



To: Planning Commission

From: Christina Robertson-Gardiner, Senior Planner

RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments

Date: August 30, 2019

Background

The Planning Commission is reviewing the zoning and code amendments for the Beavercreek Road Concept Plan (BRCP) over multiple meetings during the late summer and fall of 2019. Each meeting will be broken into 1-3 topics to allow the Planning Commission, staff and the public time to focus their energy. Planning Commission comments and direction as well as public comments will be tracked throughout the hearings and topics may be added to future meetings if new items are identified or issues have not been resolved. Please refer to the updated calendar attached to each Planning Commission packet for meeting topics.

The following topics were identified either by public comment or the Planning Commission for the September 9, 2019 Hearing. Staff will provide background on the issue and offer a recommendation if warranted.

Zoning

1. Setbacks Differentiation Between the Northern Concept Plan Boundary and the Southern Concept Plan Boundary.

Southern Boundary

The southern concept plan boundary along Old Acres Lane is will be zoned R-5 and has the following proposed code language. The purpose of the increased setback of 40 feet is to protect the existing grove of trees at the southern property line. Staff has identified two additional revisions in red for clarification purposes.

- Timbersky/Beavercreek intersection. There may be a connection to Beavercreek Road at the Timbersky intersection that could be a right in/right out approach, therefore a road may need to be allowed within the 20 feet of the southern boundary
- The addition of the clarification for the 40 foot setback at the southern boundary to primary structures indicates that accessory structures would be allowed in the 40 setback.



Google Maps 2012

D. Southern Perimeter Transition. Along the southern boundary of the Beavercreek Road Concept Plan area between Beavercreek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.

1. For all lots adjacent to the southern boundary and within 20 feet of the southern boundary, uses shall be limited to single-family detached residential and **roads**, parks, trails and open space.
2. For all lots adjacent to the southern boundary and within 20 feet of the southern boundary, minimum lot size for residential uses shall be 6,000 square feet.
3. All **primary** structures shall be set back a minimum of 40 feet from the southern boundary for all lots adjacent to the southern boundary and within 20 feet of the southern boundary.
4. Within the 40-foot wide setback, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41 resulting in preservation or replanting of a minimum of 12 inches of tree diameter inches per lot with trees spaced an average of one tree for every 30 linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of landscaping and screening to include:
 - (i) A minimum of 12 inches of tree diameter inches per lot, or a minimum of an average of one tree with minimum caliper of two inches DBH for every 30 linear feet along the southern property line, whichever is greater; and

(ii) A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with Planning Director's approval. Chainlink fencing with slats shall be not allowed to satisfy this standard.

5. An alternative southern perimeter transition may be proposed as part of a Master Plan per OCMC 17.65, provided it is consistent with the goals of the adopted Beaver Creek Road Concept Plan.

Northern Boundary

The northern boundary is zoned CI and has the following buffering requirements to residentially properties. The purpose of the zoning language is to provide a visual buffer for residential uses while maximizing development area for campus industrial properties. The additional buffer requirements found in the CI zone allow for a smaller setback than the residential buffer to the south. The exchange for quality of the buffer over quantity is often applied in non-residential zones as the landscaping installation and maintenance is easier to enforce than with a single-family residence. Moreover, the Campus Industrial Zone is envisioned to attract businesses that contain their uses inside buildings. The off-hour impact would also be substantially less compared to a single-family residence.

17.37.040 -Dimensional standards

Buffer zone: If a use in this zone abuts or faces a residential use, a yard of at least twenty-five feet shall be required on the side abutting or facing the adjacent residential or commercial zone in order to provide a buffer area, and landscaping thereof shall be subject to site plan review

D. Buffer zone treatment required in OCMC 17.37.040.D shall include:

1. Landscaping shall be installed to provide screening of views of parking, loading and vehicle maneuvering areas, refuse/recycling collection areas, outdoor storage, and building façades. Buffer zone treatment may substitute for perimeter parking lot landscaping required per OCMC 17.52.060.C. Landscaping shall include:
 - a Trees a minimum of two caliper inches dbh planted on average 30 feet on center. Existing mature vegetation may be used to meet this standard if it achieves a similar level of screening as determined by the Planning Director.
 - b An evergreen hedge screen of thirty to forty-two inches high or shrubs spaced no more than 4 feet apart on average.
 - c Ground cover plants, which includes grasses covering all landscaping areas. Mulch (as a ground cover) shall only be allowed underneath plants at full growth and within two feet of the base of a tree and is not a substitute for ground cover.
2. Buffer shall incorporate a berm no less than three feet in height above the existing grade, constructed with a slope no steeper than 3:1 on all sides. The berm shall be planted with plant materials to prevent erosion.
3. A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats shall be not allowed to satisfy this standard.

Staff recommendation: Staff recommends including the two additional redline clarifications for the southern boundary and will await further direction from the Planning Commission on this issue.

2. Definition of Warehousing

Distribution/warehousing is prohibited in the Beavercreek Road Concept Plan CI zone. There was some concern that ancillary warehousing and distribution would not be allowed.

Staff recommendation: Oregon City views the storage and distribution of materials that are constructed or assembled onsite to be part of the permitted use. No changes to the code are recommended.

3. Map Change Request

At the August 12, 2019 Planning Commission Hearing, Paul Edgar requested that the Planning Commission work with Metro to revise the Title 4 Industrial maps to remove a CI zoned parcel owned by Terry Emmert (identified by a red star on the map below) to allow construction of housing for homeless veterans onsite. Portions of the CI area in the BRCP are identified as Title 4 Industrial areas. Any change to the title 4 Map must be adopted by Metro and would need to be completed before the Code amendments are adopted by the City to remain consistent with Title 4.

The Concept Plan envisions a mixed-use neighborhood with 5,000 jobs and 1,000-1,600 housing units. This requested map revision would constitute a substantial change to the Concept Plan, would not honor the extensive public process that created the plan and would affect forecasted jobs numbers. This area of the Concept Plan was brought into the Urban Growth boundary to meet Oregon City's needs for additional jobs.

Title 4 is part of the Metro Functional Plan that identifies and places protection on industrial and employment lands to ensure communities have adequate land for jobs. More information can be found at the following link: <https://www.oregonmetro.gov/industrial-and-employment-land>



Title 4 Map- BRCP 1

Staff recommendation: Staff does not recommend amending the Title 4 Map as it is not consistent with the vision of the Beavercreek Road Concept Plan.

4. City Zoning and Comprehensive Plan Map

The consultant team produced draft maps during the public engagement process. These maps were transferred to the city's mapping program and draft Oregon City Zoning and Comprehensive Plan maps have been created and will be entered into the record at the September 9, 2019 Planning Commission Hearing. These maps are based on the June 7, 2019 draft maps, which were attached to the record at the August 12, 2019 Hearing. Any future revisions to the Zoning or Comprehensive Plan maps will be from the draft city maps.

Staff recommendation: No recommendation is needed for this item.

5. Home Occupation/Cottage Manufacturing

As part of the 2016 re-adoption of the plan, the Planning Commission recommended that as part creating the implementing zoning for the BRCP, the City Commission direct staff to further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing/industry within the mixed use and residential areas.

“In 2008, the City Commission specifically considered amending the plan to include cottage manufacturing within the mixed use area, consistent with the instructions on remand, and decided the details of cottage housing are more appropriately addressed when the code language was created “Additionally, live-work units and home occupations, that may include cottage industries, are supported by the mixed-use approach. Adoption of the BRCP does not preclude the provision of cottage manufacturing or a greater variety of home occupations within the mixed use and residential areas. The proposed land use mix, combined with the improved transportation network, will guide the future development of the area in a manner that supports this policy. Finally, as part of creating the implementing zoning for the BRCP, the City Commission directs staff to further analyze the issue of allowing expanded home occupation uses, also known as cottage manufacturing, within the mixed use and residential areas.” Cottage industry was not added to the text of the Beaver Creek Road Concept Plan in 2008 or in 2016. ¹

As the term cottage industry or cottage manufacturing was not incorporated into the adopted plan, it is neither encouraged nor discouraged. As part of the code implementation process, the Planning Commission should make findings relating to this issue and how it was addresses as part of the adoption process.

The Merriam Webster Dictionary definition defines cottage industry as:

- 1 : an industry whose labor force consists of family units or individuals working at home with their own equipment
- 2 : a small and often informally organized industry

¹ Response Brief of Respondent City of Oregon City -LUBA No. 201 6-044 Page 8

3 : a limited but enthusiastically pursued activity or subject

In Oregon City, a home occupation is a business carried on by the resident of a dwelling as a secondary use, with the activity conducted so that there is no audible, visual or other appearance of a business.. The primary use must continue to be a residence. Partners or employees are not allowed onsite for businesses purposes. This means that the business must be conducted by the resident(s) and family members who live at the dwelling. In order to renew your business license, your home occupation statement must be reviewed annually. All of this is short hand for – do your work inside a building and make sure it is not adversely affecting your neighbors.

17.04.580 -Home occupation. "Home occupation" means an occupation carried on solely by the resident or residents of a dwelling unit as a secondary use in accordance with 17.54.120.

17.54.120 -Home Occupations

Home occupations shall comply with all of the following:

- A. No employees reporting to work onsite who are not residents unless otherwise required by State law. The business may have off-site employees or partners provided that they do not report for work at the subject residence;*
- B. All business conducted on sites shall be conducted within the home or accessory structure;*
- C. No outdoor storage of materials or commercial vehicles associated with the business shall occur on-site; and*
- D. Not more than one-half of the square-footage of the primary dwelling is devoted to such use*

*Please note that restriction of retail sales onsite was left off the definition that was adopted on August 2, 2019. A revised definition which includes the prohibition of retail sales onsite is part of the *Amendments to the Recently Adopted Code for Clarifications, Corrections of Errors, or Improvements* that is also being heard tonight. Once adopted, the retail restriction component will once again be part of the home occupation definition.

Public Comment

The following question was discussed at the April 9, 2019 BRCP Meeting #2 which was also available through an online survey.

11. East Mixed-Use Neighborhood- Should home occupations and/or live/work units be broadened to allow "cottage industries" that manufacture and sell goods? What additional compatibility standards should apply, such as use limitations, impacts, size, storage, or customer visits? Are there other ideas to integrate live-work opportunities in these neighborhoods, and the district generally?

There was very little feedback on this question from either inperson comments or through online comments. At the April 9, 2019 meeting the question asked to those assembled if there should be additional allowances for offsite employees, retail customers, outside storage or outside activities in the R-2 or R-5 residential zones within the BRCP. Very little people expressed support for adding additional elements to the home occupation definition.

Online and written comments for this question can be found below.

1. *Limit cottage industries to those w/o traffic impact*
2. *Because in 2002 and 2004 Metro and Oregon City brought the Beavercreek Road Concept Plan Urban Growth Boundary Expansion (most of the BRCP area) into the UGB specifically for industrial use due to the need for family-wage jobs in Oregon City and because this need remains, all Residential Densities should allow employment in the BRCP area.*
 - *Oregon City has a very poor job: housing ratio which leads to poor city finances – since business generates more tax revenues and residential costs more services.*
 - *The lack of family wage jobs in Oregon City makes the City a bedroom city with excessive commuting and with multiple roads over capacity already before projected growth occurs and with road subject to alternative mobility standards because the previous higher, more livable standards could not be met without roadway improvements that the City did not budget for. More jobs at home will lessen the increase in road congestion and loss of livability.*
 - *New businesses need to develop in a low risk, low cost environment such as the entrepreneur's home until it begins to be successful and can move to a mature business location.*

Staff recommendation: As there was no clear direction given during the public outreach meetings this spring and there are existing provisions for many types of home occupation allowed city-wide, staff does not recommend any changes to the Home Occupation code for the Beavercreek Concept Plan area.