

To: Planning Commission
From: Christina Robertson-Gardiner, Senior Planner
RE: LEG 19-0003-Beavercreek Road Concept Plan Zoning and Code Amendments
Date: November 8, 2019

Background

The Planning Commission has been 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 is broken into 2-3 topics to allow the Planning Commission, staff, and the public time to focus their energies. 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.

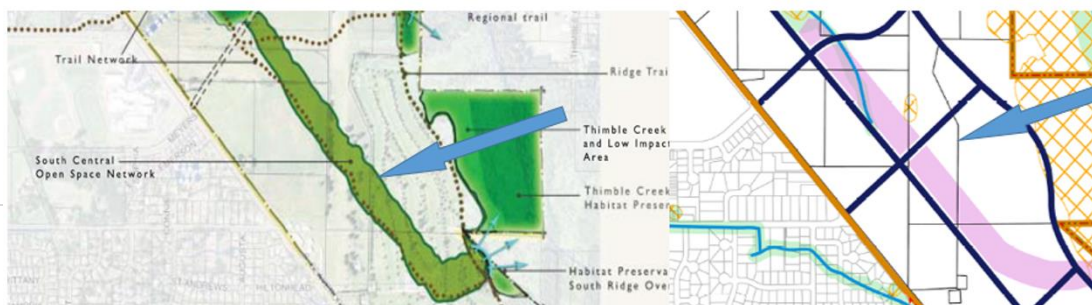
The following topics were identified either by public comment or the Planning Commission for the November 18, 2019 Hearing. Staff will provide background on the issue and offer a recommendation if warranted.

1. Parks Acquisition Code Amendments

The BRCP prioritizes an open space network that preserves identified environmental resource areas, parks, trails, and viewpoints, including the South-Central Open Space Network and the Low Impact Conservation Area upslope of Thimble Creek on the eastern edge of the district. The dedication of park property (or fee in lieu) is anticipated to occur at the time of development based on a proportional calculation. The system of dedication would allow the development of a park system within the BRCP consisting of a lineal park (string) connecting a series of modest sized parks (pearls).

The Parks and Recreation Advisory Committee (PRAC) recommended that the Conservation Area also be acquired as a city park/open space during development review. At the October 14, 2019 Planning Commission Meeting, the Planning Commission concurred with PRAC's recommendation and directed staff to revising the number of acres the city could acquire through exaction in the development process as needed. Currently, it is 8 acres. Recommended calculations will be presented at the November 18, 2019 Planning Commission Meeting.

Linear Park: Pearl and String Approach



East Ridge – Thimble Creek Conservation Area



The proposed code amendments will create the South-Central Open Space Network and Low Impact Conservation Area through required parkland dedication at the time of development and protect trail corridors throughout the district's open space system by also requiring the dedication of easements at the time of development. This code is not for the construction of these elements, only for the dedication of land. System Developments fees or grants are anticipated to be used for construction of parkland acquired by this code.

The recommended redlines below incorporate the East Ridge-Thimble Creek Conservation area into the park dedication requirements, but are still being finalized by the Parks and Recreation Advisory Committee.

16.08.042 (&17.62.058) - Additional Public Park and Open Space Requirements in Beaver Creek Road Concept Plan area.

- A. Each development within the Beaver Creek Road Concept Plan area that includes residential development must provide for land for neighborhood parks and open space during a development application which meets the requirements of this section.
- B. The minimum amount of land in acres dedicated for a parks shall be calculated according to the following calculation: $(2.6 \text{ persons per dwelling units}) \times (\text{total number of dwelling units proposed in the development}) \times (\text{8.0 x acres}) / (1,000 \text{ persons})$.
- C. The entire acreage must be dedicated prior to approval or as part of the final plat or site plan development approval for the first phase of development.
- D. If a larger area for a neighborhood park or open space is proposed than is required based on the per-unit calculation described in subsection (A), the City must reimburse the applicant for the value of the amount of land that exceeds the required dedication based on the fee-in-lieu formula expressed in subsection (E)(1).
- E. The City may accept a fee-in-lieu as an alternative to this dedication at its discretion or may require a fee-in-lieu if a suitable site meeting the criteria described in subsection (F) of these provisions is not available with the development site. The calculation of the fee-in-lieu or other monetary contribution must meet the following standards.
 1. The amount of the fee in lieu or other monetary contribution is set in dollars per acre of required dedication and is equivalent to the appraised cost of land within the development, as provided by a certified appraiser chosen by the City and with the assumption that zoning and other land use entitlement are in place.

2. *The fee-in-lieu or other monetary contribution must be paid prior to approval of the final plat or development approval for each phase of development.*
- F. *Neighborhood park and open space sites proposed for dedication must meet the following criteria.*
1. *Located within the South Central Open Space Network as shown in Figure 16.08.042-1. or the East Ridge-Thimble Creek Conservation Area 16.08.042-2.*
Figure 16.08.042-1 & 2 (To be provided, will show the South Central Open Space Network & East Ridge-Thimble Creek Conservation Area as mapped on the Development Constraints Map.)
 - a. *Meeting either of the following standards:*
 - a. *Pearl standard. (To be developed with Parks input.)*
 - b. *String standard. (To be developed with Parks input.)*
 2. *Located within the East Ridge- Thimble Creek Conservation Area*
 - a. *Meeting either of the following standards:*
 - Waiting for PRAC Direction*

Draft Park Elements

South Central Open Space-Neighborhood Park

- 30 foot ped/bikeway string along the east side of Holly Lane extension to be located in the right of way and will not be considered part of a pearl.
- 3-4 pearls of various sizes spread along the open space network
- Min and maximum sizes pearls: TBD
- Min combined size of all pearls: 8 acres
- Min average width: TBD
- Min average depth: TBD
- At least 5 acres to be developed with active recreation components

East Ridge- Thimble Creek Conservation Area

- Two public viewpoints: size TBD
- ½ of area between the Thimble Creek stream buffer and the 490-foot elevation ridgeline to be open space
- 700-foot non-interrupted view corridor along open space
- Provide a forest trail from one view-point to another along the Ridge Parkway

Next Steps: Staff is continuing to work with the Parks and Recreation Advisory Committee (PRAC) on the proposed code language. Staff will pass recommendations by the Planning Commission onto PRAC for future discussions.

2. Enhanced Home Occupation/Cottage Industry

At the September 9, 2019 Planning Commission Hearing, the Planning Commission directed staff to look at options to increase employment opportunities in the Residential Districts of the Beavercreek Road Concept Plan. An initial survey was sent out to over 200 people participating in the Beavercreek Road Concept Plan email listserve.

The survey looks at different ways the home occupation license could be enhanced within the Beavercreek Road Concept Plan area to allow more intense employment options. Survey results show that there are varied opinions for these options, though staff obtained direction from the Planning Commission at their October 14, 2014 hearing:

- Retail (such as picking up goods for sale) should be allowed with restrictions such as size, incidental to services, and hours
- Outdoor storage associated with a business (landscaping equipment, construction materials) should not be allowed
- Parking commercial vehicles (landscape trucks, 5th wheel cabs) should be allowed for smaller one-person vehicles, and vehicles up to 10,000 lbs to 26,000 lbs.
- Work should not be performed outdoors (welding, outdoor yoga)
- Offsite employees should be allowed to work at a residence with limitations such as up to 3 employees checking in at residence or working at the house and hour limitations
- Using a majority of a residence for business (more than 50% of the residence devoted to business use) should not be allowed

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.

17.54.120 -Home Occupations/Cottage Industry- Thimble Creek Concept Plan Area

Home occupations and Cottage Industries within the Thimble Creek Concept Plan Area are allowed an expanded level of uses to support job creation in Oregon City and shall comply with all of the following:

A. Up to 3 offsite employees are allowed to work at the residence. Offsite employees may work onsite Monday-Friday 7:00 am-6:00 pm and Saturday and Sunday 9:00 am to 6:00 pm;

B. All business conducted on-site shall be conducted within the home or accessory structure;

C. No outdoor storage of materials associated with the business shall occur on-site;































D. Not more than one-half of the square footage of the primary dwelling is devoted to such use;

E. There is no restriction in the number of commercial vehicles associated with the business under 8,000 pounds gross weight allowed to be stored outside. One commercial vehicle associated with the business with a

weight between 8,000 to 26,000 pounds gross weight may be stored outside. No commercial vehicles associated with the business may be stored in the Right of Way;

D. Retail of items associated with a service is allowed on site. Any dedicated retail space located within the residence may be no larger than 300 square feet. Retail hours may not exceed Monday-Friday 7:00 am-6:00 pm and Saturday and Sunday 9:00am to 6:00 pm.

17.04.255 -Commercial vehicles. "Commercial vehicle" means: A. A vehicle of over eight thousand pounds gross weight that is designed for or being used to transport merchandise, or a vehicle of less than eight thousand pounds gross weight with the business name of the user permanently exhibited on one or both of its sides that is designed and being used to transport merchandise; B. A station wagon or other vehicle with the business name of the user permanently exhibited on one or both of its sides, when used for transporting merchandise

Class 1 - 6,000 lbs & Less			
			
Minivan	Cargo Van	SUV	Pickup Truck
Class 2 - 6,001 to 10,000 lbs			
			
Minivan	Cargo Van	Full-Size Pickup	Step Van
Class 3 - 10,001 to 14,000 lbs			
			
Walk-in	Box Truck	City Delivery	Heavy-Duty Pickup
Class 4 - 14,001 to 16,000 lbs			
			
Large Walk-in	Box Truck	City Delivery	
Class 5 - 16,001 to 19,500 lbs			
			
Bucket Truck	Large Walk-in	City Delivery	
Class 6 - 19,501 to 26,000 lbs			
			
Beverage Truck	Single-Axle	School Bus	Rack Truck
Class 7 - 26,001 to 33,000 lbs			
			
Refuse	Furniture	City Transit Bus	Truck Tractor
Class 8 - 33,001 lbs & Over			
			
Cement Truck	Truck Tractor	Dump Truck	Sleeper

*Figure 1-Reference chart for discussion. Chart will not be adopted into municipal code
(www.energy.gov)*

Next Steps: Staff has proposed amendments to the code to implement the direction by the Planning Commission, but is looking for the PC to confirm:

- If the language correctly implements the direction of the PC
- If any standard should differ for a particular zoning designation.
- If retail sales is correctly categorized. Sales incidental to service could be tricky to enforce through code enforcement as the term is subjective.