectivity.*

**Finding: Complies as Proposed.** The proposed code amendments would not affect any specifically protected scenic views in the current Comprehensive Plan. The current restriction on building height of 45' in the MUD zone is proposed to be removed for properties between Main Street and McLoughlin Boulevard and 11th and 16<sup>th</sup> Streets; and for properties within one hundred feet of single-family detached or detached units is proposed. This would allow building heights in these areas to be constructed up to the 75' height limit already permitted in the majority of the MUD zone. This change would not affect views of the Willamette River from McLoughlin Promenade because the promenade is south of the area from the area where the height will be increased. There are no other proposed increases to height limits in the remaining zone district dimensional standards. The increased height may reduce views for a small number of properties, in exchange for more efficient use of land through increased development within the regional center. The rationale for reduced height for the properties between Main Street and McLoughlin Boulevard and 11th and 16th Streets; and for properties within one hundred feet of single-family detached or detached units is proposed could not be reasonably identified and is inconsistent with the majority of the regional center, including adjacent properties. The proposal would add a more consistent standard for height which increases the evenness and equity of the building height is applied. The properties uphill of this location are significantly higher in elevation and thus the impacts will be limited.

Amendments to Chapter 17.62 Site Plan and Design Review will continue to assure visual compatibility of new commercial, mixed use and multi-family structures by consolidating and simplifying the standards for massing, rooflines, articulation, open space and building details.

Standards for all of the other residential types proposed are discussed individually to clarify design and dimensional standards.

**The proposal is therefore consistent with this policy.**

#### **OCCP Goal 5.3 Historic Resources**

*Encourage the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City.*

##### **OCCP Policy 5.3.1**

*Encourage architectural design of new structures in local Historic Districts, and the central Downtown area to be compatible with the historic character of the surrounding area.*

**Finding: Complies as Proposed.** The proposed amendments would not preclude the preservation and rehabilitation of homes and other buildings of historic or architectural significance in Oregon City. No changes are proposed to any existing historic designations or district, or to the codes, policies and guidelines for historic review. Historic district regulations would continue to apply to properties and new construction within the district pursuant to OCMC 17.40 – Historic Overlay District. No specific limitations are identified in the central downtown area. **The proposal is therefore consistent with this policy.**

#### **OCCP Goal 5.4 Natural Resources**

*Identify and seek strategies to conserve and restore Oregon City's natural resources, including air, surface and subsurface water, geologic features, soils, vegetation, and fish and wildlife, in order to*

*sustain quality of life for current and future citizens and visitors, and the long-term viability of the ecological systems.*

**Finding: Complies as Proposed.** The proposed amendments do not include any changes to OCMC 17.44, Geologic Hazards. The proposed amendments within the Natural Resources Overlay District clarify existing processes for the following situations:

1) Allow an exemption for replacement of pre-existing privacy fences (i.e. solid and six foot tall) within the vegetated corridor. Metro Title 13 seeks to minimize impacts on identified wildlife corridors and fish passage, therefore fences within the NROD and elsewhere should be carefully integrated into the landscape to guide animals towards crossings under, over, or around corridors. Under Metro code, fences are considered exempt from habitat protection regulations since they are not considered “structures”<sup>1</sup>. However, solid six-foot privacy fences may present an obstacle for wildlife passage. Therefore, the proposed code provides that new fences within the NROD are exempt from the NROD permitting provided that the fence is a split rail or other open design and not taller than three and a half feet, in addition to other requirements. The fence exemption amendments are supported by the Natural Resources Committee and includes design standards which allow animals to travel below and above the fence.

2) Allow an exemption for removal of diseased and hazardous trees within the vegetated corridor.

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These acknowledged codes are intended to conserve, protect and restore inventoried natural resources within the City’s Urban Growth Boundary. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 5.4.16*

*Protect surfacewater quality by:*

- *providing a vegetated corridor to separate protected water features from development*
- *maintaining or reducing stream temperatures with vegetative shading*
- *minimizing erosion and nutrient and pollutant loading into water*
- *providing infiltration and natural water purification by percolation through soil and vegetation*

**Finding: Complies as Proposed.** The proposed amendments does include changes to Chapter 13.12 of the City Code; however, it does not include changes to the City’s recently adopted stormwater and grading standards, design manuals or review processes, which will continue to apply to all development authorized by these amendments. Changes to Chapter 13.12 are only administrative in nature. The entirety of code revisions does not change, reduce, or minimize the current Stormwater and Grading Standards. The City of Oregon City’s adopted 2015 Stormwater and Grading Design Standards are implemented for all property meeting the requirements found in OCMC 13.12.50. The code changes do not affect this requirement. **The proposal is therefore consistent with this policy.**

### ***OCCP SECTION 6: QUALITY OF AIR, WATER AND LAND RESOURCES***

*To maintain and improve the quality of the air, water and land resources of the state.*

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<sup>1</sup> [https://www.oregonmetro.gov/sites/default/files/2014/05/10/title\\_13\\_model\\_ordinance.pdf](https://www.oregonmetro.gov/sites/default/files/2014/05/10/title_13_model_ordinance.pdf)

**OCCP Goal 6.1 Air Quality**

*Promote the conservation, protection and improvement of the quality of the air in Oregon City.*

**Finding: Complies as Proposed.** The proposed amendments will not affect any codes or policies that implement Goal 6. The City's overlay districts, such as the Natural Resource Overlay District, Flood Management Overlay, and Geologic Hazards Overlay will apply regardless of the proposed changes. All engineering standards and building code standards for storm drainage, grading, erosion control, water quality facilities will continue to apply to development. Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. **The proposal is therefore consistent with the Goals and Policies of Section 6 of the OCCP.**

**OCCP Policy 6.1.2**

*Ensure that development practices comply with or exceed regional, state, and federal standards for air quality.*

**Finding: Complies as Proposed.** Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is therefore consistent with this policy.**

**OCCP Goal 6.2 Water Quality**

*Control erosion and sedimentation associated with construction and development activities to protect water quality.*

**Finding: Complies as Proposed.** Oregon Dept. of Environmental Quality (DEQ) air and water quality permits are required separately for new development. Oregon City planning and engineering staff are included in the coordination of these permits prior to issuance by DEQ. **The proposal is therefore consistent with this policy.**

**OCCP Policy 6.2.1**

*Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.*

**Finding: Complies as Proposed.** All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development. The proposed amendments do not include changes to Chapter 17.47 of the City Code; however, it does include changes to Chapter 13.12. The City's recently adopted stormwater and grading standards, design manuals or review processes, will continue to apply to all development authorized by these amendments. Changes to Chapter 13.12 are only administrative in nature. The entirety of code revisions does not change, reduce, or minimize the current Stormwater and Grading Standards or the Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual. The Clackamas County Erosion Prevention and Sediment Control Planning and Design Manual and Stormwater and Grading Standards are implemented for all property meeting the requirements found in OCMC 13.12.50 and OCMC 17.47. The code changes do not affect this requirement. **The proposal is therefore consistent with this policy.**

**OCCP Policy 6.2.2**

*Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.*

**Finding: Complies as Proposed.** All engineering standards and building code standards for storm drainage, grading, erosion control, and water quality facilities will continue to apply to development authorized by these amendments. **The proposal is therefore consistent with this policy.**

### **OCCP Goal 6.3 Nightlighting**

*Protect the night skies above Oregon City and facilities that utilize the night sky, such as the Haggart Astronomical Observatory, while providing for nightlighting at appropriate levels to ensure safety for residents, businesses, and users of transportation facilities, to reduce light trespass onto neighboring properties, to conserve energy, and to reduce light pollution via use of night-friendly lighting.*

**Finding: Complies as Proposed.** The proposed code amendments include changes to standards for outdoor lighting, however, the proposed changes will continue to protect the night skies and reduce light pollution and light trespass onto neighboring properties by requiring shielded lighting fixtures and limiting foot-candle illumination levels on other properties. The proposed lighting code changes will ensure that safety of residents and businesses is maintained by requiring lighting in public spaces, such as parking lots, building entrances, and pedestrian accessways. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 6.3.1*

*Minimize light pollution and reduce glare from reaching the sky and trespassing onto adjacent properties.*

#### *OCCP Policy 6.3.3*

*Employ practices in City operations and facilities, including street lighting, which increases safety and reduces unnecessary glare, light trespass, and light pollution.*

**Finding: Complies as Proposed.** The proposed code amendments include changes to standards for outdoor lighting, however, the proposed changes will continue to protect the night skies and reduce light pollution and light trespass onto neighboring properties by requiring shielded lighting fixtures and limiting foot-candle illumination levels on other properties. **The proposal is therefore consistent with these lighting policies.**

### **OCCP SECTION 7: NATURAL HAZARDS**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 7, Areas Subject to Natural Hazards, which requires local governments to "... reduce risk to people and property from natural hazards." The section is also intended to show compliance with Title 3 of Metro's Urban Growth Management Functional Plan (1998), which requires local governments to comply with regional regulations pertaining to flooding and water quality.*

#### **OCCP Goal 7.1 Natural Hazards**

*Protect life and reduce property loss from the destruction associated with natural hazards*

**Finding: Complies as Proposed.** The proposed amendments will not affect the Flood Management Overlay District in OCMC 17.41 or the Geologic Hazards Overlay District in OCMC 17.44. These standards will continue to apply regardless of the proposed changes. **The proposal is therefore consistent with this policy.**



**OCCP Policy 7.1.6**

*Encourage the use of land and design of structures that are relatively unaffected by the periodic effects of flooding, such as parking and other uses not normally occupied by humans.*

**Finding: Complies as Proposed.** The proposed amendments will not affect the Flood Management Overlay District. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement. All development within the Flood Management Overlay District or 100-year floodplain must undergo review to ensure compliance with development standards in the Flood Management Overlay District. **The proposal is therefore consistent with this policy.**

**OCCP Policy 7.1.7**

*Prohibit uses in areas subject to flooding that would exacerbate or contribute to hazards posed by flooding by introducing hazardous materials, filling or obstructing floodways, modifying drainage channels, and other detrimental actions.*

**Finding: Complies as Proposed.** The proposed amendments will not affect the design standards and construction standards of the Flood Management Overlay District. The definition of building height in OCMC 17.04 is proposed to be modified to allow measurement from the mandatory design flood elevation of 51.7 feet for projects located in the in the floodplain, rather than the at-grade elevation. This will allow developments in the downtown areas of Oregon City that are constrained by floodplain regulations to maximize their potential for usable commercial and residential space, and provide an equitable basis of height measurement. All development within the Flood Management Overlay District or 100-year floodplain must undergo review to ensure compliance with development standards in the Flood Management Overlay District. **The proposal is therefore consistent with this policy.**

**OCCP SECTION 8: PARKS AND RECREATION**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 8, Recreation Needs, which directs jurisdictions to inventory recreational needs and opportunities and ensure that recreational facilities are appropriately sited with respect to compatibility with other land uses and availability of resources.*

*Because parks and recreational opportunities enhance the livability of a city and contribute to the well-being of its citizens, Oregon City is committed to providing its growing population with recreational facilities and services.*

**OCCP Goal 8.1 Developing Oregon City's Park and Recreation System**

*Maintain and enhance the existing park and recreation system while planning for future expansion to meet residential growth.*

**OCCP Policy 8.1.1**

*Provide an active neighborhood park-type facility and community park-type facility within a reasonable distance from residences, as defined by the Oregon City Park and Recreation Master Plan, to residents of Oregon City.*

*OCCP Policy 8.1.7*

*Seek out opportunities to coordinate and partner with other departments, agencies, and jurisdictions to fulfill the aims of the Oregon City Park and Recreation Master Plan.*

**Finding: Complies as Proposed.** The proposed code amendments support and recognize the Oregon City Parks and Recreation Master Plan. This plan is intended to help meet the needs of current and future residents by positioning Oregon City to build on the community's unique parks and recreation assets and identify new opportunities. The 2008 Oregon City, Parks and Recreation Master Plan Update includes as its Mission Statement; "The benefits of parks and recreation are necessary to develop healthy individuals and communities when the economy is strong - and are even more important when we face economic and social challenges. The ...mission describes the primary purpose or "business" of parks and recreation in Oregon: "Strengthen community Parks, recreation facilities, programs, and community events are key factors in strengthening community image and creating a sense of place."

Parks are for everybody and all residents must have places to actively and passively recreate, relax and unwind. The principle of equitable housing includes not only what type of housing is available but also where it is available in relation to amenities such as shopping, schools, public transit, and parks, trails and open space. Providing additional housing opportunities throughout the city through this proposal, rather than in isolated locations, helps to further the mission of the Parks and Recreation Master Plan. All additional housing units will be required to pay parks SDCs increasing the City's ability to provide parkland to serve these residents

In addition, the proposal strengthens language for residential master plans which may result in more open or park space. **The proposal is therefore consistent with this policy.**

***OCCP SECTION 9: ECONOMIC DEVELOPMENT***

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 9, Economy of the State, which calls for diversification and improvement of the economy. Goal 9 also requires local governments "to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs." The section is also intended to show compliance with Title 1 of Metro's Urban Growth Management Functional Plan (1998).*

***OCCP Goal 9.2 Cooperative Partnerships***

*Create and maintain cooperative partnerships with other public agencies and business groups interested in promoting Economic development.*

*OCCP Policy 9.2.1*

*Seek input from local businesses when making decisions that will have a significant economic impact on them.*

**Finding: Complies as Proposed.** The Project Advisory Team included members of the Oregon City Downtown Association and Oregon City Chamber of Commerce, who provided updates to their membership. The local building and development community were also included and represented on the Project Advisory Team and staff provided regular updates to the Development Services Group, which meets monthly at the Community Development Department. The public notice for the public

hearing process to consider the proposed amendments was provided to all property owners in the city in accordance with state law. As discussed earlier under Goal 1, Citizen Involvement, the City provided numerous ways and opportunities for citizens and business to provide input on the proposed amendments. In addition, many of the staff proposed changes were identified by the development community during previous review processes. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 9.2.2*

*Carefully consider the economic impacts of proposed programs and regulations in the process of implementing the City's Comprehensive Plan.*

**Finding: Complies as Proposed.** The City seeks to develop code and regulatory improvements that facilitate a fuller spectrum of housing options for its current and future residents in response to increasing cost burdens on Oregon City households, increasing numbers of people experiencing homelessness, and changing household demographics in the city and the broader metro region. The intended outcome for this project is to encourage the development of increased numbers of housing units, of all types, and at a range of affordability levels. Included with these amendments as a tool for implementation is a project cost estimating spreadsheet or “fee estimator”. This tool will be provided free to the public for the purposes of transparently and completely summarizing all city fees, review costs and other soft costs that an applicant might expect to incur in the course of pursuing permits to construct the dwelling unit types allowed in the various zones.

Additionally the consideration of the impact of these proposed code amendments was considered with respect to impacts on public infrastructure capacity, as discussed in the attached memorandum from Wallace Engineering. This memorandum concludes that the result of the proposed changes is relatively minor as it relates to utilities and transportation. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 9.2.3*

*Simplify, streamline, and continuously improve the permitting and development review process.*

**Finding: Complies as Proposed.** Many of the changes generally include reformatting the code for clarity, removing redundant language, removing unnecessary standards, and providing greater details to implement existing standards. Together, the proposal provides more transparency and certainty for residents and the development community alike. The proposed amendments include a variety of simplifications to the permitting and development review processes. These include removing conflicting language as it relates to the appeal process, removing the reconsideration process so that there is only one process to amend/appeal a decision and the time associated with that process may be considered during the review process. In addition, the proposal allows corner duplexes and 3-4 plexes to be processed as a Type I application with clear and objective standards and provides clarity about the timeline for some affordable housing projects as required by law.

Simplifying and streamlining zoning and building codes often entails multiple years and hundreds of thousands of dollars. This proposal focused on the regulations that relate to equitable housing and, more specifically, those that can be updated to encourage housing development. Through interviews with developers the consulting team's expertise, this proposal targets the ordinances, policies, fees and regulations that can be modified to result in clear paths toward removing barriers and incentivizing equitable housing development. **The proposal is therefore consistent with this policy.**

## **OCCP SECTION 10: HOUSING**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 10, Housing. The goal requires cities to plan for needed housing types such as multi-family and manufactured housing, to inventory buildable residential land, to project future needs for the land, and to zone enough buildable land to meet those needs. The goal prohibits cities from discriminating against needed housing types. Oregon City is also subject to regional requirements to provide an adequate supply of vacant and buildable land for future residential growth. This section is supported by the resource document, Housing Technical Report (2002).*

### **OCCP Goal 10.1 Diverse Housing Opportunities**

*Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

**Finding: Complies as Proposed.** Goal 10.1 is arguably the most relevant Comprehensive Plan Goal that would be met through adoption of the proposed code amendments. The Oregon City Equitable Housing project is working to understand the existing barriers and future solutions to promote a larger supply of equitable housing options for the community. The City seeks to develop code and regulatory improvements that facilitate a fuller spectrum of housing options for its current and future residents in response to increasing cost burdens on Oregon City households, increasing numbers of people experiencing homelessness, and changing household demographics in the city and the broader metro region. The intended outcome for this project is to encourage the development of increased numbers of housing units, of all types, and at a range of affordability levels. Many of the proposed housing options can be collectively referred to as “missing middle housing,” defined as a range of multi-unit or clustered housing types compatible in scale with single-family homes that help meet the growing demand for housing choices at a variety of scales across a variety of neighborhoods.

The proposed code amendments suggest the allowance of corner duplexes in low-density residential zones and internal conversions into 4 dwellings for homes a minimum of 20 years old. Oregon City’s medium density residential zones would permit duplexes and 3-4 plexes, encouraging a more diverse housing stock in residential zones that are currently dominated by single-family residential homes. As a whole, the proposal will greatly increase the opportunities for Oregon City’s present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole.

The proposed code changes would create a new subsection of OCMC 17.20 with standards suited for manufactured homes. Furthermore, manufactured home parks would be allowed in the R-3.5 zone to provide greater locational opportunities for manufactured dwellings, and to provide a variety of affordable housing options. The manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping. Currently, only existing manufactured home parks are defined under the city code, and they are not listed as a permitted use in any zone, making them a non-conforming use, which creates a barrier to the improvement and expansion of existing parks in the City.

Temporary housing for the homeless community is not listed as a permitted, conditional, or prohibited use in the Municipal Code and thus is not allowed. In response to the need to provide temporary housing for the homeless community during inclement weather, the City Commission passed several emergency resolutions over the past few years to suspend the zoning code in order to allow such facilities to operate on a temporary basis when the weather is cold. The locations of these facilities

were within the Mixed Use Corridor, Mixed Use Downtown and “R-3.5” Dwelling Districts. For this reason, the proposed code amendments include, in addition to a new definition for “shelters”, identifies year-round shelters a conditional use in residential zones for up to 10 beds, and a permitted use in the Mixed Use Corridor and Mixed Use Downtown zones. **The proposal is therefore consistent with this goal.**

#### *OCCP Policy 10.1.1*

*Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.*

**Finding: Complies as Proposed.** The proposal does not change any comprehensive plan or zoning designations. The proposal is to consolidate the separate chapters for the city’s existing low-density R-10, R-8 and R-6 zones and also the medium density R-5 and R-3.5 zones into a Low Density Chapter and a Medium Density Residential District chapters to simplify the code. Similarly the R-2 zone will be renamed “High Density Residential District” for consistency.

By permitting internal conversions for homes a minimum of 20 years old, the proposed code amendments balance the need for providing more housing types with the need to maintain the existing residential housing stock in established older neighborhoods through maintaining existing Comprehensive Plan and zoning designations. Furthermore, there are only two additional housing types, corner duplexes and internal conversions that would be added for established older neighborhoods with low density zoning of R6, R8 and R10. These two housing types are compatible with existing older housing stock. As a whole, the proposal will greatly increase the opportunities for Oregon City’s present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 10.1.2*

*Ensure active enforcement of the City of Oregon City Municipal Code regulations to ensure maintenance of housing stock in good condition and to protect neighborhood character and livability.*

**Finding: Complies as Proposed.** This goal relates to the city’s procedures for code enforcement that will not be altered by these amendment and therefore does not apply. That said, the Code Enforcement Division responds to citizen complaints as fast as possible by determining if a violation has occurred, alerting the responsible party that they are in violation, and enforcing compliance through the legal process. The city works with property owners to bring properties into compliance voluntarily. Code Enforcement also investigates complaints about parking violations, abandoned vehicles, and properties that are overgrown or dangerously deteriorated. The code enforcement process is also used to investigate any complaints regarding violations of the zoning code and development regulations. The methods that residents may make inquiries about code enforcement include the code enforcement hotline, calling city staff directly, the city web-site portal, and using a smart-phone app downloaded from the city website. As a whole, the proposal will greatly increase the opportunities for Oregon City’s present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

#### *OCCP 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.*

**Finding: Complies as Proposed.** The proposed amendments will allow residential development to achieve a more balanced variety of housing densities and types. Looking at the latest census data, in Oregon City, 71% of residential units are single-family detached homes, dominating the housing market. All other housing types make up 29% of the housing options, combined, ranging from manufactured homes and floating homes to 20 unit apartment complexes. These amendments will provide opportunities for greater diversity of housing types in all zones. Live-Work and apartment residential use will continue to be permitted in commercial and mixed use zones. Density bonuses in the High Density Residential zone district would be available for units that are affordable to residents making 80% of median family income. **The proposal is therefore consistent with this policy.**

#### *OCCP 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 that needed affordable housing is provided.*

**Finding: Complies as Proposed.** Clackamas County Housing and Community Development is a division within the larger Clackamas County Health, Housing and Human Services Department that includes the Behavioral Health, Public Health, Health Centers, Social Services, the (public) Housing Authority, Community Solutions (workforce programs) and Children Youth and Families divisions. Clackamas County receives grant funds from three HUD programs: Community Development Block Grant (CDBG), Home Investment Partnership (HOME), and Emergency Solutions Grants (ESG). In order to receive these funds the county must prepare a number of plans. The most important is the Consolidated Plan<sup>2</sup> (11/13/2017). The development of the Consolidated Plan has been designed as a collaborative process allowing cities and community organizations and residents to participate in creating a unified vision for community improvements in their neighborhoods. Clackamas County Department of Health, Housing and Human Services staff have been involved as part of the Technical Advisory Team for the Equitable Housing project.

Key components of the consolidated plan include:

- assessment of housing and community development needs and development of long-range strategies
- description of how we plan to use the federal funds to put the strategic goals of the consolidated plan in place
- maps identifying concentrations of low and moderate income residents
- an examination of barriers that limit fair and equal housing opportunities to county residents

The purpose of this proposal is the same as the fourth component of the Clackamas County Consolidated Plan mentioned above, which is to examine barriers (in the development code) that may limit fair and equal housing to City residents.

The proposed code amendments include reductions to interior corner setbacks as well as allowing for increased height for single and two-family residential structures three feet from the property line. The

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<sup>2</sup> <https://dochub.clackamas.us/documents/drupal/0b928756-9c92-44f1-9517-13b6ce5401a7>

changes will provide an opportunity for some properties to construct accessory dwelling units. The structures may accommodate accessory dwelling units which would result in a greater opportunity for housing opportunities throughout the city. The proposed code amendments also include a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years. With no existing affordable housing, this policy would serve as a disincentive for developers to cluster low-income housing and encourages the even distribution of housing for various income levels.

Temporary housing for the homeless community is not listed as a permitted, conditional, or prohibited use in the Municipal Code and thus is not allowed. In response to the need to provide temporary housing for the homeless community during inclement weather, the City Commission passed several emergency resolutions over the past few years to suspend the zoning code in order to allow such facilities to operate on a temporary basis when the weather is cold. The locations of these facilities were within the Mixed Use Corridor, Mixed Use Downtown and “R-3.5” Dwelling Districts. For this reason, the proposed code amendments include, in addition to a new definition for “shelters”, identifies year-round shelters a conditional use in residential zones for up to 10 beds, and a permitted use in the Mixed Use Corridor and Mixed Use Downtown zones. **The proposal is therefore consistent with this policy.**

#### *OCCP 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.*

**Finding: Complies as Proposed.** Accessory Dwelling Units (ADUs) have been and will continue to be permitted in all zones that permit single-family residential use. Under the code proposed, ADUs would now additionally be permitted in the R-2 Zoning District. The proposed code amendments remove the owner-occupancy requirements of Accessory Dwelling Units that have stifled ADU development in Oregon City as a means of obtaining supplemental income for property owners. Additionally, ADUs would no longer be required to provide parking, and ADUs would be permitted to use the same setback reductions that apply for accessory structures. Additionally, the size of an ADU would be increased from 40% to 60% of the gross floor area of the principal dwelling. Lot coverage requirements for the low density residential zones would also increase from 40% to 45% if an ADU is onsite, providing more flexibility. **The proposal is therefore consistent with this policy.**

#### *OCCP 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.)*

**Finding: Complies as Proposed.** The Oregon City Municipal Code does not differentiate between manufactured housing and other housing types on individual lots in single-family residential zones and the proposed code amendments do not propose to change this. The proposed code changes would create a new subsection of OCMC 17.20 with standards suited for manufactured homes. Furthermore, manufactured home parks would be allowed in the R-3.5 zone to provide greater locational opportunities for manufactured dwellings, and to provide a variety of affordable housing options. The manufactured home park requirements provide standards for orderly development, adequate vehicle circulation, parking, pedestrian circulation, open areas, and landscaping. Currently manufactured home parks are not defined under the city code, and they are not listed as a permitted use in any zone, making

them a non-conforming use, which creates a barrier to the improvement and expansion of existing parks in the City. Existing codes and review policies for the City's historic districts and designated historic structures remain unchanged. **The proposal is therefore consistent with this policy.**

*OCCP 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.*

**Finding: Complies as Proposed.** There have been many code revisions that further Policy 10.1.7 since the last Comprehensive Plan was adopted. These mainly include clear and objective standards for land divisions, single family residential Design and Landscaping Standards, the adoption of multi-family and cottage housing codes in 2010, and the refinement of street standards for regulation of the public right-of-ways, block standards, driveways, etc. in Chapter 12.04 – *Streets, Sidewalks and Public Places*.

The proposed code changes include newer, clearer standards for ADUs, Cluster Housing, Internal Conversions, Live/Work Units, Manufactured Homes, Duplexes and Manufactured Home Parks Residential Design. Allowing a greater variety of unit types on existing zones will serve to incentivize and promote well designed residential development throughout the city. As a whole, the proposal will greatly increase the opportunities for Oregon City's present and future residents to choose a housing type that suits their needs, and by doing so, enjoy the livability, community sustainability, and quality of its neighborhoods and the community as a whole. **The proposal is therefore consistent with this policy.**

***OCCP Goal 10.2 Supply of Affordable Housing***

*Provide and maintain an adequate supply of affordable housing.*

**Finding: Complies as Proposed.** The city has accomplished the adoption of three acknowledged concept plans for the UGB expansion areas outside the city limit, Park Place Concept Plan (Adopted April 2008), South End Concept Plan (Adopted April 2014) and Beavercreek Road Concept Plan (Re-Adopted in April 2016). Annexation of vacant land within these concept plan areas of the UGB holds the greatest potential for maintaining an adequate supply of housing, since the three concept plan areas will develop at a higher density and variety of housing than the current low density housing that predominates in the existing city limits. The following table is an estimate of the total number of housing units that could be developed in the concept plan areas:

Concept Plan	Adoption Year	Gross Acres	Net Buildable Acres	Density (du/ac)	Overall Estimated Density (Average)*	Total Average Estimated Units
Park Place	2008	418.5	202.5	4 - 22	7.2	1465
South End	2014	498.7	320	8 - 22	7.8	2500
Beavercreek Road**	2018	284	235 (100**)	8 - 22	10	1023
		<b>1201.2</b>	<b>757</b>			<b>4,988</b>

\*Note – estimates are from the buildable land inventories of the concept plans. The actual number of housing units at buildout of the concept plan areas could vary widely due to different zoning. More detailed calculations are available in the concept plan materials and appendices.



**\*\* More than half (~190 acres) of the Beaver Creek Road Concept Plan area is designated for employment land use, so no residential units are assumed there.**

The numbers cited above represent principal dwellings and do not include accessory dwellings or additional unit types that could be legally constructed under the current and proposed amendments. Applications for re-zoning to slightly higher densities within the same comprehensive plan designation is also likely in these areas, if supported by the adopted comprehensive plan designations. Each of the concept plan areas include “main street” or “village center” areas that are intended to support compatible mixed use and commercial use, with walkable centers in close proximity to the surrounding higher residential density neighborhoods.

It should be noted that Metro is responsible for analyzing the UGB and making expansions to it to accommodate a 20-year land supply in accordance with state law. Cities within the UGB have a responsibility to implement concept plans at urban densities that comply with the Metro Urban Growth Functional Plan.

Allowing a greater variety of “missing middle” dwelling unit types by right in the concept plan areas, when they are annexed and zoned, will serve to provide and maintain an adequate supply of affordable housing. **The proposal is therefore consistent with this policy.**

#### *OCCP 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 Land-Use Map, ensure that potential loss of affordable housing is replaced.*

**Finding: Complies as Proposed.** This proposal includes a variety of initiatives that will retain currently affordable housing stock in the city. No changes to the zoning map are proposed, so this proposal will not change any land reserved or committed to residential use, or to the currently permitted residential uses in each zone. **The proposal is therefore consistent with this policy.**

#### *OCCP 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 percent of the median income for Oregon City.*

**Finding: Complies as Proposed.** The proposed code amendments include offering up to a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years for apartment projects in the High Density Residential District. **The proposal is therefore consistent with this policy.**

#### *OCCP Policy 10.2.3*

*Support the provision of Metro’s Title 7 Voluntary Affordable Housing Production Goals.*

**Finding: Complies as Proposed.** (From Comprehensive Plan, P. 77):

*In 2001, Metro adopted amendments to Title 7 of the Urban Growth Management Functional Plan to implement the Regional Affordable Housing Strategy (2000), which identifies measures to provide adequate affordable housing in the Metro region. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable housing. The amendments require local jurisdictions to consider adopting a number of tools and strategies for promoting the creation and retention of affordable*

*housing. Metro defines an affordable housing unit as one that requires no more than 30 percent of household income for people earning 50 percent of the median household income in their jurisdiction. By that definition, an affordable housing unit in Oregon City in 2000 would cost \$570 per month or less. The 2002 housing inventory and analysis showed that the number of lower-cost units in Oregon City was inadequate to meet both the current (2002) and projected housing needs of the city's lower-income residents. Title 7 tools and strategies have been adopted as Goal 10.2 and Policies 10.2.1 through 10.2.4.*

Since 2001, a great deal of growth and increase in housing costs has occurred due to limited housing supply. Also since 2001 a variety of housing inventories have been conducted for the region, including the 2010 US Census. Metro and its member Cities have responded by advancing and updating regional housing strategies, which include providing Equitable Housing initiatives supported by Metro and the State.

The proposed code amendments directly support the provision of Metro's Title 7 2001 Voluntary Affordable Housing Production Goals and updated Equitable Housing Goals since then. **The proposal is therefore consistent with this policy.**

#### *OCCP 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 fees and/or increases in residential density (density bonuses).*

**Finding: Complies as Proposed.** As mentioned in OCCP Policy 10.1.4, the proposed code amendments include a 20% density bonus for affordable units at 80% AMI for a minimum term of 30 years within the R-2 Zoning District. The R-2 Zoning District is primarily found directly on or on the periphery of streets with higher classifications that serve as public transportation routes. **The proposal is therefore consistent with this policy.**

### **OCCP SECTION 11: PUBLIC FACILITIES**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 11, Public Facilities. Goal 11 requires that public facilities and services be provided in a timely, orderly and efficient manner. The goal's central concept is that local governments should plan public services in accordance with the community's needs as a whole rather than be forced to respond to individual developments as they occur.*

#### **OCCP Goal 11.1 Provision of Public Facilities**

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

#### *OCCP Policy 11.1.1*

*Ensure adequate public funding for the following public facilities and services, if feasible:*

- *Transportation infrastructure*
- *Wastewater collection*
- *Stormwater management*
- *Police protection*

- *Fire protection*
- *Parks and recreation*
- *Water distribution*
- *Planning, zoning and subdivision regulation*
- *Library services*
- *Aquatic Center*
- *Carnegie Center*
- *Pioneer Community Center*
- *City Hall*
- *Buena Vista House*
- *Ermatinger House*

**OCCP Policy 11.1.2**

*Provide public facilities and services consistent with the goals, policies and implementing measures of the Comprehensive Plan, if feasible.*

**OCCP Policy 11.1.4**

*Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.*

**OCCP Policy 11.1.6**

*Enhance efficient use of existing public facilities and services by encouraging development at maximum levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.*

**OCCP Policy 11.2.2**

*Plan, operate and maintain the wastewater collection system for all current and anticipated city residents within the existing Urban Growth Boundary. Plan strategically for future expansion areas.*

**OCCP Policy 11.3.1**

*Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing Urban Growth Boundary and plan strategically for future expansion areas.*

**OCCP Policy 11.3.3**

*Maintain adequate reservoir capacity to provide all equalization, operational, emergency, and fire flow storage required for the City's distribution system.*

**OCCP Policy 11.4.1**

*Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing Urban Growth Boundary and plan strategically for future expansion areas.*

**OCCP Goal 11.6 Transportation Infrastructure**

*Optimize the City's investment in transportation infrastructure.*

***OCCP Goal 11.7 Private Utility Operations***

*Coordinate with utilities that provide electric, gas, telephone and television cable systems, and high-speed internet connection to Oregon City residents to ensure adequate service levels.*

**Finding: Complies as Proposed.** The capacity of the respective public facilities and services to support the proposal is addressed below.

***Water and Sewer Capacity***

Please refer to the attached memorandum from Wallace Engineering. The memorandum provides an assessment of the water and sanitary sewer system implications of the code amendments proposed in support of the Equitable Housing project. The purpose of this memorandum is to determine the impact of increased density on the water supply and distribution system, and the sanitary sewer collection system. Wastewater treatment is provided by the Tri-City Sewer District, which has provided separate comments.

The Wallace Engineering memorandum concludes that the 160 additional dwelling units anticipated beyond current planning projections as part of proposed code amendments will not have an adverse impact on the future (2035) peak sanitary flows projected as part of the 2014 Sanitary Sewer Master Plan (SSMP) and future (2030) water demand projected as part of the 2012 Water Distribution Master Plan (WMP). The code amendments encourage increased housing densities, and if overall future growth is at a faster rate than anticipated by the SSMP and WMP, then the capital projects identified in each respective plan may need to be completed sooner than anticipated and the prioritization of the projects may need to change. The recommended capital improvement programs in each respective plan will adequately accommodate future growth projections including the 160 additional dwelling units. Completion of capital projects will be in a planned and orderly manner through prioritization of the projects and allocations of the City's annual project funding that is recovered through utility fees and system development charges for the respective utilities.

South Fork Water Board (SFWB), Oregon City's water provider, has indicated that SFWB will be able to provide water service to the additional 160 units over the current projection of 7,962 households anticipated.

***Schools***

The proposal was sent to the Oregon City School District (OCSD) for comment. OCSD has been informed of the proposal since the beginning of the project. The school district has not indicated that it is incapable of supporting the additional uses allowed by the proposal either now or in the future.

***Police and Fire Protection***

Oregon City Police Department and Clackamas Fire District capacity would not be affected by the proposal, since proposal does not change existing service areas.

***Wastewater Treatment***

Tri-City Sewer District indicates that the proposal does not conflicts with their interests.

***Storm Drainage***

This proposal does not change the city's adopted policies and technical documents related to storm water management and erosion control.

#### *Transportation*

Impacts to the transportation system are addressed under (C) below.

Based on the various analyses provided, public facilities and services are presently capable of supporting the uses allowed by the proposal, or can be made available prior to issuing a certificate of occupancy.

**This proposal is consistent with these goals and policies.**

### **OCCP SECTION 12: TRANSPORTATION**

*This section is intended to show compliance with Land Conservation and Development Commission (LCD) Statewide Planning Goal 12, Transportation, which aims to provide "a safe, convenient and economic transportation system." A transportation system that functions well contributes to a city's well-being, enhances quality of life, and increases opportunities for growth and development.*

#### **OCCP Goal 12.1 Land Use-Transportation Connection**

*Ensure that the mutually supportive nature of land use and transportation is recognized in planning for the future of Oregon City.*

##### *OCCP Policy 12.1.3*

*Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.*

##### *OCCP Policy 12.1.4*

*Provide walkable neighborhoods. They are desirable places to live, work, learn and play, and therefore a key component of smart growth.*

**Finding: Complies as Proposed.** The impacts of the proposal on the transportation system were reviewed by the City's Transportation Consultant, Replinger and Associates. Please refer to Mr. Replinger's analysis and memorandum which is attached to this narrative. The memorandum provides an assessment of the transportation implications of the code amendments proposed in support of the Equitable Housing project. The memorandum assesses whether the proposed amendments trigger a finding of significant effect that would require further analysis to determine transportation impacts under OAR 660-12-0060 (Transportation Planning Rule or "TPR").

Mr. Replinger's overall conclusion is that the proposed code amendments do not result in a significant change in the number of dwelling units and more traffic than anticipated and planned for in Oregon City's Transportation System Plan (TSP) adopted in 2013. Therefore, the proposed amendments do not have a significant effect on the transportation system and that the city may adopt findings to that effect when adopting the proposed amendments.

The proposed amendments support the adopted Transportation System Plan. This proposal does not amend the zoning map, however, existing medium and high density residential zones and mixed use zones within the city limits are generally located closer to transit corridors and roads with higher

capacity and width for better access to public transportation and pedestrian and bicycle facilities in accordance with the City’s adopted Transportation System Plan. All new units are responsible for payment of Transportation SDCs.

**The proposal is therefore consistent with these goals and policies.**

### **SECTION 13: ENERGY CONSERVATION**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 13, Energy Conservation. Goal 13 declares that “land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.” Consumption of energy is affected by many things—land use, placement of structures, modes of transportation, and proximity of different types of land uses, among others. Oregon City’s goals and policies related to Goal 13, to be implemented through development ordinances, internal policies, and private sector incentives, are intended to demonstrate the City’s commitment to energy conservation.*

#### **OCCP Goal 13.1 Energy Sources**

*Conserve energy in all forms through efficient land-use patterns, public transportation, building siting and construction standards, and city programs, facilities, and activities.*

#### **OCCP Goal 13.2 Energy Conservation**

*Plan public and private development to conserve energy.*

#### **OCCP Policy 13.2.1**

*Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).*

**Finding: Complies as Proposed.** This proposal supports the goals of energy conservation through efficient use of land in areas that are well served by public infrastructure, encouragement of construction practices and materials that result in energy conservation, and the addition of smaller dwelling units which have smaller energy consumption. **The proposal is therefore consistent with this policy.**

### **OCCP SECTION 14: URBANIZATION**

*This section is intended to show compliance with Land Conservation and Development Commission (LCDC) Statewide Planning Goal 14, Urbanization. Goal 14 requires cities to estimate future growth and the need for land and to zone enough land to meet that need. The goal calls for each city to establish an “urban growth boundary” to “identify and separate urbanizable land from rural land.”*

#### **OCCP Goal 14.1 Urban Growth Boundary**

*Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.*

#### **OCCP Policy 14.1.1**

*The Urban Growth Boundary shall conform to Title 11 of the Code of the Metropolitan Service District and will provide sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.*

**OCCP Policy 14.1.2**

*Concept plans that provide more detail than the city's Comprehensive Plan will be required prior to development of lands within the Urban Growth Boundary.*

**OCCP Goal 14.2 Orderly Redevelopment of Existing City Areas**

*Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

**OCCP Policy 14.2.1**

*Maximize public investment in existing public facilities and services by encouraging redevelopment as appropriate.*

**OCCP Policy 14.2.2**

*Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*

**Finding: Complies as Proposed.** This proposal supports the goal of urbanization and orderly redevelopment of both existing city areas and the development of areas not yet annexed to the city within the UGB. As discussed earlier under the Housing section, the proposals for additional dwelling unit types in existing zones would create incentives for new development to use land more efficiently. For infill situations in the lower density zones, modest increases to building footprints and the allowance for internal conversions and corner lot duplexes on lots that are already served by existing infrastructure will improve the efficiency of public infrastructure investments. This Goal is also supported by the existing zoning map. This proposal does not amend the zoning map, however, existing medium and high density zones within the city limits are generally located closer to transit corridors and roads with better bicycle access, which would provide improved walking and bicycle access to nearby amenities.

In accordance with Metro Code Section 3.07, the Metro Urban Growth Management Functional Plan, all three adopted concept plans for the UGB areas: Park Place, South End, and Beavercreek Road, have all been conceptually designed to result in vibrant, walkable, amenity rich neighborhoods with active community centers and employment areas (in the case of Beavercreek Road Concept Plan). The three concept plans are acknowledged by the Department of Land Conservation and Development and with respect to housing and employment are substantially compliant with Metro Title 11 and Title 4 of Metro Code 3.07. The additional housing choices that this proposal would allow, particularly for medium and high density residential and mixed use zones in the concept plan areas, would further serve to implement the Comprehensive Plan designations and concept plans for these areas. Orderly development of land within the existing UGB at urban densities supports the statewide goals of accommodating re-developable land within the UGB and reducing the need to develop land within the UGB. **The proposal is therefore consistent with this policy.**

**III. RECOMMENDATION:**

The Planning Commission may recommend that the City Commission adopt the proposed code amendments with any revisions that the Planning Commission wishes to forward.

The Planning Commission may also recommend additional procedures and items that they feel are necessary to implement the proposed code amendments.

Staff recommends that the Planning Commission recommend approval of the proposed amendments to the City Commission.