



Topics Identified for Direction by the City Commission

The City Commission of Oregon City has been reviewing a variety of amendments to the Oregon City Municipal Code on a variety of topics. As the City Commission reviewed the amendments, issues of larger debate before the Planning Commission or those which required additional discussion were pulled aside to determine if the City Commission should amend the draft proposal. Enclosed you will find a fill list of the items for further discussion as well as background on the issue, an explanation of the amendment, and a summary of comments from the public, Equitable Housing Project Advisory Team (EQPAT), Planning Commission, and staff. Please refer to the language within the proposed amendments dated November 26, 2018, public comments, supplemental reports on the project website www.orcity.org/planning/housing-and-other-development-and-zoning-code-amendments, or the Planning and City Commission hearings at <https://oregon-city.legistar.com/Calendar.aspx> for additional information.

Topics for Discussion on April 3, 2019

Require a 2-acre Minimum Lot Size for Manufactured Housing Parks

Background

- The existing code does not have any requirements specifically for manufactured home parks.
- There are currently a few manufactured home parks in the city and one in a location which may be annexed into the city in the future.
- Planning staff suggested a requirement for a 2-acre minimum for manufactured home parks but later discovered ORS 197.314 prohibits us from requiring a minimum size greater than 1 acre.

Planning Commission Recommendation

- Require manufactured home parks be a minimum of 2 acres in size.

Planning Commission/Equitable Housing Public Advisory Team/Public Comments

- Not significant discussion about minimum lot size, but other provisions and of the manufactured home park standards and general support for their implementation which make existing facilities a permitted use and allow new and future facilities to grow over time.

Staff Comments

- Staff recommends the minimum lot size for manufactured home parks be changed to 1-acre.
- 17.20.050.C.1

Retain an owner occupancy requirement for accessory dwelling units (ADUs)

Background

- The Municipal Code requires the property owners, which shall include title holders and contract purchasers, occupy either the principal dwelling unit or the ADU as their permanent residence, for at least seven months out of the year, and at no time receive rent for the owner-occupied unit.

- No other use requires owner-occupancy.
- Proposed language by the legislature may require owner occupancy provisions to be removed.

Planning Commission Recommendation

- No changes are proposed.

Planning Commission Comments

- It is easier to remove owner occupancy in the future if it is a hindrance to ADU's than it is to require owner occupancy once the requirement has been removed.
- Concern that properties would not be well maintained if owner does not live onsite.
- Owner-occupancy should be removed since it is not required for any other use (single-family, duplexes, multi-family).

Equitable Housing Public Advisory Team Comments

- Remove owner occupancy.
- Adds an additional layer of complexity and regulation, further discouraging interested homeowners from considering an ADU and significantly limiting financing options.
- There are no owner occupancy requirements for other residential uses, and there does not appear to be a significant policy reason to single out ADUs for these restrictions given their relatively low numbers. If concerns arise, owner occupancy regulations could be developed to address residential uses more holistically across the city, such as through a short-term rental policy.

Public Comments

- If the property owner was onsite it would be better maintained.
- If the owner-occupancy was removed, rental properties could be developed with ADUs which would increase the City's supply.
- The requirement is not consistent with any other use.

Staff Comments

- Over the years we have had property owners ask about installing ADU's on their rental properties, but it is difficult to quantify how this regulation has effected the number of ADUs developed.
- The owner-occupancy requirement is difficult to enforce.
- Staff recommends removal of the owner-occupancy requirement for ADUs.

17.20.010.D.6

Require Homes be at Least 20 Years old to Qualify for Internal Conversions of up to Four Units

Background

- Internal conversions allow existing structures to be use to accommodate up to 4 dwelling units within the general shell of a home. The use is not currently allowed in the Municipal Code.
- The use is intended to provide an incentive for existing housing stock to remain by allowing greater efficiently by adding more dwelling units within.
- Retention of the existing homes allows for greater retention of our existing neighborhood character, increases the number of housing options at different price points within a neighborhood, and is more environmentally sustainable than building a new structure.
- The 20-year limitation was intended to prevent the incentive to demolish all homes and replace them with new, larger structures.
- Internal conversions are allowed in low density residential neighborhoods, but 3-4 plexes are not. The age limitation prevents demolition and replacement with a 3-4 plex. The building code is more complex and costly for 3 or 4 units within a structure and thus property owners are unlikely to fit the dwellings into an existing home and are thus incentivized to build a new 3-4 plex instead.

Planning Commission Recommendation

- Only homes that were built at least 20 years prior to the date of the internal conversion application are eligible for internal conversions

Planning Commission Comments

- Recommend 20-year old homes for eligibility for internal conversions. The age limit is more desirable than establishing a specific date in the code, as it would not have to be updated overtime.

Equitable Housing Public Advisory Team Comments

- Recommend 20-year old homes for eligibility for internal conversions
- Targeting internal conversions to older homes is intended to support the retention of existing building stock and discourage demolition of existing homes and building of new oversized homes built for purposes of conversion.
- Approximately 75% of homes in Oregon City are 20 years old, making this a meaningful option for many existing neighborhoods.

Public Comments

- Support and opposition to retain, reduce, and/or remove the 20-year age requirement for internal conversions.

Staff Comments

- Staff recommends 20-year old homes for eligibility for internal conversions.

17.20.030.B

Widen Minimum Flag Lot Pole Widths for Cluster Housing from 8' to 10'

Background

- The existing code does not allow for each unit within a cluster housing development to be on its own lot.
- When flag lots are created the code requires a minimum width of the portion of the lot which extends toward the street (known as a flag pole).
- The existing code requires a minimum width of flag pole portions of lots to be 8 feet.
- Minimum access requirements are 10 feet in width for residential properties.

Planning Commission Recommendation

- The minimum width of the n its own lot, but the widths for flag pole portion of a lot is 10 feet.

Planning Commission/Equitable Housing Public Advisory Team/Public Comments

- Not significant discussion.

Staff Comments

- Requiring a wider flag lot pole allows for the minimum width of a driveway to be accommodated without the use of an easement.
- Staff recommends widening the minimum flag pole width from 8 feet to 10 feet.

17.20.20.D.13 & 16.08.050.E

Prohibit CC&R Restrictions on Housing Types

Background

- City may legally stipulate that private CC&Rs shall not prohibit or add additional restrictions for Accessory Dwelling Units or Internal Conversions prior to final plat.
- This preserves the rights of homeowners who wish to pursue an ADU or Internal Conversion in accordance with city code.

Planning Commission Recommendation

- PC recommended approval of this code language with minor language clarification, from “shall expressly permit” to “shall not prohibit”.

Staff Comments

- Staff already requires that draft CC&Rs for new developments be submitted for review prior to final plat to ensure compatibility with zoning code and city policies. The proposed code language is consistent with this process.
- Staff recommends the Planning Commission recommendation be supported.

16.08.030, 16.08.095

Prohibit 3-4 Plexes in the Historic Commercial District

Background

- The Historic Commercial District (HC) is located Canemah along McLoughlin Blvd. Please see the attached map.
- The HC district currently allows multi-family uses consisting of 3 or more units on a single property.
- All new buildings and exterior changes to buildings in Canemah require review by the Historic Review Board through a Type III process for appropriateness and compatibility, regardless of use. The Historic Review Board will look at size, massing and appropriate architectural detailing needed to be compatible with the District. This process is required in addition to the existing Type II process to build a 3-4 plex in Oregon City.

Planning Commission Recommendation

- Redefine multi-family as 5 or more units and identify 3-4 plexes as a separate use.
- Identify multi-family as a permitted in HC, but not 3-4 plexes.
- Allow 3-4 plexes to be processed as a Type I application with clear and objective design requirements.

Planning Commission Comments

- 3-4 plexes may not be an appropriate use given the historic district.

Public Comments

- Concern that 3-4 plexes are processed as a Type I and the design may not be appropriate, but acknowledgement that a Type III process before the Historic Review Board is required for review appropriateness and compatibility.

Staff Comments

- The density of units within a building should not be a deciding factor in the compatibility of a building in a historic or conservation district.
- Staff recommends allowing 3-4 plexes in HC, which allows the same uses which are allowed today. The Historic Review Board review will provide a public review process for appropriate design.

17.26.020

Surveyor Preparation of a Land Division Map

Background

- The existing code does not require the map for Planning Division review of land divisions to be prepared by a surveyor. However, a surveyor is needed prior to completion of a land division (final plat).

Planning Commission Recommendation

- Add requirement that site plan for land divisions be prepared by licensed surveyor

Planning Commission Comments

- No concerns with this requirement were identified during the Planning Commission review.

Public Comments

- The requirement is not consistent with industry practices. An existing conditions map is typically prepared by a licensed surveyor with a CAD (Computer Aided Drafting) file provided to the site planner for preparation of the site plan. Civil engineers, wetlands biologists and other professionals also use the existing conditions map to do their portions of the project.

Staff Comments

- Recommends the proposed language in the November 26, 2018 draft be modified to require an existing conditions map be prepared by a licensed surveyor, but the preliminary plat and site plans are not.
- Staff recommends the Planning Commission recommendation be changed to require the existing conditions map be prepared by a surveyor and no limitations occur on who prepares the site plan.

OCMC 16.08.025

Combine certain Multi-Family and Commercial Design Standards

Background

- The existing code has separate standards for multi-family buildings and commercial buildings, though many standards overlap.
- The existing code is difficult to apply to mixed use buildings, because the commercial standards are applied to ground-floor retail space, and the multi-family standards are applied to upstairs dwelling units.
- The effect of the massing, modulation, etc. of a building is the same regardless of the use. However, the standards are different for uses such as office/retail than they are for multi-family, which are both permitted in many of the same zoning designations.

Planning Commission Comments

- Combining the provisions will provide clarity to mixed use buildings and set a common expectation for neighbors of the minimum building standards.
- The new standards should assure the same level of quality of design.

Equitable Housing Public Advisory Team Comments

- Change was made after final EQPAT recommendation.

Public Comments

- Concern about cookie-cutter developments city-wide if same standards are applied
- Support for the streamlined approach and removal of existing complicated review for mixed use residential buildings.

Staff Comments

- Since many of the standards are the same, consolidating into a single section that is applicable to multi-family, mixed-use, and commercial buildings makes the code easier to navigate and less repetitive.
- Staff recommends retaining the Planning Commission recommendation and consolidating the standards that apply to commercial, mixed-use and multi-family developments to a single section.

17.62.055 & 17.62.057

Limiting Type II Modifications - Site Plan and Design Review

Background

- The standards for commercial, institutional, and multi-family may be modified if the modification complies with the modification criteria, including meeting the intent of the standard results in a better design.

Planning Commission Recommendation

- Limit the currently unlimited Type II modifications to: landscaping, vehicular connections to adjoining properties, on-site pedestrian circulation, utility undergrounding, building location, building design details, windows, and parking lot landscaping.

Planning Commission Comments

- The limitation provides more clarity to the development community and the public as to when the provision can be used or when a Variance is needed.

Public Comment

- Not significant comments on this issue.

Staff Comment

- There has been confusion about when applicants can apply for a modification vs when a variance is needed.
- Staff recommends supporting the Planning Commission recommendation to limit modifications for the reasons identified above.

17.62.015

Amend the height limit in the Mixed-Use Downtown District for properties located outside of the Downtown Design District

Background

- The Mixed Use Downtown District (MUD) is generally located topographically on the bottom shelf of the City and includes separate height limitations within the Downtown Design District (between the Willamette Falls Legacy Site and 10th Street) and the remainder of the City. A map of the MUD locations outside of the Downtown Design District is attached.
- The MUD is included in a Regional Center which is envisioned to include denser development which meets the needs of our and nearby communities.
- The existing height limit is 75', except for the following which is limited to 45':
Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets
Property within five hundred feet of the End of the Oregon Trail Center property
Property within 100' of a single-family detached or attached unit
- The existing height limitations result in inconsistent heights within a relatively small area. However, it is believed that the heights are limited in certain locations in order to protect views to the river from certain locations, the view from I-205 toward the End of the Oregon Trail (EOT) property, and land nearby existing homes.
- The City owns property at 12th and Main as well as the parking lot at 13th and Main which are affected by the reduced height.
- There is varying topography south of Main Street/McLoughlin/11th/16th streets which allows some properties to currently have views of the water/West Linn.
- Staff does not have sufficient information to create a map of the maximum height in the MUD District because the location of all existing residences is unknown. There are locations which are zoned MUD but are currently used as residences, particularly on the southern side of the railroad. A map of properties with business licenses is attached which includes a margin of error by assuming that properties without a business license are residential. In addition, topographic cross sections are attached.

Planning Commission Recommendation

Amend the height limit in the Mixed Use Downtown District for properties located outside of the Downtown Design District. The maximum height is 75', except for the following which is limited to 45':

- Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets
- Property within five hundred feet of the End of the Oregon Trail Center property
- Property ~~within 100' of~~ abutting a single-family detached or attached units

Planning Commission Comments

- Support for the reduced maximum height to retain a view from I-205 to the EOT.
- Support that properties abutting existing single-family homes should be limited in height, but that the height of properties not adjacent to residences do not need to have reduced height.
- Support for reduced maximum height between Main Street/McLoughlin/11th/16th streets in order to retain existing property values and visual corridors while transitioning height from McLoughlin. Some concern as to why only views in certain locations were preserved and for the desire to maximize densities along the highway in the Regional Center.

Public Comments

- Support of retaining the view of the EOT from I-205.
- Support and opposition regarding reducing the maximum height near single-family homes.
- Support and opposition regarding reducing the maximum height between Main Street/McLoughlin/11th/16th streets.
- Concern for views and property values.

Staff Comments

- Support of retaining the view of the EOT from I-205. The reduced maximum height limit of the properties which are within 500' of the EOT, but not located between the EOT and I-205 do not need to be reduced if the purpose is to preserve a view corridor only to I-205, however given some public concerns that the EOT is not adequately protected in the Municipal Code the Commission should consider discussing height limitations around the EOT as a part of the upcoming Comprehensive Plan Update.
- Staff suggests removing the reduced maximum height adjacent to existing single-family homes, which are a non-conforming use in the zoning designation, in order to maximize the Regional Center as well as provide consistency and ease of implementing regulations.
- Staff suggests removing the reduced maximum height between Main Street/McLoughlin/11th/16th streets in order to provide consistency, maximize densities along the highway in the Regional Center. it is likely that views of the water will not be feasible with a 45' tall buildings in these locations, some properties will lose their views towards the river and West Linn.

17.34.060.D

Natural Resource Overlay District - Add Allowance for Some Fences to be Constructed in the Natural Resource Overlay District if Certain Standards are Met

Background

- The Natural Resource Overlay District (NROD) protects streams, wetlands, and habitat with a vegetated corridor which provides native vegetation and shade near streams and wetlands.
- Some disturbances within the NROD are exempt, but fences are not.
- Many fences existing prior to implementation of stream and habitat protections.

Planning Commission Recommendation

- Allow fences to be constructed within the NROD provided that they comply with height and design standards, provide adequate ground clearance for wildlife passage, are located outside of wetlands and the top-of-bank of streams, and provide a 2-foot landscape buffer on both sides of the fence which is planted/seeded with native grasses, shrubs, herbs or trees to cover bare ground.

Planning Commission Comments

- Though fences in the NROD are not encouraged, the provisions acknowledge existing property configurations and allow property owners to better control and utilize their land and allow passage of wildlife.

Natural Resources Committee Comments

- Support the new language allowing fences, including a minimum clearance, mitigation plantings and an open rail design so as not to impede wildlife.

Public Comments

- Concern about negative effects any development in the vegetated corridor can have on stream streams and wildlife.
- Support for allowing properties to be better used and recognizing that many fences already existing prior to the NROD regulations.

Staff Comments

- Overall, the amendments provide clarity and strike a balance between environmental protection and allowance of citizens to utilize their property. The proposed fence standards would continue to protect streams, wetlands and habitat.
- Metro concurred that the proposed fence regulations do not conflict with their regulations.
- Most fences (including all of those exempted) do not require building permits and are difficult to track from a regulatory perspective.
- Staff recommends supporting the Planning Commission recommendation and keeping the language and allowing fences in the NROD provided they comply with the standards.

OCMC 17.49.080.O

Retain the Mailed Notice Requirement to Neighboring Property Owners within 300' of Type II-IV Development

Background

- State law requires a mailed notice be provided to property owners within 100' of most types of development informing them of an application and providing them an opportunity to comment.
- The existing code requires mailed notice to all property owners within 300'.
- The public is noticed of applications in a variety of ways including mail, emailed notice to neighborhood association chairs and CIC members, online, physical signs posted on all frontages, within the paper for some development, and postcards by neighborhood associations.

Planning Commission Recommendation

- No changes to the notice requirements are proposed.

Planning Commission Comments

- Though this topic was discussed, no changes were proposed.

Staff Comments

- Because of our relatively smaller lot patterns and smaller lot dimensions, 300' reaches a fair number of properties.
- Staff recommends no changes to the standard.

17.50.030.B-D

Change the Expiration of Land Use Approvals

Background

- The current code states that except for land divisions, zone changes, comprehensive plan map amendments, conditional uses, and master plans, all Type I-IV land use approvals expire if within two years of the date of the notice of decision a building permit has not been issued. For land divisions, the land use approval expires if within two years of the date of the notice of decision, the public improvements and conditions of approval have not been completed or financial guarantee (surety) provided
- Code allows a one-year extension for any land use approval provided the applicant applies for the extension prior to expiration of the application for which the extension is being requested.

Planning Commission Recommendation

- The recommendation changed the language slightly, but retained the essence of the existing standards.

Public Comments

- No comments received.

Staff Comments

- Proposed amendments after the Planning Commission review to the following:
 - An application expires if within three years of the notice of decision a building permit has not been submitted. All building permits associated with the approval must be issued within 5 years of the date of the final decision or the land use approval expires.
 - For land divisions, lot line adjustments or replats, the application expires if within three years of the date of the final decision, the plat has not been submitted to the Clackamas County Surveyor's Office for recording. The final plat must be recorded within 5 years of the date of the final decision or the land use approval expires.
- The proposed code allows for more time before an application expires, therefore, the extension of a land use approval is proposed to be removed.
- It is more practical to base the standards from when the initial expiration on when a building permit application or plat is submitted, as opposed to issued or recorded, because sometimes circumstances outside of the applicant's control prevent the issuance of a building permit or the recordation of a plat in a timely manner (i.e. processing times of building permits or plats). The application should not expire if the Building Division or Clackamas County Recorder's/Surveyor's Office is not able to process the application in a timely manner. It is more reasonable to base the initial date of the expiration on something that is within the applicant's control (submittal of a building permit application or plat opposed to issuance/recordation).
- In order to prevent the applicant from taking an unrestricted amount of time to complete a multi-building commercial development, there is also a deadline by which all building permits associated with the development must be issued. 5 years from the date of the notice of decision give the applicant adequate time to obtain all required building permits, even accounting for circumstances out of the applicant's control such as processing time for departments or agencies that review the development proposal.
- The proposed expiration timelines reflect a realistic timeframe for development and account for delays that are out of the applicant's control.
- Staff recommends amending the Planning Commission recommendation to base the initial expiration on building permit/plat submittal as opposed to issuance, and also implements a 5-year timeframe by which all building permits associated with the development must be issued or the plat recorded. Due to the longer period before expiration of a land use application, staff recommends eliminating the 1-year extension of land use approvals allowed by the current code.

17.50.200 & 17.50.210

Topics for Discussion on April 17, 2019

Retain, Modify, or Replace the Residential Design Standards for Park Place and South End Concept Plan Areas

Background

- The Park Place Concept Plan was adopted in 2008 and the Municipal Code was amended in 2009 to create specific design standards for homes within the Concept Plan boundary.
- In 2014 the South End Concept Plan was adopted and the Municipal Code was amended to create specific design standards for homes within the Concept Plan boundary.
- Each chapter includes design requirements which are not required for homes outside of the concept plans, such as no front-loaded garages, and limits on building massing. In the Park Place Concept Plan area, the requirements replace

the general city design requirements while in the South End Concept Plan area, they are required in addition to the general city design requirements and landscaping standards.

- Both Concept Plan area requirements have an option to allow alternative designs under a Type II process which includes public input.
- No home has yet been built within either concept plan boundary, as much of the areas are not annexed into the City at this time, though recently more than 90 acres were annexed in the Park Place Concept Plan boundary.
- After the amendments had been reviewed by the Planning Commission and during the City Commission review, requests were submitted to replace the residential design requirements specific to the Park Place and South End Concept Plan areas with the general city residential design requirements. The standards apply to all new detached single-family and two-family homes, accessory dwelling units, and cottages within each Concept Plan boundary.
- In response to the request, staff sent email notice requesting comment to all CIC members and neighborhood association chairs. Staff spoke with many citizens, Park Place and South End Neighborhood Association chairs, and presented at the Park Place and South End Neighborhood Associations as well.
- A map of the Concept Plan boundaries is attached as well as a supplemental memorandum dated March 26, 2019.

Planning Commission / Equitable Housing Public Advisory Team (EHPAT) Comments

- No changes to the design standards for homes in the Concept Plan areas was proposed or requested while the amendments were before the Planning Commission. After the Planning Commission review, requests were submitted to replace the Concept Plan specific residential design requirements with the city-wide residential design requirements in the concept plan areas.

Public Comments

- The design requirements within the Concept Plan areas were too onerous, resulted in higher housing prices, resulted in more monotonous design, and for those reasons did not meet the intent of the Concept Plans or the Equitable Housing project. In addition, they were undesirable to customers due to a lack of yard space.
- Confusion about what was being requested.
- Concern that the change the concept plan vision for walkable neighborhoods with design requirements that create interest and differ from the rest of the City.
- Concern about changing the design standards with relatively low public input compared to the public input involved with the Concept Plan or design standards and that the thought spent creating the concept plan will be undermined.
- Support and opposition to certain elements within the design standards such as not allowing garages on the front of homes, raised porches, window requirements, etc.
- The Park Place and South End Neighborhood Associations requested no changes to the existing standards.

Staff Comments

- The concept plans comply with Metro's Urban Growth Functional Management Plan requirements for New Urban Areas (Title 11) and are acknowledged by the Oregon Department of Land Conservation and Development. Changes to the design standards do not change the Concept Plan itself and the general design standards likely comply with the direction of the Concept Plan, but to a much less extent than the standards adopted for each Concept Plan area.
- None of the land within the concept plan areas has been developed using the residential design standards; thus their effects are not fully known. It is unclear how challenging they are to construct or sale, or how well the alternative design process works.
- As development is property owner driven, there is no timeline for implementation of the Concept Plan areas. The standards set an expectation for what is required in order to develop in certain portions of the City and do not have to assume they will be implemented under today's market conditions or with today's buyers.
- Design intent of the Concept Plans is to create walkable neighborhoods where there are more opportunities for neighbors to engage each other. In addition, there was a desire to have unique neighborhoods that look different from the rest of the city with design standards that mitigate development.
- The request highlights the multiple needs the City Commission must balance. On one hand, the design requirements within the Concept Plan areas create a charm the community is interested in, but that may result in a home that is relatively more expensive. On the other, there is a desire to have more affordable housing options. Though

development of the Concept Plans results in an increased supply, the price may not be affordable. The Commission is not obligated to fall anywhere on this spectrum, just to recognize the tradeoffs.

- Staff recommends that the City Commission not amend the residential design standards in the South End and Park Place Concept Plan areas given the relatively short duration to consider this topic, the comparatively less targeted public involvement, general confusion regarding the topic, and the existing code allowing developers to request alternative standards. If the City Commission determines the standards should be changed, staff recommends they be amended and not removed. The most burdensome architectural residential design standards which could be removed but retain the intent of the design standards include window projection, secondary massing and/or roof-pitch (in Park Place).

17.20, 17.21 & 17.22

Alleys in Concept Plan Areas

Background

- The Municipal Code has required alleys in commercial and industrial zones since 1998, though was later broadened to include medium and high density residential districts in 2004.
- The existing code requires alleys in the R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones throughout the City.
- There is a provision which allows alleys to not be constructed if certain constraints or conditions exist. The analysis is processed in a Type II review which includes public input. Because of this provision, only about 10 newer developments have constructed alleys since the code was adopted.
- The benefits of alleys include no curb cuts in front of homes and thus more space for street trees and on-street parking, as well as more comfortable place to walk in front of the home. Challenges include increased impervious surfaces, maintenance, topographical constraints of alleys on hillsides, and reduced rear yard space.
- The Concept Plan do have specific language for alleys and removal of all alleys is problematic.
- A map of the zoning designations which currently require alleys is attached.

Planning Commission / Equitable Housing Public Advisory Team (EHPAT) Comments

- Limit alley requirement to the Concept Plan areas (Park Place, South End, Beaver Creek Road).
- No changes to remove alleys in the Concept Plan areas was proposed or requested while the amendments were before the Planning Commission. After the Planning Commission review, requests were submitted to not require alleys in the concept plan areas.

Planning Commission / Equitable Housing Public Advisory Team Comments

- It is challenging to require alleys in much of the City which is already built out and thus the alley requirement makes more sense in the Concept Plan areas which are not.
- There was not a desire to amend the requirements within the Concept Plan areas given the public input in creating the plans and standards.
- Recommend limited alley requirement to concept plan areas.

Public Comments

- Alleys do not work well on sloped sites, reduce available yard area, reduce home-owner choice for vehicle access location, increases impervious surface area and costs, impacts stormwater water, difficulty in maneuvering a car in an alley, and they do not sell well.
- Support for removing the alley requirement in the concept plan areas based on the above rationale as well as opposition indicating that they provide the charm envisioned in the Concept Plans by creating a more walkable streetscape with more street trees and on-street parking and less curb cuts with design requirements that create interest and differ from the rest of the City.
- Concern about changing the design standards with relatively low public input compared to the public input involved with the Concept Plan or design standards and that the thought spent creating the concept plan will be undermined.
- The Park Place and South End Neighborhood Associations requested no changes to the existing standards.

Staff Comments

- Staff recommends that the City Commission limit alleys from city wide to the Concept Plan areas, given that they implement the visions of the Concept Plans, and there is an alternative process to not construct alleys in specific locations within the Concept Plan areas which do not make sense and the relatively less public participation and time to consider the request. Staff also recommends amending the maximum driveway width requirements in medium and high-density zoning designations to retain the maximum space for on-street parking and street trees in locations where alleys are not required.
- The Concept Plan do have specific language for alleys and removal of all alleys is problematic. If the City Commission would like to remove alleys for medium density residential, they should still be required for both Concept Plan areas for high-density residential and mixed use areas.

16.12.026

Mobile Food Carts- Establish Standards for Transitory and Non-Transitory Mobile Food Carts and Allowance of Transitory Mobile Food Carts in Some Zones

Background

- Currently only food carts are only permitted in the Willamette Falls Downtown District, though no standards for how they operate, look, etc. are adopted.
- The standards for food carts are limited to exterior food carts and do not apply to carts inside of a building.

Planning Commission Recommendation

- Establish standards for mobile food carts, both transitory and non-transitory.
- Prohibit in Mixed Use Corridor 1 & 2, Mixed Use Downtown, General Commercial, and Institutional zones without a special use permit.
- Allow in the Mixed Use Employment, General Industrial and Campus Industrial as a permitted use if for less than five hours in a 24-hour period.
- New definitions added.
- Establishes Type I Review process for this use where permitted.

Planning Commission Comments

- Recommended approval as proposed, but did not discuss the CCC campus request (as it submitted after Planning Commission review).
- Recommended transitory food carts employment zones in order to serve employees/customers for short durations of time.
- Aesthetic concerns about how food carts look.
- Some members suggested allowing in Institutional District (thinking of City owned property).
- Some concern for lack of targeted solicitation of input on this topic.

Public Comments

- General support for food carts as an expanded dining option in Oregon City.
- General concerns about the poor aesthetics that food carts can have.
- In the past (not during this hearing process) we have heard support for additional local dining options. We have also received concerns that the carts would cause harm to existing “brick and mortar” restaurants. *Note – the City does not generally intervene in the competition between businesses that meet adopted zoning requirements.*
- After the PC review, Clackamas Community College requested that food carts also be permitted on their campus (zoned I – Institutional).
- Requests have also been identified for food carts in the Mixed Use Downtown District, specifically at OC Brewing.

Staff Comments

- Staff proposed standards to for mobile food carts in the Willamette Falls Downtown District (the only zone which currently allows exterior carts) and suggested that allowing carts in other zoning designations should be done through a separate process with targeted public engagement.

- Carts can add vibrancy and increase visitors to underutilized parcels of land without permanently displacing traditional development, though can have the result of delaying future redevelopment of the sites which they operate and can have poor aesthetics if not properly mitigated.
- Carts can also provide a greater variety of dining options, particularly for those in employment and educational areas with limited options and/or time to eat and can also reduce vehicle miles travelled if people choose to walk to food carts nearby rather than drive to a restaurant or carts in other cities.
- Staff recommends amending the Planning Commission recommendation to adopt the standards for food carts, but not allowing them in new zoning designations at this time. A separate more targeted process could occur to consider which zoning designations are appropriate for food carts citywide.

OCMC 17.04.481, 17.54.115, 17.62.035

Shelters

Background

- Day and/or overnight shelters are not currently listed as a permitted or conditional use in any zoning designation in the City.
- Permitted uses require little or no review while conditional uses require Type III review by the Planning Commission at a public hearing and cost about \$5,300.
- The City Commission has declared an emergency to suspend the zoning code to allow shelters on a temporary basis during cold weather for the past few years. Shelters are currently limited in their operations to winter months, limited hours from 6pm to 7am, only on nights with temperatures below 33 degrees.

Planning Commission Recommendation

- Allow day and/or night shelters as a Conditional Use in the MUC, MUD zones (except within the Downtown Design District). A map of the locations is provided.
- Conditional Use for up to 10 beds in all residential districts.
- Prohibit shelters in NC, HC, C, Downtown Design District of MUD, WFDD, GI, CI, I
- Adding a shelter to an existing conditional use, like a religious institution, requires modification of the institution's conditional use permit.
- Added Conditional Use standards to address neighborhood impacts (e.g., Detailed Community Engagement Plan, Scope of Services, Guest Selection Criteria, Hours of Operation, 24-hr Contact, annual meetings etc.) and automobile and bicycle parking requirements.
- Shelters are currently limited in their operations to winter months, limited hours from 6pm to 7am, only on nights with temperatures below 33 degrees, and proposed changes would allow shelters to operate year-round.

Planning Commission Comments

- Concerns about potential impacts to adjacent residential neighborhoods and businesses nearby. There are certain locations and zones where shelters are not compatible with surrounding uses.
- The conditional use process provides opportunity for public comment and review by the Planning Commission at a public hearing.
- There was not enough public outreach regarding this specific issue.

Equitable Housing Public Advisory Team Comments

- It is important to permanently manage existing warming shelters that have previously operated through emergency ordinances in churches and other community facilities rather than the existing process of emergency Resolutions each year.
- Remove weather-dependent operational restrictions to allow more consistent operations.
- Shelters of up to 10 beds should be permitted and 11+ beds as a conditional use in MUC, MUD, and R-3.5. This reflects the existing shelter locations.
- A conditional use should be required for up to 10 beds in all residential districts. This will allow shelters as an accessory use to a 'religious institution' use which already requires a conditional uses in residential zones.

Public Comments

- Shelters provide needed assistance to our vulnerable population.
- Concern that the conditional use process is too onerous, costly, discretionary, restrictive and is a barrier to the establishment of these much-needed facilities.
- Support for conditional use process which allow the opportunity for conditions of approval tailored to the specific proposal.
- Request that downtown businesses, affected neighborhoods, and neighbors should receive notice and opportunity to testify at a public hearing on such proposals.
- The Homeless Solutions Coalition of Clackamas County (HSCCC) requested that shelters be a permitted use in the MUC and MUD districts, or otherwise add code language to permit them for certain specific tax lots 2-2E-31AA-02200, 2-2E-31AA-02300, and 2-2E-29CC-03800 (which are the locations which have been receiving approval for operations during winter months).

Staff Comments

- Based on the past City Commission allowances of shelters and the inclusion of standards requiring communication between shelters and the public, staff recommends that shelters be permitted in the MUC 1 and 2 and MUD zones (similar to hotels) and a Conditional Use for up to 10 residences in residential areas. The use is similar to that of a hotel or bed/breakfast though standards have been added specific to shelters to mitigate impacts on a neighborhood. If permitted, the standards would have to be amended to also apply also to permitted uses.

17.04.1117, 17.56.040.H, 17.52.020A, 17.52.040.B, 17.29.030.L, 17.34.030.P, 17.08.025.K, 17.10.025.K, 17.12.025.K, 17.56.050.K, 17.24.035.K, 17.26.035.C, 17.32.040.F, 17.34.040.J, 17.34.040.J, 17.36.035, 17.37.035.A, 17.39.045.D

Lot Size Reduction (Lot Averaging)

Background

- The current Code (Chapter 16.12.050) allows for lot size reduction up to 20 percent to be applied to any lot across a subdivision, provided the average lot size for the subdivision meets the minimum for the zone. A 2018 amendment excludes areas within a powerline easement from lot area calculations.

Planning Commission Recommendation

- The proposed amendment would restrict the lot size of the reduction to 10 percent and limit the application of the reduction to 25 percent of the lots in a subdivision.
- The reduction would be limited to lots that are proposed for single-family detached homes.

Equitable Housing Public Advisory Team Comments

- Recommend retaining current code that lot averaging provisions for new subdivisions that permit individual lot sizes to be reduced by up to 20% provided that the average lot size within the subdivision meets the minimum requirement for the zone.
- Restrict use of lot averaging to lots for single-family detached residences, and do not allow lot averaging for new proposed missing middle housing types, many of which already include smaller lots or other dimensional bonuses tailored to the housing type.
- The provisions allow for more flexible lot patterns, particularly on irregular lots or lots with development restrictions, and ultimately support development of a greater number of residential lots which supports the equitable housing project goals.

Planning Commission Comments

- Planning Commission recommended utilizing language recommended during the 2018 amendments to assure more consistent expectations in zone districts, and limiting lot averaging to single-family homes.
- Any reduction below the minimum lot size is deceiving.

- Concern that the result can be similar to a zone change which is unexpected, particularly adjacent to large neighboring properties.
- There is no limitation on the number of lots which may be reduced and thus a majority of the lots may be smaller than the zoning designation when there are only a few excessively larger lots.

Public Comments

- Any reduction below the minimum lot size is deceiving.
- Concern that the result can be similar to a zone change which is unexpected, particularly adjacent to large neighboring properties.
- There is no limitation on the number of lots which may be reduced and thus a majority of the lots may be smaller than the zoning designation when there are only a few excessively larger lots.
- The proposed restriction contradicts the goal of the equitable housing project by allowing less flexibility.
- Much of the remaining buildable land in Oregon City is constrained in some way and this provides a tool for more efficient use of land.

Staff Comments

- The reduction provides flexibility and results in more efficient use of land with physical and natural constraints, while maintaining the overall density and standards of the zone district.
- A variety of lot sizes in a single development may provide interest and smaller lots may result in some potentially more affordable homes, though if taken too far could result in a design which is unanticipated by neighbors particularly if adjacent to larger lots.
- Lot averaging does not result in additional lots or density in a subdivision, only more flexibility for lot sizes.
- The limitation of how many lots may be below the minimum disproportionately affects smaller subdivisions, which is a majority of the development applications.
- Staff recommends amending the Planning Commission recommendation to allow a 20% reduction for single-family homes in order to allow flexibility and a variety of lots in a development, while maintaining compliance with maximum density requirements. If the City Commission wishes to limit the percentage of lots which can be below the minimum, consider a sliding scale based on the size of the land division.

OCMC 16.08.065

Amend Minimum Off-street Parking in Low and Medium Density Residential Areas for ADUs, Internal Conversions, and 3-4 Plexes

Background

- Existing minimum parking standards:
 - Accessory dwelling units = 1 off-street stall required in most cases
 - Internal conversions = No standards, as they are not currently a permitted use
 - 3-4 plexes = Based on bedroom count for multi-family in OCMC 17.52.020.
- Off-street parking is currently not required for single-family or duplexes.

Planning Commission Recommendation

Amend minimum off-street parking to:

- Accessory dwelling units = 1 stall
- Internal conversions: 2 units = 1 stall 3 or 4 units = 2 stalls
- 3-4 plexes = 2 stalls

Planning Commission Comments

- Some streets are too narrow to accommodate street parking.
- Many cars can be associated with each dwelling unit.
- The City should balance parking needs with too much parking which can create large paved surfaces in front of homes and change the character of a use or neighborhood.

- Minimum parking requirements do not stifle the development of these types of housing choices.

Equitable Housing Public Advisory Team Comments

- ADU- Eliminate off-street parking requirements and leave it up to homeowners to decide whether to provide an off-street space or use on-street parking, to prioritize housing units rather than parking on residential lots and expand flexibility to fit ADUs on individual lots. Policy is consistent with existing parking standards for single-family residential units that do not require any off-street parking. Given low numbers of ADUs expected, related on-street parking will likely have a minimal impact on any specific street.
- Internal Conversions- Similar to ADUs, no additional off-street parking requirements are proposed for internal conversions, to avoid hamstringing projects that lack sufficient off-street parking opportunities.
- 3-4 plex- Similar to single-family and duplex development, no off-street parking or bicycle parking would be required, provided that if parking is provided, it must meet standards for shared access similar to townhouses for individual parking spaces, and groupings of more than four spaces must meet parking lot design standards of OCMC 17.52.

Public Comments

- Support to require none and/or more off-street parking for these uses.
- Arguments in Favor of Off-Street Parking: Some places in the City are already too crowded with cars and it is a safety concern for kids and people walking. Parking on the street makes it difficult to drive on a street in some cases. There is not enough space for everyone to park on the street.
- Arguments Against Off-Street Parking: Parking is not required for similar uses; it should not be required for these. It should be up to the property owner and renter to determine if they want to add off-street parking. It is legal for people to park on the street. Too much parking creates stormwater concerns and makes a site or neighborhood look more commercial and loses residential charm.

Staff Comments

- Staff recommends eliminating the requirement for minimum number of stalls for these uses and letting property owners/developers decide whether or not parking is needed depending on their development.
17.20.010.D.8, 17.20.030.G, & 17.16.060.B

Annexations – Add a Factor for Significant Site Grading or Tree Removal

Background

- Tree removal and grading is regulated differently under Clackamas County jurisdiction than it is under City jurisdiction. Thus some properties could perform significant grading or tree removal prior to annexation into the City.
- Once in the City, tree removal and grading is only regulated on some properties, within certain zoning designations or environmental overlay districts, or during and after the property is reviewed for development. For example, tree removal is not regulated on most existing single-family homes.
- Lake Oswego adopted a Resolution with a waiting period for annexation if trees are cut, and requires mitigation following annexation. Such a policy could result in legal challenges since it interferes with property owner rights and is difficult to administer.
- Annexation is at the discretion of City Commission utilizing a series of factors to be weighed on balance in OCMC 14.04.

Planning Commission Recommendation

- Add a new annexation factor which allows the Commissions to consider if significant site grading or tree removal (>50 percent of the forest canopy excluding farm or forest practices) has occurred on the property since the date when the annexation application was filed.

Equitable Housing Public Advisory Team Comments

Not discussed as part of the process.

Planning Commission Comments

- Added an additional factor to the annexation review to consider significant grading or tree removal.
- Concern that tree removal can occur in the County without say or compliance with City standards, though once annexed, the City and neighboring properties have to live with the consequences.
- Strongly encouraged the City Commission to work with Clackamas County to discourage tree removal on properties within the urban growth boundary prior to annexation. See Planning Commission Memo to City Commission with additional policy recommendations.

Public Comments

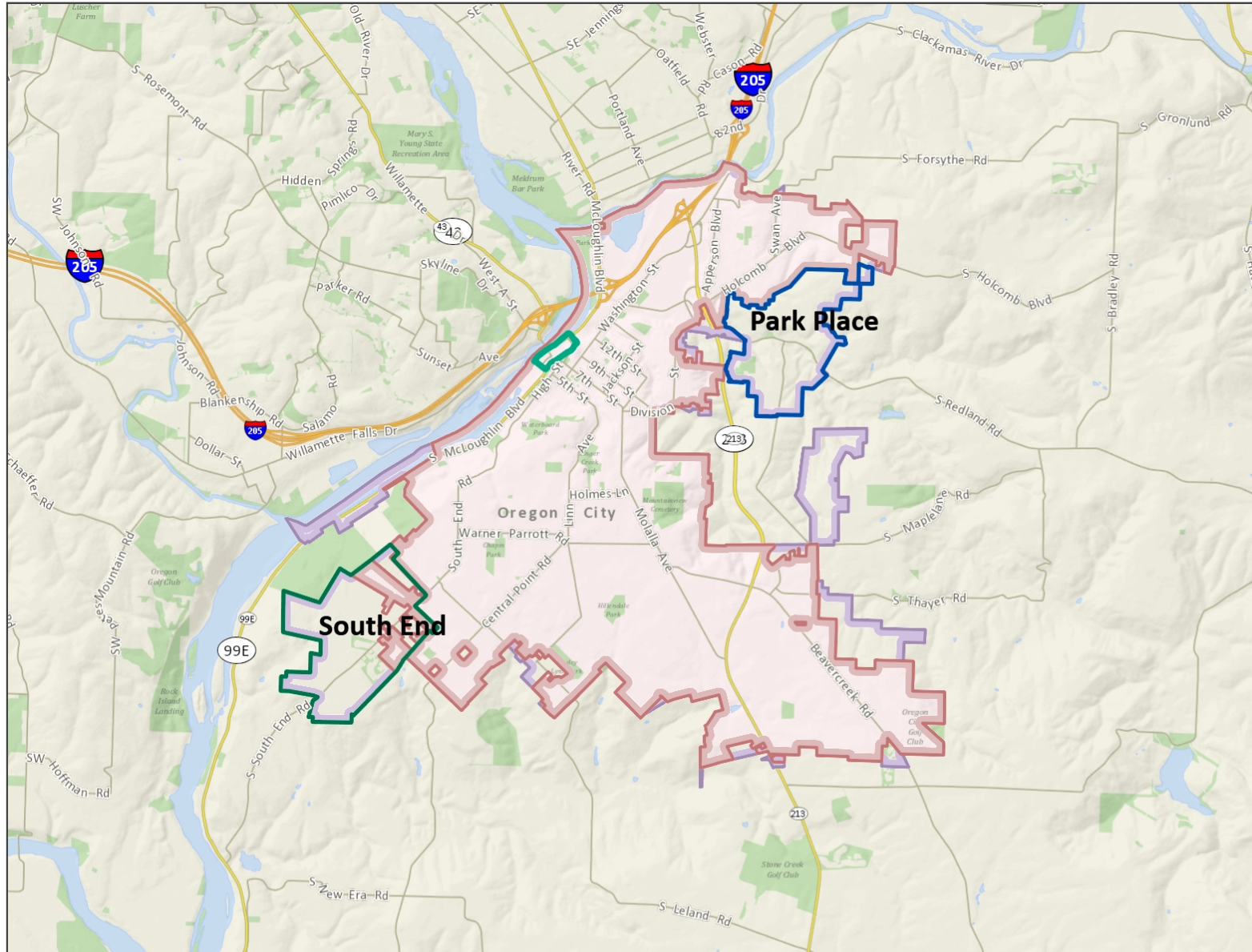
- Properties and developers can get around City regulations and change the character of a neighborhood. Trees create buffers and a nice neighborhood character and are not being retained as they should.
- Concern that tree removal can occur prior to submittal of an annexation application.
- Concerns that the new factor is unnecessary and unfair to landowners, the language is subjective and difficult to evaluate fairly and consistently, and does not promote equitable housing.

Staff Comments

- An annexation policy could hinder the efficient re-development of land designated for urbanization within the Urban Growth Boundary, but balances the concerns of neighbors.
- Staff recommends that given that the City cannot regulate tree removal in the County without changing the County code, this amendment provides the next best option. However, staff recommends that after the Comprehensive Plan Update a comprehensive review of tree regulations be conducted.

OCMC 14.04, 14.04.060.A.8

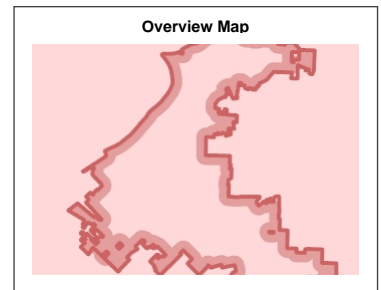
Park Place and South End Concept Plan Boundaries



Legend

- Street Names
- Downtown Design District
- Park Place Concept Plan
- South End Planning Area Boundary
- City Limits
- UGB
- Basemap

Notes



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0 6,400 12,800 Feet

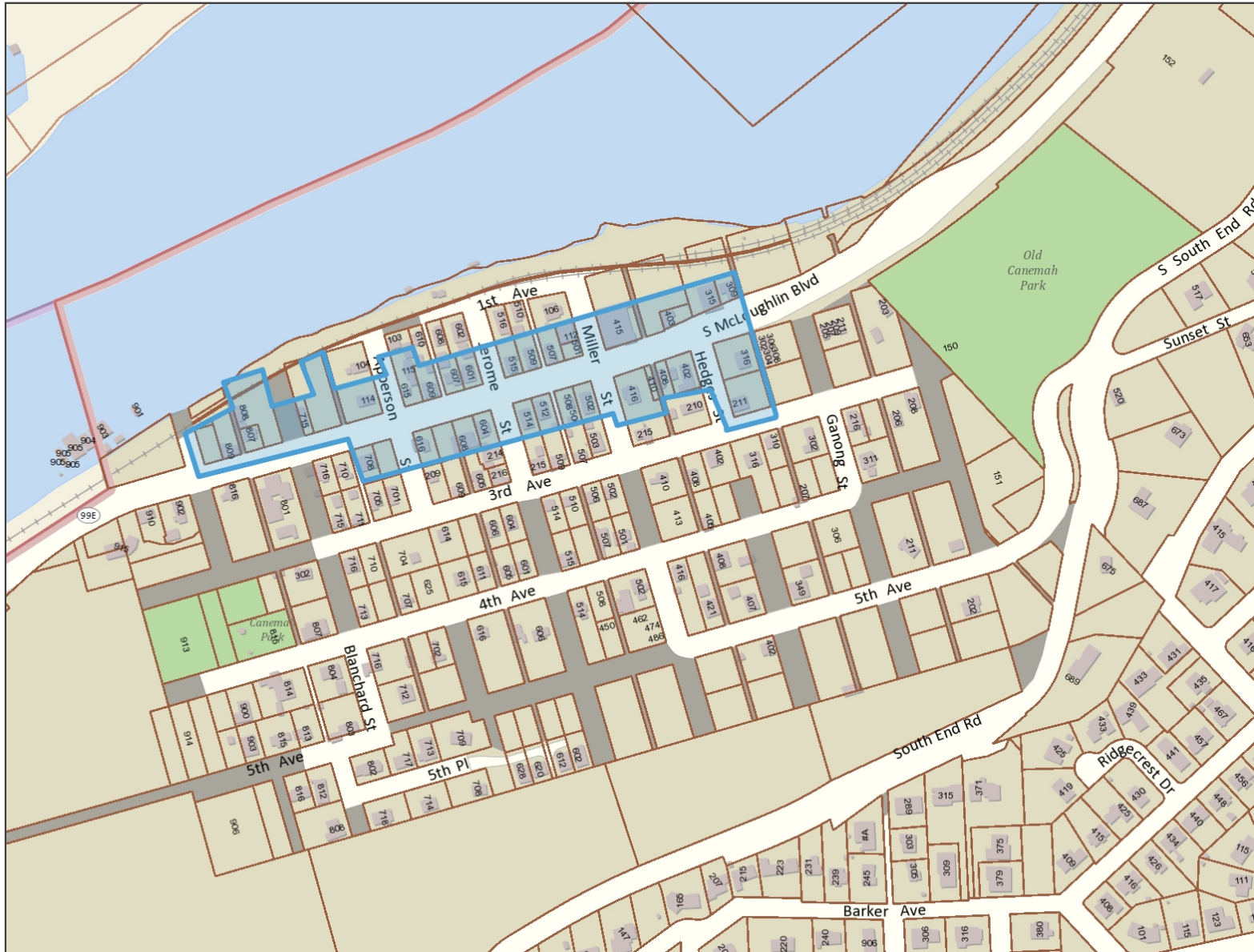
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Map created 3/23/2019

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HC District



Legend

- Street Names
- Taxlots
- Taxlots Outside UGB
- Unimproved ROW
- City Limits
- UGB
- Basemap

Notes



0 400 800 Feet

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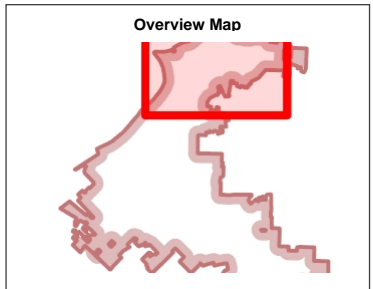
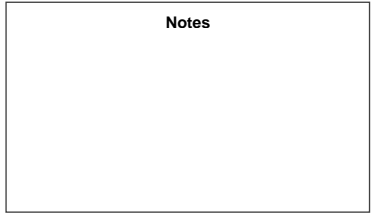
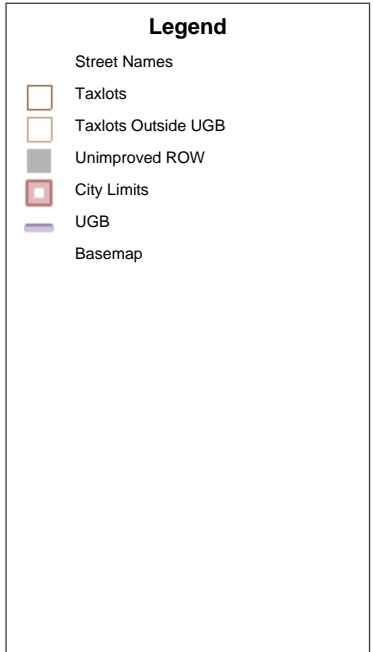
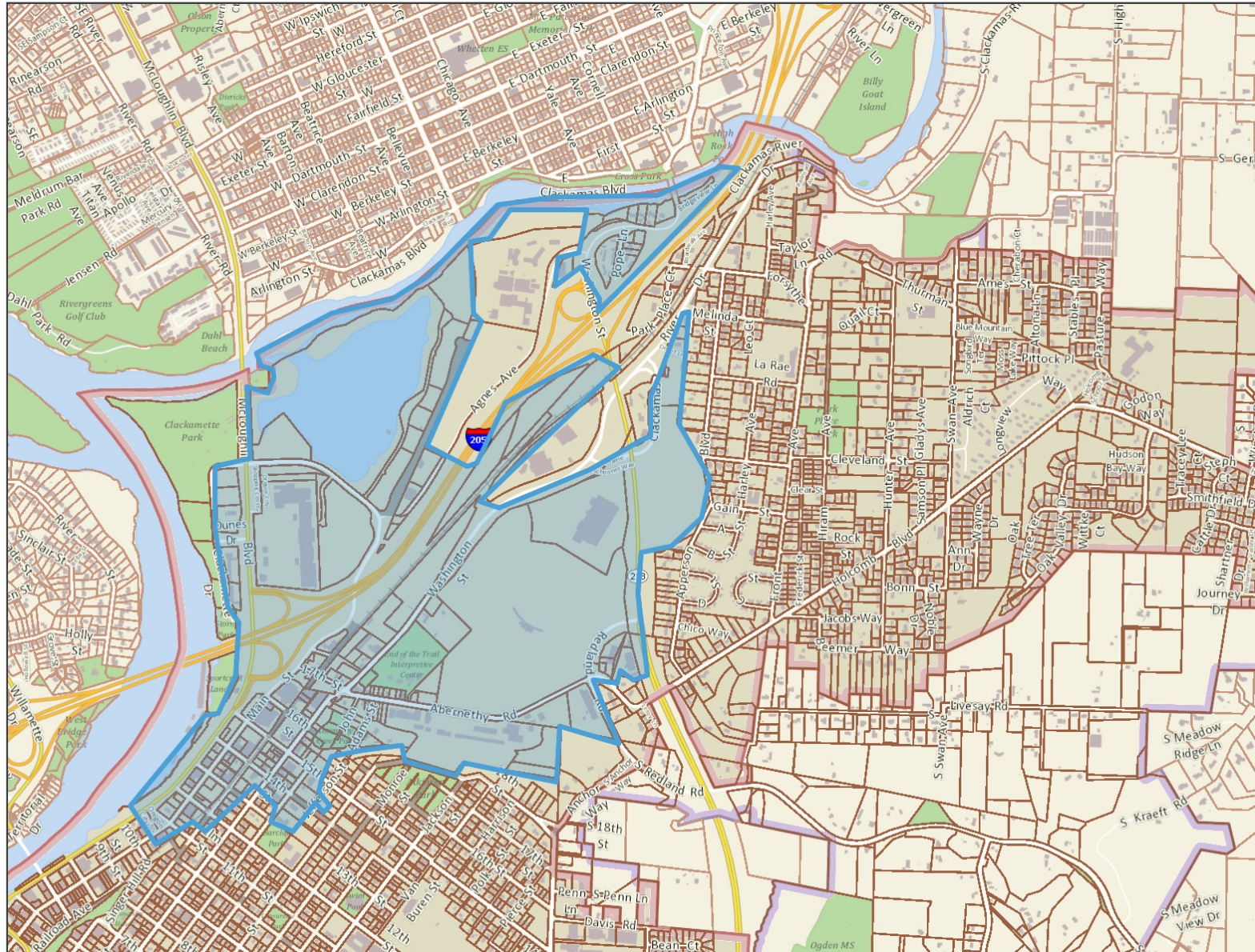
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MUD District (No Design District)



0 1,600 3,200 Feet

1: 19,200

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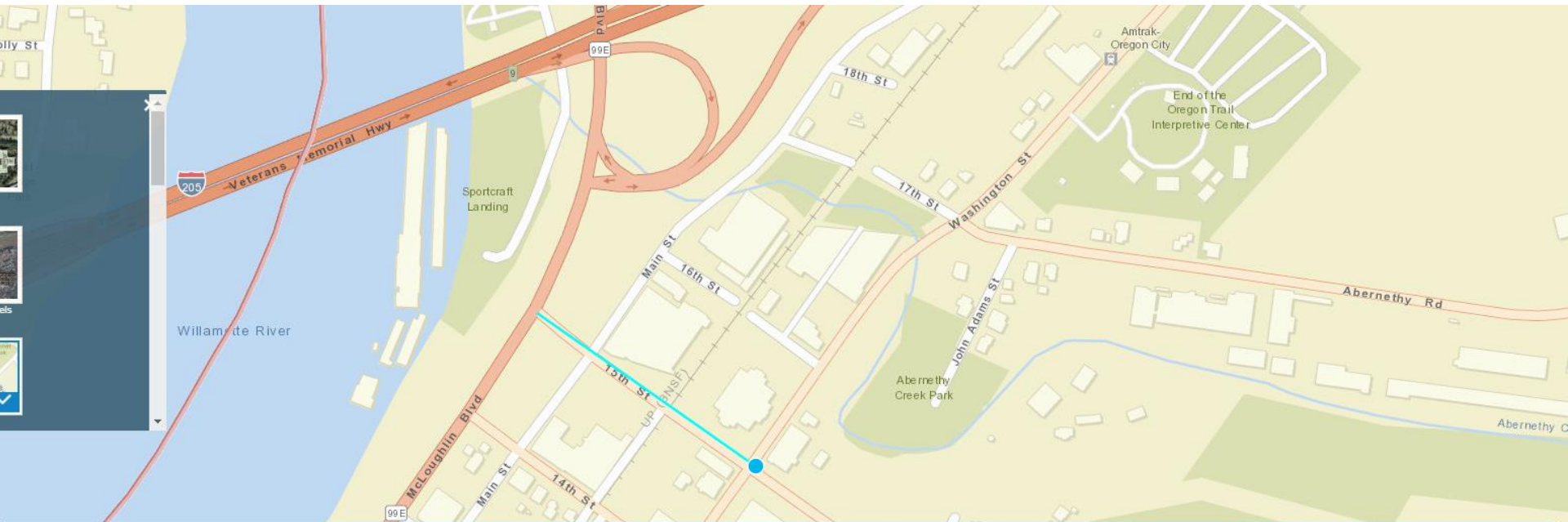
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Elevation Profile

15th Street from 99-E to Washington



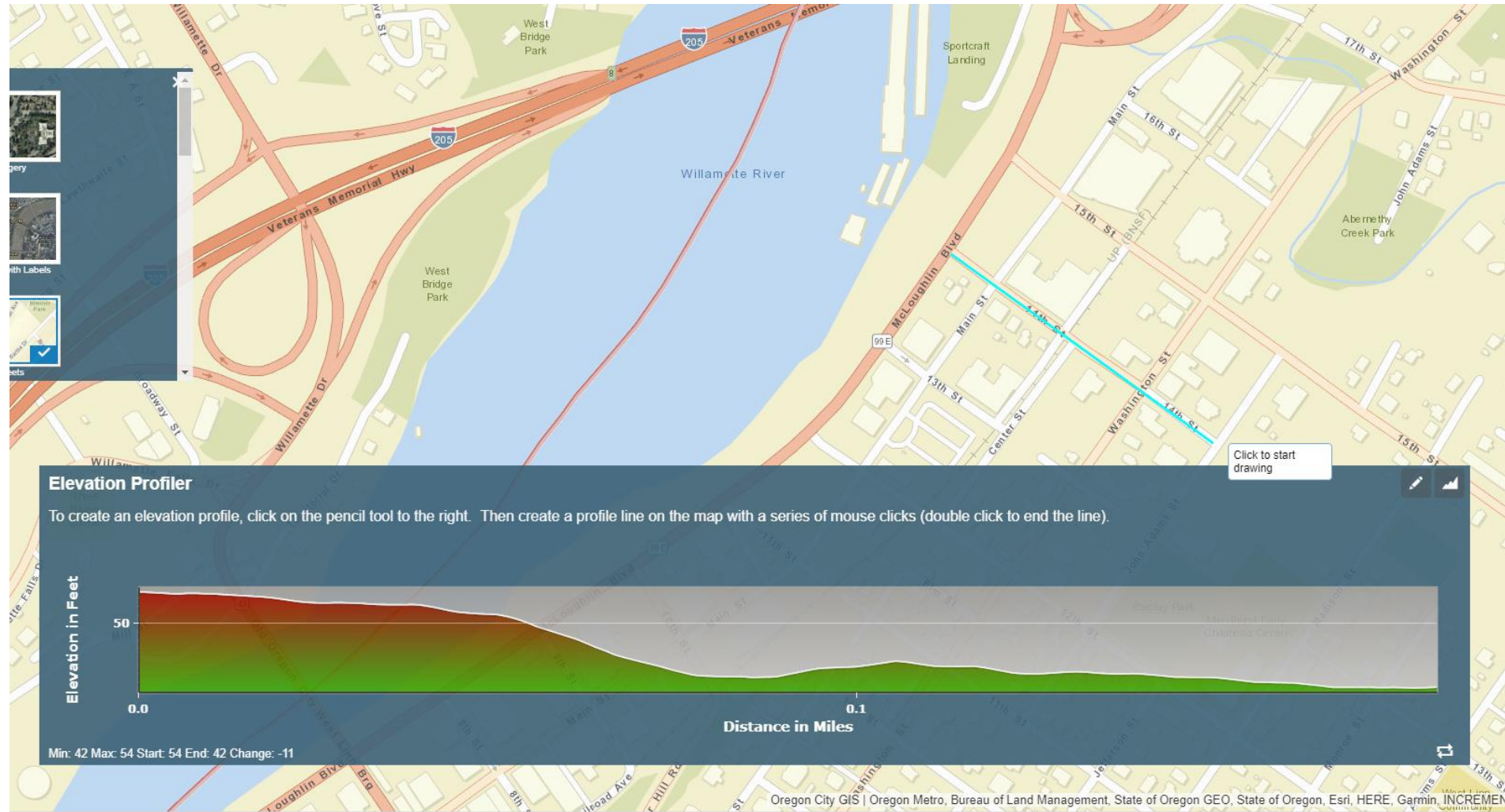
Elevation Profiler

To create an elevation profile, click on the pencil tool to the right. Then create a profile line on the map with a series of mouse clicks (double click to end the line).



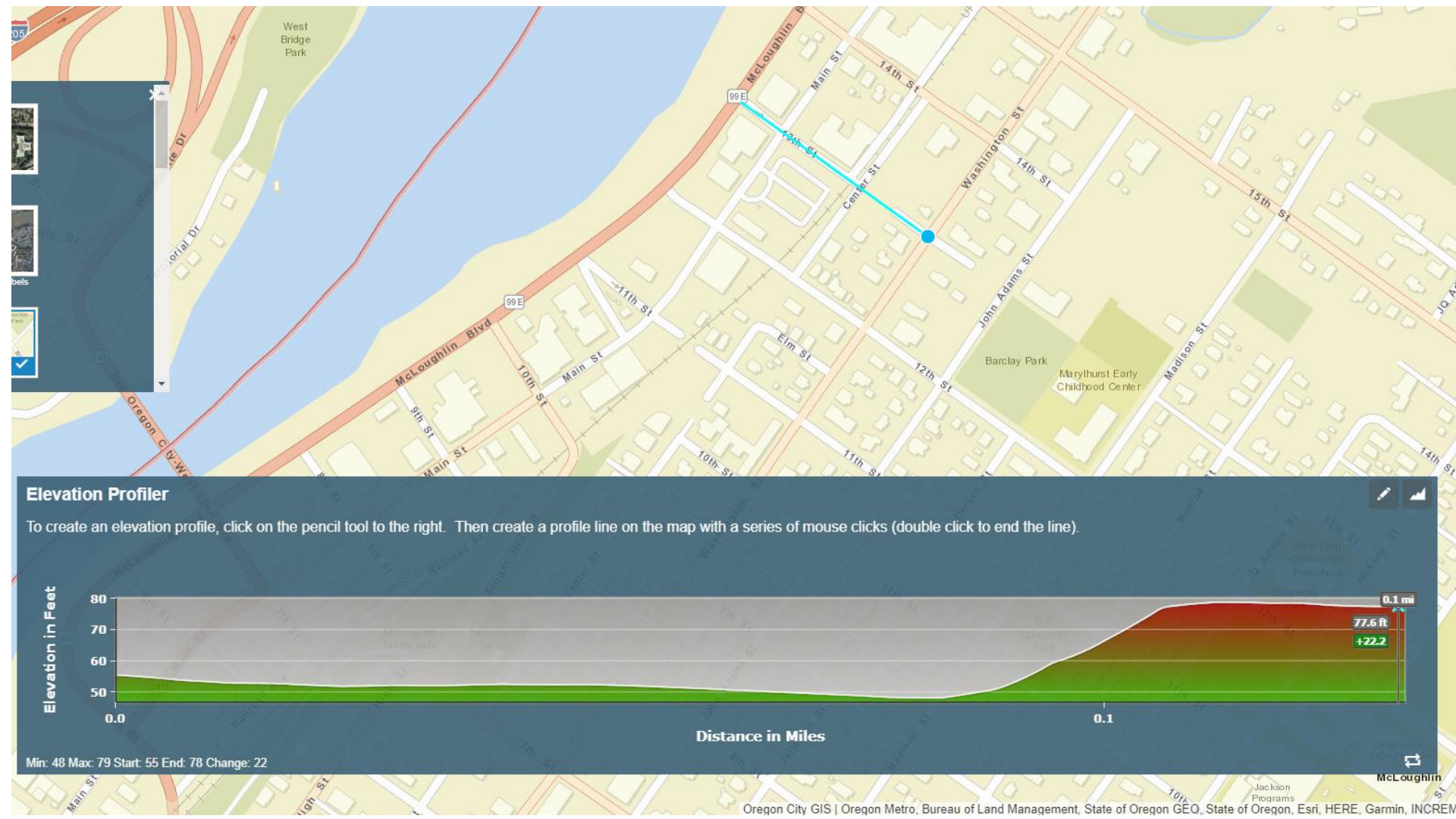
Elevation Profile

14th Street from 99-E to John Adams



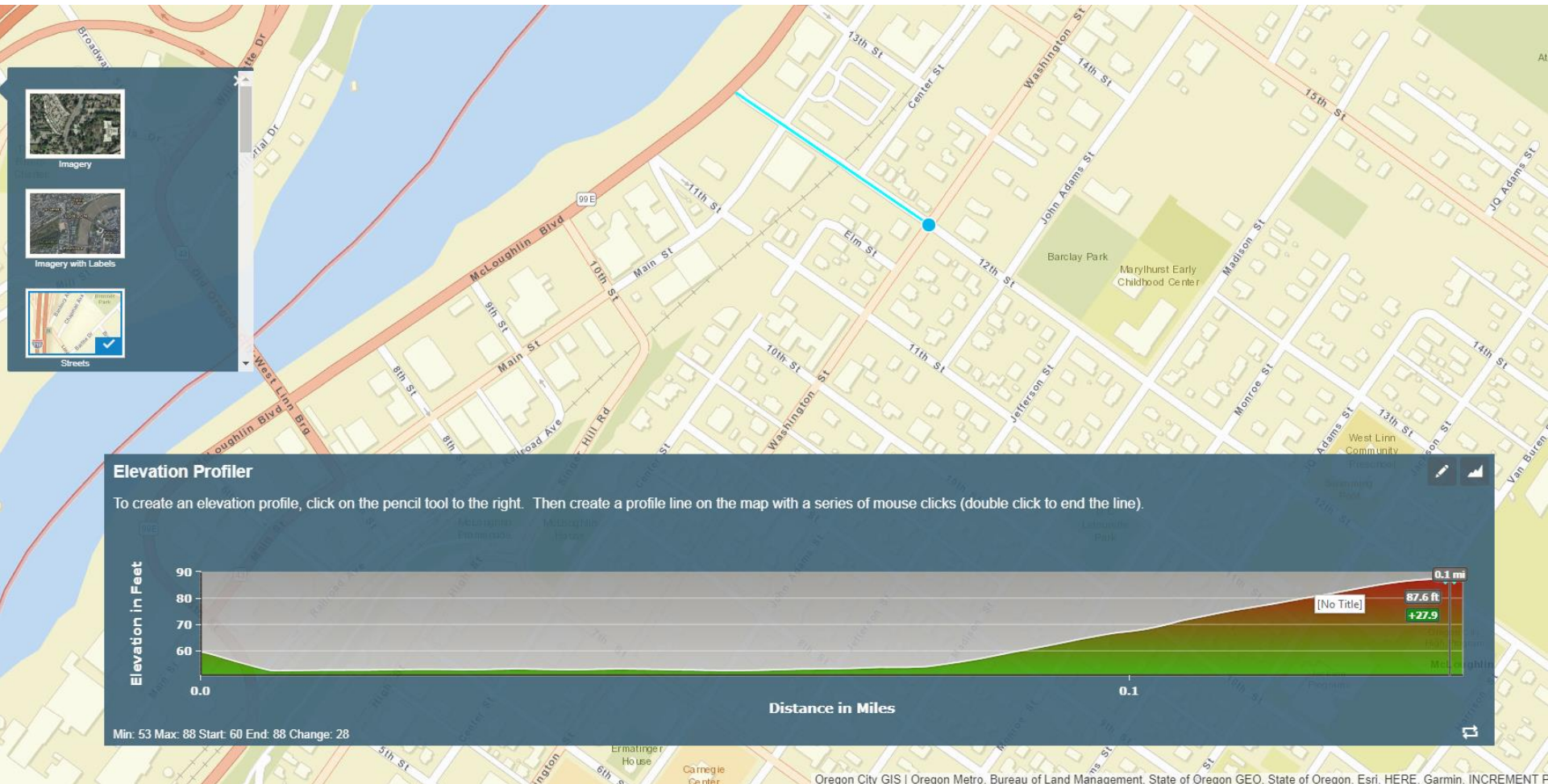
Elevation Profile

13th Street from 99-E to Washington



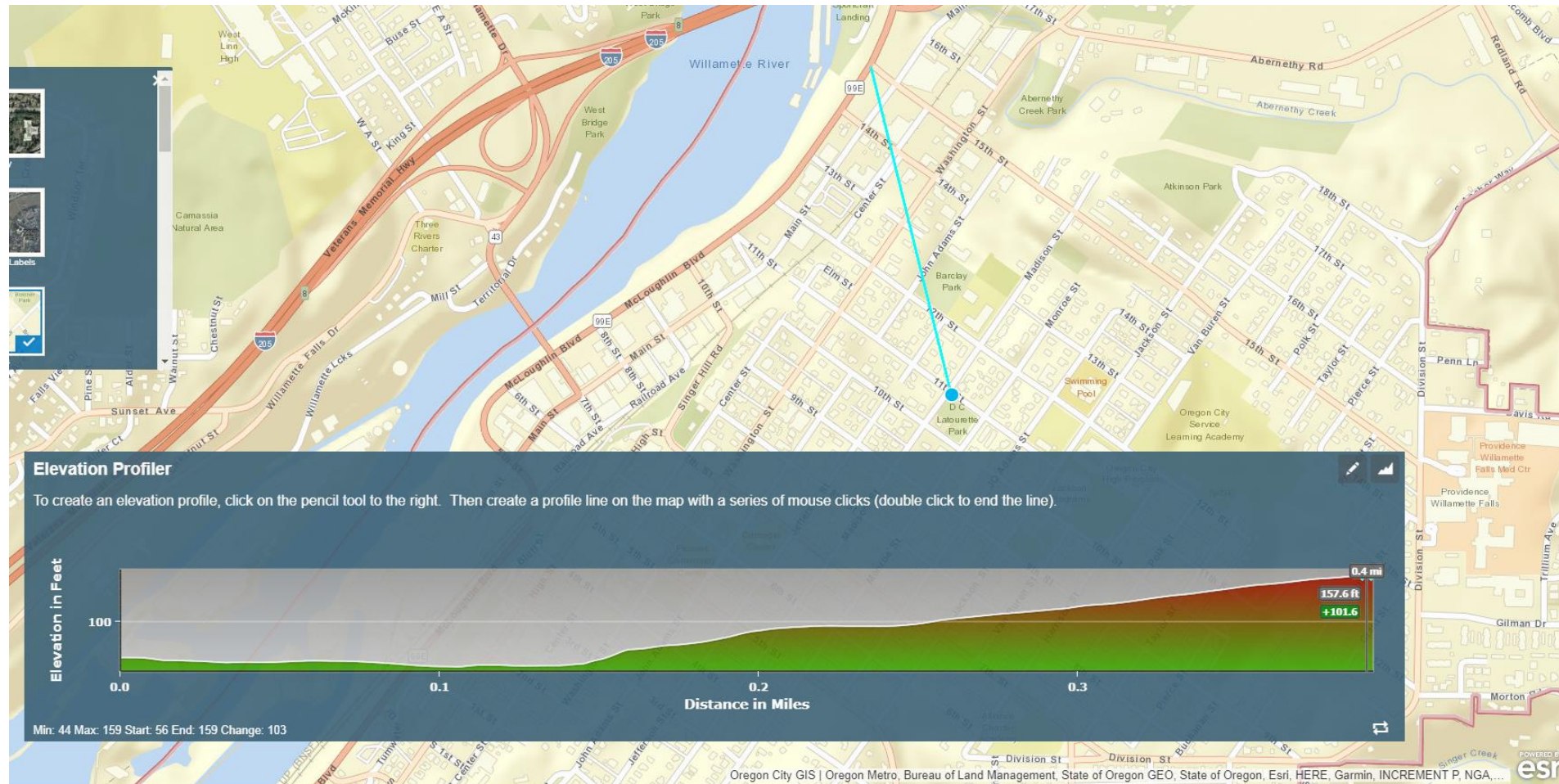
Elevation Profile

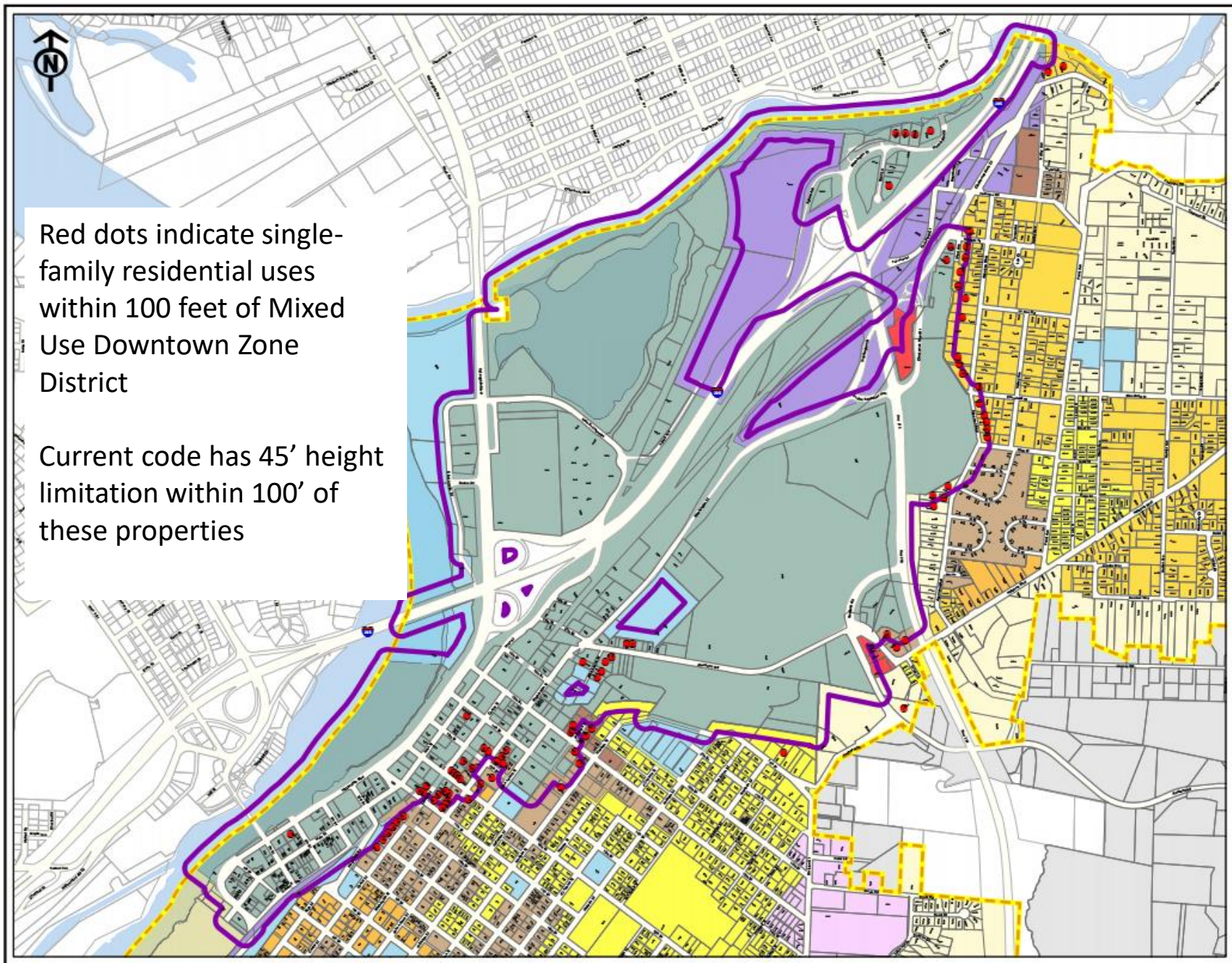
12th Street from 99-E to Washington



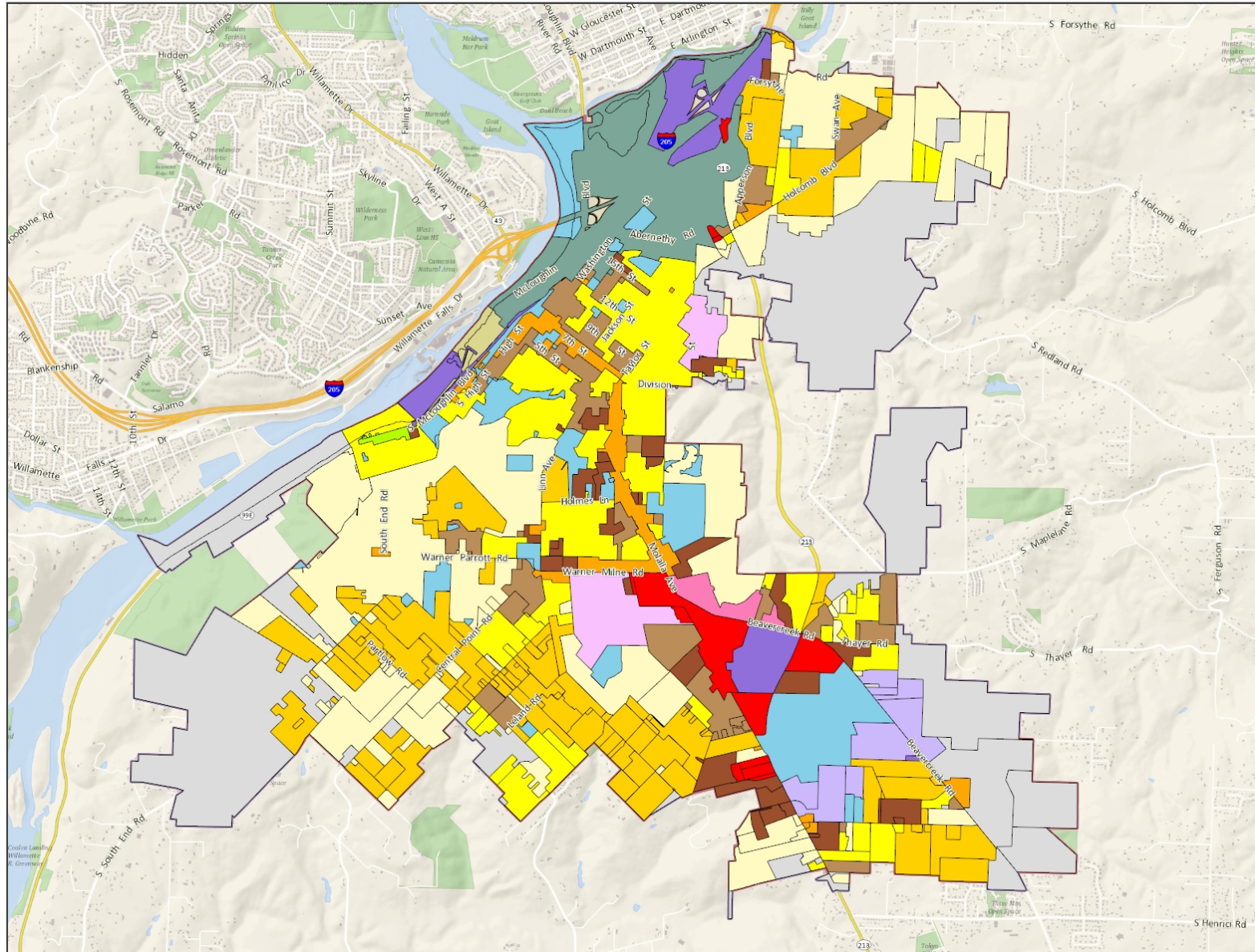
Elevation Profile

N-S from 99E to Latourette Park





MUD, MUC, and Residential Zoning Designations



Legend

Street Names

Zoning

- R-10 - Single Family Dwelling
- R-8 - Single Family Dwelling
- R-6 - Single Family Dwelling
- RC-4 - McLoughlin Conditional
- RD4-MDP - Manufactured Dwelling Pa
- R-3.5 - Medium Density Residential
- R-2 - Multi-Family Dwelling
- C - General Commercial
- MUC-2 - Mixed Use Corridor 2
- MUC-1 - Mixed Use Corridor 1
- LO - Limited Office
- NC - Neighborhood Commercial
- HC - Historic Commercial
- WFDD - Willamette Falls Downtown Di
- MUD - Mixed Use Downtown
- MUE - Mixed Use Employment
- CI - General Industrial

Notes

Overview Map



0 4,500 9,000 Feet

1: 54,000



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