



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, February 12, 2024 at 7:00 PM

REGULAR MEETING OF THE PLANNING COMMISSION

Ways to participate in this public meeting:

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

CALL TO ORDER AND ROLL CALL

PUBLIC COMMENT

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

MEETING MINUTES

1. Meeting Minutes for Approval: 11/14/2022 Work Session, 11/14/2022 Meeting and 1/22/2024 Meeting

PUBLIC HEARING

2. GLUA-23-00040 (General Land Use Application), PARK-23-00002 (Planning Commission Parking Adjustment) Adjustment to parking standards at 11731 Longstanding Ct.
3. GLUA-23-00026 / MAS-23-00002, Sportcraft Landing Marina Master Plan

DISCUSSION TOPICS

4. Climate Friendly and Equitable Communities (CFEC) Parking Reforms

COMMUNICATIONS**ADJOURNMENT**

PUBLIC COMMENT GUIDELINES

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

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

ADA NOTICE

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

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

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



CITY OF OREGON CITY PLANNING COMMISSION WORK SESSION MINUTES - DRAFT

Monday, November 14, 2022 at 6:00 PM

CALL TO ORDER

Chair Schlagenhauser called the meeting to order at 6:00 PM.

Present: 4 - Chair Dirk Schlagenhauser, Commissioner Patti Gage, Commissioner Daphne Wuest, and Commissioner Gregory Stoll

Absent: 2 - Commissioner Christopher Staggs and Commissioner Bob La Salle

Staffers: 2 - Community Development Director Aquila Hurd-Ravich, Senior Planner Christina Robertson-Gardiner, and Assistant Planner Jude Thaddaeus

WORK SESSION ITEM

1. Presentation of the 2022-23 Street Tree Minor Code Amendment project

Jude Thaddaeus, Assistant Planner, gave a presentation on an amendment to the street tree code. He gave a background on the problem of cracked and buckled sidewalks due to street trees resulting in mobility hazards and expensive repairs. After 2001, new subdivisions required larger planting strips and in 2022 a sidewalk assistance grant program was established. He then reviewed the proposed amendments that were recommended by the Natural Resources Committee. The amendments provided a more streamlined tree permit process with eliminated replanting costs and reduced future risks. He explained the anticipated timeline and public comments received.

There was discussion regarding reasons for not requiring replacement trees in the 3-foot planter strips after removal, current street tree removal process, right-of-way adjustment process, tree caliper measurement, replacing trees with pollinators, and smaller trees/bushes as sight obstructions.

This would come back to the Planning Commission as a legislative hearing.

COMMUNICATIONS

Aquila Hurd-Ravich, Community Development Director, said Mike Mitchell had been appointed to the City Commission and had resigned from the Planning Commission. Patti Gage's term was also ending, so there would be two vacancies that needed to be filled.

ADJOURNMENT

Chair Schlagenhauser adjourned the meeting at 6:45 PM.



CITY OF OREGON CITY PLANNING COMMISSION MINUTES - DRAFT

Monday, November 14, 2022 at 7:00 PM

CALL TO ORDER

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

Present: 4 - Chair Dirk Schlagenhauer, Commissioner Patti Gage, Commissioner Daphne Wuest, and Commissioner Gregory Stoll

Absent: 2 - Commissioner Christopher Staggs and Commissioner Bob La Salle

Staffers: 4 - Community Development Director Aquila Hurd-Ravich, Senior Planner Christina Robertson-Gardiner, and City Attorney Bill Kabeiseman

PUBLIC COMMENT

None

PUBLIC HEARING

1. LEG22-00003 Amendment to adopt a new Comprehensive Plan, OC2040.

Chair Schlagenhauer opened the public hearing and read the hearing statement. He asked if any Commissioner had conflicts of interest to declare. There were none.

Aquila Hurd-Ravich, Community Development Director, presented the staff report. This was a request to recommend adoption of OC2040, a new Comprehensive Plan, to the City Commission. She discussed the process for a legislative amendment. This would replace the 2004 Comprehensive Plan. Edits to the draft could be made prior to the first reading by the City Commission on December 7. She explained the purpose of the Comprehensive Plan, chapters tied to State Goals, developing the OC2040 vision, goals from each chapter, items entered into the record, and decision options.

Trieste Andrews, resident of Oregon City, spoke about the differences between art and culture and how art was only mentioned once in the plan. Art was an important driver of economic goals and should be referenced. She explained how support for the arts had never been consistent in the City. Art should be incorporated into the Comprehensive Plan, especially for future funding initiatives and requests. She suggested minor changes that could be incorporated into the plan.

There was discussion regarding the OC2040 plan being shared with City Committees, timing of the re-establishment of the Arts Committee, and how it was not too late to make changes.

There was consensus to add the wording Ms. Andrews had suggested.

Julie Hernandez, representing PGE, did not think the OC2040 plan addressed how the City would support additional demand for utilities, such as gas and electricity. There would need to be expansion of the system. She would like to see language on how the City would work with utilities. She was willing to work with Planning staff on additional language.

There was consensus for PGE to work with Planning staff and bring any proposed changes to the City Commission.

Chair Schlagenhauser closed the public hearing.

A motion was made by Commissioner Stoll, seconded by Commissioner Gage, to recommend to the City Commission approval of LEG22-00003 Amendment to adopt a new Comprehensive Plan, OC2040, and incorporate the changes proposed by Ms. Andrews. The motion carried by the following vote:

Aye: 4 - Commissioner Gregory Stoll, Commissioner Patti Gage, Commissioner Daphne Wuest, and Chair Schlagenhauser

2. Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001- HB 2001 Housing Choice Code Update.

Chair Schlagenhauser opened the public hearing. He asked if any Commissioner had conflicts of interest to declare. There was none.

Christina Robertson-Gardiner, Senior Planner, presented the staff report. She discussed the tentative Planning Commission meeting policy topics, HB 2001 and implementation direction, potential outcomes, policy tracker form, and direction to staff. She explained the adopted HB 2001 code for lot sizes in R-2 and R-3.5 zones, minimum and maximum net density for R-2, high density zone development standard policy questions, duplex lot coverage in medium density zones, and lot coverage in low density zones.

There was discussion regarding the differences between ADU and duplexes for SDCs, utilities, setbacks, and size.

The Commission deliberated the policy questions: should the City increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (60-65%), should the City increase maximum building lot coverage across the board for specific middle housing types in rough proportion to increased number of units, and if there was no consensus for code revisions for this topic, should the City review this question in 2-3 years to determine if lot coverage was a barrier to middle housing construction.

There was consensus not to make any of these code revisions at this time.

The Commission then discussed these policy questions: should the City increase maximum building lot coverage for duplexes to match the current allowance for a single-family dwelling plus an ADU (45%), should the City increase maximum building lot coverage/lot sizes across the board for specific middle housing types in rough proportion to increased number of units, and if there was no consensus for code revisions for this topic, should the City review this question in 2-3 years to determine if lot coverage was a barrier to middle housing construction.

There was consensus not to make any of these code revisions at this time.

Lastly, the Commission discussed these policy questions: should the city increase middle housing density standards in the R2 zone to match the allowed density of the medium density (R-3.5) residential zoning or should it be higher, should the City increase the allowed density for multi-family projects in the R2 zone to be higher than the density for middle housing in the R2 zoning, if yes, should staff return with mitigation, location, or scaling strategies to reduce community impact, and should the City remove or restrict townhomes/townhome subdivisions as an allowed use in the R2 zoning district but still allow tri/quad plexes on infill lots, and if there was no consensus for code revisions for this topic, should the City review this question in 2-3 years.

There was discussion regarding parking requirements, reduced parking requirements for multi-family and in the high frequency bus line areas that would go into effect in January, infill and redevelopment in R-2, and the difference between condo and middle housing development.

There was consensus not to make any of these code revisions at this time. Changes had been made in June, and they did not think any changes needed to be made until they understood better the impacts of HB 2001 in the next few years. They did not want to make any changes too soon.

More topics would come back to the Commission in the next several meetings.

A motion was made by Commissioner Wuest, seconded by Commissioner Stoll, to continue the hearing for Package #2 of Legislative File: GLUA 22-0002/LEG-22-0001-HB 2001 Housing Choice Code Update to November 28, 2022. The motion carried by the following vote:

Aye: 4 - Commissioner Gregory Stoll, Commissioner Patti Gage, Commissioner Daphne Wuest, and Chair Schlagenhauser

COMMUNICATIONS

Chair Schlagenhauser said the letter from Commissioner Mitchell regarding traffic counts at intersections that affected neighborhood livability would be presented to the TAC tomorrow.

ADJOURNMENT

Chair Schlagenhauser adjourned the meeting at 9:14 PM.



CITY OF OREGON CITY

PLANNING COMMISSION

Minutes - DRAFT

Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City
Monday, January 22, 2024 at 7:00 PM

CALL TO ORDER

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

Present: 7 - Chair Gregory Stoll, Vice Chair Paul Espe, Commissioner Dirk Schlagenhauser, Commissioner Bob La Salle, Commissioner Daphne Wuest, Commissioner Karla Laws and Commissioner Brandon Dole

Absent: 0 - None

Staffers: 4 - Mayor Denyse McGriff, Community Development Director Aquila Hurd-Ravich, and City Deputy Attorney Carrie Richter

CEREMONIES

Mayor Denyse McGriff administered the Oath of Office to Brandon Dole as the new Planning Commissioner.

PUBLIC COMMENT

None

PRESENTATIONS

1. Jerry Herman and Bob LaSalle gave a presentation on Land Use Planning Legacy in 1970s and 1980s in Oregon. They had given the presentation to the Planning Staff back in December and asked to provide the same information to the Planning Commission group. They explained the origination of land use in Oregon and how the following people were important in these endeavors: Governor Tom McCall, Stafford Hansel, L.B. Day, Hector McPherson, Ed Westerdahl, Glenn Jackson, Bob Straub, Victor Atiyeh, John Innskeep and Senator Mark O. Hatfield.

Bob LaSalle discussed the recent land legislation. As a result of the legislature, developers can pretty much do whatever they want to do. The City's residential zoning is pretty much null and void. Multi-family homes are now a way for young families to get a start. Some questions were raised that will need to be addressed in future discussions as outlined in the presentation documents.

2. Oregon's Land Use Planning Presentation was presented by Deputy City Attorney Carrie Richter.

PUBLIC HEARING

None

DISCUSSION ITEMS

3. Community Development Director Aquilla Hurd-Ravich guided the Planning Commissioners through work on the Planning Commission Work Plan 2024.

Looking for topics and then prioritizing them with a consensus to know what needs to be worked on to present to City Commission. Items on list from past discussions:

- Infrastructure funding that can support housing development
- Employment lands in the City and how to promote the development of those areas
- Transportation funding for new roads through training and/or information
- Molalla/7th Street view corridor protection looking west toward to West Linn
- Commercial uses on the first/bottom/ street level floors with residential above along the Mixed-Use Commercial area on Molalla
- Attracting/ increasing activity on Molalla Ave
- RV Parks in other areas of the City
- Reducing the permitting requirements for short-term rentals
- Promoting green space for future density development
- Incentivise existing structures as they are more affordable than building new neighborhoods.

Director Aquilla will bring back to future meeting(s) for additional conversation, additional training, etc

MEETING MINUTES APPROVAL

4. Planning Commission Minutes Approval for January 8, 2024.

A motion was made by Commissioner Espe, seconded by Commissioner Schlagenhauser to approve the meeting minutes. The motion carried by the following vote:

Yea: 7 - Commissioner LaSalle, Commissioner Wuest, Commissioner Laws, Commissioner Dole, Commissioner Schlagenhauser, Vice Chair Espe and Chair Stoll

COMMUNICATIONS

Next meeting will be February 12, 2024.

ADJOURNMENT

Chair Stoll adjourned the meeting at 9:38 p.m.



CITY OF OREGON CITY

Staff Report

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

To: Planning Commission
From: Assistant Planner Molly Gaughran

Agenda Date: 02/12/2024

SUBJECT:

GLUA-23-00040 (General Land Use Application), PARK-23-00002 (Planning Commission Parking Adjustment) Adjustment to parking standards at 11731 Longstanding Ct.

STAFF RECOMMENDATION:

Staff recommends the Planning Commission approve planning files GLUA-23-00040 and PARK-23-00002, adjustment of maximum parking standards, with conditions of approval.

EXECUTIVE SUMMARY:

The Applicant is seeking a Planning Commission adjustment of parking standards, pursuant to OCMC 17.52.015, for a proposed detached triplex development at 11731 Longstanding Court. The maximum parking standards for triplex developments allow up to four on-site parking spaces. The Applicant proposes a total of six on-site parking spaces, within parking garages, for the three dwelling units.

BACKGROUND:

The subject site is zoned R-8, Low-Density Residential District, and has an area of 20,000 square feet. The property currently contains an existing dwelling unit with an attached two-car garage. Two units are under review and have not yet been approved for construction.

This application requests an adjustment of parking standards for a detached triplex development. The parking standards for a triplex development limit the number of allowed on-site parking to four spaces. The proposed plan for the development includes three two-car garages, for a total of six on-site parking spaces. The calculation of parking is based on the garage spaces proposed with the units and not the paved driveway areas.

The City issued approval for a middle housing land division of this property in anticipation of the detached triplex development. The three units will be on individual middle-housing lots pending final plat approval and recordation.

OPTIONS:

1. Approval of GLUA-23-00040 and PARK-23-00002.
2. Approve with modifications to conditions and findings of GLUA23-00040 and PARK-23-00002
3. Continue GLUA-23-00040 and PARK-23-00002 to a date certain and obtain the needed 120-day waiver from the applicant.
4. Denial of GLUA-23-00040 and PARK-23-00002 and provide staff supplemental findings.



TYPE III STAFF RECOMMENDATION

February 12, 2024

A preliminary analysis of the 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.

FILE NUMBER(S): GLUA-23-00040 PARK-23-00002: Adjustment to Parking Standards

APPLICANT: JJ Portlock
PO Box 521
West Linn, OR 97068

Application Submitted: 12/27/2023
Application Complete: 01/19/2024
120-Day Deadline: 5/18/2024

OWNER: Longstanding LLC
11731 Longstanding Ct.
Oregon City, OR 97045

REQUEST: Planning Commission adjustment of parking standards pursuant to OCMC 17.52.015 to allow the number of parking spaces for a detached triplex development to exceed the maximum number allowed. The development is proposed to include a total of six on-site parking spaces, within parking garages, for the three dwelling units.

LOCATION: 11731 Longstanding Court, Oregon City, OR 97045
Clackamas County Map 3-1E-12AA, Tax Lot 9000

REVIEWER: Molly Gaughran, Assistant Planner, Planning Division

ZONING: R-8 Low-Density Residential

DECISION: 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.

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RECOMMENDED CONDITIONS OF APPROVAL PLANNING FILE GLUA-23-000040 PARK-23-00002

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

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

(B) = Verify that the condition of approval has been met with the Building Division.

(F) = Verify that the condition of approval has been met with the Clackamas Fire Department.

The applicant shall fulfill the following conditions prior to issuance of a public improvement and/or Building permit associated with the proposed application.

1. The Applicant is required to obtain all required Building Permits for the development (P/B).
2. Fire access and water supply plan approval from Clackamas County Fire Department is required.
(DS/F)

I. BACKGROUND:

1. Existing Conditions

The subject site is located within the R-8 Low-Density Residential zoning district. The lot is approximately 0.46 acre or 20,006 square feet. The property currently contains an existing dwelling unit with an attached two-car garage. The landscaping on the property consists of several trees and arborvitae and is otherwise predominantly landscaped with ground cover.

Adjacent properties are also within the R-8 Low-Density Residential zoning district. Property uses within the area are primarily single-family and low-density residential. The subject site fronts Longstanding Court, a local street currently under Clackamas County jurisdiction.

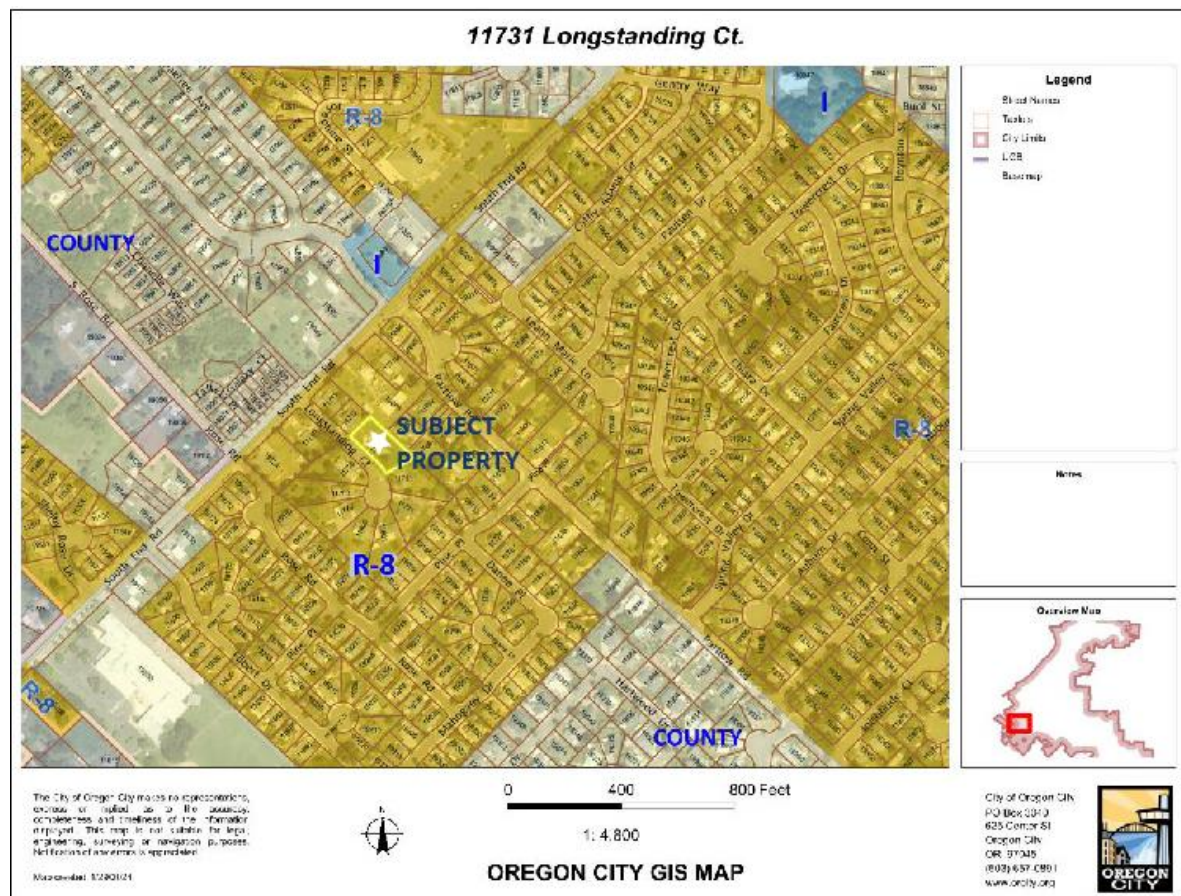


Figure 1. Vicinity Zoning Map

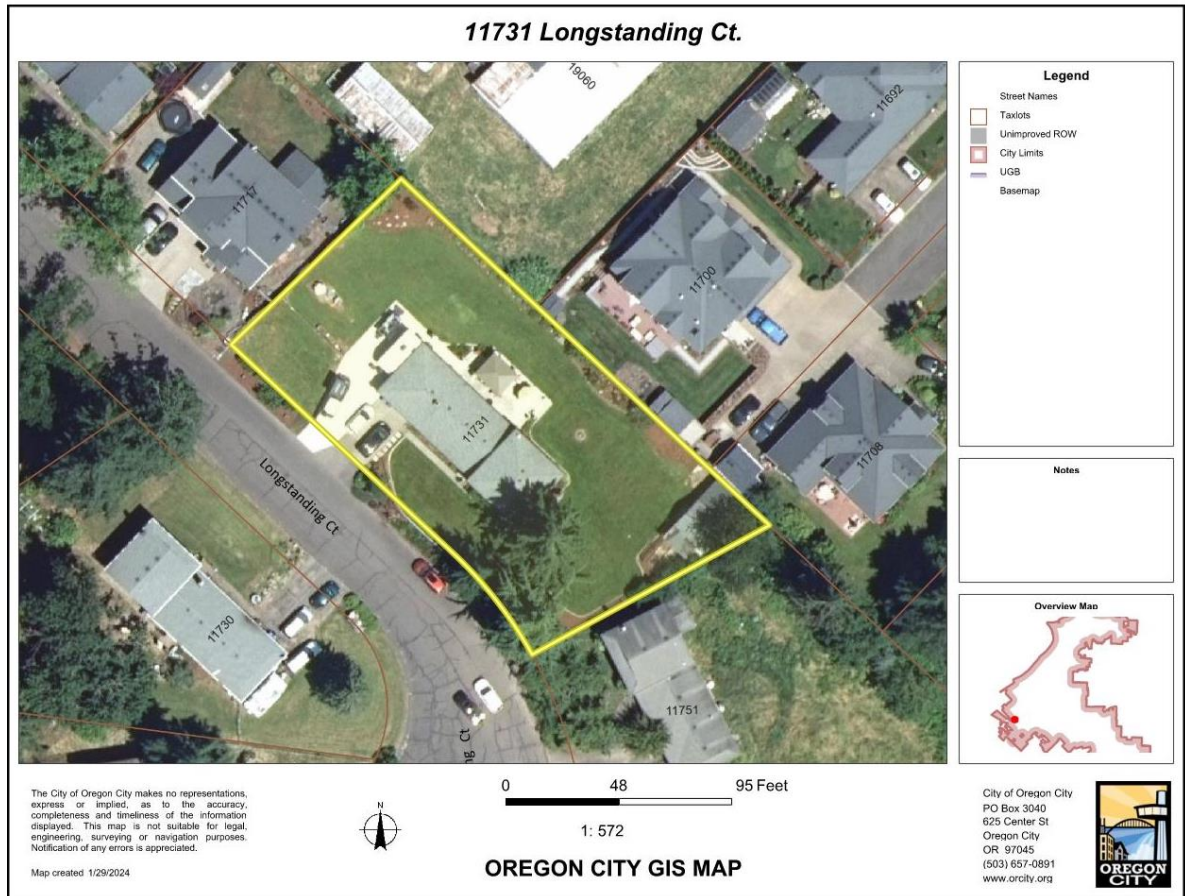


Figure 2: Existing Conditions – Aerial Image

2. Project Description

The applicant requests an adjustment of parking standards for a detached triplex development. The triplex development includes three units—one existing unit that is at least five years old, and two units that are under review and have not yet been approved for construction.

The City issued approval for a middle housing land division, file number MHLD-23-00001, in anticipation of the detached triplex development. The three units will be platted to be on individual middle-housing lots upon final plat approval and recordation.

The applicant provided the following description:

“The anticipated plan is to have the two new units be traditional single-family designs with attached garages like all the homes in the neighborhood. The parking allowance for a triplex is a maximum of four off street parking for a triplex or quadplex. I’m requesting [an adjustment] to this to allow for more off street parking of six total parking spots, two on each unit.”

The calculation of parking spaces is based on the garage spaces proposed with the units and not the paved driveway areas, pursuant to definitions of “parking space” and “garage” contained within the Oregon City Municipal Code:

17.04.895 - Parking space.

"Parking space" means an unobstructed off-street area having an all-weather surface for the temporary parking or storage of one automobile.

17.04.500 - Garage.

"Garage" means an attached or detached structure(s), or portion thereof used or designed to be used for the parking or storage of vehicles, including carports.
Garages do not include detached accessory dwelling units which are not part of a detached garage.

Based on the above definitions, staff determined that the garage areas are providing the parking spaces, totaling six garage parking spaces. A parking adjustment is required to exceed the maximum parking standard.



Figure 3: Proposed Site Plan



Figure 4: Front Façade Building Elevation for New Unit (Lot 1)

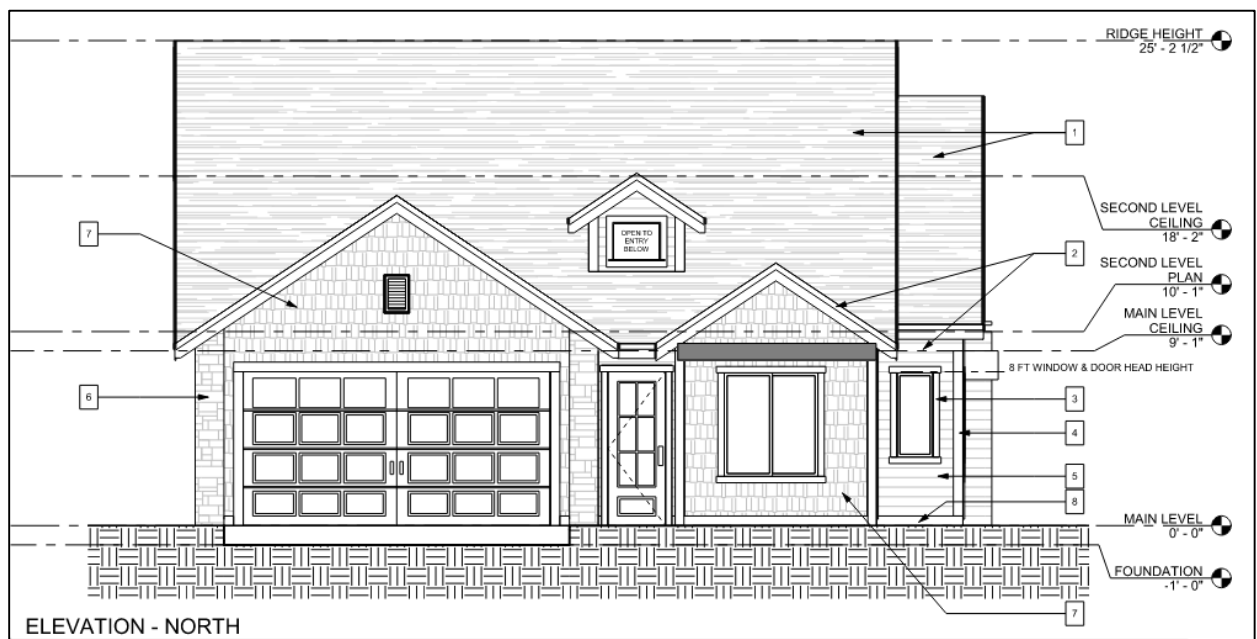


Figure 5: Front Façade Building Elevation for New Unit (Lot 3)

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at the City of Oregon City including but not limited to the Development Services and Building Divisions.

4. Public Comment

No public comments were received as of the writing of this staff report.

II. ANALYSIS AND FINDINGS:

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

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. Duplexes;*
- D. Triplexes;*
- E. Quadplexes;*
- F. Townhouses;*
- G. Cottage clusters;*
- H. Residential homes;*
- I. Parks, playgrounds, playfields and community or neighborhood centers;*
- J. Home occupations;*
- K. Family day care providers;*
- L. 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);*
- M. 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;*
- N. Transportation facilities.*

Finding: Permitted. This application concerns parking spaces for a triplex development, a permitted use within low-density residential districts, pursuant to subsection D of OCMC 17.08.020.

17.08.040 - Dimensional standards.

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

Table 17.08.040

<i>Standard</i>	<i>R-8</i>
<u><i>Minimum lot size¹</i></u>	
<i>Single-family detached, Duplex & Triplex.....</i>	<i>8,000 sq. ft.</i>
<i>Quadplex and Cottage cluster.....</i>	<i>8,000 sq. ft.</i>
<i>Townhouse.....</i>	<i>1,500 sq. ft.</i>
<u><i>Maximum height:</i></u>	
<i>All, except.....</i>	<i>35 ft., except</i>
<i>Cottage cluster unit.....</i>	<i>25 ft.</i>
<u><i>Maximum building lot coverage</i></u>	
<i>All, except.....</i>	<i>40%, except</i>
<i>With ADU.....</i>	<i>45%</i>
<i>Cottage cluster.....</i>	<i>None</i>
<u><i>Minimum lot width</i></u>	

<i>All, except..... Townhouse.....</i>	<i>60 ft., except 20 ft.</i>
<u><i>Minimum lot depth</i></u> <i>All, except..... Townhouse.....</i>	<i>75 ft., except 75 ft.</i>
<u><i>Minimum front yard setback</i></u> <i>All, except..... Porch..... Cottage cluster.....</i>	<i>15 ft., except 10 ft. 10 ft.</i>
<u><i>Minimum interior side yard setback:</i></u> <i>All, except..... Townhouse.....</i>	<i>7 ft., except 0 ft. (attached) /7 ft. (side)</i>
<u><i>Minimum corner side yard setback</i></u>	<i>10 ft.</i>
<u><i>Minimum rear yard setback</i></u> <i>All, except..... Porch..... Cottage cluster/ADU.....</i>	<i>20 ft., except 15 ft. 10 ft.</i>
<u><i>Garage setbacks</i></u> <i>From Right-of-Way, except..... From Alley.....</i>	<i>20 ft., except 5 ft.</i>

Notes:

1. For land divisions, lot sizes may be reduced pursuant to OCMC 16.08.065.
2. Accessory structures may have reduced setbacks pursuant to OCMC 17.54.010.B.
3. Public utility easements may supersede the minimum setback.

Finding: Complies with condition. This application is to request a Planning Commission adjustment of parking standards for a triplex development. Compliance with the dimensional standards for the zoning district is verified at the time of building permit review. The plans, as provided with this application, appear to meet the dimensional regulations for the R-8 zoning district, including the setback, lot coverage, and building height standards. The Applicant shall obtain all required building permits for the development. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

CHAPTER 17.16 – MIDDLE HOUSING DESIGN STANDARDS

17.16.020 - Applicability.

The standards of this chapter apply to townhouses, triplexes, quadplexes, and cottage clusters in any zone. The applications are processed as a Type I minor site plan and design review per OCMC 17.62.035 concurrently with a building permit application.

Finding: Complies with Condition. This application is to request a Planning Commission adjustment of parking standards for a triplex development. Compliance with the applicable sections of Chapter 17.16 will be reviewed by Staff during the building permit review process. The Applicant shall obtain all

required building permits for the development. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

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.

- 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.*

Finding: Type III Permit. This application is for a Planning Commission adjustment of parking standards. Per OCMC 17.52.015.B, this application shall be reviewed under the Type III approval process. **See Finding from OCMC 17.52.015.B.**

- 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: The application was submitted on December 27, 2023. The application was deemed complete on January 19, 2024. The 120-day deadline date is May 18, 2024.

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.

1. *To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 2. *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.*
 3. *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 as proposed. A pre-application conference was held on August 16, 2023 for the proposed project. The applicant provided the land use application and paid fees on December 27, 2023, within six months of the pre-application conference.

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: Not Applicable. The application submitted is for a Planning Commission adjustment to parking standards and does not require a neighborhood association meeting pursuant to OCMC 17.50.055.

17.50.070 Completeness review and one hundred twenty-day rule.

- A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.*
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.*
The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:
 - 1. All the missing information;*
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
 - 3. Written notice from the applicant that none of the missing information will be provided.*
- 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 fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent 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 sixty 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 as proposed. The application was submitted, and fees were paid, on December 27, 2023. An additional site plan was submitted for the record on December 28, 2023. The application was deemed complete on January 19, 2024. The 120-day deadline is May 18, 2024.

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 as proposed. The application was deemed complete on January 19, 2024. All materials necessary for adequate review have been provided and included as an exhibit of the staff report.

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.

- 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 17.50.080.H, 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 17.50.290.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;

- 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.*

Finding: Complies as proposed. This application is being reviewed through the Type III procedure and is subject to the noticing requirements in subsection B. Notice of the application was posted onsite, mailed to property owners and occupants within 300 feet of the subject site, and provided to affected departments and agencies via email at least twenty days prior to the Planning Commission 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: Complies as proposed. Notice of the land use application was posted on the subject property in accordance with this Section on January 23, 2024, twenty days prior to the first Planning Commission hearing.

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family detached residential dwellings, duplexes, townhouses, and cottage clusters.

Finding: Applicable. This application is concurrent with a proposed triplex development. Off-street parking and loading standards apply to triplex developments.

17.52.015 - Planning commission adjustment of parking standards.

- A. Purpose. The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.*
- B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.*

Finding: Complies as proposed. The applicant seeks to exceed the maximum parking allowance onsite and has filed a land use application with a request for a Type III parking adjustment. For a triplex development, the minimum parking allowance is two parking spaces and the maximum parking allowance is four parking spaces based on the triplex and quadplex parking requirements in Table 17.52.020.

The applicant has submitted the materials required by this Section. The applicant proposes a two-car garage for each triplex unit, for a total of six parking spaces.

The purpose of the maximum parking allowance is to avoid overabundance of parking which encourages single occupancy auto use and creates paved impervious surfaces. Impervious surfaces create greater stormwater and urban heat island impacts, decrease walkability, and contribute to suburban sprawl. The maximum parking standards also encourage the efficient use of land and transportation infrastructure. The purpose of the parking adjustment provisions is to provide flexibility to those uses that may be extraordinary or unique.

- C. Approval criteria for the adjustment are as follows:*
 - 1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.*

Finding: Complies as proposed. The applicant has proposed to exceed the maximum number of parking spaces, not to reduce the minimum. Therefore, this standard should request that the applicant demonstrate that the parking needs for the project are greater than the maximum number of off-street parking allowed by the code.

The maximum number of off-street parking spaces permitted by the code is four spaces for the proposed use. The site currently contains 2 parking spaces. The applicant provided a site plan and building elevations demonstrating the location and appearance of the proposed garages. The applicant provided the following response for this section:

“This application is requesting additional on site parking, not a reduction. The proposal is for (3) detached [triplex units] with their own two car garages.”

2. *Parking analysis for Surrounding Uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.*
 - a. *For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.*
 - b. *The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
 - i. *Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. *Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.*

Finding: Not applicable. The applicant has proposed to exceed the maximum number of parking spaces, not to reduce the minimum. Staff review of on-street parking found that up to twenty-two parallel on-street parking spaces, as defined in OCMC 17.52.020.B.4, currently exist on Longstanding Ct. Eleven properties front Longstanding Ct., and the use of on-street parking appears to be primarily shared between these residences. The future development of the detached triplex units and associated driveways on the property will reduce the on-street parking spaces along Longstanding Ct. to approximately twenty spaces.

The applicant provided the following response for this section:

“The application is for additional on site parking. While there is sufficient parking to accommodate [the use], that would put more parking on the neighborhood streets and impact the amount of street parking available for all the other neighbors. This criteria is not applicable as it is referring to a reduction in on site parking.”

3. *Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.*

Finding: Complies as Proposed. Maximum parking standards encourage the efficient use of land and transportation infrastructure. Allowance of the additional parking on site would not change the use or function of the site as a detached triplex. Additionally, public notice for the proposed parking adjustment was provided via notice sign on the subject site, mailed notice to properties within 300 feet, and notice

on the Oregon City website. No comments identifying that the project would significantly impact the use or function of the site or adjacent sites were received.

The applicant provided the following response for this section:

“The added on site parking will not significantly impact the use or function of the site and/or adjacent sites; it will actually make it less impactful to the neighborhood by providing on site parking for each unit.”

4. *Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*

Finding: Complies as Proposed. The surrounding neighborhood is developed primarily as single-family residential and other low-density residential uses. Single family detached uses do not require parking, but a two-car garage is typical for residences within this suburban neighborhood, which was platted in the 1970s. Each unit of the detached triplex is designed to appear compatible with the surrounding homes and properties, including the attached two-car garages.

The applicant provided the following response for this section:

“The proposed project is (3) detached units, one being the original home developed in the neighborhood and the two others being similar in size and feel of the other homes in the neighborhood. Denial of this application would lead to the design being impacted and changing the look significantly from the other homes in the neighborhood.”

5. *Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*

Finding: Complies as Proposed. The applicant provided the following response for this section:

“The proposal does not impact the safety of adjacent properties and arguably increases it by not having unnecessary street parking.”

The driveways and parking are reviewed for compliance with City standards. Local city street standards accommodate on-street parking on both sides of the street. Additionally, Public notice for the proposed parking adjustment was provided via notice sign on the subject site, mailed notice to properties within 300 feet, and notice on the Oregon City website. Staff does not anticipate any safety impacts due to the request. No comments identifying safety concerns were received.

6. *Services: The proposal will not create a significant impact to public services, including fire and emergency services.*

Finding: Complies as Proposed. The applicant provided the following response for this section:

“The proposal does not impact the public services and arguably makes it safer by having less street parking.”

The additional parking would not appear to have a significant impact on public services. The applicant was not required to provide a transportation impact analysis, and no significant transportation impacts are anticipated. The applicant is required to demonstrate compliance with the Oregon Fire Code through a Fire Access and Water Supply Plan that is reviewed separately from this land use application by the Clackamas Fire District at the time of building permit review.

17.52.020 - Number of automobile spaces required.

- A. *The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Table 17.52.020

LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Triplex and quadplex	2	4

Finding: Adjustment requested. The future use of this property will be a detached triplex. Based on the parking requirements for triplex and quadplex developments, a minimum of 2 and a maximum of 4 parking spaces are allowed for this future use. The applicant proposes a total of 6 parking spaces pursuant to the adjustment of parking standards procedure in OCMC 17.52.015. **Please refer to the analysis in Section 17.52.015 of this report.**

- B. *Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:*
1. *Parking may be located on the same site as the associated use which it is supporting.*

Finding: Complies as Proposed. The proposed parking would all be on the same site as the detached triplex.

2. *Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for the off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.*

Finding: Not applicable. No use other than the triplex development is proposed for this site.

3. *Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.*

Finding: Not applicable. No shared parking facilities are proposed.

4. *On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:*
 - a. *Dimensions. The following constitutes one on-street parking space:*
 - i. *Parallel parking: twenty-two feet of uninterrupted and available curb;*
 - ii. *Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;*
 - iii. *Ninety-degree (perpendicular) parking: Twelve feet of curb.*
 - iv. *Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.*

Finding: Not applicable. Though on-street parking may be counted toward the minimum standard, it is not required to be included in the calculation of a use's number of parking spaces. Standards for on-street parking are for commercial uses only, and do not apply to this application. **Please refer to the analysis in Section 17.52.015 of this report.**

- C. *Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.*
 1. *Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the downtown parking overlay by fifty percent.*
 2. *Transit Oriented Development. For projects not located within the downtown parking overlay district, the minimum required number of parking stalls is reduced up to twenty-five percent when:*
 - a. *In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius);*
 - b. *When adjacent to multi-family development with over eighty units; or*
 - c. *Within one thousand three hundred twenty feet of an existing or planned public transit street and within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).*
 3. *Tree Preservation. The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.*
 4. *Transportation Demand Management. The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.*

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

5. *The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.*

Finding: Not applicable. None of the above situations apply. The applicant is not proposing a reduction to the number of minimum parking spaces.

17.52.030 - Standards for automobile parking.

- A. *Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.*

Finding: Complies with condition. The ingress and egress of the proposed garages would be served by driveways that provide a connection to the public right-of-way. All new or modified driveways are reviewed for compliance with OCMC 16.12.035 at the time of building permit review. The Applicant shall obtain all required building permits for the development. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- B. *Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.*

Finding: Complies as proposed. The applicant has proposed paved surfaces for all off-street parking spaces and driveways.

- C. *Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.*

Finding: Complies with condition. The drainage of the proposed driveways are reviewed for compliance with OCMC 13.12 at the time of building permit review. The Applicant shall obtain all required building permits for the development. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- D. *Dimensional Standards.*

1. *Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking*

stalls are designed to standard dimensions. The Community Development Director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

PARKING STANDARD / PARKING ANGLE SPACE DIMENSIONS

A Parking Angle		B Stall Width	C Stall to Curb	D Aisle Width	E Curb Length	F Overhang
0 degrees		8.5	9'	12'	20'	0
30 degrees	Standard Compact	9' 8'	17.3' 14.9'	11' 11'	18' 16'	
45 degrees	Standard Compact	8.5 8.5	19.8' 17'	13' 13'	12.7' 11.3'	1.4
60 degrees	Standard Compact	9' 8'	21' 17.9'	18' 16'	10.4' 9.2'	1.7
90 degrees	Standard Compact	9' 8'	19' 16'	24' 22'	9' 8'	1.5

All dimensions are to the nearest tenth of a foot.

Finding: Not applicable. This section is meant to provide dimensions for parking stalls and aisles. The parking plan provided for this application is for two-car garages served by driveways—not for parking stalls along an aisle. The plan provided shall be considered an alternative parking plan for this chapter.

2. *Alternative parking/plan. Any applicant may propose an alternative parking plan. Such plans are often proposed to address physically constrained or smaller sites, however innovative designs for larger sites may also be considered. In such situations, the Community Development Director may approve an alternative parking lot plan with variations to parking dimensions of this section. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while providing landscaping to the quantity and quality found within parking lot landscaping requirements.*

Finding: Complies with condition. The parking plan provided with this application appears to create a safe space for automobiles and pedestrians. The garages are setback a minimum of twenty feet from the right-of-way to provide sufficient space for maneuvering. Detailed floor plans have not been provided with this application. At the time of building permit review, staff shall verify the dimensions of the parking stalls within the garages meet the length and width standards for 90-degree parking as outlined in OCMC 17.52.030.D.1. **Staff has determined that it is possible, likely, and reasonable that the applicant can meet this standard through the Conditions of Approval.**

- E. *Carpool and Vanpool Parking. New developments with seventy-five or more parking spaces, excluding projects where seventy-five percent or more of the total floor area is residential, and new hospitals, government offices, group homes, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but*

not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of ADA accessible parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

Finding: Not applicable. The proposed development is a residential project with six proposed parking stalls. Carpool and vanpool parking requirements do not apply.

17.52.040 - Bicycle parking standards.

- A. *Purpose-Applicability. To encourage bicycle transportation to help reduce principal reliance on the automobile, and to ensure bicycle safety and security, bicycle parking shall be provided in conjunction with all uses other than exclusively residential use with less than five dwellings on-site (excluding cottage clusters).*

Finding: Not applicable. This is for an exclusively residential use with less than five dwellings on-site. Bicycle parking standards do not apply.

17.52.060 - Parking lot landscaping.

Purpose. The purpose of this code section includes the following:

- 1. To enhance and soften the appearance of parking lots;*
 - 2. To limit the visual impact of parking lots from sidewalks, streets and particularly from residential areas;*
 - 3. To shade and cool parking areas;*
 - 4. To reduce air and water pollution;*
 - 5. To reduce stormwater impacts and improve water quality; and*
 - 6. To establish parking lots that are more inviting to pedestrians and bicyclists.*
- A. *Applicability. Unless otherwise specified, construction of new parking lots and alterations of existing parking lots shall comply with parking lot landscaping standards. Parking lot landscaping requirements within this section do not apply to parking structures or parking garages, except landscaping as required in OCMC 17.62.*

Finding: Not applicable. Parking for this development is proposed to be within attached garages. The paved driveways are not counted as parking spaces. No parking lot is proposed with this application.

III. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above, Staff concludes that the proposed development and parking adjustment at 11731 Longstanding Court, Oregon City, Oregon 97045, identified as Clackamas County Map 3-1E-12AA, Tax Lot 9000, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends that the Planning Commission approve files GLUA-23-00040 / PARK-23-00002 with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

- A. Applicant's Narrative and Plans (On File)
- B. Vicinity Map (On File)



LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
- ☐ Lot Line Adjustment
- ☐ Non-Conforming Use Review
- ☐ Natural Resource (NROD) Verification
- ☐ Site Plan and Design Review

Type II (OCMC 17.50.030.B)

- ☐ Extension
- ☐ Detailed Development Review
- ☐ Geotechnical Hazards
- ☐ Minor Partition (<4 lots)
- ☐ Minor Site Plan & Design Review
- ☐ Non-Conforming Use Review
- ☐ Site Plan and Design Review
- ☐ Subdivision (4+ lots)
- ☐ Minor Variance
- ☐ Natural Resource (NROD) Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
- ☐ Code Interpretation / Similar Use
- ☐ Concept Development Plan
- ☐ Conditional Use
- ☐ Comprehensive Plan Amendment (Text/Map)
- ☐ Detailed Development Plan
- ☐ Historic Review
- ☐ Municipal Code Amendment
- ☒ Variance
- ☐ Zone Change

File Number(s): GLUA-23-00040 / PARK-23-00002(LOT 1 BUILDING PERMIT - BRESI-23-00103)

Proposed Land Use or Activity: VARIANCE TO REQUIRED MAXIMUM PARKING REQUIREMENTS TO ALLOW ADDITIONAL ON SITE PARKING

Project Name: LONGSTANDING **Number of Lots Proposed (If Applicable):** _____

Physical Address of Site: 11731 LONG STANDING CT

Clackamas County Map and Tax Lot Number(s): NO. 3-1C-12AA TAX LOT 9000

Applicant(s):

Applicant(s) Signature: _____

Applicant(s) Name Printed: JT Portlock **Date:** 12/26/23

Mailing Address: PO BOX 521 WEST LANE OR 97068

Phone: 425-829-1566 **Fax:** _____ **Email:** jportlock@theportlockco.com

Property Owner(s):

Property Owner(s) Signature: Amy Schnell

Property Owner(s) Name Printed: LONGSTANDING LLC **Date:** Dec 26, 2023

Mailing Address: 11731 LONG STANDING CT OREGON CITY

Phone: 503-349-2567 **Fax:** _____ **Email:** akschnell@gmail.com

Representative(s):

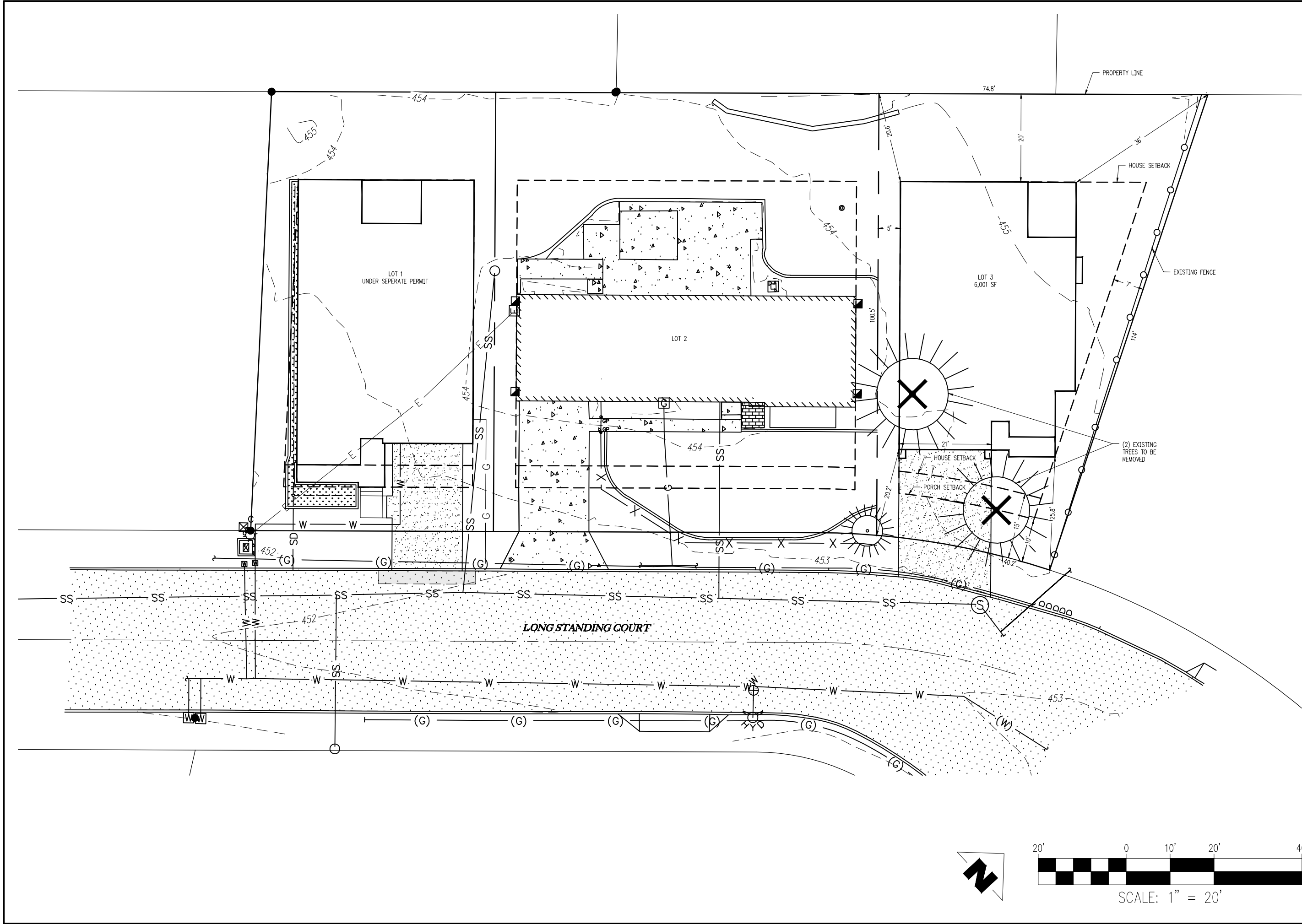
Representative(s) Signature: _____

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.



Item #2.

JJ PORTLOCK
2172 TANNER DRIVE
WEST LINN, OR 97068

LOT 3

SITE PLAN

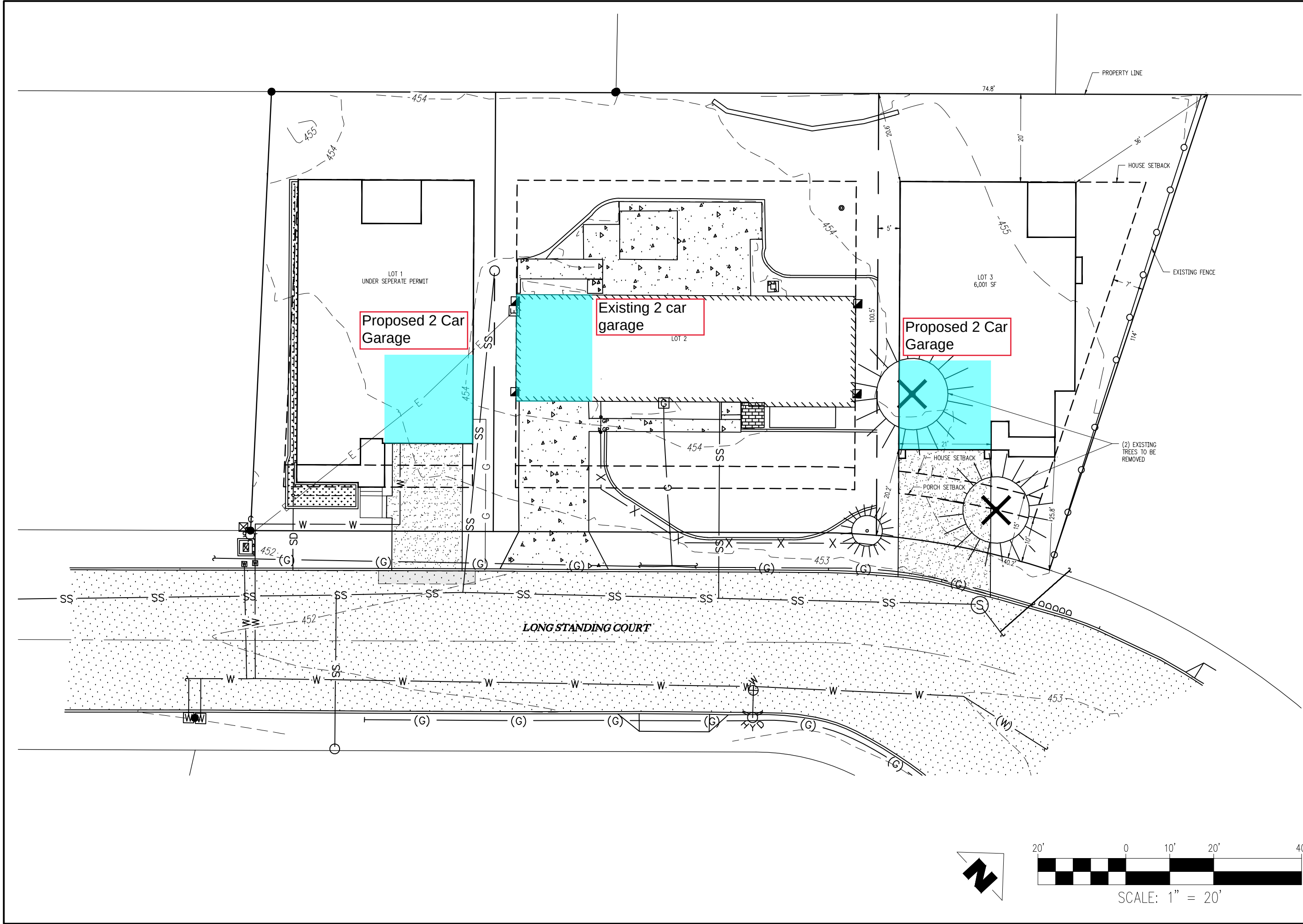
LONG STANDING COURT
WEST LINN, OR

EMERIO
ENGINEERING • SURVEYING • DESIGN
1500 VALLEY RIVER DRIVE, SUITE 100
EUGENE, OREGON 97401
TEL: (503) 746-8812
FAX: (503) 638-9592
www.emeriodesign.com

ORIGIN

10/ Page 38

FILE P: \1944-002 11731 Long Standing Ct\Long Stn Lot 3\1944-002_site, Layout, Plot Date: 10/19/2023 4:42 PM, by: Keaton Smith



JJ PORTLOCK 2172 TANNER DRIVE WEST LINN, OR 97068	
LOT 3 SITE PLAN LONG STANDING COURT WEST LINN, OR	
EMERIO ENGINEERING • SURVEYING • DESIGN 1500 VALLEY RIVER DRIVE, SUITE 100 EUGENE, OREGON 97401 TEL: (503) 746-8812 FAX: (503) 638-9592 www.emeriodesign.com	
10/	ORIGIN Page 39

FILE P: \1944-002 11731 Long Standing Ct\wg\civ\Lot 3\1944-002_site, Layout: Layout1, Plot Date: 10/19/2023 4:42 PM, by: Kieran Smith



1 ELEVATION - NORTH
1/4" = 1'-0"



2 ELEVATION - EAST
1/4" = 1'-0"

EXTERIOR ELEVATION LEGEND

- | | |
|----|--|
| 1 | ASPHALT SHINGLE ROOF |
| 2 | 8x SOLID WOOD FACIA BOARD W/ 4" SOLID WOOD FACIA BOARD ON TOP (SEE DETAILS). |
| 3 | 4" SOLID WOOD TRIM AROUND WINDOW & DOORS. SEE ELEVATION FOR CONFIGURATION VARIATIONS. TYP. |
| 4 | 4" SOLID WOOD TRIM AT BUILDING CORNERS. TYP. |
| 5 | 4" LAP SIDING, TYP. |
| 6 | STONE VENEER, TBD. |
| 7 | 36" HEIGHT RAILING, TYPE TBD. |
| 8 | 2" X 14" DECORATIVE WOOD BRACKETS AT ROOF EAVE, TYP. |
| 9 | 12" SOLID WOOD BELLY BAND, TYP. |
| 10 | CEDAR SHAKE SIDING. |
| 11 | 6" SOLID WOOD, BOTTOM OF WALL TRIM, TYP. |

Jurisdiction of Authority
stamp of Approval

The Portlock Company LLC

Contact: JJ Portlock
jjportlock@gmail.com
425.829.1566
P.O. Box 521, West Linn, Oregon 97068

Derkatch | design studio, llc
natasha@derkatchdesignstudio.com
phone: 541.514.1729

OREGON
CITY: LOT
1

EXTERIOR
ELEVATIONS

Project # 03-2023

Date 04/06/2023

Drawn By:

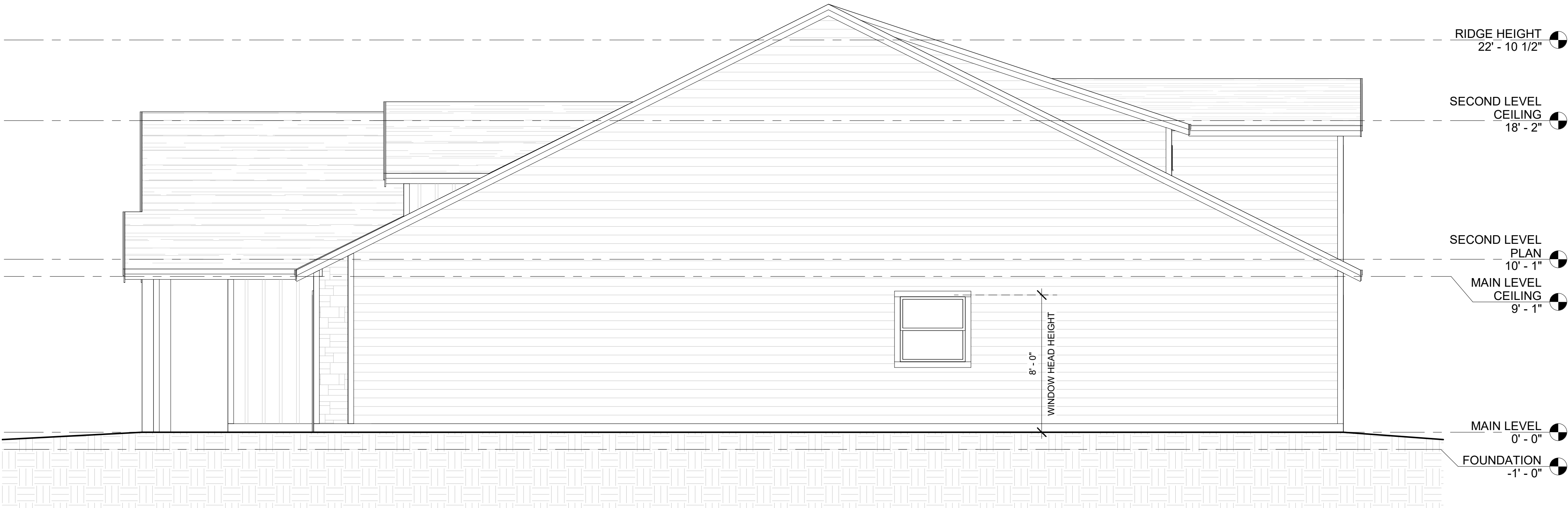
N.Derkatch

A3.0

Scale 1/4" = 1'-0"



1 ELEVATION - SOUTH
1/4" = 1'-0"



2 ELEVATION - WEST
1/4" = 1'-0"

EXTERIOR ELEVATION LEGEND

- | | |
|----|--|
| 1 | ASPHALT SHINGLE ROOF |
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Jurisdiction of Authority
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P.O. Box 521, West Linn, Oregon 97068

Derkatch design studio, llc
natasha@derkatchdesignstudio.com
phone: 541.514.1729

OREGON
CITY: LOT
1

EXTERIOR
ELEVATIONS

Project # 03-2023

Date 04/06/2023

Drawn By:

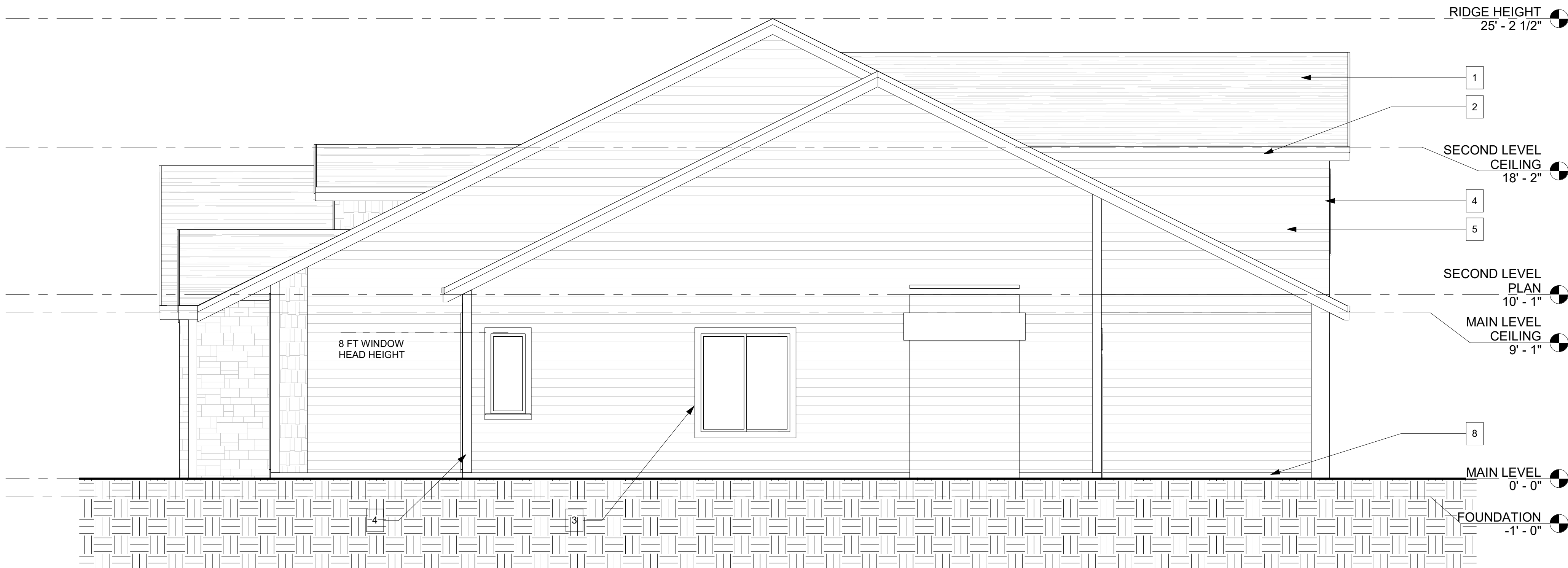
N.Derkatch

A3.1

Scale 1/4" = 1'-0"



1 ELEVATION - NORTH
1/4" = 1'-0"



2 ELEVATION - EAST
1/4" = 1'-0"

EXTERIOR ELEVATION LEGEND

- | | |
|---|--|
| 1 | ASPHALT SHINGLE ROOF |
| 2 | 10x SOLID WOOD FACIA BOARD W/ 4" SOLID WOOD FACIA BOARD ON TOP. |
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| 7 | CEDAR SHAKE SIDING. |
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Jurisdiction of Authority
stamp of Approval

The Portlock Company LLC

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jjportlock@gmail.com
425.829.1566
P.O. Box 521, West Linn, Oregon 97068

Derkatch | design studio, llc
natasha@derkatchdesignstudio.com
phone: 541.514.1729

OREGON
CITY: LOT
2

EXTERIOR
ELEVATIONS

Project # 03-2023

Date 06/18/2023

Drawn By:

N.Derkatch

A3.0

Scale 1/4" = 1'-0"

6/18/2023 3:30:43 PM

Please complete the following template with as much detail as possible in your responses to applicable sections. Please note that applications with responses that lack sufficient detail will be deemed incomplete. For questions on this template, please contact the planner you are working with.

TYPE II –SITE PLAN AND DESIGN REVIEW

Applicant's Submittal

Date

APPLICANT: The Portlock Company
PO Box 521 West Linn, OR 90768

OWNER: Longstanding LLC
11731 Longstanding Ct, Oregon City, OR

REQUEST: Variance to parking requirement to allow addition on site parking

LOCATION: 11731 Long Standing Ct
Map No. 3-1e-12AA, Tax Lot 9000

I. BACKGROUND:

1. Existing Conditions

2. Project Description

The subject property has been approved for a middle housing land division to create a “detached Triplex” with 3 units on individual lots with one home being the existing home. The anticipated plan is to have the two new units be traditional single-family designs with attached garages like all the homes in the neighborhood. The parking allowance for a triplex is a maximum of 4 off street parking for a triplex or quadplex. I’m requesting a variance to this to allow for more off street parking of 6 total parking spots, 2 on each unit.

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

Chapter 17.08 Low Density Residential Districts

Chapter 17.50 Administration And Procedures

Chapter 17.52 Off-Street Parking And Loading

REQUIRED CODE RESPONSES:**CHAPTER 17.08 LOW DENSITY RESIDENTIAL DISTRICTS**

Applicant's Response: The project is in compliance with the R-8 designation and no changes or variances are being requested as part of this application for this section, therefore this section in its entirety is not applicable.

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 Land Division
<i>Annexation</i>				X	
<i>Compatibility review for communication facilities</i>	X				
<i>Compatibility review for the Willamette Greenway Overlay District</i>			X		
<i>Code Interpretation</i>			X		
<i>Master plan/planned unit development - General Development plan</i>			X		
<i>Master plan/planned unit development - General Development plan amendment</i>	X	X	X		
<i>Conditional use (excluding shelters)</i>			X		
<i>Conditional use for a shelter</i>				X	

Detailed development plan*	X	X	X		
Expedited land division		X(modified)			X
Extension	X				
Final plat	X				
Geologic hazards		X			
Historic review	X		X		
Live/Work dwelling review		X			
Lot line adjustment and abandonment	X				
Manufactured home park review (new or modification)	X				
Middle housing land division		X(modified)			X
Minor partition		X			
Modifications of residential design standards		X			
Natural resource overlay district exemption	X				
Natural resource overlay district review		X	X		
Nonconforming use, structure and lots review	X	X			
Placement of a single manufactured home on existing space or lot within a park	X				
Plan or code amendment					X
Residential design standards review for single-family detached, duplexes, triplexes, quadplexes, townhouses, cottage clusters and accessory dwelling units (uses minor site plan and design review)	X				
Revocation					X
Site plan and design review	X	X			
Subdivision		X			X
Variance		X	X		
Zone Change				X	

**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. Expedited land divisions and middle housing land divisions are subject to the requirements of OCMC 16.24. The expedited land division (ELD) process is set forth in ORS 197.360 to 197.380.*
- 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.*

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.

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.*
- 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. 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.*
 - 3. 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.*

Applicant's Response: The pre-application conference was been completed on 8/16/23

- 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.*

Applicant's Response: The pre-application conference was been completed on 8/16/23 and still within the 6 month period

- 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.*

Applicant's Response: The pre-application conference was been completed on 8/16/23

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.*

Applicant's Response: The project is not location within a designated neighborhood association and therefore not required to hold a meeting

17.50.060 Application requirements.

A permit application may only be initiated by the record property owner or contract purchaser, the City

Commission or Planning Commission. If there is more than one record owner, then the City will not complete a Type II—IV application without signed authorization from all record owners. All permit applications shall be submitted on the form provided by the City, along with the appropriate fee and all necessary supporting documentation and information, sufficient to demonstrate compliance with all applicable approval criteria. The applicant has the burden of demonstrating, with evidence, that all applicable approval criteria are, or can be, met.

Applicant's Response: The owner has signed the application and authorized the request

17.50.070 Completeness review and one hundred twenty-day rule.

- A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.*
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.*

The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:

- 1. All the missing information;*
- 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
- 3. Written notice from the applicant that none of the missing information will be provided.*
- 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 fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent 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 sixty 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.*

Applicant's Response: The applicant understands the approval process

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.*

Applicant's Response: All required items are included in this application

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.*

Applicant's Response: The applicant understands the notice process

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 17.50.080.H, 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 17.50.290.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;*
- 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.*

Applicant's Response: The applicant understands the notice process

- 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.*

Applicant's Response: The applicant understands the notice process

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.*
- A. 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.*

Applicant's Response: The applicant will place all notices necessary and provided by the city

7.50.110 Assignment of decision-makers.

The following City entity or official shall decide the following types of applications:

- A. *Type I Decisions. The Community Development Director shall render all Type I decisions. The Community Development Director's decision is the City's final decision on a Type I application.*
- B. *Type II Decisions. The Community Development Director shall render the City's decision on all Type II permit applications, which are then appealable to the City Commission with notice to the Planning Commission. The City's final decision is subject to review by LUBA.*
- C. *Type III Decisions. The Planning Commission or Historic Review Board, as applicable, shall render all Type III decisions. Such decision is appealable to the City Commission, on the record. The City Commission 's decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.*
- D. *Type IV Decisions. The Planning Commission shall render the initial decision on all Type IV permit applications. If the Planning Commission denies the Type IV application, that decision is final unless appealed in accordance with OCMC 17.50.190. If the Planning Commission recommends approval of the application, that recommendation is forwarded to the City Commission. The City Commission decision is the City's final decision on a Type IV application and is subject to review LUBA.*
- E. *Expedited Land Division (ELD). The Community Development Director shall render the initial decision on all ELD applications. The Community Development Director's decision is the City's final decision unless appealed in accordance to ORS 197.375 to a City-appointed hearings referee. The hearings referee decision is the City's final decision which is appealable to the Oregon Court of Appeals.*

Applicant's Response: The applicant understands the decision makers for this application

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 17.50.090.B.*
- 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;*
 5. *That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and*
 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.*

Applicant's Response: The applicant understands the hearing process with this application.

17.50.130 Conditions of approval and notice of decision.

- A. All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.*
- B. Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.*
- C. Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:*
 - 1. The file number and date of decision;*
 - 2. The name of the applicant, owner and appellant (if different);*
 - 3. The street address or other easily understood location of the subject property;*
 - 4. A brief summary of the decision, and if an approval, a description of the permit approved;*
 - 5. A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
 - 6. The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*
- D. Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.*

Applicant's Response: The applicant understand the notice of decision process.

17.50.140 – Financial guarantees.

Applicant's Response: No public improvements are being proposed or constructed with this application therefore this entire code section is not applicable.

17.50.141 – Public improvements – Warranty

Applicant's Response: No public improvements are being proposed or constructed with this application therefore this code section is not applicable

CHAPTER 17.52 OFF-STREET PARKING AND LOADING

17.52.010 - Applicability.

The construction of a new structure or parking lot, or alterations to the size or use of an existing structure, parking lot or property use shall require site plan review approval and compliance with this chapter. This chapter does not apply to single-family attached, detached residential dwellings, duplexes, townhouses and cottage clusters.

Applicant's Response: The projects is detached single family dwellings so this section is not applicable

17.52.015 - Planning commission adjustment of parking standards.

- A. Purpose. The purpose of permitting a planning commission adjustment to parking standards is to provide for flexibility in modifying parking standards in all zoning districts, without permitting an adjustment that would adversely impact the surrounding or planned neighborhood. Adjustments provide flexibility to those uses which may be extraordinary, unique, or provide greater flexibility for areas that can accommodate a denser development pattern based on existing infrastructure and ability to access the site by means of walking, biking or transit. An adjustment to a minimum parking standard may be approved based on a determination by the planning commission that the adjustment is consistent with the purpose of this code, and the approval criteria can be met.*
- B. Procedure. A request for a planning commission parking adjustment shall be initiated by a property owner or authorized agent by filing a land use application. The application shall be accompanied by a site plan, drawn to scale, showing the dimensions and arrangement of the proposed development and parking plan, the extent of the adjustment requested along with findings for each applicable approval criteria. A request for a parking adjustment shall be processed as a Type III application as set forth in Chapter 17.50.*
- C. Approval criteria for the adjustment are as follows:*
 - 1. Documentation: The applicant shall document that the individual project will require an amount of parking that is different from that required after all applicable reductions have been taken.*

Applicant's Response: This application is requesting additional on site parking, not a reduction. The proposal is for (3) detached townhomes with their own two car garages

2. *Parking analysis for Surrounding Uses and on-street parking availability: The applicant shall show that there is a continued fifteen percent parking vacancy in the area adjacent to the use during peak parking periods and that the applicant has permission to occupy this area to serve the use pursuant to the procedures set forth by the Community Development Director.*
 - a. *For the purposes of demonstrating the availability of on street parking as defined in OCMC 17.52.020.B.3., the applicant shall undertake a parking study during time periods specified by the Community Development Director. The time periods shall include those during which the highest parking demand is anticipated by the proposed use. Multiple observations during multiple days shall be required. Distances are to be calculated as traversed by a pedestrian that utilizes sidewalks and legal crosswalks or an alternative manner as accepted by the Community Development Director.*

Applicant's Response: The application is for additional on site parking, while there is sufficient parking to accomdate for the allowed off site parking that would put more parking on the neighborhood streets and impact the amount of street parking available for all the other neighbors. This criteria is not applicable as it is referring to a reduction in on site parking

- b. *The onsite parking requirements may be reduced based on the parking vacancy identified in the parking study. The amount of the reduction in onsite parking shall be calculated as follows:*
 - i. *Vacant on-street parking spaces within three hundred feet of the site will reduce onsite parking requirements by 0.5 parking spaces; and*
 - ii. *Vacant on-street parking spaces between three hundred and six hundred feet of the site will reduce onsite parking requirements by 0.2 parking spaces.*

Applicant's Response: The application is for additional on site parking, not a reduction so this criteria is not applicable

3. *Function and Use of Site: The applicant shall demonstrate that modifying the amount of required parking spaces will not significantly impact the use or function of the site and/or adjacent sites.*

Applicant's Response: The added on site parking will not significantly impact the use or function of the site and/or adjacent sites, it will actually make it less impactful to the neighborhood by providing on site parking for each unit

4. *Compatibility: The proposal is compatible with the character, scale and existing or planned uses of the surrounding neighborhood.*

Applicant's Response: The proposed project is (3) detached units, one being the original home developed in the neighborhood and the two others being similar in size and feel of the other homes in

the neighborhood. Denial of this application would lead to the design being impacted and changing the look significantly from the other homes in the neighborhood.

5. *Safety: The proposal does not significantly impact the safety of adjacent properties and rights-of-way.*

Applicant's Response: The proposal does not impact the safety of adjacent properties and arguably increases it by not having unnecessary street parking

6. *Services: The proposal will not create a significant impact to public services, including fire and emergency services.*

Applicant's Response: The proposal does not impact the public services and arguably makes it safer by having less street parking

17.52.020 - Number of automobile spaces required.

- A. *The number of parking spaces shall comply with the minimum and maximum standards listed in Table 17.52.020. The parking requirements are based on spaces per one thousand square feet net leasable area unless otherwise stated.*

Table 17.52.020

LAND USE	PARKING REQUIREMENTS	
	MINIMUM	MAXIMUM
Multi-family Residential	1 per unit	2.5 per unit
Triplex and quadplex	2	4
Hotel, Motel	1 per guest room	1.25 per guest room
Correctional Institution	1 per 7 beds	1 per 5 beds
Senior housing, including congregate care, residential care and assisted living facilities; nursing homes and other types of group homes	1 per 7 beds	1 per 5 beds
Hospital	2	4
Preschool Nursery/Kindergarten	2	3
Elementary/Middle School	1 per classroom	1 per classroom + 1 per administrative employee + 0.25 per seat in auditorium/assembly room/stadium
High School, College, Commercial School for Adults	0.20 per # staff and students	0.30 per # staff and students

<i>Auditorium, Meeting Room, Stadium, Religious Assembly Building, movie theater,</i>	<i>.25 per seat</i>	<i>0.5 per seat</i>
<i>Retail Store, Shopping Center, Restaurants</i>	<i>4.10</i>	<i>5</i>
<i>Office</i>	<i>2.70</i>	<i>3.33</i>
<i>Medical or Dental Clinic</i>	<i>2.70</i>	<i>3.33</i>
<i>Sports Club, Recreation Facilities</i>	<i>Case Specific</i>	<i>5.40</i>
<i>Storage Warehouse, Freight Terminal</i>	<i>0.30</i>	<i>0.40</i>
<i>Manufacturing, Wholesale Establishment</i>	<i>1.60</i>	<i>1.67</i>
<i>Light Industrial, Industrial Park</i>	<i>1.3</i>	<i>1.60</i>

1. *Multiple Uses. In the event several uses occupy a single structure or parcel of land, the total requirements for off-street parking shall be the sum of the requirements of the several uses computed separately.*

Applicant's Response: The code is written to have a maximum of 4 on site parking spaces for a triplex rather than having a min or max per unit. The proposal is to have 2 on site parking spaces per unit for a total of 6

2. *Requirements for types of buildings and uses not specifically listed herein shall be determined by the Community Development Director, based upon the requirements of comparable uses listed.*

Applicant's Response: This item is not applicable to this application.

3. *Where calculation in accordance with the above list results in a fractional space, any fraction less than one-half shall be disregarded and any fraction of one-half or more shall require one space.*

Applicant's Response: This item is not applicable to this application.

- B. *Parking requirements can be met either onsite, or offsite by meeting one or multiple of the following conditions:*

1. *Parking may be located on the same site as the associated use which it is supporting.*

Applicant's Response: This item is not applicable to this application.

2. *Mixed Uses. If more than one type of land use occupies a single structure or parcel of land, the total requirements for the off-street automobile parking shall be the sum of the requirements for all uses, unless it can be shown that the peak parking demands are actually less (e.g. the uses operate on different days or at different times of the day). In that case, the total requirements shall be reduced accordingly, up to a maximum reduction of fifty percent, as determined by the Community Development Director.*

Applicant's Response: This item is not applicable to this application.

3. *Shared Parking. Required parking facilities for two or more uses, structures, or parcels of land may be satisfied by the same parking facilities used jointly, to the extent that the owners or operators show that the need for parking facilities does not materially overlay (e.g., uses primarily of a daytime versus nighttime nature), that the shared parking facility is within one thousand feet of the potential uses, and provided that the right of joint use is evidenced by a recorded deed, lease, contract, or similar written instrument authorizing the joint use.*

Applicant's Response: This item is not applicable to this application.

4. *On-Street Parking. On-street parking may be counted toward the minimum standards when it is on the street face abutting the subject land use. An on-street parking space shall not obstruct a required clear vision area and it shall not violate any law or street standard. On-street parking for commercial uses shall conform to the following standards:*
 - a. *Dimensions. The following constitutes one on-street parking space:*
 - i. *Parallel parking: twenty-two feet of uninterrupted and available curb;*
 - ii. *Forty-five and/or sixty-degree diagonal parking: Fifteen feet of curb;*
 - iii. *Ninety-degree (perpendicular) parking: Twelve feet of curb.*
 - iv. *Public Use Required for Credit. On-street parking spaces counted toward meeting the parking requirements of a specific use may not be used exclusively by that use but shall be available for general public use at all times. Signs or other actions that limit general public use of on-street spaces are prohibited.*

Applicant's Response: This item is not applicable to this application.

- C. *Reduction of the Number of the Minimum Automobile Spaces Required. Any combination of the reductions below is permitted unless otherwise noted.*
 1. *Downtown Parking Overlay. The minimum required number of parking stalls is reduced within the downtown parking overlay by fifty percent.*
 2. *Transit Oriented Development. For projects not located within the downtown parking overlay district, the minimum required number of parking stalls is reduced up to twenty-five percent when:*
 - a. *In a commercial center (sixty thousand square feet or greater of retail or office use measured cumulatively within a five hundred foot radius);*

- b. *When adjacent to multi-family development with over eighty units; or*
 - c. *Within one thousand three hundred twenty feet of an existing or planned public transit street and within one thousand three hundred twenty feet of the opposite use (commercial center or multi-family development with over eighty units).*
3. *Tree Preservation. The Community Development Director may grant an adjustment to any standard of this requirement provided that the adjustment preserves a designated heritage tree or grove so that the reduction in the amount of required pavement can help preserve existing healthy trees in an undisturbed, natural condition.*
 4. *Transportation Demand Management. The Community Development Director shall reduce the required number of parking stalls up to twenty-five percent when a parking-traffic study prepared by a traffic engineer demonstrates alternative modes of transportation, including transit, bicycles, and walking, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared to standard Institute of Transportation Engineers vehicle trip generation rates and further that the transportation demand management program promotes or achieves parking utilization lower than minimum city parking requirements.*

A transportation demand management (TDM) program shall be developed to include strategies for reducing vehicle use and parking demand generated by the development and will be measured annually. If, at the annual assessment, the City determines the plan is not successful, the plan may be revised. If the City determines that no good-faith effort has been made to implement the plan, the City may take enforcement actions.

Applicant's Response: This item is not applicable to this application.

5. *The minimum required number of stalls may be reduced by up to ten percent when the subject property is adjacent to an existing or planned fixed public transit route or within one thousand feet of an existing or planned transit stop.*

Applicant's Response: This item is not applicable to this application.

17.52.030 - Standards for automobile parking.

- A. *Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety and meet requirements of OCMC 16.12.035. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley.*

Applicant's Response: The proposal is for 3 separate 2 car garages with their own driveways

- B. *Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that*

reduce storm water runoff and improve water quality pursuant to the City's stormwater and low impact development design standards are encouraged.

Applicant's Response: Drainage requirements are being designed and handled through the building permit process to meet the requirements.

C. Drainage. Drainage shall be designed in accordance with the requirements of OCMC 13.12 and the City public works stormwater and grading design standards.

Applicant's Response: Drainage requirements are being designed and handled through the building permit process to meet the requirements.

D. Dimensional Standards.

Applicant's Response: This application is not designing or modifying on street designs therefore this entire code section is not applicable.

17.52.060 - Parking lot landscaping.

Applicant's Response: This application does not contain a parking lot design so therefore this entire code section is not applicable.

Applicant's Response:

17.52.080 - Maintenance.

Applicant's Response: This application is for on site parking own and maintained by the property owner, this code section is not applicable.

17.52.090 - Loading areas.

Applicant's Response: This application does not have any loading areas, therefore this code section is not applicable.

CHAPTER 17.60 VARIANCES

17.60.010 Authority.

According to procedures set forth in OCMC 17.60.030, the planning commission or the Community

Development Director may authorize variances from the requirements of this title. In granting a variance, the Planning Commission or Community Development Director may attach conditions to protect the best interests of the surrounding property or neighborhood and otherwise achieve the purposes of this title. No variances shall be granted to allow the use of property for a purpose not authorized within the zone in which the proposed use would be located.

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.*

Applicant's Response: The applicant understands the process for the 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*

Applicant's Response: The applicant understands the process for the variance request

- 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 17.50.030.B, 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, townhomes, accessory dwelling units, triplex, quadplexes, and cluster housing in OCMC 17.14, 17.16, 17.20, 17.21 and 17.22.*

Applicant's Response: The applicant understands the process for the variance request

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;*
- B. That the request is the minimum variance that would alleviate the hardship;*
- C. Granting the variance will equal or exceed the purpose of the regulation to be modified.*
- D. Any impacts resulting from the adjustment are mitigated;*
- E. No practical alternatives have been identified which would accomplish the same purpose and not require a variance; and*
- F. The variance conforms to the comprehensive plan and the intent of the ordinance being varied.*

Applicant's Response: The proposed variance would have less impact on the adjacent neighbors in terms of additional street parking, aesthetically changing the look of the community by having structures with not garages consistent with the rest of the neighborhood and potential safety impacts of the added street parking to allow the public service vehicles to make access around the cul-de-sac. The code section for approval of the variance addresses the reduction of required on site parking, this application is to increase the on site parking. For these reasons, this application and variance should be approved.



1500 NW Bethany Boulevard, Ste 155
Beaverton, OR 97006
Phone (503) 850-3990 Fax

WFG National Title Insurance Company
Leah Burton
1500 NW Bethany Boulevard, Ste 155
Beaverton, OR 97006

Date Prepared: October 4, 2023

SECOND SUPPLEMENTAL PRELIMINARY TITLE REPORT

Order Number: **23-110903**
Escrow Officer: Leah Burton
Phone: (503) 850-3990
Fax: (503) 214-8982
Email: teamburton@wfgnationaltitle.com

Seller(s): Michael Grubbe and Amy Schnell
Buyer(s): To Follow

Property: 11731 Longstanding Court, Oregon City, OR 97045

The following items have been amended:
Updated vesting

WFG National Title Insurance Company, is prepared to issue a title insurance policy, as of the effective date and in the form and amount shown on Schedule A, subject to the conditions, stipulations and exclusions from coverage appearing in the policy form and subject to the exceptions shown on Schedule B. This Report (and any Amendments) is preliminary to and issued solely for the purpose of facilitating the issuance of a policy of title insurance at the time the real estate transaction in question is closed and no liability is assumed in the Report. The Report shall become null and void unless a policy is issued and the full premium paid.

This report is for the exclusive use of the person to whom it is addressed. Title insurance is conditioned on recordation of satisfactory instruments that establish the interests of the parties to be insured; until such recordation, the Company may cancel or revise this report for any reason.

SCHEDULE A

1. The effective date of this preliminary title report is **8:00 A.M. on 28th day of September, 2023**
2. The policies and endorsements to be insured and the related charges are:

<u>Policy/Endorsement Description</u>	<u>Liability</u>		<u>Charge</u>
ALTA 2006 Owners Policy	TBD		\$0.00
Short Term Rate		\$0.00	

Proposed Insured: To Follow

<u>Policy/Endorsement Description</u>	<u>Liability</u>		<u>Charge</u>
ALTA 2006 Ext. Loan Policy	TBD		\$100.00
Basic Loan Rate		\$0.00	
OTIRO 208.1-06 (enviro), 209.10-06 (Restric) and 222-06 (loc)		\$100.00	

Proposed Insured:

Government Service Fee: \$35.00

This is a preliminary billing only, a consolidated statement of charges, credits and advances, if any, in connection with this order will be provided at closing.

3. Title to the land described herein is vested in:

Longstanding, LLC, an Oregon limited liability company

4. The estate or interest in land is:

Fee Simple

5. The land referred to in this report is described as follows:

SEE ATTACHED EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

EXHIBIT "A"
LEGAL DESCRIPTION

Lot 2, Long Standing Acres, in the City of Oregon City, County of Clackamas and State of Oregon.

SCHEDULE B

GENERAL EXCEPTIONS

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

SPECIAL EXCEPTIONS

6. 2023-2024 taxes, a lien not yet due and payable.
7. City liens, if any, of the City of Oregon City.
8. Trust Deed, including the terms and provisions thereof to secure the amount noted below and other amounts secured thereunder, if any:

Grantor	:	Michael Grubbe and Amy K. Schnell, not as tenants in common
but with rights of survivorship		
Trustee	:	Clear Recon Corp
Beneficiary	:	Guild Mortgage Company LLC and MERS solely as Nominee for
Guild Mortgage Company LLC		
Dated	:	January 25, 2023
Recorded	:	January 27, 2023
Recording No(s)	:	2023-002615
Amount	:	\$498,750.00
9. The requirement that a copy of the Operating Agreement of Longstanding, LLC, an Oregon limited liability company be submitted to us for examination. Any conveyance or encumbrance by said Company should be executed in accordance with the Operating Agreement of said Company.
10. Parties in possession, or claiming to be in possession, other than the vestees shown herein. For the purposes of ALTA Extended coverage, we will require an Affidavit of Possession be completed and returned to us. Exception may be taken to such matters as may be shown thereby.
11. Statutory liens for labor or materials, including liens for contributions due to the State of Oregon for unemployment compensation and for workmen's compensation, which have now gained or hereafter may gain priority over the lien of the insured mortgage where no notice of such liens appear of record.

END OF EXCEPTIONS

NOTE: [Taxes](#) paid in full for 2022 -2023
 Levied Amount : \$4,986.07

Property ID No. : 00759940
 Levy Code : 062-064
 Map Tax Lot No. : 31E12AA09000

NOTE: In no event shall WFG National Title Insurance Company have any liability for the tax assessor's imposition of any additional assessments for omitted taxes unless such taxes have been added to the tax roll and constitute liens on the property as of the date of closing. Otherwise, such omitted taxes shall be the sole, joint and several responsibility of seller(s) and buyer(s), as they may determine between themselves.

NOTE: The following is incorporated herein for information purposes only and is not part of the exception from coverage (Schedule B-II of the prelim and Schedule B of the policy): The following instrument(s), affecting said property, is (are) the last instrument(s) conveying subject property filed for record within 24 months of the effective date of this preliminary title report:

Statutory Warranty Deed

Grantee(s): Michael Grubbe and Amy K. Schnell, not as tenants in common but with rights of survivorship
 Grantor(s): Jeremiah Portlock
 Dated: January 25, 2023
 Recorded Date: January 27, 2023
 Recording No: (instrument) 2023-002614, of Official Records
 COMMENTS: [View Image](#)

Bargain and Sale Deed

Grantee(s): Longstanding, LLC., an Oregon limited liability company
 Grantor(s): Michael Grubbe and Amy K. Schnell, not as tenants in common but with rights of survivorship
 Recorded Date: October 4, 2023
 Recording No: (instrument) 2023-035509, of Official Records
 COMMENTS: [2023-035509](#)

NOTE: This report is subject to any amendments which might occur when the names of prospective purchasers are submitted to us for examination.

NOTE: We find NO judgments or Federal Tax Liens against the name(s) of Longstanding, LLC., an Oregon limited liability company

NOTE: Link to [Vesting Deed](#)

NOTE: Due to current conflicts or potential conflicts between state and federal law, which conflicts may extend to local law, regarding marijuana, if the transaction to be insured involves property which is currently used or is to be used in connection with a marijuana enterprise, including but not limited to the cultivation, storage, distribution, transport, manufacture, or sale of marijuana and/or products containing marijuana, the Company declines to close or insure the transaction, and this Preliminary Title Report shall automatically be considered null and void and of no force and effect.

NOTE: The following applicable recording fees will be charged by the county:

Multnomah County-First Page	\$86.00
Washington County-First Page	\$81.00
Clackamas County-First Page	\$93.00
Each Additional Page	\$ 5.00
Non-standard Document Fee	\$20.00
E-recording Fee	\$ 3.00

NOTE: IMPORTANT INFORMATION REGARDING PROPERTY TAX PAYMENTS

Fiscal Year:	July 1 st through June 30 th
Taxes become a lien on real property, but are not yet payable.	July 1 st
Taxes become certified and payable (approximately on this date)	October 15 th
First one third payment of taxes are due	November 15 th
Second one third payment of taxes are due	February 15 th
Final payment of taxes are due	May 15 th

Discounts: If two thirds are paid by November 15th, a 2% discount will apply.

If the full amount of the taxes are paid by November 15th, a 3% discount will apply.

Interest: Interest accrues as of the 15th of each month based on any amount that is unpaid by the due date.
No interest is charged if the minimum amount is paid according to the above mentioned payment schedule.

NOTE: THE FOLLOWING NOTICE IS REQUIRED BY STATE LAW: YOU WILL BE REVIEWING, APPROVING AND SIGNING IMPORTANT DOCUMENTS AT CLOSING. LEGAL CONSEQUENCES FOLLOW FROM THE SELECTION AND USE OF THESE DOCUMENTS. YOU MAY CONSULT AN ATTORNEY ABOUT THESE DOCUMENTS. YOU SHOULD CONSULT AN ATTORNEY IF YOU HAVE QUESTIONS OR CONCERNS ABOUT THE TRANSACTION OR ABOUT THESE DOCUMENTS. IF YOU WISH TO REVIEW TRANSACTION DOCUMENTS THAT YOU HAVE NOT SEEN, CONTACT THE ESCROW AGENT.

End of Report**Your Escrow Officer**

Leah Burton
WFG National Title Insurance Company
1500 NW Bethany Boulevard, Ste 155
Beaverton, OR 97006
Phone: (503) 850-3990
Fax: (503) 214-8982
Email: Lburton@wfgtitle.com

Your Title Officer

Jiffy Dinger-Gardner
WFG National Title Insurance Company
12909 SW 68th Parkway, Suite 350
Portland, OR 97223
Phone: (503) 431-8515
Fax:
Email: JGardner@wfgnationaltitle.com



WFG National Title Insurance Company is prepared to issue, as of the date specified in the attached Preliminary Title Report (the Report), a policy or policies of title insurance as listed in the Report and describing the land and the estate or interest set forth, insuring against loss which may be sustained by reason of any defect, lien or encumbrance not shown or referred to as a General or Specific Exception or not excluded from coverage pursuant to the printed Exclusions and Conditions of the policy form(s).

The printed General Exceptions and Exclusions from the coverage of the policy or policies are listed in Exhibit One to the Report. In addition, the forms of the policy or policies to be issued may contain certain contract clauses, including an arbitration clause, which could affect the party's rights. Copies of the policy forms should be read. They are available from the office which issued the Report.

The Report (and any amendments) is preliminary to and issued solely for the purpose of facilitating the issuance of a policy of title insurance at the time the real estate transaction in question is closed and no liability is assumed in the Report.

The policy(s) of title insurance to be issued will be policy(s) of WFG National Title Insurance Company.

Please read the Specific Exceptions shown in the Report and the General Exceptions and Exclusions listed in Exhibit One carefully. The list of Specific and General Exceptions and Exclusions are meant to provide you with notice of matters which are not covered under the terms of the title insurance policy to be issued and should be read and carefully considered.

It is important to note that the Report is not an abstract of title, a written representation as to the complete condition of the title of the property in question, and may not list all liens, defects and encumbrances affecting title to the land.

The Report is for the exclusive use of the parties to this transaction, and the Company does not have any liability to any third parties or any liability under the terms of the policy(s) to be issued until the full premium is paid. Until all necessary documents are recorded in the public record, the Company reserves the right to amend the Report.

Countersigned

Exhibit One
2006 American Land Title Association Loan Policy 6-17-06
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 11, 13, or 14); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Insured Mortgage.
4. Unenforceability of the lien of the Insured Mortgage because of the inability or failure of an Insured to comply with applicable doing-business laws of the state where the Land is situated.
5. Invalidity or unenforceability in whole or in part of the lien of the Insured Mortgage that arises out of the transaction evidenced by the Insured Mortgage and is based upon usury or any consumer credit protection or truth-in-lending law.
6. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction creating the lien of the Insured Mortgage, is
 - (a) a fraudulent conveyance or fraudulent transfer, or
 - (b) a preferential transfer for any reason not stated in Covered Risk 13(b) of this policy.
7. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the Insured Mortgage in the Public Records. This Exclusion does not modify or limit the coverage provided under Covered Risk 11(b).

THE ABOVE POLICY FORM MAY BE ISSUED TO AFFORD EITHER Standard Coverage or Extended Coverage. In addition to the above Exclusions from Coverage, the Exceptions from Coverage in a Standard Coverage policy will also include the following Exceptions from Coverage:

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.
5. Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.

2006 AMERICAN LAND TITLE ASSOCIATION OWNER'S POLICY 6-17-06
EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risk 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

SCHEDULE B - GENERAL EXCEPTIONS FROM COVERAGE

1. Taxes or assessments which are not shown as existing liens by the records of any taxing authority that levies taxes or assessments on real property or by the public records; proceedings by a public agency which may result in taxes or assessments, or notices of such proceedings, whether or not shown by the records of such agency or by the public records.
2. Facts, rights, interests or claims which are not shown by the public records but which could be ascertained by an inspection of the land or by making inquiry of persons in possession thereof.
3. Easements, or claims of easement, not shown by the public records; reservations or exceptions in patents or in Acts authorizing the issuance thereof; water rights, claims or title to water.
4. Any encroachment (of existing improvements located on the subject land onto adjoining land or of existing improvements located on adjoining land onto the subject land), encumbrance, violation, variation, or adverse circumstance affecting the title that would be disclosed by an accurate and complete land survey of the subject land.

Any lien, or right to a lien, for services, labor, material, equipment rental or workers compensation heretofore or hereafter furnished, imposed by law and not shown by the public records.



Williston Financial Group Privacy Notice

Williston Financial Group LLC, WFG National Title Insurance Company, and each of the affiliates listed below (collectively “WFG” or the “WFG Family”) believe it is important to protect your privacy and confidences. We recognize and respect the privacy expectations of our customers. We believe that making you aware of how we collect information about you, how we use that information, and with whom we share that information will form the basis for a relationship of trust between us. This Privacy Notice provides that explanation. We reserve the right to change this Privacy Notice from time to time.

WFG’s primary business is providing appraisal, title insurance, and escrow services for the sale or refinance of real property. This can be a complicated process involving multiple parties, many of whom have been selected by our customers, each filling a specialized role. In part, you have hired WFG to coordinate and smooth the passage of the information necessary for an efficient settlement or closing.

In the course of this process, WFG collects a significant amount of personal and identifying information about the parties to a transaction, including sensitive items that include but are not limited to: your contact information, including email addresses, Social Security numbers, driver’s license, and other identification numbers and information; financial, bank and insurance information; information about past and proposed mortgages and loans; information about properties you currently or previously owned; your mortgage application package; and the cookie, IP address, and other information captured automatically by computer systems.

Much of this information is gathered from searches of public land, tax, court and credit records to make certain that any liens, challenges or title defects are addressed properly. Some of the information that is collected is provided by you or the computer systems you use. We also may receive information from real estate brokers and agents, mortgage brokers and lenders, and others working to facilitate your transaction, as well as information from public, private or governmental databases including credit bureaus, ‘no-fly’ lists, and terrorist ‘watch lists’.

What Information is Shared?

WFG DOES NOT SELL any of your information to non-affiliated companies for marketing or any other purpose.

However, some of the same information does get shared with persons inside and outside the WFG Family in order to facilitate and complete your transaction.

For example:

However, some of the same information does get shared with persons inside and outside the WFG Family in order to facilitate and complete current and future transactions.

For example:

- Information, draft documents, and closing costs will pass back and forth between WFG and your mortgage broker and lender to facilitate your transaction.
- Information, including purchase agreements and amendments, will pass back and forth between WFG and the real estate agents and brokers, the mortgage brokers and lenders, the lawyers and accountants, and others involved in facilitating the transaction.
- WFG may order property searches and examinations from title searchers, abstractors and title plants.
- WFG may use third parties to obtain tax information, lien information, payoff information, and condominium or homeowners’ association information.
- Third parties may be engaged to prepare documents in connection with your transaction.
- Surveys, appraisals, and inspections may be ordered.
- Within the WFG Family of companies, we may divide up the work to handle each closing in the most efficient manner possible and to meet specific legal and licensing requirements. Certain parts of your closing (for example a search or disbursement) may be handled by another division or company within the WFG Family.

- When it is time for signatures, your complete closing package may be sent to a notary, remote notary, or notary service company who will arrange to meet with you to sign documents. The notary will, in turn, send signed copies back to us along with copies of your driver's license or other identity documents, usually by mail, UPS, Federal Express or another courier service.
- Your deed, mortgage and other documents required to perfect title will be recorded with the local recorder of deeds.
- In some cases, we use an outside service to coordinate the recording or electronic-recording of those instruments, and they will receive copies of your deeds, mortgages and other recordable documents to process, scan and send on to the recording office.
- Information within your title policy may be shared with WFG National Title Insurance Company title policy issuing agents to facilitate future financial transactions involving your property.
- Various government agencies get involved. The law requires us to provide certain information to the IRS, the U.S. Department of the Treasury, local and state tax authorities, and other regulatory and governmental agencies.
- **WFG title policy issuing agents only:** personal information provided by you may be shared with a third party for the purposes of facilitating training to obtain CE/CLE credits.

You have a choice in the selection of a mortgage broker, lender, real estate broker or agent and others that make up your 'transaction team.' Information flows to and from the members of the transaction team you have selected to facilitate an efficient transaction for you.

When WFG selects and engages a third party provider, we limit the scope of the information shared with that third party to the information reasonably necessary for that service provider to provide the requested services. With most, we have entered into agreements in which they expressly commit to maintain a WFG customer's information in strict confidence and use the information only for purposes of providing the requested services, clearing title, preventing fraud and addressing claims under our title insurance policies.

How does WFG use your Information?

We may use your personal information in a variety of ways, including but not limited to:

- Provide the products, services and title insurance you have requested, and to close and facilitate your transaction.
- Provide and use historic transaction information to facilitate future financial transactions.
- Coordinate and manage the appraisal process.
- Handle a claim or provide other services relating to your title insurance policies.
- Create, manage, and maintain your account.
- Operate and improve WFG's applications and websites, including WFG MyHome®, WFG's secure communication and transaction portal. Your information is used for access management, payment processing, site administration, internal operations, troubleshooting, data analysis, testing, research, and for statistical purposes.
- Respond to your requests, feedback or inquiries.
- Comply with laws, regulations, and other legal requirements.
- Comply with relevant industry standards and our policies, including managing WFG's risk profile through reinsurance.
- Protect and enforce your rights and the rights of other users against unlawful activity, including identity theft and fraud.
- Protect and enforce our collective rights arising under any agreements entered into between WFG and you or any other third party.
- Protect the integrity and maintain security of our applications, websites, and products.
- Operate, evaluate, and improve our business.
- Provide you with information about products, services, and promotions from WFG or third parties that may interest you.
- **WFG title policy issuing agents only:** Provide you with a training platform to obtain CE/CLE credits

How Do We Store and Protect Your Personal Information?

Although no system can guarantee the complete security of your personal information, we will use our best efforts to maintain commercially reasonable technical, organizational, and physical safeguards, consistent with applicable law, to protect your personal information and our systems and sites from malicious intrusions or hacking.

How Long Do We Keep Your Personal Information?

We keep your personal information for as long as necessary to comply with the purpose for which it was collected, our business needs, and our legal and regulatory obligations. We may store some personal information indefinitely. If we dispose of your personal information, we will do so in a way that is secure and appropriate to the nature of the information subject to disposal.

Computer Information

When you access a WFG website, or communicate with us by e-mail, we may automatically collect and store more information than you are expressly providing when you fill out a survey or send an email. This may include:

- Your IP Address.
- Your email address, your alias and, social media handles.
- The type of browser and operating system you use.
- The time of your visit.
- The pages of our site you visit.
- Cookies.

In order to provide you with customized service, we make use of Web browser cookies. Cookies are files that help us identify your computer and personalize your online experience. You may disable cookies on your computer, but you may not be able to download online documents or access certain websites unless cookies are enabled.

The technical information we collect is used for administrative and technical purposes and to prevent fraud and provide identity verification. For instance, we may use it to count the number of visitors to our website and determine the most popular pages. We may also use it to review types of technology you are using, determine which link brought you to our website, assess how our advertisements on other websites are working, help with maintenance, and improve our customers' experience.

We may compare information gathered on previous visits to verify that we are interacting with the same parties and not a potential imposter.

If we ask you to fill out any forms or surveys, we will use the information we receive only for the specific purposes indicated in those forms or surveys.

The information you and your transaction team send us in emails or attached to an email, or provide through any of our online tools, is used for purposes of providing title, escrow and appraisal management services and used for the purposes described above.

In addition to the above, if you use an eClosing platform to sign your real estate transaction additional information may be collected. This may include:

- Your IP address.
- Your location.
- Your email address and your alias.
- The type of browser and operating system you use.
- The time of your visit.
- Your biometrics.
- Your image.
- Video recording of your transaction signing.
- Transaction metadata.
- Cookies.

Links to Third Party Sites

Our Applications and Websites may contain links to third-party websites and services. Please note that these links are provided for your convenience and information, and the websites and services may operate independently from us and have their own privacy policies or notices, which we strongly suggest you review. This Privacy Notice applies to WFG's applications and websites only.

Do Not Track

Because there is not an industry-standard process or defined criteria to permit a user to opt-out of tracking their online activities ("Do Not Track"), our websites do not currently change the way they operate based upon detection of a Do Not Track or similar signal. Likewise, we cannot assure that third parties are not able to collect information about your online activities on WFG websites or applications.

Social Media Integration

Our applications, websites, and products contain links to and from social media platforms. You may choose to connect to us through a social media platform, such as Facebook, Twitter, Google, etc. When you do, we may collect from the social media platform additional information from or about you, such as your screen names, profile picture, contact information, contact list, and the profile pictures of your contacts. The social media platforms may also collect information from you.

When you click on a social plug-in, such as Facebook's "Like" button, Twitter's "tweet" button, or the Google+, that particular social network's plug-in will be activated and your browser will directly connect to that provider's servers. Your action in clicking on the social plug-in causes information to be passed to the social media platform.

We do not have control over the collection, use and sharing practices of social media platforms. We therefore encourage you to review their usage and disclosure policies and practices, including their data security practices, before using social media platforms.

How Can You "Opt-Out?"

We do not sell your information; therefore there is no need to opt-out of such reselling. Under various laws, you can opt-out of the sharing of your information for more narrow purposes. For additional detail, consult the Links under the "Legal" Notices attached below.

The "Legal" Notices

To comply with various federal and state laws, we are required to provide more complete legal notices and disclosures – see links below. The state-specific statutes referenced therein may also give residents of those states additional rights and remedies.

Privacy Notice for California Residents - <https://national.wfgnationaltitle.com/privacy-notice-california>

Privacy Notice for Oregon Residents - <https://national.wfgnationaltitle.com/privacy-notice-oregon>

How to Contact Us

If you have any questions about WFG's privacy notice or how we protect your information, please contact WFG:

- By email: Consumerprivacy@willistonfinancial.com
- By telephone: 833-451-5718
- By fax: 503-974-9596
- By mail: 12909 SW 68th Pkwy, Suite 350, Portland, OR 97223

WFG FAMILY

WILLISTON FINANCIAL GROUP LLC
 WFG NATIONAL TITLE INSURANCE COMPANY
 WFG LENDER SERVICES, LLC
 WFGLS TITLE AGENCY OF UTAH, LLC
 WFG NATIONAL TITLE COMPANY OF WASHINGTON, LLC
 WFG NATIONAL TITLE COMPANY OF CALIFORNIA
 WFG NATIONAL TITLE COMPANY OF TEXAS, LLC D/B/A WFG NATIONAL TITLE COMPANY
 UNIVERSAL TITLE PARTNERS, LLC
 VALUTRUST SOLUTIONS, LLC
 MYHOME, A WILLISTON FINANCIAL GROUP COMPANY, LLC (formerly known as WILLISTON ENTERPRISE
 SOLUTIONS & TECHNOLOGY, LLC)
 WFG NATIONAL TITLE COMPANY OF CLARK COUNTY, WA, LLC, D/B/A WFG NATIONAL TITLE

Rev 12.20.2022

FACTS	WHAT DOES WILLISTON FINANCIAL GROUP DO WITH YOUR PERSONAL INFORMATION?	
Why?	Financial companies choose how they share your personal information. Federal law gives consumers the right to limit some but not all sharing. Federal law also requires us to tell you how we collect, share, and protect your personal information. Please read this notice carefully to understand what we do.	
What?	The types of personal information we collect and share depend on the product or service you have with us. This information can include: • Social Security number and other government identification information • Your name, address, phone, and email • Information about the property, any liens and restrictions • Financial Information including credit history and other debt • Financial account information, including wire transfer instructions.	
How?	All financial companies need to share customers' personal information to run their everyday business. In the section below, we list the reasons financial companies can share their customers' personal information; the reasons Williston Financial Group chooses to share; and whether you can limit this sharing.	
Reasons we can share your personal information	Does Williston Financial Group share?	Can you limit this sharing?
For our everyday business purposes—such as to process your transactions, maintain your account(s), respond to court orders and legal investigations, or report to credit bureaus	Yes	No
For our marketing purposes—to offer our products and services to you	Yes	No
For joint marketing with other financial companies	No	We don't share
For our affiliates' everyday business purposes—information about your transactions and experiences	Yes	No
For our affiliates' everyday business purposes—information about your creditworthiness	No	We don't share
For our affiliates to market to you	No	We don't share
For nonaffiliates to market to you	No	We don't share
To limit our sharing	• Call 833-451-5718—our menu will prompt you through your choice(s) • Visit us online: http://bit.ly/WFGsConsumerPrivacyInformationRequestPage or e-mailing us at consumerprivacy@willistonfinancial.com • Mail the form below Please note: If you are a new customer, we can begin sharing your information from the date we sent this notice. When you are no longer our customer, we continue to share your information as described in this notice. However, you can contact us at any time to limit our sharing.	
Questions?	Call 833-451-5718 or Email consumerprivacy@willistonfinancial.com	

Mail-In Form		
If you have a joint policy, your choices will apply to everyone on your account.	Mark any/all you want to limit:	
	☐ Do not share information about my creditworthiness with your affiliates for their everyday business purposes.	
	☐ Do not allow your affiliates to use my personal information to market to me.	
	☐ Do not share my personal information with nonaffiliates to market their products and services to me.	
	Name	Mail to: Williston Financial Group PRIVACY DEPT 12909 SW 68 th Pkwy, #350 Portland, OR 97223
	Address	
	City, State, Zip	
	File Number	

Who we are

Who is providing this notice	Williston Financial Group, LLC and its affiliates and subsidiaries as listed below:
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What we do

How does Williston Financial Group protect my personal information?	To protect your personal information from unauthorized access and use, we use security measures that comply with federal law. These measures include computer safeguards and secured files and buildings. We limit access to your information to employees that need to use the information to process or protect transaction. We take industry standard (IPSEC) measures to protect against malicious intrusions or hacking
How does Williston Financial Group collect my personal information?	We collect your personal information, for example, when you • Apply for insurance • Engage us to provide appraisal, title and escrow services • Give us your contact information • Provide your mortgage information • Show your driver's license We also collect your personal information from others, such as real estate agents and brokers, mortgage brokers, lenders, credit bureaus, affiliates, and others
Why can't I limit all sharing?	Federal law gives you the right to limit only • sharing for affiliates' everyday business purposes—information about your creditworthiness • affiliates from using your information to market to you • sharing for nonaffiliates to market to you State laws and individual companies may give you additional rights to limit sharing. See below for more on your rights under state law.
What happens when I limit sharing for an account I hold jointly with someone else?	Your choices will apply to everyone on your policy.

Definitions

Affiliates	Companies related by common ownership or control. They can be financial and nonfinancial companies. Our affiliates include companies with a common corporate identity, including those listed below.
Nonaffiliates	Companies not related by common ownership or control. They can be financial and nonfinancial companies. Nonaffiliates we share with can include real estate agents and brokers, mortgage brokers, lenders, appraisers, abstractors and title searchers and others as appropriate to facilitate your transaction.
Joint marketing	A formal agreement between nonaffiliated financial companies that together market financial products or services to you. Williston Financial Group does not jointly market.

Other important information

As a resident or citizen of certain states, we may have to provide additional state specific privacy notices and you may have rights other than as set forth above. The links below will provide state specific information:

Privacy Notice for California Residents - <https://national.wfgnationaltitle.com/privacy-notice-california>

Privacy Notice for Oregon Residents - <https://national.wfgnationaltitle.com/privacy-notice-oregon>

Property Account Summary



Item #2.

Account Number	00759940	Property Address	11731 LONGSTANDING CT , OREGON CITY, OR 97045
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General Information	
Alternate Property #	31E12AA09000
Property Description	1730 LONG STANDING AC LT 2
Last Sale Price	\$525,000.00
Last Sale Date	01/30/2023
Last Sale Excise Number	424126
Property Category	Land &/or Buildings
Status	Active, Locally Assessed
Tax Code Area	062-064
Remarks	

Tax Rate	
Description	Rate
Total Rate	18.2713

Property Characteristics	
Neighborhood	13061: Oregon City newer 100, 101
Land Class Category	101: Residential land improved
Building Class Category	14: Single family res, class 4
Year Built	1973
Change property ratio	1XX

Parties			
Role	Percent	Name	Address
Taxpayer	100	GRUBBE MICHAEL	10333 SW 53RD AVE, PORTLAND, OR 97219
Tax Service Co.	100	WELLS FARGO REAL ESTATE TAX SERVICE LLC	1 HOME CAMPUS MAC X2502-011, DES MOINES, IA 50328
Owner	100	GRUBBE MICHAEL	10333 SW 53RD AVE, PORTLAND, OR 97219
Owner	100	SCHNELL AMY K	10333 SW 53RD AVE, PORTLAND, OR 97219

Property Values					
Value Type	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019	Tax Year 2018
AVR Total	\$269,333	\$261,489	\$253,873	\$246,479	\$239,300
Exempt					
TVR Total	\$269,333	\$261,489	\$253,873	\$246,479	\$239,300
Real Mkt Land	\$239,405	\$206,115	\$184,158	\$175,659	\$165,742
Real Mkt Bldg	\$345,380	\$297,400	\$269,650	\$256,600	\$244,490
Real Mkt Total	\$584,785	\$503,515	\$453,808	\$432,259	\$410,232
M5 Mkt Land	\$239,405	\$206,115	\$184,158	\$175,659	\$165,742
M5 Mkt Bldg	\$345,380	\$297,400	\$269,650	\$256,600	\$244,490
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$269,333	\$261,489	\$253,873	\$246,479	\$239,300
Mkt Exception					
AV Exception					

Parents						
Parcel No.	Seg/Merge No.	Status	From Date	To Date	Continued	Document Number

No Parents Found

Children

Item #2.

Parcel No.	Seg/Merge No.	Status	From Date	To Date	Document Number
No Children Found					

Active Exemptions

No Exemptions Found

Events

Effective Date	Entry Date-Time	Type	Remarks
01/27/2023	01/30/2023 10:08:00	Taxpayer Changed	Property Transfer Filing No.: 424126 01/27/2023 by ACOUGHLIN
01/27/2023	01/30/2023 10:08:00	Recording Processed	Property Transfer Filing No.: 424126, Warranty Deed, Recording No.: 2023-002614 01/27/2023 by ACOUGHLIN
12/16/2022	12/29/2022 15:59:00	Taxpayer Changed	Property Transfer Filing No.: 422937 12/16/2022 by ACOUGHLIN
12/16/2022	12/29/2022 15:59:00	Recording Processed	Property Transfer Filing No.: 422937, Warranty Deed, Recording No.: 2022-062996 12/16/2022 by ACOUGHLIN
01/10/2022	01/26/2022 12:00:00	Taxpayer Changed	Property Transfer Filing No.: 406912 01/10/2022 by SMALSOM
01/10/2022	01/26/2022 12:00:00	Recording Processed	Property Transfer Filing No.: 406912, Death Certificate, Recording No.: 2022-001801 01/10/2022 by SMALSOM
12/13/2017	12/13/2017 09:41:00	Annexation Completed For Property	ANNEX TO TRICITY SRV DIST. ORD 2017-28-added to annexation by batch process 74,502. by DEENAMEH
01/03/2013	01/14/2013 09:50:00	Recording Processed	Property Transfer Filing No.: 240748, Bargain & Sale, Recording No.: 2013-000379 01/03/2013 by ROMANSIE
04/04/2008	04/04/2008 11:15:00	Annexation Completed For Property	Annex to Clackamas Fire 1, Ord 2008-36 pt 4-annexed by 062-088 for 2008-Revise TCA Membership by JENMAYO
11/25/2002	11/25/2002 11:18:00	The situs address has changed	by LINDAPET
11/05/2002	12/02/2002 15:44:00	Recording Processed	Property Transfer Filing No.: 63817, Bargain & Sale, Recording No.: 2002-107514 11/05/2002 by MARYHAN
11/05/2002	12/02/2002 15:44:00	Taxpayer Changed	Property Transfer Filing No.: 63817 11/05/2002 by MARYHAN
02/25/2002	02/25/2002 09:40:00	Annexation Completed For Property	City OC Ord 01-1034-annexed by CITY OF OREGON CITY for 2002-Revise District Membership by JENMAYO
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Warranty Deed: 98-65322, 7/1/98, \$ 159000

Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

Total Due only includes the current 2022 taxes. Please select View Detailed Statement for a full payoff.

Installments Payable/Paid for Tax Year(Enter 4-digit Year, then Click-Here): 2022

Receipts

Date	Receipt No.	Amount Applied to Parcel	Total Amount Due	Receipt Total	Change
11/09/2022 00:00:00	5235475 (ReceiptDetail.aspx? receiptnumber=5235475)	\$4,986.07	\$4,986.07	\$4,836.49	\$0.00
11/08/2021 00:00:00	5047784 (ReceiptDetail.aspx? receiptnumber=5047784)	\$4,788.15	\$4,788.15	\$4,644.51	\$0.00
11/13/2020 00:00:00	4923185 (ReceiptDetail.aspx? receiptnumber=4923185)	\$4,656.91	\$4,656.91	\$4,517.20	\$0.00
11/06/2019 00:00:00	4659389 (ReceiptDetail.aspx? receiptnumber=4659389)	\$4,559.69	\$4,559.69	\$4,422.90	\$0.00
11/06/2018 00:00:00	4467323 (ReceiptDetail.aspx? receiptnumber=4467323)	\$4,336.42	\$4,336.42	\$4,206.33	\$0.00

Sales History

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Sale Date	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Transfer Type	Grantor(Seller)	Grantee(Buyer)	Other Parcels
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01/25/2023	01/30/2023	01/27/2023	2023-002614	\$525,000.00	424126		S	PORTLOCK JEREMIAH	GRUBBE MICHAEL	No
12/15/2022	12/29/2022	12/16/2022	2022-062996	\$500,000.00	422937		S	SHAW JAMEY G	PORTLOCK JEREMIAH	<i>Item #2.</i>
01/10/2022	01/26/2022	01/10/2022	2022-001801	\$0.00	406912		S	SHAW RACHELLE R	SHAW JAMEY G	No
05/11/2012	01/14/2013	01/03/2013	2013-000379	\$0.00	240748		S	SHAW JAMEY G	SHAW JAMEY G	No

Property Details								
Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths	
1968	0 X 0	1973	45	1.0	3	1	1	

Detailed Statement

Item #2.

Parcel Number	00759940	Property Address	11731 LONGSTANDING C CITY, OR 97045
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As Of Date: 2/22/2023

Tax Year	Category	TCA/District	Charged	Minimum	Balance Due	Due Date
1993	Property Tax Principal	062-033	\$1,798.66	\$0.00	\$0.00	11/15/1993
1994	Property Tax Principal	062-033	\$1,710.29	\$0.00	\$0.00	11/15/1994
1994	Special Assessment Created From Conversion	062-033	\$0.00	\$0.00	\$0.00	11/15/1994
1995	Property Tax Principal	062-084	\$1,650.72	\$0.00	\$0.00	11/15/1995
1995	Special Assessment Created From Conversion	062-084	\$0.00	\$0.00	\$0.00	11/15/1995
1996	Property Tax Principal	062-084	\$1,788.85	\$0.00	\$0.00	11/15/1996
1996	Special Assessment Created From Conversion	062-084	\$0.00	\$0.00	\$0.00	11/15/1996
1997	Property Tax Principal	062-084	\$1,714.74	\$0.00	\$0.00	11/15/1997
1997	Special Assessment Created From Conversion	062-084	\$0.00	\$0.00	\$0.00	11/15/1997
1998	Property Tax Principal	062-084	\$1,763.71	\$0.00	\$0.00	11/15/1998
1998	Special Assessment Created From Conversion	062-084	\$0.00	\$0.00	\$0.00	11/15/1998
1999	Lighting District Principal	LGTCCLA005	\$45.00	\$0.00	\$0.00	11/15/1999
1999	Property Tax Principal	062-084	\$1,746.61	\$0.00	\$0.00	11/15/1999
2000	Lighting District Principal	LGTCCLA005	\$45.00	\$0.00	\$0.00	11/15/2000
2000	Property Tax Principal	062-084	\$2,056.63	\$0.00	\$0.00	11/15/2000
2001	Lighting District Principal	LGTCCLA005	\$45.00	\$0.00	\$0.00	11/15/2001
2001	Property Tax Principal	062-084	\$2,165.81	\$0.00	\$0.00	11/15/2001
2002	Lighting District Principal	LGTCCLA005	\$45.00	\$0.00	\$0.00	11/15/2002
2002	Property Tax Principal	062-088	\$2,500.26	\$0.00	\$0.00	11/15/2002
2003	Lighting District Principal	LGTCCLA005	\$65.38	\$0.00	\$0.00	11/15/2003
2003	Property Tax Principal	062-088	\$2,575.07	\$0.00	\$0.00	11/15/2003
2004	Lighting District Principal	LGTCCLA005	\$65.38	\$0.00	\$0.00	11/15/2004
2004	Property Tax Principal	062-088	\$2,615.11	\$0.00	\$0.00	11/15/2004
2005	Lighting District Principal	LGTCCLA005	\$65.38	\$0.00	\$0.00	11/15/2005
2005	Property Tax Principal	062-088	\$2,676.91	\$0.00	\$0.00	11/15/2005
2006	Lighting District Principal	LGTCCLA005	\$65.38	\$0.00	\$0.00	11/15/2006
2006	Property Tax Principal	062-088	\$2,731.91	\$0.00	\$0.00	11/15/2006
2007	Lighting District Principal	LGTCCLA005	\$65.38	\$0.00	\$0.00	11/15/2007
2007	Property Tax Principal	062-088	\$2,902.66	\$0.00	\$0.00	11/15/2007
2008	Lighting District Principal	LGTCCLA005	\$57.53	\$0.00	\$0.00	11/15/2008
2008	Property Tax Principal	062-088	\$3,154.71	\$0.00	\$0.00	11/15/2008
2009	Lighting District Principal	LGTCCLA005	\$57.53	\$0.00	\$0.00	11/15/2009
2009	Property Tax Principal	062-088	\$3,335.82	\$0.00	\$0.00	11/15/2009
2010	Lighting District Principal	LGTCCLA005	\$66.58	\$0.00	\$0.00	11/15/2010
2010	Property Tax Principal	062-088	\$3,413.36	\$0.00	\$0.00	11/15/2010
2011	Lighting District Principal	LGTCCLA005	\$64.00	\$0.00	\$0.00	11/15/2011
2011	Property Tax Principal	062-088	\$3,484.47	\$0.00	\$0.00	11/15/2011
2012	Lighting District Principal	LGTCCLA005	\$66.56	\$0.00	\$0.00	11/15/2012
2012	Property Tax Principal	062-088	\$3,581.10	\$0.00	\$0.00	11/15/2012
2013	Lighting District Principal	LGTCCLA005	\$63.98	\$0.00	\$0.00	11/15/2013
2013	Property Tax Principal	062-088	\$3,752.30	\$0.00	\$0.00	11/15/2013
2014	Lighting District Principal	LGTCCLA005	\$67.82	\$0.00	\$0.00	11/15/2014
2014	Property Tax Principal	062-088	\$3,865.34	\$0.00	\$0.00	11/15/2014
2015	Lighting District Principal	LGTCCLA005	\$71.55	\$0.00	\$0.00	11/15/2015
2015	Property Tax Principal	062-088	\$3,978.51	\$0.00	\$0.00	11/15/2015
2016	Lighting District Principal	LGTCCLA005	\$71.55	\$0.00	\$0.00	11/15/2016

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2016	Property Tax Principal	062-088	\$4,081.77	\$0.00	\$0.00	11/15/2016
2017	Lighting District Principal	LGTCCLA005	\$70.12	\$0.00	\$0.00	11/15/2017
2017	Property Tax Principal	062-088	\$4,157.29	\$0.00	\$0.00	Item #2.
2018	Lighting District Principal	LGTCCLA005	\$68.72	\$0.00	\$0.00	11/15/2018
2018	Property Tax Principal	062-064	\$4,267.70	\$0.00	\$0.00	11/15/2018
2019	Lighting District Principal	LGTCCLA005	\$68.72	\$0.00	\$0.00	11/15/2019
2019	Property Tax Principal	062-064	\$4,490.97	\$0.00	\$0.00	11/15/2019
2020	Lighting District Principal	LGTCCLA005	\$68.72	\$0.00	\$0.00	11/15/2020
2020	Property Tax Principal	062-064	\$4,588.19	\$0.00	\$0.00	11/15/2020
2021	Lighting District Principal	LGTCCLA005	\$65.00	\$0.00	\$0.00	11/15/2021
2021	Property Tax Principal	062-064	\$4,723.15	\$0.00	\$0.00	11/15/2021
2022	Lighting District Principal	LGTCCLA005	\$65.00	\$0.00	\$0.00	11/15/2022
2022	Property Tax Principal	062-064	\$4,921.07	\$0.00	\$0.00	11/15/2022
TOTAL Due as of 02/22/2023					\$0.00	

Land Use Application - Submission #407

Date Submitted: 12/26/2023

Applicant Name(s)*

The Portlock Company

Applicant's Representative

JJ Po

Company

The Portlock Company

Mailing Address*

PO Box 521

Phone Number*

14258291566

Email Address*

jportlock@theportlockco.com

Application Type

Please select all application types being requested. If you are unsure of which application type is required, please [email the Planning Division](#) or call 503-722-3789.

- ☐ Sign Permit
- ☐ Street Tree Removal Permit
- ☐ Type I Site Plan and Design Review
- ☐ Annexation
- ☐ Appeal
- ☐ Type I Non-Conforming Use Review
- ☐ Conditional Use Permit
- ☐ Floodplain Review
- ☐ Geological Hazards Review
- ☐ Historic Review
- ☐ Land Use Compatibility (LUC)
- ☐ Lot Line Adjustment
- ☐ Master Plan
- ☐ Minor Partition
- ☐ Natural Resource Review Type I Exemption
- ☐ Natural Resource Review Type I Verification
- ☐ Natural Resource Review Type II/III
- ☐ Non-Conforming Use Type I
- ☐ Non-Conforming Use Type II
- ☐ Planning Commission Parking Adjustment
- ☐ Site Plan and Design Review - Type II Minor
- ☐ Site Plan and Design Review - Type II Full
- ☐ Subdivision
- ☐ Variance - Administrative
- ☒ Variance - Planning Commission
- ☐ Willamette River Greenway Review
- ☐ Zone Change
- ☐ Other - Please Specify

Project Description*

Variance to required maximum parking requirement to allow additional on site parking

Please provide a brief description of the proposed project or application.

Project Address*

11731 Longstanding St

Map & Taxlot Number

31e12AA 9000

Additional information

Item #2.

Please include any additional information about the submittal.

Application Form*

Landuse application.pdf

Please upload completed application form.

Site Plan / Layout*

Site Plan.pdf

Other Application Materials

Lot 1 Elevation pages.pdf

Other Application Materials

Lot 3 Elevation pages.pdf

Other Application Materials

OR_Preliminary_Title_Report_2016_Snapshot.pdf

Other Application Materials

TAXES.PDF

Other Application Materials

Choose File

No file chosen

Disclaimer*

Planning staff will assign a file number to this project. Unless prior arrangements have been made, planning staff will not review this application until all required fees have been paid. For help, [email Planning](#) or call 503-722-3789.

☒ Select to acknowledge you have read and understand these terms.



CITY OF OREGON CITY

Staff Report

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

To: Planning Commission
From: Pete Walter, Planning Manager

Agenda Date: 2/12/2024

SUBJECT:

GLUA-23-00026 / MAS-23-00002, Sportcraft Landing Marina Master Plan

STAFF RECOMMENDATION:

Approval with Conditions.

EXECUTIVE SUMMARY:

Sportcraft Marina, the applicant, was required to submit for a Master Plan approval as part the terms of their lease with the City executed in March 2023. The lease agreement item under #27 states that “on or before July 28, 2023, Licensee shall at its own cost submit a complete application for comprehensive city master plan approval for the marina (the “Master Plan Application”). This application GLUA-23-00026 / MAS-23-00002 serves to fulfill that obligation.

BACKGROUND:

The Sportcraft General Development Plan area is bordered by Willamette River to the west, the McLoughlin Blvd (Hwy 99E) corridor to the east, the I-205 Abernethy Bridge and overpass and Jon Storm Park and Clackamette RV park to the north and the City of Oregon City land to the south. Most of the facilities are in the waterway and floating above the ordinary low water mark of this navigable US Jurisdictional River. The subject site has been operating in Oregon City as a landing and moorage, canoe and kayak rental and staging area for large and small fishing boats and recreational smaller craft for many decades. Willamette Falls and the Oregon City Arch Bridge below the falls are visible from the marina. The only land-based facilities in the general development plan area are not structures but are roads and other public amenities, i.e. boat ramp, portable sanitary toilet, trash disposal, parking spaces for vehicles and boat trailers, and the gangplank ramp to the marina.

No changes or additional development are proposed with this application. The purpose of this application is to document the existing uses and structures within the boundaries of the site and ensure that future development complies with city code and permitting requirements through conditions of approval attached to the decision.

A full staff report and recommendation is included in the agenda packet.

OPTIONS:

1. Approve GLUA-23-00026 / MAS-23-00002 with conditions as recommended by Staff.
2. Approve GLUA-23-00026 / MAS-23-00002 with conditions as modified by Planning Commission
3. Do not approve GLUA-23-00026 / MAS-23-00002. If this option is chosen by the Planning Commission, direct staff to prepared draft findings for denial and continue the Public Hearing to a date certain for review and adoption of findings.

BUDGET IMPACT: N/A

**TYPE III STAFF RECOMMENDATION
PLANNING COMMISSION
February 5, 2024**Submitted: 07/30/2023
Complete: 12/14/2023
120-Day Deadline: 4/12/2024

HEARING DATE: February 12, 2024, continued from June 26, 2023, Planning Commission

FILE NUMBERS: GLUA-23-00026 / MAS-23-00002

APPLICANT: Eric Dye, Ken's Flotation Services

REPRESENTATIVE: Gary A. Spanovich
Nancy Spanovich

OWNERS: 2-2E-29CB-00500, City of Oregon City
2-2E-30DD-00501, Sportcraft Landing, Inc.
2-2E-30DD-06500, ODOT
2-2E-29CB-00500 contains ODOT Easements #2061, #2062, #2063, #2064

REQUEST: Approval of a Master Plan for Sportcraft Marina and Associated Uses

LOCATION: 1701 Clackamette Drive Oregon City, Oregon 97045, and additional tax lots indicated.
The project site is located on-land and in the waters of the Willamette River.
See Vicinity Map / Study Area Map in this report.

ZONING: I – Institutional, MUD – Mixed Use Downtown

REVIEWER: Pete Walter, Planning Manager

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.

Recommended Conditions of Approval

GLUA-23-00012 / MAS-23-00001

The applicant shall verify that conditions of approval have been met with the Planning Division.

1. The duration of approval of this General Development Plan is twenty years from the date of the Notice of Decision.
2. Any future proposed development will be required to comply with the overlay district codes that protect Goal 5 resources in Oregon City. These are the Willamette River Greenway Overlay District, Natural Resources Overlay District, Flood Management Overlay District and Geologic Hazard Overlay District.
3. Continued residential use or expansions or improvements to the floating home within the boundaries of the I- Institutional Zone is permitted subject to review pursuant to OCMC 17.58 – *Lawful Nonconforming Uses, Structures and Lots*.
4. Continued industrial use for Ken’s Flotation Services within the boundaries of the MUD-Mixed Use Downtown Zone District is permitted subject to review pursuant to OCMC 17.58 – *Lawful Nonconforming Uses, Structures and Lots*. The applicant shall provide further evidence of whether the industrial uses have been in continuous use by complying with the procedural requirements in OCMC 17.58.60 - *Process to confirm the legality of a nonconforming use, lot, structure, or site*. It is reasonable to believe that the applicant can provide further evidence to support the continuous use of the property in this manner.
5. The applicant is responsible for obtaining a current Oregon City business license. More information is available at <https://www.oregoncity.org/258/Business-Licensing>.
6. As with most developments in Oregon City that occurred prior to the adoption of many codes, the site is non-conforming with respect to most current zoning and overlay districts standards. Future development shall be reviewed for compliance with the requirements of OCMC 17.58.040 - *Lawful nonconforming structure or site*, and the applicable provisions of the code and overlay districts cited above prior to issuance of any permit.
7. Any new development of the site shall be required to comply with the applicable public service and utility requirements of OCMC 16.12 – *Minimum Public Improvements and Design Standards*.

I. BACKGROUND

No changes or additional development are proposed with this application. The purpose of this application is to document the existing uses and structures within the boundaries of the site and ensure that future development complies with city code and permitting requirements through conditions of approval attached to the decision.

The applicant was required to submit for a Master Plan approval as part the terms of their lease with the City executed in March 2023. The lease agreement item under #27 states that “on or before July 28, 2023, Licensee shall at its own cost submit a complete application for comprehensive city master plan approval for the marina (the “Master Plan Application”). This application GLUA-23-00026 / MAS-23-00002 serves to fulfill that obligation.

1. Existing Conditions

The marina’s facilities are located partially within Oregon Department of State Lands submerged and submersible land leases held by Sportcraft and the City of Oregon City, partially upon land owned by the City of Oregon City, and partially upon land owned by Sportcraft. Access to the marina facilities is accomplished over and across land owned by the City of Oregon City.

The Sportcraft General Development Plan area is bordered by Willamette River to the west, the McLoughlin Blvd (Hwy 99E) corridor to the east, the I-205 Abernethy Bridge and overpass and Jon Storm Park and Clackamette RV park to the north and the City of Oregon City land to the south. Most of the facilities are in the waterway and floating above the ordinary low water mark of this navigable US Jurisdictional River. The subject site has been operating in Oregon City as a landing and moorage, canoe and kayak rental and staging area for large and small fishing boats and recreational smaller craft for many decades. Willamette Falls and the Oregon City Arch Bridge below the falls are visible from the marina. The only land-based facilities in the general development plan area are not structures but are roads and other public amenities, i.e. boat ramp, portable sanitary toilet, trash disposal, parking spaces for vehicles and boat trailers, and the gangplank ramp to the marina.

I-205 Abernethy Bridge Widening

Currently, construction staging activities and traffic management by temporary signalization as part of the I-205 Abernethy Bridge upgrade began in 2023 and dominates the appearance of the entire study area. These activities are likely to continue until the new bridge is fully operational and the disturbed Natural Resources and access road are restored (2026) (PA-19-08 Type III Site Plan and Design Review Feb 27, 2019, approved by City of Oregon City 2/24/2020). These construction activities require constrained access to the site and extensive hours of high decibel noise along with use of a half of the upper parking lot by workers vehicles, which make the current site conditions somewhat undesirable if not unsafe for public use. This condition is temporary and will be completed when the widening project is finished.

Ownership, Zoning and Uses

Tax Lots	Ownership	Area	Current Use	Zoning
2-2E-29CB-00500	Oregon City	3.37 acres	Boat ramp, parking areas, access ramp to docks Four Easements #2061, #2062, #2063, #2064, related to the I-205 - Abernethy Bridge I-205 Highway	Institutional - I
2-2E-30DD-00501	Sportcraft Landing, Inc.	0.05 acres	Open space, shoreline	MUD- Mixed Use Downtown
2-2E-30DD-06500	ODOT	0.42 acres	Open space	MUD- Mixed Use Downtown

Most of the marina uses and improvements were established in 1960 prior to the adoption of land use codes and overlay zone district standards and have been continuous to the present. Today, most of Sportcraft Park falls within four separate overlay zones, each which has its own chapter in the Oregon City zoning ordinance. The following overlay districts and the percentage of the property within each of them is indicated below.

Overlay Districts

Overlay District	Notes
Flood Management	Regulates development within the floodway and floodplain. The property was entirely underwater in the 1996 flood. Subject to OCMC 17.42.
Geologic Hazards	The banks of the Willamette River, the slopes separating the upper parking lot from the lower parking lot, and the embankments of OR 99-E / McLoughlin Boulevard have slopes >25%. There are no landslide areas indicated. Subject to OCMC 17.44.
Natural Resources (NROD)	Most of the on land property is within the NROD subject to OCMC 17.49.
Willamette River Greenway	All of the property falls within this overlay district. Requires compatibility review for impacts to the Willamette River subject to OCMC 17.48.

Figure 1. Study Area and Zoning

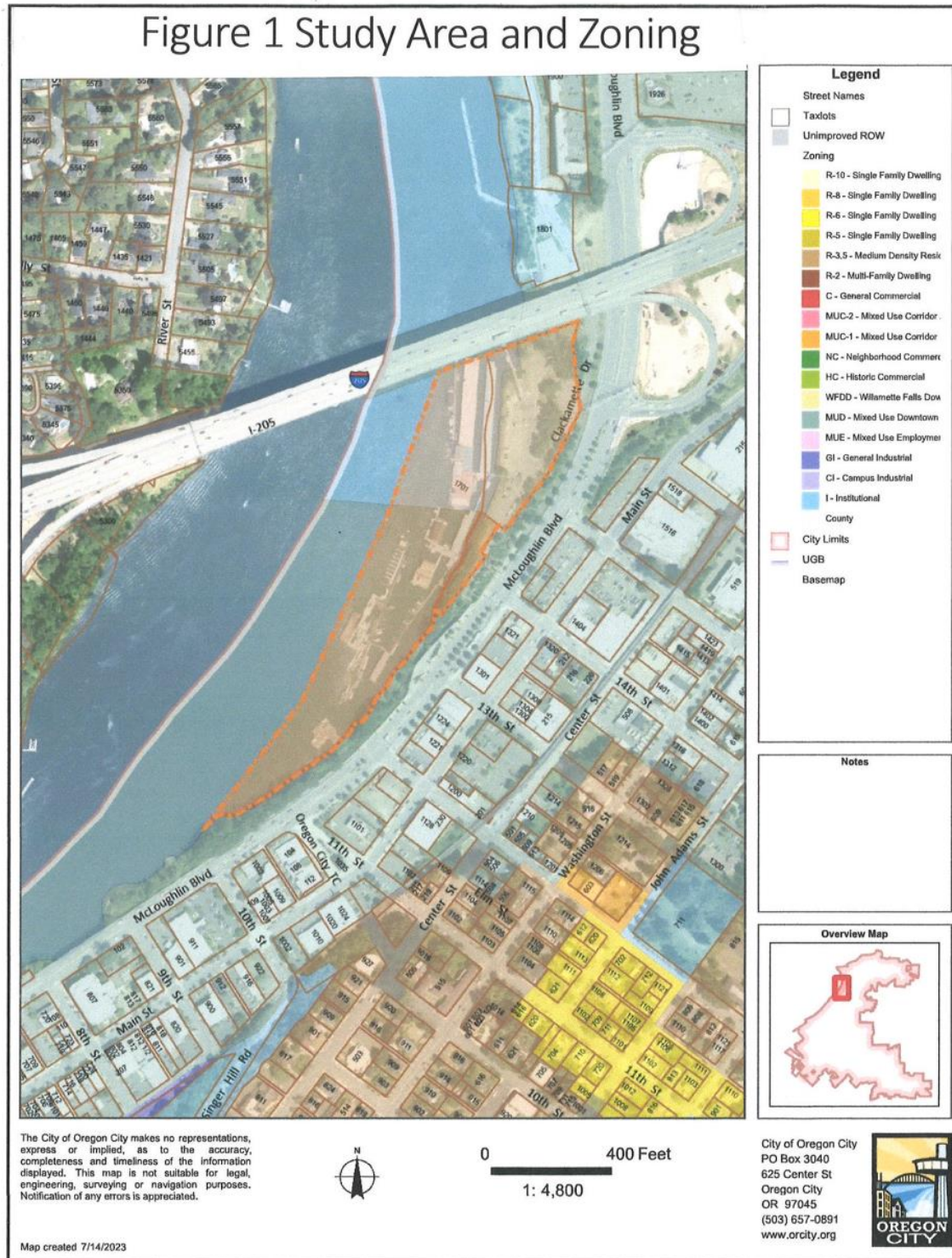




Figure 2: Vicinity Map

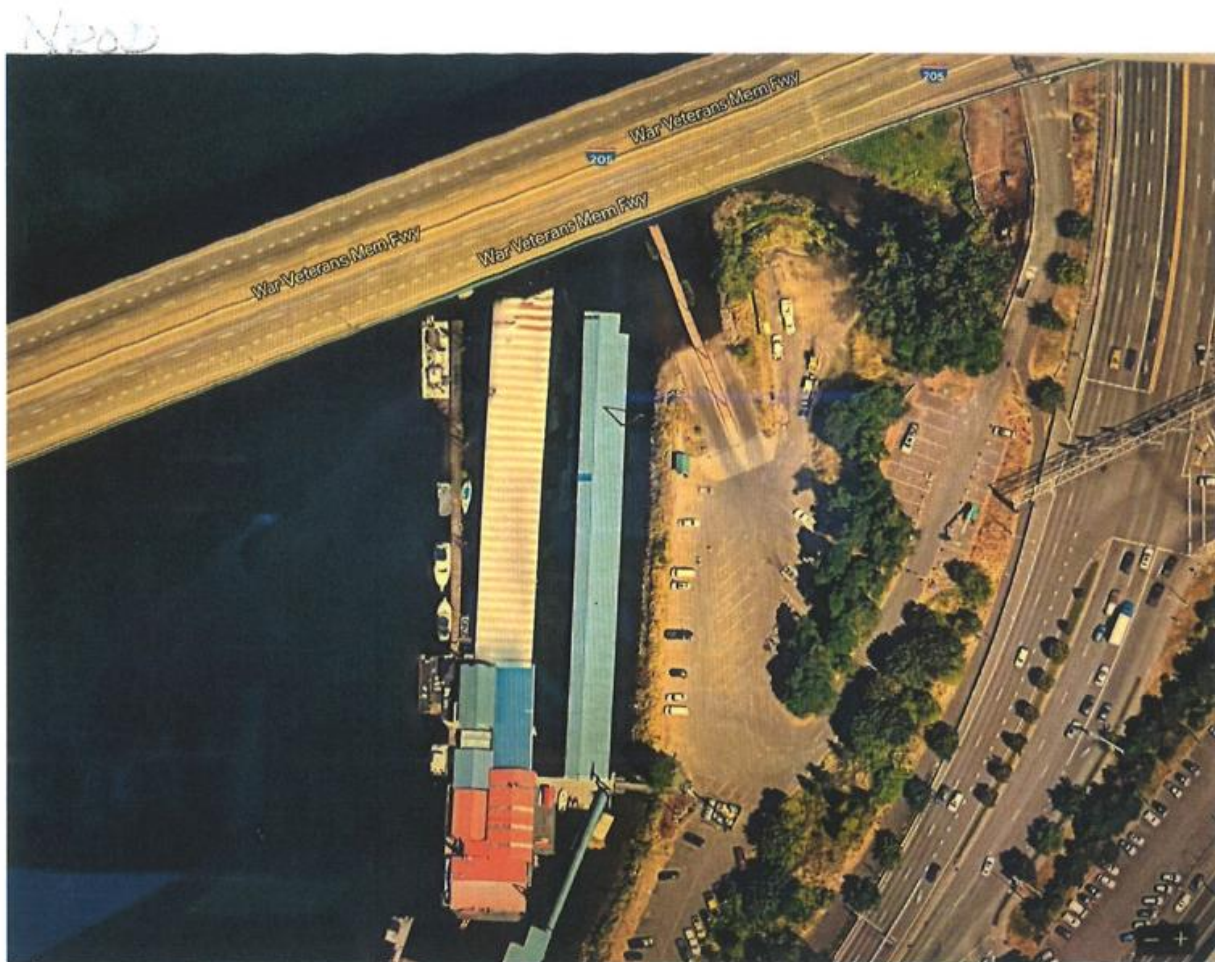


Figure 3a Aerial Photograph Google Earth 2022 –
Downstream Facilities – Institutional District

Figure 3a - Downstream Facilities

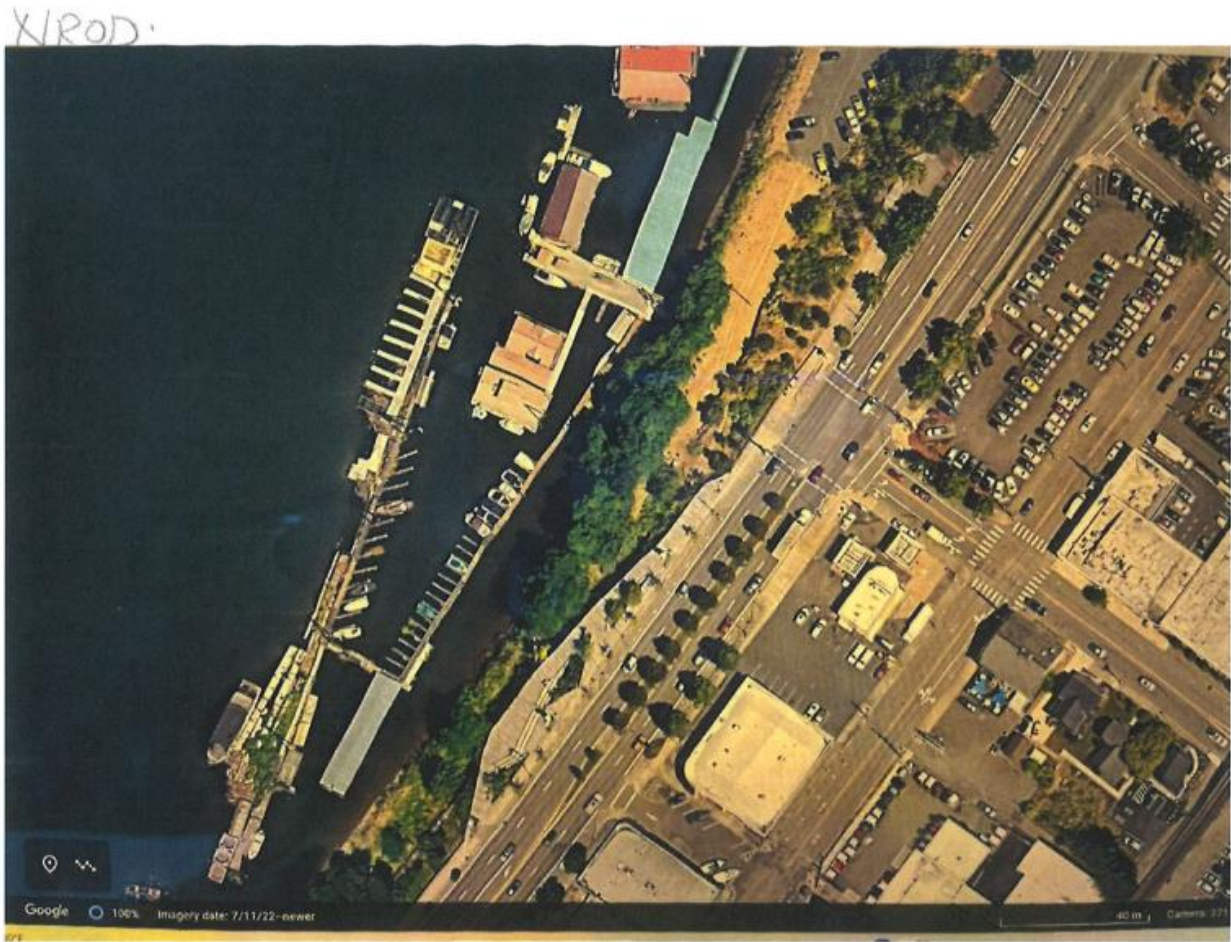
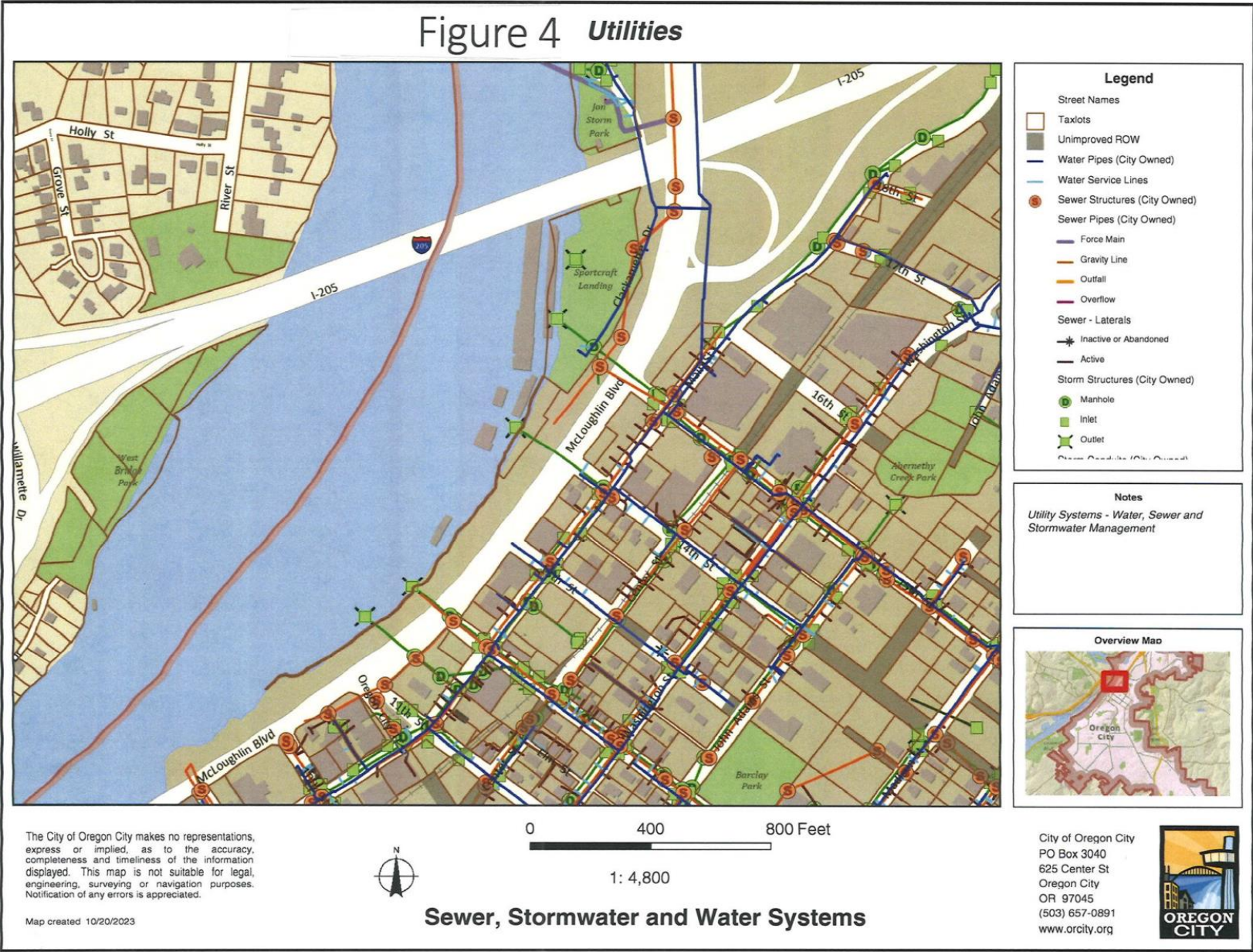


Figure 3b Aerial Photograph Google Earth 2022 –
Upstream Facilities – Mixed Use Downtown District

Figure 3b - Upstream Facilities

Figure 4 – Utilities



This general development plan proposal encompasses six tax lots which are summarized below:

Tax lot	Size (ac)	Zoning	Use	Comment
2-2E-30 -00600	20.09	I	Park	
2-2E-30 -00102	2.69	I	Park	
2-2E-30 -00100	1.41	I	Park	
2-2E-30 -01300	0.69	I	Park	
2-2E-30 -00601	1.05	MUD	Parking lot, vacant	Urban Renewal Owned
2-2E-30 -00500	1.11	MUD	Vacant	Urban Renewal Owned
Total	27.04			

2. Project Description

No changes or additional development are proposed with this application. The purpose of this application is to document the existing uses and structures within the boundaries of the site and ensure that future development complies with city code and permitting requirements through conditions of approval attached to the decision.

The applicant was required to submit for a Master Plan approval as part the terms of their lease executed in March 2023. The lease agreement item #27 states that “on or before July 28, 2023, Licensee shall at its own cost submit a complete application for comprehensive city master plan approval for the marina (the “Master Plan Application”). This application GLUA-23-00026 / MAS-23-00002 serves to fulfill that obligation.

3. Permits and Approvals: The applicant is responsible for obtaining approval and permits from each applicable governmental agency and department at Oregon City including but not limited to the Engineering and Building Divisions.

4. Public Comment

No public comments were received as of the date of publishing of this staff report.

Agency comments were submitted by Oregon Department of Transportation.

As part of the materials provided to ODOT for review, ODOT received a copy of a Traffic Analysis Letter prepared by Charbonneau Engineering LLC dated September 4, 2023. ODOT has determined this proposal will not create a significant impact to State highway facilities and no additional State review is required.

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:

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

17.65.010 Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

17.65.20 What is included in a master plan or planned unit development.

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.*
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.*
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area, water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot. Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.*

17.65.30 - Applicability of the Master Plan or Planned Unit Development Regulations.

- A. *Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.*
- B. *When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.*
- C. *When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.*
- D. *Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.*

Finding: Applicable. The master plan was submitted by the applicant as a condition of their lease with the City of Oregon City, which is administered by the Oregon City Parks and Recreation Department. The relevant section of the lease agreement follows.

27. Master Plan Obligation On or before July 28, 2023, Licensee shall at its own cost submit a complete application for comprehensive city master plan approval for the marina (the "Master Plan Application"). If the City acting in its capacity as a city: (i) denies the Master Plan Application, (ii) imposes conditions of approval ("Approval Conditions") that Licensee cannot or is unwilling to comply with, (iii) does not allow floating home use at the marina, or (iv) does not allow an industrial use at the marina, then Licensee shall have the right to terminate this License upon written notice to the City given no later than thirty (30) days after the City's final decision as to the Master Plan Application. If there are Approval Conditions and Licensee accepts the same, Licensee shall promptly (but no later than sixty (60) days after the City's final decision) comply with the Approval Conditions at Licensee's sole cost and expense. If Licensee fails to timely exercise its termination right, then Licensee shall be deemed to have accepted the Approval Conditions. Licensee agrees that Licensee shall have no claim against the City under this Agreement for the City's exercise of its authority as a city to interpret, apply and/or enforce its land use ordinances and decisions specifically including any determination made as to the Master Plan Application. Licensee confirms that the City in its capacity as a city has the legal authority to enforce its land use ordinances and decisions separate and apart from any contractual agreement, including this Agreement. Licensee represents and warrants to the City that Licensee has investigated the Master Plan Application process and requirements and has discussed the same with Licensee's legal counsel such that Licensee understands the process and requirements for the Master Plan Application.

The stipulation in the lease does not include any reference to relevant criteria in Chapter 17.65 or any

other zoning code, however, planning staff understands through conversations with the applicant, the City Attorney's office and the City Manager that the process and criteria for a General Development Plan are appropriate given the unique nature of this application.

The Applicant has no plans to construct any new structures in the foreseeable future; therefore, a detailed development plan is not included in this application. The study area is less than 4 acres and most of the developed area is floating on secured pilings therefore, any maintenance or alteration to the pilings, the floodway or the docks and piers would fall under both the Oregon City and the State of Oregon Division of State Lands and U.S. Army Corps of Engineers jurisdiction.

- A. *Procedure.*
- B. *Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.*

Finding: Complies as proposed. A Pre-application review conference was held on July 5, 2023 (File PA-23-00023). The applicant has attempted to address each of the issues within the pre-application conference to the extent possible given the "non-land" use issues, and the current construction equipment and noise associated with the I-205 Abernethy Bridge widening project that may have influenced the daily operations of the recreational boat and marina facilities.

- C. *General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.*

Finding: Complies as proposed. This narrative and exhibits respond to the Applicant's desire to have a general development plan approved and on file with the City of Oregon City. The Type III process is a discretionary review process and decision rendered by the Planning Commission.

- D. *Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.*

Finding: Not applicable. The applicant has not proposed a detailed development plan, as no additional development is proposed.

- E. *Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.*

Finding: Not applicable. The applicant has not proposed a detailed development plan, as no additional development is proposed.

This section does not apply to this application for a general development plan.

- F. Relationship to Other Reviews. It is the express policy of the 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.*

Finding: Complies as proposed. The master plan review process will allow for a comprehensive review of the entire project and its impacts. The purpose of this application is to provide a general plan that can evaluate the existing facilities on the site. New development or an expansion to the existing facilities would require a new detailed development plan application.

G. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.

Finding: the applicant requests a twenty-year horizon for approved general development plan for Sportcraft Landing recreational boat storage, rental and access to the Willamette River since this facility has served the community with this since 1969.

17.65.050 General development plan

A. Description of Existing Conditions

Current Uses of and development on the site

The majority of the Sportcraft docks and Marina complex are located on the water of the Willamette River. It includes both public boat ramp and private marina facilities. Site access and parking lot is located on tax lot 2-2E-29CD-00500 which is owned by the City of Oregon City. Lessee's Marina facilities are located partially on real property owned by the city and also on submerged and submersible lands administered by the Oregon Department of State lands (DSL). The improvements consist of what is sometimes referred to as the "north dock" (downstream) and includes the Marina store and access ramp and "South dock" (upstream) as well as the "licensees owned dock". The "parking areas" mean the upper parking area, the central parking area, and the South parking area.

Usable open space is tiny pockets of trees and shrubs on relatively steep slopes between McLoughlin Blvd and the ordinary high-water mark of the Willamette River. The flatter plan area lands adjacent to the shoreline are owned by the Oregon Department of Transportation for access and maintenance of the Abernethy Bridge. Although used by the applicant for marina activities in the past, currently they have no permission to use the land. Also, the right-of-way easements on the privately owned parcel that extends along the shoreline are retained for the Department of Transportation purposes.

Surrounding Land Uses are dominated by the I-205 Abernethy Bridge and approaches, access road, steep slope upstream, Jon Storm Park and the fishing pier on the downstream side of the bridge piers. The Hwy 43 in West Linn is across the river and Clackamette RV Park is just downstream from Jon Storm Park which provides river front views to the Best Western Riverside Hotel and Restaurant. Note: Jon Storm Park is

temporarily occupied for construction activities for I-205 and it is slated to be replaced and any open space planted after the bridge widening is completed (2026).

The businesses on the east side of Hwy 99E McLoughlin are not visible from the plan area but include the Oregon City Shopping Center: Fisherman's, Rite Aid, Michaels, Dollar, Sharis, etc. and then Subaru dealership is at least 25 feet higher elevation toward the east and not in the plan viewshed.

Existing Utilization of the Site (From Applicant)

- **Site Description.** Recreational boat kayak and small water craft marina and moorage, public ramp to release and return boats, parking for the vehicles with trailers and other vehicles, sanitary facility, parking or marina store operators and manager of the marina who live in floating homes and marine patrol building for Clackamas County, parking for police or security, single access to the lower and upper parking areas with no egress except for a rock stairway that connects the upper parking area to McLoughlin Blvd , a 40-foot elevation change.
- **Physical Characteristics** topographic change is steep slope (2:1 slope) along a hillside, west of that, the land is flat, mostly gravel or sand riverine sediments, which have been paved for parking and boat ramp construction. The access to the site is a gentle downgrade from OR-99E and McLoughlin Blvd via Dune Drive, to Clackamette Drive which acts as a frontage road past the hotel, the fishing pier, the park, landscaped grounds and bike pedestrian trails, and a new parking lot recently developed as part of the Abernethy Bridge Improvements by ODOT (see Type II Site Review and Design application as attachment for more detail on the modifications to properties adjacent and north of the plan study area).
- **Ownership patterns** the entire study area is 3.84 acres of which (99%) of the land is in public ownership. The private land ownership (1 %) and marina facilities and equipment are owned by a single private owner. The piers or pilings hold up the docks and float facilities and utilities above the ordinary low water line; these marina facilities are also under Division of State Lands State of Oregon jurisdiction.
- The pattern is a floating year-round functioning landing and rental area for recreational boats with accessory storage, maintenance, property management and utility services. The land based (non-floating) uses are access, boat ramp and parking the transfer of ownership and leasing of portions of the shoreline to maintain shoreline access and to allow the river to be used as a community asset is the theme since the construction of the I-205 bridge in 1969. The City of Oregon City was given the land from historic owner Crown Zellerbach for the purposes of building a public boat ramp with landside parking. The moorage and Sportcraft Landing were purchased from the Huff family and maintained for 55 years, Current ownership within the study plan area includes both City of Oregon City and the Dye family owns a strip of land. The upper offshore lease (upstream) are three restricted rights-of-way, easement under Oregon Department of Transportation (0.42 acres). Easements #2061, #2062, #2063 and #2064 extend along the entire parcel (Tax Lot 2-2E-30DD-0650C) and parallel to the shoreline. State (ODOT) rights-of-way are required for operation, maintenance, and safety of the transportation facility, Abernethy Bridge and associated maintenance activities.
- **Operation** depends on the time of year. Customers used their moorage: April to August – 93 slips rented and Sept to April – 55 slips rented. There are a total of 133 rentable spaces in the marina; the marina contained 180 spaces until some were demolished at the north end for purposes of bridge widening (Building Demolition Permit is on file at the City of Oregon City). October to April 1st, fishing boats typically

move in depending on the Oregon Division of Wildlife fishing season and water and precipitation. (Notes from Eric Dye, Ken's Floatation Service Inc., 503-449-6667)

- Building Inventory. The buildings on the plan area are shown in the Site Photos and on the Map with further detail in Table 2.

Table 2. Building Inventory

Facility	Number	Square Footage
Boat Slips/Moorage	93 Avg.	From April to August
Boat Slips/Moorage	55 Avg.	Sept to April
Rental Office/Retail	1	2400
Floating Home 1	1	2000
Floating Home 2	1	1800
Floating Home 3	1	1200
Marine Patrol Bldg.	1	2240
Kayak Storage	1	3600
Reserved Parking	6	
Police Reserved Space	2	
Shared Parking Near Reserved Spaces	19	
Shared Parking Near Boat Ramp	21	
Boat Trailer Stalls	19	

Facilities in the Water

- Most of the facilities are on the docks that are floating and secured in place with a sturdy reinforced dolphin system on steel pilings.
- Below DSL Aquatic Lease--Structures that are closest to the river center include three occupied floating homes along the corridor and deepest water from downstream to upstream: 2000 SF, 1800 SF, 1200 SF, and a Marine Patrol Building approved and constructed in 2012 that houses the Clackamas County Sheriff's Office.
- Inside the Marina Rental Building, there is an office and a small retail area within the Marina Rental Facility. The retail desk (50SF) for purchasing convenience items for recreational boating and the southwest corner is for an office space for the owner in approximately 200SF of the Rental Building (40 ft X 60 ft).
- On site there is also a second 40ft X 60ft warehouse for kayak storage which adds another 2400SF to the total facility. Central to the linear grouping of structures is one floating home totaling 2000SF occupied by the owner of the Marina which operates seven days a week, three seasons each year – closed for maintenance and safety November to March). The home is currently occupied by the property owner.
- Mid-range-Marina slips (133 in total) and seasonal, are downstream and interior.

Facilities on the Land

- The Applicant owns a narrow strip of property abutting the ODOT tax lot 2-2E-30DD- 06500 that is

approximately (0.05 acres) or (450 ft by 97 ft). In the past this area was used for kayak or small boat storage, but now this land and the easements upstream on City property, i.e., #2061, #2062, #2063, #2064 are related to I-205 Abernethy Bridge. This bridge is currently being replaced and improved. ODOT mitigation plans indicate this will continue until 2026 and for the 20-year master plan horizon, future ODOT use of these easements will be in place.

- The upper parking lot has 19 public spaces and seven reserved spaces for the owners and employees of the marina and residences. A lower parking lot includes a patrol reserved space, public parking spaces include: 19 boat trailers pull through spaces and 21 vehicle spaces.
- Shoreline – Access Road from Clackamette Street. Parking Areas with Access dock to Marina. Lower Parking Lot is closest to the Oregon City Boat launch and has approximately 50 spaces for vehicles and ten spaces for vehicles with boat trailers. Upper Parking Lot has 27 spaces angle for vehicles only. Walkways Fences, Landscaping
- Vehicle/bicycle parking is provided on upper and lower paved parking lots. Eight parking stalls are reserved (6 for the residents and two for the police) and the remaining 59 are always open for the public (Table 2).
- Landscaping/usable open space is scarce on the narrow strip of land and there is no noticeable planting or upkeep for landscaping purposes or for public rest and relaxation.
- FAR/lot coverage is not an applicable category as no buildings exist except those that are floating above the waterways and permitted by Division of State Lands Joint Permit
- Natural resources from Goal 5 inventory would be native trees and shrubs that occur in a narrow strip on the rocky hillside between McLoughlin Blvd and the Asphalt parking lots. Tree Species are big leaf maple (6), live oak (4), small giant sequoia (11), blackberry is the prevalent underbrush, and Oregon ash (15). Closed canopy and good adhesion for erosion control and soil retention.
- Cultural/historic resources Goal 5 inventory – no inventoried surface cultural or historical Goal 5 resources exist on the three tax lots. A subsurface inventory was not conducted and no record of one being conducted was found for this or any other land use applications in the vicinity.
- Location of existing trees 6-inches diameter or greater at 4 feet above the ground - Twelve Oregon ash, four Giant Sequoia, Six Big Leaf Maples and four Oregon Live oak (very immature, appear to be planted recently) exist on the rocky hillside – No other trees with upstream or downstream or toward the water from this intact natural resource area along the Hwy 99E McLoughlin Blvd Sidewalks and signage.
- Geologic hazards - the hillside is a relatively steep slope. Geologic hazard maps indicate the slope of the bank is > 25% and the site is within the geologic hazard overlay district. The hillside is currently vegetated and well armored with rocks, shrubs and vegetation, except for a developed stairway between the upper parking lot and the McLoughlin Blvd sidewalk designed in the style of Oregon City rock pathways at the south end of the plan area. This reduces the erosion hazards of the steep slope and provides direct pedestrian access between McLoughlin Boulevard and the site.

Historical Perspective On Site Utilization (From Applicant)

The property has 133 Marina Slips with aluminum roofs and walkways to access from parking lot. Upwards of 180 slips were originally constructed, but the configuration was changed for widening of the bridge (Berger ABAM, 2022). On average, 93 slips are rented during the high season. April is the start of the season and June begins recreational marina use and kayak/paddle rentals, which continues until November. Kayak and paddlers rentals company leases the storage area, the facility and concessionaire from the applicant.

Enterprise of the Ken's Flotation Services is where the entire shoreline was historically used to fabricate, weld, and assemble seawalls or erosion control for shoreline armoring and protection from erosion and loss of residential and commercial properties up and down the river.

These pre-existing, non-conforming uses – launching from the public dock, fabricating, and assembly are no longer performed in compliance with City regulations. Many of the historical uses are no longer at this site, rather the character of the property appears as a public safety, water recreational/concessionaire, and freshwater boat rental or marina feel. It is not apparent from Clackamette Drive that there are a mix of private, public, commercial and residential uses on this densely developed shoreline that is perched just below a major transportation bridge. The approach and signage and fresh clean blue roofs are attractive as seen from various vantage points on both sides of the river, the frontage road and McLoughlin Blvd in central downtown Oregon City. There is an industrial use for the Dept. of State Lands to park a barge and small tugboat permanently, service docks that are used year-round for work on the Willamette and Columbia Rivers which do not feature prominently from the surrounding viewpoints or the parking lot.

Existing transportation facilities

- The marina parking lot is located at the end of Clackamette Drive and no additional roads are anticipated. No new development is currently proposed. The general development standards in OCMC 17.62.050 are the principal site plan and design review criteria that would apply if further development is proposed.

Transportation Analysis

- Please refer to the Traffic Analysis Letter (TAL) and addendum.
- The TAL documents the following:
 - Building Inventory with square footage of buildings
 - Parking spaces
 - Number of boat slips (93 on average rented)
 - Average Daily Trips (ADT) based on ITE Manual
 - 3 homes X 9.43 ADT = 28 ADT
 - Small office building: 4,400 sf C 14.39 ADT = 63 ADT
 - Summer slips: 93 x 2.41 ADT = 224 ADT
 - Winter slips, off-season: 55 x 2.41 ADT = 133 ADT
 - Winter ADT = 224
 - Summary ADT = 315 ADT
 - Summer Season AM Peak Hour = 16 trips
 - Summer Season PM Peak Hour = 33 trips
 - Off-Season AM Peak Hour = 13 trips
 - Off-Season PM Peak Hour = 25 trips
- No capacity analysis of nearby public intersections and site driveways were required. Most river recreation occurs between April to August. The river and recreational boating traffic falls off September through April each year. The TAL indicates that there are no trip generation, access, spacing, or sight distance issues.
- Crash Data: crash data are associated with the Rivershore hotel, and the Dunes Drive / 99E Intersection. No crash data available for Sportcraft Marina.

Infrastructure & utilities facilities and capacity

- Stormwater management – stormwater filtration facilities are not essential with the volume of traffic in the project study area, yet the storm drainage from parking lots is likely to be direct inputs to the Willamette River
- Long term easements for four rights-of-way under lease by ODOT to prepare for and construct the transportation infrastructure within the vicinity notwithstanding the new I-105 Abernethy Bridge
- Water: There is an existing 8-inch ductile iron water main that runs within Clackamette Drive and terminates at a hydrant in the parking lot of the property. 2. There appears to be an existing 2- inch water service from the 8-inch watermain which serves the property which is approximately 32' from the hydrant line.
- Sanitary Sewer: A 30-inch sanitary sewer main exists along the east frontage of the property within some portions of the property and also within the right-of-way of McLoughlin Boulevard (99E). The service connection for this was provided as part of the lease agreement from State of Oregon Division of State Lands which states "Sewage Disposal - If LESSEE operates a commercial marina LESSEE shall provide a permanent "hard" connection to City Sewer for each existing and proposed new tenant with a sewage-producing facility. That is, each live-aboard boat, each plumbed boathouse, and each floating home or other plumbed structure must have a permanent connection to the city sewer. If sewer is not available, connection must be made to a sewage disposal system approved by the Department of Environmental Quality."
- Applicant's records show that a sewerage service connection was established as part of the agreement for the aquatic leased lands permit from State Department of Oregon Division of State Lands. A portion of the main becomes 15-inch as it extends southward from a junction at the intersection of McLoughlin Boulevard and 15th Street. There is also a Tri-City sewer district sewer main which runs within the same area, but it does not connect to this sewer main.

B. Proposed Development

The Applicant proposes no development currently. The facilities that exist in the general development plan study area are pre-existing permitted uses, appropriately sized with adequate utility and fire protection.

The storage, floating homes, office, and concessionaire are accessory uses to support this community asset and quasi-public enterprise. The marina is a permitted use in the MUD zone as well as transportation facilities that harmonize with the public RV park, the shoreline fishing, and proposed new boat ramp and parking area at the Clackamette Park.

The City sees the purpose of this application to document all existing uses, structures, and site configuration on the site and to set forth the applicant's responsibility to comply with Oregon City Municipal Code with future revisions, expansions, or additions to the structures, uses, and configuration on the subject site.

The general development standards in [OCMC 17.62.050 – Site Plan and Design Review – General Standards](#), are the principal site plan and design review criteria that apply to new development. No new development is proposed. The marina and accessory facilities are all pre- existing uses and the Applicant acknowledges

that any future expansion of redevelopment will be required to comply with the applicable codes. Pursuant to OCMC 17.65.090 - *Regulations that apply*, an applicant is entitled to rely on land use regulations in effect on the date its general development plan application was initially submitted, pursuant to ORS 227.178(3), as that statute may be amended from time to time. After a general development plan is approved, and so long as that general development plan is in effect, an applicant is entitled to rely on the land use regulations in effect on the date its general development plan application was initially submitted, as provided above, when seeking approval of detailed development plans that implement an approved general development plan. At its option, an applicant may request that a detailed development plan be subject to the land use regulations in effect on the date its detailed development plan is initially submitted.

17.65.050.C. – Approval Criteria for a General Development Plan.

The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.

1. *The proposed General Development Plan is consistent with the purposes of OCMC 17.65.*

The following code section contains the purpose and intent of master plans.

17.65.010 – Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The city recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

Finding: Complies as proposed. The application meets the purpose of the OCMC 17.65. Although no development is proposed for review at this time, a GDP can be up to 20 years, with any actual development that happens submitted as a Detailed Development Plan (DDP) within that time frame and subject to staff level approval. A GDP lays the foundation for activities on the subject properties such that any new development can be done in a systematic manner, properly phased and consistent with existing standards, goals and policies of the City. Additionally, the GDP allows an applicant to rely on the code that was in effect when the GDP was submitted, request adjustments to code, and phase development over the long term. It is intended to provide a discretionary, flexible land use approval path through the Planning Commission, with subsequent development approvable by staff at a type I or 2 level.

2. *Development shall demonstrate compliance with OCMC 12.04, 16.12, 17.62, if applicable, and 16.08, if applicable.*

Finding: Complies with conditions. This general development plan is for a marina and associated facilities and a public recreational asset for the City of Oregon City and the Two Rivers Neighborhood. The land will continue to be used for public purposes and owned and operated by the private owner who will rent recreational boats,

boat slips and the three residences on the property in a manner consistent with and in compliance with the purpose of the codes for 12.04, Streets, Sidewalks and Public Places; 16.08, Land Divisions; 16.12, Minimum Public Improvements and Design Standards For Development; and 17.62, Site Plan and Design Review.

Adequate public improvements for the existing development are provided on the site utilities, sanitary, waste management, and safety. Any new development of the site shall be required to comply with the applicable public service and utility requirements if a detailed development plan is proposed. **The applicant assure that this standard is met by complying with the applicable condition of approval.**

3. Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

Finding: Complies with conditions. This general development plan provides for all modes of travel including marine, auto, and transit. An interconnected and accessible street system with buses shelters, sidewalks already exist adjacent to the project site. The site is within the Oregon City School District, waste disposal is provided for by the local garbage hauling franchise (B and B leasing), and police, fire and emergency services are provided by Oregon City Police Department and the Clackamas Fire District. The general development plan area is served by Oregon City sanitary sewer, water, and stormwater management facilities. Any new development of the site shall be required to comply with the applicable public service and utility requirements if a detailed development plan is proposed. **The applicant assure that this standard is met by complying with the applicable condition of approval.**

4. The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.

Finding: Complies with conditions. Any future proposed development will be required to comply with the overlay district codes that protect Goal 5 resources in Oregon City. These are the Willamette River Greenway Overlay District, Natural Resources Overlay District, Flood Management Overlay District and Geologic Hazard Overlay District. **The applicant assure that this standard is met by complying with the applicable condition of approval.**

5. The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.

Finding: not applicable. This General Development Plan does not include any proposed development; therefore, no mitigation is required.

6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.

Finding: Complies as proposed. This general development plan is consistent and upholds the goals and policies of the Oregon City Comprehensive Plan as shown below.

Chapter 1: Healthy and Welcoming Communities

GOAL 1 Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and

understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICY 1.1 Support the Citizen Involvement Committee (CIC) and Neighborhood Associations to engage and educate Oregon City community members in land use planning.

STRATEGY 1.1.A Utilize neighborhood associations as the vehicle for neighborhood- based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

POLICY 1.2 Actively seek input from a diverse range of participants and enhance engagement opportunities for community members with barriers (language, disability, income, age, technology) through services and methods that bolster inclusive participation.

POLICY 1.3 Seek opportunities to develop and enhance relationships with community-based organizations (CBOs) who are working in Oregon City and the larger region.

POLICY 1.4 Utilize innovative forms of communication technology to enhance the City's public engagement efforts.

STRATEGY 1.4. A Explore meaningful engagement techniques and tools that allow for multiple forms of public engagement through in person events, on- line tools, and hybrid options.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

STRATEGY 1.5. A Notify citizens about community involvement opportunities when they occur.

Finding: Complies as proposed. The applicant met to review and discuss the project with the Two Rivers Neighborhood Association in a public meeting prior to the application being deemed complete. Notes from the neighborhood association meeting are provided with the application. Public notice of the public hearing for the master plan review by the Planning Commission has been provided in accordance with the city's public notice requirements. Any future detailed development that may be proposed will also engage the public and be openly reviewed and input welcomed from the public prior to seeking design approval from the City.

GOAL 2 Acknowledge, protect, enhance, and commemorate Oregon City's historic, artistic, and cultural resources.

POLICY 2.1 Promote the Willamette and Clackamas Rivers as a community benefit for cultural connection and understanding.

Finding: Complies as proposed. The public boat ramp, public shared parking lot, the private manager's office, residences, boat slips and recreational Sportcraft rental facility provide a way for the public to enjoy the natural and cultural heritage of the Willamette River from one of the most scenic views upstream from Portland. This is a unique spot in Oregon City that provides a rich and diverse collection of fish and wildlife, natural and cultural resources for the community and for visitors from around the region.

The goal is met as this general development plan promotes the Willamette River as a community benefit for cultural connection, recreational education and opportunities, and heritage of the Willamette River understanding.

GOAL 3 Strengthen wellbeing, quality of life, and livability* across all Oregon City neighborhoods by creating places that are safe and comfortable with convenient access to community services.

POLICY 3.1 Support the City's network of community-based organizations, programs, and centers that provide services for Oregon City residents.

POLICY 3.5 Build and enhance partnerships between police, government agencies, neighborhoods, and civic/business organizations to enhance community safety and positive health outcomes.

** Livability is defined as "the building and maintaining of community amenities that enhance the quality of life through actions to improve local environments and provide safe conditions in places where people live." (Oregon City Urban Renewal Plan, Amended 2022)*

Finding: complies as proposed. The goal is met as this general development plan strengthens well-being, quality of life, and livability of the downtown and Two Rivers neighborhood. It also creates a place that is safe, comfortable, and welcoming to police or to civic groups. The project site has convenient access to community services.

Chapter 2: Diverse Economy

GOAL 1 Provide opportunities for a variety of goods, services, and employment options to work toward a dynamic, ecologically sound, and socially equitable economy.

POLICY 1.3 Support retention and expansion of local businesses, as well as recruitment of new businesses, across a variety of sizes and types

POLICY 1.6 Promote the city's destinations, natural resources, and historic and cultural amenities to grow the tourism industry.

STRATEGY 1.6.A Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

STRATEGY 1.6.C Ensure land use and transportation connections that support tourism as an important aspect of the City's economic development strategy. This includes important cultural and historical amenities.

STRATEGY 1.6.D Encourage private development of tourism-related uses such as: hotel, bed and breakfast, restaurant facilities and other visitor services.

Finding: complies as proposed. The goal is met. With the combination of boat slips and kayak rentals and the public boat ramp, this general development plan provides opportunities for a variety of goods, services and employment options to work toward a dynamic and ecologically-sound and socially equitable economy.

GOAL 2 Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

POLICY 2.3 Support retention of existing homes and opportunities for community members to “age in place”.

Finding: complies as proposed. The goal is met as this general development plan provides housing options including both rental and ownership opportunities.

GOAL 3 Guide growth and development in a manner that implements the City’s 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

POLICY 3.4 Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long- range planning guide for land-use development of the city by type, density and location.

STRATEGY 3.4.A Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land- Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Commercial (C)
- Mixed Use Corridor (MUC)
- Mixed Use Employment (MUE)
- Mixed Use Downtown (MUD)
- Industrial (I)
- Public and Quasi-Public (QP)
- Parks (P)
- Future Urban Holding (FUH)

Finding: complies as proposed. The goal is met as this General Development Plan is consistent with the underlying comprehensive plan designations for QP and MUD.

Chapter 3: Connected Infrastructure

GOAL 4 Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

STRATEGY 4.5.B Promote public transit (such as: bus, light rail, streetcar, bus rapid transit, commuter rail, ferry, river transportation, etc.) that serves Oregon City and locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Finding: complies as proposed. Goal 4 is met because the general development plan promotes sustainability and resiliency through best practices in infrastructure planning, operations, and management.

Chapter 4: Protected Environment

GOAL 1 Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.

POLICY 1.4 Reduce barriers to park use and improve safety and accessibility of parks resources for all users, regardless of ability, comfort level, or native language.

STRATEGY 1.4.A Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Finding: Complies as proposed. The goal is met. The general development plan provides a comprehensive system of natural resources and passive and active recreation amenities that is accessible to residents of all ages and abilities and that enhances the environmental and aesthetic qualities of the community and encourages healthy living.

GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

STRATEGY 2.2.A Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

STRATEGY 2.2.B Encourage use of native and hardy plants such as trees, shrubs and groundcovers to maintain ecological function and reduce maintenance costs and chemical use.

POLICY 2.5 Support water conservation and storm water management efforts within the Willamette Basin.

POLICY 2.8 Protect the Clackamas and Willamette Rivers and their tributaries including Newell Creek as the centerpieces of Oregon City's natural environment.

STRATEGY 2.9.A Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

Finding: complies as proposed. When the site was developed originally there were very few standards in place to protect the shoreline of the Willamette River. Today, development of the shoreline is subject to the applicable standards of the Natural Resources Overlay District and the Willamette River Greenway Overlay District. Any new development will be reviewed for compliance with these overlay districts, and with the adopted standards for Stormwater Management in Chapter 13.12 of the Oregon City Municipal Code.

GOAL 4 Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region.

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan.

Finding: complies as proposed. The goal is met as this general development plan protects and maintains fish and wildlife resources, recreation areas and facilities along the Willamette River in accordance with the Oregon City Park and Recreation Master Plan. It also encourages access to the Willamette River in the reach below the Willamette Falls and locks. When the site was developed originally there were very few standards in place to protect the shoreline of the Willamette River. Today, development of the shoreline is subject to the applicable standards of the Natural Resources Overlay District and the Willamette River Greenway Overlay District. Any new development will be reviewed for compliance with these overlay districts, and with the adopted standards for Stormwater Management in Chapter 13.12 of the Oregon City Municipal Code.

7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.

Finding: Complies as proposed. This general development plan is consistent with the underlying zone as described within the written statement for code sections 17.34 – Mixed Use Downtown District, 17.39 – Institutional District, and 17.58 – Lawful Nonconforming Uses, Structures and Lots. Any impacts associated with the existing development occurred prior to the adoption of the overlay districts. Any new development or replacement or existing structures will be reviewed for compliance with the applicable standards of the overlay districts. These include the Willamette River Greenway Overlay District, Natural Resources Overlay District, Flood Management Overlay District and Geologic Hazard Overlay District. The existing development plan is consistent with shoreline public and recreational uses and developments, and with the underlying mixed use downtown and institutional zone districts.

8. For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.

Finding: Not applicable. This section does not apply since the residential uses on the site are pre-existing floating homes and are not new residential uses. Also, they are not land based, which, while the zoning code does not contain any specific regulations for on-water uses, is an important distinction, since the city's codes principally apply to land based uses. Furthermore, this standard (8) and its subsections a. through f. was adopted in 2018 as an amendment to Chapter 17.65 to ensure that residential land uses like subdivisions reviewed through the master plan / PUD process dedicate a specific amount of land for open space.

9. For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.

Finding: Not applicable. This section does not apply since the residential uses on the site are pre-existing floating homes and are not new residential uses. Also, they are not land based, which, while the zoning code does not contain any specific regulations for on-water uses, is an important distinction, since the city's codes principally apply to land based uses. Furthermore, this standard (9) was adopted in 2018 as an amendment to Chapter 17.65 to ensure that residential land uses like subdivisions reviewed through the master plan / PUD process provide greater a greater mix of housing diversity.

17.65.060 – Detailed Development Plan

Finding: Not applicable. This section does not apply since the applicant has not proposed a detailed development plan.

17.65.070 - Adjustments to development standards.

Finding: Not applicable. This section does not apply since the applicant has not proposed any adjustments.

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the Community Development Director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive

pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades;*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmary services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. Postal services;*
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- L. Multifamily residential, triplexes and quadplexes;*
- M. 1 or 2 units in conjunction with a nonresidential use provided that the residential use occupies no more than 50% of the total square footage of the development;*
- N. Restaurants, eating and drinking establishments without a drive through;*
- O. Services, including personal, professional, educational and financial services; laundry and dry- cleaning;*
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);*
- Q. Seasonal sales;*
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;*
- S. Studios and galleries, including dance, art, photography, music and other arts;*
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*
- U. Veterinary clinics or pet hospitals, pet day care;*
- V. Home occupations;*
- W. Research and development activities;*
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- Y. Transportation facilities;*
- Z. Live/work dwellings;*
- AA. After-hours public parking;*
- BB. Marinas;*
- CC. Religious institutions.*
- DD. Mobile food units outside of the downtown design district.*

Finding: complies as proposed. Utilities, marinas, offices, retail trade, and various types of residential units are permitted within the MUD zone. All of the site uses were established prior to the site being rezoned to MUD in 2003 when the city adopted a new zoning map as part of a major city wide comprehensive plan and zoning

update. One parcel that is zoned as MUD is 0.051 acres in a narrow triangular-shaped parcel that is 100ft across at the widest point. A sanitary sewer line runs perpendicular in the center of this parcel (Figure 4a). The land has no ramp or direct connection to the in-water facilities although the land effectively acts as a visual and spatial buffer between the in-water permitted activities and the sidewalk and traffic of the McLoughlin Blvd and businesses to the east.

Division of State Lands leases the shoreline and subaquatic lands to Sportcraft Landing LLC, and they operate it as a marina and flotation services business, e.g., recreational boat moorage and boat slips (37), one small crane, one tugboat and one barge that are used by the Applicant for working on other docks and piers along the Willamette River. Two floating homes (totaling 3000SF: 1200 SF and 1800SF) are occupied by the owner and employee of the Marina which operates year-round.

Ken's Flotation Services

According to the applicant Ken's Flotation Services is where the entire shoreline was historically used to fabricate, weld, and assemble seawalls or erosion control for shoreline armoring and protection from erosion and loss of residential and commercial properties up and down the river. These pre-existing, non-conforming uses launching from the public dock, fabricating, and assembly are not in compliance with the standards of the zoning code and the MUD – Mixed Use Downtown District. **Please see findings under OCMC 17.58 – Lawful Non-Conforming Uses, Structures and Lots regarding this use.**

The city's jurisdiction over these uses is complicated by the authority of several other regulatory bodies,

The County Marine Patrol facility provides a location on the river that adds to the benefit of this facility for the public. The marine patrol building was permitted in 2012 and a dedicated parking space for the officers from Police or sheriff's office.

17.34.030 - Conditional uses.

Finding: not applicable. The General Development Plan has no conditional uses in the MUD district.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

Kennels;

A. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;

B. Self-service storage;

C. Single-Family detached residential units, townhouses and duplexes;

D. Motor vehicle and recreational vehicle repair/service;

E. Motor vehicle and recreational vehicle sales and incidental service;

G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);

H. Marijuana production, processing, wholesaling, research, testing, and laboratories;

I. Mobile food units within the downtown design district unless a special event has been issued.

Finding: not applicable. The applicant has not proposed any listed prohibited uses within the MUD district.

Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

Finding: not applicable. The dimensional standards do not apply since there are no lots nor any structures on any of the parcels nor any proposed for development. The floating marina and dock are on-water features.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi-public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;*
- B. Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;*
- D. Stadiums and arenas;*
- E. Banquet, conference facilities and meeting rooms;*
- F. Government offices;*
- G. Transportation facilities;*
- H. Mobile food units.*

Finding: complies with conditions. The recreational boat landing and boat ramp and shared public parking area are consistent with the Institutional land use zone (I District) that permits public/quasi-public and park designations. ODOT's right-of-way easements #2061, #2062, #2063 and #2064 that extend along and parallel to the shoreline (easements established when the Abernethy Bridge was originally constructed, and documents are exhibit to this application) could be considered Transportation Facilities.¹ The recreational use of Sportcraft and the public boat ramp with moorage and boat slips are consistent with the institutional zone and the Oregon City Parks and Recreation Master Plan. The boat slips offer longer term water transportation facilities for the public and short-term rental for small recreational watercraft including kayaks and canoes. A 40 ft. X 60 ft. building is used for the rental business that offers kayaks and small rafts, paddles, life jackets, and other safety gear for the boat dock users. Within the same building is eNRG Kayaking, an educational kayak and rafting company. Education and training classes on the use of the recreational watercraft are provided by the company as well.

One of the three floating homes is within the I-Institutional Zone district boundary as well. This home is the residence of the applicant and has been used in that manner since the site was established. All of the floating homes are subject to the Sportcraft Lease Agreement. Since the I – Institutional Zone does not allow for residential use, the residential use is considered a pre-existing non-conforming use within the zone district. Continued use of the site for residential floating homes is subject to review pursuant to OCMC 17.58. **See findings under section 17.58 for further details.**

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;*
- B. Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. Child care centers or nursery schools;*

¹ OCMC Definitions - 17.04.1312 - Transportation facilities.

"Transportation facilities" shall include construction, operation, and maintenance of travel lanes, bike lanes and facilities, curbs, gutters, drainage facilities, sidewalks, transit stops, landscaping, and related improvements located within rights-of-way controlled by a public agency, consistent with the city's transportation system plan.

E. Scientific, educational, or medical research facilities and laboratories;

F. Religious institutions.

Finding: complies as proposed. The marina and small boat rental and storage resident manager's facility are pre-existing non-conforming within the Institutional zone. See findings under section 17.58 for further details. Inside the Marina Rental Building (40 ft X 60 ft), there is an office (approx. 200 square feet) and a small retail area (approx. 50 square feet) for purchasing convenience items for recreational boating. The entire rental facility is housed in a warehouse for kayak and canoe storage and the main rental office and the associated docks and decks that face the Willamette River.

The total floor area of all the rental building is 2,400 SF so accessory uses are 10.4% of the single building. On site there is also a second 40ft X 60ft warehouse for kayak storage which adds another 2400SF to the total permitted facility. Central to the linear grouping of structures is one floating home totaling 2000 SF occupied by the owner of the Marina which operates seven days a week, three seasons each year – closed for maintenance and safety November to March.

17.49.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;*
- B. Boarding and lodging houses, bed and breakfast inns;*
- C. Cemeteries, crematories, mausoleums, and columbariums;*
- D. Correctional facilities;*
- E. Helipad in conjunction with a permitted use;*
- F. Parking lots not in conjunction with a primary use;*
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);*
- H. Fire stations;*
- I. Police Station.*

Finding: not applicable. There are no uses that would be permitted under conditional use. There is a marine patrol building that was permitted through a site plan and design review application approval in 2012 and two dedicated parking spaces for the officers from the Police or sheriff's office. Appendix C provides the land use approvals for these facilities.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;*
- B. Marijuana businesses;*

Finding: not applicable. There are no prohibited uses that occur on the site as expressly listed in the OCMC 17.39.020, 17.39.030 or 17.39.040.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*

Finding: complies as proposed. None of the buildings on the subject property exceed 35 feet in height.

- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet, and the maximum setback is five feet.*

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

Finding: complies as proposed. The dimensional standard for setbacks has been achieved in that all structures are at least 25 feet from the property line.

C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.

Finding: complies as proposed. The existing site is pre-existing non-conforming. The existing site condition is that there are several areas planted with native tree species including: Oregon ash, big leaf maple, Oregon live oak and giant sequoia. The three easements leased by Oregon Department of Transportation (ODOT) are fully vegetated with native grasses and maintained by periodic mowing. A small area in the upper parking area near the entrance to the series of docks is planted with azalea shrubs, palms, and xeric agave plants in raised planter. Total Vegetated Area is 1500 SF; although most of the landscaping is in the Mixed-Use Downtown District.

17.39.050 - Relationship to master plan.

A. A master plan is required for any development within the I District on a site over ten acres in size that:

- 1. Is for a new development on a vacant property;*
- 2. Is for the redevelopment of a property previously used as a non-institutional use; or*
- 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions.*

Finding: not applicable. The project study area is less than 10 acres and there is no new development or redevelopment planned. Therefore, this standard does not apply. The master plan was required as a condition of the lease agreement with the city, not because of the requirements of this section.

B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.

Finding: not applicable. The applicant has not requested any adjustments.

C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.

Finding: not applicable. The applicant has not requested any modifications to other development standards.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES

17.58.010 Purpose.

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been

maintained over time. These situations have lawful nonconforming status.

Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

Finding: Applicable.

17.58.020 - Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.

Finding: not applicable. The applicant has not proposed development or alteration of any existing lots of record. Furthermore, neither the MUD Mixed Use Downtown District nor the I – Institutional Zone District contains any applicable lot standards.

17.58.030 Lawful nonconforming use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

Finding: complies with conditions. The applicant indicates that the following lawful non-conforming use exists:

Ken's Flotation Services

According to the applicant Ken's Flotation Services is where the entire shoreline was historically used to fabricate, weld, and assemble seawalls or erosion control for shoreline armoring and protection from erosion and loss of residential and commercial properties up and down the river. These pre-existing, non-conforming uses launching from the public dock, fabricating, and assembly are not in compliance with the standards of the zoning code and the MUD – Mixed Use Downtown District.

The city's jurisdiction over these uses is complicated by the authority of several other regulatory bodies, including but not limited to the Oregon State Marine Board, the Oregon Department of State Lands, and the Oregon Department of Transportation, among others.

Staff findings are limited to the code criteria of this chapter.

A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.

Finding: complies with conditions. The applicant states that the use has been continuous since its establishment. Business license records indicate that the applicant has not renewed their business license since 2019. This is not to imply that the business has been discontinued, however, if the applicant wishes to continue the industrial use of the site they shall provide further evidence of whether the industrial uses have been in continuous use by complying with the procedural requirements in OCMC 17.58.60 - *Process to confirm the legality of a nonconforming use, lot, structure, or site*, and by obtaining a current business license. It is reasonable to believe that the applicant can provide further evidence to support the continuous use of the property in this manner. **The applicant can assure this standard is met by complying with the conditions of approval.**

B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be

resumed.

Finding: not applicable. The applicant has not proposed any conversion of a non-conforming use.

C. Destruction of a Nonresidential Use. When a structure containing a lawful nonconforming nonresidential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more than sixty percent of its assessed value.

Finding: not applicable. This criterion does not apply as no damage or destruction has occurred in the recorded past, other than maintenance and improvements.

D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.

Finding: not applicable. None of the residential structures has been damaged by fire or other causes.

E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.

Finding: not applicable. None of the non-residential structures has been removed or damaged by fire or other causes within the control of the owner.

F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.

Finding: not applicable. The applicant has not proposed to replace a nonconforming use with a different non-conforming use, nor expansion or intensification of a non-conforming use.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.

B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.

C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.

1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.

2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.

a. Thresholds triggering compliance. The standards of subparagraph C.2.b below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the

Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:

- i. Proposed alterations to meet approved fire and life safety agreements;*
- ii. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;*
- iii. Alterations required to meet seismic design requirements; and*
- iv. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.*

Finding: complies with conditions. No alteration or expansion is proposed. As with most developments in Oregon City that occurred prior to the adoption of more recent codes, the site is non-conforming with respect to many current zoning and overlay districts standards. Code standards that would be evaluated if alteration and expansion were proposed include, but may not be limited to the following:

17.52 - Off-Street Parking and Loading

- 17.52.020 - Number of automobile spaces required.
- 17.52.030 - Standards for automobile parking.
- 17.52.040 - Bicycle parking standards.
- 17.52.060 - Parking lot landscaping.

17.62 - Site Plan and Design Review

- 17.62.050 - General standards.
- 17.62.055 - Institutional, office, multi-family, retail, and commercial building standards.
- 17.62.065 - Outdoor lighting.
- 17.62.085 - Refuse and recycling standards.

17.49 - Natural Resources Overlay District

- 17.49.080 - Uses allowed outright (exempted).
 - I. Routine repair and maintenance of existing structures, roadways, driveways and utilities.
 - J. Replacement, additions, alterations and rehabilitation of existing structures, roadways, utilities, etc., where the ground level impervious surface area is not increased.
 - K. Measures approved by the city of Oregon City to remove or abate nuisances or hazardous conditions.
- 17.49.090 - Uses allowed under prescribed conditions.
- 17.49.100 - General development standards.
- 17.49.110 - Width of vegetated corridor.
- 17.49.120 - Maximum disturbance allowance for highly constrained lots of record.
- 17.49.130 - Existing development standards.
- 17.49.140 - Standards for utility lines.

17.42 Flood Management Overlay District

- 17.42.160 - Flood management area standards.
- 17.42.170 - Review of building permits.
- 17.42.190 - Floodways.

17.44 – Geologic Hazards

17.48 – WRG Willamette River Greenway

- 17.48.040 - Uses allowed.
- 17.48.050 - Permit required—Exceptions.
- 17.48.060 - Procedures.
- 17.48.070 - Development standards—Specific use.
- 17.48.080 - Development standards—General considerations.
- 17.48.100 - Compatibility review.
- 17.48.110 - Prohibited activities.
- 17.48.120 - Additional procedural requirements.

Chapter 17.54 - Supplemental Zoning Regulations and Exceptions

- 17.54.010 - Accessory structures and uses.
- 17.54.100 - Fences, hedges, walls, and retaining walls.

Future development shall be reviewed for compliance with the requirements of *OCMC 17.58.040 - Lawful nonconforming structure or site*, and the applicable provisions of the code and overlay districts cited above prior to issuance of any permit. **The applicant can assure this standard is met by complying with the conditions of approval.**

17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the City determining the following:

A. The nonconforming use, lot, structure or site was established lawfully; and

Finding: complies as proposed. This non-conforming use has been established lawfully. The City has approved leases going back for 50 years (1969) for the landowners to operate a landing and moorage for small marine vehicles and to live and work with the necessary equipment permitting private uses of the marina for river recreational public recreation. These uses have been associated with the City's public park and boat ramp and shared public parking lot for the public marina that is open to all and that provides educational training as well as the safety gear and small kayaks and canoes for use by all.

B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060.A and B without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060.A and B without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedure shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060.A and B above, the use, lot, structure or site shall be determined to be illegal.

Finding: complies with conditions. The applicant indicates that the marina uses have remained the same for more than twenty years and the structures have not become more non-conforming in any way. The recent Comprehensive Plan Update of 2023 and revision of the zoning code demonstrate that the lands within the general development plan are consistent with intent of the zone for an urban recreational use that is available for diverse socioeconomic use by the public and to offer jobs, connection with the natural and cultural environment and a boost for the local economy. As discussed under OCMC 17.58.040, Future development shall be reviewed for compliance with the requirements of OCMC 17.58.040 - Lawful nonconforming structure or site, and the applicable provisions of the code and overlay districts cited above prior to issuance of any permit. **The applicant can assure this standard is met by complying with the conditions of approval.**

CONCLUSION AND RECOMMENDATION

Based on the analysis and findings as described above, staff concludes that the proposed Master Plan / General Development Plan for Sportcraft Marina, located at 1701 Clackamette Drive Oregon City, Oregon 97045 and adjacent tax lots, can meet the requirements as described in the Oregon City Municipal Code by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director recommends approval with conditions, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Vicinity Map
2. Complete Application
3. Agency Comment (ODOT)



OREGON CITY

Community Development – Planning

698 Warner Parrott Road | Oregon City OR 97045
Ph (503) 722-3769 | Fax (503) 722-3880

LAND USE APPLICATION FORM

Type I (OCMC 17.50.030.A) ☐ Compatibility Review ☐ WRG ☐ Comm. Fac ☐ Lot Line Adjustment ☐ Non-Conforming Use Review ☐ Natural Resource (NROD) ☐ Verification ☐ Minor Site Plan & Design Review ☐ Extension of Approval ☐ 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 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 Greenway
ELD Process (OCMC 17.50.030.E) ☐ Expedited Land Division		Legislative Action (OCMC 17.50.170) ☐ Legislative

File Number(s):	GLUA-23-00026 / MAS-23-00002	Application Date:	7-10-23
Project Name: Sportcraft Landing			
Proposed Land Use or Activity: Existing marina Sportcraft Marina Master Plan		# of Lots Proposed (if Applicable):	
Physical Address(es) of Site: 1701 clackamette dr. Oregon city			
Clackamas County Map and Tax Lot Number(s): 2-2E-29CB-00500 (COC), 2-2E-30DD-00501 (Sportcraft), 2-2E-30DD-06500 (ODOT), 2-2E-30DD-00500 (COC)			

Applicant(s)	
Applicant(s) Signature: <i>Eric Dye</i>	
Applicant(s) Name Printed: ERIC DYE	Date:
Mailing Address: 1701 clackamette dr.	
Phone: 503-449-6667	Fax:
Email: KFS@clackamette.or.gov	

Property Owner(s) – See reverse for more than two Owners	
Property Owner #1	
Property Owner#1 Signature: <i>Eric Dye</i>	
Property Owner#1 Name Printed: ERIC DYE	Date: 7-10-23
Mailing Address: 1701 clackamette dr.	
Ownership Address: 2-2E-30DD-00501 (Sportcraft)	
Phone: 503-449-6667	Fax:
Email: KFS@clackamette.or.gov	

Property Owner #2	
Property Owner#2 Signature	
Property Owner#2 Name Printed: Tony Konkol, City Manager, City of Oregon City	Date:
Mailing Address: PO Box 3040, Oregon City, OR 97045	
Ownership Address: 1701 Clackamette Dr, APN 2-2E-29CB-00500	
Phone:	Fax:
Email:	

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.

Pete Walter

From: noreply@civicplus.com
Sent: Monday, November 6, 2023 4:46 PM
To: Oregon City Planning
Subject: Online Form Submittal: Land Use Application

Categories: Pete

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Land Use Application

Applicant Name(s)	Eric Dye
Applicant's Representative	Gary Spanovich
Company	<i>Field not completed.</i>
Mailing Address	1701 Clackamette Drive Oregon City, OR 97045
Phone Number	503-314-5955
Email Address	garyalanspanovich@gmail.com
Application Type	Master Plan
Project Description	The Sportcraft General Development Plan area is 3.84 acres of shoreline between the Willamette River and the Hwy 99E /McLoughlin Blvd. The existing facilities both on land and floating have been operated legally as small boat landing and moorage since 1969. The existing uses support a public recreational use, the boat ramp, parking areas and kayak and canoe education and rental.
Project Address	1701 Clackamette Drive Oregon City, OR 97045
Map & Taxlot Number	2-2E-29CB-0500, 2-2E-30DD-00501, 2-2E-30DD-06500
Additional information	The approval of a master plan is a stipulation of the lease agreement with the City of Oregon City. No new development or on site changes are being proposed.
Application Form	20231017 Narrative Project Description existing condition CH17.65, 17.34, 17.38, 17.58 FINAL.pdf
Site Plan / Layout	Maps Figures and Photographs Sportcraft MP.pdf

Other Application Materials	Appendix A TAL and B Title Rpt.pdf
Other Application Materials	Appendix C and D Sportcraft MP.pdf
Other Application Materials	<i>Field not completed.</i>
Other Application Materials	<i>Field not completed.</i>
Other Application Materials	<i>Field not completed.</i>
Disclaimer	Select to acknowledge you have read and understand these terms.

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[INSERT SIGNED COVER SHEET of TYPE III APPLICATION HERE]

**TYPE III PLANNING COMMISSION DECISION for
GENERAL DEVELOPMENT PLAN at SPORTCRAFT LANDING**

APPLICANT: Eric Dye, Ken's Flotation Services

REPRESENTATIVE: Gary A. Spanovich

Project Name: Sportcraft Master Plan

Alternative Name: PA-22-00046 Sportcraft Landing General Development Plan

Location: 1701 Clackamette Drive Oregon City, Oregon 97045

Legal Description: 2-2E-29CB-00500, Oregon City
2-2E-30DD-00501, Sportcraft Landing, Inc.
2-2E-30DD-06500, ODOT
2-2E-29CB-00500 contains ODOT Easements #2061, #2062, #2063, #2064

Zoning: I-Institutional and MUD-Mixed Use Downtown

Comp Plan Designation: Public and Quasi-public (3.37 ac), zoned Institutional District and ODOT easements – no development and Mixed-Use Downtown (0.051 ac for private use and 0.42 ac for ODOT)

Study Area Size: Approximately 167,270 square feet (3.84 acres)

PROPOSED PROJECT

Sportcraft Landing Master Plan (General Development Plan) The approval of a master plan is required as a stipulation of the lease agreement with the City of Oregon City.

STUDY AREA OF THE GENERAL DEVELOPMENT PLAN

The Sportcraft General Development Plan area is bordered by Willamette River to the west, the McLoughlin Blvd (Hwy 99E) corridor to the east, the I-205 Abernethy Bridge and overpass and Jon Storm Park and Clackamette RV park to the north and the City of Oregon City land to the south. Most of the facilities are in the waterway and floating above the ordinary low water mark of this navigable US Jurisdictional River. The plan site has been operating for City of Oregon City as a landing and moorage, canoe and kayak rental and staging area for large and small fishing boats and recreational smaller craft for many decades as the landmark Willamette Falls and the OC bridge below the falls are visible from this landing and it is far enough away that there is no danger from action relative to the falls and locks in that u[stream reach of the river. The only land-based facilities in the general development plan area are not structures but are roads and other public amenities, i.e. boat ramp, portable sanitary toilet, trash disposal, parking spaces for vehicles and boat trailers, and the gangplank ramp to the marina.

DISCLOSURE

Construction staging activities and traffic management by temporary signalization as part of the I-205 Abernethy Bridge upgrade began in 2023 and dominates the appearance of the entire study area. These activities are likely to continue until the new bridge is fully operational and the disturbed Natural Resources and access road are restored (2026) (PA-19-08 Type III Site Plan and Design Review Feb 27, 2019, approved by City of Oregon City 2/24/2020). These construction activities resulting in constrained access and extensive hours of high decibel noise along with use of a half of the upper parking lot by workers vehicles make the current site conditions undesirable if not unsafe for public use. The preparers of this document attempted to consider what the future condition (post bridge construction) of the site might be to adequately address the long-term development potential for the small study area.

Table 1. Ownership, Use and Zoning

Tax Lots	Ownership	Area	Current Use	Zoning
2-2E-29CB-00500	Oregon City	3.37 acres	Boat ramp, parking areas, access ramp to docks Four Easements #2061, #2062, #2063, #2064, related to the I-205 - Abernethy Bridge I-205 Highway	Institutional - I
2-2E-30DD-00501	Sportcraft Landing, Inc.	0.05 acres	open space, shoreline	MUD- Mixed Use Downtown
2-2E-30DD-06500	ODOT	0.42 acres	Open space	MUD- Mixed Use Downtown

CHAPTER 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENT

[Note: OCMC 17.65 – Master Plans and Planned Unit Developments applies to this general development plan and observations are included herein. Consistency with the Oregon City Comprehensive Plan and written narrative for other chapters of the OCMC follow in this report]

17.65.010 Purpose and intent.

It is the intent of this chapter to foster the growth of major institutions, phased residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure. The City recognizes the valuable housing options, services and/or employment opportunities that these developments bring to Oregon City residents. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.

17.65.020 What is included in a master plan or planned unit development.

- A. A master plan or planned unit development is a two-step process that includes a general development plan and a detailed development plan. A general development plan incorporates the entire area where development is planned for up to the next twenty years from the date of final approval, including the identification of one or more development phases. The general development plan may encompass land that is not currently under the applicant's control, but which eventually may be controlled by the applicant during the duration of the master plan. The plan shall have no effect for lands not currently controlled by the applicant. "Controlled" shall be defined as leased or owned by the applicant. A detailed development plan is the phase or phases of the general development plan that are proposed for development within two years.*
- B. A master plan or planned unit development identifies the current and proposed uses of the development, proposed project boundaries, and proposed public and private infrastructure needed to serve the development. If approved, the general development plan may be used to allow existing legal non-conforming uses. If conditions of approval from a previous land use decision have not been completed, they shall be modified through the general development plan or completed with new development.*
- C. A master plan or planned unit development identifies future development impacts, thresholds for mitigation and mitigation improvements and implementation schedules. A threshold for mitigation is the point that determines when or where a mitigation improvement will be required. Examples of "thresholds" include vehicle trips, square feet of impervious surface area,*

water usage measured in gallons per minute, construction of a building within a general development plan and construction of a building within a certain distance of a residential lot.

Mitigation improvements are necessary when a threshold for mitigation is reached. Examples include road dedication, intersection improvement, road widening, construction of a stormwater or water quality facility, installation of vegetative buffering and wetland restoration or enhancement.

17.65.030 - Applicability of the Master Plan or Planned Unit Development Regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.*
- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision-requiring master planning for a development.*
- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.*
- D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.*

Applicant's Response:

The Applicant has no plans to construct any new structures in the foreseeable future; therefore, a detailed development plan is not included in this application. The study area is less than 4 acres and most of the developed area is floating on secured pilings therefore, any maintenance or alteration to the pilings, the floodway or the docks and piers would fall under both the Oregon City and the State of Oregon Division of State Lands and U.S. Army Corps of Engineers jurisdiction.

17.65.040 - Procedure

- A. Preapplication Review. Prior to filing for either general development plan or detailed development plan approval, the applicant shall file a pre-application conference pursuant to OCMC 17.50.030.*

Applicant's Response:

A Pre-application review conference was conducted by the City for this general development plan on July 5, 2023. The City's pre-application conference meeting summary has been used as guide while preparing this plan. Each of the issues within the pre-application conference have been addressed to the best possible given the "non-land" uses and the current construction equipment and noise that may have influenced the daily operations of the recreational boat and marina facilities.

- B. General Development Plan. An application for a general development plan describing the long-term buildout of the site shall be reviewed through a Type III procedure. An applicant shall have an approved general development plan before any detailed development plan may be approved unless both are approved or amended concurrently. Amendments to an approved general development plan shall be reviewed under a Type III procedure pursuant to OCMC 17.65.080.*

Applicant's Response:

This narrative and exhibits respond to the Applicant's desire to have a general development plan approved and on file with the City of Oregon City.

- C. Detailed Development Plan. An application for a detailed development plan, is processed through a Type II procedure, as long as it is in conformance with the approved general development plan. Amendments to an approved detailed development plan shall be processed pursuant to OCMC 17.65.080. Once a development has an approved detailed development plan, OCMC 17.62 Site Plan and Design Review is not required.*

Applicant's Response:

There is no detailed development plan for this submittal as the Applicant has no proposed development for the property.

- D. Concurrent Review. An applicant may concurrently apply for a general development plan and a detailed development plan. Such a concurrent application is reviewed through the highest procedure that applies to any element of the combined application.*

Applicant's Response:

This section does not apply to this application for a general development plan.

- E. Relationship to Other Reviews. It is the express policy of the 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.*

Applicant's Response:

The purpose of this application is to provide a general plan that can evaluate the existing facilities as one entire development owned by the private entity that has served the recreation activities of the public for decades.

- F. Duration of General Development Plan. A general development plan shall involve a planning period of up to twenty years. An approved general development plan shall remain in effect until development allowed by the plan has been completed through the detailed development plan process, the plan is amended or superseded, or the plan expires under its stated expiration date either as stated in the approved master plan or planned unit development application or decision of approval.*

Applicant's Response:

A twenty-year horizon for approved general development plan for Sportcraft Landing recreational boat storage, rental and access to the Willamette River seems appropriate since this facility has served the community with this since 1969.

17.65.050 General development plan

A. Existing Conditions

Current Uses of and development on the site

The majority of the Sportcraft docks and Marina complex are located on the water of the Willamette River. It includes both public boat ramp and private marina facilities. Site access and parking lot is located on tax lot 2-2E-29CD-00500 which is owned by the City of Oregon City. Lessee's Marina facilities are located partially on real property owned by the city and also on submerged and submersible lands administered by the Oregon Department of State lands (DSL). The improvements consist of what is sometimes referred to as the "north dock" (downstream) and includes the Marina store and access ramp and "South dock" (upstream) as well as the "licensees owned dock". The "parking areas" mean the upper parking area, the central parking area, and the South parking area.

Usable open space is tiny pockets of trees and shrubs on relatively steep slopes between McLoughlin Blvd and the ordinary high-water mark of the Willamette River. The flatter plan area lands adjacent to the shoreline are owned by the Oregon Department of Transportation for access and maintenance of the Abernethy Bridge. Although used by the applicant for marina activities in the past, currently they have no permission to use the land. Also, the right-of-way easements on the privately owned parcel that extends along the shoreline are retained for the Department of Transportation purposes.

Vicinity map

Surrounding Land Uses are dominated by the I-205 Abernethy Bridge and approaches, access road, steep slope upstream, Jon Storm Park and the fishing pier on the downstream side of the bridge piers. The Hwy 43 in West Linn is across the river and Clackamette RV Park is just downstream from Jon Storm which provides beautiful river front views to the Best Western Riverside Hotel and Restaurant. Note: Jon Storm Park is temporarily occupied for construction activities for I-205 and it is slated to be replaced and any open space planted after the bridge widening is completed (2026).

The businesses on the east side of Hwy 99E McLoughlin are not visible from the plan area but include the Oregon City Shopping Center: Fisherman's, Rite Aid, Michaels, Dollar, Sharis, etc. and then Subaru dealership is at least 25 feet higher elevation toward the east and not in the plan viewshed.

Existing Utilization of the Site

- **Site Description.** Recreational boat kayak and small water craft marina and moorage, public ramp to release and return boats, parking for the vehicles with trailers and other vehicles, sanitary facility, parking for marina store operators and manager of the marina who live in floating homes and marine patrol building for Clackamas County, parking for police or security, single access to the lower and upper parking areas with no egress except for a rock stairway that connects the upper parking area to McLoughlin Blvd, a 40-foot elevation change.
- **Physical Characteristics** topographic change is steep slope (2:1 slope) along a hillside, west of that, the land is flat, mostly gravel or sand riverine sediments, which have been paved for parking and boat ramp construction. The access to the site is a gentle downgrade from OR-99E and McLoughlin Blvd via Dune Drive, to Clackamette Drive which acts as a frontage road past the hotel, the fishing pier, the park, landscaped grounds and bike pedestrian trails, and a new parking lot recently developed as part of the Abernethy Bridge Improvements by ODOT (see Type II Site Review and Design application as attachment for more detail on the modifications to properties adjacent and north of the plan study area).
- **Ownership patterns** the entire study area is 3.84 acres of which (99%) of the land is in public ownership. The private land ownership (1 %) and marina facilities and equipment are owned by a single private owner. The piers or pilings hold up the docks and float facilities and utilities above the ordinary low water line; these marina facilities are also under Division of State Lands State of Oregon jurisdiction.
- **The pattern is a floating year-round functioning landing and rental area for recreational boats with accessory storage, maintenance, property management and utility services.** The land based (non-floating) uses are access, boat ramp and parking the transfer of ownership and leasing of portions of the shoreline to maintain shoreline access and to allow the river to be used as a community asset is the theme since the construction of the I-205 bridge in 1969. The City of Oregon City was given the land from historic owner Crown Zellerbach for the purposes of building a public boat ramp with landside parking. The moorage and Sportcraft Landing were purchased from the Huff family and maintained for 55 years, Current ownership within the study plan area includes both City of Oregon City and the Dye family owns a strip of land. The upper offshore lease (upstream) are three restricted rights-of-way, easement under Oregon Department of Transportation (0.42 acres). Easements #2061, #2062, #2063 and #2064 extend along the entire parcel (Tax Lot 2-2E-30DD-0650C) and parallel to the shoreline. State (ODOT) rights-of-way are required for operation, maintenance, and safety of the transportation facility, Abernethy Bridge and associated maintenance activities.
- **Operation depends on the time of year.** Customers used their moorage: April to August – 93 slips rented and Sept to April – 55 slips rented. There are a total of 133 rentable spaces in the marina; the marina contained 180 spaces until some were demolished at the north end for purposes of bridge widening (Building Demolition Permit is on file at the City of Oregon City). October to April 1st, fishing boats typically move in depending on the Oregon Division of Wildlife fishing season and water and precipitation. (Notes from Eric Dye, Ken's Floatation Service Inc., 503-449-6667)
- **Building Inventory.** The buildings on the plan area are shown in the Site Photos and on the Map with further detail in Table 2.

Table 2. Building Inventory

Facility	Number	Square Footage
Boat Slips/Moorage	93 Avg.	From April to August
Boat Slips/Moorage	55 Avg.	Sept to April
Rental Office/Retail	1	2400
Floating Home 1	1	2000
Floating Home 2	1	1800
Floating Home 3	1	1200
Marine Patrol Bldg.	1	2240
Kayak Storage	1	3600
Reserved Parking	6	
Police Reserved Space	2	
Shared Parking Near Reserved Spaces	19	
Shared Parking Near Boat Ramp	21	
Boat Trailer Stalls	19	

Facilities in the Water

- Most of the facilities are on the docks that are floating and secured in place with a sturdy reinforced dolphin system on steel pilings.
- Below DSL Aquatic Lease--Structures that are closest to the river center include three occupied floating homes along the corridor and deepest water from downstream to upstream: 2000 SF, 1800 SF, 1200 SF, and a Marine Patrol Building approved and constructed in 2012 that houses the Clackamas County Sheriff's Office.
- Inside the Marina Rental Building, there is an office and a small retail area within the Marina Rental Facility. The retail desk (50SF) for purchasing sunscreen, and other convenience items for recreational boating and the southwest corner is for an office space for the owner in approximately 200SF of the Rental Building (40 ft X 60 ft).
- The total floor area of all the building is 2,400 SF so accessory uses are 10.4% of the single building. On site there is also a second 40ft X 60ft warehouse for kayak storage which adds another 2400SF to the total permitted facility. Central to the linear grouping of structures is one floating home totaling 2000SF occupied by the owner of the Marina which operates seven days a week, three seasons each year – closed for maintenance and safety November to March). The home is currently occupied by the property owner.
- Mid-range-Marina slips (133 in total) and seasonal, are downstream and interior.

Facilities on the Land

- The Applicant owns a narrow strip of property abutting the ODOT tax lot 2-2E-30DD-06500 that is approximately (0.05 acres) or (450 ft by 97 ft). In the past this area was used for kayak or small boat storage, but now this land and the easements upstream on City property, i.e., #2061, #2062, #2063, #2064 are related to I-205 Abernethy Bridge. This bridge is currently being replaced and improved. ODOT mitigation plans indicate this will continue until 2026 and for the 20-year master plan horizon, future ODOT use of these easements will be in place.
- The upper parking lot has 19 public spaces and seven reserved spaces for the owners and employees of the marina and residences. A lower parking lot includes a patrol reserved space, public parking spaces include: 19 boat trailers pull through spaces and 21 vehicle spaces.
- Shoreline – Access Road from Clackamette Street. Parking Areas with Access dock to Marina. Lower Parking Lot is closest to the Oregon City Boat launch and has approximately 50 spaces for vehicles and ten spaces for vehicles with boat trailers. Upper Parking Lot has 27 spaces angle for vehicles only. Walkways Fences, Landscaping
- Vehicle/bicycle parking is provided on upper and lower paved parking lots. Eight parking stalls are reserved (6 for the residents and two for the police) and the remaining 59 are open for the public at all times (Table 2).
- Landscaping/usable open space is scarce on the narrow strip of land and there is no noticeable planting or upkeep for landscaping purposes or for public rest and relaxation.
- FAR/lot coverage is not an applicable category as no buildings exist except those that are floating above the waterways and permitted by Division of State Lands Joint Permit
- Natural resources from Goal 5 inventory would be native trees and shrubs that occur in a narrow strip on the rocky hillside between McLoughlin Blvd and the Asphalt parking lots. Tree Species are big leaf maple (6), live oak (4), small giant sequoia (11), blackberry is the prevalent underbrush, and Oregon ash (15). Closed canopy and good adhesion for erosion control and soil retention.
- Cultural/historic resources Goal 5 inventory – no surface cultural or historical Goal 5 resources exist on the three tax lots. A subsurface inventory was not conducted and no record of one being conducted was found for this or any other land use applications in the vicinity.
- Location of existing trees 6-inches diameter or greater at 4 feet above the ground - Twelve Oregon ash, four Giant Sequoia, Six Big Leaf Maples and four Oregon Live oak (very immature appear to be planted recently) exist on the rocky hillside – No other trees with upstream or downstream or toward the water from this intact natural resource area along the Hwy 99E McLoughlin Blvd Sidewalks and signage
- Geologic hazards - the hillside is a relatively steep slope City geologic hazard maps state the slope may be > 25% and the site is considered within the geologic hazard overlay district. The hillside is currently vegetated and well armored with rocks, shrubs and vegetation except for a developed stairway between the upper parking lot and the McLoughlin Blvd sidewalk designed in the style of Oregon City rock pathways at the south end of the plan area. This reduces the erosion hazards of the steep slope and provides direct pedestrian access.

Historical Perspective On Site Utilization

The property has 133 Marina Slips with aluminum roofs and walkways to access from parking lot. Upwards of 180 slips were originally constructed, but the configuration was changed under a demolition permit for widening of the bridge (Berger ABAM, 2022). On average, 93 slips are rented during the high season. April is the start of the season and June begins recreational marina use and kayak/paddle rentals which continues until November. Kayak and paddlers rentals company leases the storage area, the facility and concessionaire from the applicant.

Enterprise of the Ken's Flotation Services is where historically the entire shoreline was used to fabricate, weld, assemble, seawalls or erosion control for shoreline armoring and protection from erosion and loss of residential and commercial properties up and down the river. These non-permitted uses – launching from the public dock, fabricating, assembly are no longer performed in compliance with City regulations. Many of the historical uses are no longer at this site, rather the character of the property appears as a public safety, water recreational/concessionaire, and freshwater boat rental or marina feel. It is not apparent from Clackamette Drive that there are a mix of private, public, commercial and residential uses on this densely developed shoreline that is perched just below a major transportation bridge. The approach and signage and fresh clean blue roofs are attractive as seen from various vantage points on both sides of the river, the frontage road and McLoughlin Blvd in central downtown Oregon City. There is an Industrial use for Division of State Lands to park a barge and small tugboat permanently, service docks that are used year-round for work on the Willamette and Columbia rivers do not feature prominently from the surrounding viewpoints or the parking lot.

Existing transportation analysis facilities

- The general development standards in OCMC 17.62.050 are the principal site plan and design review criteria that apply to new development. Staff should be aware there is no new development proposed in the foreseeable future, but a general development plan will meet the requirements of the land lease.
- Please refer to the Traffic Analysis Letter (TAL) and addendum in Appendix A for trip generation numbers and AM and PM peak hour rates. No capacity analysis of nearby public intersections and site driveways were required. Most river recreation occurs between April to August. The river and recreational boating traffic falls off September through April each year. There are no trip generation, access, spacing, or sight distance issues.

Infrastructure utilities facilities and capacity

- Stormwater management – water filtration facilities are not essential with the volume of traffic in the project study area, yet the storm drainage from parking lots is likely to be direct inputs to the Willamette River
- Long term easements for four rights-of-way under lease by ODOT to prepare for and construct the transportation infrastructure within the vicinity notwithstanding the new I-105 Abernethy Bridge
- Water: There is an existing 8-inch ductile iron water main that runs within Clackamette Drive and terminates at a hydrant in the parking lot of the property. 2. There appears to be an existing 2-inch water service from the 8-inch watermain which serves the property which is approximately 32' from the hydrant line.

- Sanitary Sewer: A 30-inch sanitary sewer main exists along the east frontage of the property within some portions of the property and also within the right-of-way of McLoughlin Boulevard (99E). The service connection for this was provided as part of the lease agreement from State of Oregon Division of State Lands which states "Sewage Disposal - If LESSEE operates a commercial marina LESSEE shall provide a permanent "hard" connection to City Sewer for each existing and proposed new tenant with a sewage-producing facility. That is, each live-aboard boat, each plumbed boathouse, and each floating home or other plumbed structure must have a permanent connection to the city sewer. If sewer is not available, connection must be made to a sewage disposal system approved by the Department of Environmental Quality."
- Applicant's records show that a sewerage service connection was established as part of the agreement for the aquatic leased lands permit from State Department of Oregon Division of State Lands. A portion of the main becomes 15-inch as it extends southward from a junction at the intersection of McLoughlin Boulevard and 15th Street. There is also a Tri-City sewer district sewer main which runs within the same area, but it does not connect to this sewer main.

B. Proposed Development

The Applicant proposes no development for the foreseeable future and reserves the right to "lock-in" the codes as of the date of this application. The facilities that exist in the general development plan study area are pre-existing permitted uses, appropriately sized with adequate utility and fire protection.

The storage, floating homes, office, and concessionaire are accessory uses to support this community asset and quasi-public enterprise. The marina is permitted in the MUD zone as well as transportation facilities that harmonize with the public RV park, the shoreline fishing, and proposed new boat ramp and parking area at the downstream end of the plan area.

The general development standards in OCMC 17.62.050 are the principal site plan and design review criteria that apply to new development. Staff should be aware there is no new development proposed. Therefore, it could be the master plan is not necessary per the code.

Review of the foreseeable future development proposal reveals that the following sections of the Oregon City Municipal Code (OCMC) would not apply to the Sportcraft Landing and Marina site unless additional facilities were proposed to be developed. The marina and accessory facilities are all pre-existing uses within the following overlay districts and the Applicant acknowledges that any future expansion of redevelopment will be required to comply with the applicable codes.

C. Approval Criteria for a General Development Plan.

The Planning Commission may approve an application for general development plan only upon finding that the following approval criteria are met.

1. *The proposed General Development Plan is consistent with the purposes of OCMC 17.65.*

Applicant's Response:

This General Development Plan meets the purpose of the OCMC 17.65. Although no development is proposed for review at this time, a GDP can be up to 20 years, with any actual development that

happens submitted as a DDP within that time frame and subject to staff level approval. It is being prepared to lay the foundation for activities on the subject properties such that any new development can be done in a systematic manner, properly phased and consistent with existing goals and policies of the City. Additionally, the GDP allows an applicant to lock in a development code, request adjustments to code, and phase development over the long term. It is intended to provide a discretionary, flexible land use approval path through the Planning Commission, with subsequent development approvable by staff at a type I or 2 level.

2. *Development shall demonstrate compliance with OCMC 12.04 16.12, 17.62, if applicable, and 16.08, if applicable.*

Applicant's Response:

This general development plan is for a marina and associated facilities and a public recreational asset for the City of Oregon City and the Two Rivers Neighborhood. The land will continue to be used for public purposes and owned and operated by the private owner who will rent recreational boats, boat slips and the three residences on the property in a manner consistent with and in compliance with the purpose of the codes for 12.04, Streets, Sidewalks and Public Places; 16.08, Land Divisions; 16.12, Minimum Public Improvements and Design Standards For Development; and 17.62, Site Plan and Design Review.

The purposes of public improvements and design standards for development have been met by the site owner as requested for utilities, sanitary, waste management, and safety. The purposes of the site plan and design review to the extent they apply have been met by the Applicant and will continue to be if a new proposal for development becomes necessary. For reference, the purposes of site plan and design are to: Encourage site planning in advance of construction; protect lives and property from potential adverse impacts of development; consider natural or man-made hazards which may impose limitations on development; conserve the city's natural beauty and visual character and minimize adverse impacts of development on the natural environment as much as is reasonably practicable; assure that development is supported with necessary public facilities and services; ensure that structures and other improvements are properly related to their sites and to surrounding sites and structure; and implement the city's comprehensive plan and land use regulations with respect to development standards and policies.

3. *Public services for transportation, water supply, police, fire, sanitary waste disposal, storm-water disposal, and any other needed public services and facilities including schools and parks for proposed residential uses, are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.*

Applicant's Response:

This general development plan provides for all modes of travel including marine, auto, and transit. An interconnected and accessible street system with buses shelters, sidewalks already exist adjacent to the project site. The general development plan area is served by Oregon City sanitary sewer, water, and stormwater management facilities. Should any future development be considered, each of these public services will be re-evaluated to be certain they are capable of a new phase of development.

4. *The proposed General Development Plan protects any inventoried Goal 5 natural, historic or cultural resources within the proposed development boundary consistent with the provisions of applicable overlay districts.*

Applicant's Response:

Protection of the Willamette River is the centerpiece of the entire GDP. No other Goal 5 or historic sites have been inventoried for this plan area. Any future proposed development will protect the natural cultural or historical resources of the project area. This has been a function of the permits and approvals for actions on the project site historically and with the GDP, these protections can be accomplished in a systematic and progressively goal oriented fashion. There are four planning districts that effectively overlay the entire plan area: Willamette River greenway, and natural resource, geologic hazards, and floodplain overlay districts.

5. *The proposed General Development Plan, including development standards and impact mitigation thresholds and improvements, adequately mitigates identified impacts from each phase of development. For needed housing, as defined in ORS 197.303(1), the development standards and mitigation thresholds shall contain clear and objective standards.*

Applicant's Response:

This General Development Plan does not include any proposed development and all standards have been met for existing facilities within the plan area; therefore, no mitigation is required.

6. *The proposed general development plan is consistent with the Oregon City Comprehensive Plan.*

Applicant's Response:

This general development plan is consistent and upholds the goals and policies of the Oregon City Comprehensive Plan as described in the Consistency Review of GDP at the end of this section.

7. *The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.*

Applicant's Response:

This general development plan is consistent with the underlying zone as described within the written statement for code sections 17.34, 17.39, and 17.58. No impacts to the overlay districts have occurred from any activities on the plan area; this is because of the location along the shoreline Willamette Greenway, Flood plain, Natural Resources and geologic hazards typically exist in shoreline areas of major waterways. The general development plan is consistent with shoreline public and recreational uses and developments in mixed use downtown urban areas.

8. *For projects with a residential use component, the proposed general development plan includes common open space for the recreational needs of the development's residents.*

- a. *Required open space shall be located either on-site or off-site within one-quarter mile of the development.*

Applicant's Response:

The Applicant requests that the open space requirement be re-evaluated for the specific conditions of the study area, i.e., it is less than 5 acres with over 1 acre constrained by easements for State of Oregon transportation needs, two public parking lots required to meet the recreational needs of the public boat ramp and developed area, and with the remainder of the structures and facilities in the river water.

- b. *Minimum required open space shall be 100 square feet per residential unit in the development.*

Applicant's Response:

If this criterion is to be met, the site would be deficient in approximately 300 square feet of open space; however, some considerations should be given that the residences are floating with no separation between them.

- c. *The open space area may be in private ownership or proposed for public dedication, at the City's discretion whether to accept.*

Applicant's Response:

Currently the deciduous tree grove open space wooded area between the parking lot and Clackamette Drive is under public ownership. The deciduous forested slope (> 15%) between McLoughlin Blvd and the access road or the upper parking lot is publicly owned.

- d. *The open space shall be developed with a unified design to provide for a mix of passive and active uses. Passive uses include, but are not limited to sitting benches, picnicking, reading, bird watching and natural areas. Active uses include, but are not limited to playgrounds, sports fields and courts, running and walking areas.*

Applicant's Response:

Open space is limited within the study area – passive uses are associated with the lower parking lot to include a single park bench, shaded tree grove, and waste/trash receptable. The entire site is recreational oriented toward the water, the views, and the activities along the shoreline. The user experience is from the lower boat ramp and parking area, the marina access ramp, the walkways and dock moorage where users can view the recreational boats on the Willamette River. The orientation is not towards the land or slopes which scape up 200 feet and no part of the City of Oregon City is viewable from the marina. One rock stone stairwell exists on the upstream end of the upper parking lot where pedestrians can access the Sportcraft Landing from a sidewalk above on the McLoughlin Blvd (Hwy 99E). These features do provide important passive uses on the relatively congested study area, but they are isolated and separated from other public use areas such as the boat ramp and docks.

- e. *Land area to be used for the open space area that is required in this section shall not include required setback areas, required landscaping, streets, rights-of-way, driveways, or parking spaces.*

Applicant's Response:

The study area is narrow yet there is an unconstrained healthy deciduous woodland with native plants between the public boat ramp and Clackamette Drive as visitors come down the access road which is used for both ingress and egress to the marina.

- f. *Unless dedicated to the public, the applicant shall also provide an irrevocable legal mechanism for the maintenance of the open space and any related landscaping and facilities. The applicant shall submit, for City review and approval, all proposed deed restrictions or other legal instruments used to reserve open space and maintenance of open space and any related landscaping and facilities.*

Applicant's Response:

The study area has no deed restrictions or other legal instruments for open space, no maintenance agreements or anything related to landscaping. The land 99 % public ownership. Currently used as open space are the grassy areas of the four easements for Oregon Department of Transportation on City-owned land south of the upper parking lot (Tax Lot 2-2E-29CB-00500). There are also linear sections of forested landscaping between the linear transportation facilities of McLoughlin Blvd and the Clackamette Drive. A small tree grove is also between Clackamette Drive and the lower parking lot, all publicly owned by the City.

9. *For projects with a residential use component, the proposed general development plan includes a mix of residential uses such that no single residential use exceeds seventy-five percent of the total proposed units. The mix of residential uses shall provide variety of dwelling types and sizes that are integrated throughout the site, rather than isolated from one another, with smooth transitions between residential types including appropriate setbacks, landscaping or screening as necessary, while maintaining street and pedestrian connectivity between all residential uses. Tenancy (i.e. ownership versus rental) shall not be a consideration in determination of the mix of residential use. For the purposes of this section, residential uses include single-family detached, duplex, triplex, quadplex, townhouse, cottage cluster, and multi-family.*

Applicant's Response:

There is no residential component in this general development plan. Three small permitted residences (5000 SF) exist as floating residences for marina and store managers and year round maintenance, safety and security of the ramps, dock and boat moorage during the high water seasons.

No adjustments are being requested to development standards as per OCMC 17.65.070 - Adjustments to development standards for the existing uses.

- Chapter 17.42 – Floodplain Management Overlay District (FMOD) The entire study area is a pre-existing use within the FMOD. Any change proposed to the land shoreline or structures on land for future expansion or redevelopment, the Applicant or Owner will be required to comply with the applicable City and County codes regarding floodplains. Also, the existing lease agreement for marina that is current with the Oregon State Division of State Lands would also need to be notified since most of the floating structures influence features below the ordinary high-water mark.
- Chapter 17.44 – Geologic Hazards. The entire land area of the master plan area is within the geologic hazards district based on the rocky side slope between the major north-south Highway 99E and the shore of the Willamette River.
- Chapter 17.48 – WRG Willamette River Greenway Overlay District exists in a corridor along the entire Willamette. Existing conditions are that the site is good function, ground cover, interspersed with rock creating a stable slope.
- Chapter 17.49 – Natural Resource Overlay District (NROD) that the land areas of the project site are a pre-existing use within the NROD. Any future expansion or redevelopment will be required to comply with the applicable codes. Note, however, that under a master plan, the applicant has the right to “lock-in” the code that applies at the time of application, or otherwise be subject to future code amendments.
- Chapter 17.50 – Administration and Procedures – all administrative actions and procedures would be adhered to should a specific development be proposed within the study area.
- Chapter 17.52 – Off-street Parking and Loading - parking is addressed in the narrative Ch 17.65.050 above and in the Traffic Analysis Letter that is Appendix A of this report.
- Chapter 17.62 – Site Plan and Design Review. The general development standards in OCMC 17.62.050 are the principal site plan and design review criteria that apply to new development. Staff should be aware there is no new development proposed and the site is less than half of the ten acres for Institutional master plan; therefore, it could be the master plan is not necessary per the code (although it is a stipulation of the lease).
- Chapter 17.54 – Supplemental Zoning Regulations and Exceptions

A written narrative is provided to address the specific elements of the OCMC Chapter 17.34 – MUD Mixed Use Downtown District, Chapter 17.39 – Institutional District, Chapter 17.58 Lawful Nonconforming Uses, Lots, Structures, and Sites.

SPORTCRAFT LANDING CONSISTENCY WITH OREGON CITY COMPREHENSIVE PLAN

Chapter 1: Healthy and Welcoming Communities

GOAL 1 Implement and maintain a community engagement program that provides broad and inclusive opportunities for all Oregon City community members to learn about and understand city government processes, including land use planning, and participate meaningfully in decisions that impact their communities.

POLICY 1.1 Support the Citizen Involvement Committee (CIC) and Neighborhood Associations to engage and educate Oregon City community members in land use planning.

STRATEGY 1.1.A Utilize neighborhood associations as the vehicle for neighborhood-based input to meet the requirements of the Land Conservation and Development Commission (LCDC) Statewide Planning Goal 1, Citizen Involvement. The Citizen Involvement Committee (CIC) shall serve as the officially recognized citizen committee needed to meet LCDC Statewide Planning Goal 1.

POLICY 1.2 Actively seek input from a diverse range of participants and enhance engagement opportunities for community members with barriers (language, disability, income, age, technology) through services and methods that bolster inclusive participation.

STRATEGY 1.2.A Solicit and support citizen participation on citizen advisory committees and commissions. Identify desirable expertise from the Portland metro area as needed to best serve the interests of Oregon City.

POLICY 1.3 Seek opportunities to develop and enhance relationships with community-based organizations (CBOs) who are working in Oregon City and the larger region.

POLICY 1.4 Utilize innovative forms of communication technology to enhance the City's public engagement efforts.

STRATEGY 1.4. A Explore meaningful engagement techniques and tools that allow for multiple forms of public engagement through in person events, on-line tools, and hybrid options.

POLICY 1.5 Provide on-going education to the community regarding land use projects and processes and ensure clear communication about when and how to be involved at key points in the process.

STRATEGY 1.5. A Notify citizens about community involvement opportunities when they occur.

POLICY 1.6 Include nearby communities in public engagement efforts, where appropriate, to provide an outside perspective to Oregon City land use planning.

STRATEGY 1.6.A Develop a program for reaching out to representatives of nearby communities such as the City of West Linn, City of Gladstone, recognized Hamlets or Villages in Clackamas County, and Community Planning Organizations in unincorporated Clackamas County to participate in public planning processes on regional issues.

Applicant Response:

This General Development Plan will be reviewed and discussed with the Two Rivers Neighborhood Association in a public meeting during the process of plan approval. Even though the kayak rental and owners' house/office are a concession in the park – they exist to serve the public use of the park and they are completely open to all socioeconomic levels and for the good of the community. They exist to serve the public institutional district even though they are under private ownership.

Any future detailed development that may be proposed will also engage the public and be openly reviewed and input welcomed from the public prior to seeking design approval from the City.

GOAL 2 Acknowledge, protect, enhance, and commemorate Oregon City's historic, artistic, and cultural resources.

POLICY 2.1 Promote the Willamette and Clackamas Rivers as a community benefit for cultural connection and understanding.

POLICY 2.2 Recognize and celebrate the history of tribal presence in Oregon City and seek opportunities to educate community members and elevate understanding.

POLICY 2.3 Facilitate historic preservation programs for retention of federal, state, and locally designated historic districts and sites.

STRATEGY 2.3. A Promote the designation of qualifying properties outside Historic and Conservation Districts as historic.

STRATEGY 2.3. B Maintain Oregon City's status as a Certified Local Government in the National Historic Preservation Program.

STRATEGY 2.3.C Encourage property owners to preserve historic structures in a state as close to their original construction as possible while allowing the structure to be used in an economically viable manner.

POLICY 2.4 Identify and protect important artistic and cultural resources and historic amenities through programs, designation, interpretive signage, and other means to increase awareness and generate appreciation.

STRATEGY 2.4. A Support the preservation of Oregon City's historic resources through public information, advocacy and leadership within the community, and the use of regulatory tools and incentive programs.

STRATEGY 2.4. B Support the preservation and initiatives of Oregon City's artistic resources through public information, advocacy and leadership within

the community, and the use of regulatory tools and incentive programs.

POLICY 2.5 Provide activities and programs for residents and visitors that weave together historic, artistic, and cultural resources, education, and recreation.

STRATEGY 2.5. A Recognize the value of diverse cultural and historic resources and modern civic amenities. Integrate educational and recreational opportunities with the City's preservation efforts.

Applicant Response:

Public boat ramp, public shared parking lot, the private manager's office, residences, boat slips and recreational Sportcraft rental facility provide a way for the public to enjoy the natural and cultural heritage of the Willamette River from one of the most scenic views upstream from Portland. This is a unique spot in Oregon City that provides a rich and diverse collection of fish and wildlife, natural and cultural resources for the community and for visitors from around the region.

The goal is met as this general development plan promotes the Willamette River as a community benefit for cultural connection, recreational education and opportunities, and heritage of the Willamette River understanding.

GOAL 3 Strengthen wellbeing, quality of life, and livability* across all Oregon City neighborhoods by creating places that are safe and comfortable with convenient access to community services.

POLICY 3.1 Support the City's network of community-based organizations, programs, and centers that provide services for Oregon City residents.

POLICY 3.2 Improve equitable access to health care for all residents through cross-sector partnerships and coordination with service providers.

STRATEGY 3.2. Work with Clackamas County as needed to ensure that county services are sited appropriately and that citizens of Oregon City continue to have access to County health and human services.

STRATEGY 3.2. B Coordinate with the master planning efforts by Willamette Falls Hospital to address environmental, neighborhood and health provider concerns about expansion plans, parking, traffic, and circulation.

POLICY 3.3 Provide opportunities for learning and civic engagement for all ages through City services and partnerships with local schools.

POLICY 3.4 Support and promote availability of affordable healthy food for all Oregon City neighborhoods.

STRATEGY 3.4. A Allow and encourage the development of small retail centers in residential neighborhoods that provide goods and services for local residents and workers.

POLICY 3.5 Build and enhance partnerships between police, government agencies, neighborhoods, and civic/business organizations to enhance community safety and positive health outcomes.

POLICY 3.6 Support services and programs that serve Oregon City's unhoused residents in meeting daily needs while offering stable and lasting solutions.

** Livability is defined as "the building and maintaining of community amenities that enhance the quality of life through actions to improve local environments and provide safe conditions in places where people live." (Oregon City Urban Renewal Plan, Amended 2022)*

Applicant Response:

The goal is met as this general development plan strengthens well-being, quality of life, and livability of the downtown and Two Rivers neighborhood. It also creates a place that is safe, comfortable, and welcoming to police or to civic groups. The project site has convenient access to community services.

GOAL 4 Integrate diversity, equity, and inclusion (DEI) best practices when evaluating all city functions, including land use policies, programs, and regulations.

POLICY 4.1 Implement DEI practices in City business and operations, and when evaluating and selecting public improvement projects.

POLICY 4.2 Support opportunities for home ownership and rental availability for all household sizes, types and incomes through housing policies and regulations.

POLICY 4.3 Establish land use patterns and regulations that promote a balance of jobs and housing across Oregon City to strengthen access to employment.

Applicant Response:

The goal is met as this general development plan marina and boat ramp facilities are open to all. It offers rental availability and if planned adequately in the future, could offer additional jobs and home ownership to meet longer range goals of the City.

Chapter 2: Diverse Economy

GOAL 1 Provide opportunities for a variety of goods, services, and employment options to work toward a dynamic, ecologically sound, and socially equitable economy.

POLICY 1.1 Regularly update City-wide economic studies to guide development of strategies and policies that improve economic health and resiliency.

STRATEGY 1.1.A Conduct an Economic Opportunities Analysis to understand which industries and services will thrive in Oregon City's area, and how to best use land within the City's Urban Growth Boundary.

POLICY 1.2 Ensure a suitable amount of land is dedicated to employment uses.

STRATEGY 1.2.A Work with Metro to ensure that there is enough land available within the Urban Growth Boundary to meet the need for industrial and/or commercial development. If there is not enough, identify areas outside the boundary that may be appropriate to annex. The selection of these areas will be based on market factors, protection of environmentally sensitive areas, compatibility with adjoining and nearby uses, public facilities and infrastructure, proximity to expressways and transit, site requirements of specific types of industries, and the desires of the property owners.

STRATEGY 1.2. B Ensure that land zoned or planned for employment use is used for industrial purposes, and that exceptions are allowed only where some other use supports employment development. New non-industrial uses should especially be restricted in already developed, active industrial sites.

POLICY 1.3 Support retention and expansion of local businesses, as well as recruitment of new businesses, across a variety of sizes and types

POLICY 1.4 Provide fair and equitable opportunities to compete for city contracts for all businesses.

STRATEGY 1.4.A Ensure diversity, equity and inclusion actions are incorporated into City contracting practices.

POLICY 1.5 Create and maintain cooperative partnerships with other public agencies and private business groups interested in promoting economic development.

STRATEGY 1.5.A Target public infrastructure investments and create public/private partnerships to leverage maximum benefits from public investment and to help ensure that the Regional Center develops to its maximum capacity and realizes its full potential.

STRATEGY 1.5.B Seek input from local businesses when making decisions that will have a significant economic impact on them.

STRATEGY 1.5.C Use public-private partnerships as a means to leverage private investment when appropriate.

POLICY 1.6 Promote the city's destinations, natural resources, and historic and cultural amenities to grow the tourism industry.

STRATEGY 1.6.A Encourage the development of a strong and healthy Historic Downtown retail, office, cultural, and residential center.

STRATEGY 1.6.B Working with major stakeholders, develop and implement a strategy to help the Historic Downtown Area enhance its position as a retail district. Such a strategy might include funding for a “Main Street” or similar program.

STRATEGY 1.6.C Ensure land use and transportation connections that support tourism as an important aspect of the City’s economic development strategy. This includes important cultural and historical amenities.

STRATEGY 1.6.D Encourage private development of tourism-related uses such as: hotel, bed and breakfast, restaurant facilities and other visitor services.

POLICY 1.7 Support a healthy and balanced workforce through a variety of programs and policies.

STRATEGY 1.7.A Attract high-quality commercial and industrial development that provides stable, high-paying jobs in safe and healthy work environments, that contributes to a broad and sufficient tax base, and that does not compromise the quality of the environment.

STRATEGY 1.7.B Support a program for providing affordable childcare options to foster a stable workforce.

Applicant Response:

The goal is met. With the combination of boat slips and kayak rentals and the public boat ramp, this general development plan provides opportunities for a variety of goods, services and employment options to work toward a dynamic and ecologically-sound and socially equitable economy.

GOAL 2 Provide housing options, including both rental and ownership opportunities, that are attainable for the full range of Oregon City households.

POLICY 2.1 Plan for housing supply that supports and implements the recommendations of the current Housing Needs Analysis.

STRATEGY 2.1.A Ensure housing policies allow for increased opportunities for home ownership by regularly evaluating housing supply, market demand, buildable land, and infrastructure costs through a Housing Needs Analysis.

POLICY 2.2 Ensure that land use designations and zoning code provisions allow and encourage a wide range of housing types.

STRATEGY 2.2.A 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.

POLICY 2.3 Support retention of existing homes and opportunities for community members to “age in place”.

POLICY 2.4 Support and encourage transit-oriented development opportunities.

STRATEGY 2.4.A Ensure planning for transit corridors includes facilities and access management, aesthetics (including signage and building facade improvements), infill and redevelopment opportunities, high-density residential development, and business assistance to existing businesses.

STRATEGY 2.4.B Provide incentives that encourage the location of affordable housing developments near public transportation routes. Incentives could include reduction of development-related fees and/or increases in residential density (density bonuses).

POLICY 2.5 Support development of subsidized and affordable housing.

STRATEGY 2.5.A Aim to reduce the isolation of income groups within communities by encouraging diversity in housing types within neighborhoods consistent with the Clackamas County Consolidated Plan, while ensuring that needed affordable housing is provided.

STRATEGY 2.5.B Retain affordable housing potential by evaluating and restricting the loss of land reserved or committed to residential use. When considering amendments to the Comprehensive Plan Land- Use Map, ensure that potential loss of affordable housing is mitigated.

STRATEGY 2.5.C Allow increases in residential density (density bonuses) for housing development that would be affordable to Oregon City residents earning less than 50 percent of the median income for Oregon City.

STRATEGY 2.5.D Investigate variable System Development Charges (SDCs) and other incentives to support middle housing and affordable housing development.

Applicant Response:

The goal is met as this general development plan provides housing options including both rental and ownership opportunities.

GOAL 3 Guide growth and development in a manner that implements the City’s 2040 Vision and maintains an urban growth boundary that supports and accommodates projected population and employment during the 20-year planning period.

POLICY 3.1 Promote efficient use of land and public infrastructure and plan for appropriate infill development, redevelopment, and new development.

STRATEGY 3.1.A Create incentives for new development to use land more efficiently, such as by having minimum floor area ratios and maximums for parking and setbacks.

STRATEGY 3.1.B Encourage the vertical and horizontal mixing of different land-use types in selected areas of the city where compatible uses can be designed to reduce the overall need for parking, create vibrant urban areas, reduce reliance on private automobiles, create more business opportunities and achieve better places to live.

STRATEGY 3.1.C Use redevelopment programs such as urban renewal to help redevelop underutilized commercial and industrial land.

STRATEGY 3.1.D Establish priorities to ensure that adequate public facilities are available to support the desired industrial development.

STRATEGY 3.1.E Encourage sub-area master planning for larger developments or parcels, including re-development, where it may be feasible to develop more mixed uses, or campus-style industrial parks, with shared parking and landscaping areas. Allow developments to vary from prescriptive standards if planned and approved under this provision.

STRATEGY 3.1.F Support density transfers for lots of records that are located within the Natural Resource Overlay District.

POLICY 3.2 Promote development of walkable neighborhoods to reduce transportation demand and enhance localized access to community services and amenities.

STRATEGY 3.2.A Promote connectivity between neighborhoods and neighborhood commercial centers through a variety of transportation modes.

POLICY 3.3 Designate land uses in a manner that balances opportunities for housing and jobs and ensures development is consistent and compatible with the community's needs and resources.

STRATEGY 3.3.A Protect existing and planned undeveloped and underdeveloped industrial lands from incompatible land uses and minimize deterrents to desired industrial development.

STRATEGY 3.3.B Ensure that land-use patterns create opportunities for residents to live closer to their workplace.

STRATEGY 3.3.C Maintain a sufficient land supply within the city limits and the Urban Growth Boundary to meet local, regional, and state requirements for accommodating growth.

POLICY 3.4 Maintain the Oregon City Comprehensive Plan Land-Use Map as the official long-range planning guide for land-use development of the city by type, density and location.

STRATEGY 3.4.A Use the following 11 land-use classifications on the Oregon City Comprehensive Plan Land- Use Map to determine the zoning classifications that may be applied to parcels:

- Low Density Residential (LR)
- Medium Density Residential (MR)
- High Density Residential (HR)
- Commercial (C)
- Mixed Use Corridor (MUC)
- Mixed Use Employment (MUE)
- Mixed Use Downtown (MUD)
- Industrial (I)
- Public and Quasi-Public (QP)
- Parks (P)
- Future Urban Holding (FUH)

Applicant Response:

The goal is met as this General Development Plan accommodates projected population and employment growth over the twenty-year planning horizon.

GOAL 4 Encourage and support new development that incorporates supportive community features and sustainability principles in site design and building construction.

POLICY 4.1 Promote best practices for integrating residential infill development into the fabric of existing neighborhoods.

STRATEGY 4.1.A Use a combination of incentives and development standards to promote and encourage well- designed residential developments that result in neighborhood livability and stability.

POLICY 4.2 Incorporate resource efficiency and sustainability in the built environment by emphasizing energy-saving features and practices in construction and development regulations.

STRATEGY 4.2.A Encourage designs that achieve a minimum “Certified” level of LEED (Leadership in Energy and Environmental Design) certification.

STRATEGY 4.2.B Encourage commercial and industrial development that enhances livability of neighborhoods through the design of attractive LEEDTM-certified buildings and environmentally responsible landscaping that

uses native vegetation wherever possible, and by ensuring that development is screened and buffered from adjoining residential neighborhoods and access is provided by a variety of transportation modes.

STRATEGY 4.2.C Encourage siting and construction of new development to take advantage of solar energy, minimize energy usage, and maximize opportunities for public transit.

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City's community vision.

POLICY 4.4 Support and promote site and building design alternatives that balance high-quality and durable construction with affordability.

Applicant Response:

There is no new development proposed, so this goal is met.

GOAL 5 Establish, and amend when appropriate, the Urban Growth Boundary in the unincorporated area around the city that contains sufficient land to accommodate growth during the planning period for a full range of city land uses, including residential, commercial, industrial, and institutional.

POLICY 5.1 Ensure the Urban Growth Boundary conforms to Title 11 of the Code of the Metropolitan Service District and provides sufficient land to accommodate 20-year urban land needs, resulting in efficient urban growth and a distinction between urban uses and surrounding rural lands, and promoting appropriate infill and redevelopment in the city.

STRATEGY 5.1.A Include an assessment of the fiscal impacts of providing public services to unincorporated areas upon annexation, including the costs and benefits to the city as a whole as a requirement for concept plans.

POLICY 5.2 Reduce the need to develop land within the Urban Growth Boundary by encouraging redevelopment of underdeveloped areas within the existing city limits.

POLICY 5.3 Plan for public services to lands within the Urban Growth Boundary through adoption of a concept plan and related Capital Improvement Program, as amendments to the Comprehensive Plan.

STRATEGY 5.3.A Maximize new public facilities and services by considering new development within the Urban Growth Boundary at reasonable densities allowed by the Comprehensive Plan.

STRATEGY 5.3.B Ensure that the extension of new services does not diminish the delivery of those same services to existing areas and residents in the city.

POLICY 5.4 Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

STRATEGY 5.4.A Promote compact urban form and support efficient delivery of public services by ensuring that lands to be annexed are within the City's Urban Growth Boundary, and contiguous with the city limits. Do not consider long linear extensions, such as cherry stems and flag lots, to be contiguous with the city limits.

STRATEGY 5.4.B Evaluate and in some instances require that parcels adjacent to proposed annexations be included to:

- i. avoids creating unincorporated islands within the city;
- ii. enable public services to be efficiently and cost-effectively extended to the entire area; or
- iii. implement a concept plan or sub-area master plan that has been approved by the Planning and City Commissions.

STRATEGY 5.4.C Expedite the annexation of property as provided by state law in order to provide sewer service to adjacent unincorporated properties when a public health hazard is created by a failing septic tank sewage system.

POLICY 5.5 Create and maintain cooperative, collaborative partnerships with other public agencies responsible for servicing the Oregon City area.

STRATEGY 5.5.A Amend as necessary the 1990 Urban Growth Management Agreement with Clackamas County to control land uses in the unincorporated area around the city to ensure that conversion of rural lands to urban uses upon annexation is orderly and efficient and in conformance with the Comprehensive Plan for Oregon City.

STRATEGY 5.5.B Coordinate public facilities, services and land-use planning through intergovernmental agreements with the school district, Clackamas Community College, Clackamas County Fire District #1, Tri-Cities Services District and other public entities as appropriate.

STRATEGY 5.5.C Coordinate with Clackamas County and Metro to contain city boundaries and future urban land uses to areas on relatively level land north of the steep lands of Beaver Creek and its tributaries that border the southern portion of the city and the steep lands of the tributaries to Abernethy Creek that border the east and southeasterly portions of

the city. Please refer to the Oregon City Urban Reserves map in the Appendix.

Applicant Response:

The general development plan area is central within the Urban Growth Boundary and no expansion is planned; therefore, this goal is not applicable.

Chapter 3: Connected Infrastructure

GOAL 1 Provide a safe, comfortable, and accessible transportation network that serves all modes of travel, including non- motorized modes.

POLICY 1.1 Plan for and develop multi-modal connectivity throughout Oregon City, with an emphasis on access to community services, amenities, and key points of interest.

STRATEGY 1.1.A Make investments to accommodate multi-modal traffic as much as possible to include bike lanes, bus turnouts and shelters, sidewalks, etc., especially on major and minor arterial roads, and in regional and employment centers.

STRATEGY 1.1.B Provide an interconnected and accessible street system that minimizes vehicle miles traveled and inappropriate neighborhood cut-through traffic.

STRATEGY 1.1.C Ensure the adequacy of travel mode options and travel routes (parallel systems) in areas of congestion.

STRATEGY 1.1.D Identify and prioritize improved connectivity throughout the city street system.

POLICY 1.2 Reduce Oregon City's carbon footprint by supporting and emphasizing non-motorized modes.

STRATEGY 1.2.A Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

STRATEGY 1.2.B Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

STRATEGY 1.2.C Construct bikeways and sidewalks and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

POLICY 1.3 Promote safety by implementing street design that equally considers and serves non-motorized and motorized users.

STRATEGY 1.3.A Identify and implement ways to minimize conflict points between different modes of travel.

STRATEGY 1.3.B Improve the safety of vehicular, rail, bicycle, and pedestrian crossings.

POLICY 1.4 Ensure transportation investments are equitably applied across Oregon City neighborhoods.

STRATEGY 1.4.A Ensure efficient use of local transit by providing frequent, reliable links between the land uses and community associated with the Hilltop, Downtown, the Hospital, the Beavercreek educational and employment centers, and the adjacent neighborhoods.

POLICY 1.5 Support opportunities for safe, affordable, and accessible transit service, including regional efforts to expand public transportation networks.

STRATEGY 1.5.A Promote and encourage a public transit system that ensures efficient accessibility, mobility, and interconnectivity between travel modes for all residents of Oregon City.

STRATEGY 1.5.B Explore options for better connections throughout the region through Transportation System Plan updates and projects.

POLICY 1.6 Improve public parking programs and transportation demand management in downtown Oregon City while managing impacts to adjacent residential areas.

Applicant Response:

The goal is met as this general development plan provides for all modes of travel including marine, auto and transit. An interconnected and accessible street system with buses shelters, sidewalks already exist adjacent to the project site.

GOAL 2 Ensure public utilities and infrastructure are maintained and improved to adequately serve all existing areas of Oregon City and can be extended to serve newly developing areas in a logical and fiscally responsible manner.

POLICY 2.1 Regularly update all City infrastructure and utility master plans.

POLICY 2.2 Adjust system development charges to ensure the benefit of new development is captured while impacts to the system are proportionally shared.

POLICY 2.3 Ensure public infrastructure investments are equitably applied across Oregon City neighborhoods.

STRATEGY 2.3.A Implement the City's wastewater policies through the City of Oregon City Sanitary Sewer Master Plan.

STRATEGY 2.3.B Plan, operate and maintain the water distribution system for all current and anticipated city residents within its existing Urban Growth Boundary and plan strategically for future expansion areas.

STRATEGY 2.3.C Plan, operate, and maintain the stormwater management system for all current and anticipated city residents within Oregon City's existing Urban Growth Boundary and plan strategically for future expansion areas.

STRATEGY 2.3.D Identify neighborhoods that are underserved by transportation and other infrastructure investments to ensure equitable future investments.

POLICY 2.4 Increase resiliency to climate change, natural hazard events, and cyber intrusions in public utility infrastructure.

POLICY 2.5 Coordinate City-wide communication and outreach efforts around utility rates and other operational changes.

POLICY 2.6 Support public-private partnerships to expand availability of highspeed internet service City- wide.

STRATEGY 2.6.A Encourage development of broadband networks in street rights-of-way in a coordinated way to provide state-of-the-art technology to residents.

Applicant Response:

The goal is met. The general development plan area is served by Oregon City sanitary sewer, water, and stormwater management facilities. Waste refuse receptacles are managed, and internet and other infrastructure are adequately installed and maintained for public use of the properties.

GOAL 3 **Serve the health, safety, and welfare of all Oregon City residents through provision of comprehensive public facilities and services.**

POLICY 3.1 Seek and support opportunities to increase access to digital communications for all Oregon City residents and businesses.

POLICY 3.2 Maintain a high level of police and fire protection in all areas of the city.

POLICY 3.3 Support and promote emergency preparedness and climate change resiliency efforts and programs.

POLICY 3.4 Coordinate with service providers to ensure high levels of public utility and infrastructure service.

STRATEGY 3.4.A Work with the Clackamas Water Environment Services to provide enough collection capacity to meet standards established by the

Oregon Department of Environmental Quality (DEQ) to avoid discharging inadequately treated sewage into surface water.

POLICY 3.5 Pursue adequate funding to pay for public facilities and services.

STRATEGY 3.5.A Enhance efficient use of existing public facilities and services by considering development at reasonable levels permitted in the Comprehensive Plan, implementing minimum residential densities, and adopting an Accessory Dwelling Unit Ordinance to infill vacant land.

STRATEGY 3.5.B Provide incentives for private sector contributions to multi-modal transportation links and facilities, for example, establishing new standards in the zoning code.

Applicant Response:

This goal is met because the safety and welfare of City residents is served by the comprehensive public facilities and services within this general development plan.

GOAL 4 Promote and support energy conservation, sustainability, and resiliency through best practices in infrastructure planning, operations, and management.

POLICY 4.1 Identify and seek opportunities for sustainable practices in management and operation of public facilities and services.

STRATEGY 4.1.A Support development on underdeveloped or vacant buildable land within the city where public facilities and services are available or can be provided and where land-use compatibility can be found relative to the environment, zoning, and Comprehensive Plan goals.

STRATEGY 4.1.B Adopt a progressive water rate structure that will encourage water conservation.

STRATEGY 4.1.C Wherever possible, design and develop public facilities to take advantage of solar energy, develop co-generation, and conserve energy in operations and public access

POLICY 4.2 Continue to implement green, sustainable, and low-impact approaches to stormwater management.

STRATEGY 4.2.A Ensure parking lot designs that mitigate stormwater impacts. Take measures to reduce waterflow and increase water absorption using bioswales, vegetated landscaped islands with curb cuts to allow water inflow, and increase tree planting.

POLICY 4.3 Prioritize street design in new development and redevelopment that implements localized stormwater treatment and other sustainable practices.

STRATEGY 4.3.A Increase the use of bioswales for stormwater retention where practical.

POLICY 4.4 Coordinate infrastructure to support the equitable development of “Climate-Friendly Areas,” as defined by DLCD**.

STRATEGY 4.4.A Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

STRATEGY 4.4.B Create commercial nodes in neighborhoods that are underserved to reduce vehicle miles traveled.

STRATEGY 4.4.C Plan for complementary mixed uses when considering annexation of new, under- or undeveloped areas so that new urban residential areas have closer access to jobs and services.

***DLCD defines Climate-Friendly Areas as an area where residents, workers, and visitors can meet most of their daily needs without having to drive. They are urban mixed-use areas that contain, or are planned to contain, a greater mix and supply of housing, jobs, businesses, and services. These areas are served, or planned to be served, by high quality pedestrian, bicycle, and transit infrastructure to provide frequent, comfortable, and convenient connections to key destinations within the city and region. (Retrieved July 21, 2022 from: <https://www.oregon.gov/lcd/LAR/Documents/SixPageOverview.pdf>)*

POLICY 4.5 Support opportunities to increase densities near activity and transit centers.

STRATEGY 4.5.A Support mixed uses with higher residential densities in transportation corridors and include a consideration of financial and regulatory incentives to upgrade existing buildings and transportation systems.

STRATEGY 4.5.B Promote public transit (such as: bus, light rail, streetcar, bus rapid transit, commuter rail, ferry, river transportation, etc.) that serves Oregon City and locate park-and-ride facilities at convenient neighborhood nodes to facilitate access to regional transit.

Applicant Response:

Goal 4 is met because the general development plan promotes sustainability and resiliency through best practices in infrastructure planning, operations, and management.

Chapter 4: Protected Environment

GOAL 1 Provide and maintain a comprehensive system of parks, trails, natural resource areas, and recreation amenities that is accessible to residents of all ages and abilities, enhances the environmental and aesthetic quality of the community, and encourages healthy living.

POLICY 1.1 Provide additional parklands to adequately serve the City’s current and estimated future population based on adopted service levels and community needs.

STRATEGY 1.1.A When property adjacent to an existing neighborhood or community park becomes available, consider adding property to the park and developing it to meet the current needs of existing neighborhoods.

STRATEGY 1.1.B Identify and protect land for parks and recreation within the Urban Growth Boundary.

STRATEGY 1.1.C Require or encourage developers to dedicate park sites as part of the subdivision review process. When possible, require or encourage developers to build parks to City standards and give them to the City to operate and maintain.

POLICY 1.2 Provide equitable distribution of parks and trails across the city.

STRATEGY 1.2.A Ensure the adequacy of pedestrian and bicycle connections to local, county, and regional trails.

STRATEGY 1.2.B Ensure adequate park and trail development in high density development and neighborhoods lacking access to these amenities.

POLICY 1.3 Provide a network of signage and trails to enhance connections within parks, and between parks, neighborhoods, and public amenities.

POLICY 1.4 Reduce barriers to park use and improve safety and accessibility of parks resources for all users, regardless of ability, comfort level, or native language.

STRATEGY 1.4.A Manage open space areas for their value in linking citizens and visitors with the natural environment, providing solace, exercise, scenic views and outdoor education. Built features in open space sites should harmonize with natural surroundings.

Applicant Response:

The goal is met. The general development plan provides a comprehensive system of natural resources and passive and active recreation amenities that is accessible to residents of all ages and abilities and that enhances the environmental and aesthetic qualities of the community and encourages healthy living.

GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

POLICY 2.1 Develop and adopt a Climate Action Plan for Oregon City.

POLICY 2.2 Implement site development and design practices that incorporate natural ecosystem enhancement, minimize impacts on natural resources, and avoid degradation or loss of wetlands, watershed, and habitat.

STRATEGY 2.2.A Adopt and/or establish standards for all new development that promote the use of pervious surfaces and prevent negative ecological effects of urban stormwater runoff on streams, creeks and rivers.

STRATEGY 2.2.B Encourage use of native and hardy plants such as trees, shrubs and groundcovers to maintain ecological function and reduce maintenance costs and chemical use.

POLICY 2.3 Bolster efforts to reduce landfill demand through re-use, recycling, and composting methods.

STRATEGY 2.3.A Commit to long-term sustainability and recognize the link between reduction of solid waste, reuse and recycling of materials, and protection of natural resources.

POLICY 2.4 Protect and enhance the urban forest tree canopy.

STRATEGY 2.4.A Encourage the maintenance and improvement of the city's tree canopy to improve air quality.

POLICY 2.5 Support water conservation and storm water management efforts within the Willamette Basin.

STRATEGY 2.5.A Prevent erosion and restrict the discharge of sediments into surface- and groundwater by requiring erosion prevention measures and sediment control practices.

STRATEGY 2.5.B Where feasible, use open, naturally vegetated drainage ways to reduce stormwater and improve water quality.

POLICY 2.6 Promote outdoor lighting that is designed to reduce the negative impacts of light pollution.

STRATEGY 2.6.A Encourage new developments to provide even and energy-efficient lighting that ensures safety and discourages vandalism. Encourage existing developments to retrofit when feasible.

STRATEGY 2.6.B Adopt lighting practices in streets and other public facilities, and encourage them in private development, that reduce glare, light pollution, light trespass, and energy use, while maintaining even lighting ensuring good visibility and safety for the public.

POLICY 2.7 Support programs and methods that will improve air quality in Oregon City.

STRATEGY 2.7.A Promote land-use patterns that reduce the need for distance travel by single-occupancy vehicles and increase opportunities for walking, biking and/or transit to destinations such as places of employment, shopping and education.

POLICY 2.8 Protect the Clackamas and Willamette Rivers and their tributaries including Newell Creek as the centerpieces of Oregon City's natural environment.

STRATEGY 2.8.A Conserve open space along creeks, urban drainage ways, steep hillsides, and throughout Newell Creek Canyon.

STRATEGY 2.8.B Encourage preservation over mitigation when making decisions that affect wetlands and a "no net loss" approach to wetland protection.

POLICY 2.9 Establish, restore, and maintain a network of connected wildlife habitat corridors.

STRATEGY 2.9.A Conserve natural resources that have significant functions and values related to flood protection, sediment and erosion control, water quality, groundwater recharge and discharge, education, vegetation, and fish and wildlife habitat.

Applicant Response:

The goal is met as this General Development Plan conserves protects and enhances the function health and diversity of the City's natural resources and ecosystems. The project protects the Willamette River as the centerpiece of the City's natural environment.

GOAL 3 **Ensure the safety of residents and property by supporting plans, programs, and investments that minimize the impacts of future natural hazard events and aid in rapid response and recovery.**

POLICY 3.1 Utilize public-private partnerships to educate residents on the importance of community hazard planning and resilience.

POLICY 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

STRATEGY 3.2.A Protect existing development from natural hazards through mitigation measures identified in the Clackamas County Hazard Mitigation Plan.

POLICY 3.3 Invest in retrofits and infrastructure redundancies to minimize service losses during an extreme weather or natural hazard event.

STRATEGY 3.3.A Require local service lines in new subdivisions be placed underground.

POLICY 3.4 Prioritize restoration of critical services following a natural hazard event.

STRATEGY 3.3.A Ensure that key public facilities (emergency service) are located outside recognized hazard areas.

STRATEGY 3.3.B Ensure that key public services, such as water and sewer; and key public facilities such as police, fire, and hospital structures have the capability to back-up electricity during emergencies.

POLICY 3.5 Collaborate with adjacent jurisdictions to coordinate emergency communication systems and distribution of resources in the event of an emergency or natural disaster.

Applicant Response:

This goal is met as the general development plan offers the public services for rapid response to emergencies or during natural hazards through reserving ready access to the river shoreline and allowing marine safety vehicles to operate without interfering with the automobile traffic. Gladstone, Clackamas County or West Linn can all make use of this reach of the river. The marina rises with the water level whenever the flood stage occurs, so it has no effect on the marina facilities and the parking lots are closed to vehicular traffic. For other safety events, the Clackamas County sheriff marine patrol boat is docked there and available for rapid response.

GOAL 4 Ensure the environmental and economic health of the Willamette River Greenway (WRG) as a key feature of Oregon City and the broader region.

POLICY 4.1 Protect the significant fish and wildlife habitat of the Willamette River by maximizing the preservation of trees and vegetative cover.

POLICY 4.2 Preserve major scenic views, drives and sites of the WRG.

POLICY 4.3 Encourage access to and along the river consistent with the Oregon City Park and Recreation Master Plan.

POLICY 4.4 Restrict new substations and power line towers in the WRG and river view corridor.

POLICY 4.5 Protect and maintain parks and recreation areas and facilities along the Willamette River to minimize effects in the WRG, in accordance with the Oregon City Park and Recreation Master Plan.

Applicant Response:

The goal is met as this general development plan protects and maintains fish and wildlife resources, recreation areas and facilities along the Willamette River in accordance with the Oregon City Park and Recreation Master Plan. It also encourages access to the Willamette River in the reach below the Willamette Falls and locks.

CHAPTER 17.34 MUD MIXED USE DOWNTOWN DISTRICT

17.34.010 Designated.

The mixed-use downtown (MUD) district is designed to apply within the traditional downtown core along Main Street and includes the "north-end" area, generally between 5th Street and Abernethy Street, and some of the area bordering McLoughlin Boulevard. Land uses are characterized by high-volume establishments constructed at the human scale such as retail, service, office, multi-family residential, lodging or similar as defined by the Community Development Director. A mix of high-density residential, office and retail uses are encouraged in this district, with retail and service uses on the ground floor and office and residential uses on the upper floors. The emphasis is on those uses that encourage pedestrian and transit use. This district includes a downtown design district overlay for the historic downtown area. Retail and service uses on the ground floor and office and residential uses on the upper floors are encouraged in this district. The design standards for this sub-district require a continuous storefront façade featuring streetscape amenities to enhance the active and attractive pedestrian environment.

17.34.020 - Permitted uses.

Permitted uses in the MUD district are defined as:

- A. Banquet, conference facilities and meeting rooms;*
- B. Bed and breakfast/boarding houses, hotels, motels, and other lodging facilities;*
- C. Child care centers and/or nursery schools;*
- D. Indoor entertainment centers and arcades;*
- E. Health and fitness clubs;*
- F. Medical and dental clinics, outpatient; infirmity services;*
- G. Museums, libraries and cultural facilities;*
- H. Offices, including finance, insurance, real estate and government;*
- I. Outdoor markets, such as produce stands, craft markets and farmers markets that are operated on the weekends and after six p.m. during the weekday;*
- J. Postal services;*
- K. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment;*
- L. Multifamily residential, triplexes and quadplexes;*

- M. 1 or 2 units in conjunction with a nonresidential use provided that the residential use occupies no more than 50% of the total square footage of the development;*
- N. Restaurants, eating and drinking establishments without a drive through;*
- O. Services, including personal, professional, educational and financial services; laundry and dry-cleaning;*
- P. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores provided the maximum footprint of a freestanding building with a single store does not exceed sixty thousand square feet (a freestanding building over sixty thousand square feet is allowed as long as the building contains multiple stores);*
- Q. Seasonal sales;*
- R. Residential care facilities, assisted living facilities; nursing homes and group homes for over fifteen patients licensed by the state;*
- S. Studios and galleries, including dance, art, photography, music and other arts;*
- T. Utilities: Basic and linear facilities, such as water, sewer, power, telephone, cable, electrical and natural gas lines, not including major facilities such as sewage and water treatment plants, pump stations, water tanks, telephone exchanges and cell towers;*
- U. Veterinary clinics or pet hospitals, pet day care;*
- V. Home occupations;*
- W. Research and development activities;*
- X. Temporary real estate offices in model dwellings located on and limited to sales of real estate on a single piece of platted property upon which new residential buildings are being constructed;*
- Y. Transportation facilities;*
- Z. Live/work dwellings;*
- AA. After-hours public parking;*
- BB. Marinas;*
- CC. Religious institutions.*
- DD. Mobile food units outside of the downtown design district.*

Applicant's Response:

Mixed Use Downtown District permitted uses are the utilities, a marina and associated residential units. One parcel that is zoned as MUD is 0.051 acres in a narrow triangular-shaped parcel that is 100ft across at the widest point. A sanitary sewer line runs perpendicular in the center of this parcel (Figure 4a). The land has no ramp or direct connection to the in-water facilities although the land effectively acts as a visual and spatial buffer between the in-water permitted activities and the sidewalk and traffic of the McLoughlin Blvd and businesses to the east. Division of State Lands leases the shoreline and subaquatic lands to Sportcraft Landing LLC, and they operate it as a marina and flotation services business, e.g., recreational boat moorage and boat slips (37), one small crane, one tugboat and one barge that are used by the Applicant for working on other docks and piers along the Willamette River. Two floating homes (totaling 3000SF: 1200 SF and 1800SF) are occupied by the owner and employee of the Marina which operates year-round.

The County Marine Patrol facility provides a location on the river that adds to the benefit of this facility for the public. The marine patrol building was permitted in 2012 and a dedicated parking space for the officers from Police or sheriff's office. Appendix C provides the land use approvals for these facilities.

17.34.030 - Conditional uses.

The following uses are permitted in this district when authorized and in accordance with the process and standards contained in OCMC 17.56.

- A. Drive-through facilities;*
- B. Emergency services;*
- C. Hospitals;*
- D. Outdoor markets that do not meet the criteria of OCMC 17.34.020.I.;*
- E. Parks, playgrounds, play fields and community or neighborhood centers;*
- F. Parking structures and lots not in conjunction with a primary use on private property, excluding after-hours public parking;*
- G. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies and specialty stores in a freestanding building with a single store exceeding a foot print of sixty thousand square feet;*
- H. Public facilities such as sewage and water treatment plants, water towers and recycling and resource recovery centers;*
- I. Public utilities and services such as pump stations and sub-stations;*
- J. Distributing, wholesaling and warehousing;*
- K. Gas stations;*

- L. Public and or private educational or training facilities;*
- M. Stadiums and arenas;*
- N. Passenger terminals (water, auto, bus, train), excluding bus stops;*
- O. Recycling center and/or solid waste facility;*
- P. Shelters, except within the Downtown Design District.*

Applicant's Response:

The General Development Plan has no conditional uses in the MUD district.

17.34.040 - Prohibited uses.

The following uses are prohibited in the MUD district:

- A. Kennels;*
- B. Outdoor storage and sales, not including outdoor markets allowed in OCMC 17.34.030;*
- C. Self-service storage;*
- D. Single-Family detached residential units, townhouses and duplexes;*
- E. Motor vehicle and recreational vehicle repair/service;*
- F. Motor vehicle and recreational vehicle sales and incidental service;*
- G. Heavy equipment service, repair, sales, storage or rental² (including but not limited to construction equipment and machinery and farming equipment);*
- H. Marijuana production, processing, wholesaling, research, testing, and laboratories;*
- I. Mobile food units within the downtown design district unless a special event has been issued.*

Applicant's Response:

The general development plan has no prohibited uses within the MUD district.

17.34.050 - Pre-existing industrial uses.

Tax lot 5400 located at Clackamas County Tax Assessors Map #22E20DD, Tax Lots 100 and two hundred located on Clackamas County Tax Assessors Map #22E30DD and Tax Lot 700 located on Clackamas County Tax Assessors Map #22E29CB have special provisions for industrial uses. These properties may

maintain and expand their industrial uses on existing tax lots. A change in use is allowed as long as there is no greater impact on the area than the existing use.

17.34.060 - Mixed-use downtown dimensional standards—For properties located outside of the downtown design district.

A. Minimum lot area: None.

Applicant's Response:

This standard does not apply since there are no lots on the parcel zoned MUD.

B. Minimum floor area ratio: 0.30.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcels zoned MUD.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

Applicant's Response:

This standard does not apply since there are no structures on the parcel and as previously stated, the in-water facilities are effectively visually buffered from the highway or downtown street viewshed because they are at least 25 feet below grade of the rest of the PUD zone.

D. Maximum building height: Seventy-five feet, except for the following location where the maximum building height shall be forty-five feet:

- 1. Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;*
- 2. Property within five hundred feet of the End of the Oregon Trail Center property; or*
- 3. Property abutting single-family detached or attached units.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

E. Minimum required setbacks, if not abutting a residential zone: None.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcels in the MUD zone; nor any proposed for development.

F. Minimum required interior side yard and rear yard setback if abutting a residential zone: Fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel zoned MUD; nor any proposed for development.

G. Maximum Allowed Setbacks.

1. Front yard: Twenty feet.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

2. Interior side yard: No maximum.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

3. Corner side yard abutting street: Twenty feet.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed.

4. Rear yard: No maximum.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

5. Rear yard abutting street: Twenty feet.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

H. Maximum site coverage including the building and parking lot: Ninety percent.

Applicant's Response:

The general development plan area that is zoned MUD has a coverage of less than 90 percent. The balance of the facilities is confined to a linear floating structure, so this standard has been met.

I. Minimum landscape requirement (including parking lot): Ten percent.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

J. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwellings.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

K. Stand alone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

17.34.070 - Mixed-use downtown dimensional standards—For properties located within the downtown design district.

A. Minimum lot area: None.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

B. Minimum floor area ratio: 0.5.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

C. Minimum building height: Twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

D. Maximum building height: Fifty-eight feet.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

E. Minimum required setbacks, if not abutting a residential zone: None.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

- F. Minimum required interior and rear yard setback if abutting a residential zone: Twenty feet, plus one foot additional yard setback for every three feet in building height over thirty-five feet.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

- G. Maximum Allowed Setbacks.*

- 1. Front yard setback: Ten feet.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

- 2. Interior side yard setback: No maximum.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

- 3. Corner side yard setback abutting street: Ten feet.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

- 4. Rear yard setback: No maximum.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

- 5. Rear yard setback abutting street: Ten feet. Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D*

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

H. Maximum site coverage of the building and parking lot: Ninety-five percent.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

I. Minimum landscape requirement (including parking lot): 5 percent.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

I. Residential minimum net density of 17.4 units per acre, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a vertical mixed-use configuration or to live/work dwelling.

Applicant's Response:

This standard does not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

K. Stand alone residential development of fewer than five units are exempt from maximum setbacks of the underlying zone.

Applicant's Response:

This standard does not apply since there are no on land structures on the parcel; nor any proposed for development.

17.34.080 - Explanation of certain standards.

A. Floor Area Ratio (FAR).

1. *Purpose. Floor area ratios are a tool for regulating the intensity of development. Minimum FARs help to achieve more intensive forms of building development in areas appropriate for larger-scale buildings and higher residential densities.*
2. *Standards.*
 - a. *The minimum floor area ratios contained in OCMC 17.34.060 and 17.34.070 apply to all non-residential and mixed-use building developments.*
 - b. *Required minimum FARs shall be calculated on a project-by-project basis and may include multiple contiguous blocks. In mixed-use developments, residential floor space will be included in the calculations of floor area ratio to determine conformance with minimum FARs.*
 - c. *An individual phase of a project shall be permitted to develop below the required minimum floor area ratio provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism, that the required density for the project will be achieved at project build out.*

Applicant's Response:

These standards do not apply since there are no lots nor any structures on the parcel; nor any proposed for development.

B. Building height.

1. *Purpose.*
 - a. *The Masonic Hall is currently the tallest building in downtown Oregon City, with a height of fifty-eight feet measured from Main Street. The maximum building height limit of fifty-eight feet will ensure that no new building will be taller than the Masonic Hall.*
 - b. *A minimum two-story (twenty-five feet) building height is established for the Downtown Design District Overlay sub-district to ensure that the traditional building scale for the downtown area is maintained.*

Applicant's Response:

This standard does not apply since there are no lots nor any structures in the area zoned MUD; nor any proposed for development.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

The purpose of this district is designed to facilitate the development of major public institutions, government facilities and parks and ensure the compatibility of these developments with surrounding areas. The I—Institutional zone is consistent with the public/quasi-public and park designations on the comprehensive plan map.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

- A. Private and/or public educational or training facilities;*
- B. Parks, playgrounds, playfields and community or neighborhood community centers;*
- C. Public facilities and services including courts, libraries and general government offices and maintenance facilities;*
- D. Stadiums and arenas;*
- E. Banquet, conference facilities and meeting rooms;*
- F. Government offices;*
- G. Transportation facilities;*
- H. Mobile food units.*

Applicant's Response:

This recreational boat landing and boat ramp and shared public parking area is consistent with the Institutional land use zone (I District) that permits public/quasi-public and park designations. The Institutional District also provides room for ODOT's right-of-way easements #2061, #2062, #2063 and #2064 that extend along and parallel to the shoreline (easements established when the Abernethy Bridge was originally constructed, and documents are exhibit to this application). The recreational use of Sportcraft and the public boat ramp with moorage and boat slips are consistent with this institutional zone. The boat slips offer longer term water transportation facilities for the public and short-term rental for small recreational watercraft including kayaks and canoes. A 40 ft. X 60 ft. building is used for the rental business that offers kayaks and small rafts, paddles, life jackets, and other safety gear for the boat dock users. Within the same building is eNRG Kayaking, an educational kayak and rafting company. According to their website: www.enrgkayaking.com the business is operating 7 days a week from 9am to 6pm, during the summer months. Education and training classes on the use of the recreational watercraft are provided by the company as well.

17.39.030 - Accessory uses.

The following uses are permitted outright if they are accessory to and related to the primary institutional use:

- A. Offices;*
- B. Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. Child care centers or nursery schools;*
- D. Scientific, educational, or medical research facilities and laboratories;*
- E. Religious institutions.*

Applicant's Response:

The marina and small boat rental and storage resident manager's facility is a private development, which is pre-existing non-conforming within the Institutional zone. A closer evaluation of this set of uses is provided in OCMC 17.58 of this application the permitted non-conforming use.

Inside the Marina Rental Building, there is an office (150 SF) and a small retail area within the Marina Rental Facility. The retail desk (50SF) for purchasing sunscreen, and other convenience items for recreational boating and the southwest corner is for an office space for the owner in approximately 200SF of the Rental Building (40 ft X 60 ft). The entire rental facility is housed in a warehouse for kayak and canoe storage and the main rental office and the associated docks and decks that face the Willamette River, the centerpiece of the entire general development plan.

The total floor area of all the building is 2,400 SF so accessory uses are 10.4% of the single building. On site there is also a second 40ft X 60ft warehouse for kayak storage which adds another 2400SF to the total permitted facility. Central to the linear grouping of structures is one floating home totaling 2000SF occupied by the owner of the Marina which operates seven days a week, three seasons each year – closed for maintenance and safety November to March). The home is currently occupied by the property owner.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

- A. Any uses listed under OCMC 17.39.030 that are not accessory to the primary institutional use;
- B. Boarding and lodging houses, bed and breakfast inns;
- C. Cemeteries, crematories, mausoleums, and columbariums;
- D. Correctional facilities;
- E. Helipad in conjunction with a permitted use;
- F. Parking lots not in conjunction with a primary use;
- G. Public utilities, including sub-stations (such as buildings, plants and other structures);
- H. Fire stations;
- I. Police Station.

Applicant's Response:

There are no uses that would be permitted under conditional use. There is a marine patrol building that has been permitted in 2012 and two dedicated parking spaces for the officers from the Police or sheriff's office. Appendix C provides the land use approvals for these facilities.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

- A. Any use not expressly listed in OCMC 17.39.020, 17.39.030 or 17.39.040;
- B. Marijuana businesses;

Applicant's Response:

There are no prohibited uses that occur on the site as expressly listed in the OCMC 17.39.020, 17.39.030 or 17.39.040.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

A. *Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*

Applicant's Response:

None of the buildings on the subject property exceed 35 feet in height. Standard has been met.

B. *Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet, and the maximum setback is five feet.*

Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.

Applicant's Response:

The dimensional standard for setbacks has been achieved in that all structures are at least 25 feet from the property line.

C. *Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.*

Applicant's Response:

The existing site condition is that there are several areas planted with native tree species including: Oregon ash, big leaf maple, Oregon live oak and giant sequoia. The three easements leased by Oregon Department of Transportation (ODOT) are fully vegetated with native grasses and maintained by periodic mowing. A small area in the upper parking area near the entrance to the series of docks is planted with azalea shrubs, palms, and xeric agave plants in raised planter. Total Vegetated Area is 1500 SF; although most of the landscaping is in the Mixed-Use Downtown District.

17.39.060 - Relationship to master plan.

A. *A master plan is required for any development within the I District on a site over ten acres in size that:*

1. *Is for a new development on a vacant property;*
2. *Is for the redevelopment of a property previously used on a non-institutional use; or*
3. *Increases the floor area of the existing development by ten thousand square feet over existing conditions*

Applicant's Response:

The project study area is less than 10 acres and there is no new development or redevelopment planned. Therefore, this standard does not apply.

- B. Master plan dimensional standards that are less restrictive than those of the Institutional District require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.*

Applicant's Response:

The standards of the Institutional District have been met.

- C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.*

Applicant's Response:

No modifications to the development standards are requested at this time.

CHAPTER 17.58 LAWFUL NONCONFORMING USES, LOTS, STRUCTURES, AND SITES

17.58.010 Purpose

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

17.58.015 Applicability.

The regulations of this chapter apply only to those nonconforming situations that were lawfully established or that were approved through a land use decision. All nonconforming structures, uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.

17.58.020 - Lawful nonconforming lots of record.

Lots or parcels lawfully created but which do not now conform to the legal lot standards in this land use code may be occupied by uses otherwise permitted if those uses comply with all other provisions of this land use code.

Applicant's Response:

The parcels all conform to legal lot standards within both the zones; therefore, this criterion does not apply to the general development plan.

17.58.030 - Lawful nonconforming use.

A use that was lawfully established on a particular development site but that no longer complies with the allowed uses or the standards for those uses in this title may be considered a lawful nonconforming use. Change of ownership, tenancy, or management of a lawfully established nonconforming use shall not affect its lawful nonconforming status. The continuation of a lawful nonconforming use is subject to the following:

- A. Discontinuance. If a lawful nonconforming use is discontinued for a period of one year, it shall lose its lawful nonconforming status and the use of the property thereafter shall conform with the existing provisions of this title. If a nonconforming use ceases operations, even if the structure or materials related to the use remain, the use shall be deemed to have been discontinued.*

Applicant's Response:

The legal non-conforming use has never been discontinued for any amount of time since originally began in 1969 by the Dye family, the current owner.

- B. Conformance. If a lawful nonconforming use is converted to a conforming use, no nonconforming use may be resumed.*

Applicant's Response:

This criterion does not apply as no conversion has taken place or is proposed.

- C. Destruction of a Nonresidential Use. When a structure containing a lawful nonconforming nonresidential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be prohibited if the repair cost of the structure is more than sixty percent of its assessed value.*

Applicant's Response:

This criterion does not apply as no damage or destruction has occurred in the recorded past and therefore, replacement never occurred nor is it anticipated for the future.

- D. Destruction of a Residential Use. When a structure containing a lawful nonconforming residential use is damaged by fire or other causes, the re-establishment of the nonconforming use shall be permitted.*

Applicant's Response:

This criterion does not apply since no fire or other cause has damaged the facilities.

- E. Intentional Destruction. When a structure containing a nonconforming use is removed or intentionally damaged by fire or other causes within the control of the owner, the re-establishment of the nonconforming use shall be prohibited.*

Applicant's Response:

This criterion does not apply, the structures containing nonconforming uses all remain intact and viable as accessory and supporting uses for the City's public marina and boat ramp recreational amenity.

- F. Expansion. No lawful nonconforming use may be replaced by a different type of nonconforming use, nor may any legal nonconforming use be expanded or intensified.*

Applicant's Response:

No expansion or replacement is proposed or planned so this criterion does not apply.

17.58.040 - Lawful nonconforming structure or site.

A structure or site that was lawfully established but no longer conforms to all development standards of this land use code (such as setbacks) shall be considered lawfully nonconforming. Notwithstanding development standard requirements in this code, minor repairs and routine maintenance of a lawful nonconforming structure are permitted. The continuation of a lawful nonconforming structure or site is subject to the following:

- A. Accidental Destruction. When a nonconforming structure is damaged by fire or other causes, the structure may be rebuilt using the same structure footprint.*
- B. Intentional Destruction. When a nonconforming structure is removed or intentionally damaged by fire or other causes within the control of the owner, the replacement structure shall comply with the development standards of this title.*
- C. Expansion. An expansion of a lawful nonconforming structure or site may be approved, conditionally approved or denied in accordance with the standards and procedures of this section.*
 - 1. In making a determination on such applications, the decision maker shall weigh the proposal's positive and negative features and the public convenience or necessity to be served against any adverse conditions that would result from authorizing the particular development at the location proposed, and, to approve such expansion, it shall be found that the criteria identified in OCMC 17.58.060 have either been met, can be met by observance of conditions, or are not applicable.*
 - 2. Increases in the square footage of a building and/or site improvements which include installation of any additional off-street parking stalls that exceed the threshold of subparagraph C.2.a below shall comply with the development standards listed in subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.*
 - a. Thresholds triggering compliance. The standards of subparagraph C.2.b below shall be met when the value of the increase in square footage of a building and/or increase in off-street parking stalls, as determined by the Community Development Director, is more than seventy-five thousand dollars. The following alterations and improvements shall not be included in the threshold calculation:*
 - i. Proposed alterations to meet approved fire and life safety agreements;*
 - ii. Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;*
 - iii. Alterations required to meet seismic design requirements; and*
 - iv. Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.*

Applicant's Response:

All development standards for the existing structures have been met and no alteration or expansion is proposed. The following description of structures is provided as a basis going forward in the event that any future alterations are deemed necessary or important to the integrity of the general plan of the Sportcraft Landing.

The parcel that contains public facilities and quasi-public facilities are zoned Institutional District. The Institutional Zone is for public institutions and government facilities consistent with the public / quasi-public comprehensive plan category.

The marina and small boat rental and storage resident manager's facility is a private development, which is pre-existing non-conforming within the Institutional zone.

A permitted residence (2000 SF) exists for marina and store managers that provide year-round maintenance, safety and security of the ramps, dock and boat moorage during the high-water seasons. Should it become necessary to broaden staff or management of the public amenity, there is additional space on the floating docks for one additional residence. Standards would have to be addressed and met for any utilities or additional site improvements at the time of a new detailed proposal.

b. Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance:

- i. Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;*
- ii. Minimum perimeter parking lot landscaping;*
- iii. Minimum interior parking lot landscaping;*
- iv. Minimum site landscaping requirements;*
- v. Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with OCMC 17.52, Off-Street Parking and Loading;*
- vi. Screening; and*
- vii. Paving of surface parking and exterior storage and display areas.*

Applicant's Response:

All standards for pedestrian circulation, parking, landscaping and bicycle parking screening and paving have been met for the existing site layout.

c. Area of Required Improvements.

- i. *Generally. Except as provided in subparagraph C.2.c.ii below, required improvements shall be made for the entire site.*
- ii. *Exception for Sites with Ground Leases. Required improvements may be limited to a smaller area if there is a ground lease for the portion of the site where the alterations are proposed. If all of the following are met, the area of the ground lease will be considered as a separate site for purposes of required improvements. The applicant shall meet the following:*
 - aa. *The signed ground lease, or excerpts from the lease document satisfactory to the City attorney, shall be submitted to the Community Development Director. The portions of the lease shall include the following:*
 - 1. *The term of the lease. In all cases, there shall be at least one year remaining on the ground lease; and*
 - 2. *A legal description of the boundaries of the lease.*
 - bb. *The boundaries of the ground lease shall be shown on the site plan submitted with the application. The area of the lease shall include all existing and any proposed development that is required for, or is used exclusively by, those uses within the area of the lease; and*
 - cc. *Screening shall not be required along the boundaries of ground leases that are interior to the site.*

Applicant's Response:

The title report (Appendix B of this general development plan) includes the legal description and boundaries of the ground lease. No improvements are required for this plan to be in accordance with the City's requirements of the lease.

- d. *Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:*
 - i. *Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in subparagraph C.2.b above, is limited to ten percent of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in subparagraph C.2.b above.*

- ii. *Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58-1. However, by the end of the compliance period, the site shall be brought fully into compliance with the standards listed in subparagraph C.2.b. Where this option is chosen, the following shall be met:*
 - aa. *Before a building permit is issued, the applicant shall submit the following to the Community Development Director:*
 - 1. *A nonconforming development assessment, which identifies in writing and on a site plan, all development that does not meet the standards listed in subparagraph C.2.b.*
 - 2. *A covenant, in a form approved by the City attorney, executed by the property owner that meets the requirements of OCMC 17.50.150. The covenant shall identify development on the site that does not meet the standards listed in subparagraph C.2.b, and require the owner to bring that development fully into compliance with this title. The covenant shall also specify the date by which the owner will be in conformance. The date shall be within the compliance periods set out in Table 17.58-1.*
 - bb. *The nonconforming development identified in the nonconforming development assessment shall be brought into full compliance with the requirements of this title within the following compliance periods. The compliance period begins when a building permit is issued for alterations to the site of more than seventy-five thousand dollars. The compliance periods are based on the size of the site (see Table 17.58-1).*
 - cc. *By the end of the compliance period, the applicant or owner shall request that the site be certified by the Community Development Director as in compliance. If the request is not received within that time, or if the site is not fully in conformance, no additional building permits will be issued.*
 - dd. *If the regulations referred to by subparagraph C.2.b are amended after the nonconforming development assessment is received by the Community Development Director, and those amendments result in development on the site that was not addressed by the assessment becoming nonconforming, the applicant shall address the new nonconforming development using Option 1 or 2. If the applicant chooses Option 2, a separate nonconforming development assessment, covenant and*

compliance period will be required for the new nonconforming development.

Table 17.58—1: Compliance Periods for Option 2

Square footage of site	Compliance Period
<i>Less than 150,000 sq. ft.</i>	<i>2 years</i>
<i>150,000 sq. ft. or more, up to 300,000 sq. ft.</i>	<i>3 years</i>
<i>300,000 sq. ft. or more, up to 500,000 sq. ft.</i>	<i>4 years</i>
<i>More than 500,000 sq. ft.</i>	<i>5 years</i>

Applicant's Response:

There are no required improvements to the leased properties, so this criterion does not apply at this time.

17.58.060 - Process to confirm the legality of a nonconforming use, lot, structure, or site.

Any person may request a Type I or a Type II review to confirm the legality of a nonconforming use, lot, structure or site. In order to confirm that the nonconforming use, lot, structure or site is legal, sufficient evidence shall be submitted to the City determining the following:

A. The nonconforming use, lot, structure or site was established lawfully; and

Applicant's Response:

This non-conforming use has been established lawfully. The City has approved lease after lease after lease going back for 50 years (1969) for the landowners to operate a landing and moorage for small marine vehicles and to live and work with the necessary equipment permitting private uses of the marina for river recreational public recreation. These uses have been associated with the City's public boat ramp and shared public parking lot for the public marina that is open to all and that provides educational training as well as the safety gear and small kayaks and canoes for use by all.

B. The nonconforming use, lot, structure or site has not become more nonconforming within the past twenty years from the date of application.

Applicant's Response:

Marina uses have remained the same for more than twenty years and the structures have not become more non-conforming in any way. The recent Comprehensive Plan Update 2023 and revision of the zoning code demonstrate that the lands within the general development plan are consistent with intent of the zone for an urban recreational use that is available for diverse socioeconomic use by the public and to offer jobs, connection with the natural and cultural environment and a boost for the local economy.

The applicant shall provide sufficient evidence to allow the Community Development Director to review and confirm the legality of a nonconforming use, lot, structure or site. An applicant may request a Type I procedure, provided the applicant can provide sufficient evidence to confirm OCMC 17.58.060.A and B without discretion. If the applicant cannot provide sufficient evidence to determine OCMC 17.58.060.A and B without discretion, the applicant may apply for a Type II procedure. Applications for a Type II procedures shall be noticed to the public in a public comment period to gather additional information. If the applicant cannot show that the nonconforming use, lot, structure or site was lawfully established or has not been expanded pursuant to OCMC 17.58.060.A and B above, the use, lot, structure or site shall be determined to be illegal.

Applicant's Response:

There is no need to further evaluate the legality of the structures or uses as there is clear title, there are no liens on the property, no complaints, all taxes are paid and current, the lease was signed and is sufficient for more than a year from the application date.

The general development plan area contains some legal non-conforming uses that are not specifically permitted but that were consistently used for 50 years and that have a basis to support the goals and policies of the comprehensive plan for the City and that are not contrary or in need of site improvements pursuant to the other sections of the OCMC.

MAPS AND FIGURES

Figure 1 Study Area and Zoning (2022)

Figure 2 Vicinity Map

Figure 3a Aerial Photograph 2022 –
Downstream Facilities – Institutional District

Figure 3b Aerial Photograph 2022 – Upstream
Facilities – Mixed Use Downtown District

Figure 4 Utilities Sewer, Stormwater and Water
Systems

Figure 5 Site Photographs

Figure 1 Study Area and Zoning

Item #3.



Legend

Street Names

- Taxlots
- Unimproved ROW

Zoning

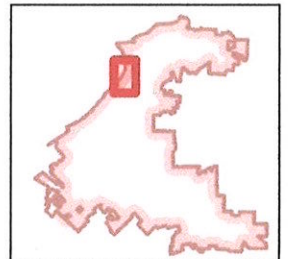
- R-10 - Single Family Dwelling
- R-8 - Single Family Dwelling
- R-6 - Single Family Dwelling
- R-5 - Single Family Dwelling
- R-3.5 - Medium Density Resic
- R-2 - Multi-Family Dwelling
- C - General Commercial
- MUC-2 - Mixed Use Corridor
- MUC-1 - Mixed Use Corridor
- NC - Neighborhood Commer
- HC - Historic Commercial
- WFDD - Willamette Falls Dow
- MUD - Mixed Use Downtown
- MUE - Mixed Use Employer
- GI - General Industrial
- CI - Campus Industrial
- I - Institutional

County

- City Limits
- UGB
- Basemap

Notes

Overview Map



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 400 Feet
1: 4,800

City of Oregon City
PO Box 3040
625 Center St
Oregon City
OR 97045
(503) 657-0891
www.orcity.org





Figure 2 Vicinity Map



Figure 3a Aerial Photograph Google Earth 2022 –
Downstream Facilities – Institutional District

X/ROD.

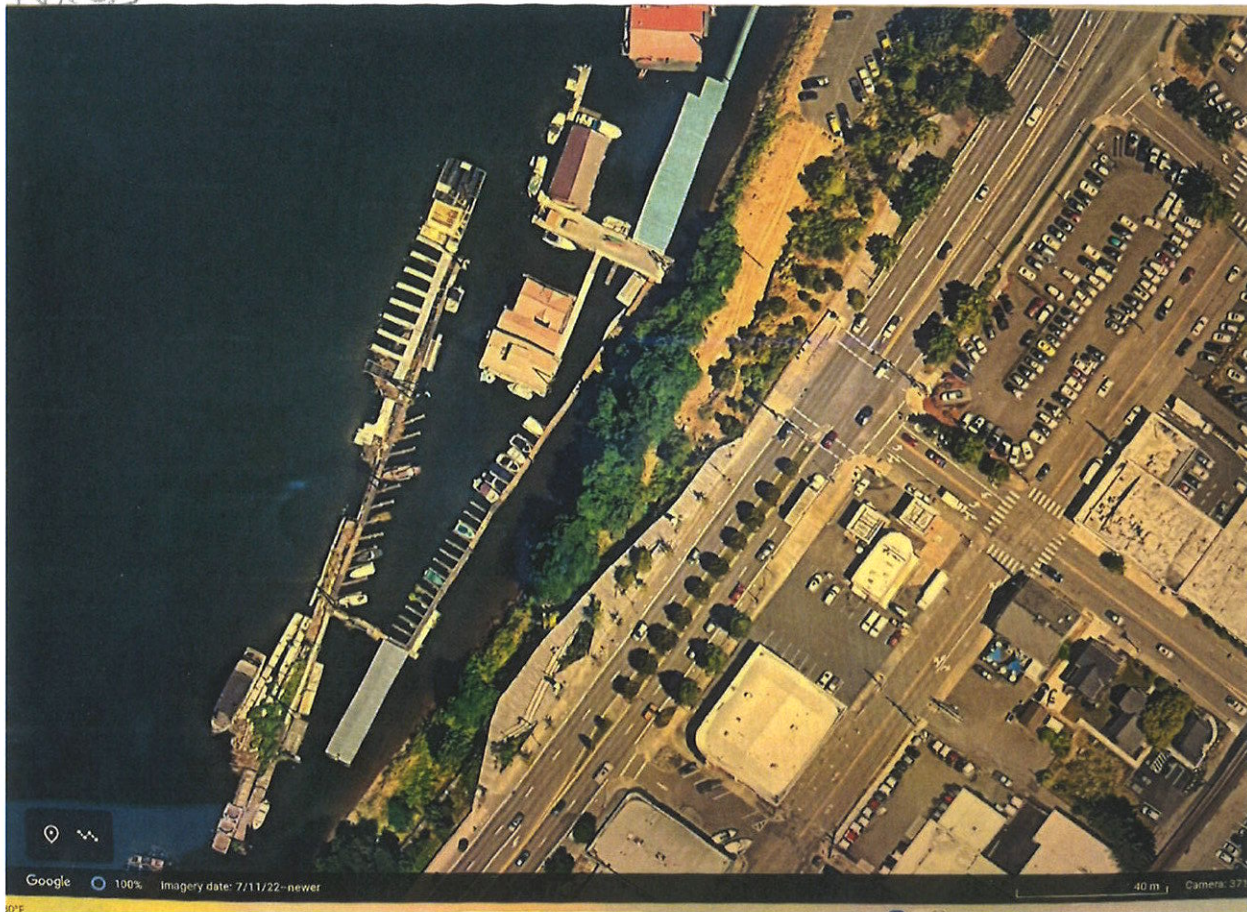
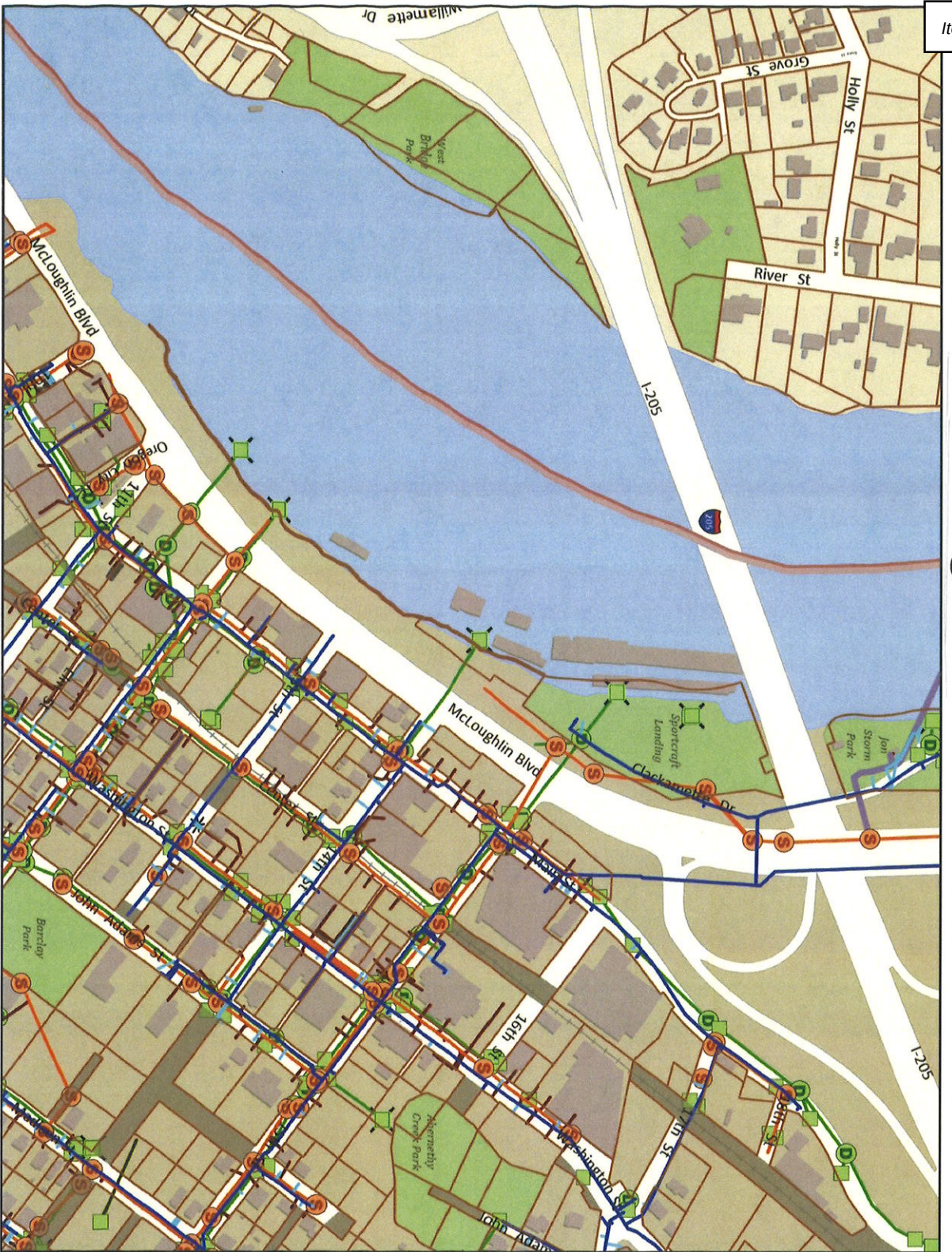


Figure 3b Aerial Photograph Google Earth 2022 –
Upstream Facilities – Mixed Use Downtown District

Figure 4 Utilities



Legend

- Street Names
- Taxlots
- Unimproved ROW
- Water Pipes (City Owned)
- Water Service Lines
- Sewer Structures (City Owned)
- Sewer Pipes (City Owned)
- Force Main
- Gravily Line
- Outfall
- Overflow
- Sewer - Laterals
- Inactive or Abandoned
- Active
- Storm Structures (City Owned)
- Manhole
- Inlet
- Outlet

Notes

Utility Systems - Water, Sewer and Stormwater Management

Overview Map



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Map created 10/20/2023



0 400 800 Feet

1: 4,800

Sewer, Stormwater and Water Systems

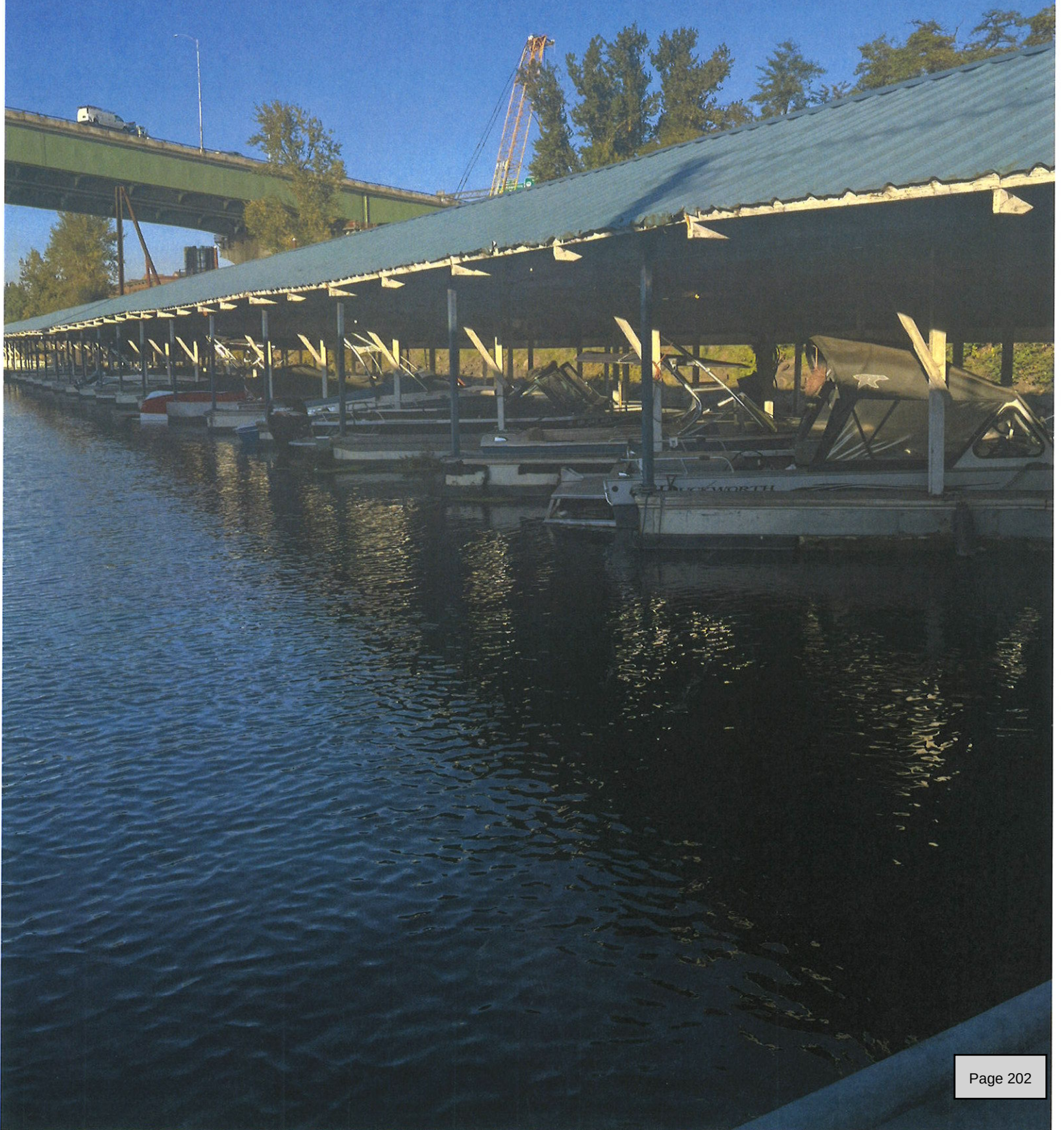


Figure 5 Site Photographs

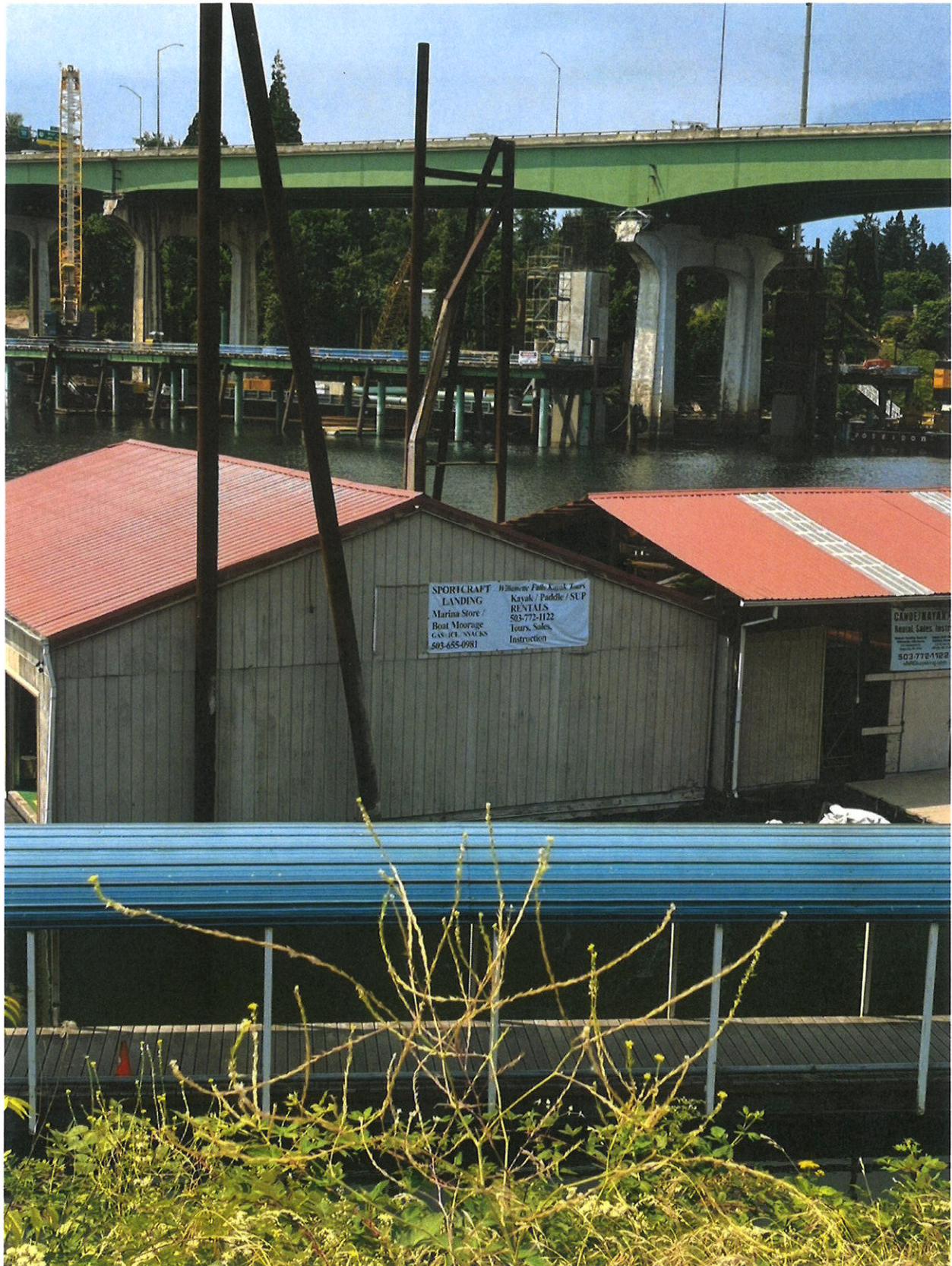
Figure 5 Site Photographs

1. Signage and Vegetation at Entrance to Master Plan Area- ODOT Construction Staging in Midground
2. Boat Slips and Mature Tree grove at lower parking lot behind- Looking Upstream to End of Study Area at Abernethy Bridge
3. Waterway Access to North End Moorage Areas – looking downstream from Gangplank
4. Marina Covered Walkways, Restroom, Retail, and Storage Areas- Looking Across the Willamette River
5. Storage and Cleaning Area for Kayaks for Public Use
6. Clackamas County Sheriff's Office Marine Patrol Building and Public Safety Boat- Looking Upstream
7. Viewshed to Oregon City Municipal Bridge Covered Boat Slips Foreground and Floating Homes, Barge and Crane moorage – Looking Upstream from Upper Parking Area

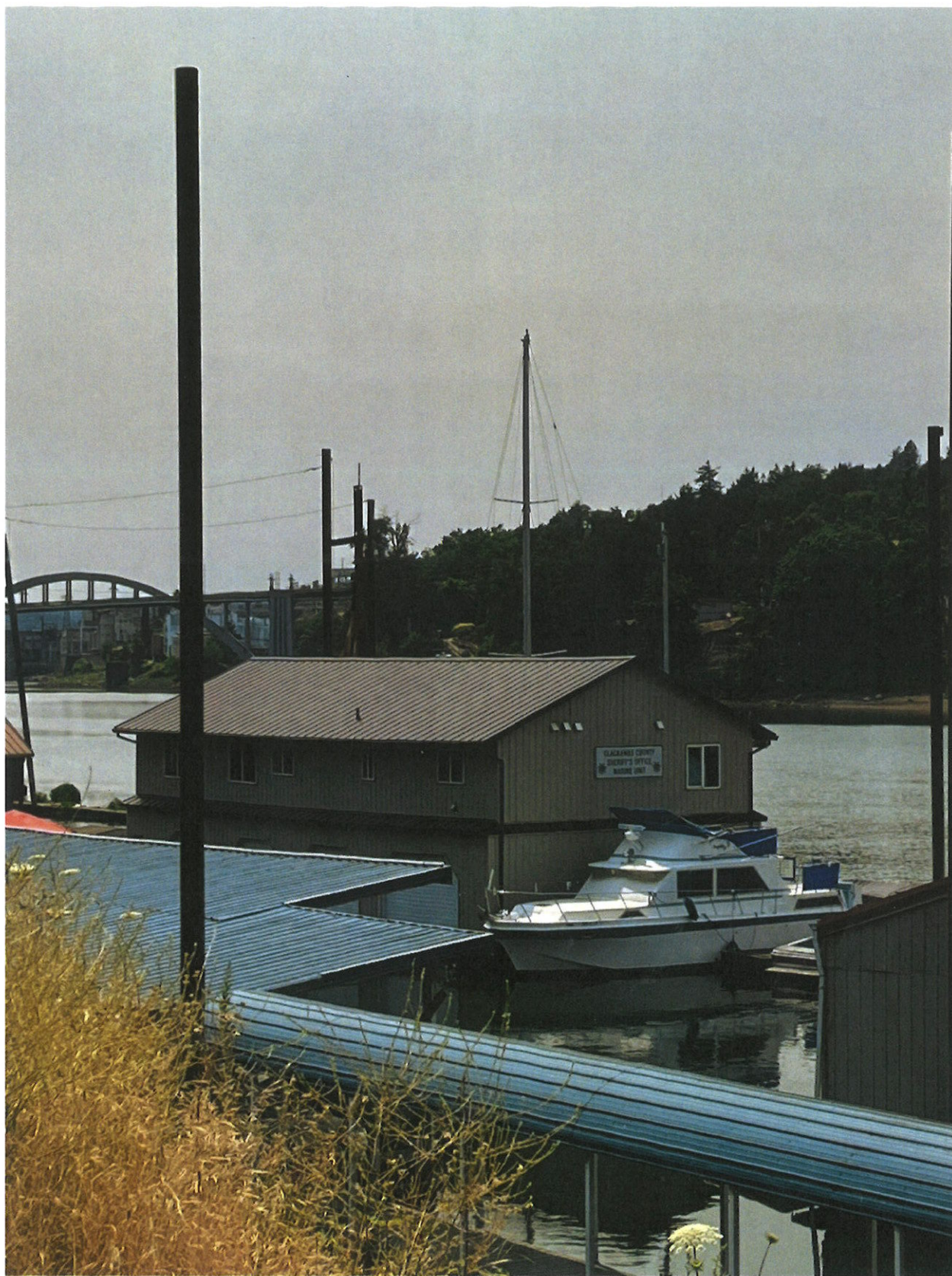


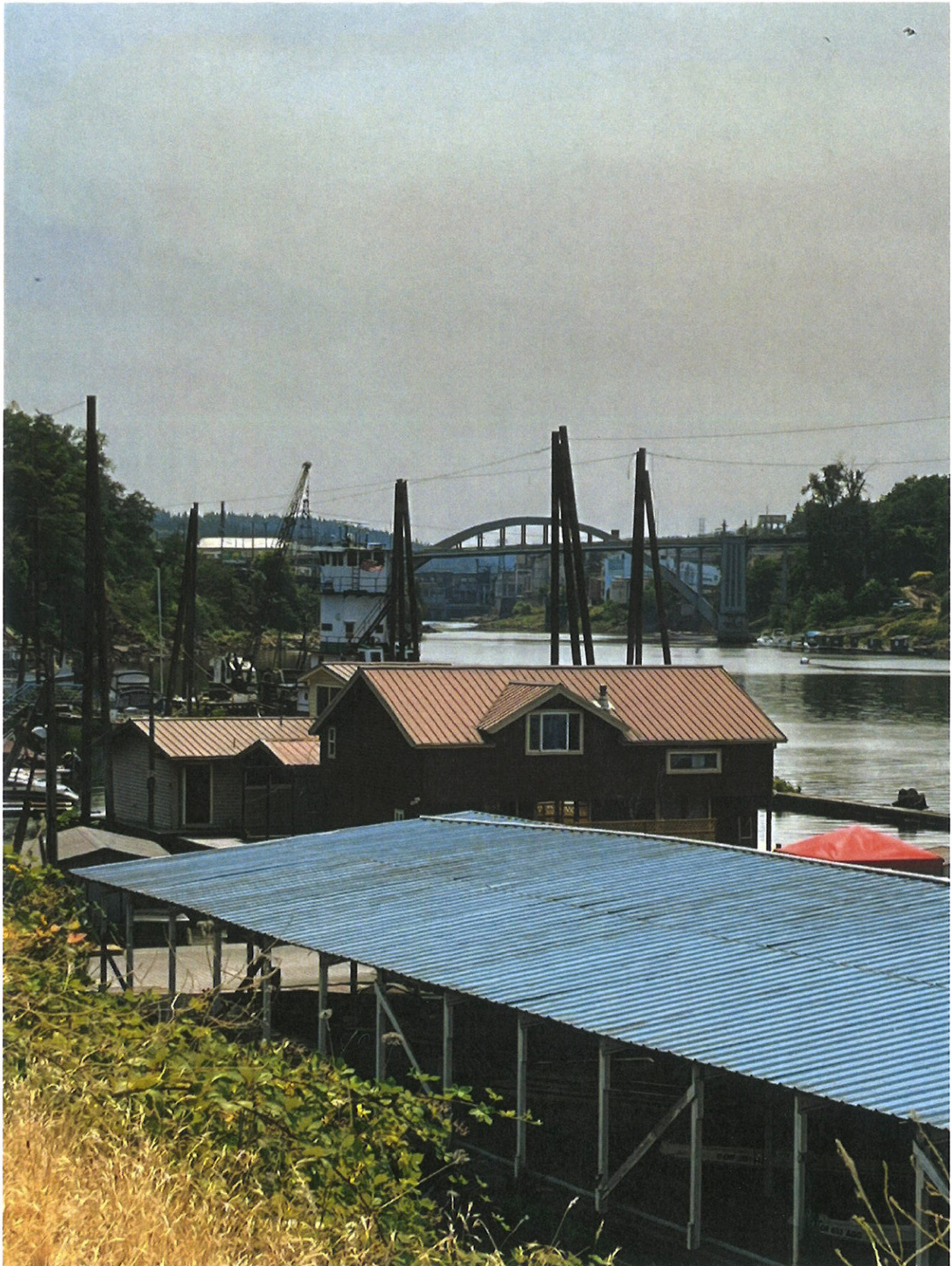












APPENDIXES

APPENDIXES

Appendix A: TAL Traffic Analysis Letter and Addendum (ODOT Crash Data 2019 – 2021 in Zip File)

Appendix B: Title Report

Appendix C: Permits, Easements for On-site Land Use Actions

- Marine Patrol Building
- Demolition Permit for Marina
- Division of State Land Submerged Aquatic Lease

Appendix D: History of the Sportcraft Master Plan Area

- Tax Lots 2-2E-29CB-00500, 2-2E-30DD-00501, 2-2E-30DD-06500 Detailed Information Assessment and Value from Oregon City Database 8-11-2023
- Historical Zoning and Applicability to Small Boat Landing, Rental, Storage, and Repair
- 1972 Federal Grant and Amendments from Bureau of Outdoor Recreation (USD) for Sportcraft Landing Development construction of 310-foot-long seawall, dredging, and to provide parking for 35 spaces

Appendix A
TAL Traffic Analysis Letter
Addendum – Crash Report

TRAFFIC ANALYSIS LETTER

FOR

Project Name: Sportcraft Landing Master Plan

Alternative Name: PA-22-00046 Sportcraft Landing General
Development Plan

Location: 1701 Clackamette Drive Oregon City, Oregon 97045

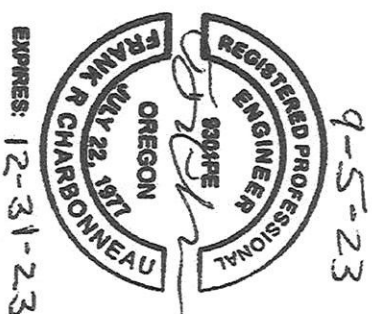
CITY OF OREGON CITY

PREPARED BY

CHARBONNEAU ENGINEERING LLC

GARY SPANOVICH, TRANSPORTATION PLANNER

FRANK CHARBONNEAU, PE



TRAFFIC ANALYSIS LETTER (TAL)

Date: September 4, 2023

FL2376

To: Eric Dye, Ken's Flotation Services; 1701 Clackamette Drive Oregon City, Oregon 97045

From: Gary Spanovich; Frank Charbonneau, PE, PTOE

Subject: Transportation Analysis Letter; Sportcraft Landing Master Plan (Sportcraft Landing General Development Plan); 1701 Clackamette Drive Oregon City, Oregon 97045

The General Development Standards in OCMC 17.62.050 are the principal site plan and design review criteria that apply to new development. Staff should be aware that there is no new development proposed and it could be that the Master Plan is not necessary, per the code. Scoping of the transportation study to determine details was determined in collaboration with the City's transportation consultant, DKS Engineering.

This traffic analysis letter (TAL) has been prepared for the Sportcraft Landing Master Plan (Sportcraft Landing General Development Plan) currently located at 1701 Clackamette Drive Oregon City, Oregon 97045. No additional development is proposed for the site and effectively this analysis and TAL document the existing land uses. Because no development is proposed and the existing marina has been there for decades, it could be that the TAL is not necessary. Other than 7 reserved spaces and one port potty at the end of the dock, the entire facility is floating in the Willamette River.

The following is the building inventory for the site. Two quantities for the number of boat slips/moorages are listed as the number in use is seasonal.

Table 1. Building Inventory

Facility	Number	Square Footage
Boat Slips/Moorage	93 Avg.	April-Aug 55 Avg
	55 Avg.	Sept-April
Rental Office/Retail	1	2400
Floating Home 1	1	2000
Floating Home 2	1	1800
Floating Home 3	1	1200
Marine Patrol Bldg.	1	2000
Reserved Parking	7	
Shared Parking Near Reserved Spaces	60	

There is very much a high season (April to August) of each year with most river recreation occurring then, with an average of 93 slips rented. The river and recreational boating traffic fall off in September to April, with an average of 55 slips rented at the Marina. The map on the next page highlights the project location

PROJECT LOCATION



Trip Generation

Trip rates based on the ITE Trip Generation manual (11th edition, year 2021) were applied in order to determine the number of trips produced by the marina.

- 3 homes X 9.43ADT = 28ADT
- Small office building: 4,400 sf. X 14.39ADT = 63ADT
- Summer slips: 93 x 2.41ADT = 224ADT
- Winter slips, off-season 55 x 2.41ADT = 133ADT

Summary

Winter ADT = 224 ADT

Summer ADT = 315 ADT

The detailed trip generation numbers and AM and PM peak hour rates are contained in the Tables #2 & #3

Table 2. Projected trip generation for Sportcraft Marina - Summer Use, 93 Slips

ITE Land Use	Units	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Marina (#420)</i>	93							
Generation Rate ¹	berths	2.41	0.07	33%	67%	0.21	60%	40%
Site Trips		224	7	2	5	20	12	8
<i>Small Office Building (#712)</i>	4,400							
Generation Rate ¹		14.39	1.67	82%	18%	2.16	34%	66%
Site Trips		63	7	6	1	10	3	7
<i>Single-Family (#210)</i>	3							
Generation Rate ¹	homes	9.43	0.70	26%	74%	0.94	63%	37%
Site Trips		28	2	1	1	3	2	1
Total Trips		315	16	9	7	33	17	16

¹ Source: Trip Generation, 11th Edition, ITE, 2021, average rates.

Table 3. Projected trip generation for Sportcraft Marina - Off Season, 55 Slips

ITE Land Use	Units	ADT	Weekday					
			AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
Marina (#420)	55							
Generation Rate ¹	berths	2.41	0.07	33%	67%	0.21	60%	40%
Site Trips		133	4	1	3	12	7	5
Small Office Building (#712)	4,400							
Generation Rate ¹		14.39	1.67	82%	18%	2.16	34%	66%
Site Trips		63	7	6	1	10	3	7
Single-Family (#210)	3							
Generation Rate ¹	homes	9.43	0.70	26%	74%	0.94	63%	37%
Site Trips		28	2	1	1	3	2	1
Total Trips		224	13	8	5	25	12	13

¹ Source: Trip Generation, 11th Edition, ITE, 2021, average rates.

Capacity analysis of nearby public intersections and the site driveways is not required. The transportation analysis letter includes a description of the site, trip generation documentation, verification of the street spacing standards, sight distance assessment, and review of the traffic safety conditions.

Trip Generation Summary

In summary the existing facility is expected to generate from 223 ADT to 315 ADT depending on the season.

Functional Classification

Clackamette Drive is classified as a collector; Dunes Drive is classified as a collector.

Parking

Clackamette Drive dead ends into the shared parking lot of Sportcraft Marina where there is unrestricted sight distance as Clackamette Drive enters at the top of a hill, thus looking down on the entire shared parking lot. The Marina has 7 reserved parking spots and the sheriff has one reserved space; additionally, there are another 60 shared spaces. For customers of Sportcraft, they must park their cars, then exit and travel as a pedestrian to the facility. Sight distance is unrestricted and is not a safety issue.

In addition to the Sportcraft Marina the City of Oregon City owns the land where the shared parking is located and also the boat ramp. Sportcraft has no ownership of this.

From the Sportcraft Marina to Clackamette Drive (a local road) there is a two lane roadway (now one lane with a construction signal until the end of 2025 due to major bridge construction. There is a temporary construction parking access next to Jon Storm Park – about .2 mile; the only other access is at Rivershore Motel, access about .5 mi; then to Dunes Drive, a 3 way stop. Every approach has excellent sight distance and is unrestricted from every approach. Dunes Drive access McLoughlin Blvd. after a short distance and also had excellent sight

The spacing of the already existing driveways from the parking lot was reviewed for conformance to the City's spacing standards and met them.

Safety Review

Accident data for the three-year period between 01/01/15 and 12/31/17 was requested from the ODOT crash analysis unit. This data has not yet come in; but will be added as an Addendum to this report when it arrives.

Other Nearby Marinas

Boones Ferry Marina; 26177 NE Boones Ferry Landing, Aurora, Oregon 97002 is close by and has 105 boat slips and approximately 45 parking spaces.

Conclusion

The transportation analysis letter for the Facility has been prepared to document the trip generation, access spacing, and the sight distance availability. There are no issues identified, although there is a construction signal to access the parking lot on Clackamette Drive.

ADDENDUMTraffic Analysis Letter for Sportcraft Landing**SAFETY REVIEW**

Accident data was obtained from ODOT the crash analysis unit for the years 2019-2021:

- Accident data (delivered as a separate file to the City of Oregon City Planning Department September 29, 2023)
- Clackamette Drive- Dunes to Sportcraft- 4 accidents: Turning; Fixed; Rear – Most of these were in 2019
- Dunes- Clackamette Drive to 99 – 15 crashes – Angle; Turn; Rear

These accidents occurred at 99 & Dunes; and at Clackamette in front of the Rivershore Best Western Hotel previously called the Dunes Motel. Presumably these accidents were related to the ingress/egress from the motel.

No accidents occurred where Sportcraft is or in the shared parking lot. No mitigation is proposed.

Appendix B Title Report

**First American Title™****First American Title Insurance Company**

1 SW Columbia Street, Ste 1600
Portland, OR 97204
Phn - (503)222-3651 (800)929-3651
Fax - (877)242-3513

MULTNOMAH COUNTY TITLE UNIT
FAX (877)242-3513

Title Officer: Blake Spencer
(503)222-3651
BSpencer@firstam.com

LOT BOOK SERVICE

Eric Dye
1701 Clackamette Dr
Oregon City, OR 97045

Order No.: 7019-4113796
October 26, 2023

Attn:
Phone No.: (503)449-6667 - **Fax No.:**
Email:

Re:

Fee: \$500.00

We have searched our Tract Indices as to the following described property:

The land referred to in this report is described in Exhibit A attached hereto,
and as of October 19, 2023 at 8:00 a.m.

We find that the last deed of record runs to

City of Oregon City, a Municipal Corporation of the State of Oregon

We find the following apparent encumbrances prior to the effective date hereof:

1. Rights of the public and of governmental bodies in and to that portion of the premises herein described lying below the mean high water mark of Willamette River and the ownership of the State of Oregon in that portion lying below the high water mark of Willamette River.
2. Any adverse claim based upon the assertion that some portion of said land has been removed from or brought within the boundaries thereof by an avulsive movement of the Willamette River or has been formed by the process of accretion or reliction or has been created by artificial means or has accreted to such portion so created.
3. Order No. 79-132, including terms and provisions thereof.
Recorded: February 02, 1979 as Fee No. 794752

First American Title

4. City of Oregon City, Ordinance No. 90-1062, an Ordinance adopting the Downtown/North end Urban renewal plan and making certain findings and determinations
Recorded: December 21, 1990 as Fee No. 901062
5. City of Oregon City, Ordinance No. 00-1029, an Ordinance of the city of Oregon city approving the sixth amendment to the Downtown/North end Urban renewal plan and directing that notice of approval be published
Recorded: December 12, 2000 as Fee No. 2000 079678
6. City of Oregon City, Ordinance No. 07-1014, an Ordinance of the city of Oregon city approving the tenth amendment to the Downtown/North end Urban renewal plan and directing that notice of approval be published
Recorded: October 18, 2007 as Fee No. 2007 089931
7. Easement, including terms and provisions contained therein:
Recording Information: November 28, 2007 as Fee No. 2007 099574
In Favor of: City of Oregon City
For: Public Utilities
8. Notice of Pendency of an action, being a Suit to acquire interest(s) in the property described below by Eminent Domain.
Suit No.: 21CV39128
Recorded/Filed: January 24, 2022 as Fee No. 2022 004932
Plaintiff: State of Oregon, By And Through its Department of Transportation
Defendant: City of Oregon City, a Municipal Corporation of the State of Oregon and Sportcraft Landing, an Oregon corporation
- Stipulated General Judgment recorded August 25, 2022 as Fee No. 2022 047181
9. Permanent Easement, including terms and provisions contained therein:
Recording Information: May 15, 2023 as Fee No. 2023 016359
In Favor of: State of Oregon, by and through its Department of Transportation
10. The right, title or interest of Sportcraft Landing Co, Eric Dye and Kimberly A. Dye, as disclosed by Tax Roll.
11. Unrecorded leases or periodic tenancies, if any.

We have also searched our General Index for Judgments and State and Federal Liens against the Grantee(s) named above and find:

1. Terms and provisions of the Decree of Dissolution of Marriage
Case No.: 23DR07430
Dated: April 26, 2023
Petitioner: Eric Dye
Respondent: Kimberly Dye

Lot Book Service

Guarantee No.: **7019-4113796**
Page 4 of 7

NOTE: We find no outstanding voluntary liens of record affecting subject property. An inquiry should be made concerning the existence of any unrecorded lien or other indebtedness which could give rise to any security interest in the subject property.

THIS IS NOT a title report since no examination has been made of the title to the above described property. Our search for apparent encumbrances was limited to our Tract Indices, and therefore above listings do not include additional matters which might have been disclosed by an examination of the record title. We assume no liability in connection with this Lot Book Service and will not be responsible for errors or omissions therein. The charge for this service will not include supplemental reports, redchecks or other services.

Exhibit "A"

Real property in the County of Clackamas, State of Oregon, described as follows:

A PARCEL OF LAND LYING WITHIN A PORTION OF THE GEORGE ABERNETHY D.L.C. NO. 58 AND THE OREGON CITY CLAIM, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CLACKAMAS COUNTY, OREGON, AS CONTAINED WITHIN THE FOLLOWING DESCRIBED BOUNDARIES, THE EASTERLY BOUNDARY OF SAID PARCEL BEING A PORTION OF THE WESTERLY LINE OF A STRIP OF LAND VARIABLE IN WIDTH WHICH LIES ON THE WESTERLY SIDE OF THE CENTER LINE OF THE PACIFIC HIGHWAY EAST, AS RELOCATED, SAID CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION 15+00, SAID STATION BEING 3196.92 FEET NORTH AND 176.67 FEET EAST OF THE INTERSECTION OF THE CENTER LINES OF 14TH STREET AND MAIN STREET IN OREGON CITY, THENCE SOUTH 2°32'47" EAST, 1843.66 FEET; THENCE ON A SPIRAL CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 1°37'07" WEST) 500 FEET; THENCE ON A 1145.92 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 17°09'15.5" WEST) 288.03 FEET; THENCE ON A SPIRAL CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 32°41'24" WEST) 500 FEET TO ENGINEER'S CENTER LINE STATION 46+31.69.

THE WIDTH IN FEET OF THE STRIP OF LAND ABOVE REFERRED TO ARE AS FOLLOWS :

STATION TO STATION WIDTH ON WESTERLY SIDE OF CENTER LINE
35+00 38+00 100 IN A STRAIGHT LINE TO 180
38+00 40+00 180 IN A STRAIGHT LINE TO 125
40+00 41+31.69 125 IN A STRAIGHT LINE TO 125
41+31.69 46+31.69 125 IN A STRAIGHT LINE TO 130

THE NORTHERLY BOUNDARY OF THE AFORESAID PARCEL OF LAND HEREIN CONVEYED BEING THE SOUTHERLY LINE OF A STRIP OF LAND 170 FEET IN WIDTH, SITUATED IN THE GEORGE ABERNETHY D.L.C. NO. 58 AND LYING WESTERLY OF THE EXISTING PACIFIC HIGHWAY EAST IN TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M., CLACKAMAS COUNTY, OREGON, SAID NORTHERLY BOUNDARY EXTENDING WESTERLY TO THE ORDINARY LOW WATER MARK, AND EASTERLY TO THE INTERSECTION OF THE EASTERLY LINE OF AFORESAID PARCEL OF LAND HEREIN CONVEYED, SAID STRIP OF LAND BEING 85 FOOT ON EACH SIDE OF THE CENTER LINE OF THE EAST PORTLAND FREEWAY, SAID CENTER LINE BEING DESCRIBED AS FOLLOWS:

BEGINNING AT ENGINEER'S CENTER LINE STATION 666+22.51, SAID STATION BEING 327.45 FEET SOUTH AND 71.36 FEET EAST OF THE NORTH QUARTER CORNER OF SECTION 29, TOWNSHIP 2 SOUTH, RANGE 2 EAST, W.M.; THENCE ON A SPIRAL CURVE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 44°25'43" WEST) 750 FEET; THENCE ON "A 3819.73 FOOT RADIUS CURVE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 39°34'51.5" WEST) 146.35 FEET; THENCE ON A SPIRAL CURVE LEFT (THE LONG CHORD OF WHICH BEARS SOUTH 34°44' WEST) 750 FEET; THENCE SOUTH 32°51'30" WEST, 205.71 FEET; THENCE ON A SPIRAL CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 37°51'19" WEST) 100 FEET; THENCE ON A 1909.86 FOOT RADIUS CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 51°21'30" WEST) 233.33 FEET; THENCE ON A SPIRAL CURVE RIGHT (THE LONG CHORD OF WHICH BEARS SOUTH 64°51'41" WEST) 1000 FEET; THENCE SOUTH 69°51'30" WEST, 1292.10 FEET TO ENGINEER'S CENTER LINE STATION 720+00.

THE SOUTHERLY BOUNDARY OF AFORESAID PARCEL OF LAND HEREIN CONVEYED BEING A LINE PROJECTED NORTHWESTERLY ALONG THE SOUTHERLY LINE OF BLOCK 43, OREGON CITY, CLACKAMAS COUNTY, OREGON, TO THE ORDINARY LOW WATER MARK OF THE WILLAMETTE RIVER, THE INTENT OF SAID BOUNDARY BEING A LINE PROJECTED NORTHWESTERLY FROM A POINT LYING MIDWAY BETWEEN 14TH AND 15TH STREETS, ACCORDING TO SAID PLAT OF OREGON CITY, TO SAID

Lot Book Service

Guarantee No.: **7019-4113796**
Page 6 of 7

ORDINARY LOW WATER MARK OF THE WILLAMETTE RIVER.

THE WESTERLY LINE OF SAID PARCEL OF LAND HEREIN CONVEYED BEING THE LOW WATER MARK OF THE WILLAMETTE RIVER.

NOTE: This legal description was created prior to January 1, 2008.



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1 SW Columbia Street, Ste 1600
Portland, OR 97204

Illegal Restrictive Covenants

Please be advised that any provision contained in this document, or in a document that is attached, linked, or referenced in this document, that under applicable law illegally discriminates against a class of individuals based upon personal characteristics such as race, color, religion, sex, sexual orientation, gender identity, familial status, disability, national origin, or any other legally protected class, is illegal and unenforceable by law.

Appendix C

Permits, Easements for On-site Land Use Actions

Marine Patrol Building

Demolition Permit for Marina

Division of State Land Submerged Aquatic Lease



OREGON CITY

Community Development – Planning

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

Notice of Decision

August 4, 2011

FILE NO.: SP 11-07: Site Plan and Design Review

APPLICANT: Eric Dye
1701 Clackamette River Drive
Oregon City, Oregon 97045

OWNER(S): Eric Dye
1701 Clackamette River Drive
Oregon City, Oregon 97045
City of Oregon City
PO Box 3040
Oregon City, Oregon 97045

REPRESENTATIVE: Planning Resources, Inc.
Kenneth Sandblast
17690 SW Boones Ferry Road
Lake Oswego, Oregon 97035

REQUEST: The applicant submitted this Site Plan and Design Review application to construct a boat house for the Clackamas County Sheriff Marine Patrol at Sportcraft Marina.

LOCATION: 1701 Clackamette Dr, Oregon City, OR 97045
Clackamas County Map 2-2E-29CB-500

IN-HOUSE DISTRIBUTION

- ☒ Building Official
- ☒ Development Services Manager
- ☐ Public Works
- ☐ City Engineer/Public Works Director
- ☐ Geotechnical Services (GIS)
- ☒ Parks Manager
- ☐ Addressing

MAIL-OUT DISTRIBUTION

- ☒ Citizen Involvement Council (CIC)
- ☐ Neighborhood Association Chair
- ☐ Neighborhood Association Land Use Chair
- ☐ Fire Marshal
- ☐ Clackamas County – Joe Marek
- ☐ Clackamas County – Ken Kent
- ☐ School District# 62
- ☐ Tri-Met
- ☐ Oregon Dept. of Transportation - Sonya Kazen
- ☐ Oregon Dept. of Transportation – Loretta Kiefer
- ☐ DLCD
- ☐ Other:

People who wrote in:

See report



OREGON CITY

TYPE II - LIMITED LAND USE DECISION

STAFF REPORT AND NOTICE OF DECISION WITH CONDITIONS OF APPROVAL

August 4, 2011

FILE NO.: SP 11-07: Site Plan and Design Review

APPLICANT: Eric Dye
1701 Clackamette River Drive
Oregon City, Oregon 97045

Submitted: 6/9/2011
InComplete: 6/21/2011
Complete: 6/30/2011
120-Day: 10/28/2011

OWNER(S): City of Oregon City
PO Box 3040
Oregon City, Oregon 97045

Eric Dye
1701 Clackamette River Drive
Oregon City, Oregon 97045

REPRESENTATIVE: Planning Resources, Inc.
Kenneth Sandblast
17690 SW Boones Ferry Road
Lake Oswego, Oregon 97035

REQUEST: The applicant submitted this Site Plan and Design Review application to construct a boat house for the Clackamas County Sheriff Marine Patrol at Sportcraft Marina.

LOCATION: 1701 Clackamette Dr, Oregon City, OR 97045
Clackamas County Map 2-2E-29CB-500

REVIEWER: Laura Terway, AICP, Planner
Bob Cullison, Development Services Manager

DECISION: Approval with Conditions.

PROCESS: *The decision of the Community Development Director is final unless appealed to the City Commission within 14 days following the mailing of this notice. 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 and include partitions, preliminary subdivision plats, site plan and design review. Notice of application and an invitation to comment is mailed to the applicant, recognized neighborhood association and property owners within three hundred feet. Planning manager accepts comments for fourteen days and renders a decision. The Community Development Director's decision is appealable to the city commission with notice to the planning commission, by any party with standing (i.e., applicant and any party who submitted comments during the fourteen-day period). The city commission decision 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.*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

I. BACKGROUND:

The applicant submitted this Site Plan and Design Review application to construct a boat house for the Clackamas County Sheriff Marine Patrol at Sportcraft Marina. The marina is located on the Willamette River near Interstate 205. The site is within the Natural Resources, Floodplain and Geologic Hazards overlay districts, though no development has been proposed on land. The structure consists of four open boat ports facing the adjacent river banks on the first floor with a kitchen, restroom and open space for offices, etc. on the second floor of the two story structure. The proposed structure will replace a previous structure which was located on the same place within the marina.

II. DECISION-MAKING CRITERIA:

The following sections of the Oregon City Municipal Code are applicable to this land use approval:

Administration and Procedures set forth in Chapter 17.50,
 "MUD" Mixed Use Downtown District in Chapter 17.34,
 Streets Sidewalks and Public Places in Chapter 12.04,
 Public and Street Trees in Chapter 12.08 and
 Tree Protection Standards in Chapter 17.41
 Off-Street Parking and Loading in Chapter 17.52
 Site Plan and Design Review in Chapter 17.62
 Natural Resource Overlay District in Chapter 17.49,
 Flood Management Overlay District in Chapter 17.42,
 Geologic Hazards in Chapter 17.44
 The City Code Book is available on-line at www.orcity.org.

CHAPTER 17.34 "MUD" MIXED USE DOWNTOWN DISTRICT

17.34.020 Permitted Uses.

Finding: Complies as Proposed. The applicant proposed to construct a boat house for the Clackamas County Sheriff Marine Patrol at Sportcraft Marina. A marina is permitted in Oregon City Municipal Code (OCMC) chapter 17.34.020.C while an office is permitted in OCMC 17.29.020.H via 17.34.020.A.

17.34.030 Conditional Uses.

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

17.34.040 Prohibited Uses.

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

17.34.050 Pre-Existing Industrial Uses.

Finding: Not Applicable. The applicant has not proposed a pre-existing industrial use.

17.34.060.A. Minimum lot area: none.

Finding: Not Applicable. There is no minimum lot area.

17.34.060.B. Minimum floor area ratio: 0.30.

Finding: Not Applicable. The minimum floor area ratio (FAR) assures a minimum amount of development occurs on a lot. The subject site is within the Willamette River and thus there are no property lines to calculate the minimum FAR. In addition, it is not the intent of the Oregon City Municipal Code to require a minimum level of development within the waterway.

17.34.060.C. Minimum building height: twenty-five feet or two stories except for accessory structures or buildings under one thousand square feet.

Finding: Not Applicable. This standard is designed to promote a building scale which is supportive of a high density downtown district. As the subject site is floating within the Willamette River, this standard does not apply. It is not the intent of the Oregon City Municipal Code to require dense development within the waterway.

17.34.060.D. Maximum building height: seventy-five feet, except for the following locations where the maximum building height shall be forty-five feet:

1. *Properties between Main Street and McLoughlin Boulevard and 11th and 16th streets;*
2. *Property within five hundred feet of the End of the Oregon Trail Center property; and*
3. *Property within one hundred feet of single-family detached or detached units.*

Finding: Complies as Proposed. The applicant proposed a structure approximately 20 feet in height, less than the maximum height requirement.

17.34.060.E. Minimum required setbacks, if not abutting a residential zone: none.

Finding: Not Applicable. A minimum setback assures public safety for light and air by requiring structures are not placed on or adjacent to a property line. The subject site is within the Willamette River and thus there are no property lines to calculate the setbacks.

17.34.060.F. Minimum required interior side yard and rear yard setback if abutting a residential zone: fifteen feet, plus one additional foot in yard setback for every two feet in height over thirty-five feet.

Finding: Not Applicable. A minimum setback assures public safety for light and air by requiring structures are not placed on or adjacent to a property line. The subject site is within the Willamette River and thus there are no property lines to calculate the setbacks.

17.34.060.G. Maximum Allowed Setbacks.

1. *Front yard: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*
2. *Interior side yard: no maximum.*
3. *Corner side yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*
4. *Rear yard: no maximum.*
5. *Rear yard abutting street: twenty feet provided the site plan and design review requirements of Section 17.62.055 are met.*

Finding: Not Applicable. A maximum setback assures development occurs adjacent to the property lines in order to create an active pedestrian space. The subject site is within the Willamette River and thus there are no property lines to calculate the setbacks.

17.34.060.H. Maximum site coverage including the building and parking lot: ninety percent.

Finding: Not Applicable. The maximum site coverage assures the site is not completely covered by a building and associated parking to allow landscaping and other uses. As the subject site is located within the Willamette River, the maximum site coverage cannot be calculated due to the lack of property lines.

17.34.060.I. Minimum landscape requirement (including parking lot): ten percent.

Finding: Please refer to the analysis in OCMC 17.62.050.A.1.

17.34.070 Mixed Use Downtown Dimensional Standards—for Properties Located Within the Downtown Design District.

Finding: Not Applicable. The site is not within the Downtown Design District.

CHAPTER 17.62 – SITE PLAN AND DESIGN REVIEW

17.62.050.A.1. Landscaping. *A minimum of fifteen percent of the lot shall be landscaped. Existing native vegetation shall be retained to the maximum extent practicable. All plants listed on the Oregon City Nuisance Plant List shall be removed from the site prior to issuance of a final occupancy permit for the building.*

Finding: Not Applicable. The minimum landscaping requirement assures an aesthetic value and reduces the amount of stormwater created by a site. The subject site is located within the Willamette River and thus planting landscaping is not achievable.

17.62.050.A.2. Vehicular Access and Connectivity.

Finding: Not Applicable. The subject site is within the Willamette River and is not accessible to vehicles.

17.62.050.A.3. Building structures shall be complimentary to the surrounding area. All exterior surfaces shall present a finished appearance. All sides of the building shall include materials and design characteristics consistent with those on the front. Use of inferior or lesser quality materials for side or rear facades or decking shall be prohibited.

Finding: Complies as Proposed. The Sportcraft Marina is developed with an assortment of structures similar to that proposed by the applicant. A majority of the development within the marina includes metal siding and metal roofs with boat ports. The applicant proposed a tan color siding and a brown roof, similar to others buildings within the "MUD" Mixed Use Downtown District.

17.62.050.A.4. This standard requires that grading shall be in accordance with the requirements of Chapter 15.48 and the public works stormwater and grading design standards.

Finding: Not Applicable. The applicant has not proposed grading with this development.

17.62.050.A.5. This section requires that development subject to the requirements of the Geologic Hazard overlay district shall comply with the requirements of that district.

Finding: Please refer to the analysis in Chapter 17.44 of this report.

17.62.050.A.6. Drainage shall be provided in accordance with city's drainage master plan, Chapter 13.12, and the public works stormwater and grading design standards.

Finding: Not Applicable. The applicant has not proposed changes to the stormwater system or installation of paving with this development.

17.62.050.A.7. This standard requires the development shall comply with City's parking standards as provided in Chapter 17.52.

Finding: Please refer to the analysis in Chapter 17.52 within this report.

17.62.050.A.8. This section requires that sidewalks and curbs shall be provided in accordance with the city's standards.

Finding: Not Applicable. The applicant has not proposed and is not required to alter the abutting sidewalks or curbs with this development.

17.62.050.A.9. A well-marked, continuous and protected on-site pedestrian circulation system meeting the following standards shall be provided:

- a. Pathways between all building entrances and the street are required. Pathways between the street and buildings fronting on the street shall be direct. Exceptions may be allowed by the director where steep slopes or protected natural resources prevent a direct connection or where an indirect route would enhance the design and/or use of a common open space.
- b. The pedestrian circulation system shall connect all main entrances on the site. For buildings fronting on the street, the sidewalk may be used to meet this standard. Pedestrian connections to other areas of the site, such as parking areas, recreational areas, common outdoor areas, and any pedestrian amenities shall be required.
- c. Elevated external stairways or walkways, that provide pedestrian access to multiple dwelling units located above the ground floor of any building are prohibited. The community development director may allow exceptions for external stairways or walkways located in, or facing interior courtyard areas provided they do not compromise visual access from dwelling units into the courtyard.
- d. The pedestrian circulation system shall connect the main entrances of adjacent buildings on the same site.

e. The pedestrian circulation system shall connect the principal building entrance to those of buildings on adjacent commercial and residential sites where practicable. Walkway linkages to adjacent developments shall not be required within industrial developments or to industrial developments or to vacant industrially-zoned land.

f. On-site pedestrian walkways shall be hard surfaced, well drained and at least five feet wide. Surface material shall contrast visually to adjoining surfaces. When bordering parking spaces other than spaces for parallel parking, pedestrian walkways shall be a minimum of seven feet in width unless curb stops are provided. When the pedestrian circulation system is parallel and adjacent to an auto travel lane, the walkway shall be raised or separated from the auto travel lane by a raised curb, bollards, landscaping or other physical barrier. If a raised walkway is used, the ends of the raised portions shall be equipped with curb ramps for each direction of travel. Pedestrian walkways that cross drive isles or other vehicular circulation areas shall utilize a change in textual material or height to alert the driver of the pedestrian crossing area.

Finding: Complies as Proposed. The site is constructed with a marina consisting of pedestrian gangplanks with adjacent structures or boats. The hard surfaced gangplanks provide direct pedestrian access from the parking lot to each entranceway onsite. The applicant proposed to upgrade the pedestrian gangplanks by installing a roof structure and new railing for a portion of the gangplanks in order to comply with OCMC chapter 17.58 Nonconforming Uses, Structure and Lots. The proposed development will upgrade the safety and the quality of the pedestrian accessways onsite. No other changes to the pedestrian system is proposed or required.

17.62.050.A.10. This standard requires adequate means to ensure continued maintenance and necessary normal replacement of common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agencies.

Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to issuance of a building permit associated with the proposed development the applicant shall submit documentation identifying that adequate means to ensure continued maintenance and necessary normal replacement of common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agencies. **The applicant can meet this standard by complying with condition of approval 1.**

17.62.050.A.11. This standard requires that site planning shall conform to the requirements of Oregon City Municipal Code Chapter 17.41—Tree Protection.

Finding: Please refer to the analysis in OCMC Chapter 17.41 of this report.

17.62.050.A.12. This standard requires compliance with the Natural Resource Overlay District when applicable.

Finding: Please refer to the analysis in OCMC Chapter 17.49 of this report.

17.62.050.A.13. All development shall maintain continuous compliance with applicable federal, state, and city standards pertaining to air and water quality, odor, heat, glare, noise and vibrations, outdoor storage, radioactive materials, toxic or noxious matter, and electromagnetic interference. Prior to issuance of a building permit, the community development director or building official may require submission of evidence demonstrating compliance with such standards and receipt of necessary permits. The review authority may regulate the hours of construction or operation to minimize adverse impacts on adjoining residences, businesses or neighborhoods. The emission of odorous gases or other matter in such quantity as to be readily detectable at any point beyond the property line of the use creating the odors or matter is prohibited.

Finding: Complies as Proposed. The applicant indicated compliance with this section.

17.62.050.A.14. Adequate public water and sanitary sewer facilities sufficient to serve the proposed or permitted level of development shall be provided. The applicant shall demonstrate that adequate facilities and services are presently available or can be made available concurrent with development. Service providers shall be presumed correct in the evidence, which they submit. All facilities shall be designated to city standards as set

out in the city's facility master plans and public works design standards. A development may be required to modify or replace existing off-site systems if necessary to provide adequate public facilities. The city may require over sizing of facilities where necessary to meet standards in the city's facility master plan or to allow for the orderly and efficient provision of public facilities and services. Where over sizing is required, the developer may request reimbursement from the city for over sizing based on the city's reimbursement policy and fund availability, or provide for recovery of costs from intervening properties as they develop.

Finding: Complies as Proposed. The development applicant would place the structure in a location where a previous structure has been located. The proposed structure would connect to existing sanitary and water connections onsite.

17.62.050.A.15. This standard requires that all traffic related impacts should be mitigated. The traffic mitigation elements may include adequate right-of-way improvements, pedestrian ways, and bike routes. The proposal shall demonstrate consistency with the Oregon City Transportation System Plan (TSP).

Finding: Not Applicable. The proposed structure will replace a previous structure which was located on the same place within the marina and the proposed use is not expected to have many visitors. No traffic impacts are anticipated with this proposed development.

17.62.050.A.16. This standard requires the proposed development to be reviewed by Tri-Met to determine whether transit service is or reasonably can be made available to serve the site.

Finding: Not Applicable. The subject site is not adjacent to a transit route. Transit is located nearby on McLoughlin Boulevard.

17.62.050.A.17. This standard requires that all utilities shall be placed underground.

Finding: Complies as Proposed. Applicant proposed to utilize the existing utility connections underground or underwater.

17.62.050.A.18. Access and facilities for physically handicapped people shall be incorporated into the site and building design consistent with applicable federal and state requirements, with particular attention to providing continuous, uninterrupted access routes.

Finding: Complies as Proposed. The development proposal will comply with all applicable pedestrian accessibility standards as required by Site Plan and Design Review. The Building Division will review the application for compliance with ADA standards with the submission of a building permit.

17.62.050.A.19. This standard requires minimum densities for residential developments.

Finding: Not Applicable. This project is not a residential development.

17.62.050.A.20. This standard requires compatible materials that fully screen roof, ground and wall mounted mechanical equipment.

Finding: Not Applicable. The development proposal does not include installation of exterior mechanical equipment.

17.62.050.A.21. Building Materials.

17.62.050.A.21.a. Preferred building materials. Building exteriors shall be constructed from high quality, durable materials. Preferred exterior building materials that reflect the city's desired traditional character are as follows:

- i. Brick.
- ii. Basalt stone or basalt veneer.
- iii. Narrow horizontal wood or composite siding (generally five inches wide or less); wider siding will be considered where there is a historic precedent.
- iv. Board and baton siding.
- v. Other materials subject to approval by the community development director.
- vi. Plywood with battens or fiber/composite panels with concealed fasteners and contiguous aluminum sections at each joint that are either horizontally or vertically aligned.

vii. Stucco shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.

Finding: Not Applicable. This criterion identified preferred building materials. The applicant proposed to construct a building with metal siding and a metal roof. Though the materials are not preferred, they are acceptable for construction if they are not identified as prohibited and compliant with the special material standards in 17.62.050.A.21.b and c.

17.62.050.A.21.b. Prohibited materials. The following materials shall be prohibited in visible locations unless an exception is granted by the community development director based on the integration of the material into the overall design of the structure.

- i. Vinyl or plywood siding (including T-111 or similar plywood).
- ii. Glass block or highly tinted, reflected, translucent or mirrored glass (except stained glass) as more than ten percent of the building facade.
- iii. Corrugated fiberglass.
- iv. Chain link fencing (except for temporary purposes such as a construction site or as a gate for a refuse enclosure).
- [v.] Crushed colored rock/crushed tumbled glass.
- [vi.] Non-corrugated and highly reflective sheet metal.

Finding: Complies with Condition. The applicant proposed to construct an office structure with 28 gage metal siding. The structure would be topped with a standing seam metal roof which would be replicated between the first and the second floors of the two story structure on the east and west facing facades. The proposed development identified that the metal siding would contain a rib every 36 inches while the site plan displayed seaming in the roof. The applicant did not distinguish if the metal siding would be highly reflective. Prior to issuance of a building permit associated with the proposed development the applicant shall submit documentation identifying that the siding and roof material is not highly reflective. **The applicant can meet this standard through Condition of Approval 2.**

17.62.050.A.21.c. Special material standards: The following materials are allowed if they comply with the requirements found below:

1. Concrete block. When used for the front facade of any building, concrete blocks shall be split, rock- or ground-faced and shall not be the prominent material of the elevation. Plain concrete block or plain concrete may be used as foundation material if the foundation material is not revealed more than three feet above the finished grade level adjacent to the foundation wall.
2. Metal siding. Metal siding shall have visible corner moldings and trim and incorporate masonry or other similar durable/permanent material near the ground level (first two feet above ground level).
3. Exterior Insulation and Finish System (EIFS) and similar toweled finishes shall be trimmed in wood, masonry, or other approved materials and shall be sheltered from extreme weather by roof overhangs or other methods.
4. Building surfaces shall be maintained in a clean condition and painted surfaces shall be maintained to prevent or repair peeling, blistered or cracking paint.

Finding: Complies as Proposed. The applicant proposed to utilize metal siding in the proposed design with moldings and trim in compliance with OCMC 17.50.A.21.c.2 but did not incorporate any other material for the first two feet above ground level. The purpose of this regulation is to provide a visually interesting structure with a different material at the bottom of the building. The structure is floating on the Willamette River and The first two feet would be primarily blocked by the adjacent dock structure. In addition masonry is not appropriate adjacent to the water and thus a different material is not required at the base of the structure.

17.62.050.A.22. Conditions of Approval. The review authority may impose such conditions as it deems necessary to ensure compliance with these standards and other applicable review criteria.

Finding: As demonstrated within this report, the proposal will comply with the standards of the Oregon City Municipal Code with conditions.

17.62.55 – Institutional and Commercial Building Standards

17.62.055.B. Applicability. In addition to Section 17.62.050 requirements, institutional and commercial buildings shall comply with design standards contained in this section.

Finding: Applicable. The development proposal includes the construction of an office for the Clackamas County Sheriff within the "MUD" Mixed Use Downtown District. OCMC chapter 17.62.055 is applicable.

17.622.055.C.1 Building design shall contribute to the uniqueness of the underlying zoning district by applying appropriate materials, elements, features, color range and activity areas tailored specifically to the site and its context.

Finding: Complies as Proposed. The Sportcraft Marina is developed with an assortment of structures similar to that proposed by the applicant. A majority of the development within the marina includes metal siding and metal roofs with boat ports. The applicant proposed a tan color siding and a brown roof, similar to others buildings within the "MUD" Mixed Use Downtown District.

17.622.055.C.2 A standardized prototype or franchise design shall be modified if necessary to meet the provisions of this section.

Finding: Not Applicable. The proposed structure is not a standard prototype or franchise design.

17.622.055.C.3 In the case of a multiple building development, each individual building shall include predominant characteristics, architectural vocabulary and massing shared by all buildings in the development so that the development forms a cohesive place within the underlying zoning district or community.

Finding: Complies as Proposed. The Sportcraft Marina is developed with an assortment of structures similar to that proposed by the applicant. A majority of the development within the marina includes metal siding and metal roofs with boat ports. The applicant proposed a tan color siding and a brown roof, similar to others buildings within the "MUD" Mixed Use Downtown District.

17.622.055.C.4 With the exception of standards for building orientation and building front setbacks, in the event of a conflict between a design standard in this section and a standard or requirement contained in the underlying zoning district, the standard in the zoning district shall prevail.

Finding: Not Applicable. A conflict between a design standard and a requirement in the underlying zoning designation has not presented itself.

17.622.055.C.5 On sites with one hundred feet or more of frontage at least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line, unless a greater setback is accepted under the provisions of Section 17.62.055D. For sites with less than one hundred feet of street frontage, at least fifty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line unless a greater setback is accepted under the provisions of Section 17.62.055D.

Finding: Not Applicable. This standard is designed to create a pedestrian-oriented environment with development at human scale for those walking down the right-of-way. As subject site is within the Willamette River, this standard is not applicable.

17.622.055.D Relationship of Buildings to Streets and Parking.

17.622.055.D.1 Buildings shall be placed no farther than five feet from the front property line. A larger front yard setback may be approved through site plan and design review if the setback area incorporates at least one element from the following list for every five feet of increased setback requested:

- a. Tables, benches or other approved seating area.
- b. Cobbled, patterned or paved stone or enhanced concrete.
- c. Pedestrian scale lighting.
- d. Sculpture/public art.
- e. Fountains/Water feature.
- f. At least twenty square feet of landscaping or planter boxes for each tenant facade fronting on the activity area.
- g. Outdoor café.
- h. Enhanced landscaping or additional landscaping.
- i. Other elements, as approved by the community development director, that can meet the intent of this section.

Finding: Not Applicable. This standard is designed to create a pedestrian-oriented environment with development at human scale for those walking down the right-of-way. As subject site is within the Willamette River, this standard is not applicable.

17.622.055.D.2 *The front most architecturally significant facade shall be oriented toward the street and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined and recessed or framed by a sheltering element such as an awning, arcade or portico in order to provide shelter from the summer sun and winter weather.*

Finding: Complies as Proposed. The most architecturally significant building elevation faces the shore (east) and contains four ports for boats to enter and exit the building with a series of five windows above the ports on the second floor and a metal roof separating the first and second floors. The other elevations proposed have fewer windows and detailing as the main elevation. Do to the orientation of the site, the front facade contains the primary boat access while the side of the structure has the pedestrian access from the dock. Both the pedestrian door on the dock and the boat ports are covered by a roof structure.

17.622.055.D.3 *Entryways. The primary entranceway for each commercial or retail establishment shall face the major street. The entrance may be recessed behind the property line a maximum of five feet unless a larger setback is approved pursuant to Section 17.62.055.D.1 and shall be accessed from a public sidewalk. Primary building entrances shall be clearly defined, highly visible and recessed or framed by a sheltering element including at least four of the following elements, listed below.*

- a. Canopies or porticos;
- b. Overhangs;
- c. Recesses/projections;
- d. Arcades;
- e. Raised corniced parapets over the door;
- f. Peaked roof forms;
- g. Arches;
- h. Outdoor patios;
- i. Display windows;
- j. Architectural details such as tile work and moldings which are integrated into the building structure and design;
- k. Integral planters or wing walls that incorporate landscaped areas and/or places for sitting.
- l. Planter boxes and street furniture placed in the right-of-way shall be approved for use according to materials, scale and type.

Finding: Complies with Condition. The most architecturally significant building elevation faces the shore (east) and contains four ports for boats to enter and exit the building this facade contains a roof overhang. Do to the orientation of the site, the front facade contains the primary boat access while the side of the structure has the pedestrian access from the dock which is covered by a portico with a peaked roof form. No other elements are identified on the entranceways of the site. Prior to issuance of a building permit associated with the proposed development the applicant shall submit revised drawings demonstrating that the facade with either the boat main entrance (eastern) or the pedestrian main entrance (southern) complies with 17.622.055.D.3. **The applicant can meet this standard through Condition of Approval 3.**

17.622.055.D.4 *Where additional stores will be located in the large retail establishment, each such store shall have at least one exterior customer entrance, which shall conform to the same requirements.*

Finding: Not Applicable. The subject site is not a large retail establishment.

17.622.055.D.5 *Trellises, canopies and fabric awnings may project up to five feet into front setbacks and public rights-of-way, provided that the base is not less than eight feet at the lowest point and no higher than ten feet above the sidewalk. Awnings shall be no longer than a single storefront.*

Finding: Not Applicable. The proposed structure does not contain a trellis, canopy or awning projecting into the public right-of-way.

17.622.055.E *Corner Lots.*

For buildings located at the corner of intersections, the primary entrance of the building shall be located at the corner of the building or within twenty-five feet of the corner of the building. Additionally, one of the following treatments shall be required:

Finding: Not Applicable. The subject site is not a corner lot.

17.622.055.F Commercial First Floor Frontage.

In order to ensure that the ground floor of structures have adequate height to function efficiently for retail uses, the first floor height to finished ceiling of new infill buildings in the mixed use and neighborhood commercial districts shall be no lower than fourteen feet floor to floor. Where appropriate, the exterior facade at the ceiling level of new structures shall include banding, a change of materials or relief which responds to the cornice lines and window location of existing buildings that abut new structures.

Finding: Not Applicable. This standard was written to ensure the ground floor of structures have adequate height to function efficiently for retail uses. The applicant proposed to construct an office for the Clackamas County Sheriff's Department, Marine Patrol. It is not anticipated the floating structure would change into a retail facility and thus this standard is not applicable.

17.622.055.G Variation in Massing.

1. A single, large, dominant building mass shall be avoided in new buildings and, to the extent reasonably feasible, in development projects involving changes to the mass of existing buildings.
 2. Horizontal masses shall not exceed a height: width ratio of one-to-three without substantial variation in massing that includes a change in height and projecting or recessed elements.
 3. Changes in mass shall be related to entrances, the integral structure and/or the organization of interior spaces and activities and not merely for cosmetic effect.
- Finding: Complies as Proposed.** The applicant proposed a 64-foot long structure with no variation in massing which is approximately 23 feet to the roof peak. The height to width ratio permits up to 69 feet in wall length before a variation in massing ($23 * 3 = 69$).

17.622.055.H Minimum Wall Articulation.

17.622.055.H.1 Facades shall add architectural interest and variety and avoid the effect of a single, long or massive wall with no relation to human size. No wall that faces a street or connecting walkway shall have a blank, uninterrupted length exceeding thirty feet without including, but not be limited to, at least two of the following:

- i. Change in plane,
- ii. Change in texture or masonry pattern or color,
- iii. Windows, treillage with landscaping appropriate for establishment on a trellis.
- iv. An equivalent element that subdivides the wall into human scale proportions.

Finding Complies with Condition. The applicant proposed a 64-foot long structure, approximately 35 feet in depth. The facades facing shore (eastern) and the abutting gangplank (western and southern) are subject to compliance with this standard.

Facade	Articulation for First 30 Ft (2 Elements Required)	Articulation for Second 30 Ft (2 Elements Required)
Eastern	1. Windows 2. Boat Port	1. Windows 2. Boat Port
Southern	1.Windows	Not Applicable
Western	1. Windows	1. Windows
Northern	1.Windows	Not Applicable

As demonstrated above, the eastern façade complies with this standard but the southern, northern and western facades do not. In order to break the plane of the wall into a human scale, prior to issuance of a building permit associated with the site the applicant shall submit revised plans which include a change in plane, texture or color for every 30 feet of the southern, northern and western facades. Instead of the change in plane, texture or color, the southern and western facades may provide a minimum 2-foot long and 1 foot

wide landscaped planter (filled with landscaping). **The applicant can meet this standard through Condition of Approval 4.**

17.622.055.H.2 Facades greater than one hundred feet in length, measured horizontally, shall incorporate wall plane projections or recesses having a depth of at least three percent of the length of the facade and extending at least twenty percent of the length of the facade. No uninterrupted length of any facade shall exceed one hundred horizontal feet.

Finding: Not Applicable. The proposed structure does not exceed 100 feet in length.

17.622.055.H.3 Ground floor facades that face public streets shall have arcades, display windows, entry areas, awnings or other such features along no less than sixty percent of their horizontal length.

Finding: Complies as Proposed. The eastern (land facing) façade includes four (4) open boat ports on the first floor which provide 66% transparency (40 feet /60 feet = 0.66%).

17.622.055.H.4 Building facades must include a repeating pattern that includes any one or more of the following elements:

- a. Color change;
- b. Texture change;
- c. Material module change.

Finding: Complies as Proposed. The proposed structure includes a roof structure between the first and second floors on the eastern and western facades. In place of the roof structure a belly band extends along the southern and northern facades in the same location.

17.622.055.H.5 Facades shall have an expression of architectural or structural bays through a change in plane no less than twelve inches in width, such as an offset, reveal or projecting rib.

Finding: Complies as Proposed. The proposed development includes a roof structure between the first and second floors which extends more than a foot on the east and west facades. The north and south facades are proposed to be constructed with a band in the same location.

17.622.055.H.6 Facades shall have at least one of elements subsections H.4. or H.5. of this section repeat horizontally. All elements shall repeat at intervals of no more than thirty feet, either horizontally or vertically.

Finding: Complies as Proposed. Per 17.62.055.H.5, the proposed development includes a roof structure between the first and second floors which extends more than a foot on the east and west facades. The same roofing material is replicated on top of the structure.

17.622.055.1 Facade Transparency.

17.622.055.1.1. Transparent windows or doors facing the street are required. The main front elevation shall provide at least sixty percent windows or transparency at the pedestrian level. Facades on corner lots shall provide at least sixty percent windows or transparency on all corner-side facades. All other side elevations shall provide at least thirty percent transparency. The transparency is measured in lineal fashion. For example, a one hundred-foot long building elevation shall have at least sixty feet (sixty percent of one hundred feet) of transparency in length. Reflective, glazed, mirrored or tinted glass is limited to ten percent of the lineal footage of windows on the street facing facade. Highly reflective or glare-producing glass with a reflective factor of one-quarter or greater is prohibited on all building facades. Any glazing materials shall have a maximum fifteen percent outside visual light reflectivity value. No exception shall be made for reflective glass styles that appear transparent when internally illuminated.

Finding: Complies with Condition. The land facing façade of the structure (eastern) includes four (4) open boat ports oriented towards land which provide interaction with the land. The ports provide 66% transparency (40 feet /60 feet = 0.66%).

The other facades do not include any windows on the first floor. Due to location of the structure on the river, the windows on the second floor may be counted towards the transparency. The rear (northern) portion of the structure is not subject to this standard.

Facade	Transparency Required	Transparency Proposed
Southern	30%	5' windows / 30' wall = 17%
Western	30%	20' windows / 60' wall = 33%

In order to break the plane of the wall into a human scale, prior to issuance of a building permit associated with the site the applicant shall submit revised plans which provide a 30% transparency on the southern facade. **The applicant can meet this standard through Condition of Approval 5.**

17.622.055.1.2 Side or rear walls that face walkways may include false windows and door openings only when actual doors and windows are not feasible because of the nature of the use of the interior use of the building. False windows located within twenty feet of a right-of-way shall be utilized as display windows with a minimum display depth of thirty-six inches.

Finding: Not Applicable. The applicant has not proposed any false windows or door openings.

17.622.055.J Roof Treatments.

1. All facades shall have a recognizable "top" consisting of, but not limited to:

- Cornice treatments, other than just colored "stripes" or "bands," with integrally textured materials such as stone or other masonry or differently colored materials; or
 - Sloping roof with overhangs and brackets; or
 - Stepped parapets;
 - Special architectural features, such as bay windows, decorative roofs and entry features may project up to three feet into street rights-of-way, provided that they are not less than nine feet above the sidewalk.
2. Mixed use buildings: For flat roofs or facades with a horizontal eave, fascia, or parapet, the minimum vertical dimension of roofline modulation is the greater of two feet or 0.1 multiplied by the wall height (finish grade to top of wall). The maximum length of any continuous roofline shall be seventy-five feet.
3. Other roof forms consistent with the design standards herein may satisfy this standard if the individual segments of the roof with no change in slope or discontinuity are less than forty feet in width (measured horizontally).

Finding: Complies as Proposed. The proposed structure contains a recognizable top consisting of a sloping roof with overhangs. The proposed structure is not a mixed use building.

17.622.055.K Drive-through facilities shall:

- Be located at the side or rear of the building.
- Be designed to maximize queue storage on site.

Finding: Not Applicable. The applicant has not proposed a drive-through facility with the proposed development.

17.62.065 - Outdoor lighting.

17.62.065.B. Applicability.

1. General.

a. All exterior lighting for any type of commercial, mixed-use, industrial or multi-family development shall comply with the standards of this section, unless excepted in subsection B.3.

b. The city engineer/public works director shall have the authority to enforce these regulations on private property if any outdoor illumination is determined to present an immediate threat to the public health, safety and welfare.

2. Lighting Plan Requirement.

All commercial, industrial, mixed-use, cottage housing and multi-family developments shall submit a proposed exterior lighting plan. The plan must be submitted concurrently with the site plan. The exterior lighting plan shall include plans and specifications for streetlights, parking lot lights, and exterior building lights. The specifications shall include details of the pole, fixture height and design, lamp type, wattage, and spacing of lights.

Finding: Not Applicable. The subject site is within the "MUD" Mixed-Use Downtown District. The outdoor lighting standards of this chapter are applicable.

17.62.065.B.3 Excepted Lighting.

The following types of lighting are excepted from the requirements of this section.

- a. *Residential lighting for single-family attached and detached homes, and duplexes.*
- b. *Public street and right-of-way lighting.*
- c. *Temporary decorative seasonal lighting provided that individual lamps have a light output of sixty watts or less.*
- d. *Temporary lighting for emergency or nighttime work and construction.*
- e. *Temporary lighting for theatrical, television, and performance areas, or for special public events.*
- f. *Lighting for a special district, street, or building that, according to an adopted municipal plan or ordinance, is determined to require special lighting aesthetics as part of its physical character.*
- g. *Lighting required and regulated by the Federal Aviation Administration.*

Finding: Not Applicable. The applicant has not proposed any excepted lighting.

17.62.065.C General Review Standard. *If installed, all exterior lighting shall meet the functional security needs of the proposed land use without adversely affecting adjacent properties or the community. For purposes of this section, properties that comply with the design standards of subsection D. below shall be deemed to not adversely affect adjacent properties or the community.*

Finding: Please refer to the analysis in OCMC 17.62.065.C below.

17.62.065.D Design and Illumination Standards.

General Outdoor Lighting Standard and Glare Prohibition.

17.62.065.D.1 Outdoor lighting. *If provided, shall be provided in a manner that enhances security, is appropriate for the use, avoids adverse impacts on surrounding properties, and the night sky through appropriate shielding as defined in this section. Glare shall not cause illumination on other properties in excess of a measurement of 0.5 footcandles of light as measured at the property line. In no case shall exterior lighting add more than 0.5 footcandle to illumination levels at any point off-site. Exterior lighting is not required except for purposes of public safety. However, if installed, all exterior lighting shall meet the following design standards:*

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entrances are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.2 Any light source or lamp that emits more than nine hundred lumens (thirteen watt compact fluorescent or sixty watt incandescent) shall be concealed or shielded with a full cut-off style fixture in order to minimize the potential for glare and unnecessary diffusion on adjacent property. All fixtures shall utilize one of the following bulb types: metal halide, induction lamp, compact fluorescent, incandescent (including tungsten-halogen), or high pressure sodium with a color rendering index above seventy.

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed structure. Per OCMC 17.62.065.D.4, building entrances are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.3 The maximum height of any lighting pole serving a multi-family residential use shall be twenty feet. The maximum height serving any other type of use shall be twenty-five feet, except in parking lots larger than five acres, the maximum height shall be thirty-five feet if the pole is located at least one hundred feet from any residential use.

Finding: Not Applicable. The subject site is not a multi-family development.

17.62.065.D.4 Lighting Levels:

Table 1-17.62.065. Foot-candle Levels

Location	Min	Max	Avg
<i>Pedestrian Walkways</i>	0.5	7:1 max/min ratio	1.5
<i>Pedestrian Walkways in Parking Lots</i>		10:1 max/min ratio	0.5
<i>Pedestrian Accessways</i>	0.5	7:1 max/min ratio	1.5
<i>Building Entrances</i>	3		
<i>Bicycle Parking Areas</i>	3		
<i>Abutting property</i>	N/A	.05	

Finding: Complies with Condition. The development application includes placement of a building within the existing marina. The applicant has not proposed to install additional pedestrian accessways or any changes to the parking lot. This criterion requires lighting for the entranceway of the proposed structure. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.5 Parking lots and other background spaces shall be illuminated as unobstrusively as possible while meeting the functional needs of safe circulation and protection of people and property. Foreground spaces, such as building entrances and outside seating areas, shall utilize pedestrian scale lighting that defines the space without glare.

Finding: Not Applicable. The applicant has not proposed any changes to the parking lot lighting and thus compliance with this standard is not required.

17.62.065.D.6 Any on-site pedestrian circulation system shall be lighted to enhance pedestrian safety and allow employees, residents, customers or the public to use the walkways at night. Pedestrian walkway lighting through parking lots shall be lighted to light the walkway and enhance pedestrian safety pursuant to Table 1.

Finding: Not Applicable. The applicant has not proposed and is not required to install any new sidewalks and thus compliance with this standard is not required.

17.62.065.D.7 Pedestrian Accessways. To enhance pedestrian and bicycle safety, pedestrian accessways required pursuant to OCMC 12.28 shall be lighted with pedestrian-scale lighting. Accessway lighting shall be to a minimum level of one-half foot-candles, a one and one-half foot-candle average, and a maximum to minimum ratio of seven-to-one and shall be oriented not to shine upon adjacent properties. Street lighting shall be provided at both entrances. Lamps shall include a high-pressure sodium bulb with an unbreakable lens.

Finding: Not Applicable. The applicant has not proposed and is not required to install any new sidewalks and thus compliance with this standard is not required.

17.62.065.D.8 Floodlights shall not be utilized to light all or any portion of a building facade between ten p.m. and six a.m.

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entranceways are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065 without the use of floodlights. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.9 Lighting on automobile service station, convenience store, and other outdoor canopies shall be fully recessed into the canopy and shall not protrude downward beyond the ceiling of the canopy.

Finding: Not Applicable. The applicant did not propose to construct an automobile service station, convenience store or other outdoor canopy.

17.62.065.D.10 The style of light standards and fixtures shall be consistent with the style and character of architecture proposed on the site.

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entranceways are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. The lighting standards and fixtures shall be similar to those found on other structures within the "MUD" Mixed Use Downtown District. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.11 *In no case shall exterior lighting add more than one foot-candle to illumination levels at any point off-site.*

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entranceways are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.12 *All outdoor light not necessary for security purposes shall be reduced, activated by motion sensor detectors, or turned off during non-operating hours.*

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entranceways are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.13 *Light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform shall use a narrow cone beam of light that will not extend beyond the illuminated object.*
Finding: Not Applicable. The applicant has not proposed any light fixtures used to illuminate flags, statues, or any other objects mounted on a pole, pedestal, or platform.

17.62.065.D.14 *For upward-directed architectural, landscape, and decorative lighting, direct light emissions shall not be visible above the building roofline.*

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entranceways are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.15 *No flickering or flashing lights shall be permitted, except for temporary decorative seasonal lighting.*

Finding: Complies with Condition. The applicant has not proposed any outdoor lighting for the proposed development. Per OCMC 17.62.065.D.4, building entranceways are required to be illuminated. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065. **The applicant can meet this standard through Condition of Approval 6.**

17.62.065.D.16 *Wireless Sites. Unless required by the Federal Aviation Administration or the Oregon Aeronautics Division, artificial lighting of wireless communication towers and antennas shall be prohibited. Strobe lighting of wireless communication facilities is prohibited unless required by the Federal Aviation Administration. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment on wireless communication facilities shall be initiated by motion detecting lighting.*

Finding: Not Applicable. The applicant did not propose a wireless site.

17.62.065.D.17 *Lighting for outdoor recreational uses such as ball fields, playing fields, tennis courts, and similar uses, provided that such uses comply with the following standards:*
i. Maximum permitted light post height: eighty feet.

ii. *Maximum permitted illumination at the property line: 0.5 foot-candles.*

Finding: Not Applicable. The development proposal does not include construction of an outdoor recreational use.

17.62.080 - *Special development standards along transit streets.*

Finding: Not Applicable. The subject site is not adjacent to a transit street.

17.62.085 - *Refuse and recycling standards for commercial, industrial, and multi-family developments.*

Finding: Not Applicable. The applicant has not proposed any changes to the refuse or recycling center onsite.

CHAPTER 17.49 - NATURAL RESOURCE OVERLAY DISTRICT

17.49.010 - *Purpose.*

The Natural Resource Overlay District designation provides a framework for protection of Metro Titles 3 and 13 lands, and Statewide Planning Goal 5 resources within Oregon City. The Natural Resource Overlay District (NROD) implements the Oregon City Comprehensive Plan Natural Resource Goals and Policies, as well as Federal Clean Water Act requirements for shading of streams and reduction of water temperatures, and the recommendations of the Metro ES&EE Analysis. It is intended to resolve conflicts between development and conservation of habitat, stream corridors, wetlands, and floodplains identified in the city's maps. The NROD contributes to the following functional values:

- A. Protect and restore streams and riparian areas for their ecologic functions and as an open space amenity for the community.
- B. Protect floodplains and wetlands, and restore them for improved hydrology, flood protection, aquifer recharge, and habitat functions.
- C. Protect upland habitats, and enhance connections between upland and riparian habitat.
- D. Maintain and enhance water quality and control erosion and sedimentation through the revegetation of disturbed sites and by placing limits on construction, impervious surfaces, and pollutant discharges.
- E. Conserve scenic, recreational, and educational values of significant natural resources.

The NROD ecological functions listed above are planned for integration with existing neighborhoods and new residential and commercial developments. The long-term goal of the NROD is to restore and enhance stream corridors, wetlands, and forests to more natural vegetated conditions, recognizing that existing homes and other existing uses will continue in the district. This chapter does not regulate the development within the identified water resource. Separate permits from the Division of State Lands and the Army Corp of Engineers may be required for work within a stream or wetland.

Finding: The purpose of the Natural Resource Overlay District (NROD) is to protect the vegetated corridor directly adjacent to the identified wetland or water feature. The proposed development is located within the waterway and on the adjoining gangway and thus no development is proposed on land or within the vegetated corridor. Though the site is within the NROD, no development is proposed within the vegetated corridor.

17.49.040 - *NROD permit.*

An NROD permit is required for those uses regulated under Section 17.49.90, *Uses Allowed under Prescribed Conditions*. An NROD permit shall be processed under the Type II development permit procedure, unless an adjustment of standards pursuant to Section 17.49.200 is requested or the application is being processed in conjunction with a concurrent application or action requiring a Type III or Type IV development permit.

Applications for development on properties affected by the NROD shall delineate or verify the exact location of the NROD as part of a Type I or II development review process unless exempted pursuant to section 17.40.080.

Finding: Not Applicable. The applicant has not proposed development within the vegetated corridor and thus an NROD permit is not necessary.

17.49.050 - *Emergencies.*

The provisions of this ordinance do not apply to work necessary to protect, repair, maintain, or replace existing structures, utility facilities, roadways, driveways, accessory uses and exterior improvements in response to

emergencies. After the emergency has passed, any disturbed native vegetation areas shall be replanted with similar vegetation found in the Oregon City Native Plant List pursuant to the mitigation standards of Section 17.49.180. For purposes of this section emergency shall mean any man-made or natural event or circumstance causing or threatening loss of life, injury to person or property, and includes, but is not limited to fire, explosion, flood, severe weather, drought, earthquake, volcanic activity, spills or releases of oil or hazardous material, contamination, utility or transportation disruptions, and disease.

Finding: Not Applicable. The applicant has not proposed development within the vegetated corridor in response to an emergency. Compliance with this section is not necessary.

17.49.060 - Consistency and relationship to other regulations.

A. Where the provisions of the NROD are less restrictive or conflict with comparable provisions of the Oregon City Municipal Code, other City requirements, regional, state or federal law, the provisions that provides the greater protection of the resource shall govern.

B. Compliance with Federal and State Requirements.

a. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.

b. The requirements of this chapter apply only to areas within the NROD and to locally significant wetlands that may be added to the boundary during the course of development review pursuant to Section 17.49.035. If, in the course of a developed water resource, the provisions of this chapter shall not be applied to that contain a wetland or other protected water resource, the provisions of this chapter shall not be applied to that development review. However, the omission shall not excuse the applicant from satisfying any state and federal wetland requirements which are otherwise applicable. Those requirements apply in addition to, and apart from the requirements of the City's comprehensive plan and this code.

Finding: Complies with Condition. The applicant proposed development within the waterway. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required. **The applicant can meet this standard through Condition of Approval 7.**

17.49.070 - Prohibited uses.

Finding: Not Applicable. The applicant has not proposed development within the vegetated corridor and thus compliance with this section is not necessary.

17.49.080 - Uses allowed outright (exempted).

Finding: Not Applicable. The applicant has not proposed development within the vegetated corridor and thus compliance with this section is not necessary.

17.49.090 - Uses allowed under prescribed conditions.

The following uses within the NROD are subject to the applicable standards listed in Sections 17.49.100 through 17.49.190 pursuant to a Type II process:

A. Alteration to existing structures within the NROD when not exempted by Section 17.49.080, subject to Section 17.49.130.

B. A residence on a highly constrained vacant lot of record that has less than three thousand square feet of buildable area, with minimum dimensions of fifty feet by fifty feet, remaining outside the NROD portion of the property, subject to the maximum disturbance allowance prescribed in subsection 17.49.120.A.

C. A land division that would create a new lot for an existing residence currently within the NROD, subject to Section 17.49.160.

D. Land divisions when not exempted by Section 17.49.080, subject to the applicable standards of Section 17.49.160.

E. Trails/pedestrian paths when not exempted by Section 17.49.080, subject to Section 17.49.170 (for trails) or Section 17.49.150 (for paved pedestrian paths).

F. New roadways, bridges/creek crossings, utilities or alterations to such facilities when not exempted by Section 17.49.080.

G. Roads, bridges/creek crossings Subject to Section 17.49.150.

H. Utility lines subject to Section 17.49.140.

I. Stormwater detention or pre-treatment facilities subject to Section 17.49.155.

J. Institutional, industrial or commercial development on a vacant lot of record situated in an area designated for such use that has more than seventy-five percent of its area covered by the NROD, subject to subsection 17.49.120B.

K. City, county and state capital improvement projects, including sanitary sewer, water and storm water facilities, water stations, and parks and recreation projects.

Finding: Not Applicable. The applicant has not proposed development within the vegetated corridor and thus compliance with this section is not necessary.

17.49.100. General Development Standards

Finding: Not Applicable. The applicant has not proposed development within the vegetated corridor and thus compliance with this section is not necessary.

17.49.110 - Width of vegetated corridor.

Finding: Not Applicable. The applicant has not objected to the boundary of the NROD.

17.49.120 - Maximum disturbance allowance for highly constrained lots of record.

Finding: Not Applicable. The applicant has not proposed disturbance of the vegetated corridor with this development application.

17.49.130. In addition to the General Development Standards of Section 17.49.100, the following standards apply to alterations and additions to existing development within the NROD, except for trails, rights of way, utility lines, land divisions and mitigation projects.

Finding: Not Applicable. The applicant has not proposed disturbance of the vegetated corridor with this development application.

17.49.140 - Standards for utility lines.

The following standards apply to new utilities, private connections to existing or new utility lines, and upgrades of existing utility lines within the NROD:

Finding: Not Applicable. The applicant has not proposed a utility line.

17.49.150 - Standards for vehicular or pedestrian paths and roads.

Finding: Not Applicable. The applicant has not proposed a pedestrian path or road with this development.

17.49.155 - Standards for stormwater facilities.

Finding: Not Applicable. The applicant has not proposed a stormwater facility with this development.

17.49.160 - Standards for land divisions.

Finding: Not Applicable. The applicant has not proposed a land division with this development.

17.49.170 - Standards for trails.

Finding: Not Applicable. The applicant has not proposed a trail with this development.

17.49.180 Mitigation shall occur at a two-to-one ratio of mitigation area to proposed NROD disturbance area. Mitigation of the removal or encroachment of a wetland or stream shall not be part of this chapter and will be reviewed by the Division of State Lands or the Army Corp of Engineers during a separate review process;

Finding: Not Applicable. The applicant has not proposed disturbance of the vegetated corridor with this development application. Mitigation is not required or proposed.

17.49.190 - Alternative mitigation standards.

Finding: Not Applicable. The applicant has not proposed an alternative mitigation standard.

17.49.200 - Adjustment from standards.

Finding: Not Applicable. The applicant has not proposed an adjustment from the standards.

17.49.210 - Type II development permit application.

Finding: Complies as Proposed. The applicant submitted this type II development application.

17.49.230 - Mitigation plan report.

Finding: Not Applicable. A mitigation report is not required.

17.49.240 - Density transfer.

Finding: Not Applicable. The proposed development does not include a density transfer.

17.49.250 - Verification of NROD boundary.

Finding: Not Applicable. The applicant did not request a verification of the NROD boundary.

17.49.255 - Type I verification.

Finding: Not Applicable. The applicant submitted this type II development application.

17.49.260. - Type II verification.

Finding: Complies as Proposed. The applicant submitted this type II development application.

17.49.265 - Corrections to violations.

Finding: Not Applicable. The applicant is not in Code Enforcement.

CHAPTER 17.52 – OFF STREET PARKING AND LOADING

17.52.020 Number of Spaces Required.

Finding: Complies with Condition. Chapter 17.52.010 of the Oregon City Municipal Code requires between 2.7 and 3.33 parking stalls per gross 1,000 square feet of office space.

Use	Size Proposed	Minimum Required	Maximum Required	Spaces Proposed
Office	1,800 sq. ft.	2.7 per 1,000 sqft (5 stalls)	3.33 per 1,000 sqft (6 stalls)	5

The applicant provided a parking agreement stating that the Sportcraft Marina may utilize 8 parking stalls in the adjacent City-owned parking lot. The applicant indicated that 5 of the 8 stalls are dedicated to the proposed structure.

The applicant did not provide calculations identifying the other uses within the Sportcraft Marina and the associated parking. The marina shall receive a comprehensive city master plan approval prior to any future city land use approval or site development permit issuance (other than those approved or conditioned for approval as part of this site plan and design review, SP11-07). The master plan shall be processed in accordance with OCMC chapter 17.65 and shall be based on all marina properties located around the subject site and include; phased development projects, full area traffic analysis, infrastructure evaluation and plans, multi-model planning (on and off-site) , vehicle and bicycle parking evaluation, evaluation of non-conformance, proposed timing and other required items. **The applicant can meet this standard through Condition of Approval 7.**

17.52.020.B Reduction of the Number of Automobile Spaces Required.

Finding: Not Applicable. The applicant has not requested a reduction to the minimum automobile parking stalls.

17.52.030.A Access. Ingress and egress locations on public thoroughfares shall be located in the interests of public traffic safety. Groups of more than four parking spaces shall be so located and served by driveways so that their use will require no backing movements or other maneuvering within a street right-of-way other than an alley. No driveway with a slope of greater than fifteen percent shall be permitted without approval of the city engineer.

Finding: Not Applicable. The applicant has not proposed to alter the ingress and egress to the site.

17.52.030.B Surfacing. Required off-street parking spaces and access aisles shall have paved surfaces adequately maintained. The use of pervious asphalt/concrete and alternative designs that reduce stormwater runoff and improve water quality pursuant to the city's stormwater and low impact development design standards are encouraged.

Finding: Not Applicable. The applicant has not proposed to alter the surfacing material of the parking lot.

17.52.030.C Drainage. Drainage shall be designed in accordance with the requirements of Chapter 13.12 and the city public works stormwater and grading design standards.

Finding: Not Applicable. The applicant has not proposed changes to the stormwater system or installation of paving.

17.52.030.D.1 Requirements for parking developed at varying angles are according to the table included in this section. A parking space shall not be less than seven feet in height when within a building or structure, and shall have access by an all-weather surface to a street or alley. Parking stalls in compliance with the American[s] with Disabilities Act may vary in size in order to comply with the building division requirements. Up to thirty-five percent of the minimum required parking may be compact, while the remaining required parking stalls are designed to standard dimensions. The community development director may approve alternative dimensions for parking stalls in excess of the minimum requirement which comply with the intent of this chapter.

Finding: Not Applicable. The applicant has not proposed to alter the dimensions of the parking stalls.

17.52.030.D.2 Alternative parking/landscaping plan. The city understands the physical constraints imposed upon small parking lots and encourages alternative designs for parking lots of less than ten parking stalls. The community development director may approve an alternative parking lot/landscaping plan with variations to the parking angle or space dimensions and landscaping standards for off-street parking. The alternative shall be consistent with the intent of this chapter and shall create a safe space for automobiles and pedestrians while retaining landscaping to the quantity and quality found within parking lot landscaping requirements.

Finding: Not Applicable. The applicant has not proposed an alternative landscaping plan.

17.52.030.E Carpool and vanpool parking.

A. New, office 1 and industrial developments with seventy-five or more parking spaces, and new hospitals, government offices, nursing and retirement homes, schools and transit park-and-ride facilities with fifty or more parking spaces, shall identify the spaces available for employee, student and commuter parking and designate at least five percent, but not fewer than two, of those spaces for exclusive carpool and vanpool parking. Carpool and vanpool parking spaces shall be located closer to the main employee, student or commuter entrance than all other employee, student or commuter parking spaces with the exception of handicapped parking spaces. The carpool/vanpool spaces shall be clearly marked "Reserved - Carpool/Vanpool Only."

B. As used in this section, "carpool" means a group of two or more commuters, including the driver, who share the ride to and from work, school and other destination. "Vanpool" means a group of five or more commuters, including the driver, who share the ride to and from work, school or other destination on a regularly scheduled basis.

Finding: Not Applicable. The applicant has not proposed to alter the carpool or vanpool parking.

17.52.040 Bicycle Parking

Finding: Not Applicable. The proposed development is within the Willamette River and will be utilized by the Clackamas County Sheriff's Marine Patrol. As the public is not intended to utilize the site and the applicant is not anticipated to utilize bicycles, bicycle parking is not proposed or required.

17.52.060 Parking Lot Landscaping

Finding: Not Applicable. The applicant has not proposed and is not required to alter the parking lot landscaping onsite.

17.52.070 Alternative Landscaping Plan

Finding: Not Applicable. The applicant has not proposed and is not required to alter the parking lot landscaping.

17.52.080 Maintenance

The owner, tenant and their agent, if any, shall be jointly and severally responsible for the maintenance of the site including but not limited to the off-street parking and loading spaces, bicycle parking and all landscaping which shall be maintained in good condition so as to present a healthy, neat and orderly appearance and shall be kept free from refuse and debris.

All plant growth in interior landscaped areas shall be controlled by pruning, trimming, or otherwise so that:

a. It will not interfere with the maintenance or repair of any public utility;

b. It will not restrict pedestrian or vehicular access; and

c. It will not constitute a traffic hazard due to reduced visibility.

Finding: Complies with Condition. The applicant did not respond to this criterion. Prior to issuance of a permit associated with the proposed development the applicant shall submit documentation assuring compliance with the maintenance standards in OCMC 17.52.080. **The applicant can meet this standard through Condition of Approval 9.**

CHAPTER 17.44 - GEOLOGIC HAZARDS

Finding: Not Applicable. Per OCMC 17.44.050.C, "the city engineer may waive one or more requirements... if the city engineer determines that site conditions, size or type of development or grading requirements do not warrant such detailed information". The proposed development is located over the Willamette River and does not contain any changes to the land and thus the City Engineer has waived all requirements of OCMC chapter 17.44 for the proposed development. The City Engineer finds that these site conditions, size and type of proposed development, and grading requirements do not warrant the detailed information required in 17.44.050 A and B because they will not impact the integrity of the grading (slope) that constitute the area mapped as a geologic hazard. The waiver may be challenged on appeal and may be denied by a subsequent review authority. If the development proposal changes from what is represented in this land use application, these findings shall be reviewed and revised by the City Engineer as needed.

CHAPTER 17.49 WILLAMETTE RIVER GREENWAY

Finding: Not Applicable. This chapter is designed to regulate uses on land near the Willamette River. The proposed development is located on the Willamette River within an existing marina and is exempt from this chapter.

CHAPTER 12.04 - STREETS, SIDEWALKS AND PUBLIC PLACES

Finding: Not Applicable. This chapter regulates street improvements. The applicant has not proposed and is not required to provide changes to the design of the street or sidewalk. This standard is not applicable.

CHAPTER 12.08 - PUBLIC AND STREET TREES

Finding: Not Applicable. This chapter regulates trees within the public right-of-way. The applicant has not proposed and is not required to remove any trees within the right-of-way in conjunction with this approval. This standard is not applicable.

CHAPTER 17.41 – TREE PROTECTION STANDARDS

Finding: Not Applicable. This chapter regulates tree removal not within the public right-of-way. The development proposal does not include tree removal. This standard is not applicable.

CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES

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 Chapters 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.

Finding: Complies as Proposed. The proposed development was reviewed as a Type II application in accordance with the Administration and Procedures identified in OCMC Chapter 17.50.

Larry Potter, Parks Manager for the City of Oregon City submitted comments noting that the proposal does not conflict with departmental interests (Exhibit 3).

Scott Archer, Community Services Director for the City of Oregon City submitted comments noting that the proposal would not conflict with departmental interests if the applicant utilizes their designated parking spaces and the remaining parking lot is available for general public use (Exhibit 4).

No additional public comments were received prior to the release of this staff report.

Chapter 17.58 – NONCONFORMING USES, STRUCTURES AND LOTS

Nonconforming situations are created when the application of zoning district to a site changes or the zoning regulations change. As part of the change, existing uses, density, or development might no longer be allowed or are further restricted. Nonconforming uses, structures and lots are those uses, structures and lots that were lawfully established but do not conform to the provisions of this title or the provisions of the zoning district in which the use, structure or lot is located. The intent of these provisions is not to force all nonconforming situations immediately to be brought into conformance. Instead, the intent is to guide nonconforming situations in a new direction consistent with city policy, and, eventually, bring them into conformance.

17.58.040.C.2. *An expansion of a nonconforming structure with alterations that exceed the threshold of Subparagraph C.2.a below shall comply with the development standards listed in Subparagraph C.2.b. The value of the alterations and improvements is based on the entire project and not individual building permits.*

Findings: Applicable. The subject site was constructed before the adoption of this zoning code and does not meet a variety of criteria including design, landscaping or parking lot standards, etc. The proposed development to the nonconforming site requires compliance with OCMC 17.58.040.C.2.

17.52.040.C.2.a *Thresholds triggering compliance. The standards of Subparagraph C.2.b below shall be met when the value of the proposed exterior alterations or additions to the site, as determined by the Community Development Director, is more than \$75,000. The following alterations and improvements shall not be included in the threshold calculation:*

- (1) Proposed alterations to meet approved fire and life safety agreements;*
- (2) Alterations related to the removal of existing architectural barriers, as required by the Americans with Disabilities Act, or as specified in Section 1113 of the Oregon Structural Specialty Code;*
- (3) Alterations required to meet Seismic Design Requirements; and*
- (4) Improvements to on-site stormwater management facilities in conformance with Oregon City Stormwater Design Standards.*

Findings: Applicable. The applicant indicated the project cost would be approximately \$200,000, requiring improvements in association with OCMC 17.52.040.C.2.a.

17.52.040.C.2.b Standards that shall be met. Developments not complying with the development standards listed below shall be brought into conformance.

- (1) Pedestrian circulation systems, as set out in the pedestrian standards that apply to the sites;
- (2) Minimum perimeter parking lot landscaping;
- (3) Minimum interior parking lot landscaping;
- (4) Minimum site landscaping requirements;
- (5) Bicycle parking by upgrading existing racks and providing additional spaces in order to comply with 17.52 Off-Street Parking and Loading;
- (6) Screening; and
- (7) Paving of surface parking and exterior storage and display areas.

Findings: Complies as Proposed. The applicant proposed a variety of improvements to the pedestrian circulation system in compliance with the list identified in this section. The improvements will result in a safer gangplank for pedestrians to access the site.

Handrails – 120 feet

Metal Roofing over Gangplanks – 60 feet

Fascia Trim Board – 120 feet

17.52.040.C.2.c Area of required improvements.

- (1) Generally Except as provided in C.2.c(2) below, required improvements shall be made for the entire site.
- (2) Exception for sites with ground leases.

Findings: Complies as Proposed. The proposed improvements are proposed throughout the entire site.

17.52.040.C.2.d. Timing and cost of required improvements. The applicant may choose one of the two following options for making the required improvements:

- (1) Option 1. Required improvements may be made as part of the alteration that triggers the required improvements. The cost of the standards that shall be met, identified in Subparagraph C.2.b above, is limited to 10% of the value of the proposed alterations. It is the responsibility of the applicant to document to the Community Development Director the value of the required improvements. Additional costs may be required to comply with other applicable requirements associated with the proposal. When all required improvements are not being made, the priority for the improvements shall be as listed in Subparagraph C.2.b above.

- (2) Option 2. Required improvements may be made over several years, based on the compliance period identified in Table 17.58 – 1 below.

Findings: Complies as Proposed. The applicant has proposed approximately \$8,775 of improvements for the \$200,000 project ($8,775 / 200,000 = 0.04$).

Handrails - \$3,750

Metal Roofing over Gangplanks - \$4,575

Fascia Trim Board - \$500

III. CONCLUSION AND DECISION:

Based on the analysis and findings as described above, Staff concludes that the proposed Site Plan and Design Review located at 1701 Clackamette Dr, Oregon City, OR 97045 and identified as Clackamas County Map 2-2E-29CB-500 can meet the requirements as described in the Oregon City Municipal Code for by complying with the Conditions of Approval provided in this report. Therefore, the Community Development Director approves file SP 11-07 with conditions, based upon the findings and exhibits contained in this staff report.

IV. EXHIBITS

1. Vicinity Map
2. Land Use Application and Site Plans (See File)
3. Comments from Larry Potter, Parks Manager for the City of Oregon City
4. Comments from Scott Archer, Community Services Director for the City of Oregon City

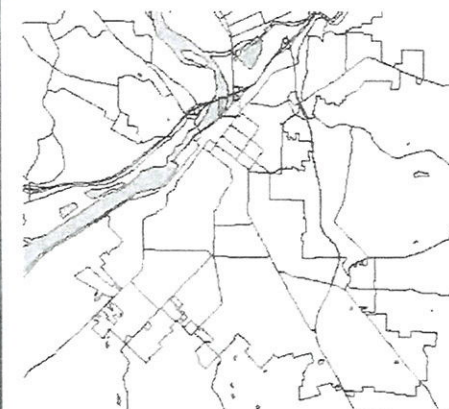
CONDITIONS OF APPROVAL SP 11-07

1. Prior to issuance of a building permit associated with the proposed development the applicant shall submit documentation identifying that adequate means to ensure continued maintenance and necessary normal replacement of common facilities and areas, drainage ditches, streets and other ways, structures, recreational facilities, landscaping, fill and excavation areas, screening and fencing, groundcover, garbage storage areas and other facilities not subject to periodic maintenance by the city or other public agencies.
2. Prior to issuance of a building permit associated with the proposed development the applicant shall submit documentation identifying that the siding and roof material is not highly reflective.
3. Prior to issuance of a building permit associated with the proposed development the applicant shall submit revised drawings demonstrating that the facade with either the boat main entrance (eastern) or the pedestrian main entrance (southern) complies with 17.622.055.D.3.
4. Prior to issuance of a building permit associated with the site the applicant shall submit revised plans which include a change in plane, texture or color for every 30 feet of the southern, northern and western facades. Instead of the change in plane, texture or color, the southern and western facades may provide a minimum 2-foot long and 1 foot wide landscaped planter (filled with landscaping).
5. Prior to issuance of a building permit associated with the site the applicant shall submit revised plans which provide a 30% transparency on the southern facade.
6. Prior to final of a building permit associated with the proposed development the applicant shall submit sufficient documentation demonstrating compliance with the lighting standards in OCMC 17.62.065.
7. If the proposed development requires the approval of any other governmental agency, such as the Division of State Lands or the U.S. Army Corps of Engineers, the applicant shall make application for such approval prior to or simultaneously with the submittal of its development application to the City. The planning division shall coordinate City approvals with those of other agencies to the extent necessary and feasible. Any permit issued by the City pursuant to this chapter shall not become valid until other agency approvals have been obtained or those agencies indicate that such approvals are not required.
8. The marina shall receive a comprehensive city master plan approval prior to any future city land use approval or site development permit issuance (other than those approved or conditioned for approval as part of this site plan and design review, SP11-07). The master plan shall be processed in accordance with OCMC chapter 17.65 and shall be based on all non-city marina properties located around the subject site and include; phased development projects, full area traffic analysis, infrastructure evaluation and plans, multi-model planning (on and off-site) , vehicle and bicycle parking evaluation, evaluation of non-conformance, proposed timing and other required items.
9. Prior to issuance of a permit associated with the proposed development the applicant the applicant shall submit documentation assuring compliance with the maintenance standards in OCMC 17.52.080.

(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.

SP 11-07



City of Oregon City
 P.O. Box 3040
 625 Center St
 Oregon City, OR 97045
 (503) 657-0891
www.orcity.org

This map is not suitable for survey, engineering, legal or navigation purposes. Errors and omissions may exist.

Map created with OCMaP 2011

06/30/2011





OREGON CITY

Community Development - Planning

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

TRANSMITTAL FOR COMPLETENESS

June 14, 2011

IN-HOUSE DISTRIBUTION OF APPLICATION

☒ BUILDING OFFICIAL
☒ ENGINEERING MANAGER
☒ CITY ENGINEER / PUBLIC WORKS DIRECTOR
☒ PUBLIC WORKS
☒ TECHNICAL SERVICES (GIS)
☒ PARKS MANAGER
ADDRESSING
POLICE

MAIL-OUT DISTRIBUTION OF APPLICATION

☒ FIRE CHIEF
JOHN REPLINGER @REPLINGER AND ASSOCIATES
KENNEDY / JENKS CONSULTANTS

COMMENTS DUE BY:

June 17, 2011

FOR COMPLETENESS PURPOSES ONLY

IN REFERENCE TO: SP-11-07, Type II, Site Plan and Design Review
APPLICANT: Eric Dye
PLANNER: Laura Terway, AICP, Planner (503)496-1553
REQUEST: Construct a boat house for the Clackamas County Sheriff Marine Patrol at Sportcraft Marina.
LOCATION: 1701 Clackamette Dr, Oregon City, OR 97045
Clackamas County Map 2-2E-29CB, Tax Lot(s) 500

Please determine if any additional issues need to be addressed for a complete application. This transmittal is for completeness purposes only. Please retain the information enclosed.

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 insure prompt consideration of your recommendations.

☒ The proposal does not conflict with our interests.

☐ The proposal conflicts with our interests for the reasons attached.

☐ The proposal would not conflict our interests if the changed noted below are included.

Signed

Larry Pitt

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.



CITY OF OREGON CITY LAND USE APPLICATION



City of Oregon City, Community Development Department, 221 Modula Ave., Ste. 200, P.O. Box 3040, Oregon City, OR 97045, (503) 722-3789

Type I (OCMC 17.50.030.A)

- ☐ Compatibility Review
☐ Nonconforming Use review
☐ Water Resources Exemption

Type II (OCMC 17.50.030.B)

- ☐ Extension
☐ Detailed Development Review
☐ Geotechnical Hazards
☐ Minor Partition
☐ Minor Site Plan & Design Review
☐ Nonconforming Use Review
☐ Site Plan and Design Review
☐ Subdivision
☐ Minor Variance
☐ Water Resource Review

Type III / IV (OCMC 17.50.030.C)

- ☐ Annexation
☐ Code Interpretation / Similar Use
☐ Concept Development Plan
☐ Conditional Use
☐ Comprehensive Plan Amendment (Text/Map)
☐ Detailed Development Plan
☐ Historic Review
☐ Oregon City Municipal Code Amendment
☐ Variance
☐ Zone Change

Application Number: SP 11-07

Proposed Land Use or Activity: Site Design approval to moor a Clackamas County Sheriff Marine Patrol Boat House at the existing Sportcraft Marina

Project Name: Sportcraft Marina

Number of Lots Proposed (If Applicable): 1

Physical Address of Site: 1701 Clackamette Drive

Clackamas County Map and Tax Lot Number(s): 2-2E-29CB Tax Lot 500

Applicant(s):

Applicant(s) Signature: [Signature]

Applicant(s) Name Printed: Eric Dyre

Date: June 1, 2011

Mailing Address: 1701 Clackamette Dr. Oregon City

Phone: 503-749-6667 Fax: 503-650-6362 Email: KFS Decks @Comcast.net

Property Owner(s):

Property Owner(s) Signature: [Signature]

Property Owner(s) Name Printed: Eric Dyre

Date: June 1, 2011

Mailing Address: Same

Phone: Same Fax: Same Email: Same

Representative(s):

Representative(s) Signature: [Signature]

Representative (s) Name Printed: Kenneth L. Sandblast

Date: Same

Mailing Address: 17690 SW Boones Ferry Road Lake Oswego, OR 97035

Phone: 503-496-4960 Fax: 503-496-4961 Email: kens@prilanduse.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 parties willingness to comply with all code requirements.

SP-000-0001

2011 JUN -9
RECEIVED
CITY OF OREGON
2011 JUN -9

OREGON CITY

Community Development - Planning

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

LAND USE APPLICATION TRANSMITTAL

June 30, 2011

N-HOUSE DISTRIBUTION OF APPLICATION

- ☒ BUILDING OFFICIAL
☒ ENGINEERING MANAGER
☒ CITY ENGINEER / PUBLIC WORKS DIRECTOR
☒ TECHNICAL SERVICES (GIS)
☒ PARKS MANAGER
 ADDRESSING
 POLICE
 TRAFFIC ENGINEER
 CITY ATTORNEY

MAIL-OUT DISTRIBUTION OF APPLICATION

- OREGON CITY NEIGHBORHOOD ASSOCIATIONS - CIC
☒ CIC CHAIR _____
 N.A. CHAIR _____
 N.A. LAND USE CHAIR _____
 CLACKAMAS COUNTY TRANSPORTATION AND PLANNING
☒ CLACKAMAS FIRE DISTRICT #1
 SCHOOL DISTRICT # 62
 TRI-MET
 METRO
 OREGON CITY POSTMASTER
 DLCD / DEQ / DSL / USACE (circle)
 OTHER _____

NOTICE OF THE APPLICATION MAILED TO

- ☒ All Properties within 300 feet
☒ Hamlet of Beavercreek
☒ Holcomb Outlook CPO
☒ Central Point / Leland Road / New Era CPO

COMMENTS DUE BY: July 21, 2011
 HEARING DATE: N/A
 HEARING BODY: Staff Review, Site Plan and Design Review
 FILE # & TYPE: SP-11-07, Type II
 PLANNER: Laura Terway, AICP, Planner (503)496-1553
 APPLICANT: Eric Dye
 REPRESENTATIVE: Planning Resources, Inc., Kenneth Sandblast
 REQUEST: The applicant submitted this Site Plan and Design Review application to construct a boat house for the Clackamas County Sheriff Marine Patrol at Sportcraft Marina.
 ZONING: "I" Institutional District
 LOCATION: Clackamas County Map 2-2E-29CB Tax Lot 500
 1701 Clackamette Dr, 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 insure prompt consideration of your recommendations. Please check the appropriate spaces below.

____ The proposal does not conflict with our interests.

____ The proposal conflicts with our interests for the reasons attached.

☒ The proposal would not conflict our interests if the changed noted below are included.

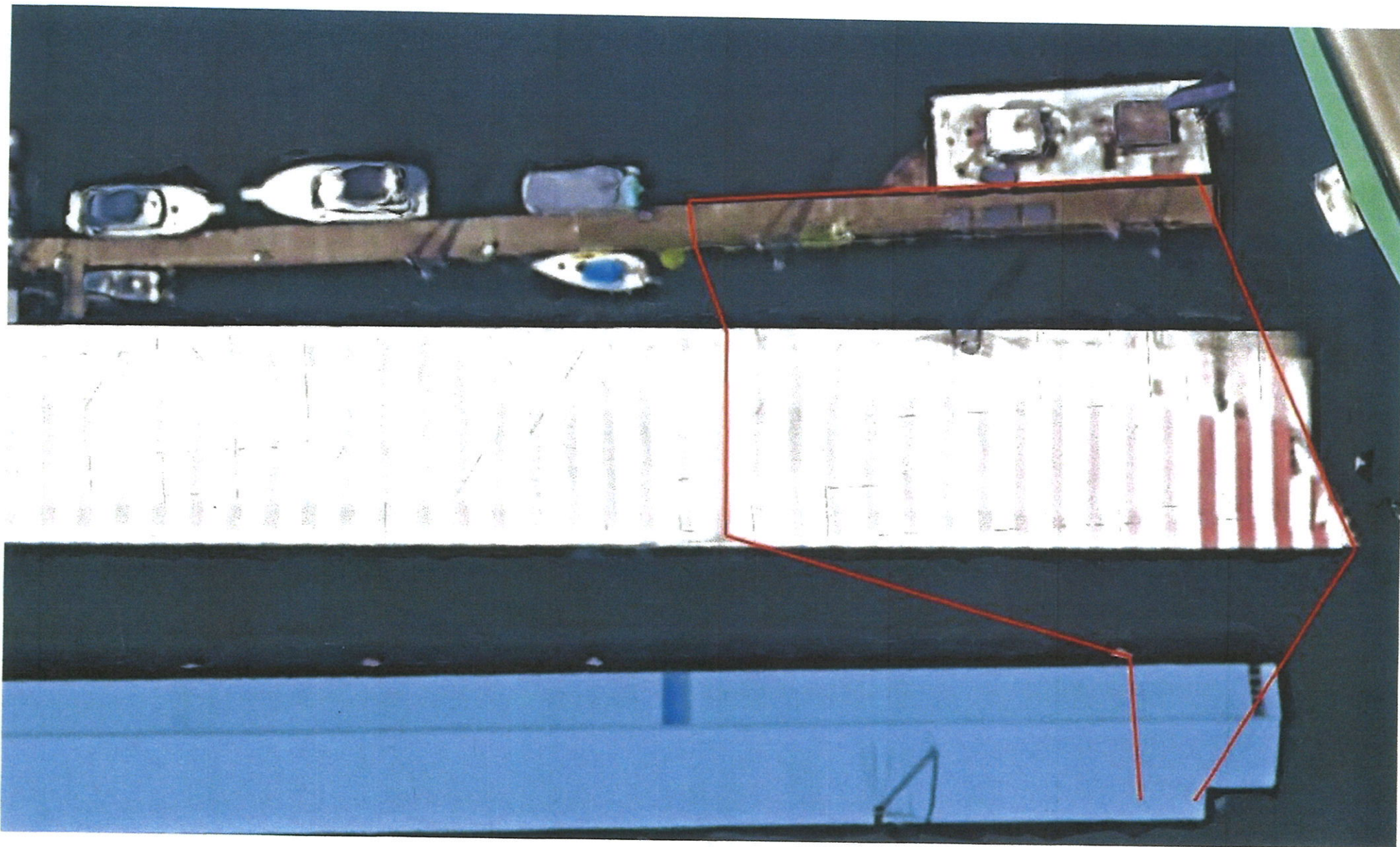
Signed

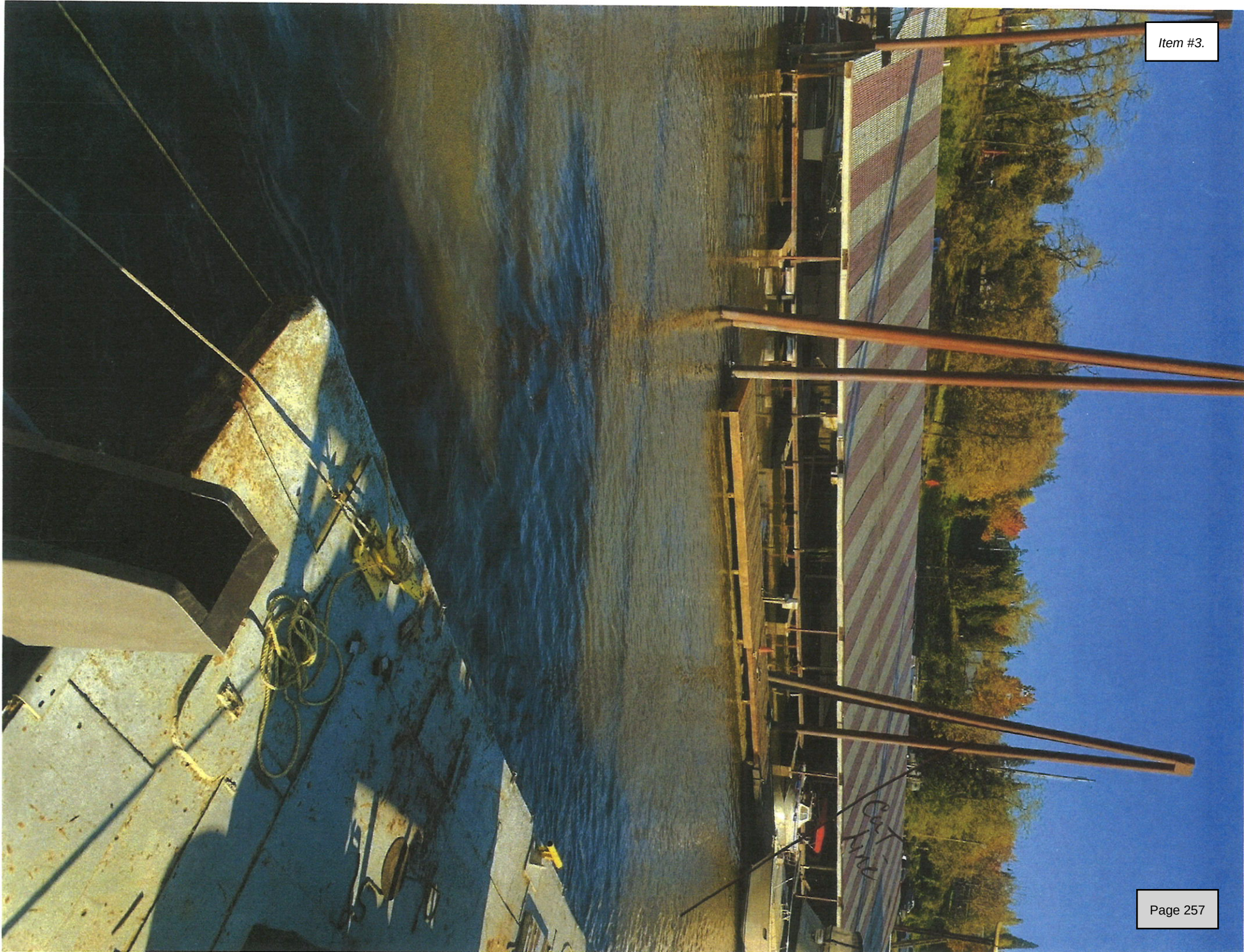
Seon AS

7.08.2011

PLEASE RETURN YOUR COPY OF THE APPLICATION AND MATERIAL WITH THIS FORM.

Applicant must use their designated parking spaces for bus use. Public parking lot is to remain available for general public use.





Appendix D

History of the Sportcraft Master Plan Area

8-11-23 Tax Lots 2-2E-29CB-00500, 2-2E-30DD-00501, 2-2E-30DD-06500
Detailed Information Assessment and
Value from Oregon City Database

Historical Zoning and Applicability to
Small Boat Landing, Rental, Storage, and
Repair

1972 Federal Grant and Amendments
from Bureau of Outdoor Recreation
(USD) for Sportcraft Landing
Development construction of 310-foot-
long seawall, dredging, and to provide
parking for 35 spaces

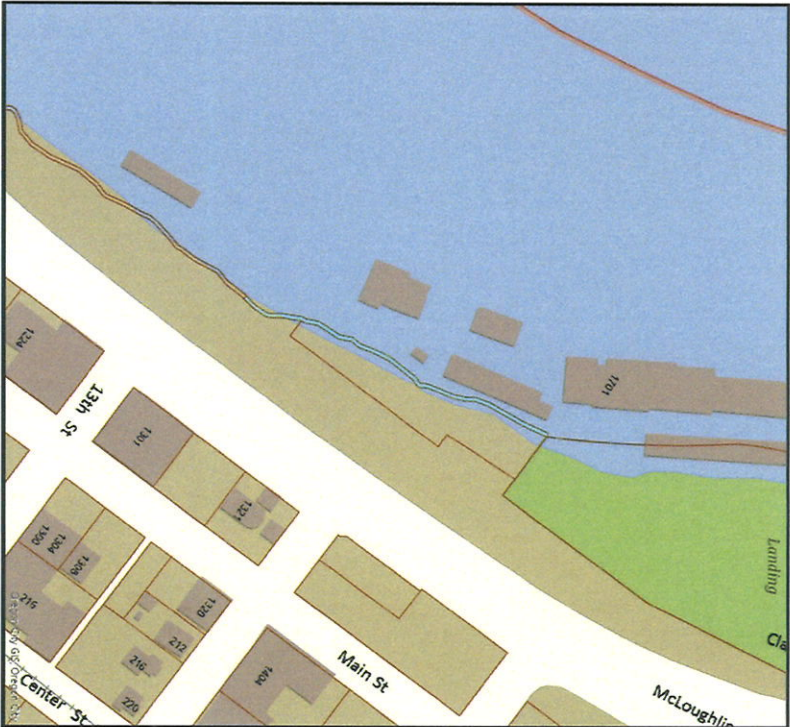


Google Streetview photo locations are approximate

Taxlot Information

Parcel Number (APN) 2-2E-30DD-00501
Primary Situs Address NO SITUS ADDRESS, OR
County CLACKAMAS

Section T2S R2E S30
Latitude 45.362744
Longitude -122.602889
R Number (Alt ID) 00569398
Approx. Size (acres) 0.0514292
USGS Quad Name Oregon City
Within Oregon City Limits? Y
Urban Growth Boundary (UGB) Inside



Assessment & Value Information

Taxmap 2S2E30DD
Land Value (Mkt) \$17,248
Building Value (Mkt) \$0
Exempt Amount \$0
Net Value (Mkt) \$17,248
Assessed Value
Year Built (if known)
Sale Date
Sale Price
Document Date
Document Number
State General Prop. Code 200
County Tax Code 062057

Political Boundaries

Jurisdiction OREGON CITY
Voting Precinct 600.00000000
US Congressional District 5
Oregon House District 40
Oregon Senate District 20
Metro Council District 2
Metro Councilor Christine Lewis
Metro Councilor Email christine.lewis@oregonmetro.gov

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed.



Land Use and Planning

<i>Zoning</i>	MUD	<i>In SDC Discount Area?</i>	Y
<i>Comprehensive Plan</i>	MUD	<i>In Thayer Rd Pond Fee Area?</i>	N
<i>Subdivision</i>	OREGON CITY	<i>In Beavercreek Rd Access Area?</i>	N
<i>Subdivision Plat Number</i>	2	<i>In Willamette River Greenway?</i>	Y
<i>PUD (if known)</i>	0	<i>In Geologic Hazard?</i>	Y
<i>Partition Plat Number</i>	0	<i>In High Water Table Area?</i>	N
<i>Neighborhood Association</i>	TWO RIVERS	<i>In Nat. Res. Overlay District (NROD)?</i>	Y
<i>Urban Renewal District</i>	DOWNTOWN	<i>In 1996/FEMA 2008 100-yr Floodplain?</i>	Y
<i>Historic District</i>	NONE	<i>In FEMA Floodway?</i>	Y
<i>Historic Designated Struct.?</i>	NONE	<i>In Barlow Trail Area?</i>	N
<i>Concept Plan Area</i>	NONE	<i>In Vertical Housing Dev. Zone?</i>	Y
<i>Urban/Rural Reserve</i>		<i>In Enterprise Zone?</i>	N
<i>Reserve Name</i>	Abernethy Creek-Willamette River	<i>In Opportunity Zone?</i>	Y
<i>Watershed</i>	Tanner Creek-Willamette River		
<i>Sub-Watershed</i>	Middle Willamette		
<i>Basin</i>	Willamette		
<i>Sub-Basin</i>			

Service Districts

<i>Elementary School</i>	CANDY LANE ELEMENTARY
<i>Middle School</i>	TUMWATA MIDDLE
<i>High School</i>	OREGON CITY HIGH
<i>School District</i>	OREGON CITY
<i>Oregon Dept. of Ed. Dist. ID</i>	1928
<i>Nat Cntr for Ed Stats Dist ID</i>	4109330
<i>Water District</i>	
<i>Park District</i>	
<i>Sewer District</i>	Tri-City Service District
<i>Fire District</i>	Clackamas Fire District #1
<i>Fire Management Zone</i>	6497
<i>Transit District</i>	Tri-County Metropolitan
<i>Garbage Hauler</i>	
<i>Garbage Hauler Phone</i>	

Census Information

<i>Census Tract</i>	224,00000000
<i>Census Block Group</i>	5
<i>Census Block Grp. Pop. (2010)</i>	684

Overlay Information

Category	Description	Acres	Percent Coverage
Parcel Statistics for: 2-2E-30DD-00501	Overall Acres	0.05	100%
FEMA 100 Yr Floodplain	In Floodplain (100 yr)	0.05	100.0%
Buildings	Built up % (approx)	0.00	0.0%
Geologic Hazards	In Geologic Hazard	0.05	100.0%

The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed.

Property Account Summary

Barcode

Account Number	00561145	Property Address	1701 CLACKAMETTE DR , OREGON CITY, OR 97045
----------------	----------	------------------	--

General Information

Alternate Property #	22E29CB00500A2
Property Description	Section 29 Township 2S Range 2E Quarter CB TAX LOT 00500A2
Property Category	Floating Property
Status	Active, Locally Assessed
Tax Code Area	062-057
Remarks	

Tax Rate	
Description	Rate
Total Rate	18.2713

Property Characteristics	
Neighborhood	20032: Area 03 commercial Oregon City
Land Class Category	201: Commercial land improved
Acreage	0.00
Change property ratio	CIC

Related Properties	
No Related Properties Found	

Parties	
Role	Percent Name Address

Taxpayer

1701
SPORTCRAFT CLACKAMETTE
100 LANDING CO DR, OREGON
CITY, OR 97045

Owner

1701
SPORTCRAFT CLACKAMETTE
100 LANDING CO DR, OREGON
CITY, OR 97045

Property Values

Value Type	Tax Year 2022	Tax Year 2021	Tax Year 2020	Tax Year 2019	Tax Year 2018
AVR Total	\$569,447	\$552,862	\$536,760	\$521,127	\$505,949
Exempt					
TVR Total	\$569,447	\$552,862	\$536,760	\$521,127	\$505,949
Real Mkt Land					
Real Mkt Bldg	\$912,450	\$861,540	\$814,550	\$775,390	\$716,650
Real Mkt Total	\$912,450	\$861,540	\$814,550	\$775,390	\$716,650
M5 Mkt Land					
M5 Mkt Bldg	\$912,450	\$861,540	\$814,550	\$775,390	\$716,650
M5 SAV					
SAVL (MAV Use Portion)					
MAV (Market Portion)	\$569,447	\$552,862	\$536,760	\$521,127	\$505,949
Mkt Exception					
AV Exception					

Active Exemptions

No Exemptions Found

Events

Effective Date	Entry Date- Time	Type	Remarks
08/23/2021	08/23/2021 07:30:00	Removed from Foreclosure or Warrant	2020 WARRANT RELEASED 2021- 076612 by SUNDQUISTR

06/16/2021	06/16/2021 10:01:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUNDQUISTR
02/08/2021	02/08/2021 14:18:00	Removed from Foreclosure or Warrant	2019 WARRANT RELEASED 2021- 009113 by SUNDQUISTR
06/16/2020	06/16/2020 11:09:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUNDQUISTR
09/03/2019	09/03/2019 17:00:00	Removed from Foreclosure or Warrant	2018 WARRANT RELEASED 2019- 049935 by SUNDQUISTR
09/03/2019	09/03/2019 16:43:00	Removed from Foreclosure or Warrant	2017 WARRANT RELEASED 2019- 049882 by SUNDQUISTR
06/24/2019	06/24/2019 15:43:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUNDQUISTR
06/25/2018	06/25/2018 12:01:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUSANBRO
06/25/2018	06/25/2018 11:33:00	Removed from Foreclosure or Warrant	WARRANT ALREADY POSTED by SUSANBRO
06/25/2018	06/25/2018 11:22:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUSANBRO
09/14/2017	09/14/2017 14:33:00	Removed from Foreclosure or Warrant	2016 WARRANT RELEASED 2017- 053170 by SUSANBRO
07/05/2017	07/05/2017 14:54:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUSANBRO
10/21/2015	10/21/2015 14:33:00	Removed from Foreclosure or Warrant	2014 WARRANT RELEASED 2015- 064123 by SUSANBRO
07/20/2015	07/20/2015 11:29:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by MCOY

06/03/2015	06/03/2015 15:22:00	Removed from Foreclosure or Warrant	2013 WARRANT RELEASED 2015- 022611 by SUSANBRO
07/22/2014	07/22/2014 12:27:00	Initiated Foreclosure or Warrant	Initiated Delinquency Process by SUSANBRO
11/25/2013	11/25/2013 09:37:00	Seg/Merge Completed	Parent in Seg/Merge SM140042, Effective: 01/02/2013 by DROME
11/25/2013	11/25/2013 09:32:00	Seg/Merge Initiated	SEG/MERGE BEGUN ON SM140042 EXC TL 00500A7 FROM TL 00500A2 BY LETTER 10/29/13, EFF 2014-15 By DROME
11/21/2013	11/21/2013 17:26:00	Seg/Merge Completed	Parent in Seg/Merge SM140041, Effective: 01/02/2013 by DROME
11/21/2013	11/21/2013 17:24:00	Seg/Merge Initiated	SEG/MERGE BEGUN ON SM140041 EXC TL 00500A6 FROM TL 00500A2 BY LETTER 10/29/13, EFF 2014-15 by DROME
04/04/2008	04/04/2008 11:07:00	Annexation Completed For Property	Annex to Clackamas Fire 1, Ord 2008-36 pt 2-annexed by 062-057 for 2008-Revise TCA Membership by JENMAYO
07/01/1999	07/01/1999 12:00:00	Ownership at Conversion	Conversion deed: 000-000 , , \$ 0

Tax Balance

No Charges are currently due. If you believe this is incorrect, please contact the Assessor's Office.

Total Due only includes the current 2022 taxes. Please select View Detailed Statement for a full payoff.

Installments Payable/Paid for Tax Year(Enter 4-digit Year, then Click-Here): **2022**

Receipts

Date	Receipt No.	Amount Applied to Parcel	Total Amount Due	Receipt Total Change
11/15/2022 00:00:00	5312483 (ReceiptDetail.aspx? receiptnumber=5312483)	\$10,414.54	\$10,414.54	\$10,102.10
				\$0.00

11/16/2021 00:00:00	5142709 (ReceiptDetail.aspx? receiptnumber=5142709)	\$9,986.07	\$9,986.07	\$9,686.49	\$0.00
06/29/2021 09:23:00	5009353 (ReceiptDetail.aspx? receiptnumber=5009353)	\$3,381.81	\$3,381.81	\$3,381.81	\$0.00
11/17/2020 00:00:00	4942669 (ReceiptDetail.aspx? receiptnumber=4942669)	\$8,995.51	\$12,229.09	\$8,866.17	\$0.00
05/04/2020 00:00:00	4803252 (ReceiptDetail.aspx? receiptnumber=4803252)	\$7,500.00	\$9,875.00	\$7,500.00	\$0.00
07/15/2019 11:00:00	4624692 (ReceiptDetail.aspx? receiptnumber=4624692)	\$15,105.87	\$15,105.87	\$15,105.87	\$0.00
05/14/2018 00:00:00	4422902 (ReceiptDetail.aspx? receiptnumber=4422902)	\$4,500.00	\$9,141.31	\$4,500.00	\$0.00

Sales History

Sale Date	Entry Date	Recording Date	Recording Number	Sale Amount	Excise Number	Deed Type	Grantee(Buyer)	Other Parcels
No Sales History Found								

Property Details

Living Area Sq Ft	Manf Struct Size	Year Built	Improvement Grade	Stories	Bedrooms	Full Baths	Half Baths
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Printable Version

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Version 4.5.0.0

HISTORICAL ZONING AND APPLICABILITY TO SMALL BOAT LANDING, RENTAL, STORAGE, AND REPAIR

Chronology of Zoning

Zoning Timeline: Source: Files Sent 9/29/30 from P. Walter via MIMCast

Commercial (C) pre-2004 – See attached “17.32 General Commercial”

General Commercial District (C) 1982 See attached “ZoningCode1982”

Light Industrial (M-1) 1973 revisions See attached “1973 Code (part)”

Light Industrial (M-1) 1965 – See attached 1963 code Title 9 Zoning

The zoning map sections associated with these time periods are held in the City of Oregon City Project File. The pre-2004 zoning map layer is on OCWebMap. The zoning historically did not extend to the middle of the river; this changed in the post 2004 period and the study area site extends to the middle of the river – Oregon City on the east side and City of West Linn on the west side of the Willamette River.

Applicability to Small Boat Landing, Rental, Storage, and Repair

1963 Zoning Map designated the entire property to M-1 Light Industrial where the permitted uses included: (C) The following uses may occupy a building or yard space other than required front and side yards and such occupied yard space shall be enclosed by a wall or fence of sturdy construction and uniform color or an evergreen -- hedge not less than six feet (6') in height; further provided, that such wall or fence shall not be used for advertising purposes: 1. Retail lumberyard and building materials yard excluding concrete mixing. 2. Retail feed and fuel yard. -. 3. Drying, trucking and automobile freighting yard. 4. Contractors equipment yard. 5. Small boat yard for the building or repair of boats not exceeding sixty-five feet (65') in length. The HEIGHT criterion at that year read: A building, structure or portion thereof, hereafter erected shall not exceed a height of six (6) stories or seventy-five feet (75').

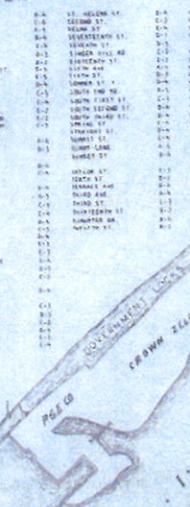
The 2004 Zoning update changed the base zone of the subject property to C General Commercial. Code Section 17.32.010 Designated. Uses in the general commercial district are designed to serve the city and the surrounding area. Although in-water facilities where not specifically permitted, the existing uses had been and would continue to be operated to “serve the city and the surrounding area” The height limit changed to 35 feet (35').

The comprehensive plan update (2040) and zoning map redrew the lines and divided the subject property to include the City's public boat ramp, Sportcraft Landing gangplank covered walkways, kayak and small boat rental, storage, and mooring and the owner's residence and office within the Institutional District, a designation where uses are for public and quasi-public activities. All privately owned facilities are now deemed non-conforming and no new private uses are allowed. The other half of the marina facilities, including two small residences, fell within the Mixed Use Downtown where marinas are a permitted use.

SCALE 1 IN. = 600'
REVISED JAN. 1965

STREET INDEX

R-1A		One Family Dwelling	8,000 s.f.
R-1		One Family Dwelling	10,000 s.f.
R-2		One Family Dwelling	6,000 s.f.
R-3		Two Family Dwelling	6,000 s.f.
R-4		Multiple Family Dwelling	
C-1		Commercial	
C-2		Commercial	
B		Business	
M-1		Light Industrial	
M-2		Heavy Industrial	



UNITED STATES DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation
Land and Water Conservation Fund Project Agreement

State of Oregon (Clackamas County)	Project Number 36-00179	(10,000,000)
Project Title	Sustainable Land Use	
Period Covered by this Agreement	10/1/00	10/1/00
Project Scope (Description of Project)	Project Period 10/1/00	

This project is the initial phase of development of the area, and will consist of the following items:

1. Prepare site plans for future development.
2. Prepare construction plans for the area.
3. Construct the area.
4. Prepare river area and waterway as well as for future projects for area.

Also see additional and supplemental items as outlined for by the plans and specifications as required to complete the project.

36-005-0000
OR-Clackamas-N/A

Project Stage Covered by this Agreement

Project Cost	The following attachments are hereby incorporated into this agreement:
Total Cost	1. General Provisions
Fund Support	2. Project Proposal 36-00179
Fund Amount	3.
Cost of this Stage	4.
Assistance this Stage	

R. Stark

The United States of America, represented by the Director, Bureau of Outdoor Recreation, United States Department of the Interior, and the State named above (hereinafter referred to as the State), mutually agree to perform this agreement in accordance with the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964), and with the terms, promises, conditions, plans, specifications, estimates, procedures, project proposals, maps, and assurances attached hereto and hereby made a part hereof.

The United States hereby promises, in consideration of the promises made by the State herein, to obligate to the State the amount of money referred to above, and to tender to the State that portion of the obligation which is required to pay the United States' share of the costs of the above project stage, based upon the above percentage of assistance. The State hereby promises, in consideration of the promises made by the United States herein, to execute the project described above in accordance with the terms of this agreement.

The following special project terms and conditions were added to this agreement before it was signed by the parties hereto: That this agreement is in accord with the approved project proposal number 36-00179 which is hereby incorporated by reference. The State shall transfer to the County of Clackamas, for subsequent transfer to the City of Oregon City, all funds granted hereunto necessary for the undertaking and completion of this project on a reimbursable basis.

This agreement is not subject to the provisions of section B.2(d) of the attached General Provisions, dated December, 1965.

In witness whereof, the parties hereto have executed this agreement as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By *[Signature]*
(Signature)

[Signature]
(Signature)

Acting Assistant Director

(Title)

Bureau of Outdoor Recreation
United States Department of
the Interior

By *[Signature]*
(Signature)

[Signature]
(Name)

Date June 30 1965

Assistant State Highway Engineer
(Title)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation

State Oregon (Clackamas County)
Project Amendment No. 36-00179.1

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT TO Project Agreement No. 36-00179 is hereby made and agreed upon by the United States of America, acting through the Director of the Bureau of Outdoor Recreation and by the State of Oregon, pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

<u>Item</u>	<u>Change From</u>	<u>To</u>
Seawall	310 feet in length	Approx. 100 feet in length
Project period	6-30-69 to 12-1-69	6-30-69 to 12-1-70
Period covered by this agreement	6-30-69 to 12-1-69	6-30-69 to 12-1-70

There is no change in the project amount or the amount of fund support.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below

THE UNITED STATES OF AMERICA

By [Signature]
(Signature)

STATE

Oregon

(Title)

Bureau of Outdoor Recreation
United States Department of
the Interior

Date OCT 9 1969

By [Signature]
(Signature)

Lloyd P. Shaw

(Name)

Assistant State Highway Engineer

(Title)

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation

State Oregon (Clackamas County)
Project Amendment No. 41-00179.2

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT TO Project Agreement No. 41-00179 is hereby made and agreed upon by the United States of America, acting through the Director of the Bureau of Outdoor Recreation and by the State of Oregon, pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

<u>Item</u>	<u>Change From</u>	<u>Change To</u>
Seawall length	Approx. 100'	Approx. 310'
Type of seawall	Steel sheet piling	Stone riprap
The riprap seawall requires toe trench dredging and the filling work as originally planned, and the addition of slope dressing of the slope prior to riprap placement.		
Project Period	6-30-69 to 12-1-70	6-30-69 to 12-31-71
Project Covered by this agreement	6-30-69 to 12-1-70	6-30-69 to 12-31-71

There is no change in the cost of the project nor in the amount of Federal assistance requested.

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

41-005-0000
OR-Clackamas-N/A

THE UNITED STATES OF AMERICA

STATE

By /S/ WILLIAM R. THOMAS
(Signature)

Oregon
(State)

William R. Thomas
Regional Director
(Title)

By Lloyd P. Shaw
(Signature)

Bureau of Outdoor Recreation
United States Department of
the Interior

Lloyd P. Shaw
(Name)

RECEIVED
Date NOV 27 1970

Assistant State Highway Engineer
(Title)

Bureau of Outdoor Recreation
(Per May 1967)
Portland, Oregon

Date DEC 10 1970
By Lloyd P. Shaw

UNITED STATES
DEPARTMENT OF THE INTERIOR
Bureau of Outdoor Recreation

State Oregon

Project Amendment No. 41-00179.4

AMENDMENT TO PROJECT AGREEMENT

THIS AMENDMENT TO Project Agreement No. 41-00179 is hereby made and agreed upon by the United States of America, acting through the Director of the Bureau of Outdoor Recreation and by the State of Oregon, pursuant to the Land and Water Conservation Fund Act of 1965, 78 Stat. 897 (1964).

The State and the United States, in mutual consideration of the promises made herein and in the agreement of which this is an amendment, do promise as follows:

That the above-mentioned agreement is amended by adding the following:

1. Add rock base and paving of a major portion of the parking lot (35 spaces) at a cost of \$7,500 for the added work.

2. Revise Project Cost	Change From	Change To
Total cost	\$ 28,054	\$ 35,554
Fund support	50%	50%
Fund amount	14,027	17,777
Cost of this stage	28,054	35,554
Assistance this stage	14,027	17,777

41-005-0000

OR-Clackamas-N/A

Bureau of Outdoor Recreation
Pacific Region
Portland, Oregon

In all other respects the agreement of which this is an amendment, and the plans and specifications relevant thereto, shall remain in full force and effect. In witness whereof the parties hereto have executed this amendment as of the date entered below.

THE UNITED STATES OF AMERICA

STATE

By

(S) E E Allen

(Signature)

Acting Regional Director

(Title)

Bureau of Outdoor Recreation
United States Department of
the Interior

By

(S) Lloyd P. Shaw
(Signature)

Lloyd P. Shaw
(Name)

Date

FEB 9 1972

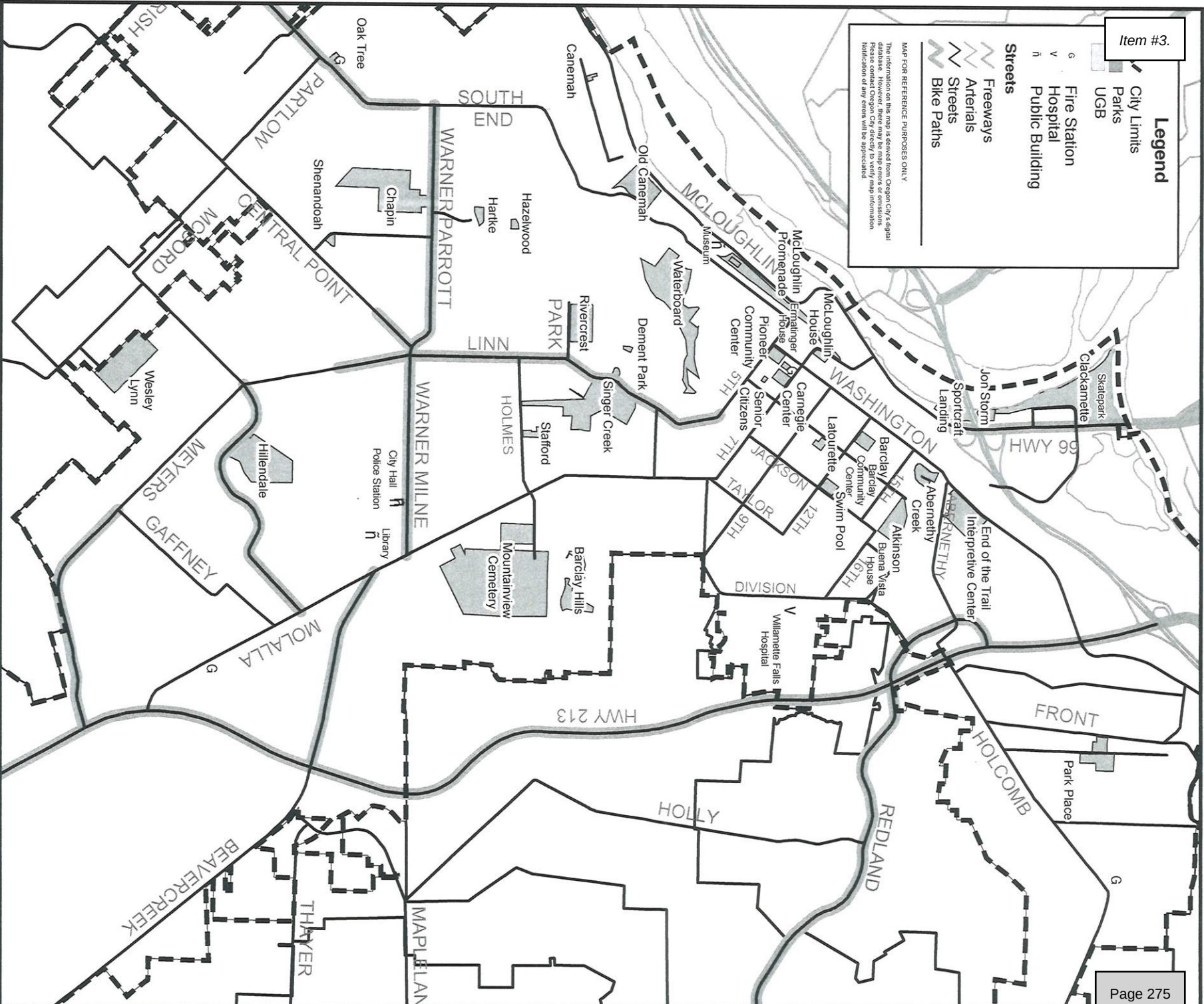
POSTED

Assistant State Highway Engineer
(Title)

Legend

- City Limits
- Parks
- UGB
- Fire Station
- Hospital
- Public Building
- Streets
- Freeways
- Arterials
- Streets
- Bike Paths

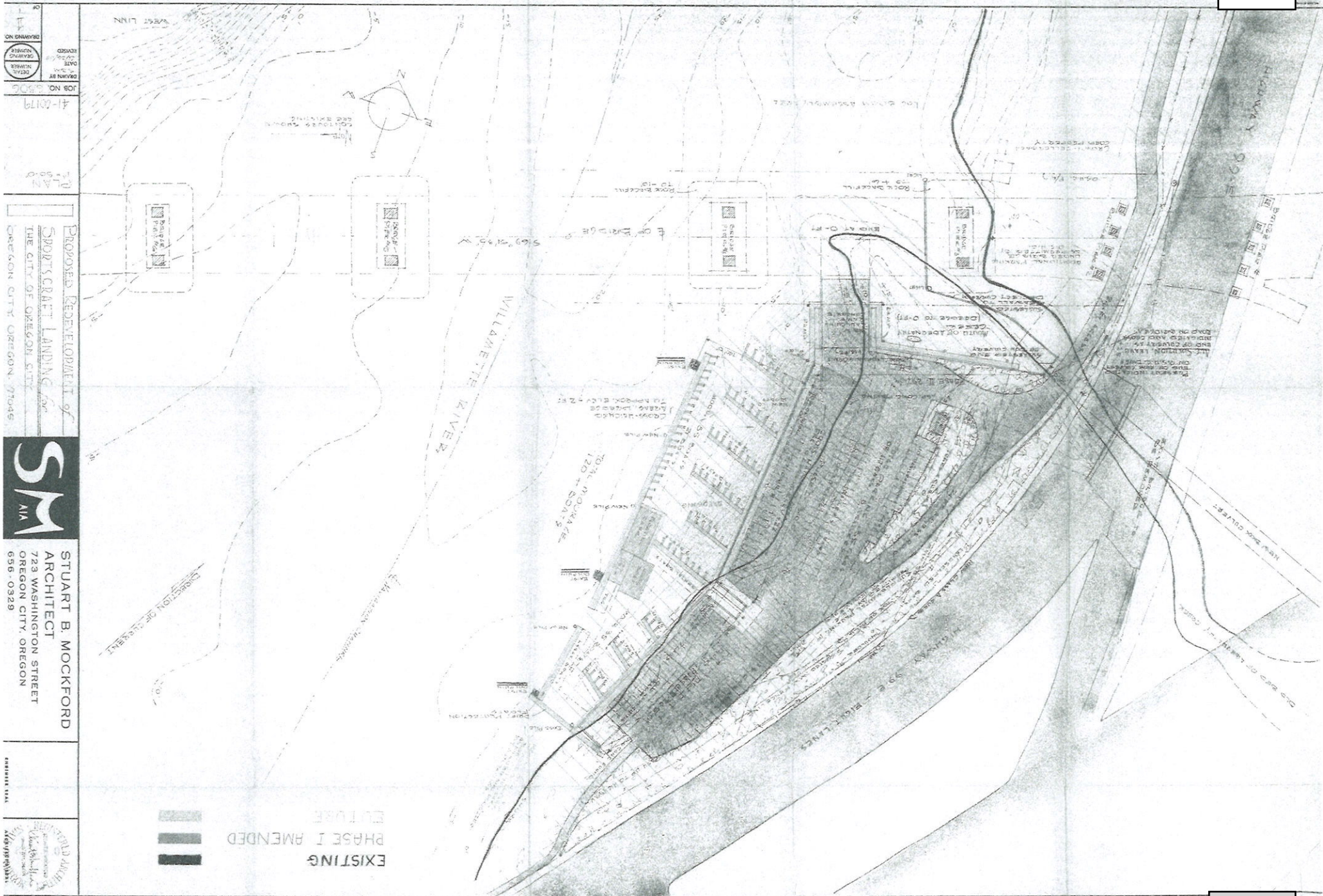
MAP FOR REFERENCE PURPOSES ONLY
The information on this map is derived from Oregon City's digital database. However, there may be map errors or omissions. Please contact Oregon City directly to verify map information. Indication of any errors will be appreciated.



City of Oregon City Parks and Facilities Map









January 31, 2024

ODOT # 13041

ODOT Response

Project Name: Sportcraft Landing Master Plan	Applicant: Eric Dye
Jurisdiction: City of Oregon City	Site Address: 1701 Clackamette Drive
Jurisdiction Case #: GLUA-23-00026/MAS-23-00002	State Highway: McLoughlin Blvd (OR 99E)

The site of this proposed land use action is adjacent to McLoughlin Blvd (OR 99E). ODOT has permitting authority for this facility and an interest in ensuring that this proposed land use is compatible with its safe and efficient operation.

COMMENTS/FINDINGS

ODOT received a notice of a submitted land use application to City of Oregon City for approval of a master plan for Sportcraft Landing Marina on tax lot 500 and 600. No additional development is proposed as part of this application.

As part of the materials provided to ODOT for review, ODOT received a copy of a Traffic Analysis Letter prepared by Charbonneau Engineering LLC dated September 4, 2023. ODOT has determined this proposal will not create a significant impact to State highway facilities and no additional State review is required.

ADVISORY INFORMATION

- ☒ An ODOT Miscellaneous Permit is required for all work in the highway right of way. If applicable, direct applicant to the District Contact indicated below to determine permit requirements and obtain application information.

Please send a copy of the Staff Report and/or Notice of Decision with conditions of approval to:

ODOT Region 1 Planning
Development Review
123 NW Flanders St
Portland, OR 97209

ODOT_R1_DevRev@odot.oregon.gov

Development Review Planner: Melissa Gonzalez	Melissa.gonzalez-gabriel2@odot.oregon.gov
District Contact: District 2B	D2bup@odot.oregon.gov

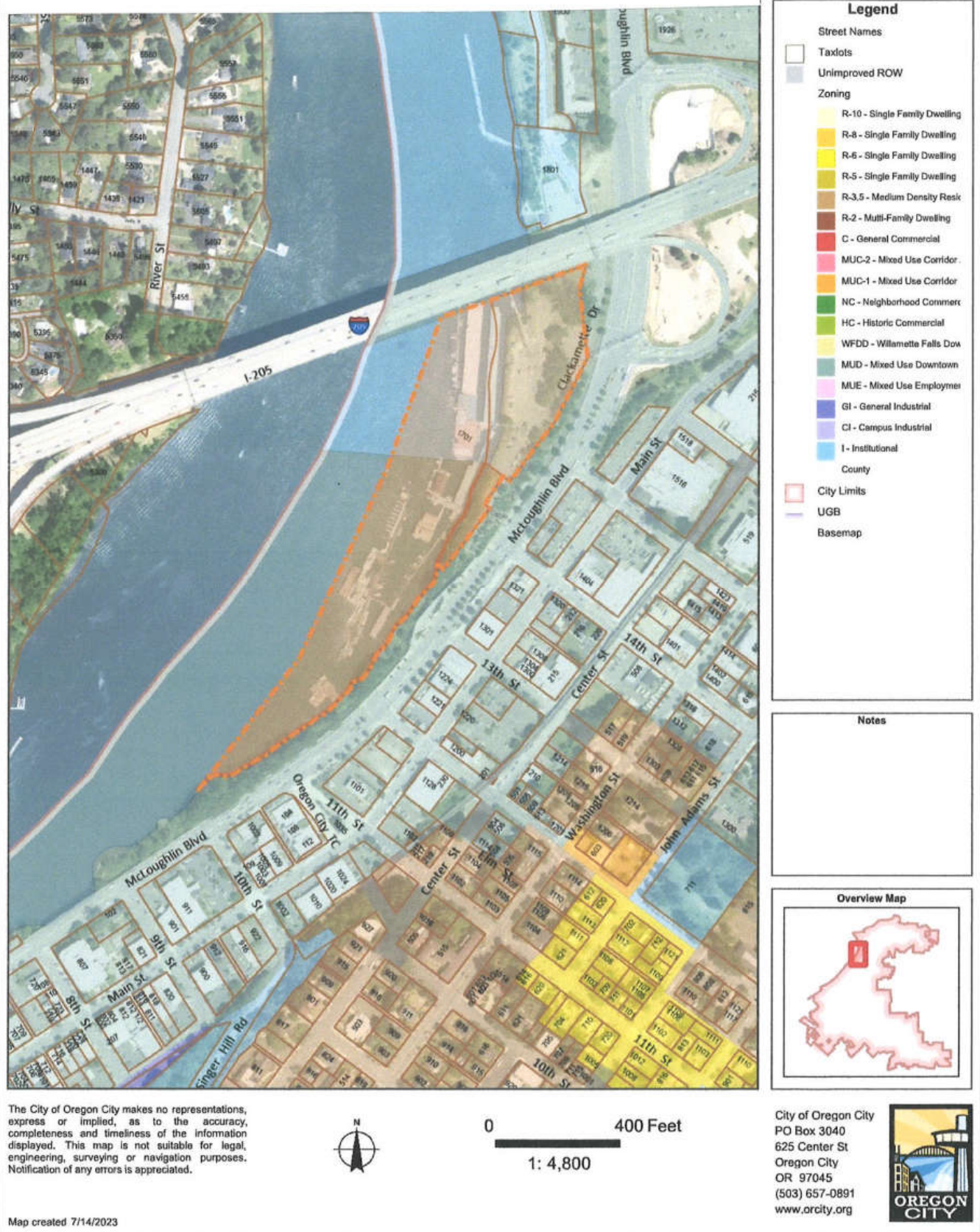


NOTICE PLANNING COMMISSION PUBLIC HEARING

COMMENT DEADLINE:	On Monday, February 12, 2024 , the City of Oregon City - Planning Commission will conduct a public hearing at 7:00 p.m. in the Commission Chambers at the Robert Libke Public Safety Building, 1234 Linn Avenue, Oregon City 97045 and virtually on the following Type III Land Use Application. Any interested party may testify at the public hearings or submit written testimony at or prior to the close of the Planning Commission hearing. Please contact planning@orc.org to provide virtual testimony. The meeting may be viewed live at www.youtube.com/user/CityofOregonCity . Written comments must be received by the Planning Division by 4 p.m. two weeks before the first scheduled hearing to be included in the staff report. Written comments received after that date will be provided to the Commission but may not be included in the staff report. The agenda and associated report will be posted at www.orcity.org/meetings one week prior to the meeting.
FILE NUMBERS:	GLUA-23-00026 / MAS-23-00002
APPLICANTS:	Eric Dye, Sportcraft Marina City of Oregon City, Attn: Tony Konkol, City Manager
OWNERS:	APN 2-2E-29CB-00500 & APN 2-2E-30DD-00500 - City of Oregon City; APN 2-2E-30-DD-00501 - Sport Craft Landing Inc; APN 2-2E-30DD-06500 – ODOT
REQUEST:	Approval of a Master Plan for Sportcraft Marina.
LOCATION:	1701 Clackamette Drive, Oregon City, OR 97045, APN 2-2E-29CB-00500, Other parcels: 2-2E-30DD-06500, 2-2E-30-DD-00501, 2-2E-30 -00500
PROJECT WEBPAGE:	https://oregoncity.teammunicode.com/communitydevelopment/project/glua-23-00026-mas-23-00002
CONTACT PERSON:	Pete Walter, Planning Manager, (503) 496-1562, pwalter@orc.org
NEIGHBORHOOD ASSOCIATION:	Two Rivers N.A., Date of Meeting: Dec. 5, 2023
CRITERIA: Oregon City Municipal Code Chapters	Oregon City Municipal Code Chapters 17.39 - I Institutional District, 17.29 – Mixed Use Downtown District, 17.42 - Flood Management Overlay District, 17.44 - Geologic Hazards, 17.48 - WRG Willamette River Greenway Overlay District, 17.49 - Natural Resource Overlay District, 17.50 - Administration and Procedures, 17.52 - Off-Street Parking and Loading, 17.54 - Supplemental Zoning Regulations and Exceptions, 17.58 – Lawful Non-Conforming Uses, 17.62 - Site Plan and Design Review, 17.65 - Master Plans and Planned Unit Developments. The City Code is available On-Line At www.orcity.org .
For tips on submitting public comments, please visit www.orcity.org/planning/how-do-i and click on “How do I Make the Most Effective Comments on Development Applications?”. Please do not hesitate to give us a call to learn more about the development process.	

The application and all supporting documents submitted by or on behalf of the applicant are available for inspection at no cost at the Oregon City Planning Division during regular business days 695 Warner Parrott Rd, Oregon City, Oregon 97045, from 9a.m. to 4p.m Monday thru Friday. Copies of these materials may be obtained for a reasonable cost. Any interested party may submit written comments prior to the issuance of the Community Development Director’s decision. Written comments must be received at the Planning Department no later than the close of business on the date identified above to be considered by the Community Development Director. The Community Development Director’s decision will be based on the applicant’s submittal, departmental and agency comments, letters from the public, and available information applicable to the criteria. Notice of the decision shall be sent to the applicant and to those persons submitting comments and providing a return address. Please be advised that any issue that is intended to provide a basis for appeal must be raised in writing during the 14-day comment period with sufficient specificity to afford the City and the parties an opportunity to respond to the issue. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City to respond to the issue, will preclude any appeal on that issue. The Community Development Director’s decision may be appealed to the City Commission by parties with standing. Any appeal will be based on the record. **A city-recognized neighborhood association requesting an appeal fee waiver pursuant to 17.50.290(C) must officially approve the request through a vote of its general membership or board duly announced meeting prior to the filing of an appeal.**

Figure 1 Study Area and Zoning





CITY OF OREGON CITY

Staff Report

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

To: Planning Commission **Agenda Date:** 02/12/2024
From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager

SUBJECT:

Climate Friendly and Equitable Communities (CFEC) Parking Reforms

STAFF RECOMMENDATION:

The purpose of this discussion is to receive and discuss information regarding the Climate Friendly and Equitable Communities rules adopted by the State. No action is required at this meeting.

EXECUTIVE SUMMARY:

This past January staff presented an overview of the Climate Friendly and Equitable Oregon Administrative Rules and the reforms the City will be required to make to the City Commission. The City Commission gave direction at their last meeting on January 17, 2024, to pursue policy options that did not require repealing all parking mandates. In other words, continue to require parking minimums in a way that works for Oregon City and meets the new administrative rules. This presentation is intended to give the Planning Commission an overview of CFEC and upcoming reforms the City will be working on.

BACKGROUND:

Climate Friendly and Equitable Communities (CFEC) is a set of Oregon Administrative Rules (OARs) aimed at reducing climate pollution by 75% by the year 2050. It also aims to take steps at redressing past patterns of inequities and discrimination in land use zoning and transportation investments. In 2007, Oregon legislators adopted a goal to reduce climate pollution. However, the state is far off track in reducing pollution and particularly from transportation. In November of 2023 the Land Conservation and Development Commission adopted changes to Oregon's planning system for communities in the State's most populated areas. Specifically, amendments were

adopted in Oregon Administrative Rules related to Housing, Transportation, and Metropolitan Greenhouse Gas Reduction Targets.

The Climate-Friendly and Equitable Communities (CFEC) rules take effect incrementally over a multiyear period and affect local long-range transportation planning and development regulation to promote more housing and transportation choices in ways that reduce climate pollution and improve equity. The rules affect cities in Oregon's eight metropolitan areas, including Oregon City and all other Portland Metro area cities.

The major task groups that will implement CFEC cover a wide range of topics. They include:

- Climate Friendly Areas
 - Not applicable to Oregon City because we adopted a Regional Center in accordance with Metro's 2040 Growth Concept
- Electric Vehicle Conduit
- Parking Minimum reforms or repealing
- Parking Maximums and other reforms
- Transportation System Plan (TSP) Update
 - New rules will apply when the City updates this plan scheduled to begin in 2025
 - New Transportation Planning Rules will apply to the TSP as well
- Housing Needs Analysis (Housing Capacity Analysis)
 - Scheduled for 2027

Oregon City must adopt code reforms by December 31, 2024. Parking Minimums and Electric Vehicle Charging are already in place via state codes, but amendments to the following areas of the OCMC are required to be consistent with state codes and address:

1. Parking Minimums
2. Electric Vehicle Charging
3. Parking Maximums
4. Parking Design
5. Bicycle Parking

Parking Minimums

CFEC rules already require Cities to waive or reduce minimum parking requirements near frequent transit corridors and for certain types of development. The first decision the City Commission must make is whether or not to eliminate all parking minimums throughout the City.

Decision 1. Shall the City eliminate parking mandates city-wide? If the City eliminates parking minimums (also referred to as parking mandates) then no further action is required. In this scenario, developers may still provide parking based on market conditions, however, the city would not require it. Note that additional CFEC

requirements for parking reform require a limit on the maximum number of parking spaces, see “Parking Maximums” later in this report.

Decision 2: Shall the City retain some minimum parking standards? If the commission’s decision is to keep some minimum parking standards, then further reforms are required to comply with the rules in Category 1 and 2, further defined below

Category 1:

- No minimum parking required:
 - Within ½ mile of TriMet Line 33 (or frequent bus line)
 - Small housing units less than 750 square feet
 - Affordable housing units and publicly subsidized housing
 - Childcare facilities
 - Residential Facilities and group homes
 - Domestic violence and emergency/ transitional shelters
- City may only require one parking space per unit for middle housing and multifamily developments (OCMC already meets this standard)
- Already in effect; amend OCMC for consistency with state code

Category 2- Must comply with A-D

- A. Reduce mandates/minimums: based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking;
- B. May not require garages or carports

Decision 3(C):

C. Reform in Regional Center choose C1 or C2

C1. Remove all minimum parking rules in and within ¼ mile of the Regional Center or

C2. Create a parking district with paid on-street parking, change minimum parking for residential to maximum 0.5 spaces per unit, and remove commercial parking minimums.

Decision 3(D):

D. Choose D1 or D2

D1. Adopt 2 of 5 policies (must include one choice from options 1-3):

1. Require parking charged separately from residential rents
2. Require commercial parking charged separately from lease
3. Require large employers to provide a flexible commute benefit to employees if they provide free/subsidized parking
4. Tax commercial parking lots

5. Reduce minimum parking requirements for new multi-family to 0.5 or lower per unit.

D2. Adopt all of the following:

1. No mandate for a variety of specific uses, schools, bars, small commercial building, vacant buildings, studios/one bedrooms, historic buildings LEED or Oregon Reach Code developments
2. No additional parking for changes in use, redevelopments, expansions of over 30%
3. No mandates within ½ mile walking distance of Regional Center
4. Designate on-street paid parking district or unbundle parking

A consideration when making these decisions is the type of land uses that are outside of the half-mile transit corridor. Tri-Met line 33 is frequent bus service, meaning a bus arrives at each stop every 15 minutes. If the parking minimums are not eliminated completely, the City will still not be able to require parking within this half-mile buffer (see attached map for a visual). Most of the land outside of this buffer is zoned low and medium density residential. Many of the parking minimums for these zone districts were already eliminated in 2022 as part of the City's adoption of the middle housing requirements of HB 2001, so compliance with the newer CFEC mandates is not a major change. There is some Campus Industrial, Commercial, mixed-use, and high-density residential zoning in the Thimble Creek area and the north downtown area. The City currently does not have parking minimums for single family residential, and middle housing and multifamily developments are only required to provide one space per unit which meets the CFEC requirements.

In other words, minimum parking reforms would only apply to Campus Industrial and commercial uses. It is reasonable to expect that development within these zones will provide sufficient parking to serve anticipated market demand without mandates from the city.

Electric Vehicle Charging

- Require new buildings with 5 or more units to provide electric service to 40% of parking spaces.
- State code requires any non-residential use in a structure built to commercial standards to provide 20% EV capable parking spaces.
 - **Policy Question:** Does the City Commission wish to require more than 20% on commercial projects?
- Already in effect; amend OCMC for consistency with state code

Parking Maximums

- Parking Maximums apply within the Regional Center (OCMC complies)
- Residential uses within ½ mile of frequent bus line
 - 1.2 spaces per studio unit
 - 2 spaces per non-studio unit for multifamily uses with 5 units or more

- Maximums set at 5 spaces per 1,000 square feet of floor space for all commercial and retail uses (OCMC complies)
- Uses larger than 65,000 square feet cannot have parking lots larger than the building
- Amendments needed by June 2024 or December 2024 with an extension

Parking Design

- Provide preferential carpool/vanpool parking when more than 50 spaces
- Allow redevelopment of parking areas for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- Require new parking areas greater than one-half (½) acre to install 40% tree canopy OR solar panels OR pay a fee-in-lieu
- Require new parking areas of more than one-half (½) acre to provide trees and pedestrian connections
- Amendments needed by June 2024 or December 2024 with an extension

Bicycle Parking

- Require 0.5 spaces per unit in multifamily and mixed-use new developments
- Require bike parking for new retail, office, institutional, major transit stops and park and ride lots; no ratio specified (OCMC complies)
- If off-street vehicle parking is required, bike parking must also be required
- Bike parking design must: be lit, allow lockable storage, provide room for maneuvering and large cargo bikes
- In the Regional Center, City must provide bike parking, and parking of shared bikes and small scale mobility devices.

Most other Cities in Oregon that have taken action decided to eliminate parking minimums citywide.

City	Action
Tigard	Eliminated all parking standards citywide
Springfield	Eliminated all parking standards citywide plus other reforms
Milwaukie	Adopting code to eliminate parking minimums citywide

Lake Oswego	Adopting code to eliminate parking minimums by December 2024
Albany	Repealed parking minimums citywide
Many other cities	No action yet and have approved extensions

Timeline and Next Steps:

January 2024: Staff submitted a grant application to DLCD.

Spring 2024: DLCD will announce the grant awards which staff will use to hire a consultant to assist with draft code language and community engagement

Summer 2024: Draft code language will be presented at work sessions with the Planning Commission and City Commission

Fall 2024: Legislative public hearings will take place with the goal of adoption by December 31, 2024.

OPTIONS:

1. No action required at this time.
2. Planning Commission may ask for additional information from staff that we can bring back in future meetings as the City goes through the amendment process.



Climate Friendly Equitable Communities- Parking Reforms

Decision 1: If City eliminates parking minimums (parking mandates) then Reform 1- Parking Minimums are not required.¹ If the City keeps minimums, then amendments are needed to comply with the Reform 1 Categories 1 and 2.

Reform 1- Parking Minimums^{2,3}

Category 1-

- No minimum parking required:
 - Within ½ mile of TriMet Line 33 (or frequent bus line)
 - Small housing units less than 750 square feet
 - Affordable housing units & Publicly supported housing
 - Childcare facilities
 - Residential Facilities
 - Domestic violence and emergency/ transitional shelters
- City may only require one parking space per unit for middle housing and multifamily developments (OCMC already meets this standard)
- Already in effect; amend OCMC for consistency with state code

¹ Eliminate all parking mandates: 660-012-0420

² Category 1: OAR 660-012-0430(2); OAR 660-012-0430(3)(a-h); OAR 660-012-0440(3)(b)

³ Category 2: 660-012-0445



Category 2- Must comply with A-D

- A. Reduce mandates/minimums: based on shared parking, solar panels, EV charging, car sharing, parking space accessibility, on-street parking, garage parking;
- B. May not require garages or carports

Decision 2:

C. Reform in Regional Center choose C1 or C2

C1. Remove all minimum parking rules in and within $\frac{1}{4}$ mile of the Regional Center or

C2. Create a parking district with paid on-street parking, change minimum parking for residential to maximum 0.5 spaces per unit, and remove commercial parking minimums.

Decision 3:

D. Choose D1 or D2

D1. Adopt 2 of 5 policies (must include one choice from options 1-3):

- 1. Require parking charged separately from residential rents
- 2. Require commercial parking charged separately from lease
- 3. Require large employers to provide a flexible commute benefit to employees if they provide free/subsidized parking
- 4. Tax commercial parking lots
- 5. Reduce minimum parking requirements for new multi-family to 0.5 or lower per unit.

D2. Adopt all of the following:

- 1. No mandate for a variety of specific uses, schools, bars, small commercial building, vacant buildings, studios/one bedrooms, historic buildings LEED or Oregon Reach Code developments
- 2. No additional parking for changes in use, redevelopments, expansions of over 30%
- 3. No mandates within $\frac{1}{2}$ mile walking distance of Regional Center
- 4. Designate on-street paid parking district or unbundle parking



City must the make following reforms: ^{4,5,6,7}

Reform 2- Electric Vehicle Charging Infrastructure

- Require new buildings with 5 or more units to provide electric service to 40% of parking spaces.
- State code requires any non-residential use in a structure built to commercial standards to provide 20% EV capable parking spaces.
 - **Policy Question:** Does the City Commission wish to require more than 20% on commercial projects?
- Already in effect; amend OCMC for consistency with state code

Reform 3-Parking Maximum

- Parking Maximums apply within the Regional Center (OCMC complies)
- Residential uses within ½ mile of frequent bus line
 - 1.2 spaces per studio unit
 - 2 spaces per non-studio unit for multifamily uses with 5 units or more
- Maximums set at 5 spaces per 1,000 square feet of floor space for all commercial and retail uses (OCMC complies)
- Uses larger than 65,000 square feet cannot have parking lots larger than the building
- Amendments needed by June 2024 or December 2024 with an extension

⁴ EV Charing: 660-012-0410

⁵ Parking Maximums: 660-012-0415

⁶ Parking Design: 660-012-0405

⁷ Bicycle Parking: 660-012-0630



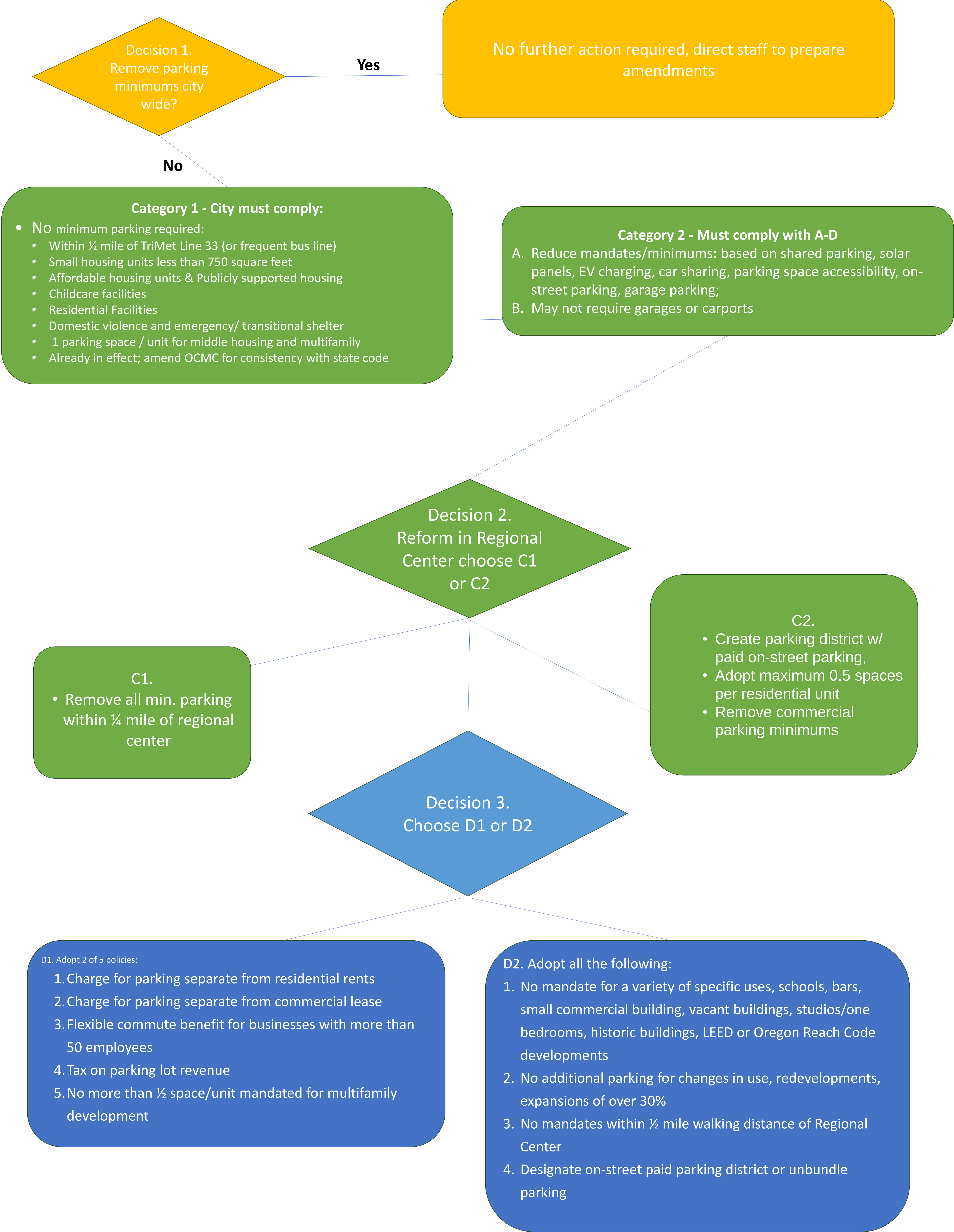
Reform 4-Parking Design

- Provide preferential carpool/vanpool parking when more than 50 spaces
- Allow redevelopment of parking areas for bike or transit uses
- Allow and encourage redevelopment of underused parking
- Allow and facilitate shared parking
- Require new parking areas greater than one-half (½) acre to install 40% tree canopy OR solar panels OR pay a fee-in-lieu
- Require new parking areas of more than one-half (½) acre to provide trees and pedestrian connections
- Amendments needed by June 2024 or December 2024 with an extension

Reform 5-Bicycle Parking

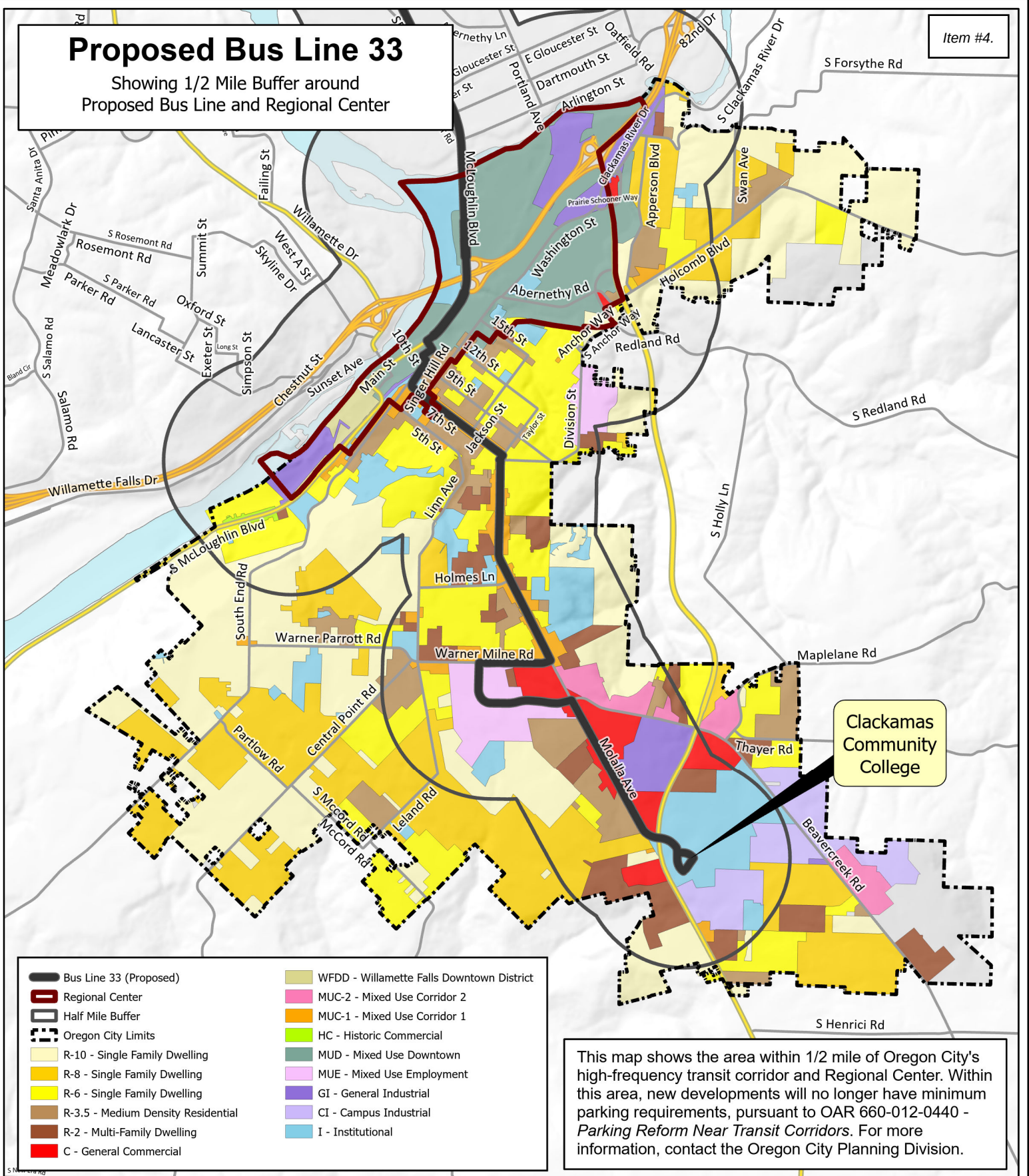
- Require 0.5 spaces per unit in multifamily and mixed-use new developments
- Require bike parking for new retail, office, institutional, major transit stops and park and ride lots; no ratio specified (OCMC complies)
- If off-street vehicle parking is required, bike parking must also be required
- Bike parking design must: be lit, allow lockable storage, provide room for maneuvering and large cargo bikes
- In the Regional Center, City must provide bike parking, and parking of shared bikes and small scale mobility devices.

Reform 1. Parking Minimums

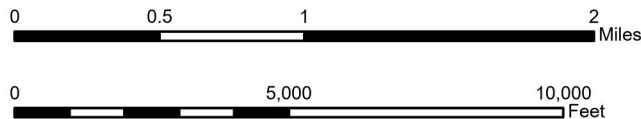


Proposed Bus Line 33

Showing 1/2 Mile Buffer around
Proposed Bus Line and Regional Center



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, or surveying purposes. Notification of any errors is appreciated.



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