

April 5, 2019

Mayor Dan Holladay and City Commissioners
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Comments on Equitable Housing Development Code Amendments (LEG 18-00001)

Dear Mayor Holladay and Commissioners:

I am a residential home builder and real estate developer and have worked in this industry providing employment opportunities, creating new neighborhoods, and building homes in Oregon City for many years. I would like to offer comments on the proposed Equitable Housing Development Code amendments currently under consideration by the Commission. I am concerned that the Code amendments in their current state may hinder the goal of providing increased access to equitable housing.

I work closely with other partners in the development community for our projects in Oregon City, including consultants such as AKS Engineering & Forestry. AKS has submitted a detailed comment letter for your consideration regarding several key points of the Code amendments that directly impact construction of new housing in the City. These primary areas of concern include:

- The Park Place and South End Concept Plan Areas Residential Design Standards,
- Proposed further restrictions to lot area averaging and the continued exclusion of power line easements in the revised Land Division Process and Standards,
- Proposed undergrounding requirements for existing utility lines for new developments,
- Proposed tree removal and replacement requirements,
- Proposed inclusion of an additional factor for annexation of land to the City considering grading or tree removal prior to the annexation of a property.

The above-listed issues are of vital concern to the success of future housing projects in the City. I wish to add my support to the letter submitted by AKS Engineering & Forestry, LLC. Hopefully the Commission will focus on the primary stated goal of the Code Amendments to provide increased access to equitable housing opportunities in Oregon City.

Thank you for your time and consideration.

Respectfully,

A handwritten signature in black ink, appearing to read 'Bruce Arment', with a large, stylized flourish extending from the end of the signature.

Bruce Arment, President
Rian Park Development, Inc. and PDX Development, Inc.
PO Box 2559
Oregon City, OR 97045

February 12, 2019



Mayor Dan Holladay and City Commissioners
City of Oregon City
625 Center Street
Oregon City, OR 97045

RE: Comments on Equitable Housing Development Code Amendments (LEG 18-00001)

Dear Mayor Holladay and Commissioners,

The purpose of this letter is to provide brief comments on several aspects of the draft Development Code amendments which the Commission is currently considering. AKS Engineering & Forestry, LLC is locally-based multi-disciplinary consulting firm. We specialize in civil engineering, surveying, planning, landscape architecture, natural resources, forestry/forest engineering, and consulting arborist services. AKS has worked in Oregon City for over twenty years for a wide variety of clients, including residential home builders and developers, non-profit/affordable housing providers, multi-family home builders, manufactured home park owners, commercial/industrial property developers, and long-time property owners. Therefore, it is our hope that these comments are understood as a positive list of suggested modifications to the draft Code amendments which, if incorporated, would help insure that the adopted final Code revisions are consistent with the City's stated goals for this project.

Some of our clients have actively participated in this extensive Code amendment project, while others have been closely following its progress. Concerns we are hearing from our clients have prompted us to reach out to the Commission. It is commendable that City staff, stakeholders, and members of the public have been ambitious with the scope of this project. However, if the core goal of this project is to increase opportunities for access to housing in the City, particularly affordable ("equitable") housing, then proposed Code changes should further that goal. Unfortunately, there are several proposed Code amendments (and holdovers of existing Code) which make it more difficult or expensive to create new housing in Oregon City. In particular, we would like to draw your attention to the following items:

1. Chapters 17.21 and 17.22 – Single-Family Residential Design Standards – Park Place and South End Concept Plan Areas. The current Chapter 17.20 - Residential Design and Landscaping Standards provide uniform and very detailed standards for new dwellings and garages in the City and are included in the proposed Code revisions as Chapter 17.14. However, the additional standards contained in the Park Place and South End Concept Plan Area standards significantly limit the flexibility of new construction to meet the needs of the dynamic housing market. Thus, new home construction can be stifled, and the goal of increased housing availability is not furthered by these added regulations. Uniform application of current Chapter 17.20 to the City as a whole provides a predictable and fair framework for new housing. To encourage equitable housing opportunities, the Park Place and South End Residential Design Standards should be removed.
2. Chapter 16.08 Land Division Process and Standards. Much of the remaining buildable land in Oregon City is constrained in some way. This makes it more challenging to provide housing on these sites and is often why these sites have been passed over. Chapter 16.12 of the Municipal Code historically provided an effective tool to help create needed housing on these constrained properties. However, in 2018, the Code language was changed, and this tool was made more

restrictive and thus less effective by removing any lot areas within a powerline easement from the lot area calculation. The Code changes currently proposed would continue the trend of restricting homesite availability in the City.

The proposed Code amendments (Chapter 16.08.065 – Lot size reduction) would further limit the ability to create housing on properties with constraints. The current Code (Chapter 16.12.050) allows for lot size reduction up to twenty percent to be applied to any lot across a subdivision, provided the average lot size for the subdivision meets the minimum for the zone. The proposed amendments would additionally restrict the lot size reduction to 10 percent and limit the application of the reduction to 25 percent of the lots in a subdivision.

These proposed Code changes restrict lot areas to be included in the lot size reduction formula, thus limiting total available homesites. Similarly, the 2018 exclusion of areas within powerline easements from lot area calculations do not encourage infill development. The proposed changes to 16.12.050 and the recently-added powerline easement area exclusion should be removed entirely from the Code amendments to encourage greater access to equitable housing.

3. Chapter 16.12.095 – Minimum Improvements – Public Facilities and services, Sub-Section G, Other Utilities. As amended, this sub-section would require underground placement of “existing and new” electrical lines and other wires....” The requirement to place new electrical lines and wires underground is often required for new developments. However, the requirement to place “existing” electrical lines and wires underground is overly-broad and burdensome. It is very difficult, if not impossible to estimate costs for utility undergrounding because franchise utility companies do the work and will not provide cost information. This lack of information creates uncertainty in the process and unexpected project costs later, both of which are barriers to the creation of equitable housing.

The equitable approach these situations would be for the projects to include the onsite underground utilities and the necessary infrastructure (conduit, vaults, etc.) along adjacent street frontages to facilitate future undergrounding by utility providers, but not actually require the undergrounding at the time of development. This approach allows for undergrounding of existing lines to be done cost-efficiently by the utilities as part of larger projects in the future, thus lowering costs and further encouraging the creation of new housing in the City.

4. Tree Removal and Replacement Requirements – Tables 12.08.035 and 17.41.060-1. The replacement ratios for removal of non-diseased or hazardous trees in Tables 12.08.035 and 17.41.060-1 creates progressively higher numbers of required replacement trees for larger diameter trees to be removed. Although it does make sense to account for potential mortality rates of replacement trees, it does not follow that the removal of larger, mature trees should necessarily require a post-development site to contain significantly more trees than existed previously. In situations where a site contains multiple large trees, a disproportionate result occurs. It is recommended that the tables be simplified to a simple 1:1 ratio for removal/replacement and that street trees should be counted toward the total required number of replacement trees.
5. Chapter 14.04.060 – Annexation Factors. The proposed Code amendments include an additional annexation factor for the Commission to consider. This factor is:

Whether significant site grading or tree removal (greater than fifty percent of the “forest canopy”), excluding farm or forest practices as defined under ORS 30.930, has occurred on the property since the date when the annexation application was filed with the City.

The inclusion of this new factor is unnecessary and unfair to landowners. Presumably any grading or tree removal on a property outside of the current City limits has been or will be performed in a way that meets applicable County and State regulations. To presume otherwise unduly penalizes the landowner. Additionally, “significant site grading” is not defined and lends itself to subjective interpretation. Inclusion of this factor would be another instance of a code amendment that does not promote equitable housing, and which could easily discourage the annexation of much-needed residential land into the City. If a landowner has followed the rules which apply to their property when outside of the City, that should be enough. Because this additional factor does not make sense and would be difficult to evaluate fairly and consistently, it should not be adopted.

It is our hope that this letter brings additional attention to some key aspects of the Equitable Housing Development Code Amendments, which can discourage the creation of additional housing in the City. We have highlighted the above-listed areas of concern because we have seen housing projects in Oregon City not move forward and/or not be successful due to one or more of these issues. We respectfully submit these comments to you in the hope that by adopting one or more of our recommendations, the original, fundamental goal of increased availability of equitable housing for Oregon City residents may be more fully-realized.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC

A handwritten signature in black ink, reading "Montgomery B Hurley". The signature is fluid and cursive, with the first name "Montgomery" written in a larger, more prominent script than the last name "Hurley".

Montgomery B. Hurley, PE, PLS – Principal