



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, 625 Center Street, Oregon City
Monday, June 10, 2024 at 7:00 PM

REGULAR MEETING OF THE PLANNING COMMISSION

Ways to participate in this public meeting:

- *Attend in person, location listed above*
- *Register to provide electronic testimony (email ocplanning@orc.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email ocplanning@orc.org (deadline to submit written testimony via email is 3:00 PM on the day of the meeting)*
- *Mail to City of Oregon City, Attn: City Recorder, P.O. Box 3040, Oregon City, OR 97045*

CALL TO ORDER AND ROLL CALL

MEETING MINUTES

1. Meeting Minutes for Approval: May 13, 2024

PUBLIC COMMENT

Citizens are allowed up to 3 minutes to present information relevant to the Planning Commission but not listed as an item on the agenda. Prior to speaking, citizens shall complete a comment form and deliver it to the Chair/City Staff. The Commission does not generally engage in dialog with those making comments but may refer the issue to the City Staff. Complaints shall first be addressed at the department level prior to addressing the Commission.

PRESENTATION

2. Presentation from representatives from the Housing Authority of Clackamas County and Northwest Housing Alternatives

PUBLIC HEARING

3. Park Place Concept Plan Code Refinement

COMMUNICATIONS

ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker table, and state your name and city of residence into the microphone. Each speaker is given three (3) minutes to speak. To assist in tracking your speaking time, refer to the timer on the table.

As a general practice, the City Commission does not engage in discussion with those making comments. Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

The location is ADA accessible. Hearing devices may be requested from the City Recorder prior to the meeting. Individuals requiring other assistance must make their request known 48 hours preceding the meeting by contacting the City Recorder's Office at 503-657-0891.

Agenda Posted at City Hall, Pioneer Community Center, Library, City Website.

Video Streaming & Broadcasts: The meeting is streamed live on the Oregon City's website at www.orcity.org and available on demand following the meeting. The meeting can be viewed on Willamette Falls Television channel 28 for Oregon City area residents as a rebroadcast. Please contact WFMC at 503-650-0275 for a programming schedule.



CITY OF OREGON CITY PLANNING COMMISSION MINUTES - DRAFT

**Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, May13, 2024 at 7:00 PM**

CALL TO ORDER AND ROLL CALL

Chair Stoll called the meeting to order at 7:00 PM.

Present: 6 – Chair Stoll, Vice Chair Paul Espe, Commissioner Dirk Schlagenhauser, Commissioner Bob La Salle, Commissioner Karla Laws, Commissioner Brandon Dole

Absent: 1 - Commissioner Daphne Wuest

Staffers: 2 - Community Development Director Aquilla Hurd-Ravich, Senior Planner Christina Robertson-Gardner, Planning Manager Pete Walter, Deputy City Attorney Carrie Richter

PUBLIC COMMENT

None

MEETING MINUTES

1. Meeting Minutes for Approval: April 8, 2024.

A motion was made by Commissioner LaSalle, seconded by Commissioner Schlagenhauser to approve the meeting minutes.

The motion carried by the following vote: Yea: 6 - Commissioner LaSalle, Commissioner Laws, Commissioner Dole, Commissioner Schlagenhauser, Vice Chair Espe and Chair Stoll

GENERAL BUSINESS

2. McLoughlin Boulevard Enhancements Project Update.

Senior Planner Christina Robertson-Gardner presented the update presentation and explained the design alternative analysis, what came out of the December public comment process. The PowerPoint presentation was provided by our consultant firm, Kittelson & Associates, which was presented to the City Commission in April.

Christina covered 1) the technical review of the “Most Promising” alternatives; 2) Structural and Constructability Screening which was to determine the technical feasibility of the initial three most promising alternatives; 3) Revised “Most Promising Alternatives; and 4) Next Steps – May 15 City Commission

direction.

The Planning Commission will be asked to adopt a plan in the fall so that the City is in a position to apply for grant money. By having an adopted plan, even though it may be a while before the plan is implemented, it provides the City with nimbleness to apply for grant money or other funding that may come along.

There were some questions and comments by the commissioners. Some of the questions need to be passed on to the bridge engineer who has been involved in the process and they were regarding flood, lifespan, seismic, sway and possibility of making it able to handle emergency vehicle traffic.

3. Park Place Concept Plan Code Refinement

Community Development Director Aquilla Hurd-Ravich provided a presentation with an overview of the Legislative process for this revision.

The goal of these refinements is to create clear and objective code criteria to review when processing land use applications for housing. Since the Park Place Concept Plan was adopted changes in State land use regulations occurred and the review of a master plan application illuminated where the code revisions were needed after being appealed to LUBA. Revised code will provide more legally defensible standards to base decisions on when approving or rejecting the applications for housing.

PUBLIC COMMENT

- A. Jackie Hammond-Williams of Oregon City provided a written testimony which the commissioners received prior to the meeting. She spoke about keeping the initial vision of Park Place Village with connectivity (Holly Lane and Redland Rd). She spoke to the fact that volunteers spent numerous hours along with staff to create the initial PPCP and wants the City to keep to the intent of the initial vision in mind as code revisions are made.
- B. Jim Nicita of Oregon City provided a written testimony which the commissioners received a copy of prior to the meeting. He had a couple of supplementary comments to his written testimony. First, he spoke about weaknesses of the concept plan that is not part of the clear and objective standards which includes the connectivity issue and that there was a LUBA case that said that a municipal government can plan and develop roads even outside their city limits which provides a tool to make sure that the concept plan goes correctly. The success of the plan is contingent on making that connection to Redland Road and Holly Lane. Secondly, he feels that the City should consider establishing an independent Park Zone because it would be more precise and clear and objective. Reemphasized that the Concept plan calls for Main Street standards which are different from design standards. He does not believe the Main Street standards have been implemented and he hopes that they are a part of this process.
- C. Paulette Merrill of Oregon City spoke about the initial Concept Plan work. She asks that with the new clear and objective standards, the intent of the plan is not lost.

3. Park Place Concept Plan Code Refinement cont.

Planning Manager Pete Walter went through the PPCP Key Elements: 1) 2 primary north-south transportation connections; 2) 2 mixed-use neighborhoods; 3) Commercial nodes; 4) Area of civic institution; 5) Mix of housing types and affordability; 6) System of trails, pedestrian and bicycle connections; 7) “Green” on-site stormwater treatment; 8) Protect sensitive areas; 9) Solar access orientation; 10) Green edges to define neighborhoods; and 11) Integrates parks and open space into neighborhoods

There was discussion about the definition of “affordability”.

A break was taken and then Planning Manager Pete Walter covered 3 chapters of code that have revisions suggested.

- a. Chapter 17.04 which covers Definitions with suggested additional terms to be added to code.
- b. Chapter 17.10 which covers Medium Density Residential Districts with proposed revisions to address a transition for new development at edges of the PPCP boundary and minimum lot sizes abutting existing development outside the PPCP boundary.
- c. Chapter 17.21 which covers Residential Design with proposed revisions to remove discretion and increase design elements to improve visual interest and compatibility.

There was some discussion of SB1573 which just passed this last session which said that an applicant for housing who comes to the City and says that the design standards are making it too expensive to build, they are entitled to adjustments of particular design and development standards that are talked about in the bill itself. They do not have to prove the hardship; they only have to say it is a hardship.

The commissioners made the decision to move forward with reviewing the code revisions presented tonight at the next meeting. Then get the next set of code revisions for review at the following meeting. The final draft of the code will then be available for the Public Hearings meetings. They requested staff comment under each section of revisions as to why the change.

COMMUNICATIONS

There will not be a meeting on May 27th as it is a holiday. Next meeting will be June 10.

ADJOURNMENT

Chair Stoll adjourned the meeting at 9:25 PM



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: Planning Commission **Agenda Date:** 06/10/2024
From: Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Presentation from representatives from the Housing Authority of Clackamas County and Northwest Housing Alternatives

STAFF RECOMMENDATION:

This presentation was identified as a need on the Planning Commission Work Plan. There is no action or decision needed.

EXECUTIVE SUMMARY:

The Planning Commission identified a need for education around the topic of affordable housing, housing affordability, and programs that exist to help first time home buyers on their 2023-2025 Work Plan. Staff invited Devin Ellin, Director of Housing Development from the Housing Authority of Clackamas County, and Trell Anderson, Executive Director from Northwest Housing Alternatives to the Planning Commission meeting to provide information related to how cities and local jurisdictions can support affordable housing.

BACKGROUND:

When the Planning Commission discussed their work plan, they identified several educational topics and one of those was understanding how Oregon City can support affordable housing. To that end the Housing Authority of Clackamas County and Northwest Housing Alternatives were invited to give a presentation to the Planning Commission around this topic.

The [Housing of Authority of Clackamas County](#) has a mission “to provide and develop affordable housing with supportive services for individuals and families on their path to improved health, wellness, prosperity, and inclusion. In order to sustain these services [HACC] prioritize equitable service delivery, financial sustainability, and thriving partnerships to ensure [their] long term viability.”

[Northwest Housing Alternatives](#) has a mission “to create opportunity through housing. NHA provides affordable housing options to families, seniors, and people with disabilities across Oregon.”

Affordable Housing v. Housing Affordability

There is an important distinction between Affordable Housing and Housing Affordability. The US Department of Housing and Urban Development (HUD) defines affordable housing as *housing on which the occupant is paying no more than 30 percent of gross income for housing costs, including utilities*. Often when discussing **affordable housing** there is an inference that a government subsidy is offsetting housing costs from the market rate. **Housing affordability** on the other hand really refers to market rate housing that is affordable at all income levels. All households should pay no more than 30 percent of their gross income on housing cost for that housing to be considered affordable at their specific income level.

Oregon City’s adopted Housing Needs Analysis addressed housing affordability and what that means in Oregon City. The section addressing Housing Affordability is attached to this staff report for reference. I have included a couple of salient points below.

“In Clackamas County (and the rest of the Portland region), the MFI [Median Family Income] for a family of four is \$92,000. A household earning the median family income (\$92,000) can afford a monthly rent of about \$2,300 or a home roughly valued between \$322,000 and \$368,000.”

“A household would need to have income of about \$136,000, or 148% of MFI for Clackamas County to afford a house at the Oregon City’s median home sale price of \$545,000. About 18% of households in Oregon City can afford housing at this cost.”

“A household would need to have income of about \$60,000 (about 65% of MFI) to afford the average asking rent for multifamily housing of nearly \$1,350, plus basic utilities like power, heat, and water. About 64% of households in Oregon City can afford housing at this cost.”

[\(Oregon City Housing Needs Analysis p63\)](#)

The presentation from HACC and NHA will be informative and provide the Planning Commission with information about how the City can support the development of housing that is affordable to lower income levels.

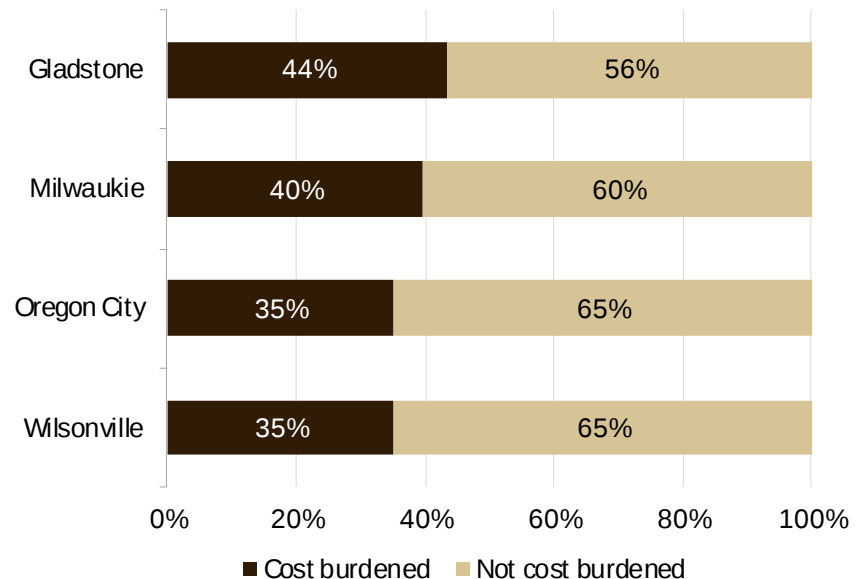
Housing Affordability

A typical standard used to determine housing affordability is that a household should pay no more than a certain percentage of household income for housing, including payments and interest or rent, utilities, and insurance. The Department of Housing and Urban Development's guidelines indicate that households paying more than 30% of their income on housing experience "cost burden," and households paying more than 50% of their income on housing experience "severe cost burden." Using cost burden as an indicator for housing affordability is consistent with the Goal 10 requirement to provide housing that is affordable to all households in a community.

Over a third of Oregon City's residents were cost burdened in the 2012-2016 period.

Exhibit 50. Housing Cost Burden by Tenure, Oregon City, Gladstone, Wilsonville, and Milwaukie, 2012-2016

Source: U.S. Census Bureau, 2012-2016 ACS Tables B25091 and B25070.

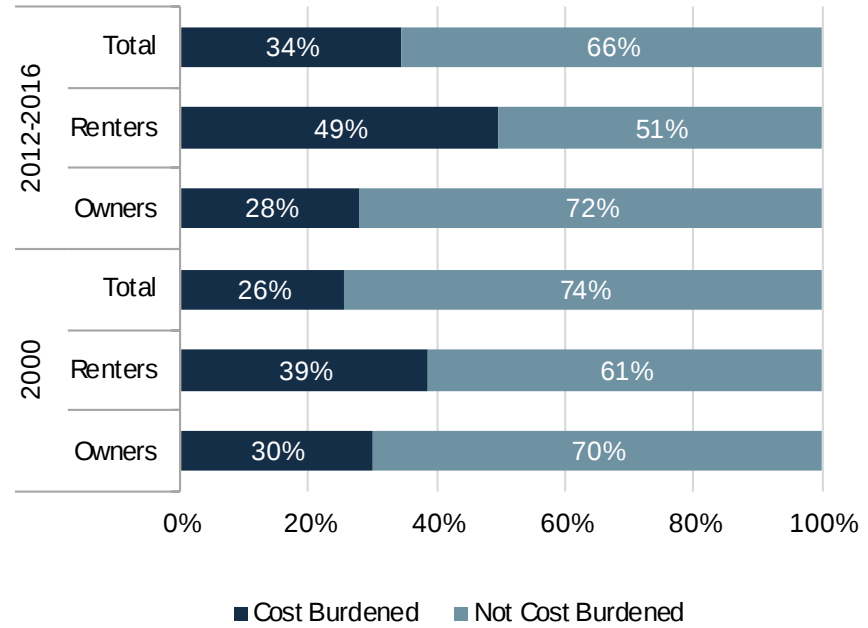


Across Clackamas County, renters were more likely to be cost burdened than homeowners.

Between the 2000 and 2012-2016 time period, the share of total cost-burdened households rose from 26% in 2000 to 34% in 2012-2016.

Exhibit 51. Housing Cost Burden by Tenure, Clackamas County, 2000, 2012-2016

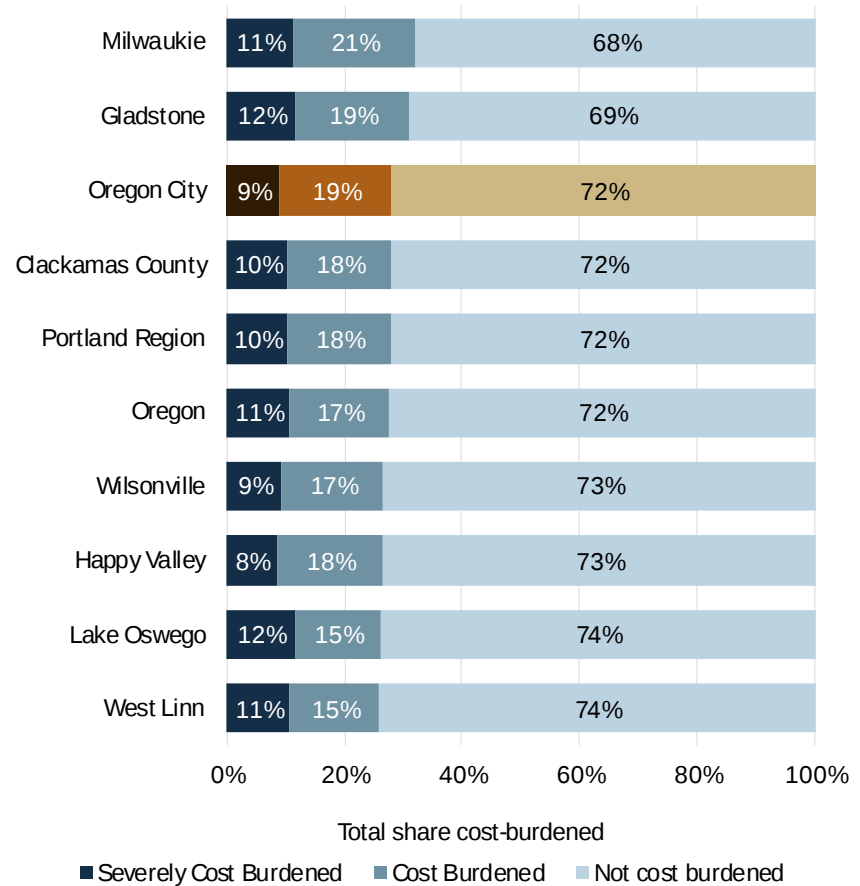
Source: U.S. Census Bureau, 2000 Census Table H069, 2012-2016 ACS Tables B25091 and B25070.



Nearly 30% of Oregon City's cost burdened homeowner households were cost burdened, spending more than 30% or more of their income on housing costs.

Nine percent of the city's homeowner households were severely cost burdened, spending 50% or more of their income on housing costs.

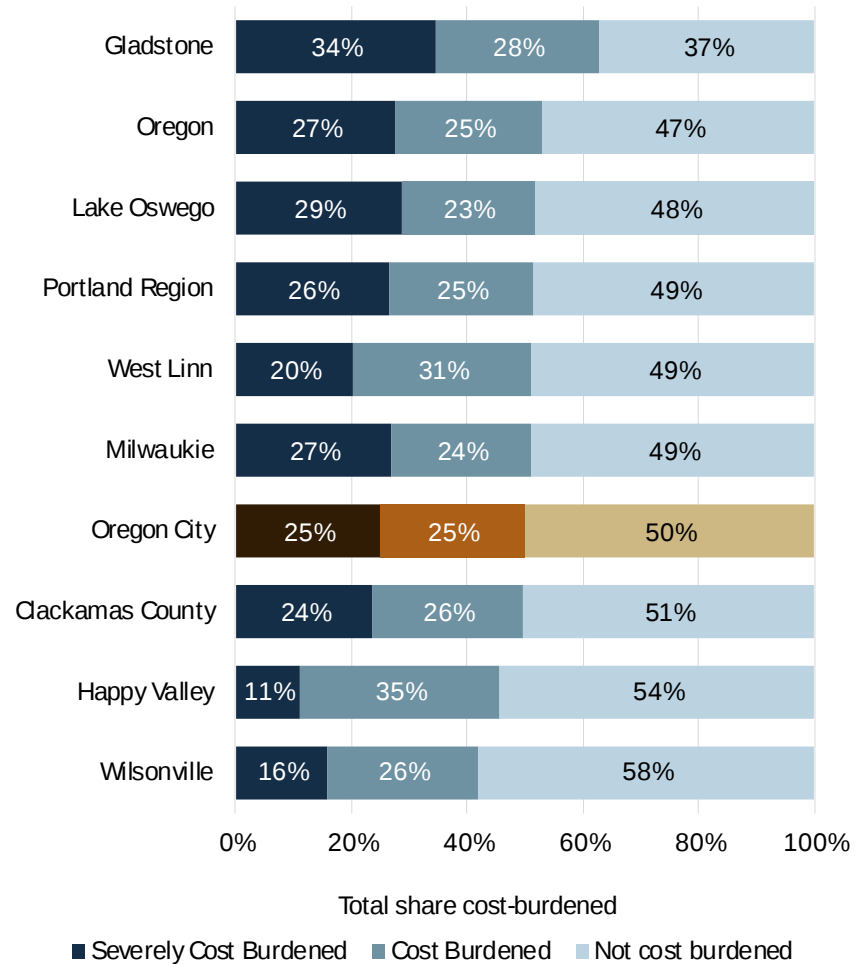
Exhibit 52. Cost Burden Rates for Homeowner Households, 2012-2016
Source: U.S. Census Bureau, 2012-2016 ACS Table B25091.



Half of Oregon City's renter households were cost burdened, spending 30% of their income on housing costs.

Twenty-five percent of the city's renter households were *severely* cost burdened, spending 50% or more of their income on housing costs.

Exhibit 53. Cost Burden Rates for Renter Households, 2012-2016
Source: U.S. Census Bureau, 2012-2016 ACS Table B25070.



While cost burden is a common measure of housing affordability, it does have some limitations. Two important limitations are:

- A household is defined as cost burdened if the household's housing costs exceed 30% of the household's income. The remaining 70% of income is expected to be spent on non-discretionary expenses, such as food or medical care, and on discretionary expenses. Households with higher incomes may be able to pay more than 30% of their income on housing without impacting the household's ability to pay for necessary non-discretionary expenses.
- Cost burden compares income to housing costs and does not account for accumulated wealth. As a result, the estimate of how much a household can afford to pay for housing does not include the impact of a household's accumulated wealth. For example, a household of retired people may have relatively low income but may have accumulated assets (such as profits from selling another house) that allow them to purchase a house that would be considered unaffordable to them based on the cost burden indicator.

Another way of exploring the issue of financial need is to review housing affordability at varying levels of household income.

Fair Market Rent for a 2-bedroom apartment in Clackamas County is \$1,495.

Exhibit 54. HUD Fair Market Rent (FMR) by Unit Type, Clackamas County,³⁹ 2020

Source: U.S. Department of Housing and Urban Development.

\$1,192	\$1,289	\$1,495	\$2,157	\$2,625
Studio	1-Bedroom	2-Bedroom	3-Bedroom	4-Bedroom

A household must earn at least \$28.75 per hour to afford a two-bedroom unit in Clackamas County.

Before taxes, a full-time job at \$28.75 per hour is an annual salary of \$59,800.

Exhibit 55. Affordable Housing Wage, Clackamas County, 2020

Source: U.S. Department of Housing and Urban Development. Oregon Bureau of Labor and Industries.

\$28.75 per hour

Affordable Housing Wage for two-bedroom Unit in Clackamas County

³⁹ HUD reports 2020 fair market rents and median family income from the Portland-Vancouver-Beaverton MSA for Clackamas County.

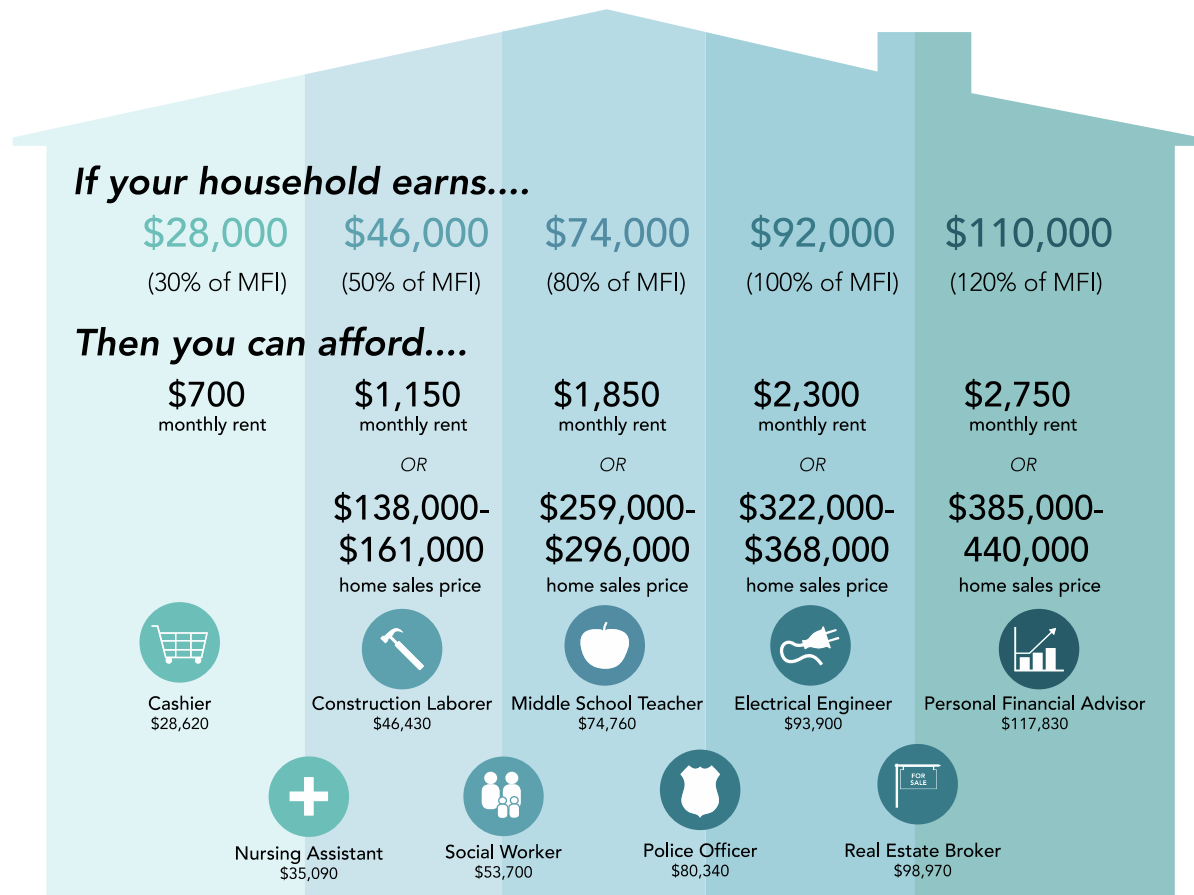
Exhibit 56 shows housing affordability based on incomes for Clackamas County. The regional Median Family Income (MFI) is used by HUD as a way to understand the differences in housing affordability in different places across the nation. In Clackamas County (and the rest of the Portland region), the MFI for a family of four is \$92,000. A household earning the median family income (\$92,000) can afford a monthly rent of about \$2,300 or a home roughly valued between \$322,000 and \$368,000.

A household would need to have income of about \$136,000, or 148% of MFI for Clackamas County to afford a house at the Oregon City's median home sale price of \$545,000. About 18% of households in Oregon City can afford housing at this cost.

A household would need to have income of about \$60,000 (about 65% of MFI) to afford the average asking rent for multifamily housing of nearly \$1,350, plus basic utilities like power, heat, and water. About 64% of households in Oregon City can afford housing at this cost.

Exhibit 56. Financially Attainable Housing, by Median Family Income (MFI) for Clackamas County (\$92,100), Clackamas County, 2020

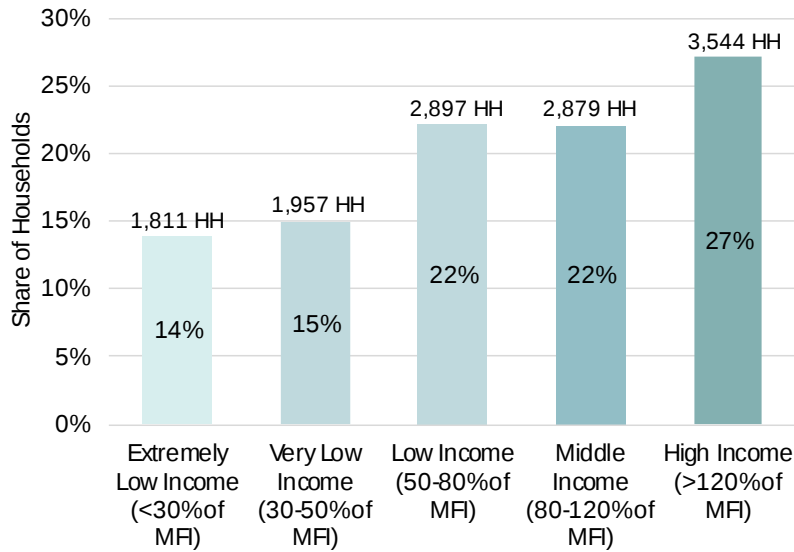
Source: U.S. Department of Housing and Urban Development 2020. U.S. Census Bureau, 2014-2018 ACS Table 19001. Note: MFI is Median Family Income; Clackamas County MFI is determined by HUD for the Portland MSA.



In Oregon City, about half (51%) of all households in Oregon City earned 80% or more of Clackamas County's median family income.

Exhibit 57. Share of Households, by Median Family Income (MFI) for Clackamas County (\$92,100), Oregon City, 2020

Source: U.S. Department of Housing and Urban Development, Clackamas County, 2020. U.S. Census Bureau, 2014-2018 ACS Table 19001.



Nearly a third (32%) of Clackamas County households earned 120% or more of median family income of \$92,100.

Exhibit 58. Share of Households, by Median Family Income (MFI) for Clackamas County (\$92,100), 2020

Source: U.S. Department of Housing and Urban Development, Clackamas County, 2020. U.S. Census Bureau, 2014-2018 ACS Table 19001.

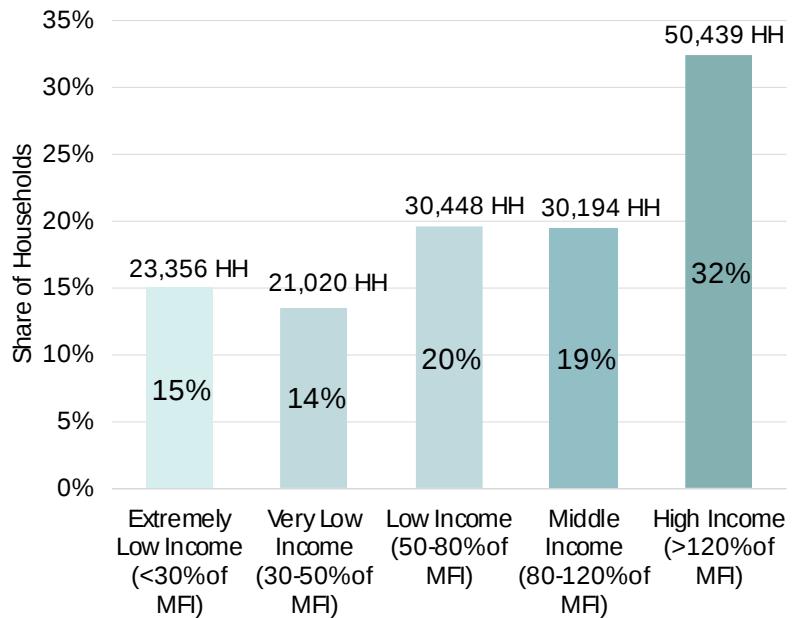
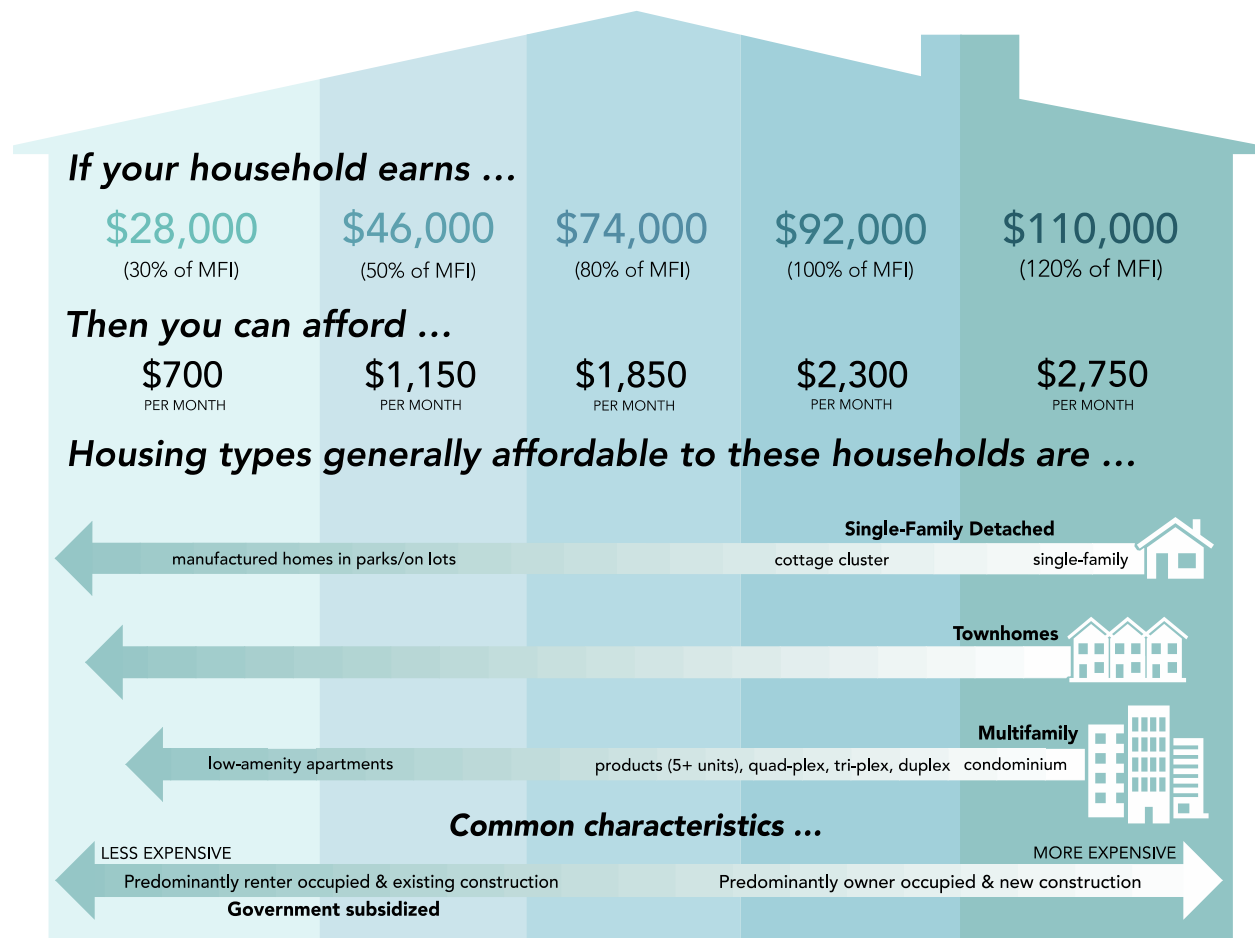


Exhibit 59 illustrates the types of financially attainable housing by income level. Generally speaking, lower-income households will be renters occupying existing housing. Newly built housing will be a combination of renters (most likely in multifamily housing) and homeowners. The types of housing affordable for the lowest-income households are limited to government-subsidized housing, manufactured housing, lower-cost single-family housing, and multifamily housing. The range of financially attainable housing increases with increased income.

Exhibit 59. Types of Financially Attainable Housing by Median Family Income (MFI) for Clackamas County (\$92,100), Oregon City, 2020

Source: U.S. Department of Housing and Urban Development, Clackamas County, 2020. Note: MFI is Median Family Income; Clackamas County MFI is determined by HUD for the Portland MSA.



Planning Commission 2023-2025 Biennium Work Plan

Working DRAFT

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	Category: Projects Underway						
	<u>Employment Land Development</u> Promote development of employment land along Beaver Creek Rd, The Cove, and Rossman Landfill	City has received a grant to study Industrial Land Readiness along Beaver Creek Road in the Thimble Creek area. The outcome of the study will be a strategic plan to identify actions that will encourage development related to employment	A scope of work will guide the next steps of this process. Staff will solicit a consultant with a background in real estate and economic development to assist in the development of a strategic plan. Planning Commission will receive updates as the project progresses	Joint effort between Planning and Economic Development with a medium amount of effort.	Receive updates and provide input and feedback for staff consideration	Spring 2024-Winter 2024	Started with consultant RFP
	<u>Parking Dependency</u> Climate Friendly and Equitable Communities Oregon Administrative Rules	CFEC requires the City to make amendments that will comply with OARs. Through this work a discussion could take	Staff works with DLCD to finalize a scope of work and then hire a consultant to kick off the project.	Planning staff to work with a consultant in a medium to high level of effort.	Receive updates and provide input for consideration	Spring 2024-Winter 2024	Early stages of scoping with DLCD

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
		place about the need for improved public transit DLCD has awarded the City grant funding to hire a consultant that will assist with drafting code language and engaging the community					

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	Category: Education/ Inter-Departmental Coordination						
1	<u>Housing</u> - Affordable Housing, Housing affordability, and first-time home buyers - Lot averaging and Middle Housing - Incentivize retaining existing housing to maintain naturally occurring affordable housing - Explore tools to support affordable housing	What programs exist to support first time home buyers? How can the City promote more affordable housing? Is lot averaging a thing of the past with middle housing?	Presentation from housing non-profits and /or Clackamas County Housing Authority Presentation from City staff addressing Middle Housing and lot averaging	Minimal-staff will coordinate with professionals from the affordable housing profession	Receive presentations and engage in discussion	Spring 2024	Present 6/10/2024

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
As time allows	<u>Infrastructure and growth</u> • Review Sewer, Water, and Transportation Master Plans • Transportation Funding • Public Works Street Design Standards	How do master plans support and account for growth? How do sewer and water master plans account for growth and specifically middle housing? How can infrastructure be funded to support housing development? How will the Housing Production Strategy inform infrastructure planning? How are new roads funded?	Receive information from appropriate City staff about each master plan	Minimal-staff will coordinate with appropriate City Staff	Receive presentations and engage in discussion	Spring/ Summer 2024	Present 6/24/2024
As time allows	• Parks, Open Space, and Growth	How does the Parks Master Plan account for and support growth? How is open space provided in a way that is accessible to new households? How is residential density balanced with open space needs?	Receive information from appropriate City staff about each master plan	Minimal-staff will coordinate with appropriate City Staff	Receive presentations and engage in discussion	Spring 2024	Presented April 8, 2024

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	Category: Future considerations for policy direction and code amendments						
1	<u>7th Street/ Molalla</u> - Increasing/ attracting activity - Commercial uses on ground floor - View Corridor protection	Planning Commission discussion to further define problem statement- identify additional information needed- these topics could include: Review setbacks, height limits in MUC- /clear and objective standards. Economic Development- business owner lens/background Review vehicle visibility at intersections Limit types of uses on ground floor of buildings	Staff to coordinate presentations from other City staff to discuss what efforts have been made on 7th Street/ Molalla and then present what can still be done in the corridor. Vertical Housing Tax Credit could be an option.	Medium effort to coordinate presentations. High level of effort to pursue any City Commission directed amendments	After initial discussion-the Planning Commission provides the staff with a prioritization of potential legislative projects.	Presentation s could take place throughout the Spring, Summer, and Fall of 2024 with PC Recommendations in Winter of 2024	Not started

Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
		Encourage pedestrian activity along the corridor <u>Considerations:</u> Identify a geographic area to focus on. Split the problem statement into two different topics 1) pedestrian and vehicle safety and 2) view corridor preservation.					
2	<u>Short-term rentals</u> • Reduce barriers to short term rentals	Analyze existing code requirements to identify barriers and how to make short term rentals more permissive	Consensus from Planning Commission to make a recommendation to City Commission Upon further Direction from City Commission – Planning Commission initiates analysis of zoning districts, community engagement, draft code language, legislative	High level of effort to pursue any City Commission directed amendments	After initial discussion-the Planning Commission provides the staff with a prioritization of potential legislative projects.	Winter/ Spring 2025	Not started

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
			amendment process				
3	<u>Recreational RV Parks</u> Analyze potential appropriate zones for privately run RV Park	Identify appropriate zones for recreational commercial RV Parks	Consensus from Planning Commission to make a recommendation to City Commission Upon further Direction from City Commission – Planning Commission initiates analysis of zoning districts, community engagement, draft code language, legislative amendment process	High level of effort to pursue any City Commission directed amendments	After initial discussion-the Planning Commission provides the staff with a prioritization of potential legislative projects.	Winter/ Spring 2025	Not started



CITY OF OREGON CITY

Staff Report

625 Center Street
Oregon City, OR 97045
503-657-0891

To: Planning Commission **Agenda Date:** 06/10/2024
From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager

SUBJECT:

Park Place Concept Plan Code Refinement

STAFF RECOMMENDATION:

At this time, staff recommends Planning Commission consider the information and presentation and provide direction as staff proceeds with code refinements.

EXECUTIVE SUMMARY:

The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At the time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since then, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some of the areas in code that need refining 16 years after the initial adoption of the concept plan. At this meeting, staff will present an overview of the work to date, the process moving forward to adopt code refinements, and three chapters of code with proposed amendments.

BACKGROUND:

Staff presented an initial overview of this item at the last meeting on May 13, 2024. This discussion will present essentially the same information, but with a closer look at proposed code revisions to the following chapters of the OCMC:

- Chapter 17.04 – Definitions (new)
- Chapter 17.10 – Medium Density Residential District
- Chapter 17.21 – Park Place Concept Plan Residential Design and Diversity Standards.

Staff will present revisions to the following additional chapters / sections of the OCMC for discussion at the June 24, 2024 Planning Commission meeting:

- Chapter 17.08 – Low Density Residential District
- Chapter 17.24 NC Neighborhood Commercial District

- Section 16.12.026 – Street Standards – Alleys
- Chapter 17.65 – Master Plans and Planned Unit Developments
- Chapter 17.62 – Site Plan and Design Review
 - New section - additional public park and open space requirements for PPCP

This project came about as the result of a master plan application that was denied by the City Commission for various reasons but overall the decision was that the application did not properly implement the principle Key Elements of the Concept Plan.

When the PPCP was adopted in 2008, the Oregon City Municipal Code (OCMC) was amended to implement the concept plan. The Park Place Concept Plan was implemented through Legislative File 08-01 which updated, revised, and added new code sections to OCMC, and adopted Comprehensive Plan designations for areas within the concept plan. Land in the North Village which has annexed to the City has a zoning designation of Neighborhood Commercial (NC), R-5 (Medium Density Residential), and R-10 (Low Density Residential). In 2008, OCMC 17.10 was amended to add a new R-5 zone district to allow for greater diversity of housing types. The existing Neighborhood Commercial zone district in OCMC 17.24 was refined to increase the number of permitted uses, restrict the size of stand-alone commercial buildings, and allow live-work units. Multi-family is allowed in Neighborhood Commercial, but it cannot be more than 50% of the building square footage on-site.

The PPCP was built principally on 11 Key elements:

1. Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
4. An area for a new civic institution, such as a library or community center
5. A mix of housing types and ranges of affordability
6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections
7. Innovative, “green” on-site stormwater treatment methods
8. Protected sensitive areas, including drainages and steep slopes
9. Streets and buildings oriented for solar access
10. The use of green edges to define neighborhoods and buffer developments
11. Integration of parks and open spaces into existing and future neighborhoods

In 2008 some of these key elements were codified, some were implemented through design standards, while others were envisioned to be implemented by future zone changes. Following the adoption of the PPCP, multiple infrastructure master plans were updated and adopted and these plans accounted for growth and new development in

Park Place for example the 2013 Transportation System Plan and the 2020 Stormwater and Grading Design Standards.

However, since 2008 the land use paradigm in Oregon has shifted and multiple new regulations apply. For example, HB 2001 Middle Housing mandates were adopted by the City in 2022 allowing duplex, triplex, quadplex, townhomes, and cottage clusters on lots in single family zones. In 2017 Senate Bill 1051 changed the application of clear and objectives standards to apply to all housing development and not just needed housing. Discretionary standards are no longer applicable to any housing development regardless of the classification of “needed” housing. (*Needed housing means housing by affordability level, as described in ORS 184.453 (4), type, characteristics and location that is necessary to accommodate the city’s allocated housing need over the 20-year planning period in effect when the city’s housing capacity is determined. 197A.018*). Most recently, in 2024 SB 1537 requires jurisdictions to grant “mandatory adjustments” if a development meets certain thresholds.

Taking most of these changes into account since 2008, staff has endeavored to propose revised code that will more completely implement the 11 Key Elements while remaining clear and objective. The attached memo, Implementation Narrative, dives more deeply into each of the Key Elements, how they were codified, and any proposed code revisions that staff has so far identified.

Staff has identified multiple OCMC chapters, sections, and one change to the TSP that could be revised through this code refinement process:

1. 17.04 Definitions
2. 17.10 Medium Density Residential Districts (R-5 and R-3.5)
3. 17.21 Residential Standards- Park Place Concept Plan
4. 17.24 Neighborhood Commercial
5. 17.62 Site Plan and Design Review
6. 16.08 Land Divisions
7. 16.12.026 Street Standards- Alleys
8. 17.65 Master Plans
9. Transportation System Plan- Trails and multimodal connectivity

Legal Issues

A memo from the Deputy City Attorney is attached to this staff report that explains some of the legal issues and boundaries that must be considered when implementing the the PPCP. The concept plan is just that, a concept or a big idea that expressly acknowledged the need for future study and adjustment through implementing zoning regulations. The purpose for the attached memorandum is to identify the legal limitations that may inform and influence how the City balances these various policies in a way that best achieves the PPCP plan objectives.

Process Overview

This process is a typical legislative process. The Planning Commission will review proposed code revisions. Staff will bring the proposals back to City Commission for a check-in before beginning the legislative hearings. Additionally, we will make a presentation to the Citizen Involvement Committee and Park Place Neighborhood Association prior to beginning legislative hearings. At the conclusion of the code review, staff will return to the Planning Commission with amended chapters that reflect your feedback and direction.

- Planning Commission Code Review: Spring/Summer
- City Commission Work Session check-in: Summer
- Citizen Involvement Committee and PPNA Presentations: Summer
- Planning Commission legislative hearings: Summer/Fall
- City Commission adoption hearings: Fall 2024

Next Steps

Staff will present the following chapters at the June 24, 2024 meeting:

- Chapter 17.08 – Low Density Residential District
- Chapter 17.24 NC Neighborhood Commercial District
- Section 16.12.026 – Street Standards – Alleys
- Chapter 17.65 – Master Plans and Planned Unit Developments
- Chapter 17.62 – Site Plan and Design Review
 - New section - additional public park and open space requirements for PPCP



MEMORANDUM

TO: Oregon City Planning Commission

FROM: Carrie A. Richter, Deputy City Attorney

DATE: May 28, 2024

RE: Park Place Concept Plan Zoning Code Amendments – Legal Issues

The Park Place Concept Plan (PPCP) Plan sets forth a sustainable, vibrant, diverse and livable long-range plan for nearly 500 acres of rural land for urbanization within Oregon City. The PPCP responds to the steep slopes, constrained transportation connectivity and lack of affordability challenges by leaning into smaller lots and mixed-use densities, neighborhood-focused commercial areas and parks, all connected by a robust multi-model trail system and green infrastructure. That said, the PPCP is only a concept or a big idea that expressly acknowledged the need for future study and adjustment through implementing zoning regulations.

Since the PPCP was adopted, several state laws have changed, most notably laws that constrain how cities regulate housing to combat the severe shortage and significant cost of housing throughout the Metro area and the state. The purpose for this memorandum is to identify these legal limitations as they may inform and influence how the City balances these various policies in a way that best achieves the PPCP plan objectives.

Extension of Holly Lane and Swan Avenue

The PPCP and TSP call for the construction of Holly Lane from Redland Road to Holcomb Blvd as a minor arterial and Swan Lane as a collector. Generally, a new subdivision development includes roads necessary for service including frontage improvements to connect the development to the existing street infrastructure. In addition to the dedication of land and improvements necessary for onsite connectivity, where development will result in intersection failure nearby, offsite improvements are also often required. Whether off-site or on-site, the city's ability to require an applicant to give land or pay money to accommodate needed improvements (also known as "exactions") cannot exceed the level necessary to serve the development. Stated differently, the city can demand land or improvements where they are "roughly proportional" to the impacts caused by the development. *Nollan v. California Coastal Comm'n*, 483 U.S. 825 (1987); *Dolan v. City of Tigard*, 512 U.S. 374 (1994); *Koontz v. St. Johns River Water Management District*, 133 S. Ct. 2586 (2013).

As a result, the only way that the City will be able to exact land necessary to accommodate the full length of Holly Lane or Swan Avenue from Redland Road to Holcomb Blvd will be where: (1) the intensity of the proposed development creates intersection failures in the existing system that demand improvement of the full length of Holly Lane as prescribed by the OCMC; (2) the proposed development includes lands identified to accommodate Holly Lane such that land dedication can be

identified as an exaction, AND (3) the cost of those lands are roughly proportional to the impacts of the development proposed. Although possible, it seems unlikely that these circumstances would arise through a single development proposal. If the City concludes that PPCP requires the existence of two access points before some level of development occurs, the City may need to consider an alternative way to finance and construct these improvements.¹

Most of the land needed to improve Holly Lane and all the land needed for Swan Avenue are outside of the city limits and in unincorporated Clackamas County. Although these improvements are included within the City's Transportation System Plan (TSP) for long-range improvement, they are not identified on the County TSP at all.² In order to access most federal or state grant funds, the County TSP would need to include these improvements.³ These lands are zoned Rural Residential Farm Forest – 5 Acre (RRFF-5). A "road," including a public road, is a use that is permitted outright in that zone. Clackamas County Zoning and Development Ordinance (ZDO) 316.

State law grants a city authority to condemn land outside of its city limits for public use. ORS 223.005 and .020.⁴ Generally, once the city files a condemnation action and deposits funds with the court, it may send notice to take immediate possession. Once a court has granted an order of immediate possession, the city can proceed with permitting and constructing the necessary roads in the County. State law does provide a mechanism for the City to recover the cost of the road improvement through the creation of an improvement district that would assess benefiting landowners some proportionate share. ORS 223.387. Presumably, the County would share in the cost of construction because its residents would similarly

¹ There may be some practical reasons to defray this cost from new development. Typically, the cost of expanding urban utilities and services is placed on future development with the effect of making the future home less affordable. On the other hand, perhaps some portion of the additional connectivity or amenity costs should be borne by the city as they will benefit existing Holcomb Blvd residents in addition to those that have yet to come.

² The County anticipates updating its TSP beginning in the summer of 2024, so the timing might be ideal for the City, as well as interested County residents, including the Planning Commission members, to engage with the County on this issue.

³ During the 2024 legislative session there was much discussion about the ways in which the state can assist in financing infrastructure to reduce the cost of housing. SB 1537 authorizes the Housing and Community Services Department to make loans to local governments to sponsor infrastructure projects. HB 4134 requires the Oregon Business Development Department to create a grant program for infrastructure serving development where at least 30% of the proposed housing would be workforce housing (a household with income less than or equal to 130 percent of the county median income based on information or estimates available from the United States Census Bureau.) HB 4155 requires the Oregon Business Development Department to put compile a study whose findings are due no later than Sept. 15, 2024.

⁴ Section 36 of the City Charter contains a broad condemnation authority, which provides:

"Any necessity of taking property for the city by condemnation shall be determined by the commission and declared by a resolution of the commission describing the property and stating the uses to which it shall be devoted."

benefit from construction. An intergovernmental agreement (IGA) with the County would be the mechanism to memorialize this arrangement.

Although there a number of ways that the City could proactively assist in the development of Holly Lane and/or Swan Avenue, none of these actions will be immediate. If the City receives an application for development that does not generate impacts at levels to justify exactions in the form of land for roads or improvements, the City must nevertheless allow the development to occur.⁵

Limitations to the Regulation of Housing

As the Planning Commission is well aware, there are a number of restrictions on how the city may regulate housing. The one that we have spoken about most often comes from ORS 197A.400(1), formerly ORS 197.307(4). It provides: “a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary.”⁶

“Clear and Objective”

The statutes do not define the term “clear and objective.” Rather, the meaning has been developed over time by LUBA and the courts. “Clear” means “easily understood” and “without obscurity or ambiguity,” and that the term “objective” means “existing independent of mind.” *Neito v. City of Talent*, ___ Or LUBA ___ (LUBA No 2020-100, Mar 10, 2021) (slip op at 9 n 6). Approval standards are not “objective” if they impose “subjective, value-laden analysis that are designed to balance or mitigate impacts of the development on (1) the property to be developed or (2) the adjoining properties or community.” *Rogue Valley of Realtors v. City of Ashland*, 35 Or LUBA 139, 158 (1998), *aff’d*, 158 Or App 1, 970 P2d 685, *rev den*, 328 Or 594 (1999). A standard that could be interpreted “to support either of two diametrically opposed conclusions” is not clear and objective. *Roberts v. City of Cannon Beach*, 316 Or. App. 305, 312 (Or. Ct. App. 2021). Quantifiable, objectively determinable facts are “clear and objective,” although their application need not be “simplistic.” *Roberts supra* 316 n.5. These are the tests used to determine if a regulation satisfies the “clear and objective” test.

⁵ The City could also declare a moratorium but in doing so, the City would have to quickly figure out how to fund and build the required roads. To remain, a moratorium must be renewed every six months and can be extended only three times.

⁶ ORS 227.173(2) provides:

“When an ordinance establishing approval standards is required under ORS 197A.200 and 197A.400 to provide only clear and objective standards, the standards must be clear and objective on the face of the ordinance.”

“The Development of Housing”

The applicable criteria for subdividing land or design review for housing often evaluate elements that are supportive of or the result of new housing but are not directly related to the construction of a home itself. Examples of this might include access roads necessary to serve a new dwelling, conveyance systems to remove stormwater resulting from a new residential roof, or parkland dedication necessary to serve residents of the future home.

LUBA dealt with this question directly in the recent case, *Roberts v. City of Cannon Beach*, where a party argued that the clear and objective standards requirement does not apply to off-site vehicular access improvement obligations that were necessary to serve a new house. ___ Or LUBA ___ (LUBA No. 2023-06, April 24, 2024). Many times before LUBA has said that planned unit development (PUD) or subdivision standards related to vehicular access and circulation are subject to clear and objective standards.⁷ The difference in *Roberts* was that the regulations at issue related to off-site vehicular access that were not set forth in other standards rather than the subdivision / PUD regulations.

Although the supportive elements identified in the PPCP are not roads as they were in *Roberts*, LUBA’s approach to evaluating the text, context and legislative history of this obligation will likely be instructive for how LUBA might consider the elements of the PPCP.⁸ Finding no definition of “development of housing” in the statute, LUBA relied on dictionary definitions and context found in other statutes to conclude that “the act or process of making housing available or usable is broad and encompasses development of vehicular access necessary to develop and use a dwelling unit.” Slip op 67. LUBA went on to conclude that the intent of the legislature in this mandate was that the “clear and objective requirement be broadly applied to facilitate the development of housing.” Slip op 71. Based on this analysis, LUBA found that the city of Cannon Beach’s access improvement standards were subject to the clear and objective standards requirement.

Moving beyond the access question, LUBA went on to say that the city did not err in refusing to apply discretionary geologic hazard area standards to the access road because they were not clear and objective. This suggests that LUBA’s holding is not limited solely to road access but that it would apply to other regulations that impact housing, including steep slope regulations applicable to road construction and stormwater standards as well. An argument might be crafted that a parkland dedication

⁷ *Group B, LLC v. City of Corvallis*, 72 Or LUBA 74, 86-87, aff’d, 275 Or App 577, 366 P3d 847 (2015) (city cul-de-sac street design standard that the city had applied to deny the PUD application was unclear.); *Walter v. City of Eugene*, 73 Or LUBA 356, 357, 360-64, aff’d, 281 Or App 461, 383 P3d 1009 (2016) (a PUD standard which required “the street layout of [a] proposed PUD shall disperse motor vehicle traffic onto more than one public local street” was not “clear and objective”). *Legacy Development Group, Inc. v. City of the Dalles*, ___ Or LUBA ___ (LUBA No. 2020-099) (Feb. 24, 2021) and *Nieto v. City of Talent*, ___ Or LUBA ___ (LUBA No 2020-100, Mar. 10, 2021).

⁸ It may be of interest to note that LUBA was interpreting ORS 197.307(4), which was altered slightly when it was renumbered to ORS 197A.400 but for purposes of the term “development of housing,” the term remains unchanged.

requirement is distinguishable because it is not required for a residential home to function. The problem is that in order to remain roughly proportional, any exaction for parkland improvements must directly relate to the number of future residents tying the obligation directly to the provision of housing. It may be difficult to overcome the broad sweep of the “development of housing” phrase identified by LUBA as part of the legislative history well. For this reason, staff has identified a pro-rata share of parkland dedication or fee-in-lieu payment arrangement based on the number of individuals and number of units proposed.

Need to Amend the PPCP

ORS 197A.400(3) provides that a local government can provide an alternative discretionary process for housing review so long as the alternative does not replace the clear and objective track. Where the City got into trouble in the *Icon v. City of Oregon City* case was in not having a clear and objective track available because a condition to annexation requires the master plan review. ____ Or LUBA ____ (LUBA No. 2022-100, May 19, 2023). By amending the OCMC to implement the PPCP, the City will be providing that clear and objective track. There is no need to further amend the PPCP as it will continue to provide an alternative discretionary track for those applicants who wish to pursue it.

Middle Housing

Oregon House Bill 2001 (2019) (HB 2001) requires that “Large Cities” (defined as cities within a metropolitan service district) must allow all middle housing types in areas zoned for residential use that allow for detached single-family dwellings. Oregon City fully implemented HB 2001 with the authorization of the full range of middle housing types within all of the City’s residential districts and amending the amending middle housing design standards in Chapter 17.16 to comply with OAR 660-046, the administrative rules governing middle housing.⁹ As a result, the only way to regulate the overall density of housing is through the allowed minimum lot sizes subject to the following:

- Duplexes must be permitted on the same size lots as single-family detached, cities cannot apply maximum density standards. OAR 660-046-0120(2)
- Triplexes must be permitted on lots 5,000-SF or the same size lots as single-family detached, whichever is greater, cities cannot apply maximum density standards. OAR 660-046-0220(2)
- Quadplexes must be permitted on lots 7,000-SF or the same size lots as single-family detached, whichever is greater, cities cannot apply maximum density standards. OAR 660-046-0220(2)

⁹ Before HB 2001, the City had design standards pertaining to single-family attached and 3-4 plex residential design standards that served as the basis for the middle housing design standards as authorized by OAR 660-046-0120.

- Townhouses are an exception and can be subject to maximum density in addition to minimum lot sizes of 1,500-SF or less. Maximum density must allow four times the maximum density allowed for detached single-family dwellings in the same zone or 25 dwelling units per acre, whichever is less. OAR 660-046-0220(3)(c)
- Cottage clusters: Clusters of 4-8 cottages (or more, if city elects larger cluster sizes) must be permitted on lots 7,000-SF or the same size lots as single-family detached, whichever is greater, and cities cannot apply maximum density standards. OAR 660-046-0220(4)

These standards are fully implemented in the OCMC by the minimum lot size requirements for the Low and Medium Density Residential zones. Therefore, staff is not proposing any change or alteration to these thresholds.

Mandatory Adjustments

As of January 1, 2025, an applicant seeking to develop single or middle housing will likely be entitled to a by-right waiver¹⁰ of certain development and design standards upon request as provided in the recently enacted SB 1573.¹¹ The development standards eligible for adjustment include: side and rear yard setbacks up to 10% reduction, same lot landscaping or open area requirements up to 25% reduction, parking minimums, lot sizes (including width or depth) up to 10% reduction only where it results in a greater number of dwelling units and the density exceeds the city's minimum requirements, along with a building height increase of either one story or a 20% increase, whichever is greater. Additional development adjustments are available for multi-family or mixed use structures. The bill goes on to specify certain design standards that may be modified including: façade materials, color or pattern, detail articulation, roof forms and materials, "garage door orientation," window materials, and a 30% adjustment of the total window area. For middle housing and multi-family / mixed-use, building orientation requirements, building height transition requirements for not more than 50%, balconies and porch requirements and recesses and offsets. What is most interesting about this list as it relates to the PPCP is the way in which the waiver provision might eliminate the obligation to provide alley orientation for garage for middle housing but only to the "garage door" for single family housing. The

¹⁰ An applicant for a waiver need only "state" that the adjustment will: (1) provide housing "not otherwise feasible due to cost or delay;" (2) be necessary to "reduce the sale or rental prices;" (3) increase the number of housing units; (4) make all of the units subject to an affordable housing covenant making the homes available to moderate income households; (5) provide accessibility or visitability features; or (6) allow for a zero, limited or shared equity ownership model making them affordable to moderate income households. Section 38(2)(g).

¹¹ SB 1573 also includes an exemption process for local governments to avoid granting adjustments. The City is looking into whether it would qualify for an exemption but it unlikely to know if that is the case until late fall or early winter, at the earliest.

City should be aware that these adjustments might serve to strip the City of PPCP implementation standards, even where they are clear and objective.

Provision of Parkland

The PPCP calls for the provision of 8-10 acre community park and a 3-5 acre neighborhood park that would be connected by extensive system of off-street and on-street trails and pedestrian/bicycle connections. As with the discussion of critical road infrastructure discussed above, the City is constrained in its ability to exact park land dedication and improvements to that which is roughly proportional to the impact of development. *Dolan / Koontz supra*. In order to deal with these limitations, city staff is proposing a formula similar to the one in place for residential development within Thimble Creek. OCMC 17.62.059 requires the dedication of park land or an in-lieu fee that is based on a proportional formula based on number of individuals in each dwelling multiplied by the number of dwelling units at four acres per 1000 people. Under this approach, every new housing unit will contribute its fair share for the park. If future development is so piecemeal that it precludes dedication of the minimum PPCP required parkland, the City will have to be prepared to buy whatever remaining pieces are necessary using the funds collected in-lieu fees, either through negotiation or imminent domain, if necessary.

Some have suggested that the City should commission a survey to determine a certain location of the park and ensure protection by subjecting this legally described area to a park-only zoning designation. There are multiple problems with this approach. First, without engineering the whole development to know the location of uses along with the road accessing the park, any survey to determine the exact boundaries of the park area would be premature. More importantly, imposing a park-only zone would not only give rise to underlying landowners' right to seek relief under Measure 49 because it would reduce the fair market value of their property requiring compensation, such an approach would likely give rise to a takings claim under the 5th Amendment because it would regulate a property to the point of having little, if any, economic value. For this reason, the location of the park must float and evolve commensurate with new development making the park necessary. Again, the City is certainly free to negotiate for and purchase land to build a park in its proprietary capacity at any time.

Protecting the Neighborhood Commercial Zone

The PPCP calls for the application of the Neighborhood Commercial zone to accommodate commercial development. p. 65. The Plan also provides: "create opportunities for mixed residential and commercial uses through amendments to and application of the city's mixed use zone." p 61. Currently, uses permitted in the NC zone include those that are permitted within the Mixed Use Corridor (MUC) zone (with a smaller building footprint) including a wide range of commercial and office uses as well as live/work dwellings, housing in conjunction with commercial use or a duplex. Since housing is allowed within the NC zone, those development and design standards that would be applicable to housing, either standalone or mixed use, within this area must be clear and objective. Standards that relate to entirely non-residential uses need not be clear and objective. Parks and utilities are uses permitted outright in the

NC zone, by virtue as the cross-reference to MUC permitted uses. Whether the City would like to constrain the permitted uses within the PPCP commercial areas is a policy question but there is no legal limitation to doing so.

The suggestion has been made that the City would need to create a metes and bounds survey of the Neighborhood Commercial zone in order to create a clear and objective boundary for regulation. The bounds of the NC zone as it has been applied to annexed lands to date is depicted on the City's adopted Zoning Map. Its location is not subject to any policy-laden evaluation or discretion that would necessarily be resolved through a boundary survey. That said, if the City would like to remove any obligation to adopt or apply clear and objective regulations within the NC area, it would need to remove all opportunities for additional housing within this area which may contravene the mixed use objectives and the desire to place higher densities near the NC area as specified within the PPCP.

Green On-Site Stormwater Treatment

The PPCP calls for innovative, "green" on-site stormwater treatment methods. As staff explains in the May 7 report, in 2015, the City adopted Stormwater and Grading Design Standards that prioritize low impact development (LID) practices which mimic natural drainage systems by keeping rainwater close to where it falls and attenuate stormwater runoff. It will be up to the Planning Commission to determine if implementation of these standards are sufficient or if additional obligations should be imposed.

The suggestion has been made that, instead of these standards, the City should adopt the antidegradation standards set forth in the Department of Environmental Quality (DEQ) administrative rules to provide a clear and objective way to measure and ensure the use of green stormwater standards. OAR 340-041. These standards are lengthy but, in general, they identify water quality conditions required for categories of water bodies which are measured and regulated by DEQ. For example, DEQ has detailed tables outlining what levels of a identified chemicals must be kept below in order to protect aquatic life. Although these standards may be quantifiable and, therefore, clear and objective, they measure water quality within the river rather than at the point of discharge. Using river water quality as a basis to review municipal discharge is impractical because once stormwater reaches a river, its point of origin is difficult, if not impossible, to determine. This is why discharge from development falls within the City's municipal discharge permit (MS4). DEQ establishes municipal obligations when it comes to regulating discharge into the City's stormwater system through best management practices (BMP). The City has determined that the clear and objective implementation of BMP is best achieved through the Stormwater Standards. These Standards require that all stormwater management comply with the following development hierarchy: "Level 1 – Onsite retention of the 10-year design storm using Low Impact Development (LID) for infiltration," "Level 2 – Onsite stormwater management using LID to meet water quality and flow control standards," "Level 3 – Offsite or Regional Facilities," and finally "Level 4 Fee in Lieu." Each of these priorities are described in quantifiable detail including infiltration rates, qualifying LID facilities, offsite facility design standards and a methodology for calculating the fee-in-lieu. p 2-4 – 2-7. The Level 1 and 2 tier solutions, which is typically the way "green on-site stormwater" solutions are referenced must be used unless quantifiable physical limitations are present.

These limiting circumstances including steep slopes, low infiltration rates (less than 2.0 inches per hour), fill conditions, and high groundwater table - but expressly do not include the “financial viability of construction.” Through this prioritization scheme, new development will provide green on-site treatment in all cases except where the physical condition of the existing topography dictate another approach.

Conclusion

In summary, there are numerous legal limitations to the City’s implementation of the PPCP, particularly with respect to housing. However, the goals of providing diversity of housing types and affordability is a shared goal in both state law and the PPCP. Although this list may seem daunting, with thoughtful drafting along with a willingness to accept that the City may need to take a more active role in the provision of infrastructure and amenities, the values set forth in the PPCP can be realized.



MEMORANDUM

To: City and Planning Commissioners

From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager

RE: Park Place Concept Plan Key Elements Integrating Clear and Objective Standards into Oregon City Municipal Code

Date: May 7th, 2024

The purpose of this memo is to identify and describe sections of the Oregon City Municipal Code that need revisions in order to refine and implement key elements from the Park Place Concept Plan (PPCP).

The 2008 Park Place Concept Plan identified 11 key elements:

1. Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane).
 2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units.
 3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
 4. An area for a new civic institution, such as a library or community center.
 5. A mix of housing types and ranges of affordability.
 6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections.
 7. Innovative, “green” on-site stormwater treatment methods.
 8. Protected sensitive areas, including drainages and steep slopes.
 9. Streets and buildings oriented for solar access.
 10. The use of green edges to define neighborhoods and buffer developments.
 11. Integration of parks and open spaces into existing and future neighborhoods.
- (PPCP p21)

Background



When the PPCP was adopted in 2008, the Oregon City Municipal Code (OCMC) was amended to implement the concept plan. The Park Place Concept Plan was implemented through Legislative File 08-01 which updated, revised, and added new code sections to OCMC, and adopted Comprehensive Plan designations for areas within the concept plan. Land in the North Village which has annexed to the City has a zoning designation of Neighborhood Commercial (NC) and R-5 (Medium Density Residential). OCMC 17.10 was amended to add a new R-5 zone district in 2008 to allow for greater diversity of housing types. The existing Neighborhood Commercial zone district in OCMC 17.24 was refined to increase the number of permitted uses, restrict the size of stand-alone commercial buildings, and allow live-work units. Multi-family is allowed in Neighborhood Commercial, but it cannot be more than 50% of the building square footage on-site.

Key Elements and Corresponding Code Sections and Explanation

1. Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)

How was this implemented?

The extensions of Holly Lane and Swan Avenue are adopted in the 2013 Transportation System Plan (TSP). Holly Lane is adopted as Planned Minor Arterial and Swan Avenue is shown as a Planned Collector. Minor Arterial Roadways are intended to serve local traffic traveling to and from major arterial roadways. This classification provides greater accessibility to neighborhoods, often connecting to major activity generators and provide efficient through movement for local traffic. A Collector Roadway connects neighborhoods to minor arterial roadways.

Holly Lane is an adopted TSP project that connects Redland Rd to Holcomb Blvd. It is identified as project #D48 Holly Lane North Extension and described as a residential minor arterial with newly created street connections to Cattle Drive and Journey Drive. The funding priority is listed as “Long-term”. Swan Avenue extension is also an adopted TSP project connecting Livesay Rd to Redland Rd and Redland to Morton Rd. These projects are identified as #D49 and #D50 and described as residential collectors. The funding priority is also “Long-term”.

Long-term projects are those that are “likely to be implemented beyond 10 years from the adoption of [the TSP]. These projects are important for the development of the transportation network, but unlikely to be funded in the next 10 years [2023]”. (TSP p63 Volume II 2 of 2)

Development can pay for a portion of these extensions where a rational nexus exists and in rough proportionality to the impact of development. Chapter 16.12 Minimum Public Improvements and Design Standards and specifically sections 16.12.010 and 16.12.011 would apply to any development paying for portions of or all of these road extensions.

OCMC Chapter 16.12.015 requires development to “provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan,



and/or parks and recreation master plan and this chapter, subject to constitutional limitations.” These limitations refer to established case law requiring rough proportionality and a rational nexus when requiring development to provide public improvements.

Known issues with this element: All of Swan Lane and most of Holly Lane are outside of City limits and connect to roads in Clackamas County’s jurisdiction. Clackamas County has not yet adopted these projects in their TSP and also does not have planned improvements on Redland Road that could handle additional trips. The County has not indicated if these projects will be considered in the next TSP Update.

Options:

1. No further action because the two connecting roads are adopted in the Oregon City TSP and will be constructed as development occurs.
2. When the TSP and CIP are updated in the next two years, reprioritize these important connections to be a short-term priority. Potentially invest SDC funding in the projects D48, D49, and D50.
3. Establish and codify a maximum number of trips that trigger construction of the full extent of roads and public improvements even when it is outside of the development area. If this option is considered, the trigger should be limited to the Park Place Concept Plan Area.

2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units.

How was this implemented?

The portion of the North Village that is annexed (92 acres) is zoned R-10 Low Density residential (9.5 acres), R-5 Medium Density residential (77.5 acres) and NC- Neighborhood Commercial (4.5 acres). The portions that have not been annexed[PW1] have comprehensive plan designations of low and medium density residential and mixed-use corridor. As land annexes to the City a zoning district will be assigned. The concept plan recommended a range of densities in order to provide attractive and affordable housing for a variety of incomes and household types. It recommended adopting a new medium-density zone R-5 and modifications to design standards for attached single-family housing and multi-family housing. These actions were adopted in 2008 through Legislative File 08-01.

The intent of this element is implemented by the Comprehensive Plan Map and the zoning chapters that implement OCMC 17.10 Medium Density Residential District, and 17.24 Neighborhood Commercial District. The intent of each element is captured in current zoning code Chapter 17. The mix of densities envisioned in the north and south villages can be achieved through the low, medium, and neighborhood commercial zones.



Proposed Code Revisions:

1. Additional revisions are proposed to 17.10 (R-5, R-3.5) for clear and objective standards
 - a. Previously, multi-family residential (i.e. 5 units or more per parcel) was allowed in the R-3.5 zone through a Master Plan review in 17.65. Chapter 17.65 Master Plan is highly discretionary Type III decision, and the remedy to provide a clear and objective review is to allow multi-family residential as a permitted use, subject to site plan and design review standards in OCMC 17.62.
 - b. Additional revisions will implement clear and objective standards to implement a range of housing types while respecting existing residential development outside the Concept Plan Area.
2. Revisions are proposed to 17.20 Neighborhood Commercial to implement the concept plan as well as create clear and objective standards.

Notes:

1. After conversations with Metro staff and due to revisions to Metro Title 11 of the Urban Growth Functional Plan, it is no longer necessary to meet the very precise number of units identified in the PPCP. Rather, the city can remain consistent with Metro requirements by maintaining the residential capacity allowed in the City's R-10 and R-5 zones and retain the adopted minimum densities for those zones.

3. *Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space.*

How was this implemented?

Neighborhood Commercial zoning is codified through OCMC Chapter 17.24 and the Comprehensive Plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, there is a maximum allowable residential use of 50% of square footage on any one site which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or *Village Green*, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park. Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.



In March 2024, staff requested a market analysis of the Neighborhood Commercial area in the North Village from the firm Johnson Economics. The analysis indicates this area is “expected to be limited to tenants serving the local community, largely residents south of Holcomb and north Redland roads.” The analysis goes on to estimate that commercial demand “will need a substantive amount of planned residential development to be completed, as well as the Holly Road connection between Holcomb and Redlands before commercial development is viewed as viable at the site.” See analysis from Jerry Johnson of Johnson Economics with further details about what type of commercial uses might locate in the area.

Proposed Code Revisions:

1. Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area.
 - a. Residential uses are limited to no more than 50% of the total building square footage. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create and urban design aesthetic that supports a main street type development. Features such as locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Proposed requirement to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

Options:

1. Does the City want to consider constructing a civic “anchor” to fulfill the vision of the Concept Plan and attract other commercial activity?
2. Should the City consider prohibiting or limiting certain uses that take up the NC land? For example storm water facilities or other utilities?

4. *An area for a new civic institution, such as a library or community center*

How was this implemented?

OCCM 17.24 Neighborhood Commercial allows civic institutions with a square footage limit of 10,000 square feet any one building unless the use is a grocery store. Note that civic uses could be owned and managed publicly, privately or by not-for-profit entities. Civic uses could also include such uses as childcare, education, environmental and art programs as discussed below.

Proposed Code Revisions:



1. Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area.
 - a. Permitted uses identify potential Civic Uses such as public, private, non-profit organizations that run museums, art galleries, indoor and outdoor music theater and venues, child care facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets.

Options:

1. Does the City want to consider constructing a civic space that could act as an “anchor” for commercial activity?

5. A mix of housing types and ranges of affordability

How was this implement?

Adopted zones in the Low Density and Medium Density allow for a range of lot sizes and types of housing. The Residential Standards for the Park Place Concept Area (OCMC 17.21) apply design types for residential development. The purpose of OCMC 17.21 is to ensure new residential development implements the goals and policies of the Park Place Concept Plan, promote high quality residential development and construction, protect property values, encourage visual variety and architectural compatibility; ensure diversity of housing types and promote an integrated character in the Park Place Concept Plan Area.

The PPCP noted that “while the Park Place Concept Plan allows for opportunities to meet affordable housing needs without subsidy, the reality of the housing market in Oregon City and the Portland Metro Region is that some subsidy by public agencies and non-profit organizations will be required to achieve affordable housing goals for this area.” (PPCP p61). To date, the City has not implemented any affordable housing subsidy, therefore we are reliant on non-profits and other governmental subsidy programs to create affordable housing. Since the adoption of the PPCP, middle housing standards were adopted which could bring additional housing diversity to the area, which could be either market rate or publicly subsidized.

Proposed Code Revisions:

1. Revisions are proposed to 17.10 (R-5, R-3.5) for clear and objective standards
 - a. Section 17.10.050(B)(5) is proposed to allow an affordable housing density bonus through clear and objective standards. This proposed revision supports the PPCP aspiration to encourage production of affordable housing.
 - b. Section 17.21.105 Housing Diversity Requirements are proposed for a percentage of proposed total housing as middle housing depending on the size of the subdivision.

Options:



1. The PPCP suggests allowing average density calculations for subdivisions over 25 units to promote a variety of lot sizes (PPCP p62). However, lot averaging was in the code but subsequently removed due to the unworkable overburdensome nature of the allowance[PW2].
 - a. Is this something the Commission would like to re-consider at this time?
2. Consider density bonuses for developers who provide affordable housing units. (PPCP p63)
 - a. If this is a concept the Commission is interested in, staff will develop options for the Commission to consider.

6. *An extensive system of off-street and on-street trails and pedestrian/bicycle connections*

How this was implemented/Actions:

Park Place Concept Plan trails were adopted in the Oregon City Conceptual Trails Map. TSP Figure 8 Multi-Modal Street System shows the on-street trails and pedestrian and bicycle connections. In the 2013 TSP Figure 5 Multi-modal Connectivity Plan does not include off-street trails. OCMC 16.12.016 identifies sidewalks and bike lanes for Minor Arterials and Collector Road classifications.

The concept plan envisioned a network of off-street and on-street trails and pedestrian/ bicycle connections. These systems are illustrated in Figures 3-8 and 3-9 of the PPCP. The on-street system of pedestrian/ bicycle connections is clearly identified and adopted through the road classification system in the TSP and OCMC 16.120.016. The on-street network follows the main transportation connections identified in the plan Holly Lane, Swan Lane and Livesay Rd. Holly Lane from Redland to Holcomb is identified as a planned Minor Arterial which does include sidewalks and bicycle lanes. Swan Lane from Livesay to Morton is identified as a planned Collector which also includes sidewalks and bicycle lanes. The off-street trails were identified in the Oregon City Trails Master Plan adopted in 2004 but are not reflected in the 2013 TSP. This would be an area for improvement and should be included during the next TSP update.

A portion of L2 Holcomb Ridge Loop Trail is within the PPCP area and shown on adopted Oregon City Trails Master Plan. Additionally, L5 Park Place Creek Loop trail is within the area and is intended to stretch between Redland Rd and the Park Place Development. L6 Park Place Development trail system encompasses the off street trails identified in Figure 3-8.

Options:

1. Update the TSP with off-street trails identified in the Concept Plan. This action could take place during the next TSP update. If City Commission desires to see this update sooner than the next TSP update, staff will need to hire consultants who can perform a cost analysis for the trails that can be included with the TSP update.



2. Update code standards to require proportional dedication of land for trails at the time of subdivision or site plan review.
3. Acknowledge that the specific locations of off-street trails, and the ownership and maintenance requirements for these trails, is typically determined during site specific development plan review.

7. Innovative, “green” on-site stormwater treatment methods

How this was implemented?

The Park Place Concept Plan was developed in a manner that minimizes impacts to the existing hydrological conditions of the study area. Moreover, the stormwater concept plan and recommendations seek to utilize existing natural drainage features and low-impact development best practices to mimic existing hydrologic functions.

Chapter 13 of OCMC addresses Public Services including water, sewer, and storm. These chapters are applicable during site plan and design review but are not listed as applicable chapters to address during general development or detailed development land use review. Updates to Chapter 17.65.050 and 17.65.060 are needed to include references to these chapters and specifically chapter 13.12 Stormwater management.

Since the adoption of the Concept Plan, stormwater management standards were adopted and went into effect in 2015 as well as the Stormwater and Grading Design Standards which emphasize low-impact development (LID) practices. Stormwater LID techniques approved for use in Oregon City mimic natural drainage systems by keeping rainwater close to where it falls and attenuate stormwater runoff.

Stormwater is addressed in section 13.12.020 of the OCMC:

- OCMC 13.12.020 allows the City Commission to adopt the Stormwater and Grading Design Standards, which have been adopted in 2015 and an update in 2019/2020.

Stormwater and Grading Design standards prescribes a Stormwater Management Strategy that development must address. “Given suitable site and soil conditions, the City requires that the stormwater management strategy prioritize infiltration of stormwater runoff to recharge groundwater mimic pre-development hydrologic conditions” (p38 Stormwater and Grading Design Standards). The City’s stormwater Management Hierarchy closely matches the desired stormwater management in the PPCP.

Level 1- Onsite retention of the 10-year design storm using LID for infiltration



Level 2- Onsite stormwater management using LID to meet water quality and flow control standards

Level 3- Offsite or Regional Facilities

Level 4- Fee in Lieu

The PPCP identified the desire for Green Streets which integrate the management of stormwater into street design itself that would provide a stormwater management benefit as well as an urban design element. Green streets typically take the form of vegetated swales along the street with curb cuts to allow street runoff to enter. However, this type of stormwater management may not be appropriate for the PPCP area due to topography and soil type. The slope of Holly Lane is anticipated to be 15% which is comparable to Pearl Street within the City. It will be very steep. Stormwater planters require a design that is not conducive to steep slopes. While stormwater planters are the modern version of stormwater swales, infiltration may not be the best or wisest solution to stormwater management due to the existing geologic hazards and natural resources in the area.

8. *Protect sensitive areas, including drainage and steep slopes*

How this was implemented?

Three chapters in OCMC have been adopted and apply to the PPCP area including Natural Resource Overlay District (OCMC 17.49), Geologic Hazards (OCMC 17.44), and the Flood Management Overlay District (OCMC 17.42). The Concept Plan suggested adding definitions for landslide materials, landslide areas, unstable slopes, unstable soils and debris fans based on certain studies included in the Concept Plan. These studies are referenced in Chapter 44 specifically in 17.44.050(A)(1)(a-h). (PPCP p58) OCMC 17.44.050 requires these resources to be used as part of a geologic assessment.

9. *Streets and buildings oriented for solar access*

One of the principles in the Park Place Concept Plan is to design for solar access. “Maximizing solar access provides better daylight and ventilation, opportunities for using renewable energy systems (i.e. solar power) and improves the energy-efficiency of buildings.” (PPCP p 23)

The Park Place Concept Plan appendices suggested code to address this element. At the time of concept plan drafting, a code section existed for residential building solar access OCMC 17.54.070 but it has since been removed. The solar access code was removed due to the difficult nature of implementation. If there is a desire to add the language back into the code the Concept Plan appendix provides some sample language.



Language from the Appendix p222:

“Supplemental zoning regulations in the City’s existing code (OCMC Section 17.54.070) already establish solar access standards (maximum shade point heights and maximum shade height on solar features) for single family residential development. In order to maximize passive solar heating of homes proposed as part of a PUD or subdivision and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be added to this existing set of solar regulations.

The following is sample solar orientation regulation language from the Oregon Department of Energy and Boulder, Colorado. These criteria would need some revisions to be clear and objective and fit Oregon City’s Municipal Code

Siting Requirements:

All planned unit developments and subdivisions shall be designed and constructed in compliance with the following solar siting requirements:

- A. All new residential units shall have a roof surface that meets all of the following criteria:
 - i. Is oriented within 30 degrees of a true east-west direction;
 - ii. Is flat or not sloped towards true north; 100 square feet of un-shaded solar collectors for each individual dwelling unit in the building; and
 - iii. Has unimpeded solar access consistent with the requirements of Section 8.0370.2 or through easements, covenants, or other private agreements among affected landowners that the city manager finds are adequate to protect continued solar access for such roof surface.”

New code sections are needed to implement streets oriented for solar access in chapter 16.12 Land Divisions and Public Improvements. The concept plan appendix suggested the following language on p223:

- b. Street Orientation Requirement:

New residential streets in planned unit developments and subdivisions, shall be predominantly oriented within thirty degrees of true east-west in order to maximize the number of homes with the major walls and windows facing south.

Options:

1. Consider adding back into the code for Master Plan/ Planned Unit Developments code requirements for solar access.



10. The use of green edges to define neighborhoods and buffer developments

How this was implemented?

The Concept Plan envisioned green edges as areas consisting of sensitive habitat and drainage areas that frame pockets of development. The Concept Plan states that this open space “can be realized through local regulation, sensitive development practices, and through public acquisition. From Chapter 4 of the Concept Plan, a policy identified conserving and protecting natural areas, including environmentally constrained areas unsuitable for development.” The PPCP identifies areas with slopes of 25% or more as open space that will remain undeveloped. P56

This element is implemented by recognizing the Natural Resource Overlay District and Geologic Hazards Overlay District within the Concept Plan area. Density transfers have been codified for the NROD to allow these areas to remain open. See p240 of the PPCP Appendices.

Proposed Code Revisions:

1. Revisions are proposed to 17.10 Medium Density District (R-5, R-3.5) for clear and objective standards
 - a. Section 17.10.080 Additional Standards for Park Place Concept Plan are proposed to provide a transition area and buffer new development from existing development outside the concept plan area. Proposed code may requires a transition area contain a combination of landscaping and screening. Lot sizes are also required to maintain a minimum area in order to provide enough room for a landscaped transition area.

Options:

1. Consider amending chapter 17.44.060 (H) to add language that prohibits development on slopes greater than 25% to implement the open space concept in the Concept Plan. This will limit development, and shift and concentrate density outside these areas, and could prohibit transportation connections. If the Commission directs staff to consider this amendment, an analysis will be needed to determine if any constitutional takings could result from such a revision.

11. Parks and Open Space

How this was implemented?

The Concept plan identified the need for two neighborhood parks, one in the North Village and one in the South Village. The North Village park land need is 8-10 acres and within walking



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distance of Livesay Main Street. The South Village park is 3-5 acres and surrounded by medium/high density residential.

Proposed Code Revisions:

1. Revisions are proposed to 17.62.059 to add a new section of code requiring dedication of public park, trail, and open space requirements in Park Place Concept Plan area. Similar revisions are proposed for OCMC 16.08.040 that would require dedication at time of a land division.

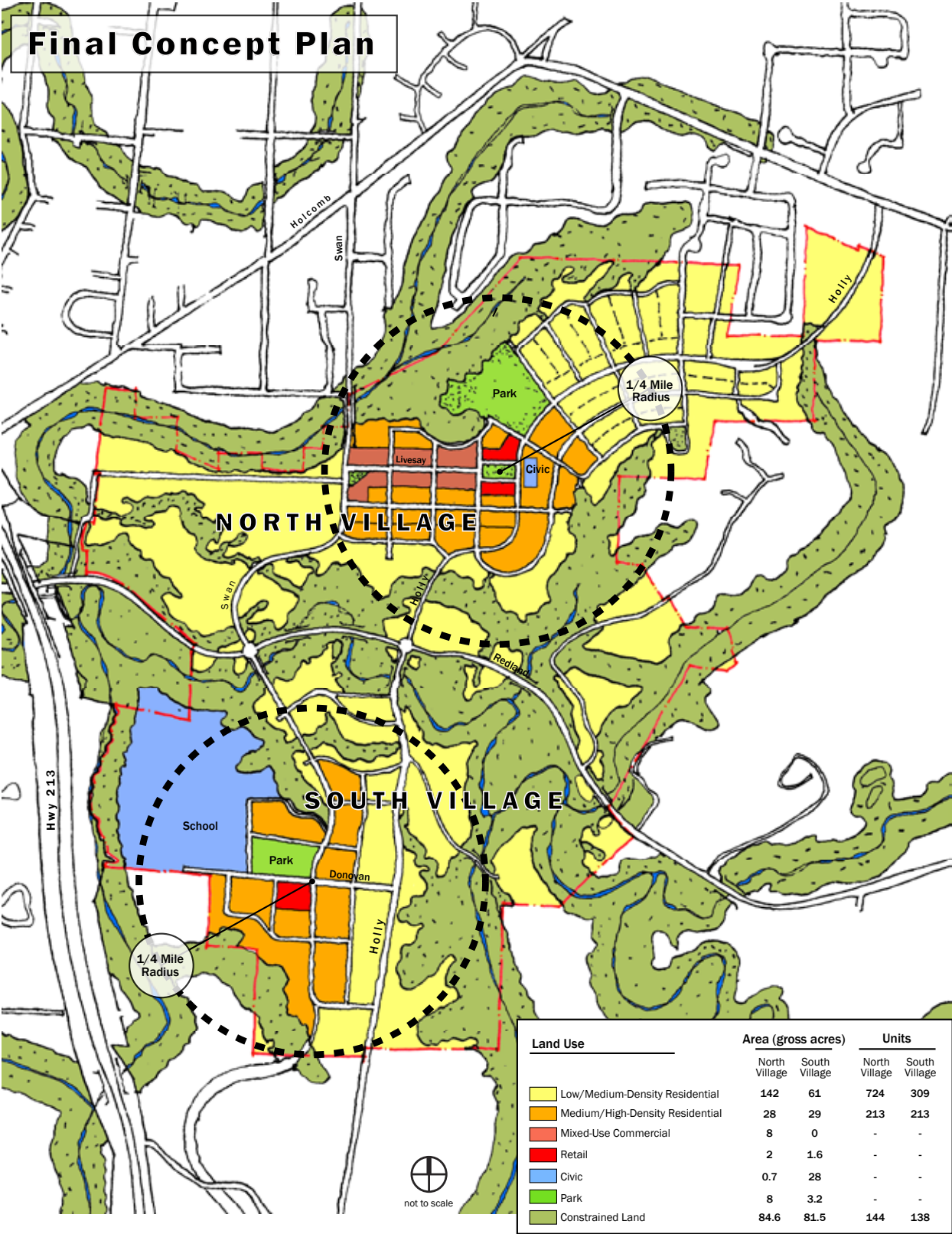


Figure 1-1. Park Place Concept Plan Urban Growth Diagram

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

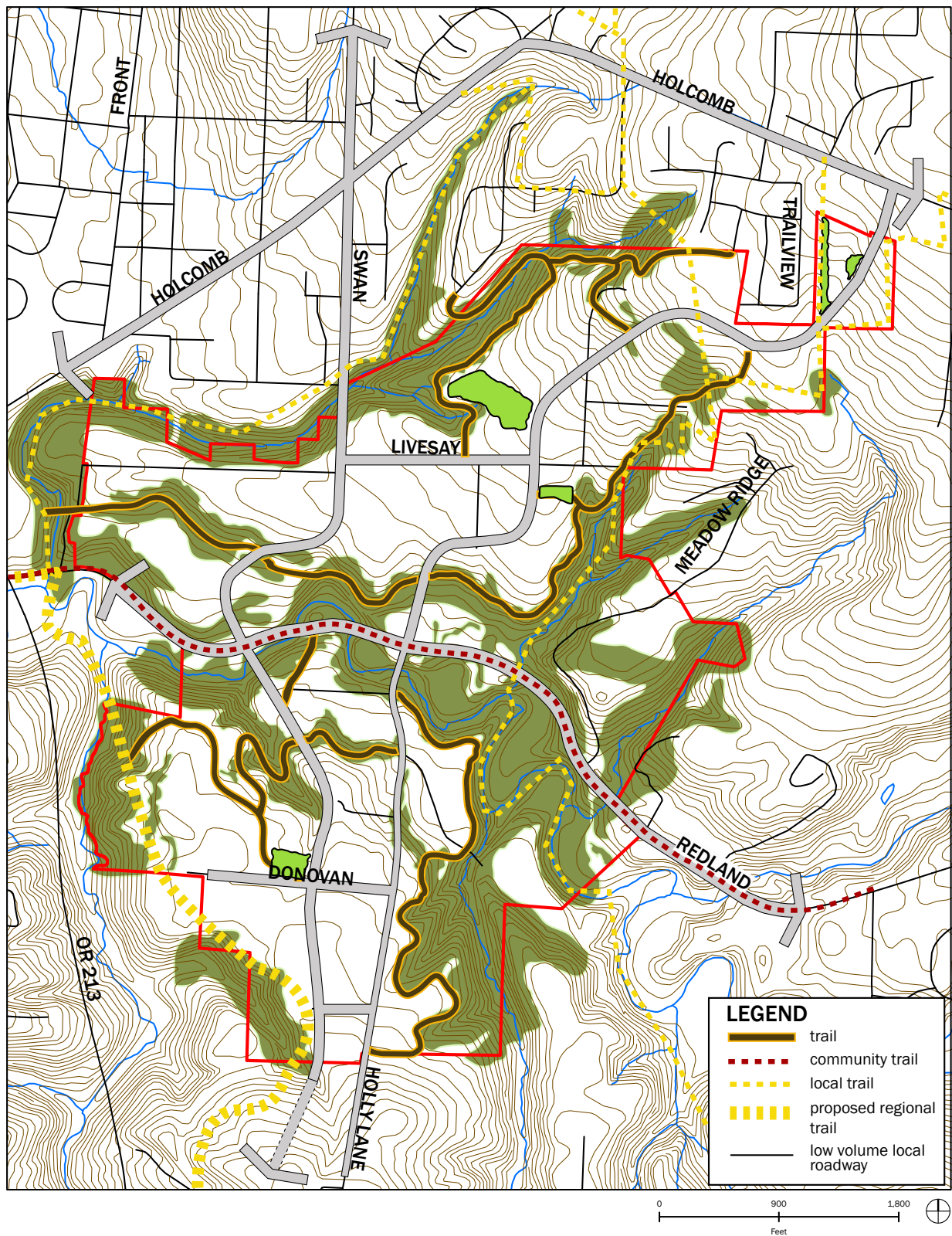


Figure 3-8. Proposed Trail System

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

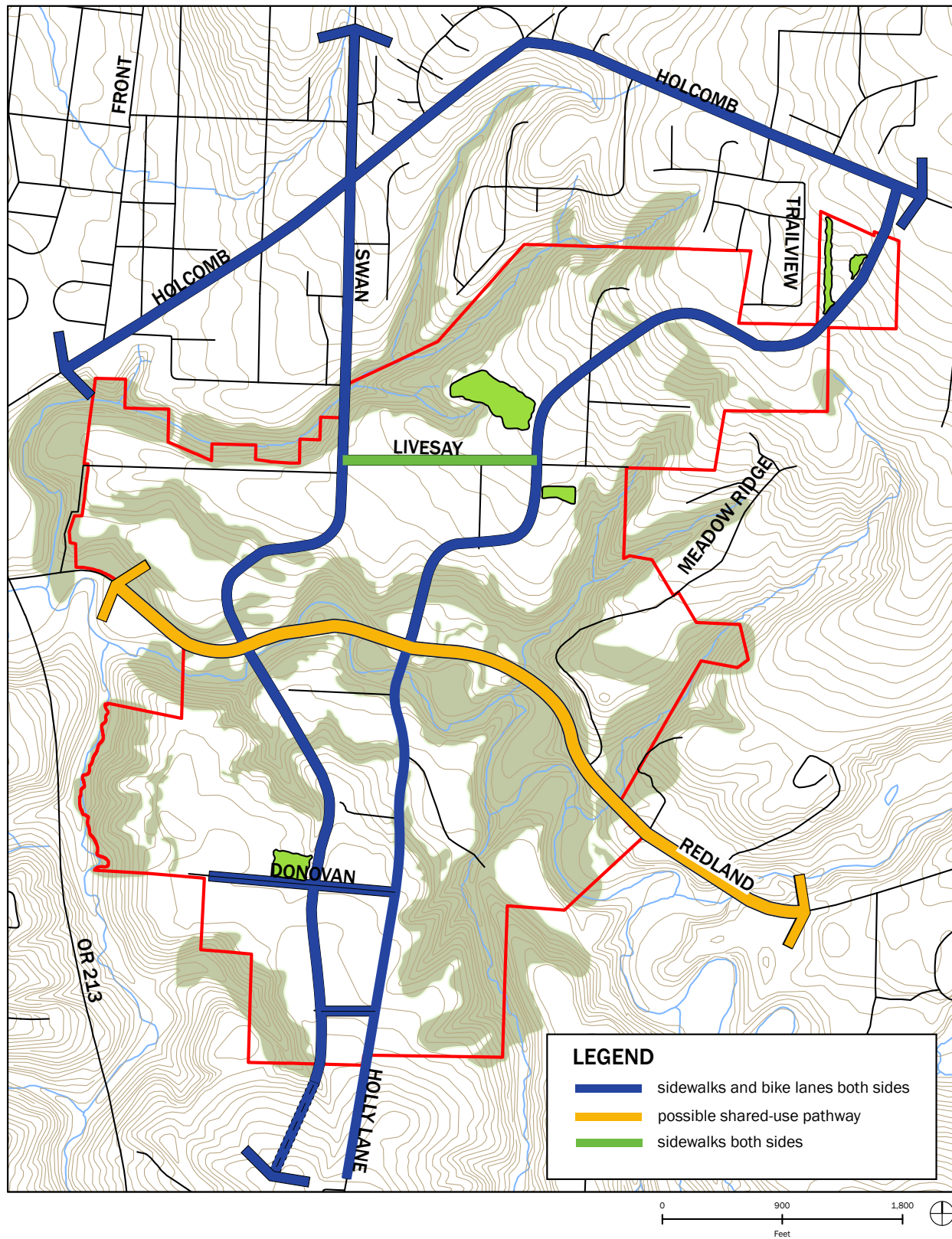


Figure 3-9. Proposed Bicycle and Pedestrian System

This map is for concept planning purposes only. The specific locations of natural resource boundaries, open space, parks, land uses, roads, trails, infrastructure and related improvements may change and is subject to on-site verification and design at the time of development.

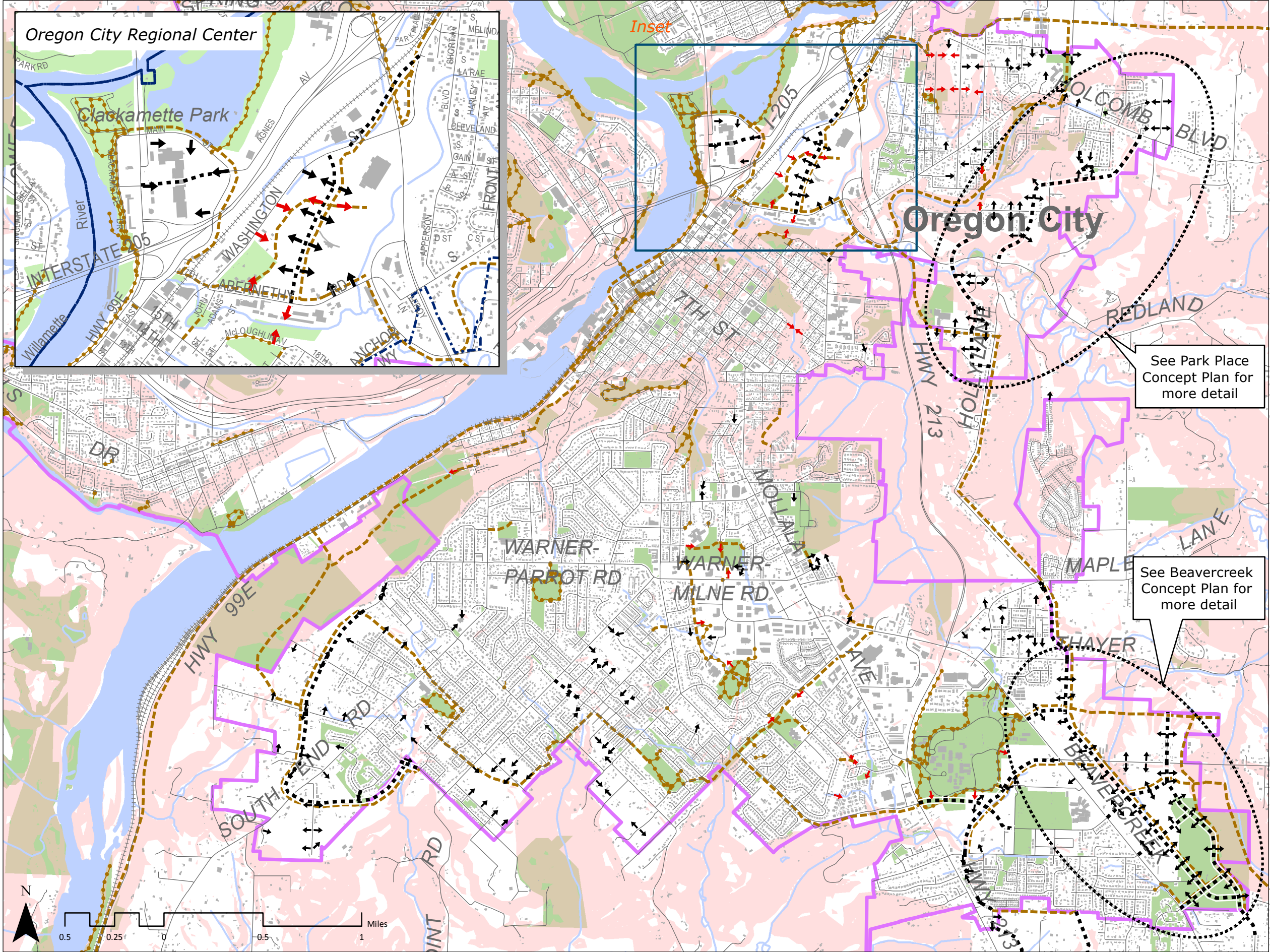


FIGURE 5

Multi-Modal Connectivity Plan

Legend

- Street Connectivity**
- Existing Street
 - Planned Roadway Extension (Conceptual Alignment)
 - Potential Street Extension

- Trail Connectivity**
- Existing Shared-Use Path
 - Planned Shared-Use Path (Conceptual Alignment)
 - Potential Trail Connection

- Steep Slope
- Building
- Stream
- River
- Park/Public Property
- Urban Growth Boundary
- Railroad

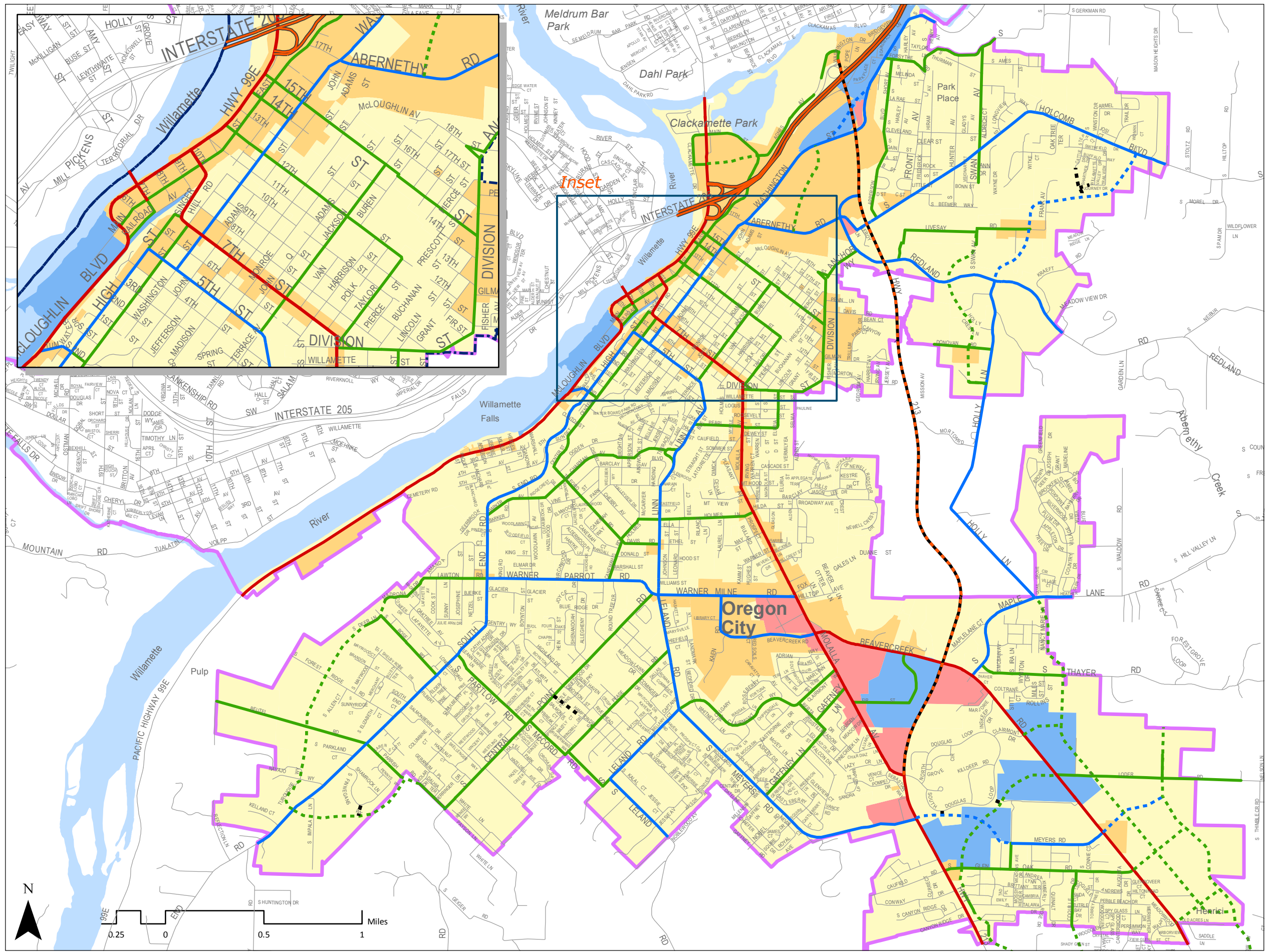


FIGURE 8

Multi-Modal Street System

Legend

Functional Classification

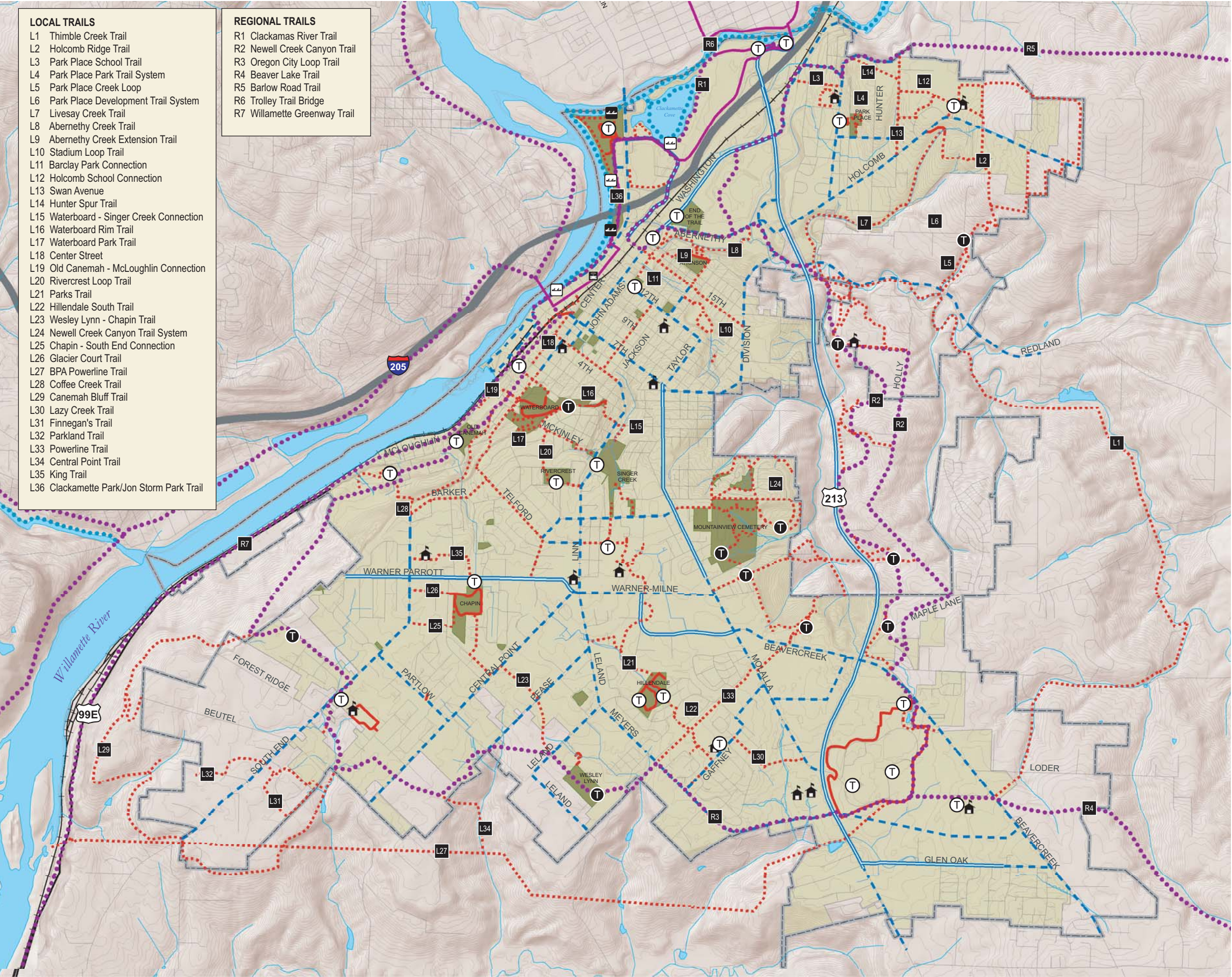
- Freeway
- Expressway
- Major Arterial
- Minor Arterial
- Collector
- Local Street

Planned Roadways (Conceptual Alignment)

- Planned Minor Arterial
- Planned Collector
- Planned Local Street

Street Type

- Commercial
- Industrial
- Residential
- Mixed-Use
- City Limit
- Urban Growth Boundary



Oregon City Conceptual Trails Map

Existing and Proposed Trails

LEGEND

METRO REGIONAL TRAILS

- EXISTING TRAIL
- PROPOSED TRAIL
- PROPOSED RIVER TRAIL

EXISTING AND PROPOSED TRAILS

- EXISTING COMMUNITY TRAIL
- PROPOSED COMMUNITY TRAIL
- EXISTING LOCAL TRAIL
- PROPOSED LOCAL TRAIL

TRAILHEADS

- EXISTING BOAT LAUNCH
- PROPOSED BOAT LAUNCH
- EXISTING TRAILHEAD
- PROPOSED TRAILHEAD

- URBAN GROWTH BOUNDARY
- OREGON CITY LIMITS
- PARKS
- SCHOOLS
- TRANSIT CENTER

Source: Metro RLIS Lite (2003)
Oregon City Geographic Information Systems



New Zoning Code Definitions

Note: This list includes new definitions to implement the Park Place Concept Plan and other definitions for words added to the code over time that are not currently defined. Some existing definitions require renumbering to fit the new definitions into the code in alphabetical order. The renumbered definitions are included at the end.

New Definitions

17.04.091 - Architecturally significant façade

“Architecturally significant façade” means the exterior wall(s) or elevation(s) of a structure that contains the greatest number and most detailed elements of architectural design, detail, materials or craftsmanship compared to the other walls or elevations of the structure as viewed from a public area, street or vantage point. The architecturally significant façade of a building is the most familiar and recognizable part of the building, and includes windows, materials, entryways, sheltering elements and other features of interest that are not found on or found to a lesser extent on the other exterior walls or elevations of the structure.

17.04.124 - Awning

“Awning” means a roof-like structure of fabric, metal or other materials stretched or connected over a rigid frame projecting from the elevation of a building designed to provide continuous overhead weather protection.

17.04.175 - Canopy

“Canopy” means a roof-like covering over a door or an opening of a structure intended and used for the purpose of sheltering persons or inanimate objects from the rays of the sun and from rain and weather. Entrance canopies shall be attached to the building and may be supported from the ground up or cantilevered out from the wall of a building using structural support integral to the building.

17.04.271 - Cupola

“Cupola” means a relatively small, most often dome-like, tall structure on top of a building. Often used to provide a lookout or to admit light and air, it usually crowns a larger roof or dome.

17.04.287 – Dedication

“Dedication” means the intentional appropriation or conveyance by an owner or developer of private land for public use, and the acceptance of land for such use by the City over the public function for which it will be used. Dedications for roads, parks, utilities, or other public uses often are made conditions for approval of a development by the City.

17.04.317 - Distribution

“Distribution” means a use where goods are received and/or stored for delivery to the ultimate customer at remote locations.

17.04.345 - Eco-roof.

"Eco-roof" or "green roof" means a lightweight vegetated roof system consisting of waterproofing material, a growing medium, and specially selected plants. An eco-roof or green roof is one of various stormwater low impact development techniques intended to reduce runoff, improve water and air quality, provide wildlife habitat, and save energy. See also Low Impact Development. Eco-roofs may also be used on constrained urban sites in lieu of traditional landscaping.

17.04.503 - Gazebo

"Gazebo" means a type of open sided accessory structure consisting of pillars or posts supporting an enclosed roof system, which offers full protection from the elements. The sides are fully open to allow airflow.

17.04.537 - Green roof.

See "Eco-roof" as defined in OCMC 17.04.345.

17.04.609 - Kennel

"Kennel" means any premises where five or more dogs, cats, or other small animals are kept for board, propagation, training or sale.

or;

Existing definition in OCMC 6.04.020 - "Kennel" means the owner or keeper of four or more dogs which have permanent canine teeth shall be considered as the owner or keeper of a kennel.

17.04.742.010 - Massing, architectural

"Massing" or "architectural massing" means the perceived three-dimensional form of a building as influenced by size, scale, and shape, not just its outline from a single perspective. Massing influences the sense of space which the building encloses and helps to define both the interior space and the exterior shape of the building. The creation of massing, and changes to it, may be additive (accumulating or repeating masses) or subtractive (creating spaces or voids in a mass by removing parts of it). Massing can also be significantly altered by the materials used for the building's exterior, as transparent, reflective, or layered materials are perceived differently. See also "primary massing" and "secondary massing".

17.04.742.020 – Massing, primary

"Primary massing" means the principal or dominant architectural massing of a structure due its greater size, scale or shape. See "massing, architectural".

17.04.742.030 - Secondary massing

"Secondary massing" means the less dominant massing of a structure due its lesser size, scale or shape when compared to the primary massing. See "massing, architectural".

17.04.912 – Pergola

"Pergola" means a type of open sided accessory structure consisting of pillars or posts supporting a partially open roof system. A pergola may be attached to a primary structure or detached.

17.04.967 - Plaza

"Plaza" means an area generally open to the public on a controlled basis and used for passive recreational activities, events and relaxation. Plazas are paved areas typically provided with amenities, such as seating, drinking and ornamental fountains, art, trees, and landscaping, for use by pedestrians. A plaza area is wholly or partly enclosed by a building or buildings and has openings to the sky.

17.04.941 - Portico

"Portico" means a covered porch or roofed structure leading to the entrance of a building, or extended with a roof structure over a walkway, supported by columns or enclosed by walls.

17.04.952 - Primary entrance

“Primary entrance” means the principal pedestrian entry to a structure closest to the public street and the one which is dominant on the building façade due to its size, architectural detail and design.

17.04.1063.010 – Roof

“Roof” means a permanently attached structural covering over any portion of a building or structure including horizontal projections beyond the walls or supports of the building or structure, but excluding roof structures, decorative and functional elements specifically exempted from the building height measurement under definition 17.04.550 “Height of Building”.

17.04.1063.020 - Roof, flat

“Flat roof” means a roof which is not pitched and the surface of which is parallel to the ground.

17.04.1063.030 – Roof, gable

“Gable roof” or “gabled roof” means a roof which slopes from both sides of a ridge.

17.04.1063.040 - Roof, gambrel

“Gambrel roof” or means a usually symmetrical gable roof with two slopes on each side.

17.04.1063.050 - Roof, hipped

“Hipped roof” means a roof with slopes on all four sides, continuous from peak to eaves.

17.04.1063.060 - Roof, mansard

“Mansard roof” means a steep, dual-pitched hipped roof allowing a tall attic space; frequently used to add an upper story.

17.04.1063.070 – Roof, pitch

“Roof pitch” means the steepness of a roof expressed as a ratio of inch(es) rise per horizontal foot (or their metric equivalent), or as the angle in degrees its surface deviates from the horizontal. A flat roof has a pitch of zero in either instance; all other roofs are pitched.

17.04.1063.080 - Roof, primary

“primary roof” means the portion of a building’s roof structure that most contributes to the mass of a building due to its predominance in height, width, length, bulk, or volume of area covered.

17.04. 1063.080 - Roof, secondary

“Secondary roof” means a roof that is subordinate to the primary roof of a structure due to its lesser contribution to the mass of a building. See “Primary roof”.

17.04.1161 - Special Event Permit

“Special event permit” means a permit issued by the Public Works Department or by the Parks and Recreation Department for events that are proposed on public property, or which have the potential to impact public property and rights-of-way.

17.04.1473 - Warehouse

“Warehouse” means a facility or facilities characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors, but not involved in manufacturing or production.

17.04.1497 – Wholesale, wholesaler

“Wholesale” or Wholesaler” means the selling and/or distributing of merchandise to retailers; to industrial, commercial, institutional, or professional business users, or to other wholesalers; acting as agents or brokers and buying merchandise for, or selling merchandise to, such individuals or companies, other than a consumer. This means an entity that buys and sells at wholesale.

Renumbered Definitions

~~17.04.175~~ 17.04.173 - Camouflage.

~~17.04.742~~ 17.04.741.100 - Medical marijuana dispensary.

Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.010 Designated.

The R-5 and R-3.5 residential districts are designed for medium density residential development.

17.10.020 Permitted uses.

Permitted uses in the R-5 and R-3.5 districts are:

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Manufactured home parks or subdivisions in the R-3.5 district only;
- I. Multi-family residential in the R-3.5 district only, subject to the applicable standards in Site Plan and Design Review in Chapter 17.62.
- ~~IJ.~~ Residential homes;
- ~~JK.~~ Parks, playgrounds, playfields and community or neighborhood centers;
- ~~KL.~~ Home occupations;
- ~~LM.~~ Family day care providers;
- ~~MN.~~ Farms, commercial or truck gardening and horticultural nurseries on a lot not less than twenty thousand square feet in area (retail sales of materials grown on-site is permitted);
- ~~NO.~~ Temporary real estate offices in model homes located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;
- ~~OP.~~ Transportation facilities.

Explanation:

Section 17.10.020- is proposed to be amended to permit multi-family development in the R-3.5 zone instead of the current requirement for a Type III master plan in section 17.10.030, which will go away. Multi-family development in any zone requires a Type II Site Plan and Design Review process subject to standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

17.10.025 Conditional uses.

The following uses are permitted in the R-5 and R-3.5 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;
- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients;
- K. Live/work dwellings.

~~17.10.030 Master plans.~~

~~The following use is permitted in the R-3.5 district when authorized by and in accordance with the standards contained in OCMC 17.65.~~

~~A. — Multi-family residential.~~

~~(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~

Explanation:

This section is proposed to be removed since it requires a discretionary review process for needed housing. Instead of master plan review, multi-family development is proposed to be a permitted use in the R-3.5 zone. Multi-family development in any zone requires a Type II land use approval process and is subject to the Site Plan and Design Review standards in OCMC 17.62 and the applicable dimensional standards and density permitted for multi-family use in the R-3.5 zone.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

17.10.035 Prohibited uses.

Prohibited uses in the R-5 and R-3.5 districts are:

- A. Any use not expressly listed in OCMC 17.10.020, 17.10.025 or 17.10.030.
- B. Marijuana businesses.

17.10.040 Dimensional standards.

Dimensional standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹		
Single-family detached and duplex	5,000 square feet	3,500 square feet
Triplex	5,000 square feet	5,000 square feet
Quadplex and cottage cluster	7,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet
Maximum building lot coverage		
Single-family detached and duplex	50%	55%
With ADU	60%	65%
Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All, except	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet
Minimum front yard setback	10 feet, except	5 feet, except
	5 feet — Porch	0 feet — Porch
Minimum interior side yard setback	5 feet, except	5 feet, except
All, except	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)
Townhouse		
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback	20 feet, except	20 feet, except
<u>Porch</u>	15 feet — Porch	15 feet — Porch
<u>ADU</u>	10 feet — ADU, cottage cluster	10 feet — Cottage cluster 5 feet — ADU
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks	20 feet from ROW, except	20 feet from ROW, except
	5 feet from alley	5 feet from alley
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Public utility easements may supersede the minimum setback.

Explanation:

The proposed addition to Table 17.10.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

Also, the table is slightly modified to show the required rear yard setbacks more clearly for porches, ADUs and cottage clusters, though no changes are proposed to these setbacks.

PPCP Key Concept:

10. The use of green edges to define neighborhoods and buffer developments.

17.10.045 Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.
- B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard setback on each street. The required rear yard setback is not necessary.

Explanation:

The word "setback" is added for greater clarity. Per definition 17.04.1110 - Setback. "Setback" means the minimum distance by which the footprint of all buildings or structures shall be separated from a lot line.

PPCP Key Element:

N/A. This revision is added for greater clarity to the existing code section only.

17.10.050 Density standards.

- A. Density standards in the R-5 and R-3.5 districts are as follows:

Table 17.10.050

Standard	R-5	R-3.5
Minimum net density	<u>7.0 du/acre</u>	<u>10 du/acre</u>
• All, except	<u>7.0 du/acre</u>	<u>10 du/acre</u>
• Multi-family		<u>17.4 du/ac</u>
Maximum net density		
• All, except	8.7 du/acre	12.4 du/acre
• Townhouse	25 du/acre	25 du/acre
• Multi-family		21.8 du/acre
<i>Affordable Housing Bonus</i>		26.2 du/acre

Explanation:

Table 17.10.050 would be amended to apply minimum and maximum density for multifamily development when proposed within the R-3.5 zone district. These are the same densities specified for multi-family development in the R-2 zone district. Multi-family residential is proposed as a permitted use subject to clear and objective standards, rather than through the discretionary master plan process which is the current code requirement under subsection 17.10.030 above, which is proposed to be removed. Applicants who wish to construct multi-family development within the Medium Density District would first need to apply for a zone change to R-3.5 zone through a Type IV process.

21.8 du/acre is a typical density for multi-family development.

An affordable housing bonus is offered within the R-3.5 zone district, similar to the high-density residential district elsewhere in the city.

PPCP Key Element Implemented:

5. A mix of housing types and ranges of affordability.

Allowing multi-family development within the R-3.5 zone district through a clear and objective process rather than a discretionary review process reduces regulatory barriers and creates a greater mix of housing types and ranges of affordability.

B. Exceptions.

1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.10.050.
2. Duplexes triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density, and also for the purposes of calculating minimum housing diversity.
3. Cottage clusters are exempt from maximum net density standards.
4. Multi-family residential development shall comply with the applicable Site Plan and Design Review standards in OCMC 17.62.
5. Affordable housing density bonus. Multi-family residential projects in the R-3.5 zone with five or more units on a single lot are eligible for a density bonus in exchange for developing affordable housing. A bonus of one additional dwelling unit per affordable unit included in the project, up to a maximum twenty percent increase from maximum net density up to 26.2 du/acre, is allowed. Projects containing exclusively affordable units may develop to the maximum twenty percent increase or 26.2 du/acre. Affordable units shall be affordable to households earning equal to or less than eighty percent of the area median income as defined by the U.S. Department of Housing and Urban Development, adjusted for household size, and guaranteed affordable for a minimum term of 30 years through restrictive covenant or other similar guarantee approved by the community development director.

Explanation:

(4) above cross references the Site Plan and Design Review chapter 17.62. Multi-family development, which is five units or more on a single parcel, must comply with the applicable standards of this chapter, which includes 17.62.050 – General Standards, 17.62.055 building standards and 17.62.057 – open space requirements for multi-family development, through a Type II process.

(5) allows for density bonus for qualifying affordable projects. As specified, the determination of “area median income” would be made at the time of development review.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

17.10.060 Conversion of existing duplexes.

Any conversion of an existing duplex unit into two single-family attached dwellings shall be reviewed for compliance with the land division requirements in Title 16 and the underlying zone district.

17.10.070 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek 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. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 - 2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
 - 3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
 - 4. Within the forty-foot wide setback from the southern boundary, 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 of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty 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 new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty 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 the community development director's approval. Chain-link fencing with slats shall not be 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 Thimble Creek Concept Plan.

17.10.080 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
 - 1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 - 2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size for residential uses shall be a minimum of five thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters. The minimum lot sizes specified shall not be eligible for modification or variance.
 - 3. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
 - 4. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
 - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
 - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
 - c. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.

5. An alternative 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 Park Place Concept Plan.

Explanation:

The additional standards for the Park Place Concept Plan area within the R-5 district are intended to create a transition between older residential development and newer, more intense residential development within the concept plan area. The “Northern Perimeter” of the concept plan boundary abuts several older low-density subdivisions, including Trailview (zoned R-10), Wasco Acres (zoned R-6), and Tracey Heights (zoned R-6).

Larger setbacks, lot sizes and screening is desired in this transition area between newer development within the concept plan area and existing lower density development outside.

Screening within the forty-foot setback area may be accomplished through the preservation of existing trees, planting of native vegetation abutting the NROD area, or a combination of landscaping plantings and fencing.

Larger subdivisions may opt to place the landscaping buffer in a separate open space tract to be maintained by an HOA, whereas smaller land divisions or may choose a different approach.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

10. The use of green edges to define neighborhoods and buffer developments.

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010 Purpose.

The ~~intent of this chapter is~~ standards of this section are intended to ensure new residential development implements the goals and policies of the Park Place Concept Plan area, promote high-quality residential development and construction; protect property values; encourage visual variety and architectural compatibility; ensure diversity of housing types, and promote an integrated character in the Park Place Concept Plan area. Specifically, the standards shall:

- A. Provide clear and objectives standards for residential development.
- B. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods in Oregon City;
- C. Provide variety and visual interest in the exterior design of residential buildings;
- D. Provide for a variety of lot sizes and housing types for a range of households and age groups;
- E. Enhance the residential streetscape and diminish the prominence of garages and parking areas;
- F. Enhance public safety by preventing garages from obscuring main entrances or blocking views of the street from inside residences; and
- G. Improve the compatibility of new residential development with the residential character of surrounding neighborhoods. ~~and the historic architectural styles of Oregon City.~~

~~Appropriate architectural styles include: Western Farmhouse/Vernacular, Bungalow, Queen Anne Vernacular and Foursquare. The 2006 Historic Review Board's Design Guidelines for New Construction include additional architectural descriptions of historic single-family structures in Oregon City.~~

Explanation:

The purpose statement in section 17.21.010 is amended to remove the references to discretionary historical review guidelines and architectural styles, and to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

The purpose statement ties the code standards to the adopted PPCP, which is part of the city's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

~~(Ord. No. 08-1014, §§ 1-3 (Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019)~~

Explanation:

As stated before, this revision removes the references to, as well as the pictures of architectural styles subject to discretionary interpretation to clarify that the chapter provides clear and objective standards for review of residential design as required by State Law.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

The purpose statement ties the code standards to the adopted PPCP, which is part of the city's adopted Comprehensive Plan, and the goals of the concept plan to provide diverse and affordable housing with good design.

17.21.020- Applicability.

- A. These standards apply to all new residential construction within the Medium and Low Density Residential Districts within the adopted boundaries of the Park Place Concept Plan area. Additions of more than 50% of the existing gross floor area for homes existing prior to the adoption of this chapter in the Park Place Concept Plan area are subject to this section.
- B. These standards are applicable in addition to the following residential design standards. In the event of conflicting standards, this Chapter shall control.

1. Single-family detached and duplex residential units shall comply with the applicable standards in OCMC Chapter 17.14.
2. Townhouses, triplexes, quadplexes, and cottage clusters in any zone shall comply with the applicable standards in OCMC Chapter 17.16.
3. Accessory dwelling units, live/work dwellings, and manufactured home parks shall comply with the applicable standards in OCMC Chapter 17.20.

C. These standards do not apply to multi-family development, live-work units, or mixed-use development.

~~A. This chapter applies to all new detached single-family residential units, duplexes, triplexes, quadplexes, townhouses, accessory dwelling units, and cottage clusters located within the Park Place Concept Plan areas. Additions to homes existing prior to the adoption of this chapter in a concept plan area or new residences outside of a concept plan area may choose review under this section or OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable.~~

~~Residential plans that conform to the following standards may be approved as a Type I Decision. Residential plans that require approval of an exemption shall be processed as a Type II Land Use decision at time of land division or building permit application.~~

Explanation:

Clarifies that the standards of Chapter 17.21 are in addition to existing residential design standards. Housing designs are typically reviewed at the time of building permit review. If there is a conflict, the more restrictive or higher standard prevails. This supports architectural integrity and variety in residential neighborhoods.

PPCP Key Element:

5. A mix of housing types and ranges of affordability.

17.21.025 Modifications that will better meet design standards.

- A. Residential plans that conform to the following standards may be approved as a Type I Decision or with a building permit application. Residential plans that require approval of an exemption or modification may be approved as a Type II Land Use decision at time of land division, or through a Type II modification ~~to~~ prior to building permit application.
- B. Modifications that will better meet design standards. An applicant may propose modified residential designs and housing mixes that differ from these standards through a Type II review process at the time of land division or building permit application. Modifications that are denied through Type II design review may be requested as a Planning Commission variance process pursuant to Chapter 17.60, or as a master plan adjustment pursuant to OCMC 17.65.070, if applicable.
 1. Criteria for modification to the standards:
 - i. The modification will result in a development that better meets the applicable design standard or housing diversity standard.
 - ii. The modification or modifications are consistent with the purpose and intent of this Chapter as discussed in section 17.21.010 above.

Explanation:

This section clarifies and relocates to one place in the chapter the process by which an applicant may seek modifications to the design standards. Previously the process for modifications was restated in multiple subsections which was unnecessary and redundant. An applicant has the option of requesting the modification(s) at the time of land division or prior to a building permit, but in either case, the process requires a Type II decision with public notice and comment, and which may be appealed by persons with standing.

PPCP Key Element:

N/A. This revision is for process clarification only. It does not affect any standards.

17.21.030 - ~~Roof design.~~

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary roofs and masses.
- ~~B. Flat roofs and shed roofs are not permitted except on accessory structures and for carports.~~
- ~~CB. Solar Access. Primary roof designs shall also comply with the solar access requirements of section 17.21.100 - Solar Access Standards.~~

~~Exemption: An exemption from the roof standard of subsection A above may be approved by the community development director if the resulting plan is consistent with the architectural style.~~

Explanation:

Various roof forms (including flat, hipped, gambrel, etc.) are permitted for single-family detached and duplex structures throughout Oregon City pursuant to OCMC Chapter 17.20. Requiring a traditional roof and minimum roof pitch for principal dwellings within the Park Place Concept Plan area promotes compatibility of new residential construction with existing architectural styles.

The exemption section will be deleted and replaced by subsection 17.21.025 – *Review Process* above.

17.21.040 - ~~Modulation and m~~Massing.

New residences shall have a massing ~~and footprint~~ that is compatible with the envisioned pedestrian friendly neighborhoods of the concept plan area which is accomplished by regulating the overall building footprint.

- A. Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.

Explanation:

Removed discretionary language from the previous requirements.

17.21.050 – Porches and entries.

- A. Each residence shall contain a front porch with a front door that faces the street that is a minimum of twenty-four inches above average grade with skirting and is at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. Porch railings are required. The front porch shall be covered.

~~B. Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.~~

~~CB.~~ All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.

~~DC.~~ Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk that is a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

17.21.060 - Architectural details.

A. Residences shall contain architectural details. Each of the types of details listed below are worth one point unless otherwise noted. Residences ~~must~~shall achieve the equivalent of five points worth of architectural details.

1. ~~A.~~ Stonework detailing on columns or across foundation.
2. ~~B.~~ Brick or stonework covering more than ten percent of the front facade.
3. ~~C.~~ Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
4. ~~D.~~ Decorative roofline elements (choose two): Roof brackets, rake board at edge of all roof and porch, eaves, roof eaves that extend at least eighteen inches.
5. ~~E.~~ Decorative siding elements (choose two): Barge board/frieze boards (minimum eight inches) under eaves, waterboard at foundation line and between floors (minimum six inches), corner board at all corners.
6. ~~F.~~ Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
7. ~~G.~~ Decorative shingle design covering ten percent of the facade.

17.21.070 Approved siding materials.

A. Approved siding materials include the following.

1. ~~A.~~ Brick.
2. ~~B.~~ Basalt stone or basalt veneer.
3. ~~C.~~ Narrow horizontal wood or composite siding (five inches wide reveal or less); ~~wider siding will be considered where there is a historic precedent. Both -smooth siding or textured siding is acceptable but shall not be permitted together on the same building.~~
4. ~~D.~~ Board and batten siding (wood or composite).

5. ~~E. Exemption: Other materials may be approved by the community development director if they are consistent with the quality of the approved siding materials and have historic precedence in Oregon City.~~

Explanation:

Removed discretionary language from the previous requirements.

17.21.080 - Windows.

- ~~A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must shall provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.~~
- ~~B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.~~
- ~~C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.~~
- ~~(Ord. No. 08-1014, §§ 1-3 (Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019)~~

Explanation:

Removed discretionary language from the previous requirements for windows.

17.21.090-17.21.090 – Garages, Orientation and Accessory Structures.

- ~~A. A- Garages and carports are not a requirement, however, the orientation of these structures is subject to the following standards. Garages must shall be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area.~~
- ~~B. Modification to Garage Orientation standard permitted for existing topographic or geologic conditions. Pursuant to OCMC 16.12.033, an applicant may request modification of the alley requirement due to the presence of the following overlay districts if the decision maker determines that the requested modification would minimize disturbance to sensitive natural resources and steeply sloped or unstable sites in the following situations:~~
- ~~1. New residential development located wholly or partially within the Natural Resources Overlay District regulated by OCMC 17.49; and~~
 - ~~2. New residential development located wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44.T4.~~
 - ~~3. Mitigation. Any modification that allows a front-loaded garage onto a public street shall comply with the applicable standards in OCMC 17.20.~~

4. Front loaded garages are not permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street. Front loaded garages shall not be proposed when abutting a public street that abuts a public park.

Explanation:

This revision creates a new, clear and objective standard to offer a modification to the garage orientation standard within sensitive NROD habitat areas and geologic hazards overlay districts.

Detached, side oriented or rear loaded garages may not be practicable in these areas due to the additional grading, cut and fill and impervious surfaces that may be required and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

This modification would be allowed as of this public improvement standard as part of a land division or other land use application.

PPCP Key Element:

8. Protected sensitive areas, including drainages and steep slopes.

17.21.095 - Accessory Structures

- A. Detached Accessory structures over 200 square feet in size shall be designed consistent with the primary residence as follows:

1. Exterior siding materials visible from the street shall match the principal exterior siding material and reveal on the principal dwelling.

2. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.

3. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.

- . Consistency of design includes the use of similar roofing, siding, and trim. For the purposes of this section, detached garages may be connected by a breezeway but consequently, will be subject to the setbacks of the underlying zone.

Explanation:

This set of standards for larger accessory structures includes clear and objective criteria from the city's existing standards for Accessory Dwelling Units. This standard would not allow pre-ordered engineered steel buildings, aka "pole barns", which are permitted elsewhere in the city.

17.21.100 - Solar Access Standards

- A. Siting Requirements: All residential structures shall be designed and constructed in compliance with the following solar siting requirements:

- B. All new residential units shall have a roof surface that meets all the following criteria:

1. Is oriented within 30 degrees of a true east-west direction;

2. Is not sloped towards true north; and

3. Includes a minimum of 100 square feet of un-shaded roof area per unit.

Explanation:

Formerly, supplemental zoning regulations in the City's code (OCMC Section 17.54.070) established solar access standards (maximum shade point heights and maximum shade height on solar features) for single family residential development. The code was incredibly complex to implement, monitor and enforce. Instead, if solar access standards are desired to maximize passive solar heating and simplify solar array placement for homes and to reinforce the street layout proposed for Park Place, it is recommended that solar orientation standards be simpler. The sample solar orientation regulation language is adapted from the Oregon Department of Energy and Boulder, Colorado. Staff will be reviewing home designs for compliance with this standard at the time of building permit review.

17.21.105 – Park Place Concept Plan Housing Diversity Standards

A. Purpose

1. To promote a more diverse community through the provision of a variety of housing types.
2. To discourage developments that are dominated by a single type of home or dwelling unit with a narrow range of price points and densities.
3. To encourage "neighborhood-oriented" residential developments that incorporate a variety of housing types, including duplex, tri-plex, quad-plex, cottage clusters, live-work units, townhomes, apartments, and single-family dwelling units in a range of sizes.

B. Applicability of Standards:

The standards of this section shall not apply to:

1. Residential developments that have been approved with modifications per subsection 17.21.025.(B).
2. Any housing units proposed within the Neighborhood Commercial zone (NC).

C. Residential development parcels, including parcels part of a phased development, shall provide a minimum mix of housing, based on the size of the development as required in Table 17.21.105:

TABLE 17.21.105:

<u>Minimum Required Housing Diversity within the Park Place Concept Plan Area</u>	
<u>Net Developable Area*</u>	<u>Required Minimum % of Middle Housing**</u>
<u>0—2 Acres</u>	<u>1 housing type</u>
<u>2 to 10 Acres</u>	<u>15%</u>
<u>10 to 30 Acres</u>	<u>20%</u>
<u>30 Acres+</u>	<u>25%</u>

*The Development Site is based on the Net Developable Area and may comprise multiple parcels or properties. See Definition in OCMC 17.04.810, "Net developable area".

**See Definition in OCMC 17.04.752, "Middle housing" means duplexes, triplexes, quadplexes, townhouses and cottage clusters.

Explanation:

Staff reviewed codes that mandate housing diversity from Salem, Wilsonville, and other cities. These codes vary widely in their complexity and ease of administration. Wilsonville has a long history of fairly complex PUD and design review approval for large scale residential subdivisions that is nothing like Oregon City. The above table is like what the City of Salem has used. Rather than dictate various housing types, it requires a minimum percentage of all units be middle housing and leaves the decision of what kind of middle housing to the developer or builder. Staff feels that this provides the right balance of regulation with the realities of market driven housing development.

PPCP Key Elements:

5. A mix of housing types and ranges of affordability.

(NOTE – THE FOLLOWING IS NOT PROPOSED CODE LANGUAGE)**POSSIBLE ALTERNATIVE HOUSING DIVERSITY IDEAS:**

1. Adopt Vertical Housing Development Zone into the code, like Milwaukie: <https://ecode360.com/43855435> (Milwaukie's is in Title 3 – Finance).
2. Develop a set of pre-approved housing designs which have reduced review fees if used by builders.
3. Incentivize Middle Housing through scaled SDCs.