



# CITY OF OREGON CITY PLANNING COMMISSION AGENDA

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Virtual

Monday, March 22, 2021 at 7:00 PM

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This meeting will be held online via Zoom; please contact [planning@orccity.org](mailto:planning@orccity.org) for the meeting link.

## CALL TO ORDER

## PUBLIC COMMENT

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

## PUBLIC HEARING

1. GLUA-20-00037/ VAR-20-00016, VAR-20-00017, VAR-20-00021 Planning Commission Variance to the Lot - Size, Lot Depth, and Rear Yard Setback to Allow for a Lot Line Adjustment With a Neighboring Property.

## GENERAL BUSINESS

2. Draft Letter to OC 2040 Regarding a Climate Action Plan
3. Planning Commission Meeting Logistics

## COMMUNICATIONS

4. Recommendation to Include a 3D Rendering for Planning Commission Items Included in the Pre-Application Notes

## ADJOURNMENT

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### PUBLIC COMMENT GUIDELINES

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*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.*

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*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.*

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### **ADA NOTICE**

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*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.*

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***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](http://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

## Staff Report

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

**To:** Planning Commission **Agenda Date:** 03/22/2021  
**From:** Senior Planner Christina Robertson-Gardiner

**SUBJECT:** GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021 Planning Commission Variance to the Lot - Size, Lot Depth, and Rear Yard Setback to Allow for a Lot Line Adjustment With a Neighboring Property.

### STAFF RECOMMENDATION:

Recommend Conditional approval of GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021

### EXECUTIVE SUMMARY:

Majo Ahren, the owner of the vacant Lot at 220 Terrace Avenue, and Paul Stolten, the owner of 225 East Street, are working together to record a private sewer access easement that will grant sewer access to the vacant lot subject to the Lot Line Adjustment and Planning Commission Variances being approved.

On June 19, 2020, Majo Ahrens submitted a Lot Line Adjustment between 225 East Street and 220 Terrace Avenue (LL 20-0006). The Proposed Lot Line Adjustment aims to align the lot lines to the existing fence line, which is not currently on the existing property lot line. Staff indicated that they were not able to approve the proposed Lot Line Adjustment at a staff level (Type I) without the needed Variances. Lot Line adjustment criteria require all lot lines proposed to be moved to comply with the underlying zone's dimensional standards unless a Variance is granted. LL 20-0006 is currently on hold until the Applicant can obtain the needed Variances (Lot Size, Lot Depth, Rear Yard Setback).

### BACKGROUND:

As described above, the Lot line adjustment is part of an agreement to obtain a private sanitary sewer easement to 220 Terrace Avenue through 225 East Street. Three Variances are required for this Lot Line proposal.

Staff has provided findings for the combined Variance request (lot depth, lot size, rear yard setback) as they are required by the movement of one line in the proposed Type I Lot Line Adjustment (LL 20-0006) and do not necessarily exist separate from each other. Based on the analysis and findings as described in the staff report, staff finds that the application meets the requirements as described in the Oregon City Municipal Code.

| File #       | Purpose                          | R-6<br>Dimensional<br>Requirements | Administrative<br>Variance<br>Threshold | Existing<br>Dimension | Dimension after Lot<br>Line Adjustment if<br>Variance is<br>Approved | Planning<br>Commission<br>Variance Required |
|--------------|----------------------------------|------------------------------------|-----------------------------------------|-----------------------|----------------------------------------------------------------------|---------------------------------------------|
| VAR-20-00016 | Lot Size<br>Variance             | 6,000 square<br>feet               | 5% (5,700 sq.<br>ft.)                   | 5,000 square feet     | 5,666 square feet                                                    | <b>YES</b>                                  |
| VAR-20-00017 | Lot Depth<br>Variance            | 70 feet                            | 20% (56 feet)                           | 50 feet               | 58.23 feet                                                           | <b>No-Administrative<br/>Type II Review</b> |
| VAR-20-00021 | Rear Yard<br>Setback<br>Variance | 20 feet                            | 20% (16 feet)                           | 6 feet                | 12 feet                                                              | <b>YES</b>                                  |

**OPTIONS:**

1. Conditionally Approve GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021 (Recommended)
2. Continue GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021 to the March 8, 2021 Planning Commission Hearing
3. Deny GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021

**BUDGET IMPACT:**

Amount: Unknown

FY(s):

Funding Source(s):



### TYPE III STAFF REPORT AND RECOMMENDATION

*A preliminary analysis of the applicable approval criteria is enclosed within the following staff report. All applicable criteria shall be met, or met with conditions, in order to be approved. The Planning Commission may choose to adopt the findings as recommended by Staff or alter any finding as determined appropriate.*

*February 12, 2021*

**FILE NUMBER:** GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021

**OWNER:** Paul Stolten  
225 East Street  
Oregon City, OR 97045

**Application Submitted:** 07/31/2020  
**Application Complete:** 01/21/2021  
**120-Day Decision Deadline:** 05/21/2021  
**PC Hearing:** February 22, 2021

**APPLICANT:** Majo Ahrens  
1170 SE River Forest Rd  
Milwaukie, OR 97267

**REQUEST:** Applicant is requesting approval of a Planning Commission Variance to the Lot Size, Lot Depth, and Rear Yard Setback to allow for a Lot Line Adjustment with a neighboring property.

**LOCATION:** 225 East Street  
Oregon City, OR 97045  
2-2E-32DA TL 9600

**REVIEWER:** Christina Robertson-Gardiner, Senior Planner

**RECOMMENDATION:** Approval with Conditions.

**PROCESS:** *Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the Applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the City's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.*

## Conditions of Approval

**Planning File** GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021

(P) = Verify that condition of approval has been met with the Planning Division.

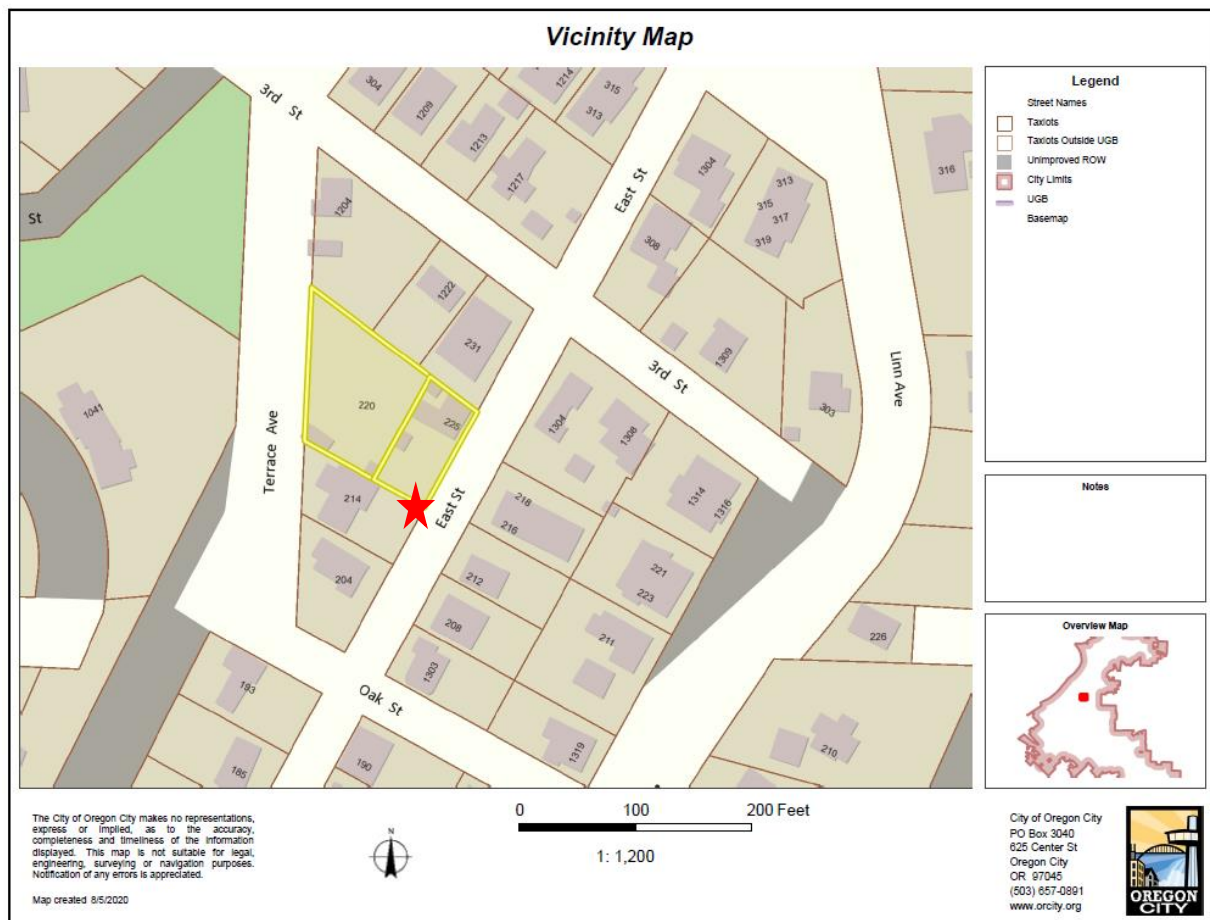
(DS) = Verify that condition of approval has been met with the Development Services Division.

The Applicant shall include the following information with the submittal of a public improvement and/or grading permit associated with the proposed application. The information shall be approved prior to the final recording of LL 20-0006.

1. Prior to the final recording of the associated Type I Lot Line Adjustment (LL 20-0006), a private sewer easement shall be recorded granting access across 225 East Street to serve 220 Terrace Avenue. (DS)
2. This Planning Commission acknowledges that sometimes small dimensional changes exist between the preliminary lot line proposal and final recording. This Variance approval allows for up to a 5% change from the submitted proposed lot dimensions. (P)
3. This Variance does not constitute approval for any development on 220 Terrace Avenue. Any proposed development at 220 Terrace Avenue shall be reviewed for compliance with the Oregon City Municipal Code and proper permits obtained. (P)

### I. BACKGROUND:

#### 1. Existing Conditions



GLUA-20-00037/ VAR-20-00016, VAR-20-00017,VAR-20-00021

Figure 1. Vicinity Map

**225 East Street**

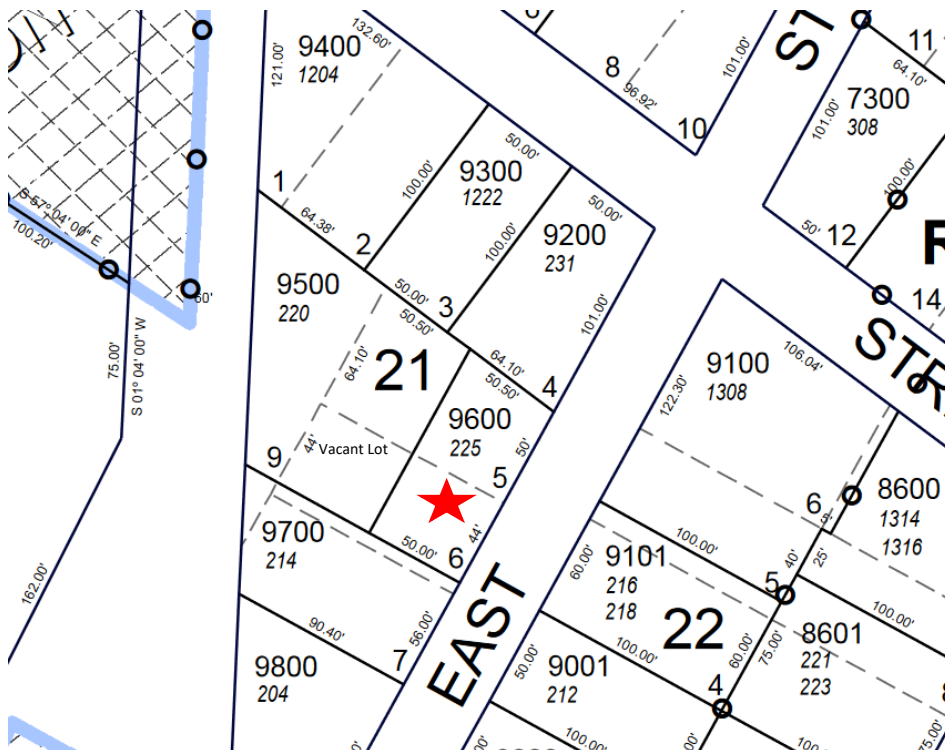
The subject site is located at 220 East Street. The subject site is developed with a single-family. The Lot is approximately 5,000 square feet in size and is zoned R-6 Low-Density Residential District. Surrounding properties are also zoned R-6 and are developed with single-family or duplex homes. The undersized lot currently does not meet lot depth, lot size, and rear, side, and front yard setback requirements for the zone and is made up of portions of Lot 5 and 6 of the Falls View Addition.

**220 Terrace Avenue**

The abutting parcel is currently 10,445 square feet. In 2016, a fire substantially damaged the existing dwelling unit onsite, and it was demolished in 2017 (BB 17-166). The site is currently vacant, and there is no sewer access to the property from Terrace Avenue. There is gravity sewer access on East Street if the Applicant can obtain a private sewer access easement that crosses 225 East Street.

Majo Ahren, the owner of the vacant Lot at 220 Terrace Avenue, and Paul Stolten, the owner of 225 East Street, are working together to record a private sewer access easement that will grant sewer access to the vacant lot subject to the Lot Line Adjustment and Planning Commission Variances being approved.

On June 19, 2020, Majo Ahrens submitted a Lot Line Adjustment between 225 East Street and 220 Terrace Avenue (LL 20-0006). The Proposed Lot Line Adjustment aims to align the lot lines to the existing fence line, which is not currently on the existing property lot line. Staff indicated that they were not able to approve the proposed Lot Line Adjustment at a staff level (Type I) without the needed Variances. Lot Line adjustment criteria require all lot lines proposed to be moved to comply with the underlying zone's dimensional standards unless a Variance is granted. LL 20-0006 is currently on hold until the Applicant can obtain the needed Variances (Lot Size, Lot Depth, Rear Yard Setback).



GLUA-20-00037/ VAR-20-00016, VAR-20-00017, VAR-20-00021

Figure 2: Clackamas County Tax Assessor Map



Figure 3. Aerial Photo (2019)



Figure 4. 220 East Street (2012 Google Street View)

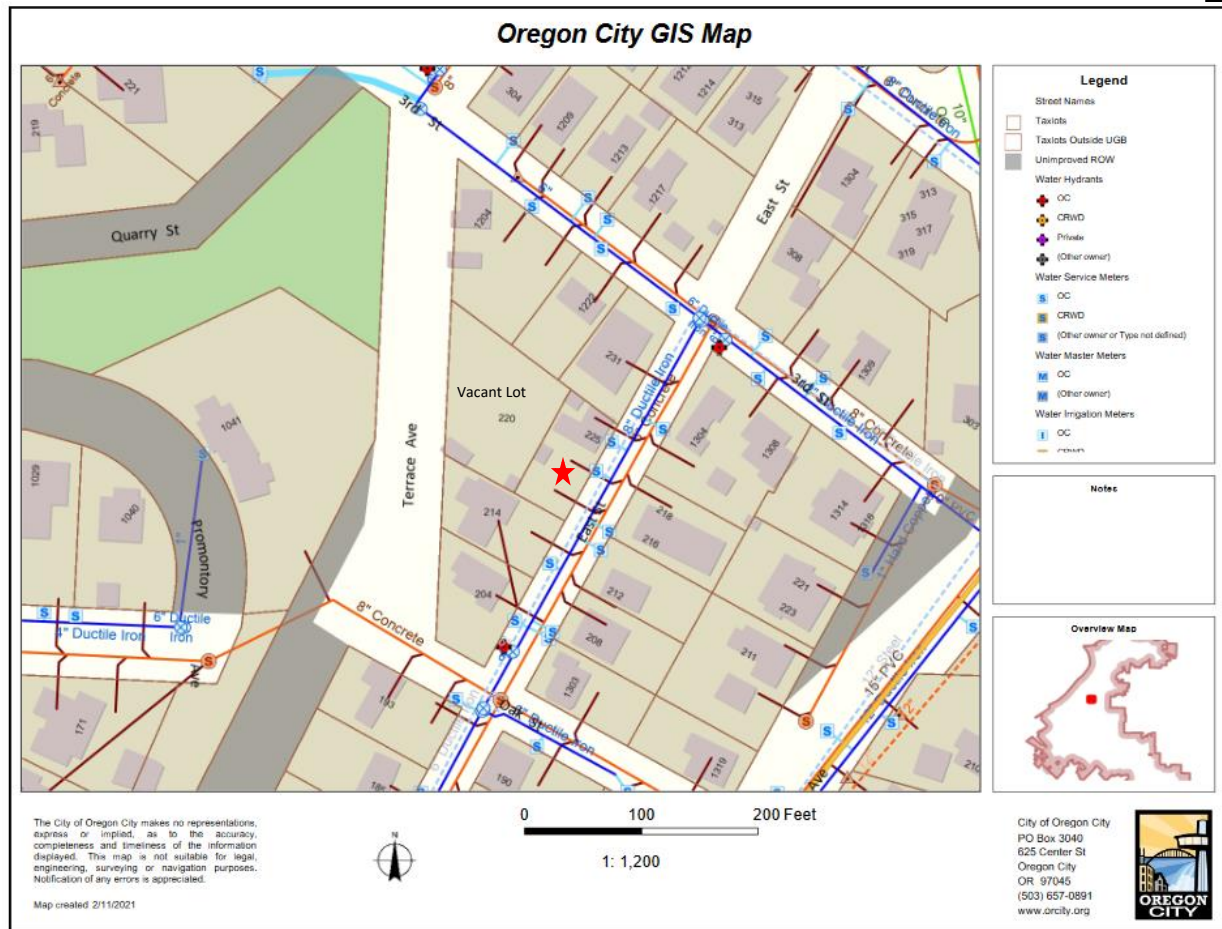


Figure 5. Site Utilities

### Project Description

The Applicant is requesting approval of a Planning Commission Variance to Minimum Lot Depth, Lot Size, and Rear Yard Setback as part of a Lot Line Adjustment to align the property with the neighbor's fence line. As described above, the Lot line adjustment is part of an agreement to obtain a private sanitary sewer easement to 220 Terrace Avenue through 225 East Steet.

Three Variances are required for this Lot Line proposal.

| File #       | Purpose            | R-6 Dimensional Requirements | Administrative Variance Threshold | Existing Dimension | Dimension after Lot Line Adjustment if Variance is Approved | Planning Commission Variance Required |
|--------------|--------------------|------------------------------|-----------------------------------|--------------------|-------------------------------------------------------------|---------------------------------------|
| VAR-20-00016 | Lot Size Variance  | 6,000 square feet            | 5% (5,700 sq. ft.)                | 5,000 square feet  | 5,666 square feet                                           | YES                                   |
| VAR-20-00017 | Lot Depth Variance | 70 feet                      | 20% (56 feet)                     | 50 feet            | 58.23 feet                                                  | No-Administrative Type II Review      |

|              |                            |         |               |        |         |     |
|--------------|----------------------------|---------|---------------|--------|---------|-----|
| VAR-20-00021 | Rear Yard Setback Variance | 20 feet | 20% (16 feet) | 6 feet | 12 feet | YES |
|--------------|----------------------------|---------|---------------|--------|---------|-----|

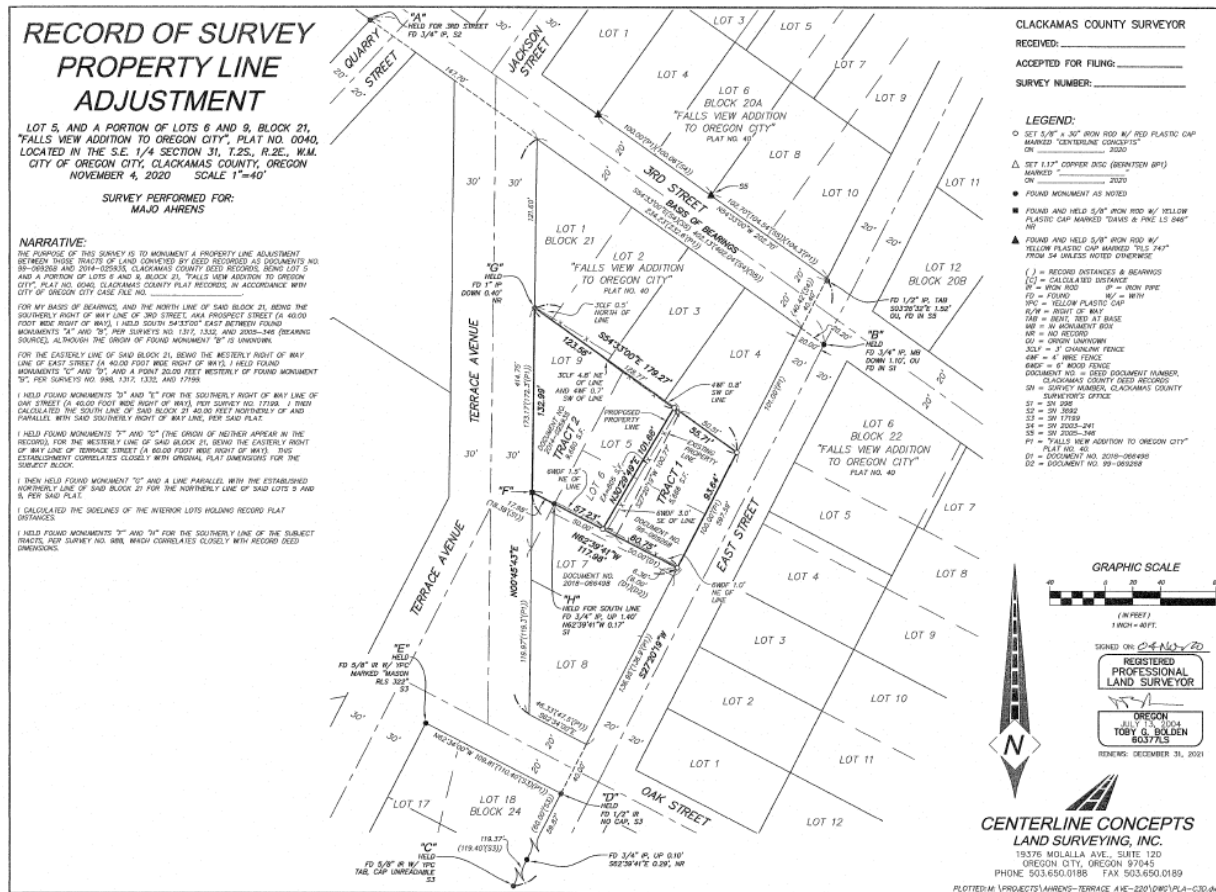


Figure 6- Proposed Lot Line Adjustment (LL 20-0006- currently on hold, cannot be approved until the proposed Planning Commission Variances are approved)

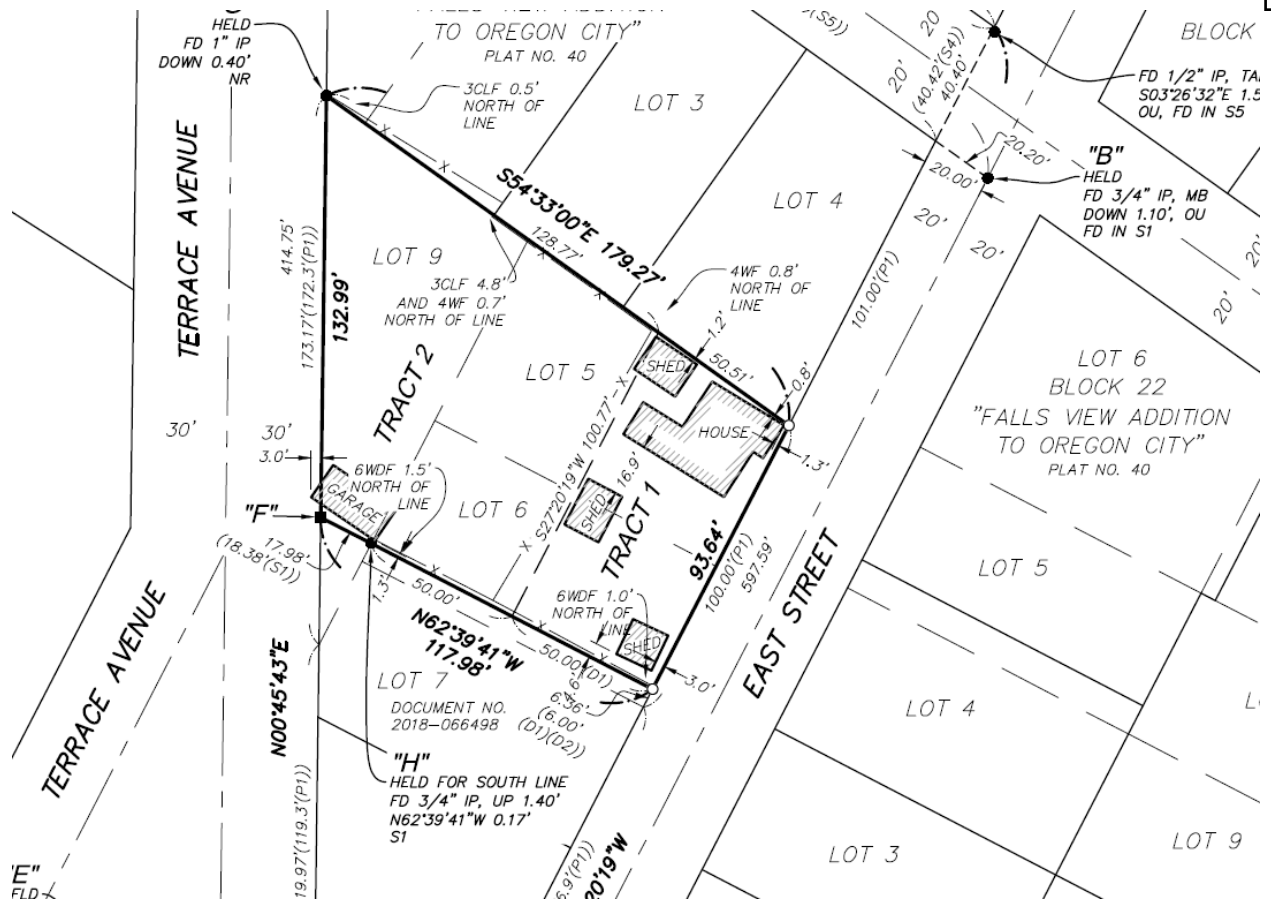


Figure 7. Existing Condition (2021)



DS has no other issues with the lot line variance for these properties.

2. Wes Rogers, Oregon City School District, indicated that the proposal did not conflict with their interests.

None of the comments provided indicate that an approval criterion has not been met or cannot be met through the Conditions of Approval attached to this Staff Report.

## II. ANALYSIS AND FINDINGS:

**Municipal Code Standards and Requirements:** The following chapters of the Oregon City Municipal Code are applicable to this land-use approval:

CHAPTER 17.08 LOW-DENSITY RESIDENTIAL

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

CHAPTER 17.60 VARIANCES

The City Code Book is available on-line at [www.orcity.org](http://www.orcity.org).

### REQUIRED CODE RESPONSES:

#### CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

##### *17.08.020 - Permitted uses.*

*Permitted uses in the R-10, R-8 and R-6 districts are:*

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Internal conversions;*
- D. Corner duplexes;*
- E. Cluster housing;*
- F. Residential homes;*
- G. Parks, playgrounds, playfields and community or neighborhood centers;*
- H. Home occupations;*
- I. Family day care providers;*
- J. 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 onsite is permitted);*
- K. 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;*
- L. Transportation facilities.*

**Finding: Complies as Proposed.** The property is developed with a single-family home, which is a permitted use.

##### *17.08.025 - Conditional uses.*

*The following uses are permitted in the R-10, R-8 and R-6 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;  
**Finding: Not Applicable.** The Applicant has not proposed a conditional use.

**17.08.030 - Master plans.**

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

A. Single-family attached residential units.

**Finding: Not Applicable.** The Applicant has not proposed a master plan.

**17.08.035 - Prohibited uses.**

Prohibited uses in the R-10, R-8 and R-6 districts are:

A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;

B. Marijuana businesses.

**Finding: Complies as Proposed.** The Applicant has not proposed a prohibited use.

**17.08.040 - Dimensional standards.**

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

| Standard                                     | R-6                             | 220 East Street<br>(existing) | 220 East Street<br>(after Line Line<br>Adjustment ) |
|----------------------------------------------|---------------------------------|-------------------------------|-----------------------------------------------------|
| Minimum lot size                             | 6,000 sq. ft.                   | 5,000 sq. ft.                 | 5,666 sq. ft.<br>(VAR-20-00016)                     |
| Maximum height                               | 35 ft.                          | Approx 20 feet                | No change                                           |
| Maximum building lot<br>coverage<br>With ADU | 40%, except<br>45%              | 22%                           | 19%                                                 |
| Minimum lot width                            | 50 ft.                          | 93.64 feet                    | No change                                           |
| Minimum lot depth                            | 70 ft.                          | 50 Feet                       | 58.23 feet<br>(VAR-20-00017)                        |
| Minimum front yard setback                   | 10 ft., except<br>5 ft. - Porch | 4 feet                        | No change                                           |
| Minimum interior side yard<br>setback        | 5 ft.                           | 0 feet                        | No Change                                           |
| Minimum corner side yard<br>setback          | 10 ft.                          | N/A                           | N/A                                                 |

|                                  |                                               |        |                           |
|----------------------------------|-----------------------------------------------|--------|---------------------------|
|                                  |                                               |        |                           |
| <i>Minimum rear yard setback</i> | 20 ft, except<br>15 ft - Porch<br>10 ft - ADU | 6 feet | 12 feet<br>(VAR-20-00021) |
| <i>Garage setback</i>            | 20 ft. from ROW,<br>except<br>5 ft. Alley     | N/A    | N/A                       |

**Notes:**

*For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.*

*Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.*

**Finding: Complies with Condition.** The proposed dimensions for 220 East Street do not meet dimensional requirements for Lot Size, Lot Depth, and Rear Yard Setback. A Planning Commission Variance is required.

*17.08.045 - 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.*

**Finding: Complies as Proposed.** These dimensions account for ordinary building projections. No non-standard projections are proposed in this application.

*B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.*

**Finding: Not Applicable.** The Applicant has not proposed a through Lot.

*17.08.050 - Density standards.*

*A. Density standards in the R-10, R-8 and R-6 districts are as follows:*

*Table 17.08.050*

| <i>Standard</i>            | <i>R-10</i>        |
|----------------------------|--------------------|
| <i>Minimum net density</i> | <i>3.5 du/acre</i> |
| <i>Maximum net density</i> | <i>4.4 du/acre</i> |

*B. Exceptions.*

*1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.*

*2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.*

*3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.*

**Finding: Complies as Proposed.** 225 East Street is part of reconfigured Lots 5, 6, and 9 of Block 21 of Falls View Addition. No additional land divisions are proposed with this application.

## **CHAPTER 17.50 ADMINISTRATION AND PROCEDURES**

*17.50.010 - Purpose.*

*This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited*

land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

17.50.030 - Summary of the City's decision-making processes.

The following decision-making processes chart shall control the City's review of the indicated permits:

Table 17.50.030: PERMIT APPROVAL PROCESS

| PERMIT TYPE                                                                    | I | II | III | IV | Expedited<br>Land<br>Division |
|--------------------------------------------------------------------------------|---|----|-----|----|-------------------------------|
| Annexation                                                                     |   |    |     | X  |                               |
| Compatibility Review for Communication Facilities                              | X |    |     |    |                               |
| Compatibility Review for the Willamette River Greenway Overlay District        |   |    | X   |    |                               |
| Code Interpretation                                                            |   |    | X   |    |                               |
| Master Plan/Planned Unit Development - General Development Plan                |   |    | X   |    |                               |
| Master Plan/Planned Unit Development - General Development Plan Amendment      | X | X  | X   |    |                               |
| Conditional Use                                                                |   |    | X   |    |                               |
| Detailed Development Plan <sup>1</sup>                                         | X | X  | X   |    |                               |
| Extension                                                                      | X |    |     |    |                               |
| Final Plat                                                                     | X |    |     |    |                               |
| Geologic Hazards                                                               |   | X  |     |    |                               |
| Historic Review                                                                | X |    | X   |    |                               |
| Lot Line Adjustment and Abandonment                                            | X |    |     |    |                               |
| Manufactured Home Park Review (New or Modification)                            |   | X  |     |    |                               |
| Placement of a Single Manufactured Home on Existing Space or Lot within a Park | X |    |     |    |                               |
| Minor Partition                                                                |   | X  |     |    |                               |
| Nonconforming Use, Structure and Lots Review                                   | X | X  |     |    |                               |
| Plan or Code Amendment                                                         |   |    |     | X  |                               |
| Revocation                                                                     |   |    |     | X  |                               |
| Site Plan and Design Review                                                    | X | X  |     |    |                               |
| Subdivision                                                                    |   | X  |     |    | X                             |
| Variance                                                                       |   | X  | X   |    |                               |
| Zone Change                                                                    |   |    |     | X  |                               |
| Natural Resource Overlay District Exemption                                    | X |    |     |    |                               |
| Natural Resource Overlay District Review                                       |   | X  | X   |    |                               |

|                                                                                                                                                                 |   |   |  |  |  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|---|---|--|--|--|
| Live/Work Dwelling Review                                                                                                                                       |   | X |  |  |  |
| Cluster Housing Development Review                                                                                                                              |   | X |  |  |  |
| Residential Design Standards Review for Single Family Attached, Single Family Detached, Duplexes, 3-4 Plexes, Internal Conversions and Accessory Dwelling Units | X |   |  |  |  |
| Modification of Residential Design Standards                                                                                                                    |   | X |  |  |  |

1 If any provision or element of the Master Plan/Planned Unit Development requires a deferred Type III procedure, the Detailed Development Plan shall be processed through a Type III procedure.

A. Type I decisions do not require interpretation or the exercise of policy or legal judgment in evaluating approval criteria. Because no discretion is involved, Type I decisions do not qualify as a land use, or limited land use, decision. The decision-making process requires no notice to any party other than the Applicant. The Community Development Director's decision is final and not appealable by any party through the normal City land use process.

B. Type II decisions involve the exercise of limited interpretation and discretion in evaluating approval criteria, similar to the limited land use decision-making process under state law. Applications evaluated through this process are assumed to be allowable in the underlying zone, and the inquiry typically focuses on what form the use will take or how it will look. Notice of application and an invitation to comment is mailed to the Applicant, recognized active neighborhood association(s) and property owners within three hundred feet. The Community Development Director accepts comments for a minimum of fourteen days and renders a decision. The Community Development Director's decision is appealable to the City Commission, by any party who submitted comments in writing before the expiration of the comment period. Review by the City Commission shall be on the record pursuant to OCMC 17.50.190 under ORS 197.195(5). The City Commission decision is the City's final decision and is subject to review by the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

C. Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the City Commission, except upon appeal. In the event that any decision is not classified, it shall be treated as a Type III decision. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the Planning Commission or the Historic Review Board hearing is published and mailed to the Applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission or the Historic Review Board, all issues are addressed. The decision of the Planning Commission or Historic Review Board is appealable to the City Commission, on the record pursuant to OCMC 17.50.190. The City Commission decision on appeal from is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final, unless otherwise provided by state law.

D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the City Commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and Planning Commission hearing is published and mailed to the Applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the Planning Commission, all issues are addressed. If the Planning Commission denies the application, any party with standing (i.e., anyone who appeared before the Planning Commission either in person or in writing within the comment period) may appeal the Planning Commission denial to the City Commission. If the Planning Commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the Planning Commission becomes the final decision of the City. If the Planning Commission votes to approve the application, that decision is forwarded as a recommendation to the City Commission for final consideration. In either case, any review by the City Commission is on the record and only issues raised before the Planning Commission may be raised before the City Commission. The City Commission decision is the City's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

E. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380. To qualify for this Type of process, the development shall meet the basic criteria in ORS 197.360(1)(a) or (b). While the decision-making process is controlled by state law, the approval criteria are found in this code. The Community Development Director has twenty-one days within

which to determine whether an application is complete. Once deemed complete, the Community Development Director has sixty-three days within which to issue a decision. Notice of application and opportunity to comment is mailed to the Applicant, recognized neighborhood association and property owners within one hundred feet of the subject site. The Community Development Director will accept written comments on the application for fourteen days and then issues a decision. State law prohibits a hearing. Any party who submitted comments may call for an appeal of the Community Development Director's decision before a hearings referee. The referee need not hold a hearing; the only requirement is that the determination be based on the evidentiary record established by the Community Development Director and that the process be "fair." The referee applies the City's approval standards, and has forty-two days within which to issue a decision on the appeal. The referee is charged with the general objective to identify means by which the application can satisfy the applicable requirements without reducing density. The referee's decision is appealable only to the court of appeals pursuant to ORS 197.375(8) and 36.355(1).

**Finding:** Applicant is requesting approval of a Planning Commission Variance to the Lot Size, Lot Depth, and Rear Yard Setback to allow for a Lot Line Adjustment with a neighboring property.

*F. Decisions, completeness reviews, appeals, and notices in this Chapter shall be calculated according to OCMC 1.04.070 and shall be based on calendar days, not business days.*

**Finding: Complies.** The application was submitted on July 31, 2020. It was deemed complete on January 21, 2021. The 120 Day Deadline date is May 21, 2021.

*17.50.040 - Development review in overlay districts and for erosion control.*

*For any development subject to regulation of Geologic Hazards Overlay District under OCMC 17.44; Natural Resource Overlay District under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; Historic Overlay District under OCMC 17.40, and Erosion and Sediment Control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.*

**Finding: Not Applicable.** The site is located within the Geologic Hazards Overlay District. However, no development is being proposed at this time. Compliance with OCMC 17.44 Geologic Hazards will occur during development review for any new house on 220 Terrace Avenue.

#### **17.50.050 – Pre-application conference.**

*A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the Applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for Staff to provide the Applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*

*To schedule a pre-application conference, the Applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*

*At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*

*The Planning Division shall provide the Applicant (s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*

*B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the Applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*

*C. Notwithstanding any representations by City staff at a pre-application conference, Staff is not authorized to waive any requirements of this code, and any omission or failure by Staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

**Finding: Complies.** The Pre-application conference PA 20-01 was held on August 8, 2020.

**17.50.055 - Neighborhood association meeting.**

*Neighborhood Association Meeting. The purpose of the meeting with the recognized neighborhood association is to inform the affected neighborhood association about the proposed development and to receive the preliminary responses and suggestions from the neighborhood association and the member residents.*

*A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

*B. The Applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the Citizen Involvement Committee.*

*C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the Applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the Applicant shall host a meeting inviting the neighborhood association, Citizen Involvement Committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a City facility.*

*D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the Applicant shall request a meeting with the Citizen Involvement Committee.*

*E. To show compliance with this section, the Applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the Applicant held a separately noticed meeting, the Applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

**Finding: Complies.** The Applicant met with the Barclay Hills Neighborhood Association at their September 8, 2020 meeting.

**17.50.070 - Completeness review and one hundred twenty-day rule.**

*C. Once the Community Development Director determines the application is complete enough to process, or the Applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the Applicant agrees to suspend the one hundred twenty calendar day timeline or unless State law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*

*1. Any hearing continuance or other process delay requested by the Applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*

*2. Any delay in the decision-making process necessitated because the Applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*

*3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*

*4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*

*D. A one-hundred day period applies in place of the one-hundred-twenty day period for affordable housing projects where:*

*1. The project includes five or more residential units, including assisted living facilities or group homes;*

*2. At least 50% of the residential units will be sold or rented to households with incomes equal to or less than 60% of the median family income for Clackamas County or for the state, whichever is greater; and*

*3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of 60 years from the date of the certificate of occupancy.*

*E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the Applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*

F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.

**Finding: Complies.** The application was submitted on July 31, 2020. It was deemed complete on January 21, 2020. The 120 Day Deadline date is May 21, 2021

#### **17.50.080 - Complete application—Required information.**

Unless stated elsewhere in OCMC 16 or 17, a complete application includes all the materials listed in this subsection. The Community Development Director may waive the submission of any of these materials if not deemed to be applicable to the specific review sought. Likewise, within thirty days of when the application is first submitted, the Community Development Director may require additional information, beyond that listed in this subsection or elsewhere in Titles 12, 14, 15, 16, or 17, such as a traffic study or other report prepared by an appropriate expert. In any event, the Applicant is responsible for the completeness and accuracy of the application and all of the supporting documentation, and the City will not deem the application complete until all information required by the Community Development Director is submitted. At a minimum, the Applicant shall submit the following:

A. One copy of a completed application form that includes the following information:

1. An accurate address and tax map and location of all properties that are the subject of the application;
2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the Applicant, if different from the property owner(s);

B. A complete list of the permit approvals sought by the Applicant;

C. A complete and detailed narrative description of the proposed development;

D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by Staff at the pre-application conference as being required;

E. One copy of all architectural drawings and site plans shall be submitted for Type II-IV applications. One paper copy of all application materials shall be submitted for Type I applications;

F. For all Type II – IV applications, the following is required:

1. An electronic copy of all materials.
2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The Applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls;
3. Documentation indicating there are no liens favoring the City on the subject site.
4. A receipt from the county assessor's office indicating that all taxes for the Lot or parcels involved are paid in full for the preceding tax year.

5. A current preliminary title report or trio for the subject property(ies);

G. All required application fees;

H. Annexation agreements, traffic or technical studies (if applicable);

I. Additional documentation, as needed and identified by the Community Development Director.

**Finding: Complies.** The application was submitted on July 31, 2020. It was deemed complete on January 21, 2021. The 120 Day Deadline date is May 21, 2021

#### **17.50.090 - Public notices.**

All public notices issued by the City announcing applications or public hearings of quasi-judicial or legislative actions, shall comply with the requirements of this section.

A. Notice of Type II Applications. Once the Community Development Director has deemed a Type II application complete, the City shall prepare and send notice of the application, by first class mail, to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The Applicant shall provide or the City shall prepare for a fee an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. The City's Type II notice shall include the following information:

1. Street address or other easily understood location of the subject property and city-assigned planning file number;
2. A description of the Applicant's proposal, along with citations of the approval criteria that the City will use to evaluate the proposal;

3. A statement that any interested party may submit to the City written comments on the application during a fourteen-day comment period prior to the City's deciding the application, along with instructions on where to send the comments and the deadline of the fourteen-day comment period;

4. A statement that any issue which is intended to provide a basis for an appeal shall be raised in writing during the fourteen-day comment period with sufficient specificity to enable the City to respond to the issue;

5. A statement that the application and all supporting materials may be inspected, and copied at cost, at city hall during normal business hours;

6. The name and telephone number of the planning staff person assigned to the application or is otherwise available to answer questions about the application.

7. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any City-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080H., the Applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

1. The time, date and location of the public hearing;

2. Street address or other easily understood location of the subject property and city-assigned planning file number;

3. A description of the Applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;

5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;

6. The notice shall state that a City-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290C. must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal.

7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the Planning Division offices during normal business hours; and

8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.

C. Notice of Public Hearing on a Legislative Proposal. At least twenty days prior to a public hearing at which a legislative proposal to amend or adopt the City's land use regulations or Comprehensive Plan is to be considered, the Community Development Director shall issue a public notice that conforms to the requirements of this subsection. Notice shall be sent to affected governmental entities, special districts, providers of urban services, including Tri-Met, Oregon Department of Transportation and Metro, any affected recognized neighborhood associations and any party who has requested in writing such notice. Notice shall also be published on the City website. Notice issued under this subsection shall include the following information:

1. The time, date and location of the public hearing;

2. The City-assigned planning file number and title of the proposal;

3. A description of the proposal in sufficient detail for people to determine the nature of the change being proposed;

4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing; and

5. The name and telephone number of the planning staff person responsible for the proposal and who interested people may contact for further information.

**Finding: Complies.** A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing.

**17.50.100 - Notice posting requirements.**

*Where this chapter requires notice of a pending or proposed permit application or hearing to be posted on the subject property, the requirements of this section shall apply.*

*A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the Applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the Applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the Applicant's failure to correctly post the subject property for the required period of time and in the correct location, the Applicant agrees to extend the applicable decision-making time limit in a timely manner.*

*B. Number and Location. The Applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the Applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The Applicant shall remove all signs within ten days following the event announced in the notice.*

**Finding:** A public notice was sent to all properties within 300 feet of the site and signs were placed on the property within 20 days of the scheduled hearing.

**17.50.120 - Quasi-judicial hearing process.**

*All public hearings pertaining to quasi-judicial permits, whether before the Planning Commission, Historic Review Board, or City Commission, shall comply with the procedures of this section. In addition, all public hearings held pursuant to this chapter shall comply with the Oregon Public Meetings Law, the applicable provisions of ORS 197.763 and any other applicable law.*

*A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the Planning Division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the Planning Division shall schedule a hearing pursuant to OCMC 17.50.190.*

*B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090B.*

*C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the Applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*

*D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the Applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.*

*E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*

- 1. That the hearing will proceed in the following general order: staff report, Applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
- 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
- 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the Land Use Board of Appeals;*
- 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open; and*
- 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item.*

6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.

*F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

**Finding: Complies.** The Planning Commission Hearing date for this application is February 22, 2021. The Planning Commission will follow the procedure set out in the section above during the public hearings portion of this application.

#### 17.50.140 – Financial guarantees.

*When conditions of permit approval require a permittee to construct certain public improvements, the City shall require the permittee to provide financial guarantee for construction of the certain public improvements. Financial guarantees shall be governed by this section.*

- A. *Form of Guarantee. Guarantees shall be in a form approved by the City Attorney. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- B. *Performance Guarantees. A permittee shall be required to provide a performance guarantee as follows.*
  - 1. *After Final Approved Design by The City: The City may request the Permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a Performance Guarantee when prepared for temporary/final occupancy. The guarantee shall be one hundred twenty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
  - 2. *Before Complete Design Approval and Established Engineered Cost Estimate: The City may request a permittee to submit a Performance Guarantee for construction of certain public improvements. A permittee may request the option of submitting a performance guarantee before public improvements are designed and completed. The guarantee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer.*
- C. *Release of Guarantee. The guarantee shall remain in effect until the improvement is actually constructed and accepted by the City. Once the City has inspected and accepted the improvement, the City shall release the guarantee to the permittee. If the improvement is not completed to the City's satisfaction within the time limits specified in the permit approval, the City Engineer may, at their discretion, draw upon the guarantee and use the proceeds to construct or complete construction of the improvement and for any related administrative and legal costs incurred by the City in completing the construction, including any costs incurred in attempting to have the permittee complete the improvement. Once constructed and approved by the City, any remaining funds shall be refunded to the permittee. The City shall not allow a permittee to defer construction of improvements by using a performance guarantee, unless the permittee agrees to construct those improvements upon written notification by the City, or at some other mutually agreed-to time. If the permittee fails to commence construction of the required improvements within six months of being instructed to do so, the City may, without further notice, undertake the construction of the improvements and draw upon the permittee's performance guarantee to pay those costs.*
- D. *Fee-in-lieu. When conditions of approval or the City Engineer allows a permittee to provide a fee-in-lieu of actual construction of public improvements, the fee shall be one hundred fifty percent of the estimated cost of constructing the public improvements as submitted by the permittee's engineer and approved by the City Engineer. The percentage required is to ensure adequate funds for the future work involved in design, bid,*

*contracting, and construction management and contract closeout. The engineer's estimated costs shall be supported by a verified engineering estimate and approved by the City Engineer. The fee-in-lieu shall be submitted as cash, certified check, or other negotiable instrument acceptable by the City Attorney.*

**Finding: Not Applicable** No financial guarantees are required for this application.

#### **17.50.141 – Public improvements – Warranty**

*All public improvements not constructed by the City, shall be maintained and under warranty provided by the property owner or developer constructing the facilities until the City accepts the improvements at the end of the warranty period. The warranty is to be used at the discretion of the City Engineer or designee to correct deficiencies in materials or maintenance of constructed public infrastructure, or to address any failure of engineering design.*

- A. *Duration of Warranty. Responsibility for maintenance of public improvements shall remain with the property owner or developer for a warranty period of two years.*
- B. *Financial Guarantee. Approvable forms of guarantee include irrevocable standby letters of credit to the benefit of the City issued by a recognized lending institution, bond, certified checks, dedicated bank accounts or allocations of construction loans held in reserve by the lending institution for the benefit of the City. The form of guarantee shall be specified by the City Engineer and, prior to execution and acceptance by the City shall be reviewed and approved by the City Attorney. The guarantee shall be filed with the City Engineer.*
- C. *Amount of Warranty. The amount of the warranty shall be equal to fifteen percent of the estimated cost of construction of all public improvements (including those improvements that will become owned and maintained by the City at the end of the two year maintenance period), and shall be supported by a verified engineering estimate and approved by the City Engineer. Upon expiration of the warranty period and acceptance by the City as described below, the City shall be responsible for maintenance of those improvements.*
- D. *Transfer of Maintenance. The City will perform an inspection of all public improvements approximately forty-five days before the two-year warranty period expires. The public improvements shall be found to be in a clean, functional condition by the City Engineer before acceptance of maintenance responsibility by the City. Transfer of maintenance of public improvements shall occur when the City accepts the improvements at the end of the two year warranty period.*

**Finding: Not Applicable.** No financial guarantees are required for this application.

## **CHAPTER 17.60 VARIANCES**

### **17.60.020 - Variances—Procedures.**

*A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the Variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*

*B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.*

**Finding: Complies as Proposed.** The Applicant submitted a Type III Planning Commission Variance request. All required application materials and fees were submitted and the application was deemed complete on January 21, 2021

*C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.*

**Finding: Complies as Proposed.** The Applicant has requested a Planning Commission Variance pursuant to the Type III review procedures.

*D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.*

*E. For the purposes of this section, minor variances shall be defined as follows:*

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five percent;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
- 9. Variances to design and/or architectural standards for single-family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

**Finding: Not Applicable.** The Applicant is requesting approval of a Planning Commission Variance to the Lot Size and Rear Yard Setback and an Administrative Variance to allow a reduced lot depth to allow for a Lot Line Adjustment with a neighboring property as shown below; therefore, a Planning Commission Variance subject to the Type III review procedures is required as they are being submitted as a package for review.

| File #       | Purpose                    | R-6 Dimensional Requirements | Administrative Variance Threshold | Existing Dimension | Dimension after Lot Line Adjustment if Variance is Approved | Planning Commission Variance Required |
|--------------|----------------------------|------------------------------|-----------------------------------|--------------------|-------------------------------------------------------------|---------------------------------------|
| VAR-20-00016 | Lot Size Variance          | 6,000 square feet            | 5% (5,700 sq. ft.)                | 5,000 square feet  | 5,666 square feet                                           | YES                                   |
| VAR-20-00017 | Lot Depth Variance         | 70 feet                      | 20% (56 feet)                     | 50 feet            | 58.23 feet                                                  | No-Administrative Type II Review      |
| VAR-20-00021 | Rear Yard Setback Variance | 20 feet                      | 20% (16 feet)                     | 6 feet             | 12 feet                                                     | YES                                   |

Staff has provided findings for the combined Variance request (lot depth, lot size, rear yard setback) as they are required by the movement of one line in the proposed Type I Lot Line Adjustment (LL 20-0006) and do not necessarily exist separate from each other.

*17.60.030 - Variance—Grounds.*

*A variance may be granted only in the event that all of the following conditions exist:*

*A. That the Variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

**Finding: Complies as Conditioned.** The Variance was requested through a joint Lot Line Adjustment application between two neighboring properties. The Lot line does not affect other abutting properties as the resulting Lot line adjustment does not create any new lots of changed onsite conditions.

*B. That the request is the minimum Variance that would alleviate the hardship;*

**Finding: Complies as Proposed.** The Applicant has proposed a lot line adjustment that rectifies an existing fence line issue and allows for access to East Street for sewer access. This is the minimum Variance necessary to achieve both objectives.

*C. Granting the Variance will equal or exceed the purpose of the regulation to be modified.*

**Finding: Complies as Proposed.** The purpose of the Low-Density Residential (R-6) dimensional standards is to create reasonable sized lots and setbacks that will allow building dwelling units with the densities envisioned for the district. This proposal moves the dimensional standards closer to conforming to the regulation. The original Plat of this area (Falls View Addition) generally consists of 5,000 sq. ft lots, which often are undersized for the zone. Allowing this Variance request is the ability of both lots to be used for residential dwelling units, further implementing the Low-Density Residential District's goals.

*D. Any impacts resulting from the adjustment are mitigated;*

**Finding: Complies as Proposed.** There are no anticipated impacts to this Variance approval. Both parcels are existing lots that can be developed at any time pursuant to the City's Development review process.

*E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Finding: Complies as Proposed.** Granting this approval allows for a more straightforward development process for the vacant Lot at 220 Terrace Avenue. If the Planning Commission chooses not to grant the Variance, the owner of 220 Terrace would need to design and build a much more complicated connection to city sewer.

*F. The Variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Finding: Finding: Complies as Proposed.** The proposed Variance is in accordance with the following Comprehensive Plan Goals and Policies.

*Goal 2.1 Efficient Use of Land*

*Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

*Policy 2.1.1*

*Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

*Goal 2.4 Neighborhood Livability*

*Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

*Goal 10.1 Diverse Housing Opportunities*

*Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

*Policy 10.1.1*

*Maintain the existing residential housing stock in established older neighborhoods by maintaining the existing Comprehensive Plan and zoning designations where appropriate.*

*Policy 10.1.3*

*Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

**Goal 14.2 Orderly Redevelopment of Existing City Areas**

*Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

**Policy 14.2.2**

*Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*

One of the primary goals of the 2004 Comprehensive Plan is to provide for increased livability for property owners in Oregon City. Approval would allow the Applicant to meet the intent of the zoning code and Comprehensive Plan through effective utilization of this single-family property. The requested Variance would allow the Applicant to efficiently utilize the subject property at 220 Terrace Avenue for residential use and maintain neighborhood livability as intended by the City Code and Comprehensive Plan. The requested Variance would allow the Applicant to provide for the development of the site consistent with the Low-Density Residential designation.

**CONCLUSION AND RECOMMENDATION:**

Based on the analysis and findings as described above, Staff recommends that the Planning Commission Variance to the Lot

Size, Lot Depth, and Rear Yard Setback to allow for a Lot Line Adjustment with a neighboring property at 220 East Street identified as Clackamas County Map 2-2E-32DA TL 9600, meets the requirements as described in the Oregon City Municipal Code. Therefore, the Community Development Director recommends the Planning Commission approve files GLUA-20-00037/ VAR-20-00016, VAR-20-00017, VAR-20-00021, based upon the findings and exhibits contained in this staff report.

**EXHIBITS:**

1. Applicant's Narrative and Plans
2. Public Comments
  - a. Aaron Parker, Development Services
  - b. Wes Rogers, Oregon City School District



# OREGON CITY

Community Development - Planning

698 Warner Parrott Road | Oregon City OR 97045

Ph (503) 722-3789 | Fax (503) 722-3880

Item #1.

## LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Willamette River Greenway
- ☐ Communication Facility
- ☒ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Minor Site Plan & Design Review
- ☐ Historic Review - Remodel
- ☐ Detailed Dev. Plan (DDP)

### Type II (OCMC 17.50.030.B)

- ☐ Master Plan / PUD / GDP or Amendment
- ☐ Detailed Development Plan (DDP)
- ☐ Floodplain Review
- ☐ Geologic Hazard Overlay
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review / DDP
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review
- ☐ Public Improvement Modification
- ☐ Willamette River Greenway

### Type III / IV (OCMC 17.50.030.C & D)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Master Plan / PUD / GDP Amendment
- ☐ Conditional Use
- ☐ Comprehensive Plan / Legislative Amendment
- ☐ Code ☐ Map
- ☐ Detailed Development Plan DDP
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☐ Parking Adjustment
- ☐ Variance ☐ Sign Variance
- ☐ Natural Resource (NROD) Review
- ☐ Zone Change (Text/Map)
- ☐ Willamette River Greenway

### ELD Process (OCMC 17.50.030.E)

- ☐ Expedited Land Division

### Legislative Action (OCMC 17.50.170)

- ☐ Legislative

|                                                                    |                                     |
|--------------------------------------------------------------------|-------------------------------------|
| File Number(s):                                                    | Application Date:                   |
| Project Name:                                                      |                                     |
| Proposed Land Use or Activity:                                     | # of Lots Proposed (If Applicable): |
| Physical Address(es) of Site: <u>220 Terrace / 225 East Street</u> |                                     |
| Clackamas County Map and Tax Lot Number(s):                        |                                     |

### Applicant(s)

|                                                                     |                        |        |
|---------------------------------------------------------------------|------------------------|--------|
| Applicant(s) Signature: <u>[Signature]</u>                          |                        |        |
| Applicant(s) Name Printed: <u>Majo Ahrens</u>                       | Date: <u>11-8-2020</u> |        |
| Mailing Address: <u>1170 SE River Forest Rd. Milwaukie OR 97267</u> |                        |        |
| Phone:                                                              | Fax:                   | Email: |

### Property Owner(s) - See reverse for more than two Owners

#### Property Owner #1

|                                                                     |                        |                                 |
|---------------------------------------------------------------------|------------------------|---------------------------------|
| Property Owner#1 Signature: <u>[Signature]</u>                      |                        |                                 |
| Property Owner#1 Name Printed: <u>Majo Ahrens</u>                   | Date: <u>11-8-2020</u> |                                 |
| Mailing Address: <u>1170 SE River Forest Rd. Milwaukie OR 97267</u> |                        |                                 |
| Ownership Address:                                                  |                        |                                 |
| Phone: <u>503-201-2484</u>                                          | Fax:                   | Email: <u>MajoAhrens@web.de</u> |

#### Property Owner #2

|                                                              |                         |                                      |
|--------------------------------------------------------------|-------------------------|--------------------------------------|
| Property Owner#2 Signature: <u>[Signature]</u>               |                         |                                      |
| Property Owner#2 Name Printed: <u>PAUL STOLTEN</u>           | Date: <u>11-10-2020</u> |                                      |
| Mailing Address: <u>225 East Street Oregon City OR 97045</u> |                         |                                      |
| Ownership Address: <u>as above</u>                           |                         |                                      |
| Phone: <u>503-451-0561</u>                                   | Fax:                    | Email: <u>prsassociates@live.com</u> |

### Representative(s)

|                                 |       |        |
|---------------------------------|-------|--------|
| Representative(s) Signature:    |       |        |
| Representative(s) Name Printed: | Date: |        |
| Mailing Address:                |       |        |
| Phone:                          | Fax:  | Email: |

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the parties willingness to comply with all code requirements.



# OREGON CITY

## Community Development – Planning

695 Warner Parrott Road | Oregon City OR 970

Ph (503) 722-3789 | Fax (503) 722-38

**OWNER/**

**APPLICANT:**

Majo Ahrens

**REQUEST:**

Applicant is requesting approval of a Planning Commission Variance to the Lot length to allow for a Lot Line Adjustment with a neighboring property.

**LOCATION:**

220 East Street, Oregon City, OR 97045

220 Terrace, Oregon City, OR 97045

**PROCESS:** Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include conditional use permits. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property. Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision is final unless appealed and description of the requirements for perfecting an appeal. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.

### I. BACKGROUND:

#### 1. Existing Conditions

The subject site is located at 220 Terrace Street, Oregon City, OR 97045. The property The subject site is developed with a single-family home. The lot is approximately 10,445 square feet

in size and is zoned R-6 Low-Density Residential District. Surrounding properties are also zoned R-6 and are developed with single-family homes.

Figure 1. Vicinity Map

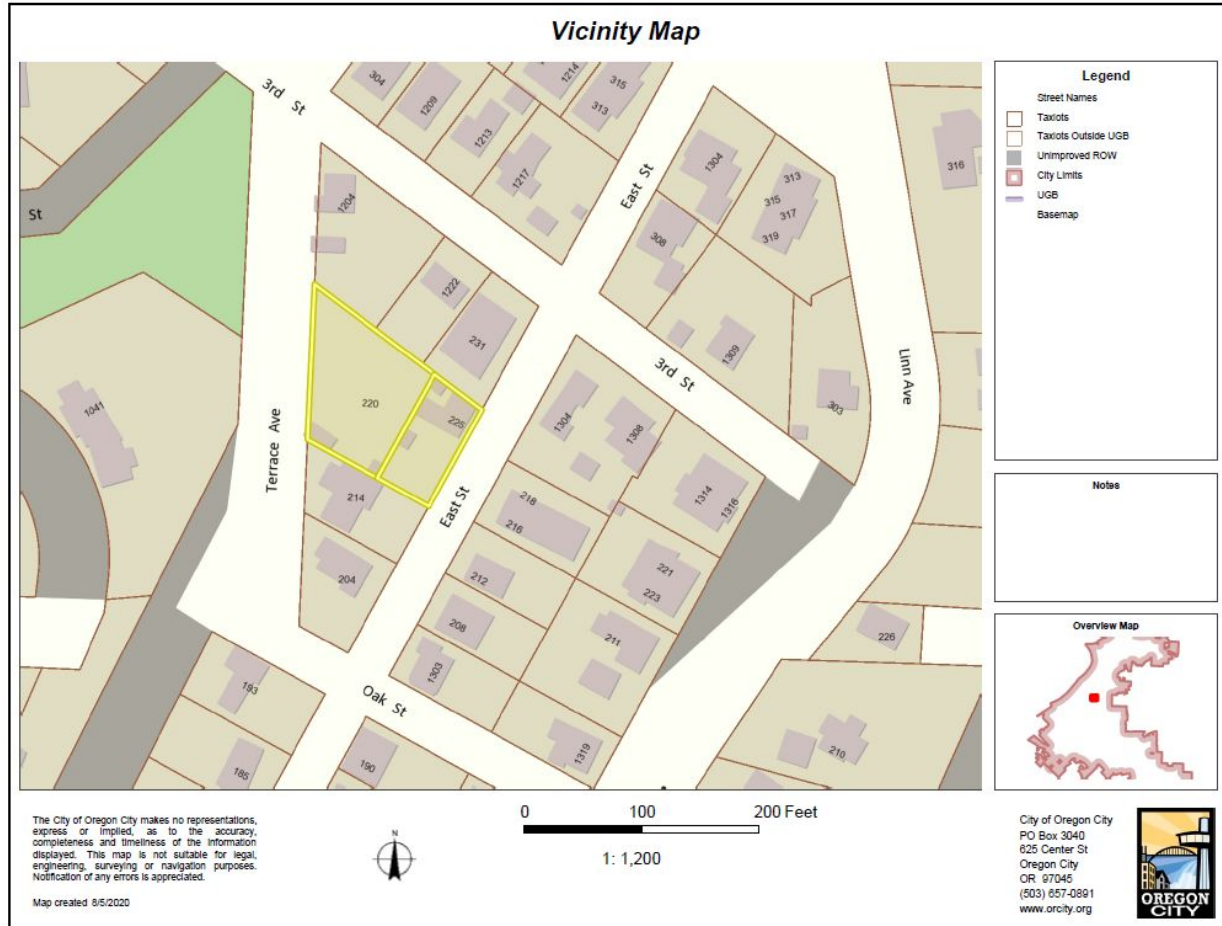


Figure 2: Tax Map

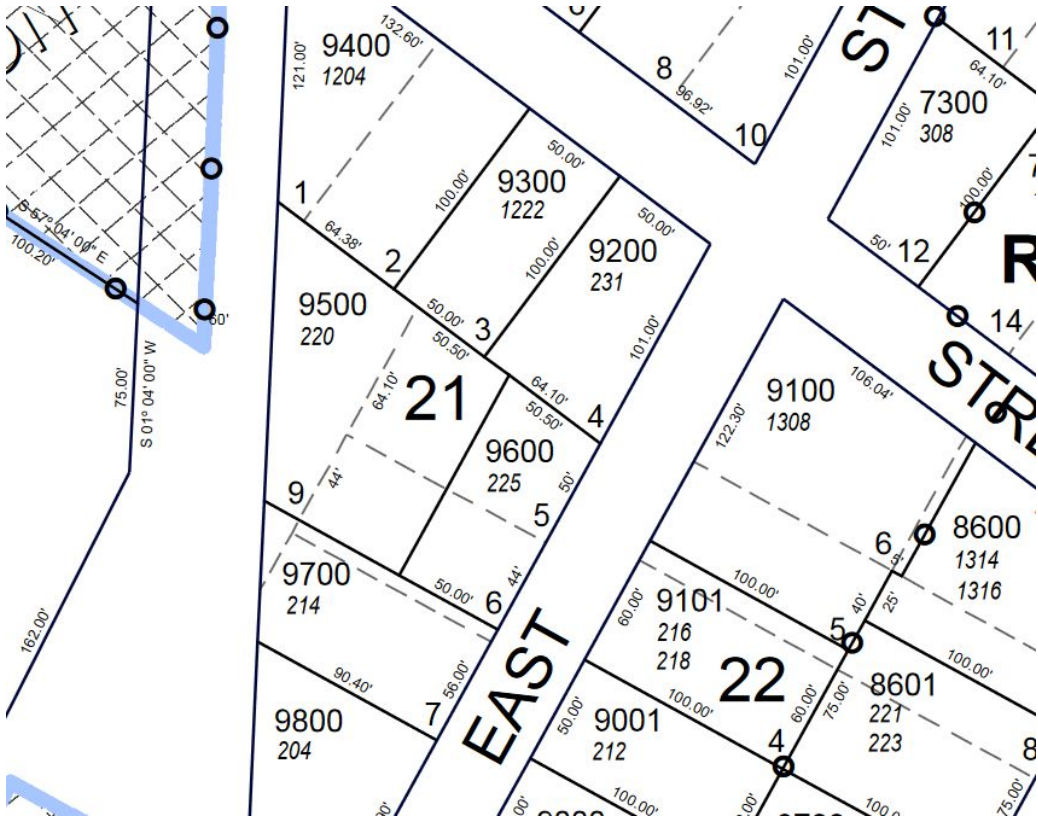


Figure 3 Site Photos:



Figure 4: Lot Line Adjustment

## 2. Project Description

The Applicant is requesting approval of a Planning Commission Variance to Minimum Lot Depth as part of a Lot Line Adjustment to align the property with the neighbor's fence line. The underlying reason for this lot line adjustment is that Majo Ahrens the owner of 220 Terrace Ave, a currently empty lot, would

like to develop said lot. A major issue in developing 220 Terrace Ave is the difficulty in gaining sewer access from Terrace Avenue. So, Majo Ahrens approached his neighbor Paul Stolten, the owner of 225 East Street which is the backside bordering lot, in granting him an easement through his property to allow for sewer access on East Street. Paul Stolten agreed to this easement in exchange for an 503 sq. ft. of land which will align both property lines with the currently in place fence line. This lot adjustment will increase the lot of 225 East st from 4,876 sq. ft. to 5,379 sq. ft. while reducing 220 Terrace Ave from 10,445 sq. ft. to 9,942 sq. ft.. This lot line adjustment requires this type III Variance application because 225 East street's minimum lot depth, 50 ft., is not in accordance with Oregon City's minimum lot depth of 70 ft. for R-6 zoning districts. As discussed further on in this application, considering how this variance will grant more land to the lot on 225 East Street, it is not further the current lack of accordance with Oregon City's requirements. In fact, by granting this variance, 225 East Street will be in greater accordance with the Comprehensive Plan of Oregon City than it was previously.

## II. ANALYSIS AND FINDINGS:

**Municipal Code Standards and Requirements:** The following chapters of the Oregon City Municipal Code are applicable to this land-use approval:

CHAPTER 17.08 LOW-DENSITY RESIDENTIAL

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

CHAPTER 17.54 SUPPLEMENTAL ZONING REGULATIONS AND EXCEPTIONS

CHAPTER 17.60 VARIANCES

The City Code Book is available on-line at [www.oregoncity.org](http://www.oregoncity.org).

### REQUIRED CODE RESPONSES:

#### CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

##### *17.08.020 - Permitted uses.*

*Permitted uses in the R-10, R-8 and R-6 districts are:*

- A. Single-family detached residential units;*
- B. Accessory uses, buildings and dwellings;*
- C. Internal conversions;*
- D. Corner duplexes;*
- E. Cluster housing;*
- F. Residential homes;*
- G. Parks, playgrounds, playfields and community or neighborhood centers;*
- H. Home occupations;*
- I. Family day care providers;*
- J. 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);*
- K. 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;*
- L. Transportation facilities.*

**Finding: Complies as Proposed.** The property is developed with a single-family home, which is a permitted use.

##### *17.08.025 - Conditional uses.*

The following uses are permitted in the R-10, R-8 and R-6 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 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;

**Finding: Not Applicable.** The applicant has not proposed a conditional use.

#### 17.08.030 - Master plans.

The following are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.65.

- A. Single-family attached residential units.

**Finding: Not Applicable.** The applicant has not proposed a master plan.

#### 17.08.035 - Prohibited uses.

Prohibited uses in the R-10, R-8 and R-6 districts are:

- A. Any use not expressly listed in OCMC 17.08.020, 17.08.025 or 17.08.030;
- B. Marijuana businesses.

**Finding: Complies as Proposed.** The applicant has not proposed a prohibited use.

#### 17.08.040 - Dimensional standards.

Dimensional standards in the R-10, R-8 and R-6 districts are as follows:

Table 17.08.040

| Standard                                  | R-6                                           |
|-------------------------------------------|-----------------------------------------------|
| Minimum lot size                          | 6,000 sq. ft.                                 |
| Maximum height                            | 35 ft.                                        |
| Maximum building lot coverage<br>With ADU | 40%, except<br>45%                            |
| Minimum lot width                         | 50 ft.                                        |
| Minimum lot depth                         | 70 ft.                                        |
| Minimum front yard setback                | 10 ft., except<br>5 ft. - Porch               |
| Minimum interior side yard setback        | 5 ft.                                         |
| Minimum corner side yard setback          | 10 ft.                                        |
| Minimum rear yard setback                 | 20 ft, except<br>15 ft - Porch<br>10 ft - ADU |

|                |                                        |
|----------------|----------------------------------------|
| Garage setback | 20 ft. from ROW, except<br>5 ft. Alley |
|----------------|----------------------------------------|

**Notes:**

*For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.*

*Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.*

**Finding:** Considering the minimum Lot size of 6,000 sq. ft. for R-6 Zoning District, then there is no issue with the property of 220 Terrace maintaining that minimum because if this variance is approved then there the lot size will be decrease to 9,942 sq. ft. which is still well above the minimum 6,000 sq. ft.. In regards to 225 East Street, though the lot will not meet the minimum required lot size required of 6,000 sq. ft. after the lot the line adjustment, it was not in accordance with the minimum lot size prior to proposed variance. By approving the variance the lot size will increase from 4,876 sq. ft. to 5,379 sq. ft., thereby the approval of this variance will allow 225 East St. to be in more accordance with Oregon City's Comprehensive Plan for R-6 zoning districts than it was previously.

**17.08.045 - 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.*

**Finding:** N/A

*B. Through lot setbacks. Through lots having a frontage on two streets shall provide the required front yard on each street. The required rear yard is not necessary.*

**Finding: Not Applicable.** The applicant has not proposed a through lot.

**17.08.050 - Density standards.**

*A. Density standards in the R-10, R-8 and R-6 districts are as follows:*

*Table 17.08.050*

| Standard            | R-10        |
|---------------------|-------------|
| Minimum net density | 3.5 du/acre |
| Maximum net density | 4.4 du/acre |

**B. Exceptions.**

*1. Any dwelling units created as accessory dwelling units or internal conversions do not count towards the minimum or maximum density limits in Table 17.08.050.*

*2. Corner duplexes shall count as a single dwelling unit for the purposes of calculating density.*

*3. Cluster housing is permitted at higher densities exempt from the standards in Table 17.08.050; see OCMC 17.20.020.*

**Finding: Complies as Proposed.** This is an existing lot.

**CHAPTER 17.60 VARIANCES****17.60.020 - Variances—Procedures.**

*A. A request for a variance shall be initiated by a property owner or authorized agent by filing an application with the city recorder. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development. When relevant to the request, building plans may also be required. The application shall note the zoning requirement and the extent of the variance requested. Procedures shall thereafter be held under Chapter 17.50. In addition, the procedures set forth in subsection D. of this section shall apply when applicable.*

*B. A nonrefundable filing fee, as listed in OCMC 17.50.080, shall accompany the application for a variance to defray the costs.*

**Finding: Complies as Proposed.** The applicant submitted a Type III Planning Commission Variance request.

*C. Before the planning commission may act on a variance, it shall hold a public hearing thereon following procedures as established in Chapter 17.50. A Variance shall address the criteria identified in OCMC 17.60.030, Variances — Grounds.*

**Finding: Complies as Proposed.** The applicant has requested a Planning Commission Variance pursuant to the Type III review procedures.

*D. Minor variances, as defined in subsection E. of this section, shall be processed as a Type II decision, shall be reviewed pursuant to the requirements in OCMC 17.50.030B., and shall address the criteria identified in OCMC 17.60.030, Variance — Grounds.*

*E. For the purposes of this section, minor variances shall be defined as follows:*

- 1. Variances to setback and yard requirements to allow additions to existing buildings so that the additions follow existing building lines;*
- 2. Variances to width, depth and frontage requirements of up to twenty percent;*
- 3. Variances to residential yard/setback requirements of up to twenty-five percent;*
- 4. Variances to nonresidential yard/setback requirements of up to ten percent;*
- 5. Variances to lot area requirements of up to five percent;*
- 6. Variance to lot coverage requirements of up to twenty-five percent;*
- 7. Variances to the minimum required parking stalls of up to five percent; and*
- 8. Variances to the floor area requirements and minimum required building height in the mixed-use districts.*
- 9. Variances to design and/or architectural standards for single-family dwellings, duplexes, single-family attached dwellings, internal conversions, accessory dwelling units, and 3-4 plexes in OCMC 17.14, 17.16, 17.20, 17.21, and 17.22.*

**Finding:** The applicant has requested a Variance to to allow a Lot Line Adjustment that will result in a lot depth that is more 20% less than the required 70 feet.

*17.60.030 - Variance—Grounds.*

*A variance may be granted only in the event that all of the following conditions exist:*

*A. That the variance from the requirements is not likely to cause substantial damage to adjacent properties by reducing light, air, safe access or other desirable or necessary qualities otherwise protected by this title;*

**Finding:** There is nothing within this variance that will allow for the reduction of light, air, safe access or other desirable qualities otherwise protected by this title. The goal of this variance is simply to grant land to the owner of 225 East Street, Paul Stolten, who will then allow for a sewer easement to the owner of 220 Terrace Ave, Majo Ahrens. This easement will allow Majo Ahrens to more easily develop 220 Terrace which is currently a vacant lot.

*B. That the request is the minimum variance that would alleviate the hardship;*

**Finding:** As discussed previously in this application, this variance is not in disharmony with the requirements of Oregon City's Comprehensive plan. Though this is the minimum variance that will satisfy Paul Stolten, owner of 225 East Street, so that he will grant the sewer easement for Majo Ahrens, owner of 220 Terrace Avenue.

*C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*

**Finding:** Assuming that the regulation to be modified is the minimum lot depth requirement for R-6 Zoning districts, this variance will neither equal nor exceed the purpose of said regulation. Instead, by granting this variance, the current lot on 220 Terrace Ave., will be in greater accordance with said regulation than it was previously.

*D. Any impacts resulting from the adjustment are mitigated;*

**Finding:** There should be no impacts from this adjustment that will require mitigation.

*E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*

**Finding:** As discussed previously, there are no more practical alternatives to granting land to 225 East St. from 220 Terrace Avenue. Neither a type I nor Type II lot line adjustment are capable of doing so because of 225 East Street's Lot lack of accordance with Oregon City's minimum lot depth for R-6 zoning districts thereby this type III Variance application is the most practical solution allowed in this situation.

*F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

**Finding:** The proposed Variance would allow for the development of the subject site in accordance with the following Comprehensive Plan Goals and Policies.

*Goal 2.1 Efficient Use of Land*

*Ensure that property planned for residential, commercial, office and industrial uses is used efficiently and that land is developed following principles of sustainable development.*

*Policy 2.1.1*

*Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.*

*Goal 2.4 Neighborhood Livability*

*Provide a sense of place and identity for residents and visitors by protecting and maintaining neighborhoods as the basic unit of community life in Oregon City while implementing the goals and policies of the other sections of the Comprehensive Plan.*

*Goal 10.1 Diverse Housing Opportunities*

*Provide for the planning, development and preservation of a variety of housing types and lot sizes.*

*Policy 10.1.1*

*Maintain the existing residential housing stock in established older neighborhoods by maintaining existing Comprehensive Plan and zoning designations where appropriate.*

*Policy 10.1.3*

*Designate residential land for a balanced variety of densities and types of housing, such as single-family attached and detached, and a range of multi-family densities and types, including mixed-use development.*

*Goal 14.2 Orderly Redevelopment of Existing City Areas*

*Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped or blighted areas within the existing city limits.*

*Policy 14.2.2*

*Encourage redevelopment of city areas currently served by public facilities through regulatory and financial incentives.*

One of the primary goals of the 2004 Comprehensive Plan is to provide for increased livability for property owners in Oregon City. Approval would allow the applicant to meet the intent of the zoning code and Comprehensive Plan through effective utilization of this single-family property.

The requested variance would allow the applicant to efficiently utilize the subject property for single-family residential use, and maintain neighborhood livability as intended by the City Code and Comprehensive Plan. The requested Variance would allow the applicant to provide for development of the site consistent with the Low-Density Residential designation and would meet all other R-6 zoning dimensional standards.

## **Barclay Hills Neighborhood Association (BHNA) Minutes September 8, 2020**

### **Call to Order and Introductions 7:00PM**

#### **BHNA Reports & Maintenance**

- Minutes July 14, 2020 approved motion by Janice Morris, 2nd by Aaron Wolf, all in favor and no opposed
- Treasurer Report \$84.54 cash, \$50 Grocery Outlet gift card
- CIC Update - waste water pipes being replaced, ask residents to complete the OC2040 survey Online
- ***No Special Election for Secretary/no candidates present***

#### **Land Use Presentations:**

##### **AT&T small cell facility by Chris Baideumann**

- Location at 798 Holmes Lane/Molalla Ave
- Upgrades and extra service connections at site of existing pole
- No questions or resident concerns

##### **Meeting set back requirements for utilities by Majo Ahrens**

- Location 220 Terrace
- Easement moving 6ft into neighbor's property for compliance for sewer 6-7ft
- No questions or resident concerns

#### **Barclay Hills Park Vandalized**

- Presented by neighbor John Guptac, desired to alert neighbors
- Graffiti on the park fence and neighbor wooden fences
- Neighbors took pictures and cleaned
- Desiring neighbors to be watchful and possibly more supervision by police
- Chair said she would follow up neighborhood police and suggested to bring concerns to a city commission meeting for public comment

#### **Temporary Shower Trailer at Milner Veterinary Hospital**

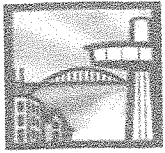
- Hosted by LoveOne (represented by Brandi Johnson) and Clackamas Homeless Solutions Coalition (Bill Stewart)
- Went well and would like to continue, new owner of Milner will allow. Plans on continuing Sundays from 6-8PM and can only host 12 showers a time because of State requirements on regulation because of hygiene and COVID19
- Addressing the homeless crisis especially at Newell Creek Canyon and to address needs because of COVID 19
- Parking area is cleaned up afterwards (as if they were not there)
- Addressing homeless support needs, self care, and trying to set them up with temporary housing
- Resident brought up concerns about notifying Trimet of the events before the event to help drivers equip for more riders from the event
- Resident who couldn't make the meeting submitted a letter read out lead by vice chair Aaron Wolf
  - Described his own experience being homeless 20 years ago and the pivotal difference access to weekly showers made in his getting a job and off the street.

#### **Update with Metro:**

- Utilize services from nonprofits by connecting with Clackamas County to reach out to the homeless before moving residents from the Newell Creek Canyon
- Currently not removing homeless actively because of the risk of COVID 19
- The trail construction in Newell Creek Canyon was worked on this summer and will be next summer to be completed Fall 2021. Cannot work in the winter because it is too muddy.
- The current plans no longer show a trailhead at Newell Crest
- Will try to get them to present to BHNA March 2021

#### **Invited neighbor discussion after the meeting**

#### **Meeting Adjourn 7:37PM**



# OREGON CITY

Community Development – Planning

 221 Molalla Ave. Suite 200 | Oregon City OR 97045  
 Ph (503) 722-3789 | Fax (503) 722-3880

Item #1.

## PROPERTY LINE ADJUSTMENT OR ABANDONMENT APPLICATION

 File Number: LL 20 -0006

### Applicant(s):

 Applicant(s) Signature: [Signature] Date: 11/1/2020

 Applicant(s) Name Printed: Majo Ahrens

 Mailing Address: 1170 SE River Forest Rd, Milwaukie, OR 97267

 Phone: 503-201-2489 Email: MajoAhrens@web.de

### Property A Owner(s):

 Property Address: 220 Terrace Ave Oregon City, OR 97045

 Clackamas County Map and Tax Lot Number: 22E31DA09500

 Property Owner(s) Signature: [Signature] Date: 11/6/2020

 Property Owner(s) Name Printed: Majo Ahrens

 Mailing Address: 1170 SE River Forest Rd, Milwaukie, OR 97267

 Phone: 503-201-2489 Email: MajoAhrens@web.de

### Property B Owner(s):

 Property Address: 225 East St, Oregon City, OR 97045

 Clackamas County Map and Tax Lot Number: 22E31DA09600

 Property Owner(s) Signature: [Signature] Date: 11-10-20

 Property Owner(s) Name Printed: Paul Stolten

 Mailing Address: 225 East St, Oregon City, OR 97045

 Phone: 503-451-0561 Email: prsassociates@live.com

All signatures represented must have the full legal capacity and hereby authorize the filing of this application and certify that the information and exhibits herewith are correct and indicate the party's willingness to comply with all code requirements.

**Submittal Requirements:**

The following information is required to be submitted:

- ☐ This Completed Application Form
- ☐ A Survey Prepared by Qualified Personnel which includes property lines, structures, water and sewer services, storm pipes, and location of a septic system.
- ☐ Title Reports or Trios for Each Property
- ☐ Deed Descriptions

**1. Size**

Identify the size of the properties subsequent to the Lot Line Adjustment.

☐ Lot Line Adjustment R-6 ☐ Lot Line Abandonment  
Zoning Designation: \_\_\_\_\_

**Property A:**

Area Prior to Adjustment ~~10,445~~ 10,465 sq. ft  
Area After Adjustment 9,660 sq. ft  
Total Area Adjusted 805 sq. ft

**Property B:**

Area Prior to Adjustment ~~4,866~~ 4,861 sq. ft  
Area After Adjustment 5,666 sq. ft  
Total Area Adjusted 805 sq. ft

Does the proposal include property within a previously platted subdivision? ☐ Yes ☐ No

If so, please attach the lot size calculations to demonstrate the average lot size within the subdivision and the proposal would not create lot size less than 80% of the minimum.

Subdivision Name: \_\_\_\_\_ File Number: \_\_\_\_\_

Average Lot Size: \_\_\_\_\_

Minimum Lot Size Allowed (80% of minimum): \_\_\_\_\_ Minimum Lot Size Proposed: \_\_\_\_\_

|                     |                              |                             |                                                       |
|---------------------|------------------------------|-----------------------------|-------------------------------------------------------|
| Planning Staff Only |                              |                             |                                                       |
| Lot Size Approved?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Applicable Initial _____ |

**2. Lot Dimensions**

Identify the lot width and depth of proposed lots. Lot width is measured between the midpoints of the two principal opposite side lot lines and generally at approximately right angles to the lot depth. Lot depth is measured from the midpoint of the front lot line to the midpoint of the opposite, usually rear lot line and generally at approximately right angles to the lot width. The minimum lot dimensions may be found in Title 17 of the Oregon City Municipal Code.

Zoning Designation: R-6

**Lot A**

Lot Width: 101.66

Lot Depth: 96.39 ft

**Lot B**

Lot Width: 93.64

Lot Depth: 55.63 ft

|                          |                              |                             |                                                       |
|--------------------------|------------------------------|-----------------------------|-------------------------------------------------------|
| Planning Staff Only      |                              |                             |                                                       |
| Lot Dimensions Approved? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Applicable Initial _____ |

### 3. Setbacks

Identify the building setbacks (distance between the proposed foundation/support and the property line) for all structures onsite. The minimum distances may be found in dimensional standards of your zoning designation in Title 17 of the Oregon City Municipal Code. Please write N/A if the setback referenced is not affected by the proposal.

Zoning Designation: \_\_\_\_\_

#### Lot A

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

##### Dwelling

Closest Left Setback: N/A

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: N/A

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

##### Accessory Structure(s)

Closest Left Setback: N/A

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: 47 ft

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

#### Lot B

Identify the closest point between the structures identified below and the proposed property line subsequent to the lot line adjustment/abandonment.

##### Dwelling

Closest Left Setback: N/A

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: N/A

Closest Front Setback: N/A

Closest Rear Porch Setback: 8 ft

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

##### Accessory Structure(s)

Closest Left Setback: N/A

Closest Right Setback: N/A

Closest Garage Setback: N/A

Closest Rear Setback: 10 ft

Closest Front Setback: N/A

Closest Rear Porch Setback: N/A

Closest Front Porch Setback: N/A

Closest Projection into Setback: N/A

| Planning Staff Only        |                              |                             |                                                       |
|----------------------------|------------------------------|-----------------------------|-------------------------------------------------------|
| Building Setback Approved? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Applicable Initial _____ |

#### 4. Lot Coverage

Structures 200 square feet or greater (excluding decks, covered and uncovered porches and eave overhangs), are limited to the following lot coverage:

R-10, R-8 and R-6 Dwelling Districts: 40% Maximum Lot Coverage

R-5 Dwelling District: 50% Maximum Lot Coverage

R-3.5 Dwelling District: 55% Maximum Lot Coverage

##### Lot A

1. Square footage of all existing building footprints over 200 square feet (see exclusions above): 280 ft<sup>2</sup>
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): 0
3. Total square footage of all building footprints over 200 square feet (line 1+2): 280 sq ft
4. Total square footage of property subsequent to the lot line adjustment/abandonment: 9,660 sq ft
5. Line 3 divided by line 4 and multiply by 100: 2.89%

##### Lot B

1. Square footage of all existing building footprints over 200 square feet (see exclusions above): 1,033 sq ft
2. Square footage of all proposed building footprints over 200 square feet (see exclusions above): 0
3. Total square footage of all building footprints over 200 square feet (line 1+2): 1,033 sq ft
4. Total square footage of property subsequent to the lot line adjustment/abandonment: 5,666 sq ft
5. Line 3 divided by line 4 and multiply by 100: 18.23%

| Planning Staff Only    |                              |                             |                                                       |
|------------------------|------------------------------|-----------------------------|-------------------------------------------------------|
| Lot Coverage Approved? | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Applicable Initial _____ |

#### 5. Frontage

Each lot is required to have a minimum of 20 feet of frontage, unless a flag lot is proposed. Frontage means that portion of a parcel of property which abuts a dedicated public street or highway or an approved private way.

Proposed Frontage for Lot A: 132.99 ft Proposed Frontage for Lot B: 93.64 ft

☐ Not Applicable, a flag lot configuration is proposed

| Planning Staff Only |                              |                             |                                                     |
|---------------------|------------------------------|-----------------------------|-----------------------------------------------------|
| Frontage Approved?  | <input type="checkbox"/> Yes | <input type="checkbox"/> No | <input type="checkbox"/> Not Required Initial _____ |

#### 6. Flag Lot

"Flag lot" means a lot or parcel that has a narrow frontage on a public right-of-way and a narrow accessway which serves the main body of the lot used for building

☒ Not Applicable, a flag lot configuration is not proposed

The pole must connect to a public street.

Does the pole portion connect to a public street? ☐ Yes ☐ No

The pole must be at least 8 feet wide for its entire length.

Is the pole portion a minimum of 8 feet in width? ☐ Yes ☐ No Width: \_\_\_\_\_

The pole must be part of the flag lot and must be under the same ownership as the flag portion of the lot.

Is the pole portion of the lot under the same ownership as the remaining portion of the lot? ☐ Yes ☐ No

A joint accessway shall be provided unless the existing topography of the site or the dwelling unit is located on the property to prevent a joint accessway. A perpetual reciprocal access easement and maintenance agreement shall be recorded for the joint accessway, in a format acceptable to the city attorney.

Is a joint accessway proposed? ☐ Yes ☒ No

Item #1.

If so, please describe the dimensions and location of the easement and provide a draft with the application.

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Accessways shall have a minimum pavement width of 16 feet to service one to two units or 20 feet to service three or more units. A fire access corridor of at least 20 feet shall be provided to all parcels with a minimum pavement width of 16 feet to service two units or 20 feet to service three or more units. At least 6 inches of shoulder on each side of the access corridor shall be provided in order that construction work does not infringe on adjacent properties. A narrower pavement width may be approved by the Fire District and Planning Division. The approval may require that additional fire suppression devices be provided to assure an adequate level of fire and life safety. No obstruction, including trees, fences, landscaping or structures, shall be located within the access corridor.*

Number of Units Utilizing the Accessway? \_\_\_\_\_

Width of Pavement Proposed? \_\_\_\_\_

Explanation: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*Planning Staff Only*

Flag Lot Approved? ☐ Yes ☐ No ☐ Not Applicable Initial \_\_\_\_\_

## 7. Plat Restrictions

Identify the size and location of all restrictions on your proposed plan. Plats may be obtained on OCMap or from the Development Services Division.

Easements (PUE, SSE, etc.): No Plat restrictions per DS email on file

Non-Vehicular Access Strip (NVA): \_\_\_\_\_

Other Restrictions: \_\_\_\_\_

☒ Not Applicable

*DS Staff Only*

Plat Restrictions Approved? ☐ Yes ☐ No ☐ Not Required Initial \_\_\_\_\_

## 8. Utilities

Please indicate the location of all water, sanitary sewer, and stormwater facilities on the survey.

Does the proposal include:

1. A drainfield? ☐ Yes ☒ No.

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain \_\_\_\_\_  
\_\_\_\_\_

2. Septic tank? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain \_\_\_\_\_  
\_\_\_\_\_

3. Stormwater Facility or piping? ☐ Yes ☒ No

If yes, is it affected by proposal? ☐ Yes ☐ No

If yes, please explain \_\_\_\_\_

4. Water Service? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain \_\_\_\_\_

5. Sewer Service? ☒ Yes ☐ No

If yes, is it affected by proposal? ☐ Yes ☒ No

If yes, please explain \_\_\_\_\_

Note that an easement is required if the proposal would result in a utility being located on another property.

*DS Staff Only*

Utilities Approved? ☐ Yes ☐ No ☐ Not Applicable Initial \_\_\_\_\_

### City Decision

Planning Division Approval? ☐ Yes ☐ No Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Development Services Approval? ☐ Yes ☐ No Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Building Division Approval? ☐ Yes ☐ No Date: \_\_\_\_\_ Signature: \_\_\_\_\_

Please note that approval of this Property line Adjustment does not affect any existing easements or encumbrances which may be located on the subject properties.

#### APPROVAL PROCESS:

1. The current deed holders or their assigns shall sign the revised deeds for the approved legal descriptions. These deeds shall be recorded at the Clackamas County Clerk's Office.
2. The applicant shall submit a mylar copy of the record of survey for signature by the Community Development Director prior to recordation at the Clackamas County Surveyor's Office.
3. The applicant shall provide the City Technical Services Department a CAD file of the final survey. The preferred file type is an AutoCAD\*.dwg. If AutoCAD is not the CAD system used, a \*.dxf format will be sufficient.
4. Provide the City of Oregon City a file copy of the final Property line Adjustment as filed by Clackamas County, including the Clackamas County Survey Number.
5. The applicant shall record the final property descriptions with Clackamas County within two years of the Community Development Director's approval, after which the decision shall be null and void.

# RECORD OF SURVEY PROPERTY LINE ADJUSTMENT

LOT 5, AND A PORTION OF LOTS 6 AND 9, BLOCK 21,  
"FALLS VIEW ADDITION TO OREGON CITY", PLAT NO. 0040,  
LOCATED IN THE S.E. 1/4 SECTION 31, T.2S., R.2E., W.M.  
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON  
NOVEMBER 4, 2020 SCALE 1"=40'

SURVEY PERFORMED FOR:  
MAJO AHRENS

## NARRATIVE:

THE PURPOSE OF THIS SURVEY IS TO MONUMENT A PROPERTY LINE ADJUSTMENT BETWEEN THOSE TRACTS OF LAND CONVEYED BY DEED RECORDED AS DOCUMENTS NO. 99-069268 AND 2014-025935, CLACKAMAS COUNTY DEED RECORDS, BEING LOT 5 AND A PORTION OF LOTS 6 AND 9, BLOCK 21, "FALLS VIEW ADDITION TO OREGON CITY", PLAT NO. 0040, CLACKAMAS COUNTY PLAT RECORDS, IN ACCORDANCE WITH CITY OF OREGON CITY CASE FILE NO. \_\_\_\_\_

FOR MY BASIS OF BEARINGS, AND THE NORTH LINE OF SAID BLOCK 21, BEING THE SOUTHERLY RIGHT OF WAY LINE OF 3RD STREET, AKA PROSPECT STREET (A 40.00 FOOT WIDE RIGHT OF WAY), I HELD SOUTH 54°33'00" EAST BETWEEN FOUND MONUMENTS "A" AND "B", PER SURVEYS NO. 1317, 1332, AND 2005-346 (BEARING SOURCE), ALTHOUGH THE ORIGIN OF FOUND MONUMENT "B" IS UNKNOWN.

FOR THE EASTERLY LINE OF SAID BLOCK 21, BEING THE WESTERLY RIGHT OF WAY LINE OF EAST STREET (A 40.00 FOOT WIDE RIGHT OF WAY), I HELD FOUND MONUMENTS "C" AND "D", AND A POINT 20.00 FEET WESTERLY OF FOUND MONUMENT "B", PER SURVEYS NO. 998, 1317, 1332, AND 17199.

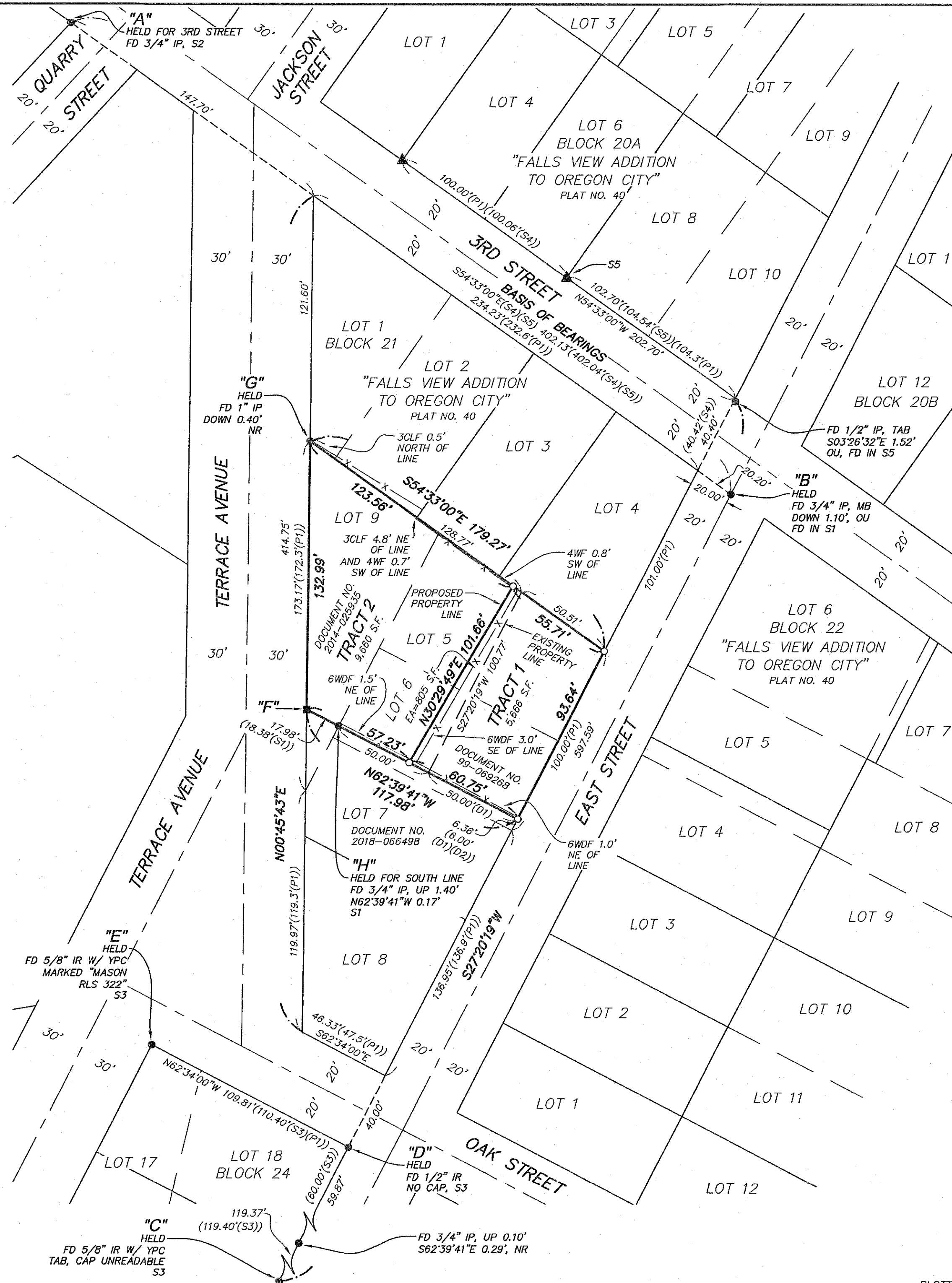
I HELD FOUND MONUMENTS "D" AND "E" FOR THE SOUTHERLY RIGHT OF WAY LINE OF OAK STREET (A 40.00 FOOT WIDE RIGHT OF WAY), PER SURVEY NO. 17199. I THEN CALCULATED THE SOUTH LINE OF SAID BLOCK 21 40.00 FEET NORTHERLY OF AND PARALLEL WITH SAID SOUTHERLY RIGHT OF WAY LINE, PER SAID PLAT.

I HELD FOUND MONUMENTS "F" AND "G" (THE ORIGIN OF NEITHER APPEAR IN THE RECORD), FOR THE WESTERLY LINE OF SAID BLOCK 21, BEING THE EASTERLY RIGHT OF WAY LINE OF TERRACE STREET (A 60.00 FOOT WIDE RIGHT OF WAY). THIS ESTABLISHMENT CORRELATES CLOSELY WITH ORIGINAL PLAT DIMENSIONS FOR THE SUBJECT BLOCK.

I THEN HELD FOUND MONUMENT "G" AND A LINE PARALLEL WITH THE ESTABLISHED NORTHERLY LINE OF SAID BLOCK 21 FOR THE NORTHERLY LINE OF SAID LOTS 5 AND 9, PER SAID PLAT.

I CALCULATED THE SIDELINES OF THE INTERIOR LOTS HOLDING RECORD PLAT DISTANCES.

I HELD FOUND MONUMENTS "F" AND "H" FOR THE SOUTHERLY LINE OF THE SUBJECT TRACTS, PER SURVEY NO. 988, WHICH CORRELATES CLOSELY WITH RECORD DEED DIMENSIONS.



CLACKAMAS COUNTY SURVEYOR

RECEIVED: \_\_\_\_\_

ACCEPTED FOR FILING: \_\_\_\_\_

SURVEY NUMBER: \_\_\_\_\_

## LEGEND:

○ SET 5/8" x 30" IRON ROD W/ RED PLASTIC CAP MARKED "CENTERLINE CONCEPTS" ON \_\_\_\_\_ 2020

△ SET 1.17" COPPER DISC (BERNTSEN BP1) MARKED " \_\_\_\_\_ " ON \_\_\_\_\_ 2020

● FOUND MONUMENT AS NOTED

■ FOUND AND HELD 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "DAVIS & PIKE LS 846" NR

▲ FOUND AND HELD 5/8" IRON ROD W/ YELLOW PLASTIC CAP MARKED "PLS 747" FROM S4 UNLESS NOTED OTHERWISE

( ) = RECORD DISTANCES & BEARINGS

[C] = CALCULATED DISTANCE

IR = IRON ROD

IP = IRON PIPE

FD = FOUND

W/ = WITH

YPC = YELLOW PLASTIC CAP

R/W = RIGHT OF WAY

TAB = BENT, TIED AT BASE

MB = IN MONUMENT BOX

NR = NO RECORD

OU = ORIGIN UNKNOWN

3CLF = 3" CHAINLINK FENCE

4WF = 4" WIRE FENCE

6WDF = 6" WOOD FENCE

DOCUMENT NO. = DEED DOCUMENT NUMBER,

CLACKAMAS COUNTY DEED RECORDS

SN = SURVEY NUMBER, CLACKAMAS COUNTY

SURVEYOR'S OFFICE

S1 = SN 998

S2 = SN 3692

S3 = SN 17199

S4 = SN 2003-241

S5 = SN 2005-346

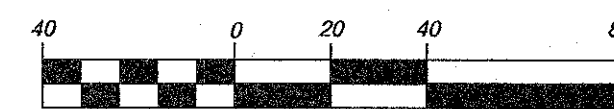
P1 = "FALLS VIEW ADDITION TO OREGON CITY"

PLAT NO. 40.

D1 = DOCUMENT NO. 2018-066498

D2 = DOCUMENT NO. 99-069268

## GRAPHIC SCALE



(IN FEET)  
1 INCH = 40 FT.

SIGNED ON: 04 Nov 20

REGISTERED  
PROFESSIONAL  
LAND SURVEYOR

OREGON  
JULY 13, 2004  
TOBY G. BOLDEN  
60377LS

RENEWS: DECEMBER 31, 2021

**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

19376 MOLALLA AVE., SUITE 120  
OREGON CITY, OREGON 97045  
PHONE 503.650.0188 FAX 503.650.0189

PLOTTED: M: \PROJECTS\AHRENS-TERRACE AVE-220\DWG\PLA-C3D.dwg



**CENTERLINE CONCEPTS**  
*LAND SURVEYING, INC.*

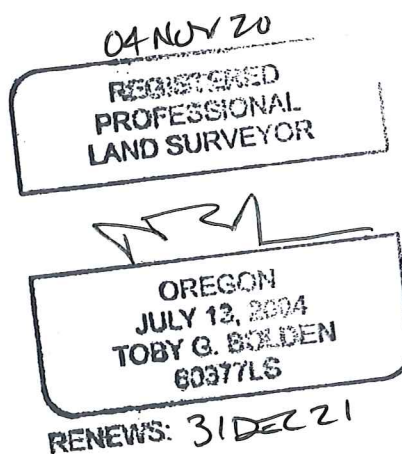
19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
 P. 503-650-0188 F. 503-650-0189

***Exhibit "A"***  
***Exchange Area***  
***Legal Description***

A Tract of land being a portion of Lots 5 and 6, Block 21, "FALLS VIEW ADDITION TO OREGON CITY", Clackamas County Plat Records, located in the Southeast one-quarter of Section 31, Township 2 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

***BEGINNING*** at a point on the southwest line of Lot 4 of said Block 21, being South 54°33'00" East, 123.56 feet from the southwest corner of Lot 1 of said Block 21; thence along said southwest line, South 54°33'00" East, 5.21 feet to the north corner of that Tract of land described in Deed recorded as Document No. 99-069268, Clackamas County Deed Records; thence along the northwest line of said Tract of land described in Deed recorded as Document No. 99-069268, South 27°20'19" West, 100.77 feet to the west corner thereof; thence along the northeast line of that Tract of land described in Deed recorded as Document No. 2018-066498, Clackamas County Deed Records, North 62°39'41" West, 10.75 feet; thence leaving said northeast line, North 30°29'49" East, 101.66 feet to the ***POINT OF BEGINNING***.

Contains 805 square feet, more or less.





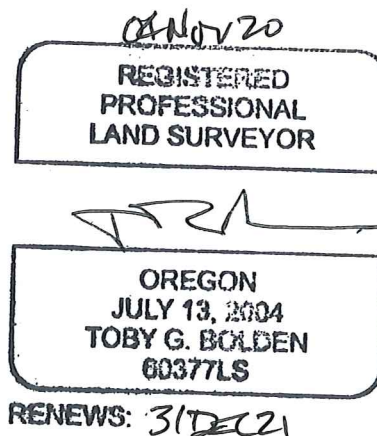
19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
P. 503-650-0188 F. 503-650-0189

**Exhibit "B"**  
**Tract 1**  
**Legal Description**

A Tract of land being a portion of Lots 5 and 6, Block 21, "FALLS VIEW ADDITION TO OREGON CITY", Clackamas County Plat Records, located in the Southeast one-quarter of Section 31, Township 2 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

**BEGINNING** at the south corner of Lot 4 of said Block 21, being South 54°33'00" East, 179.27 feet from the southwest corner of Lot 1 of said Block 21; thence along the northwest right of way line of East Street, being 20.00 feet northwest of the centerline thereof when measured at right angles, South 27°20'19" West, 93.64 feet to the east corner of that Tract of land described in Deed recorded as Document No. 2018-066498, Clackamas County Deed Records; thence along the northeast line of said Tract of land described in Deed recorded as Document No. 2018-066498, North 62°39'41" West, 60.75 feet; thence leaving said northeast line, North 30°29'49" East, 101.66 feet to the southwest line of said Lot 4; thence along said southwest line of Lot 4, South 54°33'00" East, 55.71 feet to the **POINT OF BEGINNING**.

Contains 5,666 square feet, more or less.





**CENTERLINE CONCEPTS**  
LAND SURVEYING, INC.

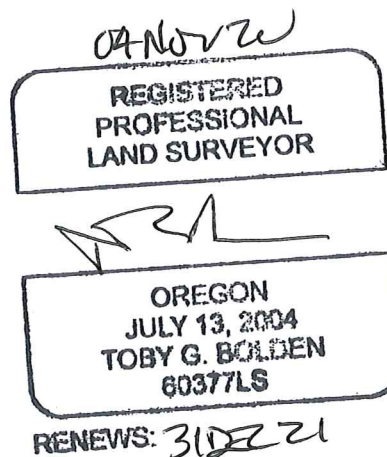
19376 Molalla Avenue, Ste. 120, Oregon City, OR 97045  
P. 503-650-0188 F. 503-650-0189

**Exhibit "C"**  
**Tract 2**  
**Legal Description**

A Tract of land being a portion of Lots 5, 6 and 9, Block 21, "FALLS VIEW ADDITION TO OREGON CITY", Clackamas County Plat Records, located in the Southeast one-quarter of Section 31, Township 2 South, Range 2 East of the Willamette Meridian, City of Oregon City, County of Clackamas, State of Oregon, being more particularly described as follows:

**BEGINNING** at the southwest corner of Lot 1 of said Block 21; thence along the southwest line of said Lot 1, and continuing along the southwest line of Lots 2, 3, and 4 of said Block 21, South 54°33'00" East, 123.56 feet; thence leaving said southwest line of said Lot 4, South 30°29'49" West, 101.66 feet to the northeast line of that Tract of land described in Deed recorded as Document No. 2018-066498, Clackamas County Deed Records; thence along said northeast line, North 62°39'41" West, 57.23 feet to the north corner thereof; thence along the east right of way line of Terrace Avenue, being 30.00 feet east of the centerline thereof when measured at right angles, North 00°45'43" East, 132.99 feet to the **POINT OF BEGINNING**.

Contains 9,660 square feet, more or less.



**From:** [Aaron Parker](#)  
**To:** [Christina Robertson-Gardiner](#)  
**Subject:** RE: City Of Oregon City Transmittal GLUA 20-00037 Lot Line Variance Transmittal  
**Date:** Wednesday, February 10, 2021 3:52:25 PM

---

Hi Christina,

Here are Development Services (DS) comments for this project:

- Sewer is not physically available to 220 Terrace Ave from Terrace Ave
  - Due to steep topography of Terrace Ave and the elevation differential between the right-of-way and the building site on the lot for a sewer extension in Terrace Ave
  - No sewer currently exists within Terrace Ave
- 220 Terrace Ave can be served from East St
  - This is possible if a private easement is granted from 225 East St
  - A private easement agreement to serve sewer for 220 Terrace Ave through 225 East St shall be a condition of this application
  - Public Works standards allow a sewer service to pass through one lot if necessary

DS has no other issues with the lot line variance for these properties.

Thank you,

---

**Aaron Parker, PE**  
 Engineering Technician II  
[aparker@orc.org](mailto:aparker@orc.org)  
 503-496-1560 Direct  
 503-657-0891 City Hall  
 503-657-7026 Fax

**City of Oregon City**  
 Public Works Engineering  
 625 Center Street  
 Oregon City, Oregon 97045

**Website:** [www.orc.org](http://www.orc.org) | [webmaps.orc.org](http://webmaps.orc.org) | Follow us on: [Facebook!](#) | [Twitter](#)  
*Think **GREEN** before you print.*

*The City of Oregon City is open for business and continues to offer services and programs online and virtually. Some City facilities are open to the public, find current openings [here](#), we encourage visitors to wear a mask, practice physical distancing, and reschedule in-person visits if you are feeling unwell.*

*The City has installed additional shielding and is providing hand sanitizer as well as occupancy limits to ensure our staff and visitors have a safe, no touch experience. Our goal is to be responsive to our community throughout this pandemic; we appreciate your understanding and cooperation.*

**Engineering Development Services Public Counter Hours at City Hall at 625 Center Street are 9:00 AM to 4:00 PM Monday through Thursday. We are available for in-person discussions on Friday by appointment only.**

*PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.*

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### LAND USE APPLICATION TRANSMITTAL

Date: February 5, 2021

#### DISTRIBUTION OF APPLICATION

|                                     |                                                                    |                                     |                                           |
|-------------------------------------|--------------------------------------------------------------------|-------------------------------------|-------------------------------------------|
| <input checked="" type="checkbox"/> | Building Official                                                  |                                     | Clackamas County Transportation           |
| <input checked="" type="checkbox"/> | Development Services                                               |                                     | Clackamas County Planning                 |
| <input checked="" type="checkbox"/> | Public Works Operations                                            | <input checked="" type="checkbox"/> | Clackamas Fire District #1                |
| <input checked="" type="checkbox"/> | City Engineer                                                      |                                     | ODOT – Division Review                    |
| <input checked="" type="checkbox"/> | Public Works Director                                              | <input checked="" type="checkbox"/> | Oregon City School District               |
| <input checked="" type="checkbox"/> | Parks Manager                                                      |                                     | Tri-Met                                   |
| <input checked="" type="checkbox"/> | Community Services Director                                        |                                     | Metro                                     |
| <input checked="" type="checkbox"/> | Police                                                             | <input checked="" type="checkbox"/> | PGE                                       |
| <input checked="" type="checkbox"/> | Economic Development Manager                                       | <input checked="" type="checkbox"/> | South Fork Water Board                    |
| <input checked="" type="checkbox"/> | Traffic Engineer                                                   | <input checked="" type="checkbox"/> | Hamlet of Beavercreek                     |
|                                     | City Manager's Office                                              | <input checked="" type="checkbox"/> | Holcomb Outlook CPO                       |
| <input checked="" type="checkbox"/> | Oregon City Neighborhood Associations                              | <input checked="" type="checkbox"/> | Central Point / Leland Road / New Era CPO |
| <input checked="" type="checkbox"/> | N.A Chair – <b>Park Place</b>                                      |                                     | Other – See Email List                    |
| <input checked="" type="checkbox"/> | N.A. Land Use Chair                                                |                                     | Natural Resource Committee                |
| <input checked="" type="checkbox"/> | Notice of the application mailed to all properties within 300 feet |                                     | Other:                                    |

|                  |                                                                                                                                                                                                                                                                   |                                                          |                                                                   |
|------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|-------------------------------------------------------------------|
| COMMENTS DUE BY: | <b>February 16, 2021</b>                                                                                                                                                                                                                                          |                                                          |                                                                   |
| DECISION BODY:   | Staff Review __ Planning Commission _x 2.22.21_ City Commission __                                                                                                                                                                                                |                                                          |                                                                   |
| HEARING DATE(s): | n/a                                                                                                                                                                                                                                                               |                                                          |                                                                   |
| DECISION TYPE:   | Type I __ Type II __ Type III _x_ Type IV __                                                                                                                                                                                                                      |                                                          |                                                                   |
| FILE #S:         |                                                                                                                                                                                                                                                                   |                                                          |                                                                   |
| PLANNER:         | Christina Robertson-Gardiner, AICP, Sr. Planner                                                                                                                                                                                                                   | Phone: (503) 496-1564                                    | Email: <a href="mailto:crobertson@orc.org">crobertson@orc.org</a> |
| APPLICANT:       | Majo Ahrens<br>1170 SE River Forest Rd<br>Milwaukie, OR 97267                                                                                                                                                                                                     |                                                          |                                                                   |
| OWNER:           | Majo Ahrens<br>1170 SE River Forest Rd<br>Milwaukie, OR 97267                                                                                                                                                                                                     | Paul Stolten<br>225 East Street<br>Oregon City, OR 97045 |                                                                   |
| REQUEST:         | Applicant is requesting approval of a Planning Commission Variance to the Lot Size, Lot Depth and Rear Yard Setback to allow for a Lot Line Adjustment with a neighboring property.                                                                               |                                                          |                                                                   |
| PROJECT WEBPAGE: | <a href="https://www.orcity.org/planning/project/glua-20-00037-var-20-00016-var-20-00017-var-20-00021-lot-line-adjustment-variance">https://www.orcity.org/planning/project/glua-20-00037-var-20-00016-var-20-00017-var-20-00021-lot-line-adjustment-variance</a> |                                                          |                                                                   |
| ZONING:          | R-6 Low Density Residential                                                                                                                                                                                                                                       |                                                          |                                                                   |
| ADDRESS(ES):     | 220 East Street, Oregon City, OR 97045                                                                                                                                                                                                                            | 220 Terrace, Oregon City, OR 97045                       |                                                                   |

This application material is referred to you for your information, study and official comments. If extra copies are required, please contact the Planning Department. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return the attached copy of this form to facilitate the processing of this application and will insure prompt consideration of your recommendations.

#### Please check the appropriate spaces below.

|                                     |                                                                                        |
|-------------------------------------|----------------------------------------------------------------------------------------|
| <input checked="" type="checkbox"/> | The proposal does not conflict with our interests.                                     |
| <input type="checkbox"/>            | The proposal conflicts with our interests for the reasons attached.                    |
| <input type="checkbox"/>            | The proposal would not conflict our interests if the changes noted below are included. |

Signature

**Wes Rogers**
Digitally signed by Wes Rogers  
DN: cn=Wes Rogers, o=OCSD62, ou=Bond Manager,  
email=wes.rogers@ocsd62.org, c=US  
Date: 2021.02.08 14:42:41 -08'00'



# OREGON CITY

## Community Development – Planning

695 Warner Parrott Road | Oregon City OR 97045  
Ph (503) 722-3789 | Fax (503) 722-3880

**February 12, 2021**

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**To:** OC 2040 Project Advisory Team  
**From:** Planning Commission  
**Re:** Recommendations for the Comprehensive Plan Update

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The Planning Commission makes the following suggestions for consideration to the OC 2040 parallel with recommendations to the city commission delivered for consideration in the Bienium.

As many of the city priorities are perhaps a matter of course, such as adoption of the Comprehensive Plan and updated municipal code to comply with HB 2001, nonetheless important, we believe an important consideration which impacts most aspects of life in Oregon City needs equal attention, specifically the development of Sustainability and Green Design Standards or often referred to as a “Climate Action Plan”.

As stated in the City of Milwaukie climate action summary, **“What is a Climate Action Plan - Milwaukie’s Climate Action Plan is our roadmap preparing for and reducing the impacts of climate change. The plan was co-created by Milwaukie residents, partners and City staff between 2017-2018. It includes strategies for all of us— our government, households, businesses and organizations—to join together and address this challenge.”**

OC 2040, Let’s become the regional leader in Sustainability and Environmental stewardship by developing an Oregon City Climate Action Plan which is at least as good and comprehensive as others in the Portland Metro. Oregon City is a “Regional Center”, our climate action plan ought to show leadership in this area. We are already heading in the right direction with protection of natural resources and addressing the housing crisis, however the planning commission is suggesting a Climate Action Plan that is much broader and comprehensive than current efforts.

Our country, region, and the Portland Metro have a significant emphasis on climate action to reduce our carbon footprint, use less energy, make more durable and long lasting places, emphasize alternative energy vehicles, and make cities that are more human centric and friendly, to name just a few. We are in good company. We have a unique opportunity at this moment in history to emphasize our stewardship of the environment and set the foundations of an Oregon City that is making a significant contribution to climate action.



# CITY OF OREGON CITY

## Staff Report

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

**To:** Planning Commission **Agenda Date:** 03/22/2021  
**From:** Community Development Director Laura Terway

### **SUBJECT:**

Planning Commission Meeting Logistics

### **STAFF RECOMMENDATION:**

Discussion of meeting logistics as needed.

### **EXECUTIVE SUMMARY:**

The Planning Commission will have an opportunity to provide input on the meeting logistics moving forward. A survey was sent out to the Planning Commission with a variety of questions such as if there is a preference to use the "Raise Hand" feature, physically raise hand, speak, or a combination there of. The results are identified below for discussion.

### **BACKGROUND:**

Chair Schlagenhauser would like to provide an opportunity for the Planning Commission to provide input on the logistics of the Planning Commission meetings moving forward. A survey has been sent out to the Planning Commission with a variety of questions including:

1. Would you like to hold a formal roll call at the beginning of each Planning Commission meeting?

Yes

No

2. How should Planning Commissioners indicate that they want to speak during a virtual meeting?

Use the raise hand function in zoom

Physically raise your hand while on camera

Hold up cue cards on camera

Other (please specify)

3. How would you like to manage deliberation after the public hearing is closed?

The Chair should call on each Commissioner individually for comments

Have an open discussion

Other (please specify)

The survey responses are attached.

**OPTIONS:**

1. N/A

**BUDGET IMPACT:**

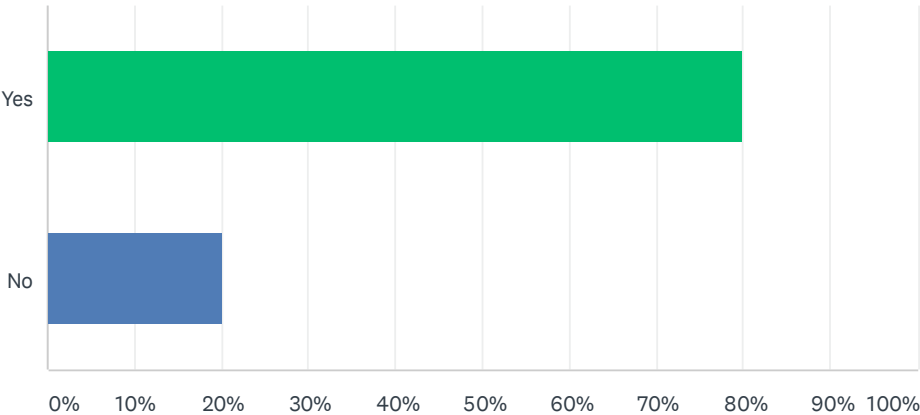
Amount: N/A

FY(s):

Funding Source(s):

Q1 Would you like to hold a formal roll call at the beginning of each Planning Commission meeting?

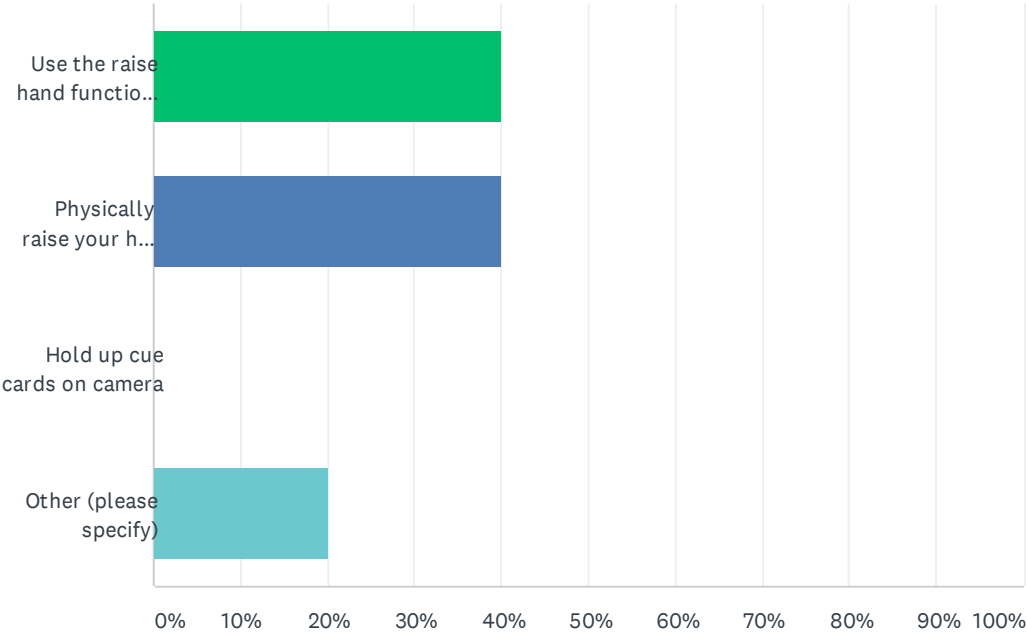
Answered: 5    Skipped: 0



| ANSWER CHOICES | RESPONSES |   |
|----------------|-----------|---|
| Yes            | 80.00%    | 4 |
| No             | 20.00%    | 1 |
| TOTAL          |           | 5 |

Q2 How should Planning Commissioners indicate that they want to speak during a virtual meeting?

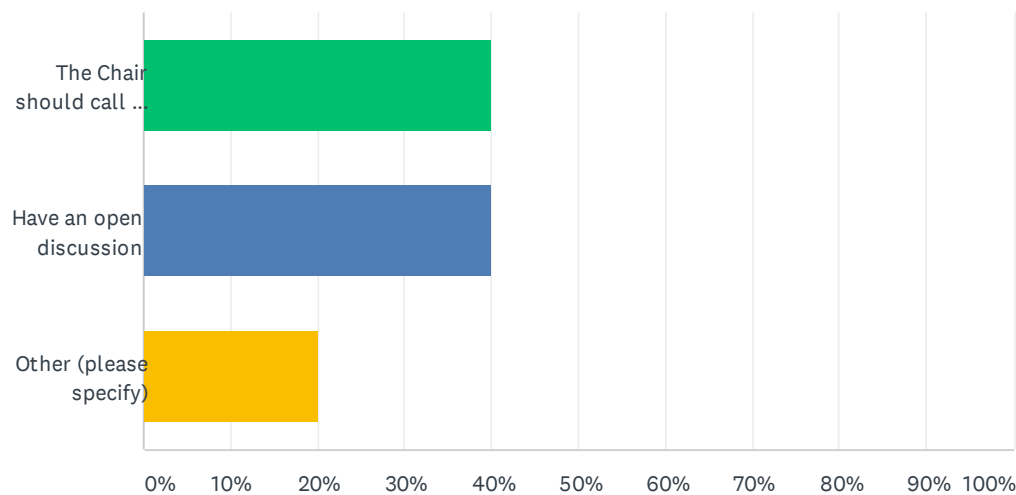
Answered: 5    Skipped: 0



| ANSWER CHOICES                             | RESPONSES |   |
|--------------------------------------------|-----------|---|
| Use the raise hand function in zoom        | 40.00%    | 2 |
| Physically raise your hand while on camera | 40.00%    | 2 |
| Hold up cue cards on camera                | 0.00%     | 0 |
| Other (please specify)                     | 20.00%    | 1 |
| TOTAL                                      |           | 5 |

Q3 How would you like to manage deliberation after the public hearing is closed?

Answered: 5    Skipped: 0



| ANSWER CHOICES                                                       |  | RESPONSES |   |
|----------------------------------------------------------------------|--|-----------|---|
| The Chair should call on each Commissioner individually for comments |  | 40.00%    | 2 |
| Have an open discussion                                              |  | 40.00%    | 2 |
| Other (please specify)                                               |  | 20.00%    | 1 |
| TOTAL                                                                |  |           | 5 |