



Topics Identified for Direction by the City Commission on May 15, 2019

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 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.oregoncity.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.

Shelters

Background

- Day and/or overnight shelters are not currently listed as a permitted or conditional use in any zoning designation in the City.
- Uses which are permitted outright require little or no review. The City may elect to impose requirements for permitted uses, such as the creation of an emergency contact plan, which would result in a short City review and may result in a small fee.
- Conditional Uses require review by the Planning Commission at a public hearing to assess if the use complies with discretionary criteria. The one-time process costs about \$5,300 and applies to new or expansions of existing facilities.
- 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 (including wind chill).
- Shelters may be permitted outright, conditional uses, or prohibited in certain locations or throughout the City.

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.
- Allow day and/or night shelters as a 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.
- Creation of requirements 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.) as well as automobile and bicycle parking standards.

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 to assess the impacts of the use.
- 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 use 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, 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 specific to shelters have been included in the code to mitigate impacts.
- A variety of potential definitions are attached.
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 reductions of 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

- Limit the reduction to 10 percent and limit the application of the reduction to 25 percent of the lots in a subdivision.
- Limit reduction to lots that are proposed for single-family detached homes.

Equitable Housing Public Advisory Team Comments

- Recommend retaining current code.
- Limit the reduction to single-family detached residences and do not allow lot averaging for new proposed missing middle housing types which may already include smaller lots or other dimensional bonuses.
- 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 they had previously identified during the 2018 amendments to assure more consistent expectations in zone districts as well as 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 with 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 with 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 retaining the existing standard, but limiting it to single-family homes. If the City Commission wishes to cap the amount of lots which may be below the minimum lot size, staff recommends 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.

Equitable Housing Public Advisory Team Comments

- ADU- Eliminate off-street parking requirements and leave it to homeowners to decide whether to provide an off-street space or use on-street parking, prioritize housing units rather than parking on residential lots, and expand flexibility to accommodate more ADUs. No off-street parking is required for single-family or duplexes which can have the same impact. 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 should be required 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 should be required. 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 both no and 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 minimum parking 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. Clackamas County adopted a standard which would deny development within the UGB if excessive tree removal has occurred in the past five years (see attached).
- Once in the City, tree removal and grading is only regulated on some properties, within certain zoning designations or environmental overlay districts, during the development process, or certain times thereafter. 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

- 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

Planning Commission Recommendation After Second Review

The City Commission directed the Planning Commission to review the following items and provide a recommendation.

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

- Though the Planning Commission originally recommended to retain the owner occupancy requirement, after further consideration as they recommended the City Commission remove the requirement.
- The Planning Commission recommended creating a faster and cheaper process for short-term rentals through a process separate from the owner-occupancy requirement.

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

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 3-4 plex review.

Planning Commission Recommendation

- Redefine multi-family as 5 or more units and identify 3-4 plexes as a separate use.
- Though originally, the Planning Commission recommended allowing multi-family as a permitted in HC, but not 3-4 plexes, upon further consideration, they recommend not allowing 3-4 plexes or multi-family in the Historic Commercial District.

Planning Commission Comments

- The use of 3-4 plexes or multi-family is not consistent with the historic uses within the HC boundary.
- 3-4 plexes may not be an appropriate use given the historic district.

Public Comments

- Concern that the design of 3-4 plexes may not be appropriate, but acknowledgement that a Type III process before the Historic Review Board is required for review appropriateness and compatibility.
- Concern about the design and impacts of the existing multi-family in Canemah.

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.

17.26.020

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 distance is measured from the outer perimeter of the subject site.
- Staff audited the notices sent in 2018 and found that 40 separate notices were sent to a total of 1,213 addresses. Excluding the responses from two petitions, we received a written response rate of about 3%.
- 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

- The Planning Commission decided to retain the 300' mailed notice because:
 - The variety of ways in which land use applications are noticed.
 - The relatively low rate of return of mailed notices.
 - The concern of the cost of increasing the mailed notices, particularly as it relates to the response rate.
 - The current radius is already 3 times the state requirement.

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

Exhibits:

- A. Shelter Memorandum
- B. Clackamas County Zoning and Development Code Excerpt
- C. Map of HC District
- D. Map of Zoning Citywide



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April 24, 2019

To: Mayor Holladay and City Commission

From: Laura Terway, AICP, Community Development Director

Re: Definitions for Shelters

The City Commission is reviewing proposed amendments to the Oregon City Municipal Code including a proposal to allow Shelters in certain zones throughout the City. The Homeless Solutions Coalition of Clackamas County submitted testimony at the public hearing on April 17 asking that the definition for shelters be expanded in order to differentiate between different shelter types, with the intent of allowing certain types of shelters to be permitted outright, while others would require Conditional Use approval. Staff has provided a variety of options for the City Commission to consider which would allow certain types of shelters to be treated different than others. Staff recommends retention of the existing Shelter definition and direction to staff to identify any specific types of shelters the Commission would like to be subject to a more streamlined or intensive adoption process. For example, Shelters could be identified as requiring a conditional use, while warming/cooling shelters could be permitted outright.

Current Definition Recommended from the Planning Commission (OCMC 17.04.1117).

“Shelter” means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, temporary cooling or warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardingshouses, hotels or motels.

Above definition originally derived from Longview, Washington

19.09.223 Emergency shelter.

“Emergency shelter” means congregate facilities providing housing to shelter families and individuals offered on an emergency basis for a period not to exceed 90 days continuously. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency.

Options for a Common Definition. Though there is no standard definition which is employed by multiple jurisdictions, some example national and local definitions are enclosed.

“Transitional Housing” means a project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes, but is not limited to, housing to serve deinstitutionalized homeless individuals, homeless individuals with mental or physical disabilities, or homeless families with children.

Above definition suggested by the Homeless Solutions Coalition of Clackamas County and derived from Housing and Urban Development (HUD).

Transitional Housing: A project that has as its purpose facilitating the movement of homeless individuals and families to permanent housing within a reasonable amount of time (usually 24 months). Transitional housing includes housing primarily designed to serve deinstitutionalized homeless individuals and other homeless individuals with mental or physical disabilities and homeless families with children.

Transitional Housing (TH) is temporary housing with supportive services to facilitate a household's successful move into permanent housing, typically within 24 months. Participants choose whether to participate in services offered. It may be facility based or scattered site, although all publicly funded TH in Portland and Multnomah County is currently facility based

Above definition derived from A Home for Everyone (City of Portland/Multnomah County/Home Forward/City of Gresham and others).

Shelter. A facility, or part of a facility, providing temporary protective sanctuary for the homeless or victims of crime or abuse, including emergency housing during crisis interventions for individuals, such as victims of rape, child abuse, or domestic violence.

Above definition derived from the City of Gresham.

Mass Shelter. A structure that contains one or more open sleeping areas, or is divided only by nonpermanent partitions, furnished with cots, floor mats, or bunks. Individual sleeping rooms are not provided. The shelter may or may not have food preparation or shower facilities. The shelter is managed by a public or non-profit agency to provide shelter, with or without a fee, on a daily basis.

Above definition derived from the City of Portland.

Short Term Housing. A structure that contains one or more individual sleeping rooms, and where tenancy of all rooms may be arranged for periods of less than one month. The short term housing facility may or may not have food preparation facilities, and shower or bath facilities may or may not be shared. The facility is managed by a public or non-profit agency to provide short term housing, with or without a fee. Examples include transitional housing, and emergency shelter where individual rooms are provided. Where individual rooms are not provided, the facility may be a mass shelter.

Above definition derived from the City of Portland.

Option for a Day Shelter. A separate definition for day shelters would allow the Commission to treat the use different than other types of shelters. For example, one type of shelter could be permitted while another type may require a Conditional Use approval.

"Day shelter" means a shelter utilized between the hours of 7am and 7pm which does not contain sleeping facilities.

Above definition derived from Resolutions passed by the City Commission to authorize warming shelters from 7am to 7pm during the winter months.

Option to Include Time Limitations for Residents. The following definition would place a limitation on the duration of time that residences could continuously be housed at the shelter.

“Shelter” means a congregate facility designed to provide housing to shelter families and individuals offered on a short-term basis *for a period not to exceed 90 days continuously*. Shelters may offer meals, lodging and associated services on site, aimed at helping people move towards self-sufficiency. Shelters may include day shelters, temporary cooling or warming shelters and other temporary or permanent spaces made available for sheltering individuals or families. Shelters are not considered bed and breakfast inns/boardinghouses, hotels or motels.

Above definition derived from a previous Planning Commission definition which identified a maximum time period of 90 days.

Option for Emergency Shelter. A separate definition for emergency shelters would allow the Commission to treat the use different than other types of shelters. For example, one type of shelter could be permitted while another type may require a Conditional Use approval.

“Emergency shelter” means any facility, the primary purpose of which is to provide a temporary overnight shelter for the homeless in general or for specific populations of the homeless under specified circumstances and which does not require occupants to sign leases or occupancy agreements. Emergency shelters include temporary cooling or warming shelters and other temporary spaces made available for sheltering individuals or families in response to emergencies when an emergency has been declared by the City Commission by Resolution.

*Above definition derived from Homeless Solutions Coalition of Clackamas County.
Emergency shelter means any facility, the primary purpose of which is to provide a temporary shelter for the homeless in general or for specific populations of the homeless and which does not require occupants to sign leases or occupancy agreements.*

Emergency Shelter. Any facility with overnight sleeping accommodations, the purpose of which is to provide temporary shelter for the general population in a time of crisis.

Above definition derived from the City of Beaverton.

Emergency Shelter (ES) provides individuals and families with a safe place to sleep. It is meant to be short in duration and offer connection to housing options. The level of services available depends on the model. ES may be structured as a mat on the floor of a community space, an individual unit in which a household resides for a limited period of time, a private room with shared community space in a building, or other models.

Above definition derived from A Home for Everyone (The City of Portland, Multnomah County, Home Forward and the City of Gresham joined with others to invest in A Home for Everyone, our region’s first truly comprehensive strategy for addressing homelessness).

Option for Separate Definition for Warming/Cooling Shelter (OCMC 17.04.278). A separate definition for emergency shelters would allow the Commission to treat the use different than other types of shelters. For example, one type of shelter could be permitted while another type may require a Conditional Use approval.

“Warming/Cooling shelter” means a shelter operating between the hours of 7pm and 7am when the outside temperature is:

- 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration; or
- 95 degrees or above, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration.

Above definition for cold weather shelters was derived from Resolutions passed by the City Commission to authorize warming shelters during the winter months with weather 33 degrees or below, including wind chill factor, as measured by the National Oceanic and Atmospheric Administration. No jurisdiction could be identified with a specific temperature with automatically allowed a cooling shelter, they appear to open as needed.

Warming/Cooling Shelter. A building or part of a building providing temporary sheltering for persons affected by extreme cold or high heat. Exceptions: Intermittent Lodging and emergency or disaster shelters established during times of natural or man-made emergencies or disasters.

Above definition from the City of Gresham.

Standards for Shelters

In response to testimony from the Coalition as well as many others, the Planning Commission added use-specific standards in OCMC 17.56 for Shelters. Regardless of whether the use is permitted outright, or requires approval of a Conditional Use by the Planning Commission, the following proposed use-specific standards should apply.

- 1. The shelter shall maintain a written community engagement plan include the following information:*
 - a. Description of purpose and scope of services of the shelter;*
 - b. Population to be housed at the shelter and the process and criteria for the selection of guests;*
 - c. Bed capacity for nightly guests;*
 - d. Hours of operations and curfew, if applicable;*
 - e. 24 hour contact information; and*
 - f. Explanation of how the shelter will address concerns/complaints.*
- 2. Shelters shall hold a meeting with the community prior to commencing operation, and a minimum of once a year each year thereafter. The purpose of the meeting is to discuss the community engagement plan and provide an opportunity for greater communication. Mailed notice of the meeting shall be provided to property owners within 300 feet, the neighborhood association, and the City. The meeting shall be open to the public.*

The above standards may apply for uses which are conditional or those which are permitted outright.

CLACKAMAS COUNTY ZONING AND DEVELOPMENT ORDINANCE

1. “Implemented” means all major development permits shall be obtained and maintained for the approved development, or if no major development permits are required to complete the development contemplated by the approved permit, “implemented” means all other necessary County development permits (e.g. grading permit, building permit for an accessory structure) shall be obtained and maintained. A “major development permit” is:
 - a. A building or manufactured dwelling placement permit for a new primary structure that was part of the approved development; or
 - b. A permit issued by the County Engineering Division for parking lot or road improvements required by the approved development.
- D. If the approval of a permit under Subsection 1002.01(B) is not implemented within the initial approval period established by Subsection 1002.01(C), a two-year time extension may be approved pursuant to Section 1310, *Time Extension*.

1002.02 DEVELOPMENT RESTRICTION FOLLOWING EXCESSIVE TREE REMOVAL

Subsection 1002.02 applies to land inside the Portland Metropolitan Urban Growth Boundary, except land specially assessed as forestland on September 28, 2010.

- A. Definitions: Unless specifically defined in Subsection 1002.02(A), words or phrases used in Subsection 1002.02 shall be interpreted to have the same meaning as they have in common usage and to give Subsection 1002.02 its most reasonable application.
 1. Christmas Tree: A tree of a marketable species and evidencing periodic maintenance practices of shearing for Douglas fir, fir, and pine species, weed and brush control, and one or more of the following practices: basal pruning, fertilizing, insect and disease control, and soil cultivation.
 2. Diameter Breast Height (d.b.h.): A tree’s diameter measured by diameter tape at four and one-half feet above grade on the uphill side. On multi-stem trees, the stem with the largest diameter shall be measured.
 3. Hazardous Tree: A tree that, by reason of disease, infestation, age, or other condition, presents a known or immediate hazard to people or property.
 4. Nuisance Tree: Any tree of the following species: tree of heaven (*Alnus altissima*), single seed hawthorn (*Crataegus monogyna*), English holly (*Ilex aquifolium*), plums (*Prunus* hybrids, which are not commercial nursery species), sweet cherry (*Prunus avium*), English laurel (*Prunus laurocerasus*), Portuguese laurel (*Prunus lusitanica*), black locust (*Robinia pseudoacacia*), European mountain ash (*Sorbus aucuparia*), and any listed in the Oregon Department of Agriculture’s Noxious Weed Policy and Classification System.

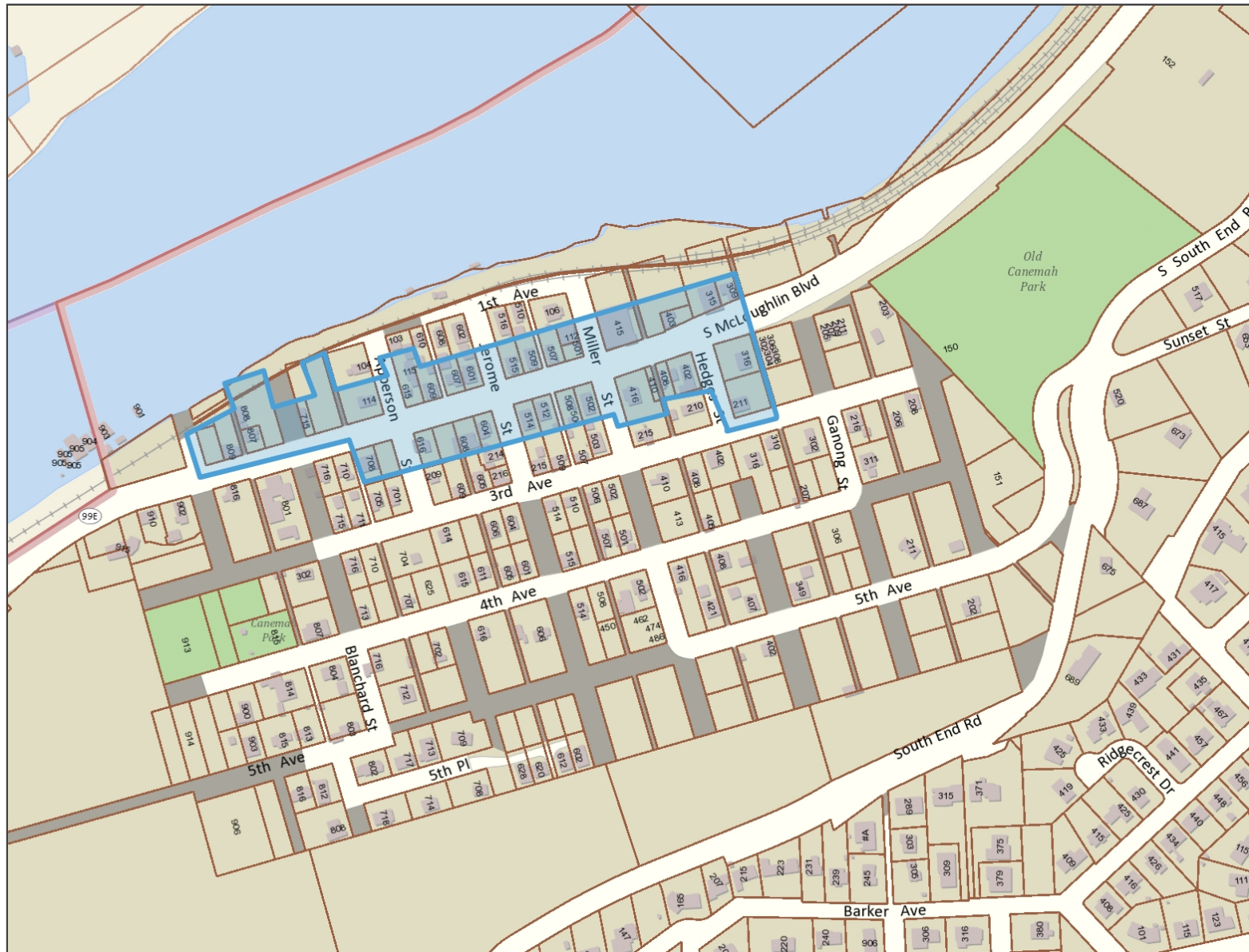
5. Orchard Tree: A tree maintained for the production of fruit or nuts for human consumption.
 6. Tree: Any woody plant with at least one well-defined stem.
 7. Tree Removal: The act of removing a tree by digging up or cutting down, or the effective removal through damage to a tree or its root system. Effective removal shall include any procedure the natural result of which is to cause the death or substantial destruction of a tree, including, but not limited to: topping and severe cutting back of limbs to such a degree as to destroy or adversely affect the normal growth pattern of the tree, girdling, and placing fill in excess of six inches deep over the root zone. Tree removal does not include routine pruning or trimming.
- B. Excessive Tree Removal: Excessive tree removal is the removal of more than three trees—excluding those identified as exempt in Subsection 1002.02(E)—on a lot of record in a calendar year.
 - C. Development Restriction: If excessive tree removal occurred in the five years immediately preceding the date that a complete application is filed for design review, a subdivision, a partition, or a conditional use, the application will be denied.
 - D. Exception to Development Restriction: Notwithstanding Subsection 1002.02(C), a modification of a previous design review, subdivision, partition, or conditional use approval may be approved pursuant to Section 1309, *Modification*.
 - E. Exempt Trees: Removal of the following exempt trees is not excessive tree removal, regardless of the number of such trees removed. However, removal of the listed trees may be regulated under other provisions of this Ordinance, such as Section 705, *Willamette River Greenway*, Section 706, *Habitat Conservation Area District*, and Section 709, *Water Quality Resource Area District*, or by conditions of approval on a previous land use decision.
 1. Trees with a d.b.h. of less than six inches;
 2. Trees required to be removed by local, state or federal law or regulation, or by a fire official;
 3. Trees removed by a public utility—or required by a public utility to be removed—in order to maintain, repair, or replace an existing utility line;
 4. Trees removed by a public utility—or required by a public utility to be removed—in order to construct a new utility line, unless the purpose of the new line is to serve future development of the subject property;
 5. Orchard trees;

6. Christmas trees;
7. Trees planted on the site of a commercial nursery and grown for commercial purposes;
8. Nuisance trees;
9. Dead trees, where death resulted from an accident or non-human cause;
10. Diseased or hazardous trees, where the condition resulted from an accident or non-human cause;
11. Trees, the removal of which is authorized by approval of an administrative action under this Ordinance; and
12. Trees removed prior to September 28, 2010.

1002.03 TREES AND WOODED AREAS

- A. Existing wooded areas, significant clumps or groves of trees and vegetation, consisting of conifers, oaks and large deciduous trees, shall be incorporated in the development plan wherever feasible. The preservation of these natural features shall be balanced with the needs of the development, but shall not preclude development of the subject property, or require a reduction in the number of lots or dwelling units that would otherwise be permitted. Site planning and design techniques which address incorporation of trees and wooded areas in the development plan include, but are not limited to, the following:
 1. Siting of roadways and utility easements to avoid substantial disturbance of significant clumps or groves of trees;
 2. Preservation of existing trees within rights-of-way and easements when such trees are suitably located, healthy, and when approved grading allows;
 3. Use of flexible road standards as provided in Subsection 1007.02(B)(3), including one-way roads or split-level roads, to preserve significant trees and avoid unnecessary disturbance of terrain;
 4. Retention of specimen trees or clumps of trees in parking area islands or future landscape areas of the site as provided for in Section 1009, *Landscaping*.
 5. Use of wooded areas of the site for recreation, or other low-intensity uses, or structures, not requiring extensive clearing of large trees, grading, or filling activity which substantially alters the stability or character of the wooded area;

HC District



Legend

Street Names

Taxlots

Taxlots Outside UGB

Unimproved ROW

City Limits

UGB

Basemap

Notes

Overview Map



0 400 800 Feet

1: 4,800



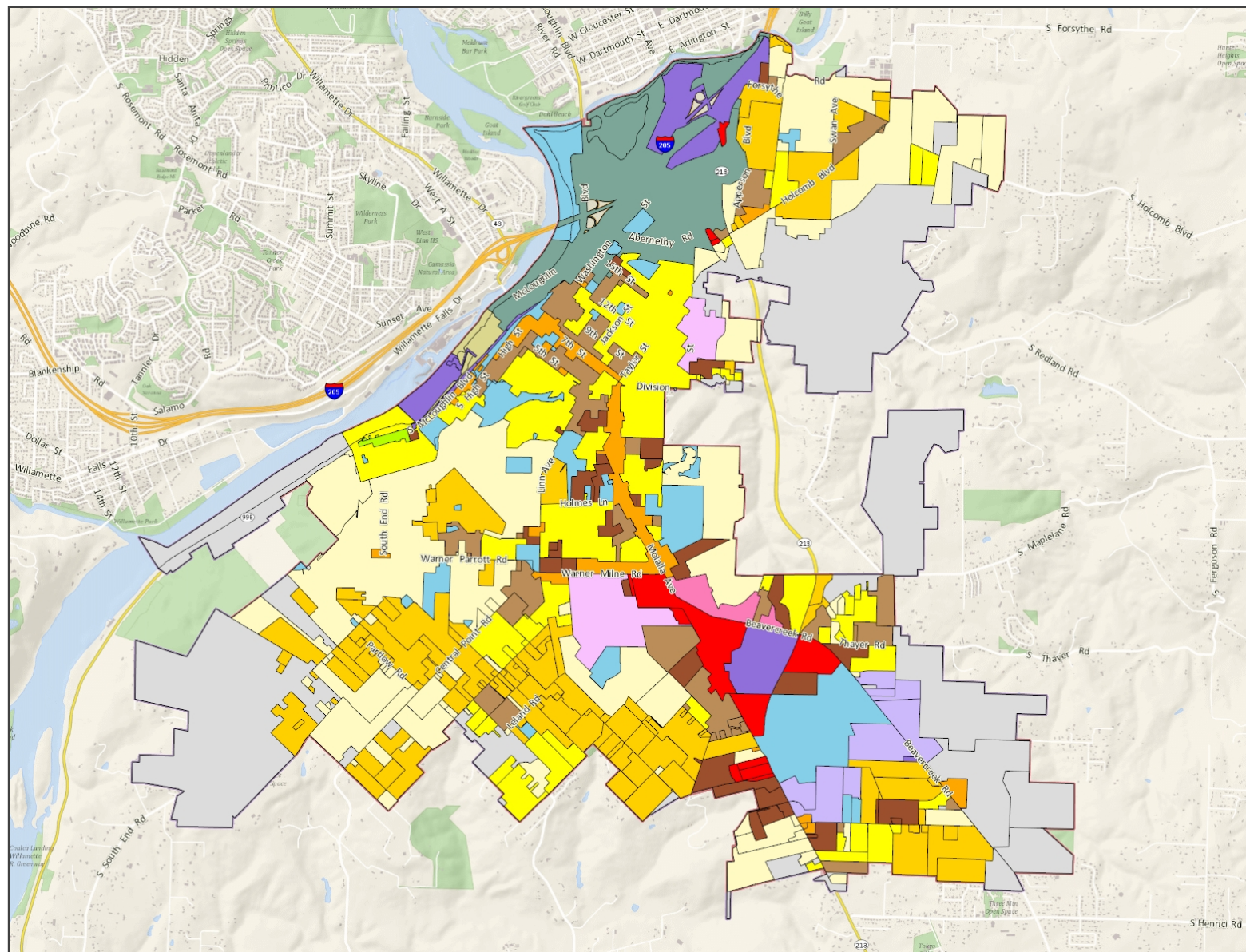
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Map created 3/23/2019

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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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