



TO: Planning Commission / City Commission

FROM: Pete Walter, AICP, Planner

Laura Terway, AICP, Community Development Director

RE: Joint Work Session: Height Limits in the Mixed-Use Downtown District For Properties located Outside the Downtown Design District

DATE: June 24, 2019

Please refer to the language within the proposed amendments dated June 19, 2019, 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.

The City Commission requested a joint work session with Planning Commission to resolve the discussion regarding height limits in the Mixed Use Downtown zone district so that the various issues may be comprehensively discussed. This memorandum addresses the background on the issue, an explanation of the proposed Planning Commission recommendation, and a summary of comments from the public, Equitable Housing Project Advisory Team (EQPAT), Planning Commission, and staff.

City Commission

- The City Commission requested that the Planning Commission review the original recommendation.
- Requires a Joint Work Session with City Commission so that issues can be more comprehensively discussed.

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.

- 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 without business licenses is attached but 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

In October 2018, the Planning Commission voted to 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.

Applicable Code Section as proposed: 17.34.060.D