



CITY OF OREGON CITY PLANNING COMMISSION AGENDA

**Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Monday, September 23, 2024 at 7:00 PM**

Ways to participate in this public meeting:

- *Attend in person, location listed above. Please see the public comment guidelines below.*
- *Register to provide electronic testimony (email ocplanning@orcify.org or call 503-722-3789 by 3:00 PM on the day of the meeting to register)*
- *Email ocplanning@orcify.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*

1. CONVENE MEETING AND ROLL CALL

2. APPROVAL OF MINUTES

2.a. Meeting Minutes for Approval: August 12, 2024

3. PUBLIC COMMENTS

Please see the public comment guidelines below.

4. PUBLIC HEARINGS

4.a. LEG-24-01 - Park Place Concept Plan Code Amendments

5. DISCUSSION ITEMS

5.a. McLoughlin Boulevard Enhancement Project-Phase 3

6. COMMUNICATIONS

7. ADJOURNMENT

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the clerk. When the Chair calls your name, proceed to the speaker table, and state your name and city of residence. Each speaker is given 3 minutes to speak. As a general practice, the committee does not engage in discussion with those making comments. Complaints shall be addressed at the department level prior to addressing the committee.

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](https://www.oregoncity.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 WPMC at 503-650-0275 for a programming

schedule.



CITY OF OREGON CITY PLANNING COMMISSION MINUTES - DRAFT

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

CALL TO ORDER AND ROLL CALL

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

Present: 7 –Vice Chair Paul Espe, Commissioner Bob LaSalle, Commissioner Daphne Wuest, Commissioner Brandon Dole, Commissioner Karla Laws, Commissioner Dirk Schlagenhauser, Chair Greg Stoll (Virtual)

Absent: 0

Staffers: 3 - Community Development Director Aquilla Hurd-Ravich, Planning Manager Pete Walter, Deputy City Attorney Carrie Richter

MEETING MINUTES

1. Meeting Minutes for Approval: July 22, 2024.

A motion was made by Commissioner Laws, seconded by Commissioner LaSalle to approve the meeting minutes for July 22, 2024.

The motion carried by the following vote:

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

Nay: 0

PUBLIC COMMENT

None

DISCUSSION

6. Park Place Concept Plan Code Refinement continuation

Planning Manager Pete Walter walked through the last 2 chapters of code amendments which covers NC Neighborhood Commercial Zone and the Park & Trail Standards.

An additional definition was added to the code for “Shed Roof” as requested by the commission.

For Section 17.24.025 two conditional uses were added specific to Park Place. One was for parks, playgrounds and playfields and the second was for stormwater facilities.

Additional permitted uses were modified to better outline live/work facilities, and it also added off-site stormwater facilities and their requirements.

In section 17.24.035 the prohibited use of Mobile food units or vendors was removed from the list. Modified the prohibited use of residential use that exceeds 50 percent of the total building square footage to be 75 percent.

The landscaping section had LID (Low Impact Development) stormwater facilities added to it as an item that could be counted toward the minimum required landscaping.

Question was asked about LID being in the definitions, and Pete confirmed it is already defined along with the standards in the stormwater and drain standards that have been adopted.

Updated the Pedestrian Elements for canopies and awnings regarding size from full width of building to 50% of width, and that any that project into easements and right-of-way would require permitting.

Also, in the Pedestrian Elements - Sitting spaces, wording was added for ADA accessible seating for sitting space and it removed the requirement to have seating incorporated with Public Art.

For the Park and Trail Standards section, planning has been working with the Parks department on the language, but there is some additional clarification needed regarding some assumptions they made when they did the Parks Master Plan.

Question was raised about having the Parks and Trail standards be in a localized place in the code rather than in a specific zone because they could apply universally. Director Hurd-Ravich explained that if the Neighborhood Commercial land had to be used for stormwater facilities that it would take away from the main street public access feel, and having this wording in the PPCP would help mitigate the loss.

The Trails Dedication section is currently set at the national standard. Planning will be working with Parks to make sure what is being used is what they are using in the new Parks Master Plan.

Question was asked about the location of the trail dedications and if there should be wording about who can make the decision about the specific locations. Planning Manager Walter explained that the review would be done when a subdivision application was submitted to the planning department.

Commissioner asked about keeping the surface materials for the soft surface trail more open ended and not just limited to ¼ minus gravel or bark dust. Planning Manager

Walter indicated that the list could be expanded.

Commissioner asked if the standards for trails applied city-wide and where did the standards come from. Planning Manager Walter replied that this is for the Park Place Concept Plan and the standards came from the Parks Master Plan and Parks staff. This wording was added for the purpose of making the standards “clear and objective.”

It was noted that throughout the document, City Commission and the City should be capitalized.

Suggested that the kennels being listed as a prohibited use might need to be teased out a bit more as far as what is outright prohibited because many things can be associated with “kennel” – grooming, boarding, etc.

Questioned if the mobile food units include mobile auto detailing or mobile salon. Planning Manager Walter explained that this is very specific to food units as listed in the definitions.

Also had a question about parking landscape elements – number of trees, ground cover, etc. The landscape details are listed in chapter 17.52.

There was a question about 17.24.50.E5. What does ‘Upper-story residential use as permitted with no limitation’ mean? Director Hurd-Ravich explained that the Thimble Creek section was added into the document because there was a reference to it somewhere else. This would not actually apply to Park Place.

Commissioner asked about landscape coverage of 20% and if that amount is consistent with other areas of the City. This is slightly a higher allowance than Mixed Corridor or Industrial, but it also lists out items that count towards the coverage amount.

COMMUNICATIONS

Next meeting scheduled is September 23rd which will be the First Public Hearing for the legislative file for the Park Place Concept Plan.

The Parks Master Plan will be coming up as well, but it is not scheduled yet.

Commissioner Wuest spoke about the recent Street of Dreams visit she did. It was not a typical Street of Dreams, and she went to look at some of the Middle Housing that was done. She encouraged other commissioners to go see them because it was still happening for another weekend. She mentioned that there are container homes in Oregon City.

Commissioner Laws let the commissioners know that the container homes in Oregon City are on Warner Street if anyone wanted to check them out. There were affordable at the time, but it did take the neighbors awhile to get used to them.

ADJOURNMENT

Vice Chair Espe adjourned the meeting at 8:00 p.m.



CITY OF OREGON CITY

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

Staff Report

To: Planning Commission **Agenda Date:** September 23, 2024
From: Pete Walter, Planning Manager

SUBJECT:

LEG-24-01 - Park Place Concept Plan Code Amendments

STAFF RECOMMENDATION:

Planning Staff recommends that the Planning Commission recommend approval of the proposed code amendments to the City Commission, following a public hearing.

EXECUTIVE SUMMARY:

The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At the time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since that time, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some of the areas in code that need refining 16 years after the initial adoption of the concept plan. Since May, the Planning Commission has been discussing the proposed code amendments. This is the first evidentiary legislative public hearing to review the proposed amendments.

BACKGROUND:

Please review the recommended findings for a detailed explanation of the proposed code amendments and findings for adoption into the code.

NEXT STEPS:

OPTIONS:

1. Recommend adoption of the draft code amendments as proposed.
2. Recommend adoption of the draft code amendments with revisions, and continue the public hearing.
3. Do not recommend adoption of the draft code amendments, and provide further direction to staff.



REPORT DATE: September 16, 2024

FILE NO.: Legislative File: GLUA 24-013/LEG-24-01

APPLICANT: City of Oregon City – Planning Division
698 Warner Parrott Rd, Oregon City, Oregon 97045

REVIEWERS: Aquilla Hurd-Ravich, AICP, Community Development Director
Pete Walter, Planning Manager
Carrie Richter, Asst. City Attorney

REQUEST: Amend Title 17 – Zoning - of the Oregon City Municipal Code to include Clear and Objective Approval Criteria for Implementation of the Park Place Concept Plan

LOCATION: Park Place Concept Plan boundary located south of Holcomb Boulevard

RECOMMENDATION: Adopt the proposed code amendments.

17.50.170 - Legislative hearing process.

A. Purpose. Legislative actions involve the adoption or amendment of the city's land-use regulations, comprehensive plan, maps, inventories and other policy documents that affect the entire city or large portions of it. Legislative actions which affect land use must begin with a public hearing before the planning commission.

B. Planning Commission Review.

1. Hearing Required. The planning commission shall hold at least one public hearing before recommending action on a legislative proposal. Any interested person may appear and provide written or oral testimony on the proposal at or prior to the hearing. The community development director shall notify the Oregon Department of Land Conservation and Development (DLCD) as required by the post-acknowledgment procedures of ORS 197.610 to 197.625, as applicable.

2. The community development director's Report. Once the planning commission hearing has been scheduled and noticed in accordance with Section 17.50.090(C) and any other applicable laws, the community development director shall prepare and make available a report on the legislative proposal at least seven days prior to the hearing.

3. Planning Commission Recommendation. At the conclusion of the hearing, the planning commission shall adopt a recommendation on the proposal to the city commission. The planning commission shall make a report and recommendation to the city commission on all legislative proposals. If the planning commission recommends adoption of some form of the proposal, the planning commission shall prepare and forward to the city commission a report and recommendation to that effect.

C. City Commission Review.

- 1. City Commission Action. Upon a recommendation from the planning commission on a legislative action, the city commission shall hold at least one public hearing on the proposal. Any interested person may provide written or oral testimony on the proposal at or prior to the hearing. At the conclusion of the hearing, the city commission may adopt, modify or reject the legislative proposal, or it may remand the matter to the planning commission for further consideration. If the decision is to adopt at least some form of the proposal, and thereby amend the city's land-use regulations, comprehensive plan, official zoning maps or some component of any of these documents, the city commission decision shall be enacted as an ordinance.*
- 2. Notice of Final Decision. Not later than five days following the city commission final decision, the community development director shall mail notice of the decision to DLCD in accordance with ORS 197.615(2).*

IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION, PLEASE CONTACT THE PLANNING DIVISION OFFICE AT (503) 722-3789.

EXECUTIVE SUMMARY:

The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At the time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since that time, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some areas in code that need refining 16 years after the initial adoption of the concept plan.

The code updates incorporate guidance from the Planning commission and City Commission from May 2024 to the present, including six Planning Commission work sessions and several City Commission work session and hearings, as well as engagement with the Citizen Involvement Committee and the Park Place Neighborhood Association.

I. INTRODUCTION

This legislative proposal identifies and updates sections of the Oregon City Municipal Code that need revisions in order to refine and implement key elements from the Park Place Concept Plan (PPCP).

The 2008 Park Place Concept Plan identified 11 key elements:

1. Two primary north-south connections between Holcomb Boulevard and Redland Road (Swan Avenue and Holly Lane)
2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units
3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
4. An area for a new civic institution, such as a library or community center
5. A mix of housing types and ranges of affordability
6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections

7. Innovative, “green” on-site stormwater treatment methods
8. Protected sensitive areas, including drainages and steep slopes
9. Streets and buildings oriented for solar access
10. The use of green edges to define neighborhoods and buffer developments
11. Integration of parks and open spaces into existing and future neighborhoods

The code amendments affect the following sections of the Oregon City Municipal Code:

- Chapter 16.08 – Land Division Process and Standards –
- Chapter 16.12.026 – Street Standards – Alleys
- Chapter 17.04 – New Definitions
- Chapter 17.08 – Low Density Residential Districts
- Chapter 17.10 – Medium Density Residential Districts
- Chapter 17.21 – Residential Design Standards – Park Place Concept Plan Area
- Chapter 17.24 – Neighborhood Commercial District
- Chapter 17.62 – Site Plan and Design Review – Additional Public Park, Trail and Open Space Requirements in the Park Place Concept Plan Area
- Chapter 17.65- Master Plans and Planned Unit Developments

II. SUMMARY OF PUBLIC OUTREACH

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City’s acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation.

A public outreach process occurred during the development code amendment process that included:

- [Project website](#) created Summer 2024, with background information, public process timeline, and ways to connect with staff.
- Land use Measure 56 Postcard sent to all owners and residents within the Park Place Concept Plan project area boundary with informational links and the September 23, 2024, public hearing date.
- Legislative Planning Commission Public Hearing Notice sent to owners and residents within 300’ of the Park Place Concept Plan project area boundary, with informational links and the September 23, 2024, public hearing date.
- June 13, 2024, Development Stakeholder Group Presentation

The Planning Commission and City Commission reviewed the zoning and code amendments for the Park Place Concept Plan Code Revisions over multiple meetings from May through August 2024. Comments and direction, as well as public comments, were tracked throughout the meetings, and

topics were added to future meetings if new items were identified or had not been resolved. The following meetings were held to discuss the proposed legislative amendments:

- [City Commission Work Session May 7, 2024](#) - Overview of project approach
- [Planning Commission May 13, 2024](#) - Overview of code revisions
- [Planning Commission June 10, 2024](#) - Reviewed legal issues, key elements, and code revisions 17.04, 17.10, and 17.21
- [Planning Commission June 14, 2024](#) - Reviewed code revisions 17.21, 17.24, and 17.65 and reviewed an economic report-
- [Planning Commission July 8, 2024](#) - Code revisions 16.12.026, 17.08, 17.62 (Parks and Trails)
- [Planning Commission July 22, 2024](#) - Updated draft code
- [Planning Commission August 12, 2024](#) - Reviewed updated drafts of code for Neighborhood Commercial and Parks and Trails dedication
- [City Commission August 13, 2024](#) - Check-in and Direction

Community Meetings

- [Citizen Involvement Committee \(CIC\)- August 5, 2024](#)
- [Park Place Neighborhood Association Steering Committee](#) - August 19, 2024

Public Hearings:

- [First evidentiary Public Hearing – Planning Commission - September 23, 2024.](#)

Public Comments

A public comment matrix is attached as an Exhibit to this staff report. The matrix provides a summary of the topics and issues presented in the public comments and how they are addressed. This document will be updated to reflect public comments added into the record throughout the hearings process at the Planning Commission and City Commission meetings.

III. DECISION-MAKING CRITERIA:

The remainder of this report details compliance of the proposed code amendments with the applicable state, regional and local requirements.

III.A DECISION-MAKING CRITERIA - CONTINUED:

CHAPTER 17.68 ZONING CHANGES AND AMENDMENTS

17.68.010 Initiation of the amendment.

A text amendment to the comprehensive plan, or an amendment to the zoning code or map or the comprehensive plan map, may be initiated by:

- A. A resolution request by the city commission;*
- B. An official proposal by the planning commission;*
- C. An application to the planning division; or*
- D. A Legislative request by the planning division.*

All requests for amendment or change in this title shall be referred to the planning commission.

Finding: This Legislative request for amendments to the Oregon City Municipal Code was initiated by the Planning Division.

17.68.015 - Procedures.

Applications shall be reviewed pursuant to the procedures set forth in Chapter 17.50.

Finding: Compliance with the procedures set forth in OCMC 17.50 are discussed after the findings for OCMC 17.68 – Zoning Changes and Amendments.

17.68.020 Criteria.

The criteria for a zone change are set forth as follows:

- A. The proposal shall be consistent with the goals and policies of the comprehensive plan.*

Finding: Findings for consistency with the most recently adopted Comprehensive Plan goals, policies and strategies follow later in this report. The City's current comprehensive plan was updated in December 2022¹ and refers to the Park Place Concept Plan as an Ancillary Document. The Park Place Concept Plan was originally adopted in 2008 along with numerous code amendments to implement the plan.

- B. That public facilities and services (water, sewer, storm drainage, transportation, schools, police and fire protection) are presently capable of supporting the uses allowed by the zone or can be made available prior to issuing a certificate of occupancy. Service shall be sufficient to support the range of uses and development allowed by the zone.*

Finding: The development of area envisioned in the Park Place Concept Plan area has already been included in updates to the city's Ancillary Documents to the Comprehensive Plan, including amendments to the various public facilities plans for water, sewer, storm drainage, transportation, schools, police and fire protection. The capacity of the respective public facilities and services to support the proposal is not affected by the proposed code amendments. The criterion requires that public utilities and services be either currently adequate, or will be constructed in advance of development, or will be constructed prior to an occupancy permit for any development within the concept plan area. The current updated Parks Master Plan also folds in anticipated needs for parks and

¹ Ord. No. 2022-1009, <https://ormswd.synergycds.com/HPRMWebDrawer/Record/9620973>

recreation, which is slated for legislative adoption in 2024. The city is limited by the U.S Constitution to only exact public improvements that are roughly proportional to the impacts of proposed development. Additional findings for adequacy of public facilities and services is also discussed in the findings for Statewide Planning Goal 11 since 2008.

Water, Sewer, & Storm Drainage

Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City's wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City's Transportation System Plan from 2013 (TSP), are the City's acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, and transportation) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to these plans are proposed in conjunction with this code update.

Transportation

Impacts to the transportation system are addressed under (C) below.

Schools, Police & Fire Protection

Impacts to police, fire protection, and schools are not anticipated by these code amendments.

C. The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

Finding: The planned transportation system to serve the development envisioned in the Park Place Concept Plan was evaluated in 2008 when the concept plan was adopted and became an ancillary document to the Transportation System Plan. The Transportation System Plan (2013) also evaluated the concept plan and folded in the major transportation projects into that plan. No new uses are being proposed with these proposed code amendments. The zones do not change and the underlying comprehensive planning designations do not change either. No development is proposed with this legislative amendment to create clear and objective standards. There are also no proposed changes to the 2013 Transportation System Plan.

For these reasons no additional impacts to transportation are anticipated as a result of these proposed amendments.

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

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

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

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

OCMC Chapter 16.12.015 requires development to “provide any necessary dedications, easements or agreements as identified in the transportation system plan, trails master plan, and/or parks and recreation master plan and this chapter, subject to constitutional limitations.” These limitations refer to established case law requiring rough proportionality and a rational nexus when requiring development to provide public improvements.

Known issues with this element of the PPCP are that all of the proposed Swan Lane and most of Holly Lane connections are outside of City limits currently and connect to roads in Clackamas County’s jurisdiction. This is not unusual, since concept plans are required to be adopted for areas within a Metro city’s UGB but which are outside of the current city limits. The expectation is that the roads in the concept plan will be constructed to city standards at the time of development, after annexation and rezoning within the city. However, there needs to be clear coordination and agreement between Clackamas County and Oregon City about how and when these roads are planned, funded and constructed. Clackamas County does not have these projects in their TSP and also does not have planned improvements on Redland Road that could handle additional trips. The County has not indicated if these projects will be considered in the next TSP Update.

The Planning Commission considered the following options:

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

The Planning Commission consensus was to pursue option #2 and reprioritize the two projects from long-term to short-term. There was also discussion about participating in the County's Transportation System Plan in order to have these projects reflected in their plan. There was discussion about investigating a Zone of Benefit or a Local Improvement District to help fund these roads. Feedback also included looking to the Urban Growth Management Area agreement as a tool for how to plan and fund roads at the edges of the urban/rural interface.

Local Streets

The City Commission held a work session and received a report and a presentation from DKS, the city's transportation planning consultant to address community concerns regarding high traffic volumes on local designated streets due to new development.² A potential solution could be to adopt a local street maximum volume standard in the Oregon City Development Code which would apply to new development applications. This memo presents a background of local street standards, a summary of guidelines and standards applied in peer communities, and potential benefits and challenges to implementing a local street volume standard.

No new uses are being proposed with these proposed code amendments. The zones do not change and the underlying comprehensive planning designations do not change either. No development is proposed with this legislative amendment to create clear and objective standards. There are also no proposed changes to the 2013 Transportation System Plan.

For these reasons no additional impacts to transportation are anticipated as a result of these proposed amendments.

D. Statewide planning goals shall be addressed if the comprehensive plan does not contain specific policies or provisions which control the amendment.

Finding: Responses to the applicable statewide planning goals are addressed in Section III.C. of this report.

CHAPTER 17.50 ADMINISTRATION AND PROCEDURES

17.50.030 Summary of the City's Decision-Making Processes.

² Report, *Oregon City Local Street Volume Standard Evaluation*, by Reah Flisakowski, PE, and Hallie Turk, EI, DKS Associates, August 9, 2024.

Finding: Complies as Proposed. This proposal is being reviewed pursuant to the required legislative process in OCMC 17.50.170.

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.

Finding: Complies as Proposed. This legislative amendment was initiated by staff in the Planning Division in response to City Commission consensus. Given that Planning staff are representing the City as the applicant and a pre-application conference is typically held by Planning staff it would not have made sense or provided any additional instruction for the applicant's representative to hold a pre-application conference with themselves; therefore the Community Development Director waived the pre-application requirement

17.50.055 Neighborhood Association Meeting

Finding: Complies as Proposed. This is a legislative application so there is no requirement for a meeting with affected neighborhood associations, however the project was presented to the Citizen Involvement Committee on August 5, 2024, and to the Park Place Neighborhood Association on August 19, 2024. See also findings for Statewide Planning Goal 1 later in this report.

17.50.060 Application Requirements.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.070 Completeness Review and 120-day Rule.

Finding: Complies as Proposed. This is a Legislative Decision, there is no 120-day deadline for making a final city decision.

17.50.080 Complete Application--Required Information.

Finding: Complies as Proposed. All application materials required are submitted with this narrative.

17.50.090 Public Notices.

Finding: Complies as Proposed. A Measure 56 Notice as required pursuant to ORS 227.186 was sent to all property owners within the Park Place Concept Plan (PPCP) area boundary and a legislative Land Use Notice was sent to all residents within 300' of the PPCP boundary. The city provided a notice to the Dept. of Land Conservation and Development (DLCD) of the proposed amendments 35 days prior to the first evidentiary hearing. The Land Use Notice was posted on the Oregon City project website. Staff

provided an email transmittal of the proposal and notice to affected agencies, and to all Neighborhood Associations requesting comment, including the Park Place Neighborhood Association, active County Community Planning Organizations, and Beaver Creek Hamlet.

Staff is maintaining a list of public comments received to date which is attached to the record for this proposal.

17.50.100 Notice Posting Requirements.

Finding: Complies as Proposed. No signs were posted as there was not a limited number of affected properties for this proposed Legislative amendment.

17.50.170 – Legislative hearing process

Finding: Complies as Proposed. This proposal is being reviewed pursuant to the required legislative process in OCMC 17.50.170.

III.B. OREGON CITY COMPREHENSIVE PLAN GOALS AND POLICIES AND STRATEGIES

Consistency of the proposed code amendments with the applicable goals, policies and strategies from the OC2040 Comprehensive Plan are addressed below.

OC2040 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.

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 1.4 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.

Finding: The proposal is consistent with these goals, policies and strategies. The project provided several opportunities for citizen involvement, including staff presentations to the Citizen Involvement Committee, the Development Stakeholder Group, and the Park Place Neighborhood Association. Informational resources were provided to the general public and interested members of the public through the project website. The Holcomb-Outlook Community Planning Organization is not currently active, however notice was provided to the Hamlet of Beavercreek.

The Planning Commission met six times prior to the beginning of the legislative public hearing process to review the proposed code amendments, with public comment permitted. Additionally, a Measure 56 postcard was sent to all property owners and residents within the City's urban growth boundary. Meetings were held with the City Commission and Planning Commission and citizens were notified of these meetings.

A project update form and public comment portal set up on the project webpage <https://www.orcity.org/1452/Park-Place-Concept-Plan-Code-Revisions> received several sign-ups and comments as well.

Public notices were provided pursuant to OCMC 17.50.090 *Public Notices* as discussed above. Further opportunities for public input on the proposed amendment is provided through the legislative public hearing process.

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

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

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.

Finding: The proposal is consistent with these goals, policies and strategies. There are several potentially eligible historic structures within the concept plan area on properties not yet annexed to the city. At the time of annexation these properties will be considered in more detail. The process of designating historic districts and structures is codified in OCMC 17.40. The city provides notice of potential ground disturbing activities that might impact cultural or archeological resources early in the development review process to SHPO and tribal cultural resources staff through codified procedures.

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.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The PPCP envisions walkable neighborhoods with housing choices that have proximity to goods, services and amenities, discussed in more detail below.

Neighborhood Commercial Zone

PPCP Key Elements include two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units, neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space, and an area for a new civic institution, such as a library or community center.

OCMC 17.24.060 adds more detail to allow civic uses within the NC zone subject to applicable site plan and design review without a conditional use permit. 17.24.060. Additional civic uses permitted include non-profit and private uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.

OC2040 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

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

Finding: The proposal is consistent with these goals, policies and strategies. The PPCP envisions neighborhood-oriented commercial nodes that integrate commercial land uses, residential land uses, and public open space.

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

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

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

NC zone already restricts residential use to 50% of the total building square footage on site and a single commercial building is limited to 10,000 square feet. The City Commission directed removing the percentage restriction as it could become cumbersome to enforce and implement; however, a new restriction is added to prohibit residential on the ground floor of any building in the NC zone abutting Livesay Road.

The Live/Work dwellings sections were also modified to clarify those uses and structures are subject only to 17.20.040 and the cap on residential use does not apply.

Various non-regulatory approaches exist to promote the economic viability of the NC zone within the Park Place Concept Plan including urban renewal, various grant programs, local improvement districts and tax credits through the state.

The size of off-site storm water facilities and parks land improvements are proposed to have restrictions that would only apply to NC in Park Place area. The size restrictions were added to protect the commercial land.

Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area. Residential uses are limited to upper floors of building and cannot be located on ground floors. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Features such as locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Proposed requirement to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

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.

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 2.5 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to promote housing diversity within the Park Place Concept Plan area boundary through clear and objective approval standards. The Housing Choices code updates that Oregon City adopted to implement HB2001 in 2022³ remain in effect and are not changed by this proposal. The amendments do not change existing allowable housing types already permitted in the low and medium density zone districts. Previous code amendments, driven by HB 2001, provides Oregon City with more housing choices, especially those that are attainably priced. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. These housing types meet the housing needs of many younger people, older people, and low-income households that cannot afford or do not need a large single-family detached house. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalized these housing types, which had not been built in many cities for over 70 years due in part to restrictive zoning codes.

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

The middle housing code updates provide opportunities to expand upon the range of development types across more of the city while continuing to permit (or maintaining) the existing residential housing stock. A density bonus for Affordable Housing is already adopted in the R-3.5 Medium Density Zone District.

New minimum housing diversity standard

Amendments to OCMC Chapter 17.21 – *Housing Standards – Park Place Concept Plan Area* strike a balance between regulation and the housing market by requiring up to 25% of lots be for middle housing units, based on the net developable acreage of the proposed development. Additionally, the required middle housing units are required to be “clustered” in groups of no more than three abutting lots, so as to promote a better distribution and mix of dwelling unit types throughout the development and reduce overly-uniform housing design.

Those amendments will have the net effect of increasing the density of land and diversity of housing within the PPCP boundary in the medium and low-density zones that previously permitted only single-family detached residential use with limited middle housing options. An increased number of dwelling

³ Ord. 22-1001, <https://ormswd.synergycds.com/HPRMWebDrawer/Record/9274921>

units within these existing residential areas rather than developing new residential areas can reduce the need for distance travel.

The amendments to OCMC 17.21 include new, clear and objective design standards consistent with the requirements of HB 2001.

Making changes to the City's System Development Charge structure which includes water, wastewater, stormwater, transportation and parks is a major effort that requires significant analysis and coordination with the City's adopted public facilities plans. A review of the city's SDC structure was done in 2022.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed use vision for the PPCP. Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, residential use is proposed to only be allowed above the ground floor on any one site which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or Village Green, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park.

Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.

Proposed Code Revisions to 17.24.060 Neighborhood Commercial include additional standards for the Park Place Concept Plan area. Additional standards for landscaping, setbacks, residential uses, and

parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Revised standards include locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Also, proposed requirements to chamfer or to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings are included. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

Based on the type of small scale commercial uses anticipated, the adoption of a minimum floor area ratio for the NC zone within the PPCP was not included in this proposal.

STRATEGY 3.1.F Support density transfers for lots of record 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed-use vision for the PPCP commercial and civic areas.

PPCP Key Elements include two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units, neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space, and an area for a new civic institution, such as a library or community center.

OCMC 17.24.060 adds more detail to allow civic uses within the NC zone subject to applicable site plan and design review without a conditional use permit. 17.24.060. Additional civic uses permitted include non-profit and private uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.

This proposal makes no changes to the proposed street network envisioned in the PPCP or to the connectivity requirements of the adopted Transportation System Plan or Street Standards in OCMC 16.12 – *Minimum Public Improvements and Design Standards for Development*. Please refer to the transportation findings on page 6 for further explanation. The Planning Commission does recommend that the Holly Lane and Swan Avenue connections, projects D48, D49, and D50, be reprioritized from long-term to short-term in the next TSP update.

The new trail dedication requirements that will be part of commercial design review in OCMC Chapter 17.62 – Site Plan and Design Review, and Chapter 16.08 – Land Division, are intended to promote trail connections identified in the City’s 2024 Parks Master Plan and achieve an extensive system of off-street and on-street trails and pedestrian/bicycle connections, a key element of the PPCP. Trail

dedication shall be accompanied by a “shadow plat” or connectivity map to indicate how the trail proposed within the development would connect to off-site trails, trailheads and activity areas when the trail extended outside the development boundary. Trails shall be publicly accessible to all residents, including those with disabilities, and adhere to ADA (Americans with Disabilities Act) guidelines where applicable. Easements for public access shall be required. Density Transfers within the Natural Resources Overlay District are already permitted and codified in OCMC 17.49.240.

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: The proposal is consistent with these goals, policies and strategies. The proposed code amendments do not change the Comprehensive Plan Land Use classifications or their corresponding zoning districts.

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 4.3 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed use vision for the PPCP. Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. NC uses include commercial, residential, and parks. Additionally, there is a prohibition on ground floor residential use which ensures that residential uses cannot be the predominant building type in the NC area.

The uses envisioned to make up the Livesay Main Street, small scale commercial businesses, a civic building, and a park or Village Green, in the North Village are permitted uses in Neighborhood Commercial. The South Village also envisioned a small Neighborhood Commercial node with a park.

Main street design standards are codified in 17.62.055 as described in the original Park Place land use implementation appendix. Including store front windows, street-level entrances, streetscape elements such as weather protection and street trees, and restrictions on mid-block driveways to ensure an attractive, walkable environment.

Proposed Code Revisions to 17.24.060 Neighborhood Commercial include additional standards for the Park Place Concept Plan area. Residential uses will be limited to upper floors and not allowed on ground floors when abutting Livesay Road. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create an urban design aesthetic that supports a main street type development. Revised standards include locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Also, proposed requirements to chamfer or to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings are included. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

OC2040 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 1.4 Ensure transportation investments are equitably applied across Oregon City neighborhoods.

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.

Finding: The proposal is consistent with these goals, policies and strategies. Please refer to the transportation findings on page 6 for further background. This proposal makes no changes to the proposed street network envisioned in the PPCP or to the connectivity requirements of the adopted Transportation System Plan or Street Standards in OCMC 16.12 – *Minimum Public Improvements and Design Standards for Development*. Please refer to the transportation findings on page 6 for further explanation. The Planning Commission does recommend that the Holly Lane and Swan Avenue connections, projects D48, D49, and D50, be reprioritized from long-term to short-term in the next TSP update. Additionally, the proposed amendments do not change zoning or comprehensive plan designations. Traffic impacts as a result of zone changes are analyzed when there is a proposal for a zone change and in the case of the Park Place Concept Plan area this analysis will take place when land is proposed for annexation and zoning assignments. No development is proposed with this legislative

amendment however traffic analysis will be required if a development application is submitted to the City. The proposed amendments are intended to clarify the code and create clear and objectives standards to review development proposals.

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.

STRATEGY 2.3.D Identify neighborhoods that are underserved by transportation and other infrastructure investments to ensure equitable future investments.

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.

Finding: The proposal is consistent with these goals, policies and strategies. See findings under OCMC 17.68.020.(B) and (C) earlier in this report relating to adequacy of public facilities and the transportation system beginning on page 5.

The development of the area envisioned in the Park Place Concept Plan area has already been included in updates to the city's Ancillary Documents to the Comprehensive Plan, including amendments to the various public facilities plans for water, sewer, storm drainage, transportation, schools, police and fire protection. The capacity of the respective public facilities and services to support the proposal is not affected by the proposed code amendments. The criterion requires that public utilities and services be either currently adequate, or will be constructed in advance of development, or will be constructed prior to an occupancy permit for any development within the concept plan area. The current updated Parks Master Plan also folds in anticipated needs for parks and recreation, which is slated for legislative adoption in 2024. The city is limited by the U.S Constitution to only exact public improvements that are roughly proportional to the impacts of proposed development. Additional findings for adequacy of public facilities and services is also discussed in the findings for Statewide Planning Goal 11 since 2008.

The land uses authorized by the proposal are consistent with the existing or planned function, capacity and level of service of the transportation system serving the proposed zoning district.

The planned transportation system to serve the development envisioned in the Park Place Concept Plan was evaluated in 2008 when the concept plan was adopted and became an ancillary document to the Transportation System Plan. The Transportation System Plan (2013) also evaluated the concept plan and folded in the major transportation projects into that plan. No new uses are being proposed with these proposed code amendments. The zones do not change and the underlying comprehensive planning designations do not change either. No development is proposed with this legislative amendment to create clear and objective standards. There are also no proposed changes to the 2013 Transportation System Plan.

For these reasons no additional impacts to transportation are anticipated as a result of these proposed amendments.

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

POLICY 4.2 Continue to implement green, sustainable, and low-impact approaches to stormwater management.

STRATEGY 4.4.A Promote mixed-use development, increased densities near activity centers, and home-based occupations (where appropriate).

STRATEGY 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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments are intended to implement the mixed-use vision for the PPCP. Neighborhood Commercial zoning is codified through 17.24 and the comprehensive plan has identified two areas of Mixed-Use Corridor in the Concept Plan where NC will be applied when annexed to the City. The proposed amendments include clearer design standards for new buildings in the NC zone and additional protections for the zone's commercial nature by limiting the size of storm ponds and park land within the zone district.

OC2040 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.

Finding: The proposal is consistent with these goals, policies and strategies. The PPCP calls for the provision of 8-10 acre community park in the North Village area and a 3-5 acre neighborhood park in the South Village area that would be connected by extensive system of off-street and on-street trails and pedestrian/bicycle connections. Revisions are proposed to OCMC 17.62.059 to add a new section of code with proportional dedication standards and allowance for fee-in-lieu of dedication of public park and trail requirements in Park Place Concept Plan area. Similar revisions are proposed for OCMC 16.08.040 that would require dedication at time of a land division.

As with the discussion of critical road infrastructure discussed above, the City is constrained in its ability to exact park land dedication and improvements to that which is roughly proportional to the impact of development. To deal with these limitations, city staff is proposing a formula for residential development. OCMC 17.62.059 requires the dedication of park land or an in-lieu fee that is based on a proportional formula based on number of individuals in each dwelling multiplied by the number of dwelling units at four acres per 1000 people. Under this approach, every new housing unit will contribute its fair share for the park. If future development is so piecemeal that it precludes dedication of the minimum PPCP required parkland, the City will have to be prepared to buy whatever remaining pieces are necessary using the funds collected in-lieu fees, either through negotiation or eminent domain, if necessary.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The Park Place Concept Plan (PPCP) identifies a substantial, interconnected network of trails corresponding to the open space system, and in some cases parallel to road corridors. Proposed trail locations are

consistent with the City's adopted Trails Master Plan and other local and regional plans, help connect activity centers, and provide alternatives to travel by automobile. The proposed code amendments for trails is intended:

- To achieve an extensive system of off-street and on-street trails and pedestrian/bicycle connections, a key element of the PPCP.
- To provide standards for the applicability, design, location, connectivity, access, maintenance, dedication, enforcement and integration of trails for residential and non-residential development within the PPCP.
- To assure that trail dedication requirements are roughly proportional to the impact of the proposed development on the trail system.
- To promote pedestrian connectivity, enhance recreational opportunities and enhance environmental stewardship within the PPCP.
- To integrate trail planning with other adopted goals, policies and plans, including the Oregon City Parks and Recreation Master Plan (2008), the Oregon City Trails Master Plan (2004), the Oregon City Transportation System Plan (2013), and the OC2040 Comprehensive Plan (2022).

OC2040 GOAL 2 Conserve, protect, and enhance the function, health, and diversity of the City's natural resources and ecosystems.

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 2.4 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 2.7 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.

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.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments do not make any changes to the Natural Resources Overlay District code. The PPCP envisioned green edges as areas consisting of sensitive habitat and drainage areas that frame pockets of development. The PPCP states that this open space “can be realized through local regulation, sensitive development practices, and through public acquisition. From Chapter 4 of the Concept Plan, a policy identified conserving and protecting natural areas, including environmentally constrained areas unsuitable for development.” The PPCP identifies areas with slopes of 25% or more as open space that will remain undeveloped. P56

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

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

Chapter 13 of the OCMC addresses public utilities and services including water, sewer, and stormwater. These chapters are applicable during site plan and design review but are not listed as applicable chapters to address during general development or detailed development land use review. Updates to

Chapter 17.65.050 and 17.65.060 are needed to include references to these chapters and specifically chapter 13.12 Stormwater management.

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

Stormwater is addressed in section 13.12.020 of the OCMC:

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

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

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

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

Level 3- Offsite or Regional Facilities

Level 4- Fee in Lieu

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

The proposed code amendments do not make any changes to the adopted tree regulations in OCMC 17.41.

Together with the existing code chapters for public and street trees in Chapter 12.08, heritage tree designation process in Chapter 12.32, stormwater regulations in Chapter 13.12, and NROD regulations in Chapter 17.49, the proposal remains consistent with the aforementioned goals, policies and strategies.

OC2040 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 3.2 Restrict development in unsafe areas and where development would increase hazard impacts, such as steep slopes, landslides, wetlands, streams, and floodplains.

Finding: The proposal is consistent with these goals, policies and strategies. The proposed code amendments do not make any changes to the Natural Resources Overlay District code. Geohazard areas are an identified Goal 7 resource under the state land use system. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City's existing Geological Hazards Overlay District (OCMC 17.44) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

In the Geologic Hazard Overlay District, the development of middle housing at densities that exceed the maximum density allowed for detached single-unit dwellings would increase the number of people exposed to a hazard. For that reason, development of middle housing in the Geologic Hazard Overlay District will be subject to regulations limiting density where there are slopes between 25-35% or located within historic landslide areas to two dwelling units per acre, whether that be two single-family detached dwellings, one duplex, or any other residential development type permitted in the underlying zoning district. This standard will permit residential development without increasing the number of people exposed to landslide hazards, thereby limiting loss of life and damage to property from natural hazards through the regulation of development in these areas.

The Geological Hazard Overlay District (OCMC 17.44) is intended to ensure that activities in geologic hazard areas are designed based on detailed knowledge of site conditions in order to reduce risk of private and public losses. It is intended to establish standards and requirements for the use of lands within geologic hazard areas and to provide safeguards to prevent undue hazards to property, the environment, and public health, welfare, and safety in connection with use of lands within geologic hazard areas. Finally, the Geologic Hazards Overlay District is intended to mitigate risk associated with geologic hazard areas, not to act as a guarantee that the hazard risk will be eliminated, nor as a guarantee that there is a higher hazard risk at any location. Unless otherwise provided the regulations of OCMC 17.44 are in addition to generally applicable standards provided elsewhere in the Oregon City Municipal Code. The City has a responsibility to balance the safety of residents and property while still allowing private property owners to exercise their rights as landowners.

Alley Requirements in the Park Place Concept Plan

Revisions to OCMC 16.12.026 – Alleys are currently required in the PPCP area however proposed code will create a new, clear and objective standard to offer a modification of the alley requirements within

the Natural Resources Overlay District and within the Geologic Hazard Overlay district. Alleys are a requirement within the Park Place Concept Plan area, however, public alley access may not be feasible nor practicable in these areas due to the additional grading, cut and fill and impervious surfaces that alleys require and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts. Not requiring alleys in these sensitive areas will reduce the amount of grading and impervious surface required.

A third modification has been added to exclude development abutting the PPCP boundaries from the alley service requirement, since including an alley at the rear of these abutting lots will defeat the purpose of the green buffer concept, as well as the requirement for blocks with two tiers of lots of consistent depths per OCMC 16.12.030.

Through a Type II process, an applicant may request modification of this public improvement standard as part of a land division or other land use application.

III.C. OREGON STATEWIDE PLANNING GOALS

Statewide Planning Goal 1 – Citizen Involvement:

This goal outlines the citizen involvement requirement for adoption of Comprehensive Plans and changes to the Comprehensive Plan and implementing documents.

Finding: Requirements under Goal 1 are met by adherence to the applicable goals and policies of Section 1 of the OC 2040 Oregon City Comprehensive Plan and the citizen involvement processes required by the Oregon City Municipal Code, Chapter 17.50 – Administration and Procedures.

The amendments are subject to the Type IV legislative process, which requires public notification and public hearings before the Planning Commission and City Council. This process has been established by the City and determined to be consistent with the City's acknowledged Citizen Involvement Program and Statewide Planning Goal 1. The public hearing notice of the action and decision, and the hearings on this case before the Planning Commission and City Council are all recognized as opportunities for citizen participation. Additionally, a Measure 56 notice required by ORS 227.186 was mailed to affected property owners. Goal 1 is met.

Statewide Planning Goal 2 – Land Use Planning:

This goal requires a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Finding: This goal outlines the land use planning process and policy framework, and is implemented through the applicable Goals and Policies in Chapter 2 of the Oregon City Comprehensive Plan: Diverse Economy . The Oregon City Comprehensive Plan and Oregon City Municipal Code have been acknowledged by DLCD as being consistent with the statewide planning goals. The City has followed the land use planning process and policy framework established in the City's acknowledged comprehensive plan elements and Oregon City Municipal Code as a basis for all decision and actions related to the use of land and to assure an adequate factual basis for such decisions and actions.

The amendments will be adopted by the City Commission after a public hearing. Multiple opportunities have been provided for review and comment by citizens and affected governmental units during the preparation of this ordinance.

Statewide Planning Goals 3 & 4: Agricultural Lands and Forest Lands

Finding: These statewide planning goals relate to agricultural and forest lands in Oregon and are not applicable to these amendments. These amendments pertain to lands within City limits that is zoned for urban development. By definition, Oregon City does not have rural resource lands such as for agricultural or forest use within its city limits or UGB, and therefore, those goals are not applicable.

Statewide Planning Goal 5 – Natural Resources, Scenic and Historic Areas

Finding: The City is currently in compliance with the Statewide Planning Goal 5. The amendments do not alter the City’s acknowledged Goal 5 inventories or land use programs. No changes will occur directly to current natural resource or historic protections (OCMC 17.49, Natural Resource Overlay District, and OCMC 17.40, Historic Overlay District) because of these amendments; therefore, the amendments are in compliance with Goal 5. In areas subject to the Historic Overlay District, housing types permitted in the underlying zoning districts will be permitted consistent with OAR 660-046-0010(3)(B) and will require review and compliance with Historic Overlay District provisions.

Statewide Planning Goal 6: Air, Water, and Land Resources Quality

Finding: Pursuant to OAR 660-015-0000(6), a Medium or Large City may limit development within an urban growth boundary to support attainment of federal and state air, water, and land quality requirements. Medium and Large Cities may apply regulations adopted pursuant to Goal 6 to the development of Middle Housing. The City is currently in compliance with Statewide Planning Goal 6. The amendments do not alter the City’s acknowledged land use programs regarding water quality and flood management protections. As a result, the updates comply with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards

Finding: The City is currently in compliance with Goal 7 for geologic hazard areas by maintaining current development limitations and review requirements. Per OAR 660-046-0010(3)(c), cities may apply protective measures within Goal 7 areas including, but not limited to, restrictions on use, density, and occupancy by limiting middle housing types, in order to reduce risk to people and property from natural hazards.

The City’s existing Geological Hazards Overlay District (OCMC 17.44) generally limits residential development to two dwelling units per acre and individual residential uses are limited by maximum grading and disturbance volumes.

The amendments do not alter the City's acknowledged land use programs regarding potential landslide areas (OCMC 17.44 – US-Geologic Hazards) and flood protection (OCMC 17.42 – Flood Management Overlay District).

Statewide Planning Goal 8 – Recreational Needs

Finding: The provision of recreation services within Oregon City is the responsibility of the Oregon City Parks and Recreation Department. The code amendments proposed include clear and objective parks and trail dedication requirements for the Park Place Concept Plan which will promote recreational use by the future residents of the area.

Statewide Planning Goal 9: Economic Development

Finding: This goal is applicable as the Park Place Concept Plan envisions walkable mixed use development and small scale commercial uses within both the North and South Village concepts. Code revisions are proposed in order to achieve good design and preserve the NC – Neighborhood Commercial zoned areas that will eventually serve adjacent residential development with goods and services closer to their homes.

Statewide Planning Goal 10: Housing

To provide for the housing needs of citizens of the state.

Finding: The proposed code amendments are intended to promote housing diversity within the Park Place Concept Plan area boundary through clear and objective approval standards. The Housing Choices code updates that Oregon City adopted to implement HB2001 in 2022⁴ remain in effect and are not changed by this proposal. The amendments do not change existing allowable housing types already permitted in the low and medium density zone districts. Previous code amendments, driven by HB 2001, provides Oregon City with more housing choices, especially those that are attainably priced. The “middle housing” addressed by HB 2001 includes duplexes, triplexes, quadplexes, townhouses and cottage clusters. These housing types meet the housing needs of many younger people, older people, and low-income households that cannot afford or do not need a large single-family detached house. Many of these housing types were historically permitted and built throughout the state prior to World War II, and can still be found in many older neighborhoods. HB 2001 re-legalized these housing types, which had not been built in many cities for over 70 years due in part to restrictive zoning codes.

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

⁴ Ord. 22-1001, <https://ormswd.synergycds.com/HPRMWebDrawer/Record/9274921>

compatibility; ensure diversity of housing types and promote an integrated character in the Park Place Concept Plan Area.

The middle housing code updates provide opportunities to expand upon the range of development types across more of the city while continuing to permit (or maintaining) the existing residential housing stock. A density bonus for Affordable Housing is already adopted in the R-3.5 Medium Density Zone District.

New minimum housing diversity standard

Amendments to OCMC Chapter 17.21 – *Housing Standards – Park Place Concept Plan Area* strike a balance between regulation and the housing market by requiring up to 25% of new lots be for middle housing units, based on the net developable acreage of the proposed development. Additionally, the required middle housing units are required to be “clustered” in groups of no more than three abutting lots, so as to promote a better distribution and mix of dwelling unit types throughout the development and reduce overly-uniform housing design.

Oregon City adopted a Housing Needs Analysis in December 2021 ORD20-1014 which included the Park Place Concept Plan in the buildable land inventory, expected population growth, and the forecast for new dwelling units. The proposed amendments do not change these assumptions, and the clear and objective criteria proposed will be applied to new residential development in the Park Place Concept Plan area, helping to achieve the goals set in the Housing Needs Analysis.

Statewide Planning Goal 11: Public Facilities and Services

To plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: Goal 11 requires the City to plan and develop a timely, orderly, and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Pursuant to OAR 660-011-0020(2), a public facility plan must identify significant public facility projects which are to support the land uses designated in the acknowledged comprehensive plan.

Oregon City’s wastewater collection and treatment, water distribution, and stormwater management facilities and services are governed by the following ancillary documents:

- City of Oregon City Sanitary Sewer Master Plan (2014)
- City of Oregon City Stormwater Master Plan (2020)
- City of Oregon City Water Master Plan (2021)

The above documents, together with Oregon City’s Transportation System Plan from 2013 (TSP), are the City’s acknowledged public facilities and transportation system plans that inform infrastructure investments (i.e., water, stormwater, wastewater, transportation, and electricity) in Oregon City. The TSP is addressed under the Goal 12 findings below. No changes to the Public Facilities Service Plans are proposed in conjunction with the code update project.

Statewide Planning Goal 12: Transportation

To provide and encourage a safe, convenient, and economic transportation system.

Finding: See findings under page 5. As far as land use impacts on the transportation system, this code amendment proposal does not anticipate any major changes to allowable uses that were not already evaluated with the adoption of middle housing code in 2022. That analysis determined that the assumed increase in residential trips resulting from a middle housing shift is not expected to have a significant effect on the transportation system in Oregon City.

The findings of the 2013 TSP will not change because of the middle housing shift, including the established citywide circulation needs. New subdivisions will continue to be analyzed as part of development review to establish localized needs (e.g., safe access, connectivity).

Statewide Planning Goal 13: Energy Conservation

Land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based on sound economic principles.

Finding: Goal 13 regarding energy conservation is not applicable because the City's acknowledged regulations implementing Goal 13 remain unaffected by the proposed amendments.

Statewide Planning Goal 14: Urbanization

To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: Goal 14 requires cities to estimate future growth rates and patterns, and to incorporate, plan, and zone enough land to meet the projected demands. The amendments do not repeal, replace, or void existing code provisions regarding annexation. Therefore, the code amendments are consistent with Goal 14.

Statewide Planning Goal 15: Willamette River Greenway

To protect, conserve, enhance and maintain the natural, scenic, historical, agricultural, economic and recreational qualities of lands along the Willamette River as the Willamette River Greenway.

Finding: Statewide Planning Goal 15 requires cities to adopt local greenway plans, along with criteria for new development, new uses, and the increase of use along the river. Section 15 – Willamette River Greenway of the Oregon City Comprehensive Plan establishes goals and policies that provide a basis for an overlay zone in Title 17 of the City of Oregon City Municipal Code, namely OCMC 17.48 – WRG Willamette River Greenway Overlay District. The proposed code amendments do not change any regulations within Chapter 17.48 and none of the Park Place concept Plan area is within the Willamette River Greenway Overlay District.

Statewide Planning Goals: 16 Estuarine Resources; 17 Coastal Shorelands; 18 Beaches and Dunes; 19 Ocean Resources

Finding: Statewide planning Goals 16-19 relate to coastal lands in Oregon, which are not applicable within the planning jurisdiction of the City of Oregon City and are not applicable to the amendments.

IV. STAFF RECOMMENDATION:

Based on the findings identified above, the proposal to amend Titles 16 and 17 of the Oregon City Municipal Code to implement clear and objective standards for the Park Place Concept Plan is consistent with the Oregon City Comprehensive Plan and State Land Use Goals and applicable Oregon Administrative Rules.

The Community Development Director therefore recommends approval of Planning file LEG 24-01.

V. EXHIBITS AND REFERENCED PLANS

- a. Draft Redlines with Explanation Boxes
 - Chapter 16.08 – Land Division Process and Standards –
 - Additional Public Park, Trail and Open Space Requirements in the Park Place Concept Plan Area
 - Chapter 16.12.026 – Street Standards – Alleys
 - Chapter 17.04 – New Definitions
 - Chapter 17.08 – Low Density Residential Districts
 - Chapter 17.10 – Medium Density Residential Districts
 - Chapter 17.21 – Residential Design Standards – Park Place Concept Plan Area
 - Chapter 17.24 – Neighborhood Commercial District
 - Chapter 17.62 – Site Plan and Design Review –
 - Additional Public Park, Trail and Open Space Requirements in the Park Place Concept Plan Area
 - Chapter 17.65- Master Plans and Planned Unit Developments
- b. Public Comment Summary Matrix
- c. Public Comments submitted to date
- d. 2024 Parks Master Plan (On File)
- e. 2004 Trails Master Plan (On File)
- f. 2008 Parks and Recreation Master Plan (On File)
- g. 2008 Park Place Concept Plan (On File)
- h. Oregon City Transportation System 2013 (On File)
- i. Memorandum, “Park Place Concept Plan Key Elements Integrating Clear and Objective Standards into Oregon City Municipal Code, May 7th, 2024; Updated June 24, 2024 with PC revisions (On File)
- j. Full Records of Planning Commission Meetings - May 2024 to August 2024 (On File)
 - May 13
 - June 10
 - June 24
 - July 8
 - July 22
 - August 5
 - August 12
- k. Record for City Commission Worksession on August 13, 2024 (On File)
- l. Oregon City Housing Needs Analysis - December 2021, Ord. 20-1014 (On File)

New Zoning Code Definitions

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

New Definitions

17.04.091 - Architecturally significant façade

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

17.04.124 - Awning

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

17.04.175 - Canopy

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

17.04.271 - Cupola

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

17.04.287 – Dedication

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

17.04.317 - Distribution

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

17.04.345 - Eco-roof.

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

17.04.503 - Gazebo

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

17.04.537 - Green roof.

See “Eco-roof” as defined in OCMC 17.04.345.

17.04.609 - Kennel

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

or;

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

17.04.742.010 - Massing, architectural

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

17.04.742.020 – Massing, primary

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

17.04.742.030 - Secondary massing

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

17.04.912 – Pergola

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

17.04.967 - Plaza

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

17.04.941 - Portico

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

17.04.952 - Primary entrance

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

17.04.1063.010 – Roof

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

17.04.1063.020 - Roof, flat

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

17.04.1063.030 – Roof, gable

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

17.04.1063.040 - Roof, gambrel

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

17.04.1063.050 - Roof, hipped

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

17.04.1063.060 - Roof, mansard

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

17.04.1063.070 – Roof, pitch

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

17.04.1063.080 - Roof, primary

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

17.04. 1063.080 - Roof, secondary

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

17.04.1063.090 – Roof, shed

“Shed roof” means a roof having with a single sloping plane and no hips, ridges or valleys. (Planning Commission recommended adding a definition for a shed roof to distinguish from a flat roof)

17.04.1161 - Special Event Permit

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

17.04.1473 - Warehouse

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

17.04.1497 – Wholesale, wholesaler

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

Renumbered Definitions

~~17.04.175~~ 17.04.173 - Camouflage.

~~17.04.742~~ 17.04.741.100 - Medical marijuana dispensary.

16.12.026 Same—Alleys.

Alleys with public access easements on private property shall be provided in the Park Place and South End concept plan areas for the following districts R-5, R-3.5, R-2, MUC-1, MUC-2 and NC zones unless other permanent provisions for private access to off-street parking and loading facilities are approved by the decision maker.

Pursuant to OCMC 16.12.0313, an applicant may request modification of the alley requirement in one or more of the following situations:

1. New residential development located wholly or partially within the Natural Resources Overlay District (NROD) regulated by OCMC 17.49 where the requested modification will minimize disturbance to sensitive natural resources protected by the NROD.
2. New residential development wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44 where the requested modification will minimize disturbance to steeply sloped or unstable sites within the Geologic Hazards Overlay District.
3. New residential development within the Park Place Concept Plan perimeter transition area required per OCMC 17.08.055(C) and OCMC 17.10.080.(C) and the requested modification is necessary to allow the perimeter transition.
4. Where the alley requirement would preclude ~~or a~~ block layout with two tiers of lots with consistent lot depths per OCMC 16.12.030.

All alleys intended to provide access for emergency vehicles shall be a minimum width of twenty feet. The corners of alley intersections shall have a radius of not less than ten feet and shall conform to standards approved by the city engineer. Access easements and maintenance agreements shall be recorded on affected properties.

Explanation:

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

Public alley access may not be feasible nor practicable in these areas due to the additional grading, cut and fill and impervious surfaces that alleys require and the need to minimize disturbance to sensitive natural resources and steeply sloped or unstable sites within these overlay districts.

A third modification has been added to exclude development abutting the PPCP boundaries from the alley service requirement, since including an alley at the rear of these abutting lots will defeat the purpose of the green buffer concept, as well as the requirement for blocks with two tiers of lots of consistent depths per OCMC 16.12.030.

Through a Type II process, an applicant may request modification of this public improvement standard as part of a land division or other land use application.

PPCP Key Element:

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

Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

17.08.010 Designated.

The R-10, R-8 and R-6 residential districts are designed for low density residential development.

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.

17.08.025 Conditional uses.

The following uses are permitted in the R-10, R-8 and R-6 districts when authorized by and in accordance with the standards contained in OCMC 17.56:

- A. Golf courses, except miniature golf courses, driving ranges or similar commercial enterprises;
- B. Bed and breakfast inns/boarding houses;
- C. Cemeteries, crematories, mausoleums and columbariums;
- D. Child care centers and nursery schools;
- E. Emergency service facilities (police and fire), excluding correctional facilities;
- F. Residential care facilities;
- G. Private and/or public educational or training facilities;

- H. Public utilities, including sub-stations (such as buildings, plants and other structures);
- I. Religious institutions;
- J. Assisted living facilities; nursing homes and group homes for over fifteen patients.

17.08.030 Reserved.

Editor's note(s)—Ord. No. 22-1001, § 1(Exh. A), adopted June 1, 2022, repealed § 17.08.030, which pertained to master plans and derived from Ord. No. 18-1009, adopted July 3, 2019.

17.08.035 Prohibited uses.

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

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

17.08.040 Dimensional standards.

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

Table 17.08.040

Standard	R-10	R-8	R-6
Minimum lot size ¹			
Single-family detached, duplex and triplex	10,000 square feet	8,000 square feet	6,000 square feet
Quadplex and cottage cluster	10,000 square feet	8,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet	25 feet
Maximum building lot coverage, <u>except</u>	40%,	40%,	40%,
With ADU	except 45%	except 45%	except 45%
Cottage cluster	None	None	None
Minimum lot width: All	65 feet	60 feet	50 feet
Except townhouse	20 feet	20 feet	20 feet
Minimum lot depth: All	80 feet	75 feet	70 feet
Except townhouse	75 feet	75 feet	70 feet

Minimum front yard setback: All, except	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	10 feet, except 5 feet — Porch
Except cottage <u>Cottage cluster</u>	10 feet	10 feet	10 feet
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
Minimum interior side yard setback: All, except	8 feet	7 feet	5 feet
Except townhouse <u>Townhouse</u>	0 feet (attached)/8 feet (side)	0 feet (attached)/7 feet (side)	0 feet (attached)/5 feet (side)
Minimum corner side yard setback	10 feet	10 feet	10 feet
Minimum rear yard setback <u>for principal dwelling, except</u>	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster	20 feet, except 15 feet — Porch 10 feet — ADU, cottage cluster
<u>Porch</u>	<u>15 feet</u>	<u>15 feet</u>	<u>15 feet</u>
<u>ADU</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, except	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley	20 feet from ROW, except 5 feet Alley
<u>From alley</u>	<u>5 feet</u>	<u>5 feet</u>	<u>5 feet</u>
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>	<u>40 feet</u>

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.

Explanation:

The proposed addition to Table 17.08.040 includes the new setback requirement between existing dwelling units outside of the Park Place Concept Plan boundary and new dwelling units within the plan area. The intent of this revision is for additional clarity by including the setback that is discussed under the section 17.10.080.C.(3) to the table in addition to the written text.

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

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

PPCP Key Element:

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

17.08.045 Exceptions to setbacks.

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

Explanation:

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

PPCP Key Element:

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

17.08.050 Density standards.

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

Table 17.08.050

Standard	R-10	R-8	R-6
Minimum net density: All	3.5 du/acre	4.4 du/acre	5.8 du/acre
Except cottage clusters	4 du/acre	4.4 du/acre	5.8 du/acre
Maximum net density: All	4.4 du/acre	5.4 du/acre	7.3 du/acre
Except townhouses	17.4 du/acre	21.6 du/acre	25 du/acre

- B. Exceptions.
- Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.
 - Duplexes, triplexes and quadplexes shall count as a single dwelling unit for the purposes of calculating maximum net density. Total dwelling units within a development may count for the purposes of calculating minimum net density.

3. Cottage clusters are exempt from maximum net density standards.

17.08.055 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the Low Density Residential District within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-10 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size, width, and depth shall meet the minimum dimensions of the abutting residential district. For example, a lot inside the Park Place Concept Plan Area which abuts a lot outside of the concept plan area that is zoned R-6 shall meet the minimum dimensions of the R-6 zone even when the lot inside the Concept Plan Area has a different zoned designation. ~~for residential uses shall be a minimum of ten thousand square feet for single family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be ten thousand square feet for quadplexes and cottage clusters.~~
 3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.

Explanation:

Previously this section had the following sentence: “the minimum lot sizes specified herein shall not be eligible for variance or adjustment”.

The Planning Commission supported allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

- 5. A mix of housing types and ranges of affordability.*
- 10. The use of green edges to define neighborhoods and buffer developments.*

4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
 - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or

- b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
- c. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.
- 6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Explanation:

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

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

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

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

Item 3 above was added to reflect the Planning Commission’s support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

- 5. A mix of housing types and ranges of affordability.*
- 10. The use of green edges to define neighborhoods and buffer developments.*

Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

17.10.010 Designated.

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

17.10.020 Permitted uses.

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

- A. Single-family detached residential units;
- B. Accessory uses, buildings and dwellings;
- C. Duplexes;
- D. Triplexes;
- E. Quadplexes;
- F. Townhouses;
- G. Cottage clusters;
- H. Manufactured home parks or subdivisions in the R-3.5 district only;
- ~~I. Multi-family residential in the R-3.5 district only, subject to the applicable standards in Site Plan and Design Review in Chapter 17.62.~~
- I. Residential homes;
- J. Parks, playgrounds, playfields and community or neighborhood centers;
- K. Home occupations;
- L. Family day care providers;
- M. 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);
- N. 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;
- O. Transportation facilities.

Explanation:

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

PPCP Key Element:

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

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

17.10.025 Conditional uses.

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

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

17.10.030 Master plans.

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

- A. Multi-family residential.

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

Explanation:

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

PPCP Key Element:

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

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

17.10.035 Prohibited uses.

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

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

17.10.040 Dimensional standards.

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

Table 17.10.040

Standard	R-5	R-3.5
Minimum lot size ¹		
Single-family detached and duplex	5,000 square feet	3,500 square feet
Triplex	5,000 square feet	5,000 square feet
Quadplex and cottage cluster	7,000 square feet	7,000 square feet
Townhouse	1,500 square feet	1,500 square feet
Maximum height: All	35 feet	35 feet
Except cottage cluster unit	25 feet	25 feet
Maximum building lot coverage		
Single-family detached and duplex	50%	55%
With ADU	60%	65%
Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All, except	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet

Minimum front yard setback <u>All,</u> <u>except</u>	10 feet, except	5 feet, except
<u>Porch</u>	5 feet —Porch	0 feet —Porch
Minimum interior side yard setback: <u>All, except</u>	5 feet, except	5 feet, except
<u>All, except</u>	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)
Townhouse	<u>0 feet (attached)/5 feet (side)</u>	<u>0 feet (attached)/5 feet (side)</u>
Minimum corner side yard setback	7 feet	7 feet
Minimum rear yard setback, <u>except</u>	20 feet, except	20 feet, except
<u>Porch</u>	15 feet —Porch	15 feet —Porch
<u>ADU</u>	10 feet —ADU, cottage cluster	10 feet—Cottage cluster 5 feet —ADU
<u>Cottage cluster</u>	<u>10 feet</u>	<u>10 feet</u>
Garage setbacks, <u>except</u>	20 feet from ROW, except	20 feet from ROW, except
<u>From alley</u>	5 feet from alley	5 feet from alley
<u>Minimum separation from between existing dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit</u>	<u>40 feet</u>	<u>40 feet</u>

Notes:

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

Explanation:

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

On 7.8.2024 the Planning Commission suggested further edits to the table for ease of readability for rear yard setbacks for porch, ADU and cottage clusters which are included in this version.

PPCP Key Concept:

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

17.10.045 Exceptions to setbacks.

- A. Projections from buildings. Ordinary building projections such as cornices, eaves, overhangs, canopies, sunshades, gutters, chimneys, flues, sills or similar architectural features may project into the required yards up to twenty-four inches.

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

Explanation:

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

PPCP Key Element:

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

17.10.050 Density standards.

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

Table 17.10.050

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

Explanation:

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

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

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

PPCP Key Element Implemented:

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

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

- B. Exceptions.

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

Explanation:

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

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

PPCP Key Element:

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

17.10.060 Conversion of existing duplexes.

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

17.10.070 Additional standards for Thimble Creek Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Thimble Creek Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Southern Perimeter Transition. Along the southern boundary of the Thimble Creek Concept Plan area between Beaver Creek Road and the eastern-most point of Tax Lot 00316, located on Clackamas County Map #32E15A, additional standards apply to create a perimeter transition.
 1. Where any portion of a lot is within twenty feet of the southern boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.

2. Where any portion of a lot is within twenty feet of the southern boundary, the minimum lot size for residential uses shall be six thousand square feet for single-family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.
3. Where any portion of a lot is within twenty feet of the southern boundary, all primary structures shall be set back a minimum of forty feet from the southern boundary.
4. Within the forty-foot wide setback from the southern boundary, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the two standards:
 - a. Utilize existing vegetation in compliance with OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on the residential lots or an abutting tract created for tree preservation consistent with OCMC 17.41.050.B or other similar landscaping or open space purpose.
 - b. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet along the southern property line, whichever is greater; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall running parallel to the southern boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing with slats shall not be allowed to satisfy this standard.
5. An alternative southern perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Thimble Creek Concept Plan.

17.10.080 Additional standards for the Park Place Concept Plan Area.

- A. Applicability. This section applies to all development in the R-5 district within the Park Place Concept Plan Area.
- B. Relationship of Standards. These standards apply in addition to and supersede the standards of the R-5 zone within the Park Place Concept Plan Area. In the event of a conflict, the standards of this section control.
- C. Perimeter Transition. Along the boundary of the Park Place Concept Plan area where new development is proposed abutting existing residential development the following additional standards shall apply to create a perimeter transition.
 1. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 2. Where any portion of a lot abuts existing residential development outside of the concept plan area boundary, the minimum lot size width, and depth shall meet the minimum dimensions of the abutting residential district. For example, a lot inside the Park Place Concept Plan Area which abuts a lot outside of the concept plan area that is zoned R-6 shall meet the minimum dimensions of the R-6 zone even when the lot inside the Concept Plan Area has a different zoned designation. ~~for residential uses shall be a minimum of five thousand square feet for single family detached dwellings, duplexes and triplexes. Minimum lot size shall be one thousand five hundred square feet for townhouses. Minimum lot size shall be seven thousand square feet for quadplexes and cottage clusters.~~
 3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes specified herein through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.

4. Where any portion of a proposed lot abuts existing residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing dwelling units outside the plan boundary.
5. Within the forty-foot setback required in (3) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping and screening shall meet one of the following standards:
 - a. Utilize existing trees in compliance with the OCMC 17.41, resulting in preservation of a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the southern property line. These trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B; or
 - b. Preserving or planting native vegetation within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49, provided that there is a minimum of twelve inches total DBH per lot with trees spaced an average of one tree for every thirty linear feet along the northern property line. These trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49; or
 - c. Provide a combination of new landscaping and screening to include:
 - i. A minimum of twelve inches of total DBH, or a minimum of an average of one tree with minimum caliper of two inches DBH for every thirty linear feet; and
 - ii. A minimum six-foot tall, decorative, sight-obscuring fence or wall parallel to the plan area boundary. The fence or wall shall be constructed of wood, stone, rock, or brick. Other durable materials may be substituted with the community development director's approval. Chain-link fencing shall not be allowed to satisfy this standard.
6. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Explanation:

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

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

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

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

Item 3 above was added to reflect the Planning Commission's support for allowing up to a twenty percent reduction in the minimum lot size specified within the transition area through a Type II minor variance process or through a Type III master plan adjustment, if applicable.

PPCP Key Elements:

5. *A mix of housing types and ranges of affordability.*
10. *The use of green edges to define neighborhoods and buffer developments.*

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010 Purpose.

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

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

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

Explanation:

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

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

PPCP Key Element:

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

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



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

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

Explanation:

PPCP Key Element:

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

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

17.21.020- Applicability.

- A. These standards apply to all new residential construction within the Medium and Low Density Residential Districts within the adopted boundaries of the Park Place Concept Plan area. Additions of more than 50% of the existing gross floor area for homes existing prior to the adoption of this chapter in the Park Place Concept Plan area are subject to this section.
- B. These standards are applicable in addition to the following residential design standards. In the event of conflicting standards, this Chapter shall control.
 - 1. Single-family detached and duplex residential units shall comply with the applicable standards in OCMC Chapter 17.14.
 - 2. Townhouses, triplexes, quadplexes, and cottage clusters in any zone shall comply with the applicable standards in OCMC Chapter 17.16.

3. Accessory dwelling units, live/work dwellings, and manufactured home parks shall comply with the applicable standards in OCMC Chapter 17.20.

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

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

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

Explanation:

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

PPCP Key Element:

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

17.21.025 Modifications that will better meet design standards.

A. Residential plans that conform to the following standards may be approved as a Type I Decision or with a building permit application. Residential plans that require approval of an exemption or modification may be approved as a Type II Land Use decision at time of land division, or through a Type II modification to prior to building permit application.

B. Modifications that will better meet design standards. An applicant may propose modified residential designs and housing mixes that differ from these standards through a Type II review process at the time of land division or building permit application. Modifications that are denied through Type II design review may be requested as a Planning Commission variance process pursuant to Chapter 17.60, or as a master plan adjustment pursuant to OCMC 17.65.070, if applicable.

1. Criteria for modification to the standards:

- i. The modification will result in a development that better meets the applicable design standard or housing diversity standard.
- ii. The modification or modifications are consistent with the purpose and intent of this Chapter as discussed in section 17.21.010 above.

Explanation:

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

PPCP Key Element:

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

17.21.030 - ~~Roof design.~~

- A. Primary roofs shall be pitched at a minimum ratio of five-twelfths, except for non-gabled dormers, covered porches, or secondary roofs and masses.
- ~~B. Flat roofs and shed roofs are not permitted except on accessory structures and for carports.~~
- ~~C. Other primary roof forms may be proposed through the Type II modification process per Section 17.21.025.~~
- ~~CB. Solar Access. Primary roof designs shall also comply with the solar access requirements of section 17.21.100-Solar Access Standards.~~

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

Explanation:

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

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

The proposed cross-referenced Solar Access section has been deleted based on the Planning Commission's decision to remove that entire section of code.

Some Planning Commissioners supported allowing alternative roof forms. Staff has added this as a possible modification subject to Type II review.

17.21.040 - ~~Modulation and m~~Massing.

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

- ~~A. A.~~ Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate roof-lines. Each secondary mass shall not have a footprint larger than six hundred square feet.
- ~~B. Porches, additions and attached garages with separate rooflines may also be used to satisfy the massing requirements above.~~

Explanation:

Removed discretionary language from the previous requirements. The Planning Commission supported allowing porches, additions and attached garages with separate rooflines to meet the massing requirement.

17.21.050 – Porches and entries.

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

Explanation:

Planning Commission supported removing the requirement for a 24" raised front porch and railings, citing unreasonable additional cost and to allow builder greater flexibility. The requirements for a minimum size of the porch and the requirement that it be covered remain. ~~P~~Planning commission supported deferring to the building code regarding whether porch railings are required but did not support requiring railings for aesthetic / architectural reasons only.

- ~~B. Exemption: Residence styles that do not contain a front porch or require a reduction in the size of the porch or its location may request an exemption from the community development director from subsection A above, if another type of pronounced entryway is provided. Pronounced entrances may include a rounded front door, canopy or other articulated entrances, columns, and/or other similar features provided they are compatible with the architectural style of the house. A reduced porch may be allowed if there is sufficient architectural or topographical reason to reduce the size of the porch.~~
- ~~B.~~ All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- ~~D.~~ Each residence shall have a separate delineated pedestrian connection from the front door of the unit to the sidewalk that is a minimum width of three feet. The pedestrian connection shall be separate from a driveway.

17.21.060 – Architectural details.

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

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

6. ~~F.~~ Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
7. ~~G.~~ Decorative shingle design covering ten percent of the facade.

17.21.070 Approved siding materials.

A. Approved siding materials include the following.

1. ~~A.~~ Brick.
2. ~~B.~~ Basalt stone or basalt veneer.
3. ~~C.~~ ~~Narrow horizontal~~ Horizontal plank, lap or tongue and groove siding, (wood or composite) siding (five inches wide or less); wider siding will be considered where there is a historic precedent.
4. ~~D.~~ Vertical panel Board and batten siding (wood or composite).
5. Shingle or shake siding and panels (wood or composite).

~~Both smooth or textured siding is acceptable but shall not be permitted together on the same building.~~

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

Explanation:

Removed discretionary language from the previous requirements. Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost.

Explanation:

~~Removed discretionary language from the previous requirements.~~ Planning Commission supported allowing more flexibility to use other exterior forms of siding and paneling, citing building cost and need for greater flexibility. Staff has added the three typical siding types (horizontal plank, vertical panel, and shingle / shake).
Removed discretionary language from the previous requirements.

17.21.080 - Windows.

- ~~A. All windows on all elevations must be recessed at least two inches from the facade and incorporate window trim at least four inches in width. All elevations must~~shall provide an average of one window every fifteen feet of linear elevation on each floor of each elevation. If shutters are used, they shall be half of the window opening each such that the entire window opening is covered when they are closed.
- ~~B. Exemption: An exemption may be granted by the community development director from the window standard of subsection A above if the proposed windows provide for some amount recess depth and the side elevation is consistent architecturally with the front elevation of the house in window prominence.~~
- ~~C. All subdivisions shall have at least seventy-five percent of the housing meet the standards under subsection A above.~~

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

Explanation:

Removed discretionary language from the previous requirements for windows.

17.21.090-17.21.090 – Garages Orientation and Accessory Structures.

- A. ~~A. Garages and carports are not a requirement, however, the orientation of these structures is subject to the following standards. Garages must shall be detached, side entry or rear entry. For side entry garages: The garage area shall not be located in front of the living area.~~
- B. Modification to Garage Orientation standard permitted for existing topographic or geologic conditions. Pursuant to OCMC 16.12.01333, an applicant may request modification of the alley requirement due to the presence of the following overlay districts if the decision maker determines that the requested modification would minimize disturbance to sensitive natural resources and steeply sloped or unstable sites in the following situations:
1. New residential development located wholly or partially within the Natural Resources Overlay District regulated by OCMC 17.49; and
 2. New residential development located wholly or partially within the Geologic Hazards Overlay District regulated by OCMC 17.44.44.
 3. Mitigation. Any modification that allows a front-loaded garage onto a public street shall comply with the applicable standards in OCMC 17.20.
 4. Front loaded garages are not permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street. Front loaded garages shall not be proposed when abutting a public street that abuts a public park.

Explanation:

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

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

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

PPCP Key Element:

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

17.21.095 - Accessory Structures

- A. Detached Accessory structures over 200 square feet in size shall be designed consistent with the primary residence as follows:
1. Exterior siding materials visible from the street shall match the principal exterior siding material and reveal on the principal dwelling.

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

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

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

Explanation:

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

17.21.100 – Solar Access Standards

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

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

1. Is oriented within 30 degrees of a true east-west direction;
2. Is not sloped towards true north; and
3. Includes a minimum of 100 square feet of un-shaded roof area per unit.

Explanation:

Planning Commission does not support adding a requirement for solar access and siting due to difficulty of administration and not wishing to limit homeowners' options for solar power equipment placement. Subsequently this proposed section is no longer included.

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

17.21.105 – Park Place Concept Plan Housing Diversity Standards

A. Purpose

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

B. Applicability of Standards:

1. These standards apply at the time of an application for a subdivision or partition.

2. The standards of this section shall not apply to:

a. Residential developments that have been approved with modifications per subsection 17.21.025.(B).

b. Any housing units proposed within the Neighborhood Commercial zone (NC).

C. Residential development parcels, including parcels part of a phased development, shall provide a minimum number of lots for Middle Housing, based on the size of the development as required in Table 17.21.105:

TABLE 17.21.105:

<u>Minimum Required Housing Diversity within the Park Place Concept Plan Area</u>	
<u>Net Developable Area*</u>	<u>Required Minimum % of Lots for Middle Housing**</u>
<u>0—12 Acres</u>	<u>1 housing type</u>
<u>1.12 to 10 Acres</u>	<u>15%</u>
<u>10.1 to 30 Acres</u>	<u>20%</u>
<u>30.1 Acres+</u>	<u>25%</u>

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

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

D. To achieve better distribution of housing types within a residential development, no more than three middle housing lots shall be permitted to abut one another. For purposes of this section, "abut" or "abutting" means lots share a common lot line for a minimum of ten feet. This standard is applicable only to the residential subdivision or partition that at the time of land use review.

E. The middle housing lots shall be identified on the preliminary plans and the final plat of the subdivision through a plat note.

F. Following recordation of a final plat that complies with this section, this standard shall be deemed to have been met. This standard does not preclude future additional middle housing units or middle housing land divisions within a residential subdivision or partition, even if those additional units or lots may not comply with D above.

Explanation:

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

PPCP Key Elements:

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

(NOTE – THE FOLLOWING IS NOT PROPOSED CODE LANGUAGE)

POSSIBLE ALTERNATIVE HOUSING DIVERSITY IDEAS:

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

Chapter 17.24 NC NEIGHBORHOOD COMMERCIAL DISTRICT

17.24.010 Designated.

The neighborhood commercial district is designed for small-scale commercial and mixed-uses designed to serve a convenience need for residents in the surrounding low-density neighborhood. Land uses consist of small and moderate sized retail, service, office, multi-family residential uses or similar. This district may be applied where it is appropriate to reduce reliance on the automobile for the provision of routine retail and service amenities, and to promote walking and bicycling within comfortable distances of adjacent residential infill neighborhoods, such as within the Park Place and South End Concept Plan areas. Approval of a site plan and design review application pursuant to OCMC 17.62 is required.

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1017, § 1(Exh. 1), 4-16-2014; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.24.020 Permitted uses—NC.

The following uses are permitted within the neighborhood commercial district:

A.—

A. The following uses are permitted, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;

1. Child care centers and/or nursery schools.
2. Health and fitness clubs.
3. Museums, libraries and cultural facilities.
4. Offices, including finance, insurance, real estate and government.
5. 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.
6. Postal services.
7. Repair shops, for radio and television, office equipment, bicycles, electronic equipment, shoes and small appliances and equipment.
8. Restaurants, eating and drinking establishments without a drive-through.
9. Services, including personal, professional, educational and financial services; laundry and dry-cleaning.
10. Retail trade, including grocery, hardware and gift shops, bakeries, delicatessens, florists, pharmacies, specialty stores.
11. Seasonal sales.
12. Studios and galleries, including dance, art, photography, music and other arts.
13. 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.
14. Veterinary clinics or pet hospitals, pet day care.

15. Home occupations.

~~Any use permitted in the mixed-use corridor, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed ten thousand square feet, unless otherwise restricted in this chapter;~~

- B. Grocery stores, provided the maximum footprint for a stand-alone building with a single store or multiple buildings with the same business does not exceed forty thousand square feet;
- C. Live/work dwellings;
- D. Outdoor sales that are ancillary to a permitted use on the same or abutting property under the same ownership.

E. Additional uses permitted within the Thimble Creek Concept Plan area per OCMC 17.24.50.(C).

F. Additional uses permitted within the Park Place Concept Plan area per OCMC 17.24.060.(C).

Explanation:

Provides a cross-reference to the reader for the additional uses permitted in these concept plans.

The City Commission discussed Neighborhood Commercial uses at their Sept 4 2024 meeting and gave a consensus that they wanted to see a limited set of uses in the NC district that were intended to serve the neighborhoods nearby, would attract businesses and patrons alike, and did not want to see uses that might dissuade visitors and businesses from the NC district.

PPCP Key Element:

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

17.24.025 Conditional uses.

The following conditional uses may be permitted when approved in accordance with the process and standards contained in OCMC 17.56:

- A. Any use permitted in the neighborhood commercial district that has a building footprint in excess of ten thousand square feet;
- B. Emergency and ambulance services;
- C. Drive-through facilities;
- D. Outdoor markets that are operated before six p.m. on weekdays;
- E. Public utilities and services such as pump stations and sub-stations;
- F. Religious institutions;
- G. Public and or private educational or training facilities;
- H. Gas stations;
- I. Hotels and motels, commercial lodging;
- J. Veterinary clinic or pet hospital.

Explanation:

At the work session the Planning or City commission expressed the desire to conserve the limited amount of NC zoned land for commercial uses and mixed-use rather than allow the land to be taken up by public stormwater ponds or park facilities, although civic uses that foster activity and gatherings may be appropriate. Whether stormwater facilities and park uses should be a Conditional Use rather than a Prohibited Use should be a consideration. Or, perhaps storm ponds larger than a certain size could be prohibited or require conditional use. For example, a storm detention facility larger than 20,000 square feet (approximately a half-acre) could be prohibited or require conditional use approval.

PPCP Key Element:

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

17.24.035 Prohibited uses.

The following uses are prohibited in the NC District:

- A. Distributing, wholesaling and warehousing;
- B. Outdoor storage;
- C. Outdoor sales that are not ancillary to a permitted use on the same or abutting property under the same ownership;
- D. Hospitals;
- E. Kennels;
- F. Motor vehicle sales and incidental service;
- G. Motor vehicle repair and service;
- H. Self-service storage facilities;
- I. Heavy equipment service, repair, sales, storage or rental (including but not limited to construction equipment and machinery and farming equipment);
- J. Marijuana production, processing, wholesaling, research, testing, and laboratories;
- ~~K. Mobile food units or vendors, except with a special event permit;~~
- ~~LK.~~ Residential use that exceeds fifty percent of the total building square footage on-site on the ground floor unless set back –a minimum of one hundred feet from the property line along Livesay Road / Main Street

Explanation:

Civic uses that foster activity and gatherings, including mobile food units, may be an appropriate allowed use in the NC zone. Transitory and Non-Transitory Mobile food units are not currently permitted in any of the Mixed Use zone districts. Food carts are subject to specific site plan and design review standards under [OCMC 17.54.115](#). Whether stormwater facilities and park use should be a Conditional Use, subject to Planning Commission review and approval, rather than a Prohibited Use should be a consideration.

An additional modification was made to allow residential uses that are more than 50% of the total building square footage. The Planning Commission was concerned that commercial would not be viable in the location it is identify for and thought that the pressing need at this time and place not only in Oregon City, but the State, and nation is for housing. At the same time there was concern that unlimited allowance for residential uses would not protect the long term vision for commercial activity and the compromise by the Planning Commissioners was to increase the amount of allowed residential use as a part of a larger mixed use development.

This section was later amended by the City Commission who felt that a percentage would be challenging to regulate and that prohibiting ground floor residential will protect the zone for commercial uses.

PPCP Key Element:

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

17.24.040 Dimensional standards.

Dimensional standards in the NC district are:

A. ~~A~~-Minimum Building Height. None, however, the City encourages multi-story development designs that incorporate retail, live-work and multi-family uses subject to applicable standards.

a. Non-regulatory incentives. Applicants are encouraged to consider the vertical housing tax credit program, storefront improvement grant program and other incentives that may be available through the Economic Development Department.

Explanation:

~~This~~ This type of reference to non-regulatory incentives is not typically included in a zoning chapter, however, it's inclusion here is intended to provide some guidance for applicants as a "carrot" rather than a "stick". Non-regulatory incentives may be just as effective in promoting commercial development in the area than increased height limits.

PPCP Key Element:

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

B. ~~Maximum~~ building height: Forty-five feet or three stories, whichever is less.

~~B~~C. Maximum building footprint: Ten thousand square feet.

~~C~~D. Minimum required setbacks if not abutting a residential zone: None.

~~D~~E. Minimum required interior and rear yard setbacks if abutting a residential zone: Ten feet plus one-foot additional yard setback for every one foot of building height over thirty-five feet.

~~EE.~~ Maximum Allowed Setback.

1. Front yard setback: Five feet.
2. Interior yard setback: None.
3. Corner side yard setback abutting a street: ~~±~~

(a) thirty feet;

(b) five feet in the Thimble Creek and Park Place Concept Plan areas.-

4. Rear yard setback: None.

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

~~FH.~~ 1. Standards for residential uses: Residential uses shall meet the minimum net density standards for the R-3.5 district, except that no minimum net density shall apply to residential uses proposed above nonresidential uses in a mixed-use configuration or to live/work dwellings. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-3.5 zone for the proposed residential use type.

I. Minimum required landscaping: twenty percent. Required landscaping areas may include:

a. Landscaping within a parking lot.

b. Planter boxes.

c. Eco or green roofs.

d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every five hundred square feet of urban plaza area.

e. Low Impact Development (LID) stormwater facilities

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

17.24.050 Additional standards for Thimble Creek Concept Plan Area.

A. Applicability. This section applies to all development in the NC district within the Thimble Creek Concept Plan Area.

B. Relationship of Standards. These standards apply in addition to and supersede the standards of the NC zone within the Thimble Creek Concept Plan Area. In the event of a conflict, the standards of this section control.

C. Uses.

1. All uses permitted per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.
2. Residential uses, excluding live/work, that do not exceed fifty percent of the total building square footage within the Thimble Creek Concept Plan Neighborhood Commercial Zoning District.
3. Artisan and specialty goods production is permitted, constituting small-scale businesses that manufacture artisan goods or specialty foods and makes them available for purchase and/or consumption on-site, with an emphasis on direct sales rather than the wholesale market. Examples include: Candy, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. All uses shall provide either:

-
- a. A public viewing area that includes windows or glass doors covering at least twenty-five percent of the front of the building face abutting the street or indoor wall, allowing direct views of manufacturing; or
 - b. A customer service space that includes a showroom, tasting room, restaurant, or retail space.
 - 4. Drive-throughs are prohibited.
 - 5. Gas stations are prohibited.
 - D. Dimensional Standards.
 - 1. Maximum building height shall be sixty feet or five stories, whichever is less.
 - 2. Minimum building height shall be twenty-five feet or two stories, whichever is less, except for accessory structures or buildings under one thousand square feet.
 - 3. Maximum corner side yard setback abutting a street shall be five feet.
 - 4. Minimum floor area ratio (FAR) shall be 0.5.
 - a. 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 FAR.
 - b. An individual phase of a project shall be permitted to develop below the required minimum FAR provided the applicant demonstrates, through covenants applied to the remainder of the site or project or through other binding legal mechanism that the required FAR for the project will be achieved at project build-out.
 - 5. Minimum required landscaping: Ten percent. Required landscaping areas may include:
 - a. Landscaping within a parking lot.
 - b. Planter boxes.
 - c. Eco roofs.
 - d. Paved courtyard or plaza with at least twenty-five percent of the area used for landscaping, planter boxes, and/or water features including shade trees planted at the ratio of one tree for every five hundred square feet of urban plaza area.
 - E. Residential Uses. Residential uses, excluding live/work dwellings, shall be subject to the following additional standards:
 - 1. All ground-floor residential uses, with the exception of entrances for upper-story residential uses, shall be set back a minimum of one hundred fifty feet from the property line along Glen Oak Road.
 - 2. Ground-floor residential building square footage shall not exceed fifty percent of the ground-floor nonresidential building square footage on-site.
 - 3. Ground-floor residential uses shall achieve a minimum net density of 17.4 units per acre, with no maximum net density.
 - 4. Any new lots proposed for exclusive residential use shall meet the minimum lot size and setbacks for the R-2 zone for the proposed residential use type.
 - 5. Upper-story residential uses are permitted with no limitations.
 - F. Site Design Standards.
 - 1. In lieu of complying with OCMC 17.62.050.B.1, parking areas shall be located behind the building façade that is closest to the street or below buildings and shall not be located on the sides of buildings or between the street and the building façade that is closest to the street.

17.24.060 Additional standards for Park Place Concept Plan Area.

A. Applicability. This section applies to all development in the NC district within the Park Place Concept Plan Area.

B. Relationship of Standards. These standards apply in addition to the standards of the NC zone district within the Park Place Concept Plan area. In the event of a conflict, the standards of this section shall prevail. No Type II modification of these standards is permitted pursuant to Section 17.62.055. Applicants seeking an adjustment or modification of the applicable standards may propose a Type III variance pursuant to Chapter 17.60 – Variances.

C. Additional Permitted Uses.

~~1. All permitted uses per OCMC 17.24.020.A and B, are limited to a maximum footprint for a stand-alone building with a single store or multiple buildings with the same business not to exceed ten thousand square feet, unless otherwise restricted in this chapter.~~

~~21. Civic Uses.~~ Civic uses permitted include non-profit, ~~and private, and government uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, health and fitness clubs, clubs and lodges, and libraries, community centers, environmental learning centers, and post offices. mobile food units, and outdoor markets that are operated on the weekends and after six p.m. on weekdays.~~

2. Off-site stormwater facilities that are less than .5 square acres in size. An “off-site” facility is one that accommodates stormwater that is created at a location zoned R-10, R-8, R-6, R-5, R-3.5 or R-2 and includes the following:

a. A public access easement and maintenance agreement.

b. An improved soft surface trail at least 4 feet wide providing access to at least three benches for public use.

3. Park land improvements that are less than .75 acres in size.

~~D.~~ Residential Uses. Residential uses shall be subject to the following additional standards:

~~1. Residential uses are permitted but shall not be located on the ground floor exceed fifty percent of the total building square footage within the Park Place Concept Plan Neighborhood Commercial Zoning District.~~

~~2. All ground-floor residential uses, except for entrances for upper-story residential uses, shall be set back a minimum of one hundred feet from the property line along Livesay Road / Main Street.~~

~~3. Ground floor residential building square footage shall not exceed fifty percent of the ground floor nonresidential building square footage on-site.~~

~~43. Upper-story residential uses are permitted.~~

~~54. Live/work dwellings are subject to OCMC 17.20.040. Live/work dwellings are not subject to OCMC 17.24.035(K) and are not subject to OCMC 17.24.060 (D) (1).~~

Explanation:

The NC zone already restricts residential use to 50% of the total building square footage on site and a single commercial building is limited to 10,000 square feet. This section adds more detail to allow civic uses within the zone subject to applicable site plan and design review, but would not make these uses obtain a conditional use permit.

The additional standards were modified after initial review to allow a greater amount of residential use when combined with commercial uses. The Live/Work dwellings were also modified to clarify those uses and structures are subject only to 17.20.040 and the cap on residential use does not apply.

Off-site storm water facilities and Parks land improvements were added to this section so that the specific restrictions would only apply to NC in Park Place area. The size restrictions were added to protect commercial land. If a park or off-site storm water facility needed more acreage an applicant could make a variance application.

PPCP Key Elements:

2. Two distinct mixed-use neighborhoods (North Village and South Village) that accommodate 1,459 new dwelling units.
3. Neighborhood-oriented commercial nodes that integrate commercial land uses, residential land use, and public open space.
4. An area for a new civic institution, such as a library or community center.

F. Site Design Standards. The standards in Section 17.62.055 shall apply to neighborhood commercial development within the Park Place Concept Plan area. Additionally, the following standards apply without modification.

1. Siting of structures. At least sixty percent of the site frontage width shall be occupied by buildings placed within five feet of the property line. 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.
2. Parking. Parking areas shall be located behind the building façade that is closest to the street or, below buildings. Parking areas shall not be located on the sides of buildings or between the street and the building façade that is closest to the street. On-street parking is permitted subject to street standards in Chapter 16.12 and may be credited toward required off-street parking pursuant to the Off-street Parking and Loading standards in Chapter 17.52.
3. Building facades and entrances. All buildings along the street frontage shall face the front most architecturally significant facade toward the street and have a functional primary building entrance facing the street. 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.
4. Pedestrian Elements. Buildings located along the Village Center main streets in Park Place (Livesay Road, Donovan Road, Swan Avenue) shall incorporate a minimum of three (3) of the following elements in the front setback area. These standards are intended to create more transparency and visual interest of buildings, particularly for pedestrians at the street level in order to encourage residents to gather and customers to relax and linger.
 - (a) Canopies or overhangs (5'-0" minimum depth, measured from either the face of the column or the street-facing elevation) for the entire 50% of the width of the building. Canopies shall not project into public utility easements or right-of-way without obtaining proper permitting.
 - (b) Transom window at least 60% of façade width.

- (c) Storefront frieze, horizontal sign band, or a belt course above the transom window or mezzanine level.
- (d) Window planter box (minimum of one per window).
- (e) Projected window sill (at least 2" from building wall plane and 12" to 24" above grade).
- (f) A plaza, courtyard, square or extra-wide sidewalk next to the building entrance (minimum width of [6] feet)
- (g) Sitting space (i.e., dining area, benches, garden wall or ledges between the building entrance and sidewalk) with a minimum of 16 inches in height and 30 inches in width, and located within thirty feet of the street frontage. [Sitting space shall include ADA accessible seating.](#)
- (h) Public art ~~that incorporates seating~~ (e.g., fountain, sculpture).
- (i) Landscape treatments integrating arbors, low walls, trellis work; or similar elements.
- (j) Enhanced architectural details such as tile work and moldings distinct from the principal facade treatments.

45. Corner Building Entrances. These standards apply to the first 50 feet of depth of property in the NC zone district where a building is located at a corner. One of the following building entry standards shall be met.

- (a) Locate the primary entry to the building at the corner of the building or within 25 feet of the corner of the building.
- (b) Incorporate prominent architectural elements, such as increased building height or massing, a cupola, a turret, or a pitched roof, at the corner of the building or within 25 feet of the corner of the building.
- (c) Chamfer the corner of the building (i.e. cut the corner at a 45-degree angle and a minimum of 10 feet from the corner) and incorporate 2 of the following list of elements in the cut.
 - i. Extended sheltering weather protection (arcade, canopy, or awning).
 - ii. Special paving materials differing from adjoining walkway.
 - iii. Sitting space (i.e., dining area, benches, garden wall or ledges) between the building entrance and sidewalk with a minimum of 16 inches in height and 30 inches in width.
 - iv. Planter boxes

Explanation:

The Site Plan and Design Review standards of section (F) above are intended to better define and implement the "main street" concept of the PPCP. Note that the various building, architectural features and pedestrian design elements are presented as a more prescriptive set of requirements rather than as a menu of options. These proposed standards are expressly not subject to modification through a Type II modification process under OCMC 17.62.015. Instead, a Type III variance per OCMC 17.60 or master plan adjustment per OCMC 17.65 would be required to vary from the requirements.

PPCP Key Element:

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

17.62.061 and 16.08.043 - Additional public park, trail and open space requirements in Park Place Concept Plan Area

(Staff Note: the numbering format of this draft code section is subject to further revision, but the same section will be added to both OCMC 17.62 – Site Plan and Design Review, and OCMC 16.08 – Land Divisions)

A. Dedication requirements.

1. Where a proposed park, playground, trail, or open space shown within any of the adopted Plans and Figures listed under (3) below is located in whole or in part in a proposed residential land division, the applicant shall dedicate or reserve such area within the development pursuant to the standards of this section, provided that the reservation or dedication is roughly proportional to the impact of the development on the park system.
2. Acquisition by public agency. If the applicant is required to reserve land area for a park, trail or open space, such land shall be acquired by the appropriate public agency within 18 months following plat approval, at a price agreed upon prior to approval of the plat, or such reservation shall be released to the subdivider.
3. Adopted Plans and Figures:
 - a. Oregon City Parks Master Plan Update (2024)
 - b. ~~a.~~ Oregon City Parks and Recreation Master Plan Update (2008)
 - c. ~~b.~~ Oregon City Trails Master Plan (2004)
 - d. ~~e.~~ Oregon City Conceptual Trails Map (2004) Map – Existing and Proposed Trails (Trails L-5, L-6 and L-7)
 - e. ~~d.~~ Park Place Concept Plan (2008) – Figure 3-4. Concept Plan Street System Map (Off-Street Trails)
 - f. ~~e.~~ Park Place Concept Plan (2008) – Figure 3-8: Proposed Trail System
 - g. ~~f.~~ Oregon City Transportation System Plan (2013) - Figure 5. Multi Modal Connectivity Plan
 - h. ~~g.~~ Oregon City Transportation System Plan (2013) – Figure 19: Walking Solutions (P. 64)
 - i. ~~h.~~ Oregon City Transportation System Plan (2013) – Figure 20: Biking Solutions (P. 65)
 - j. ~~i.~~ Oregon City Transportation System Plan (2013) – Figure 21: Shared Walking and Biking Solutions (P. 66)

B. Non-Residential development park dedication.

Commercial development shall contribute to the creation of the parks, trails and open space within the Park Place Concept Plan boundaries by contributing a fee-in-lieu to the city to support the acquisition of needed park and open space land as follows:

1. The fee-in-lieu of dedication will be ~~set by the city commission equivalent to the System Development Charge for non-residential development, and adopted yearly in the city's fee schedule. The fee shall only be used by the city for park, trail and open space acquisition and interim site development.~~
2. The fee-in-lieu or other equivalent monetary contribution, approved by the community development director, shall be paid prior to approval of the first certificate of occupancy within the commercial development.
3. The fee-in-lieu shall be retained in a dedicated account by the City for the acquisition of land for park, trail and open space acquisition as depicted in the plans and figures listed in (A)(3) within the Park Place Concept Plan area.

4. Once all land depicted in (A)(3) is acquired, no further fee-in-lieu of dedication shall be assessed.

C. Residential development park dedication.

Residential development shall dedicate land for parks subject to the location and development standards requirement set forth in subsection F.

1. The minimum acreage of land to be dedicated shall be calculated as follows: (2.6 persons per dwelling units) × (total number of dwelling units proposed) × (four acres)/(one thousand persons).

Example: Total dwelling units = 50

$$2.6 \times 50 \times 4 / 1000 = 0.52 \text{ acres.}$$

2. The city ~~shall may~~ accept a fee-in-lieu of dedication pursuant to subsection E of this section, if property a suitable site meeting the criteria described in subsection F of this section is not available within the development site.
3. The required acreage shall be dedicated as part of a final plat, through a deed of dedication, or other acceptable document approved in form by the Community Development Director;
4. Dedication of open space may occur concurrently with development of a project. For phased development, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.

Explanation:

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

PPCP Key Elements:

6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections.
11. Integration of parks and open spaces into existing and future neighborhoods.

D. Reimbursement for additional dedication.

If a larger area for a park or open space is proposed than is required based on the per-unit calculation described in subsection C(3), the applicant may be eligible for city shall reimburse a System Development Charge credits the applicant for the value of the amount of land that exceeds the required dedication pursuant to OCMC 13.20.040. based on the fee-in-lieu formula expressed in subsection E.

E. Fee-in-lieu of Dedication.

The city ~~shall~~ may accept a fee-in-lieu as an alternative to this dedication ~~where at its discretion or may require a fee-in-lieu if a suitable site property~~ meeting the criteria described in subsection F of these provisions is not available within the development site. The calculation of the fee-in-lieu ~~or other monetary contributions~~ shall meet the following standards:

1. The amount of the fee-in-lieu ~~shall be assessed based on the City's per unit System Development Charge calculations in place at the time of the land use application. of other monetary contributions shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the excessive dedication assuming that zoning and other land use entitlement necessary for park and open space development are in place.~~
 2. The fee-in-lieu ~~or other monetary contribution~~ shall be paid prior to the recording of the plat.
~~concurrently with the public dedication.~~
 3. The fee-in-lieu ~~or other monetary contribution~~ is separate from and in addition to any Parks System Development Charges (SDCs) required pursuant to OCMC 13.20. However, the applicant may be eligible for System Development Charge credits pursuant to OCMC 13.20.040.
 4. The fee-in-lieu shall be retained in a dedicated account by the City for the acquisition of land for park, trail and open space acquisition as depicted in the plans and figures listed in (A)(3) within the Park Place Concept Plan area.
 5. Once all land depicted in (A)(3) is acquired, no further fee-in-lieu of dedication shall be assessed.
- ~~The fee-in-lieu shall be retained in a dedicated account by the City for the acquisition of land for park land and development of parks in the Park Place Concept Plan area.~~

F. **Park** Location and development standards.

Park, trail and open space proposed for dedication shall be located as shown in the list of adopted plans and figures under A (3) above, as applicable, and meet the following locational and development standards:

1. North Village Community Park (8 acres)
 - a. The total minimum amount of land in acres dedicated for the North Village Regional Park shall be 8 acres.
 - b. At least half of the frontage of the North Village Community Park shall abut a publicly dedicated street. If located at an intersection, both street frontages may be combined to meet this standard.
 - c. Minimum size dedication city will accept: three (3) contiguous acres, except that any proportional share calculated pursuant to the formula under section C.3 above that equals less than 3 acres may be satisfied through a fee-in-lieu per section (E).
 - d. Minimum park dimension (width ~~and or~~ depth): five hundred feet.
 - e. The park shall be connected to the regional trail system and shall be available for use by the general public.
 - f. A "shadow plat" shall be submitted with an application for a land division if park land dedication is less than the full 8 acres. The "shadow plat" will indicate where the boundaries of the future park land will be located and serve as an indicator for park dedication in future development applications.
 - g. In the North Village of the Park Place area, if a proposed land division does not abut the park or "shadow plat" then the applicant shall pay a fee-in-lieu rather than dedicate land.
 - h. If a proposed land division does abut the park land or the "shadow plat" the applicant shall dedicate the proportionate share of park land.

i. Not more than 20 percent of the park may exceed 15 percent slope prior to grading. Zero percent of the park shall include a wetland, stream or other protected resource within the Natural Resource Overlay District, except that up to a half of the required vegetated corridor width adjacent to a protected resource specified in OCMC 17.49.110 – Width of vegetated corridor may be included within the park boundary.

2. South Village Neighborhood Park (4 acres).

- a. The total minimum amount of land in acres dedicated for the South Village Neighborhood Park shall be 4 acres.
- b. At least half of the frontage of the South Village Community Park shall abut a publicly dedicated street. If located at an intersection, both street frontages may be combined to meet this standard.
- c. Minimum size dedication city will accept: two (2) contiguous acres, except that any proportional share calculated pursuant to the formula under section C.3 above that equals less than two acres may be satisfied through a fee-in-lieu per section (E).
- c. Minimum park width (east-west dimension): four hundred feet.
- d. Minimum park depth (north-south dimension: two hundred feet.
- e. A minimum of three acres of the park shall have a natural slope no greater than 10% to be developed with active recreation components.
- jf. The park shall be connected to the regional trail system and shall be available for use by the general public.
- g. A “shadow plat” shall be submitted with an application for a land division if park land dedication is less than the full 4 acres. The “shadow plat” will indicate where the boundaries of the future park land will be located and serve as an indicator for park dedication in future development applications.
- h. In the South Village of the Park Place area, if a proposed land division does not abut the park or “shadow plat” then the applicant shall pay a fee-in-lieu rather than dedicate land.
- ih. If a proposed land division does abut the park land or the “shadow plat” the applicant shall dedicate the proportionate share of park land.
- j. Not more than ten percent of the park may exceed 15 percent slope. Zero percent of the park shall include a wetland, stream or other protected resource within the Natural Resource Overlay District, except that up to a half of the required vegetated corridor width adjacent to a protected resource specified in OCMC 17.49.110 – Width of vegetated corridor may be included within the park boundary.

G. Open Space Dedication

- 1. An application for a subdivision, partition, replat or design review may propose the dedication and protection of open space areas as part of that process. However, this open space shall not be eligible to count toward the parkland dedication requirements of Subsections B, C, D, E, or F.
- 2. The types of open space that may be provided are:
 - a. Land within the Natural Resources Overlay District (NROD) including natural areas of undisturbed vegetation, steep slopes, stream corridors, wetlands, wildlife habitat areas, and riparian corridors pursuant to OCMC 17.49. Open space located within the Natural Resources Overlay District shall be maintained pursuant to OCMC 17.49.160 – Standards for land divisions.

- b. Other “greenways” or linear areas linking residential areas with open space areas. These greenways may include the following features:
 - i. Dedicated bicycle paths or footpaths connecting greenways between residences and recreational areas, streets and activity areas.
 - ii. Tree protection tracts created pursuant to OCMC 17.41.
 - iii. Land located underneath powerline easements that is privately owned and maintained but which provides for public access and use.
 - iv. Public off-street pedestrian and bicycle accessway that comply with the standards in OCMC 16.12.032.

- ~~3. A subdivision, partition, replat, or design review application proposing designation of open space shall include the following information as part of the application:~~
 - ~~a. Designate the boundaries of all open space areas; and~~
 - ~~b. Specify the manner in which the open space shall be owned, maintained, and administered; and~~
 - ~~c. Provide for public access to trails through easements or other approved legal instrument.~~
- ~~4. Dedication of open space may occur concurrently with development of a project. For phased development, the open space may be set aside in totality and/or dedicated in conjunction with the first phase of the development or incrementally set aside and dedicated in proportion to the development occurring in each phase.~~

Explanation:

The open space dedication section is proposed to be removed because open space dedication is not required, unlike parks and trails. Existing NROD code already includes a variety of options for the ownership and maintenance of open space, and existing submittal requirements already exist in OCMC 17.50 – Administration and Procedures. A residential development application could propose open space through other means outside of the NROD, for example, as private HOA open space.

PPCP Key Elements:

- 6. An extensive system of off-street and on-street trails and pedestrian/bicycle connections.
- 11. Integration of parks and open spaces into existing and future neighborhoods.

J. Trails Dedication

- 1. Purpose. The Park Place Concept Plan (PPCP) identifies a substantial, interconnected network of trails corresponding to the open space system, and in some cases parallel to road corridors. Proposed trail locations are consistent with the City’s adopted Trails Master Plan and other local and regional plans, help connect activity centers, and provide alternatives to travel by automobile. The purposes of this section are:
 - a. To achieve an extensive system of off-street and on-street trails and pedestrian/bicycle connections, a key element of the PPCP.
 - b. To provide standards for the applicability, design, location, connectivity, access, maintenance, dedication, enforcement and integration of trails for residential and non-residential development within the PPCP.
 - c. To assure that trail dedication requirements are roughly proportional to the impact of the proposed development on the trail system.

d. To promote pedestrian connectivity, enhance recreational opportunities and enhance environmental stewardship within the PPCP.

e. To integrate trail planning with other adopted goals, policies and plans, including the Oregon City Parks and Recreation Master Plan (2008), the Oregon City Trails Master Plan (2004), the Oregon City Transportation System Plan (2013), and the OC2040 Comprehensive Plan (2022).

2. Applicability. Unless specified otherwise below, all developments shall reserve or dedicate land for trails within the development pursuant to the standards of this section, provided that the trail reservation or dedication is roughly proportional to the impact of the development on the trail system.

a. The trails dedication requirements apply to the following development applications:

i. New residential land divisions (partitions and subdivisions) within the PPCP.

b. The trails dedication requirements do not apply to the following situations:

i. Development applications within the NC Neighborhood Commercial zone district of the PPCP. In these cases, a fee-in-lieu of dedication may be proposed.

ii. When a fee-in-lieu of trail dedication is permitted pursuant to section (3)(E) .

iii. When the requirements of this section are adjusted pursuant to the criteria for an adjustment for a master plan or planned unit development pursuant to Chapter 17.65 – Master Plans and Planned Unit Development.

iv. If a variance to these requirements is granted pursuant to the standards in OCMC 17.60 – Variances.

3. Trail Dedication Standards

a. Location

Location of trails within the PPCP shall follow the adopted 2004 trails master plan for L7-Livesay Creek Trail, L5-Park Place Creek Loop, and L2-Holcomb Ridge Trail.

The specific locations of trails may change and is subject to on-site verification and design at the time of development.

b. Length.

The amount of land to be dedicated for trails shall be based on the city's level of service standard in the adopted ~~2024 Parks Master Plan~~ ~~2004 Trails Master Plan~~ and is estimated at 0.35 miles per 1,000 residents. This equates to 1.8 feet of linear trail per resident.

c. Trail standards:

The slope of the trail over the "from-to" points as determined in the adopted 2004 Oregon City Trails Master Plan for trails L7, L5, and L2 determines if a trail is soft surface or hard surface. If the rise from end to end is over 3%, as defined by the Americans with Disabilities Act, a trail may be a soft surface trail. If the rise from end to end is under 3%, as defined by the Americans with Disabilities Act, a trail shall be a hard surface trail

d. Width.

The minimum width for a soft ~~surface~~ trail shall be five feet. Surface materials shall be 1/4 minus gravel or bark dust.

The minimum width for a hard surface trail shall be ten feet. Surface materials shall be asphalt or concrete.

e. Fee in Lieu of Dedication

If the above standards cannot be met a fee-in-lieu is acceptable. The fee-in-lieu is set in the Parks fee schedule and adopted by resolution shall be determined by a licensed, city selected appraiser retained by the applicant, who will value the market rate of the land assuming that zoning and other land use entitlement necessary for trails are in place.

f. Trail dedication may be eligible for SDC credits if more than the proportionate share is dedicated and built pursuant to OCMC 13.20.040. Fee-in-lieu may also be eligible for SDC credits pursuant to OCMC 13.20.040.

g. Trail dedication shall be accompanied by a “shadow plat” or connectivity map to indicate how the trail would connect to off-site trails, trailheads and activity areas shown on the 2004 Oregon City Trails Master Plan when the extent of the trail is outside the development boundary.

h. Connectivity and Accessibility. Trails shall be publicly accessible to all residents, including those with disabilities, and adhere to ADA (Americans with Disabilities Act) guidelines where applicable. Easements for public access shall be required.

i. Maintenance Responsibilities. The applicant shall propose the entity responsible for the ownership and maintenance of dedicated trails (e.g., homeowners association, city or other entity) and outline maintenance standards in the land use application.

Chapter 17.65 MASTER PLANS AND PLANNED UNIT DEVELOPMENTS¹

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, chapter. This chapter intends to foster the growth of major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments while identifying and proportionally mitigating the impacts of such growth on surrounding properties and public infrastructure while identifying and mitigating the impacts of such growth on surrounding properties and public infrastructure through a phased development process. 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 designed to facilitate a streamlined and flexible review discretionary review -process for major institutions, phased residential, commercial, or mixed-use development, and other large-scale developments. This chapter intends to foster the growth of these types of developments, while identifying and proportionally 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.~~

~~major developments. This process supports innovative and creative land development approaches and provides long-term assurance for the planning and execution of larger developments, and in a phased manner address. To achieve this, the Master Plan process is structured in a way that allows the applicant to address larger development requirements, such as infrastructure and transportation capacity adequacy, through a phased implementation, and reserve the capacity of the infrastructure and transportation system before incurring final design costs.~~

~~The process may also provide greater certainty for larger institutional, commercial and residential developments by granting longer term approval for phased development (up to twenty years), a process for adjustments to development standards, and the choice to rely on the land use regulations in effect on the date its general development plan application was initially submitted for the duration of the approved master plan and subsequent phases.~~

~~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~~

¹Editor's note(s)—Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.65 in its entirety to read as herein set out. Former Chapter 17.65, §§ 17.65.010—17.65.090, pertained to master plans, and derived from Ord. No. 08-1014, adopted July 1, 2009; Ord. No. 10-1003, adopted July 7, 2010 and Ord. No. 13-1003, adopted July 17, 2013.

~~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.~~

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

Explanation:

Section has been edited for greater clarity.

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.

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

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.
 - E. Pursuant to OAR 660-008-0015, the master plan and planned unit development review process and approval criteria are discretionary. The city has adopted separate clear and objective approval standards and procedures for residential development applications that are entitled to be through a Type I or Type II process.

Explanation:

ORS 197A.400(3) provides that a local government can provide an alternative discretionary process for housing review so long as the alternative does not replace the clear and objective track. By amending the OCMC to implement the PPCP, the City will be providing that clear and objective track. There is no need to further amend the PPCP as it will continue to provide an alternative discretionary track for those applicants who wish to pursue it.

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

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.
- 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.
- 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.
- 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.
- 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.
- 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.

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

17.65.050 General development plan.

A. Existing Conditions Submittal Requirements.

1. Narrative Statement. An applicant shall submit a narrative statement that describes the following:
 - a. Current uses of and development on the site;
 - b. For institutions, history or background information about the mission and operational characteristics of the institution that may be helpful in the evaluation of the general development plan, and information about current programs or services;
 - c. A vicinity map showing the location of the general development plan boundary relative to the larger community, along with affected major transportation routes, transit, and parking facilities. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible;
 - d. Land uses that surround the development site. This may also reference submitted maps, diagrams or photographs;
 - e. Previous land use approvals within the general development plan boundary and related conditions of approval, if applicable;
 - f. Existing utilization of the site;
 - g. Site description, including the following items. May also reference submitted maps, diagrams or photographs:
 - i. Physical characteristics;
 - ii. Ownership patterns;
 - iii. Building inventory;
 - iv. Vehicle/bicycle parking;
 - v. Landscaping/usable open space;
 - vi. FAR/lot coverage;
 - vii. Natural resources that appear on the city's adopted Goal 5 inventory;
 - viii. Cultural/historic resources that appear on the city's adopted Goal 5 inventory;
 - ix. Location of existing trees six inches in diameter or greater when measured four feet above the ground. The location of single trees shall be shown. Trees within groves may be clustered together rather than shown individually; and
 - x. Geologic hazards pursuant to OCMC 17.44.
 - h. Existing transportation analysis, including the following items. May also reference submitted maps, diagrams or photographs.
 - i. Existing transportation facilities, including highways, local streets and street classifications, and pedestrian and bicycle access points and ways;
 - ii. Transit routes, facilities and availability;
 - iii. Alternative modes utilization, including shuttle buses and carpool programs; and
 - iv. Baseline parking demand and supply study (may be appended to application or waived if not applicable).
 - i. Infrastructure facilities and capacity, including the following items:

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- i. Water;
 - ii. Sanitary sewer;
 - iii. Stormwater management; and
 - iv. Easements.

2. Maps and Plans.

- a. Existing conditions site plan. Drawn at a minimum scale of one-inch equals one hundred feet (one inch equals one hundred feet) that shows the following items. At least one copy shall be eight and one-half inches x eleven inches in size, and black and white reproducible.
 - i. Date, north point, and scale of drawing.
 - ii. Identification of the drawing as an existing conditions site plan.
 - iii. Proposed development boundary.
 - iv. All parking, circulation, loading and service areas, including locations of all carpool, vanpool and bicycle parking spaces as required in Chapter 52 of this title.
 - v. Contour lines at two-foot contour intervals for grades zero to ten percent, and five-foot intervals for grades over ten percent.
- b. A site plan or plans, to scale, for the general development plan site and surrounding properties containing the required information identified in OCMC 17.62.040.b, Vicinity map. Depicting the location of the site sufficient to define its location, including identification of nearest cross streets. At least one copy of the vicinity map shall be eight and one-half inches by eleven inches in size, and black and white reproducible.
- c. Aerial photo. Depicting the subject site and property within two hundred fifty feet of the proposed development boundaries. At least one copy of the aerial photo shall be eight and one-half inches by eleven in size, and black and white reproducible.

B. Proposed Development Submittal Requirements.

- 1. Narrative statement. An applicant shall submit a narrative statement that describes the following:
 - a. The proposed duration of the general development plan.
 - b. The proposed development boundary. May also reference submitted maps or diagrams.
 - c. A description, approximate location, and timing of each proposed phase of development, and a statement specifying the phase or phases for which approval is sought under the current application. May also reference submitted maps or diagrams.
 - d. An explanation of how the proposed development is consistent with the purposes of Section 17.65, the applicable zone district or districts, and any applicable overlay district.
 - e. A statement describing the impacts of the proposed development on inventoried Goal 5 natural, historic or cultural resources within the development boundary or within two hundred fifty feet of the proposed development boundary.
 - f. An analysis of the impacts of the proposed development on the surrounding community and neighborhood, including:
 - i. Transportation impacts as prescribed in subsection g below;
 - ii. Internal parking and circulation impacts and connectivity to sites adjacent to the development boundary and public right-of-ways within two hundred fifty feet of the development boundary;

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- iii. Public facilities impacts (sanitary sewer, water and stormwater management) both within the development boundary and on city-wide systems; including a phasing plan for all on-site and off-site public improvements, including but not limited to transportation, schools, parks, open space, trails, sewer, water and stormwater, with an analysis of the capacity and improvements required as a result of fully implementing the plan. This analysis shall reference any adopted parks and recreation, public facilities plans and concept plans and identify specific funding mechanisms to address the adequacy of public facilities.
 - iv. Neighborhood livability impacts;
 - v. Natural, cultural and historical resource impacts within the development boundary and within two hundred fifty feet of the development boundary.
 - g. A summary statement describing the anticipated transportation impacts of the proposed development. This summary shall include a general description of the impact of the entire development on the local street and road network, and shall specify the maximum projected average daily trips, projected AM and PM peak hour traffic and the maximum parking demand associated with build-out each phase of the master plan or planned unit development.
 - h. In addition to the summary statement of anticipated transportation impacts, an applicant shall provide a traffic impact study as specified by city requirements. The transportation impact study shall either:
 - i. Address the impacts of the development of the site consistent with all phases of the general development plan; or
 - ii. Address the impacts of specific phases if the city engineer determines that the traffic impacts of the full development can be adequately evaluated without specifically addressing subsequent phases.
 - i. If an applicant chooses to pursue option h.1., the applicant may choose among three options for implementing required transportation capacity and safety improvements:
 - i. The general development plan may include a phasing plan for the proposed interior circulation system and for all on-site and off-site transportation capacity and safety improvements required on the existing street system as a result of fully implementing the plan. If this option is selected, the transportation phasing plan shall be binding on the applicant.
 - ii. The applicant may choose to immediately implement all required transportation safety and capacity improvements associated with the fully executed general development plan. If this option is selected, no further transportation improvements will be required from the applicant. However, if a general development plan is later amended in a manner so as to cause the projected average daily trips, the projected a.m. or p.m. peak hour trips, or the peak parking demand of the development to increase over original projections, an additional transportation impact report shall be required to be submitted during the detailed development plan review process for all future phases of the development project and additional improvements may be required.
 - iii. The applicant may defer implementation of any and all capacity and safety improvements required for any phase until that phase of the development reaches the detailed development plan stage. If this option is selected, the applicant shall submit a table linking required transportation improvements to vehicle trip thresholds for each development phase.
 - j. For residential and mixed-use projects:
 - i. Proposed minimum lot area, width, frontage and yard requirements.

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- ii. Proposed project density in number of units per acre.
 - iii. Proposed residential types and number of each.
2. Maps and Diagrams. The applicant shall submit, in the form of scaled maps or diagrams, as appropriate, the following information:
- a. A preliminary site circulation plan showing the approximate location of proposed vehicular, bicycle, and pedestrian access points and circulation patterns, parking and loading areas or, in the alternative, proposed criteria for the location of such facilities to be determined during detailed development plan review.
 - b. The approximate location of all proposed streets, alleys, other public ways, sidewalks, bicycle and pedestrian access ways and other bicycle and pedestrian ways, transit streets and facilities, neighborhood activity centers and easements on and within two hundred fifty feet of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.
 - c. The approximate location of all public facilities to serve the proposed development, including water, sanitary sewer, stormwater management facilities.
 - d. The approximate location, footprint and building square footage of buildings within of each phase of proposed development, and/or proposed lot patterns for each phase of future development.
 - e. The approximate locations of proposed parks, playgrounds or other outdoor play areas; outdoor common areas and usable open spaces; and natural, historic and cultural resource areas or features proposed for preservation. This information shall include identification of areas proposed to be dedicated or otherwise preserved for public use and those open areas to be maintained and controlled by the owners of the property and their successors in interest for private use.
- 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 or can be met though conditions of approval:
- 1. The proposed general development plan is consistent with the purposes of OCMC 17.65.
 - 2. Development shall demonstrate compliance with the following chapters of the OCMC if applicable:
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 17.62, if applicable, and 16.08, if applicable 17.54 – Supplemental Zoning Regulations and Exceptions
 - g) 17.62 – Site Plan and Design Review.

Explanation:

This section is revised to reference updated chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. However, they are listed for clarity.

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 as demonstrated at the time of Detailed Development Plan 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 the following applicable-overlay districts, if applicable:
 - a) OCMC Chapter 17.40 – Historic Overlay District
 - b) OCMC Chapter 17.42 – Flood Management Overlay District
 - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
 - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
 - e) OCMC Chapter 17.49 – Natural Resource Overlay District

Explanation:

This section is revised to reference updated overlay district chapters of the code that may apply to a General Development Plan. Since a General Development Plan is typically a preliminary review and no development can be authorized unless a Detailed Development Plan is approved, only certain parts of these chapters may be applicable to the GDP. Chapters are bullet listed for clarity.

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.
6. The proposed general development plan is consistent with the Oregon City Comprehensive Plan.
7. The proposed general development plan is consistent with the underlying zoning district(s) and any applicable overlay zone or concept plans.
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.
 - b. Minimum required open space shall be one hundred square feet per residential unit in the development.
 - c. The open space area may be in private ownership or proposed for public dedication, at the city's discretion whether to accept.
 - 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.

- 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.
 - 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.
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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

17.65.060 Detailed development plan.

A. Submittal Requirements.

1. A transportation impact study documenting the on- and off-site transportation impacts, as specified in OCMC 17.65.050.B.1.h.i. If such an analysis was submitted as part of the general development plan process, the scope of the report may be limited to any changes which have occurred during the interim and any information listed below which was not a part of the initial study.

The on-site portion of the analysis shall include the location, dimensions and names of all proposed streets, alleys, other public ways, sidewalks, bike routes and bikeways, pedestrian/bicycle access ways and other pedestrian and bicycle ways, transit streets and facilities, neighborhood activity centers, and easements on and within two hundred fifty feet of the boundaries of the site. The map shall identify existing subdivisions and development and un-subdivided or unpartitioned land ownerships adjacent to the proposed development site and show how existing streets, alleys, sidewalks, bike routes, pedestrian/bicycle access ways and utilities within two hundred fifty feet may be extended to and/or through the proposed development.

2. The location within the development and in the adjoining streets of existing and proposed sewers, water mains, culverts, drain pipes, underground electric, cable television and telephone distribution lines, gas lines, and the location of existing aerial electric, telephone and television cable lines, if any, to be relocated within the development.
3. For portions of the project that would otherwise be subject to site plan and design review, a site plan or plans, to scale, containing the required information identified in OCMC 17.62.040.
4. For residential portions of the project not otherwise subject to site plan and design review, a site plan or plans, to scale, showing the proposed land uses and densities, building locations, lot patterns, circulation patterns, and open space locations and uses.
5. Any other information the community development director deems necessary to show that the proposed development will comply with all of the applicable Chapter 17 requirements.

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- B. Approval Criteria. The community development director shall approve an application for detailed development plan approval only upon findings that:
1. All development standards and impact mitigation meet the requirements of the approved general development plan, including conditions of approval.
 2. Any other applicable zoning regulations that are not addressed in the general development plan are met, unless an adjustment to those regulations has been applied for and is approved. The approval standards applicable to adjustments required as part of a master plan or planned unit development are contained in OCMC 17.65.070.
 3. The detailed development plan ~~conforms with the base zone standards, applicable residential design standards, and applicable standards shall demonstrate compliance with the following chapters of the OCMC if applicable:~~
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 17.52 – Off-Street Parking and Loading
 - g) 17.54 – Supplemental Zoning Regulations and Exceptions
 - h) 17.62 – Site Plan and Design Review.
 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 the following overlay districts, if applicable:~~
 - a) OCMC Chapter 17.40 – Historic Overlay District
 - b) OCMC Chapter 17.42 – Flood Management Overlay District
 - c) OCMC Chapter 17.44 – Geologic Hazards Overlay District
 - d) OCMC Chapter 17.48 – Willamette River Greenway Overlay District
 - e) OCMC Chapter 17.49 – Natural Resource Overlay District
- ~~contained in Chapters 17.62, 17.52, 16.12, and 16.08 unless adjusted as provided in OCMC 17.65.070.~~
- ~~{Ord. No. 18-1009, § 1(Exh. A), 7-3-2019}~~

Explanation:

This section is revised to reference updated chapters of the code that may apply to a Detailed Development Plan, which is required prior to any development. Development cannot proceed unless a Detailed Development Plan is approved. Chapters are bullet listed for clarity.

17.65.070 Adjustments to development standards.

- A. Purpose. In order to implement the purpose of the city's master plan or planned unit development process, which is to foster the growth of major institutions, major residential, commercial or mixed-use development, and other large-scale development, while identifying and mitigating their impacts on surrounding properties

and public infrastructure, an applicant may request one or more adjustments to the applicable development regulations as part of the master planning or planned unit development process, and are not required to go through the variance process pursuant to OCMC Chapter 17.60.

- B. Procedure. Requests for adjustments shall be processed concurrently with a general development plan. An adjustment request at the detailed development plan review shall cause the detailed development plan to be reviewed as a Type III application.
- C. Regulations That May be Adjusted. Adjustments may be allowed for the following items:
 - 1. Dimensional standards of the underlying zone of up to twenty percent, except the perimeter of the development shall meet the underlying zone's setbacks when adjacent to residentially zoned property.
 - 2. Site plan and design standards.
 - 3. Residential design standards.
 - 4. Increase in allowed maximum residential density of up to ten percent.
 - 5. Standards for land division approval.
 - 6. Additional uses allowed with residential projects, or residential component of projects:
 - a. Notwithstanding the use provisions of the underlying zones, neighborhood commercial uses as defined in Chapter 17.24.020, including restaurants and eating and drinking establishments without a drive-through, retail trade, and services, are permitted on up to ten percent of the net developable area. The neighborhood commercial uses shall be planned and constructed so as to support and be compatible with the entire development and shall not alter the character of the surrounding area so as to substantially preclude, impair or limit the use of surrounding properties for the primary uses listed in the underlying district.
 - b. Public or private parks and playgrounds, community buildings and/or outdoor recreational facilities, such as swimming pools and tennis courts.
 - c. Indoor recreational facilities, such as racquetball or tennis courts, fitness centers or swimming pools.
 - d. Common public and private open space including trails.
 - e. Primary or accessory uses that are not identified as a permitted or conditional use in the underlying zone but which are defined in the code.
- D. Regulations That May Not be Adjusted. Adjustments are prohibited for the following items:
 - 1. To allow a primary or accessory use that is not identified as a permitted, or conditional use in the underlying zone, with the exception of the additional uses permitted under OCMC 17.65.070.C.6 above;
 - 2. To any regulation that contains the word "prohibited";
 - 3. As an exception to a threshold review, such as a Type III review process; and
 - 4. Minimum density for residential sites may not be reduced.
- E. Approval Criteria. A request for an adjustment to one or more applicable development regulations under this section shall be approved if the review body finds that the applicant has shown the following criteria to be met:
 - 1. Granting the adjustment will equally or better meet the purpose of the regulation to be modified;
 - 2. If more than one adjustment is being requested, the cumulative effect of the adjustments results in a project that is still consistent with the overall purpose of the zone;
 - 3. City-designated Goal 5 resources are protected to the extent otherwise required by Title 17;

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4. Any impacts resulting from the adjustment are mitigated such that the development does not create significant adverse impacts on adjacent properties;
 5. If an environmental zone, the proposal has as few significant detrimental environmental impacts on the resource and resource values as is practicable; and
 6. The proposed adjustment is consistent with the Oregon City Comprehensive Plan and a concept plan if applicable.

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

17.65.80 Amendments to approved plans.

- A. When Required. An amendment to an approved general development plan or detailed development plan is required for any use or development that is not in conformance with the applicable plan, as provided below. The approval criteria contained in OCMC 17.65.050 will apply to general development plan amendments, the approval criteria contained in OCMC 17.65.060 will apply to detailed development plan amendments. The thresholds and procedures for amendments are stated below.
- B. Type III Procedure. Unless the approved general development plan or detailed development plan specifically provides differently, amendments to either plan that require a Type III procedure are:
 1. A proposed expansion of the approved boundary;
 2. A proposed reduction in the approved boundary that affects a condition of approval, or takes the site out of conformance, or further out of conformance, with a development standard;
 3. Proposals that increase the amount, frequency, or scale of a use over ten percent of what was approved (examples include the number of students, patients or members; the number of helicopter flights; the number or size of special events; transportation impacts);
 4. New uses not covered in the plan that will increase vehicle trips to the site greater than ten percent of the original amount approved;
 5. Increases or decreases in overall floor area of development on the site or number of residential units of over ten percent;
 6. A increase/decrease greater than ten percent in the amount of approved or required parking; and
 7. Proposed uses or development which were reviewed, but were denied because they were found not to be in conformance with an approved plan.
- C. Type II Procedure. Unless an approved plan specifically provides otherwise, amendments to a general development plan or detailed development plan not specifically stated in subsection B or D are processed through a Type II procedure.
- D. Type I Procedure. Unless an approved plan specifically provides otherwise, the following amendments to a general development plan or detailed development plan shall be processed through a Type I procedure:
 1. Accessory uses and structures that meet applicable development regulations;
 2. Reconfiguration of approved parking or landscape designs that do not alter the points of ingress or egress, and do not change the number of parking spaces required, so long as the reconfiguration meets applicable development regulations; and
 3. Structures for approved uses that do not exceed one thousand five hundred square feet in size and that meet applicable development regulations.

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

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.

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

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Bob LaSalle 5/6/2024 5/10/2024	Two emails	Comments on Planning Commission options for PPCP Key Elements presented in the Implementation Memorandum Key Elements #1, #2, #3, #4, #5, #6, #9, #10, #11	Staff addressed all of Mr. LaSalle's comments in the implementation memorandum to the Planning Commission and City Commission which was used to frame the subsequent code amendments.	Yes.
James Nicita 5/07/2024 CC Worksession	Email	City can take the position that "clear and objective" standards apply only to residential zones, and not to other elements of development such as parks, commercial, office, transportation and stormwater facilities etc. Residential and park uses should not be permitted in NC zone. Only office and commercial uses should be permitted in NC zone. City should institute quantitative water quality standards City should mandate green streets even in sloped areas City should adopt "main street" standards to implement vision of PPCP	Staff and PC recommended limitations on residential, park and storm ponds in the NC zone. The City Commission discussed Neighborhood Commercial uses at their Sept 4 2024 meeting. Consensus to see a limited set of uses in the NC district intended to serve the neighborhoods nearby, would attract businesses and patrons alike, and did not want to see uses that might dissuade visitors and businesses from the NC district.	A new more limited set of uses is proposed for the NC zone. Residential use on the ground floor is prohibited unless set back a minimum of one hundred feet from the property line along Livesay Road / Main Street.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
James Nicita 5/12/2024 for PC meeting on 5/13/2024	Email with Attachments: Excerpt Park Place LUBA Decision.pdf; 2024-05-07 Nicita CC Public Comment ParkPlace.pdf	Text amendments should be made to the Park Place Concept Plan and the Oregon City Comprehensive Plan to assure compliance with clear and objective criteria requirements. City should precisely delineate the extent of the conceptual locations of the big park, the Holly Connector, and the Main Street Village through metes and bounds descriptions	Describing a specific area for these features could be grounds for takings claims. It is better to determine exact locations at the time of development and use proportional exactions, clear and objective zoning and development standards, SDC credits and/or other financing tools to achieve what is needed to implement the PPCP.	Oregon City Transportation System Plan https://www.oregoncity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards</i> OCMC 16.12 Planning Commission recommended making Holly Lane connection to Redland Rd a higher priority in the next TSP update
Linda Smith 5/7/2024	Email	Requested that planning staff meet with Park Place Neighborhood Association (PPNA) prior to legislative hearings. “The CIC has not been a principal party during the development or refinement of the PPCP. PPNA has been deeply vested in the PPCP for over two decades and should be included when proposing any code refinement to the PPCP.”	Agree	Staff presented to PPNA 8/19/2024, prior to legislative process.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Jackie Hammond Williams 5/13/2024	Letter to Planning Commission	History of neighbor involvement with the PPCP Connectivity Support for clear and objective standards to implement the vision of the PPCP	Existing and proposed amendments should achieve the vision of the PPCP. Proportional exactions, clear and objective zoning and development standards, SDC credits and/or other financing tools will achieve what is needed to implement the PPCP vision.	These comments will be addressed through the legislative process.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Barbara Cox 9/6/2024	Email	I have received notice about the Sept. 23rd Planning Commission meeting. It appears to me that the Swan Rd exit from the North Village will be connected to the east end of Beemer Way. I'm writing to find out if this is the case, and if so, to express concerns about routing more traffic along this road that is heavily used by children. Also, there are parts of the road that are quite narrow, allowing only one lane of traffic including the stretch closest to Holcomb. I am also looking for the appropriate person for me to ask about the Clackamas Heights redevelopment, I am concerned about the projected loss of tree cover and how that will affect the entire neighborhood. If you can address that also, it would be great, if not, can you point me to someone who would be able to.	Swan Avenue connection is part of the adopted Transportation System Plan (Project D49). It will be a Collector Road built by developers following annexation, zoning, and if development occurs. The timing of this road connection is unknown, but it be needed for buildout of the area west of the North Village. It will be challenging to engineer and construct due to cost and environmental constraints. There is currently no application for the redevelopment of the Clackamas County Housing Authority property known as Clackamas Heights, which is outside of the PPCP boundary.	Oregon City Transportation System Plan https://www.orcity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards</i> OCMC 16.12 Planning Commission recommended making projects D48 and D49 a higher priority in the next TSP update. Questions regarding Clackamas Heights redevelopment may be directed to the CCHA at hacc@clackamas.us. See also the County webpage: https://www.clackamas.us/usingauthority/clackamas-heights

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Lois Allen 9/4/2024	Website	Roads Redland and Holly will there be a (Round-About or Red Light) ?? we are on Redland second house to Holly	These code amendments have no effect on the transportation system. No development is proposed. The TSP calls for an Operational Enhancement <i>Project D36 – Long Term Phase 4</i> consisting of a single-lane roundabout, however, the design could change due to cost, timing and environmental constraints.	Planning Commission recommended making this project a higher priority in the next TSP update.
Jerald Carlson 9/3/2024	Website	Proposing a trail that trespasses right through the backyard of private properties is ludicrous! Apparently, you are welcoming lawsuits over this plan; after all, a public trail through one's back yard will lead to homeless tents, a rise in property crimes, and myriad lawsuits, not to mention the unstable ground that exists in this area, which I personally witnessed in the 1950s and 1960s. Who is the tyrant who is running this show? Maybe we should put a public trail through their garden, and see how they like it. Yes, keep me updated on this crazy plan. Thank you.	Exact trail locations will be determined if willing property owners develop land per standard process. Trail dedication or fee-in-lieu of dedication shall be a proportional exaction based on the number of housing units proposed. Trails will not “trespass” across private property since their construction would be only feasible following development approval with owner consent. Trails are not anticipated to cause problems within the geologic hazard overlay district since they do not require significant excavation depending on their impact, will be mitigated through the adopted standards in OCMC 17.44.	See staff comment. New standards for trail dedication in OCMC 17.62.061 and 16.08.043.

Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Tammy Stevens, Hamlet of Beavercreek 9/12/2024		Landslides, Transportation	The hamlet’s comments do not address the proposal or any of the proposed code amendments. No development is proposed with this legislative code update. No changes to the city’s approval criteria for transportation impact analysis or the Geologic Hazards Overlay District code are proposed.	Guidelines for Transportation Impact Analysis https://www.orcity.org/1164/Guidelines-for-Transportation-Impact-Ana Oregon City Transportation System Plan https://www.orcity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards</i> OCMC 16.12 <i>Geologic Hazards Overlay District</i> was amended through a legislative code update process in 2021 and adopted by Ord. No. 21-1012, § 1(Exh. A), 7-21-2021), acknowledged by DLCDD to be compliance with Statewide Planning Goal 5 – Natural Hazards. OCMC 17.44 https://www.orcity.org/1093/Geologic-Hazards Traffic Engineering FAQs https://www.orcity.org/DocumentCenter/View/3657/Traffic-Engineering---Frequently-Asked-Questions-PDF
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Public Comments and Issue Summary Matrix for Legislative File: GLUA 24-013 / LEG-24-01 – Park Place Concept Plan Code Amendments

Commenter Date	Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Bobby Youngren 9/5/2024	Website	How would this affect Holly Lane	These code amendments have no effect on the transportation system. No development is proposed.	Yes, see staff comment. Oregon City Transportation System Plan https://www.orcity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards</i> OCMC 16.12
Woody Youngren 9/5/2024	Website	No comment. Sign up only.		Include in all PC and CC agenda distributions.
Juanita Whitaker 9/4/2024	Website	No comment. Sign up only.		Include in all PC and CC agenda distributions.
Mark Lewis 9/3/2024	Website	No comment. Sign up only.		Include in all PC and CC agenda distributions.
Thomas Funk 8/26/2024	Website	No comment. Sign up only.		Include in all PC and CC agenda distributions.
Janice and Ron VanDomelen 9/12/2024	Website	No comment. Receive future updates.		Include in all PC and CC agenda distributions.



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First Name *

Lois

Last Name *

Allen

Email Address *

lynnandlois@comcast.net

Comments

Roads Redland and Holly will there be a (Round-About or Red Light) ?? we are on Redland second house to Holly

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Form Details

Submitted By:

Submitted On:

September 4, 2024 6:15 PM

IP Address:

71.238.30.175

Referrer:

https://www.orcity.org/1452/Park-Place-Concept-Plan-Code-Revisions

Answered 4 of 4 (100.0%)



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Pete Walter

From: Barbara (Bea) Cox <bacox.do@gmail.com>
Sent: Friday, September 6, 2024 4:27 PM
To: Pete Walter
Subject: Beemer Way connection

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Mr. Walter,

I have received notice about the Sept. 23rd Planning Commission meeting.

It appears to me that the Swan Rd exit from the North Village will be connected to the east end of Beemer Way.

I'm writing to find out if this is the case, and if so, to express concerns about routing more traffic along this road that is heavily used by children.

Also, there are parts of the road that are quite narrow, allowing only one lane of traffic including the stretch closest to Holcomb.

I am also looking for the appropriate person for me to ask about the Clackamas Heights redevelopment, I am concerned about the projected loss of tree cover and how that will affect the entire neighborhood. If you can address that also, it would be great, if not, can you point me to someone who would be able to.

Thanks very much,

Bea Cox

14120 Beemer Way

From: [Bob La Salle](#)
Sent: Monday, May 6, 2024 10:22 AM
To: [Denyse McGriff](#); [Adam Marl](#); mike.k.michell@gmail.com; [Frank O'Donnell](#); rockysmith2@gmail.com; [Tony Konkol](#); [Aquila Hurd-Ravich](#)
Subject: Work Session 7 May, 2024

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Hello Mayor and Commissioners;

I would like you to consider the following when discussing the Park Place Concept Plan. All page numbers are in reference to you packet pages.

Key Element #1, page 411

Choose Option #2. This is a vital part of the concept plan and relieves transportation problems in the Park Place Neighborhood.

Key Element #2, page 412

Use the plan described in "Notes".

Key Element #3, page 413

This is a difficult part of the Concept Plan. The proposed "commercial" area is not in an area of high traffic and thus would not attract business to locate there. A better area would be nearer to Holcomb Blvd, if a commercial area is to be considered at all. I have my doubts that any kind of commercial area would work in the "North Village."

Key Element #4, page 414

See my recommendation for Key Element #3.

Key Element #5, page 415

Option #1 states lot averaging was removed from the Code. Lot averaging should not be reconsidered.

Option #2. If developers propose affordable housing to get bonuses there needs to be a verification system in place to be sure the housing is "affordable". What is the definition of affordable?

Key Element #6, page 415

Approve Option #1. Use the present TSP. No need to hire expensive consultants. It's already all there.

Key Element #9, page 417

Orienting buildings for solar design is not practical for an entire subdivision. Leave this section "removed" as stated on page 417.

Key Element #10, page 419

This could be a “slippery slope” and deserves detailed study.

Key Element #11, page 420

Usde Option #1 to add a new code section.

Sent from [Mail](#) for Windows

From: [Aquila Hurd-Ravich](#)
Sent: Friday, May 10, 2024 2:39 PM
To: [Pete Walter](#)
Subject: FW: Park Place Concept Plan

Fyi...

From: Bob La Salle <jeanbob06@comcast.net>
Sent: Friday, May 10, 2024 2:34 PM
To: Aquilla Hurd-Ravich <ahurdravich@orccity.org>
Subject: Park Place Concept Plan

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Aquilla;

Following are mu thoughts on the Park Place Concept Plan information in our packets for the Planning Commission meeting of May 13, 2024. The page numbers referenced are the packet page numbers. If you think it would help, forward these thoughts to the other Commissioners.

Thanks;

Bob La Salle

Key Element #1, page 13

Choose Option #2. This is a vital part of the Concept Plan and relieves transportation problems in the Park Place Neighborhood.

Key Element #2, page 14

Use the plan described in "Notes".

Key Element #3, page 14

This is a difficult part of the Concept Plan. The proposed "commercial" area is not in an area of high traffic and thus would not attract business to locate there. A better area would be nearer to Holcomb Blvd, if a commercial area is to be considered at all. Another thought would be to place the commercial area near Redland Road and the Holly Lane extension. I have my doubts that any kind of commercial area would work in the "North Village".

Key Element #4, page 15

See my recommendations for Key Element #3

Key Element #5, page 17

Option #1 states lot averaging was removed from the Code. Lot averaging should not be reconsidered.

Option #2. If developers propose affordable housing to get bonuses there needs to be a verification system in place to be sure the housing is "affordable". What is the definition of

affordable?

Key Element #6, page 17

Approve Option #1. Use the present TSP. No need to hire expensive consultant. It's already all there.

Key Element #9, page 19

Orienting buildings for solar design is not practical for an entire subdivision. Leave this section "removed" as stated on page 19.

Key Element #10, page 21

This could be a "slippery slope" and deserves detailed study.

Key Element #11, page 21

Use Option #1 to add a new code section.

Page 27 The minimum front yard setback for R-5 and R-3.5 of 5 feet seems awfully small to me.

Page 29 Item 5 Affordable housing density bonus. We need a definition of affordable housing to make it "clear and objective." It states "Affordable units shall be affordable to households earning equal to or less than eighty percent of the area median income---- ." This doesn't give a percentage of their income that would be acceptable for housing costs. All it gives is a "minimum term of 30 years-----."

Page 30 17.10.080

Item C2 changes minimum lot size abutting existing subdivision to as small as 1,500 sq. Ft. I think abutting lot size should match the existing abutted lot size, or maybe one lot size smaller.

Page 32 17.21.010

B. Define "character". Is this clear and objective?

Why delete the description of architectural styles?

Page 34 17.21.025 Review Process

B. I disagree with this paragraph. It allows a developer to build outside of specific design standards that are well defined. The developer knows going in what the standards are. Why permit deviation?

17.21.030 Roof design.

B. Flat roofs should not be allowed.

Page 37 17.21.100 Solar Access Standards.

Seems a little restrictive to me. Not practical for an entire subdivision.

That's it for me. See you Monday.

Bob La Salle

Sent from [Mail](#) for Windows



To Pete Walter, Planning Manager
City of Oregon City

RE: Park Place Concept Plan Code Amendments: GLUA-24-013 / LEG-24-01

The Board of The Hamlet/CPO of Beavercreek has received and reviewed the above listed Park Place Concept Plan Code Amendments. We have two topics we'd like to bring forward:

- Landslides – please see the two attached DOGAMI SLIDO maps. The first, a map of historic landslides in the proposed development area. The second, a map of landslide susceptibility. There are historic landslides in this proposed development area and a VERY high susceptibility of future landslides. These facts are denied in the application and coupled with the fact that you CANNOT purchase landslide insurance for your home, should give the City, the Applicant, the Representative, and the citizens of the City pause before irresponsible and dangerous development.

The City of Oregon City signed a contract with FEMA in 2019 committing to the Natural Hazards Mitigation Plan. This contract requires the restriction of development in areas of known hazards.

Development causes more and more land to be covered by impervious surfaces, not allowing water to penetrate into soils. This along with allowing development in historic and susceptible landslide areas can result in devastating losses such as the multimillion dollar homes in Rancho Palos Verdes in Southern California. We do not have to go too far back in our own memories to recall the homes that slid into the canyon off the south western end of Holly Lane and certainly the devastation from the 2005 landslides along Forest Edge forcing the evacuation of the Newell Creek Apartments.

- Transportation – Redland Road, Holcomb Boulevard, and Holly Lane, and the two intersections of these roads, and the intersection of Redland Road and Highway 213 are all at a “failing” level; meaning, unacceptable and unsafe congestion. Please see page 5 of 48 item number 11 of your Lancaster Mobley Park Place Crossing Master Plan Transportation Impact Study. Three of these roads are NOT the responsibility of Oregon City, but the County of Clackamas and the State of Oregon. Adding this type of development without the planning and funding of adequate improvements is irresponsible development.

In addition, with the recent approval of Accessory Dwelling Units on County zoned Rural Residential lots, transportation service needs will increase from the east, south, and west of this proposed development.



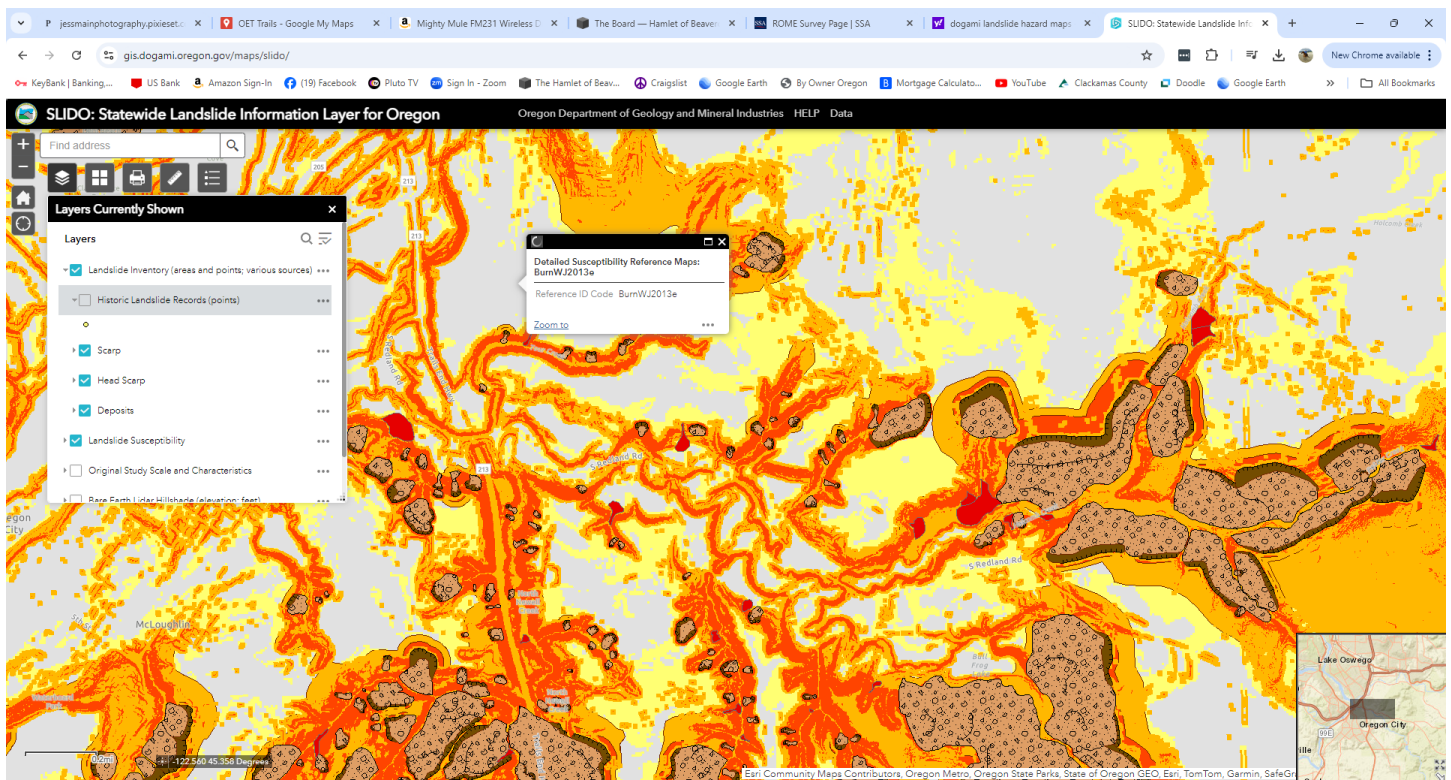
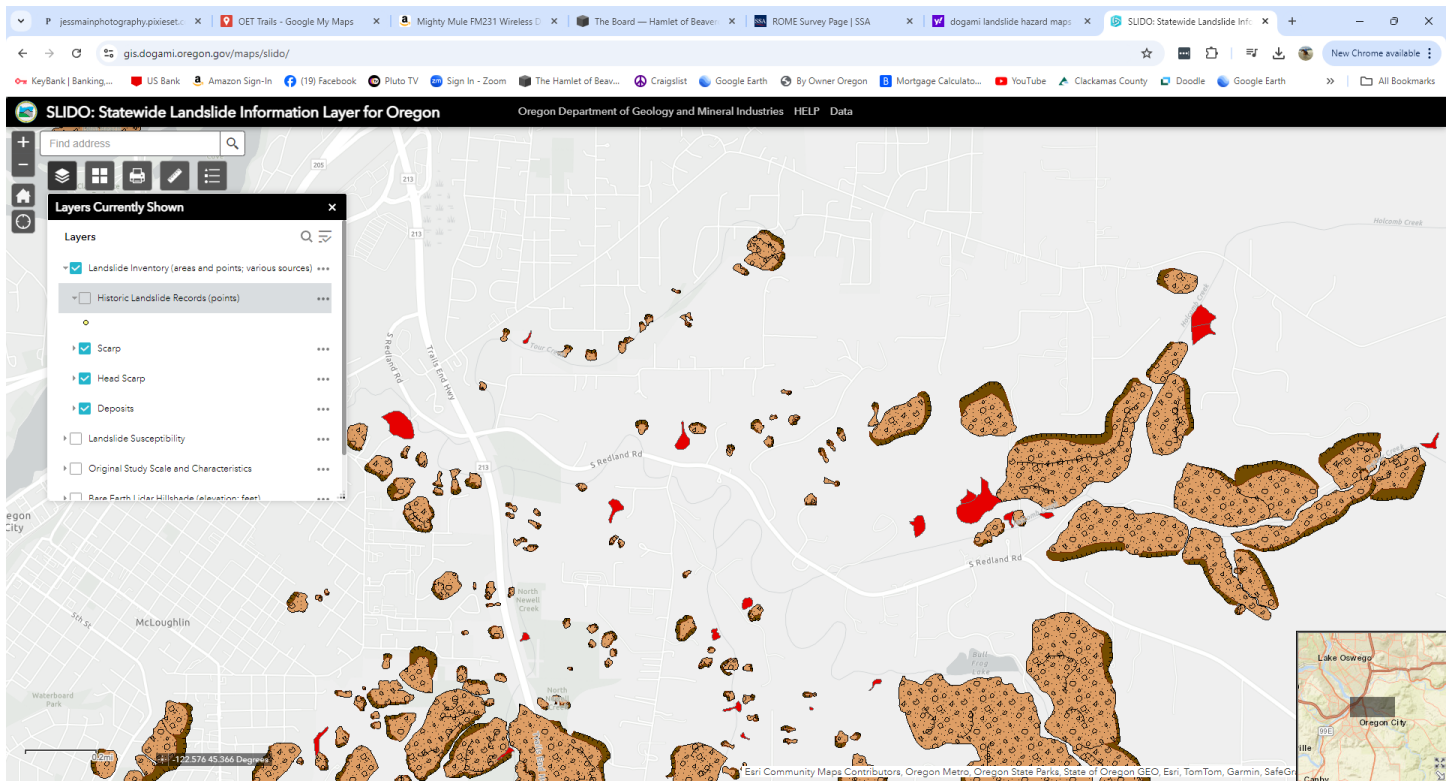
Please understand that The Hamlet/CPO of Beavercreek is not against development, only **irresponsible development** that seriously impacts the safety and quality of our citizens' lives that has no regard for "what happens after my home slides down the hill?"

We are certainly happy to provide additional information or answer questions. Thank you for this opportunity to provide input to your land use process.

Sincerely,

Tammy Stevens, Chair
The Hamlet of Beavercreek
503.939.3552

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CANCEL

First Name *

Bobby

Last Name *

Youngren

Email Address *

a1mstrkr@centurylink.net

Comments

how would this affect HollyLn Oregon city Oregon

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Form Details

Submitted By:
Submitted On:
September 5, 2024 12:54 PM
IP Address:
63.155.101.111
Referrer:
<https://www.orcity.org/1452/Park-Place-Concept-Plan-Code-Revisions>
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Sign up to receive project updates for the upcoming code revisions - Submission #987

Date Submitted: 9/3/2024

First Name*

Jerald

Last Name*

Carlson

Email Address*

jkcarlbel@gmail.com

Comments

Proposing a trail that trespasses right through the backyard of private properties is ludicrous! Apparently, you are welcoming lawsuits over this plan; after all, a public trail through one's back yard will lead to homeless tents, a rise in property crimes, and myriad lawsuits, not to mention the unstable ground that exists in this area, which I personally witnessed in the 1950s and 1960s. Who is the tyrant who is running this show? Maybe we should put a public trail through their garden, and see how they like it. Yes, keep me updated on this crazy plan. Thank you.

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

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Sign up to receive project updates for the upcoming code revisions - Submission #965

Date Submitted: 8/26/2024

First Name*	Last Name*
Thomas	Funk
Email Address*	
tomf0305@yahoo.com	
Comments	

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Oregon City Planning Commission
May 13th 2024

Dear Commissioners, you have been tasked with discussing ‘Clear and Objective Standards’ that can be applied to a General Development Plan (GDP).

As you are aware an ICON GDP came before the City Commission and was denied as it didn’t adhere closely enough to the Park Place Concept Plan. LUBA and the State Court of Appeals sided with ICON due to a lack of Clear and Objective Standards and now you are here to rectify this along with city staff.

The original Concept Plan was titled the Park Place Village Concept Plan and I bring this up as it speaks to the intention behind it. The Concept Plan drafted decades ago provides our neighborhood with increased connectivity both within the neighborhood and to the rest of the City, provides a decent-sized neighborhood commercial district and a large park as well as housing. The goal was to reduce vehicle trips out of the immediate neighborhood and surrounding area via Holcomb by creating a “village” with services and recreation options hence its original title. It was a good plan, forward-thinking for its time with front-facing housing with porches, alleyways and garages behind to encourage face to face community building. The ‘green street’ designs, trails, park and commercial district with a community center increased sustainable livability.

The crucial transportation aspect of the plan was the north/south connector from Holcomb to Holly Lane which would take traffic from our neighborhood (not just the concept plan development) up to Beaver Creek Rd and the Hill Top area thus reducing traffic on Holcomb Blvd and congestion at Redland and 213. It would also provide an emergency exit/entrance from/into our neighborhood if Holcomb was blocked, which city staff at the time touted as very important. It is now even more important as climate change has heralded the age of wildfires.

Along with many others residents, I spent untold hours in meetings helping to draft this concept plan and I implore you to incorporate Clear and Objective Standards into both the OCMC and the PPCP (indeed into all concept plans going forward) that would uphold the intention of the PPCP.

Volunteers give up much of their time to help draft concept plans and in addition the City spends a fortune on staff time and consultants to help with the process. If the City has few Clear and Objective Standards drafted into code then all this is wasted effort.

We’ve had a reprieve as ICON has withdrawn their GDP, so now is the time to make sure we have smart development that adheres to concept plans and the will of the residents to keep our neighborhood and City livable and safer.

Jackie Hammond-Williams
PPNA Treasurer
503-753-5321
Jackiespins@gmail.com

From: [James Nicita](#)
Sent: Tuesday, May 7, 2024 1:58 PM
To: [Denyse McGriff](#); [Adam Marl](#); [Mike Mitchell](#); [Frank O'Donnell](#); [Rocky Smith, Jr.](#); [Tony Konkol](#); [Aquila Hurd-Ravich](#); [Bill Kabeiseman](#); [Carrie Richter](#); [Jakob Wiley](#)
Cc: [Jackie Hammond-Williams](#); [Barbara Renken](#); [Tom Geil](#); Jesse Buss
Subject: May 7 2024 Work Session Agenda Item #3 Park Plan Code Refinement

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City Commission:

Regarding the above-referenced agenda item, I am appending below the email I sent the City Commission this past February. I continue to believe that the City can take the position that "clear and objective" standards apply only to residential zones, and not to other elements of development such as parks, commercial, office, transportation and stormwater facilities etc.

With the foregoing in mind, I would like to offer the following thoughts on the "Implementation Narrative" in the packet.

Item #3) Neighborhood Commercial. At least within the Park Place Concept Plan Area specifically, I think both residential and park uses should be completely REMOVED from 17.24.060 as permitted uses.

Within the Park Place Concept area, this zone should permit office and commercial as principal uses. If only these uses are permitted, then there is no need to worry about the "clear and objective standards" rule, and that rule cannot be used to destroy the "traditional main street" concept of the Park Place Concept Plan. The City can still adopt "main street design standards" as called for in the concept plan.

As for parks, the Park Place Concept Plan already has both a) an enormous park, and b) ample open space on unbuildable lands. There is no reason to permit additional parkland in the little traditional Main Street area.

Furthermore, I remind the Commission that ICON attempted to wipe out the traditional little Main Street area by shifting the enormous park on the PPCP map over and down to the north side of the Livesay Road traditional main street area. They argued that they could do this because, notwithstanding what the concept plan called for, the NC zone allowed parks. Removing parks as a permitted use within the NC zone would prevent any such attempts in the future.

Item #7 Green Streets. Generally I disagree that green streets cannot be implemented in the PPCP area.

But as to water quality more broadly, statewide planning Goal 6 requires compliance with water quality standards.

Some state water quality standards are "qualitative," and I think might run afoul of the "clear and objective" rule. On the other hand, other state water quality standards are very precise, quantitative numeric standards, and would not run afoul of the "clear and objective standards" rule. I think the City could maintain its water quality objectives that the PPCP tries to achieve via "green streets" if it requires compliance with numeric state water quality standards. The City's Stormwater & Grading Design Standards currently do not do so; at least not for all pollution parameters.

Thank you,

James Nicita
Oregon City

On Wed, Feb 7, 2024 at 4:02 PM James Nicita <james.nicita@gmail.com> wrote:

Mayor and Commissioners:

I write with the following comments regarding the above-referenced agenda item.

First, I am curious why this is being presented to the City Commission as a city manager communication rather than a regular agenda item at the tail end of a packed meeting that will likely run up against the 10 pm time limitations. Perhaps the Commission might consider moving this item up earlier in the agenda, and allow for full public comment.

The importance of what is going on here cannot be underestimated. The staff memo posted with this agenda appears to be setting the "rules of the game" for the remand hearing on the Park Place Crossing proposal. It purports to establish what review criteria will or will not be applied to the remanded Park Place Crossing proposal.

The principal message that the memo appears to want to convey to the Commission is this: that only "clear and objective" standards can be applied to the Park Place Crossing proposal, in its entirety.

There might be grounds for an alternative interpretation. ORS 197A.400(1) (formerly ORS 197.307(4)) states that only clear and objective standards may

be applied to the "development of housing."

The original Park Place Crossing proposal included much more than housing. It included retail, per the Park Place Concept Plan "neighborhood village" Main Street, parks and open space that will serve citizens well beyond those in the Park Place Crossing Development, and a major connector in the Holly Lane extension that will also serve citizens well beyond the Park Place Crossing residents.

I have spent this afternoon on Westlaw trying to find a case that applies the "clear and objective" standards rule to non-housing elements of a development that includes both housing and other components of a development. I have not found one, but I will certainly concede error if there is a case out there that is directly on point that I have not found.

In the City Commission's original Park Place Crossing decision, the Commission gave full support to the neighborhood village component of the Park Place concept plan. I do not see anything that disturbs this aspect of the Commission's decision in the LUBA case that remanded the Commission's final decision: the LUBA decision, in my opinion, is solely directed to the general development plan for Park Place Crossing as that proposal relates to "housing."

Therefore, I hope the Commission will make abundantly clear tonight that the language in the memo that has been stricken in the review criteria as not applying to a general development plan only applies to the "housing" component of the Park Place Crossing general development plan proposal, and that the Park Place concept plan and the comprehensive plan fully apply to the non-housing components such as the retail and commercial in the concept plan's Main Street Village.

Finally, I hope the Commission might request clarification on the memo's use of the term "application" to describe what staff is or will be requesting from Icon in February. It seems to me that the LUBA remand indicated that the City was required to allow Icon to propose "amendments" to the existing application, not a new application. It seems that a new "application" would require a completely new hearing, beginning with Planning Commission review.

Thank you for your consideration of these comments.

James Nicita
Oregon City

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Sign up to receive project updates for the upcoming code revisions - Submission #986

Date Submitted: 9/3/2024

First Name*	Last Name*
Mark	Lewis
Email Address*	
mfl655@comcast.net	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

From: [Jakob Wiley](#)
Sent: Tuesday, May 7, 2024 9:07 AM
To: [Commission](#)
Cc: [Recorder Team](#); [Tony Konkol](#); [Alex Rains](#); [Aquilla Hurd-Ravich](#); [Hannah Schmidt](#)
Subject: FW: Public Comment for City Commission Work Session 05-07-2024

Dear City Commissioners,

Please see the below public comment.

Thank you,
Jakob



Jakob Wiley, JD, MS
City Recorder
City of Oregon City
503-496-1509 Direct phone
503-657-0891 City Hall

Website: www.orcity.org | [Recorder's Page](#) | [Facebook](#) | [Twitter](#)
PUBLIC RECORDS LAW DISCLOSURE: This e-mail is subject to the State Retention Schedule and may be made available to the public.

From: Linda Smith <ocgal5700@gmail.com>
Sent: Tuesday, May 7, 2024 1:07 AM
To: Recorder Team <recorderteam@orcite.org>
Subject: Public Comment for City Commission Work Session 05-07-2024

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To The City Commision,

RE: Park Place Concept Plan Code Refinement

The Staff Report states on page 3:
"Additionally, we will make a presentation to the Citizen Involvement Committee prior to the legislative hearings."

I propose a change to say that a presentation to the Park Place Neighborhood Association will be made prior to the legislative hearings. The CIC has not been a principal party during the development or refinement of the PPCP. PPNA has been

deeply vested in the PPCP for over two decades and should be included when proposing any code refinement to the PPCP.

Regards,
Linda Smith
13944 Cleveland St., Oregon City, OR 97045
503-819-7099
Resident of the Park Place neighborhood for 48 years

Pete Walter

From: James Nicita <james.nicita@gmail.com>
Sent: Sunday, May 12, 2024 2:43 PM
To: Dirk Schlagenhauer; Karla Laws; Daphne Wuest; Gregory Stoll; Paul Espe; Brandon Dole; Bob La Salle
Cc: Oregon City Planning; Barbara Renken; Jackie Hammond-Williams; Tom Geil
Subject: Public Comments Planning Commission Meeting May 13, 2024 Agenda Item #3 Park Place Code Refinement
Attachments: Excerpt Park Place LUBA Decision.pdf; 2024-05-07 Nicita CC Public Comment Park Place.pdf
Categories: Pete, Kay

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Hi Planning Commissioners:

First, Happy Mother's Day, and I hope everyone is enjoying the spring weather.

I write respectfully with the following comments regarding the above-referenced matter.

The point of departure for my comments is the LUBA remand decision on the ICON Development's Park Place Crossing land use application for approval of a General Development Plan under OCMC 17.65.050.

I am attaching the pertinent excerpt from that decision, which remanded the City Commission's denial of the Park Place Crossing application because the denial ran afoul of the "clear and objective standards" rule. In turn, the denial ran afoul of that rule because OCMC 17.65.050 ran afoul of that rule.

I draw your attention to the following sentence from the opinion, which I have highlighted in yellow in the excerpt:

"OCMC 17.65.050(C)(6) and (7) are ambiguous because they do not, on the face of the ordinance, identify the provisions of the PPCP and comprehensive plan that a general development plan must be consistent with."

Those provisions read:

"OCMC 17.65.050 - General development plan.

(...)

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:

(...)

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

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

The hopeful part of LUBA's statement is that it seems to imply that if that Oregon City did in fact amend OCMC 17.65.050(6) and (7) to "identify the provisions of the PPCP and comprehensive plan that a general development plan must be consistent with," then these two code provisions would in fact comply with the "clear and objective standards" rule.

I think that is crucial, because the integrity and livability of Park Place depends on ensuring that both the Park Place Concept Plan and the Oregon City Comprehensive Plan are in fact legally applicable to land use decisions in the Park Place concept plan area.

However, amending OCMC 17.65.050 would not completely solve the problem, because even if this code, as amended, did direct an applicant to specific provisions of the PPCP and OCCP, if those plan provisions are in turn ambiguous, they will still fail under the "clear and objective standards" test.

Therefore, it seems essential to review as well the text of both the PPCP and the OCCP for amendments that would make these documents more "clear and objective". In order to stay faithful to the idea of "comprehensive planning," I believe that such a review should take place simultaneously with the code review.

The city manager, through his employees, planning staff and the city attorney, has presented drafts of specific textual amendments to certain municipal code provisions, but not, at least yet, any proposed necessary textual amendments to the PPCP and the OCCP. I hope the Planning Commission will ensure that such amendments will occur.

In my recent comments to the city commission, I provided some ideas for both plan and code amendments to address the "clear and objective standards" issue. I am attaching those comments.

In addition, during oral public comment I additionally recommended that elements of the PPCP like the big park, the Holly Connector, and the Main Street Village be protected by a precise delineation of their location through metes and bounds surveys. That would certainly be "clear and objective."

Thank you for considering these comments.

James Nicita
Oregon City

1 The planning commission made no findings concerning whether applicable
2 criteria were limited by the needed housing statute. As in *Olstedt*, it would have
3 been strange for petitioner to file an appeal of the planning commission's decision
4 since petitioner prevailed before the planning commission, and the planning
5 commission's decision included no determination regarding the needed housing
6 statute that petitioner could appeal. In that circumstance, petitioner was not
7 required to file a precautionary local appeal in order satisfy the exhaustion
8 requirement in ORS 197.825(2)(a). It was sufficient for petitioner to raise the
9 issue before the planning commission to satisfy any exhaustion requirement.

10 Intervenor PPNA and Hammond-Williams join in the city's response and
11 additionally argue that this assignment of error is waived under ORS 197.797(1),
12 because petitioner did not raise the needed housing argument until three days
13 before the final planning commission hearing and close of the evidentiary
14 hearing. These intervenors argue that the purpose of the notice statutes is to
15 provide participants in the land use process *adequate* time to respond to issues.

16 ORS 197.797(1) provides that issues must be raised before the close of the
17 first evidentiary hearing. Petitioner did so, and we do not address this response
18 further. The issue was preserved for our review and we resolve it below.

19 **2. Clear and Objective Standards**

20 The Court of Appeals discussed the clear and objective standard in *Roberts*
21 *v. City of Cannon Beach*, explaining:

22 "LUBA, and, to a lesser extent, this court, have articulated and

1 refined the ‘clear and objective’ standard under ORS 197.307 over
2 many years. We agree with petitioners that, fundamentally, the
3 standard has two parts: First, a standard, condition, or procedure
4 must be objective. As LUBA has explained, ‘objective’ means
5 ‘existing independent of mind.’ *Nieto* [v. *City of Talent*], ___ Or
6 LUBA ___, ___ [(LUBA No 2020-100, Mar 10, 2021)] (slip op at 9
7 n 6). Standards are not objective ‘if they impose “subjective, value-
8 laden analyses that are designed to balance or mitigate impacts of
9 the development on (1) the property to be developed or (2) the
10 adjoining properties or community.”’ 316 Or App 305, 311, 504
11 P3d 1249 (2021), *rev den*, 370 Or 56 (2022).

12 The court discussed the “clear” requirement in *Roberts*, explaining that
13 clear means easily understood and without obscurity or ambiguity and that “a
14 condition that could be construed ‘to support either of two diametrically opposed
15 conclusions’ is not a ‘clear and objective’ standard or condition within the
16 meaning of ORS 197.307(4)).” *Roberts* at 312 (citing *Group B LLC*, 72 Or LUBA
17 at 82).

18 “Ultimately, in the context of ORS 197.307(4), the degree of clarity
19 required for standards, conditions, and procedures for housing
20 development represents a balance between the need of applicants for
21 an understandable route to approval of the applied-for development
22 and the need of local governments for code-drafting requirements
23 that are realistically achievable.” *Roberts*, 316 Or App at 312.

24 We will reverse or remand a land use decision if the local government
25 improperly construed the applicable law. ORS 197.835(9)(a)(D). ORS
26 227.173(2) provides that “[w]hen an ordinance establishing approval standards
27 is required under ORS 197.307 to provide only clear and objective standards, the
28 standards must be clear and objective on the face of the ordinance.” In addition,

1 ORS 197.831 places the burden on the local government to demonstrate that the
2 criteria are clear and objective.

3 OCMC 17.65.050(C)(6) and (7) require that “[t]he proposed general
4 development plan is consistent with the Oregon City Comprehensive Plan” and
5 “underlying zoning district(s) and any applicable overlay zone or concept plans.”

6 We agree with petitioner that “there are no ‘objective benchmarks’ for measuring
7 the compliance” with elements of the OCCP. Petition for Review 17. OCMC
8 17.65.050(C)(6) and (7) are ambiguous because they do not, on the face of the
9 ordinance, identify the provisions of the PPCP and comprehensive plan that a
10 general development plan must be consistent with. Moreover, the city concedes
11 that it applied criteria that were not clear and objective. Respondent’s Brief 14.

12 The second subassignment of error is sustained.

13 The first assignment of error is sustained in part.

14 **THIRD AND FOURTH ASSIGNMENTS OF ERROR**

15 Petitioner’s third assignment of error alleges that the city failed to adopt
16 adequate findings addressing OCMC 17.65.050(C)(3) and (5).¹² Petitioner’s

¹² OCMC 17.65.050(C) sets out the city’s criteria for approval of a general development plan and includes:

“3. Public services for transportation * * * are capable of serving the proposed development, or will be made capable by the time each phase of the development is completed.

“* * * * *



James Nicita <james.nicita@gmail.com>

May 7 2024 Work Session Agenda Item #3 Park Plan Code Refinement3 messages

James Nicita <james.nicita@gmail.com>

Tue, May 7, 2024 at 1:57 PM

To: Denyse McGriff <dmcgriff@orcify.org>, Adam Marl <amarl@orcify.org>, mmitchell@orcify.org, Frank O'Donnell <fodonnell@orcify.org>, "Rocky Smith, Jr." <rsmith@orcify.org>, Tony Konkol <tkonkol@orcify.org>, Aquilla Hurd-Ravich <ahurdravich@orcify.org>, Bill Kabeiseman <billkab@batemanseidel.com>, Carrie Richter <crichter@batemanseidel.com>, Jakob Wiley <jwiley@orcify.org>

Cc: Jackie Hammond-Williams <Jackiespins@gmail.com>, Barbara Renken <miniflower@comcast.net>, Tom Geil <Qmunicator@yahoo.com>, Jesse Buss <jessebuss@gmail.com>

Bcc: Frank O'Donnell <coachfranko@comcast.net>, Mike Mitchell <mike.k.mitchell@gmail.com>, rocky smith <rockylsmith2@gmail.com>, adam.j.marl12@gmail.com

City Commission:

Regarding the above-referenced agenda item, I am appending below the email I sent the City Commission this past February. I continue to believe that the City can take the position that "clear and objective" standards apply only to residential zones, and not to other elements of development such as parks, commercial, office, transportation and stormwater facilities etc.

With the foregoing in mind, I would like to offer the following thoughts on the "Implementation Narrative" in the packet.

Item #3) Neighborhood Commercial. At least within the Park Place Concept Plan Area specifically, I think both residential and park uses should be completely REMOVED from 17.24.060 as permitted uses.

Within the Park Place Concept area, this zone should permit office and commercial as principal uses. If only these uses are permitted, then there is no need to worry about the "clear and objective standards" rule, and that rule cannot be used to destroy the "traditional main street" concept of the Park Place Concept Plan. The City can still adopt "main street design standards" as called for in the concept plan.

As for parks, the Park Place Concept Plan already has both a) an enormous park, and b) ample open space on unbuildable lands. There is no reason to permit additional parkland in the little traditional Main Street area.

Furthermore, I remind the Commission that ICON attempted to wipe out the traditional little Main Street area by shifting the enormous park on the PPCP map over and down to the north side of the Livesay Road traditional main street area. They argued that they could do this because, notwithstanding what the concept plan called for, the NC zone allowed parks. Removing parks as a permitted use within the NC zone would prevent any such attempts in the future.

Item #7 Green Streets. Generally I disagree that green streets cannot be implemented in the PPCP area.

But as to water quality more broadly, statewide planning Goal 6 requires compliance with water quality standards.

Some state water quality standards are "qualitative," and I think might run afoul of the "clear and objective" rule. On the other hand, other state water quality standards are very precise, quantitative numeric standards, and would not run afoul of the "clear and objective standards" rule. I think the City could maintain its water quality objectives that the PPCP tries to achieve via "green streets" if it requires compliance with numeric state water quality standards. The City's Stormwater & Grading Design Standards currently do not do so; at least not for all

pollution parameters.

Thank you,

James Nicita
Oregon City

On Wed, Feb 7, 2024 at 4:02 PM James Nicita <james.nicita@gmail.com> wrote:

Mayor and Commissioners:

I write with the following comments regarding the above-referenced agenda item.

First, I am curious why this is being presented to the City Commission as a city manager communication rather than a regular agenda item at the tail end of a packed meeting that will likely run up against the 10 pm time limitations. Perhaps the Commission might consider moving this item up earlier in the agenda, and allow for full public comment.

The importance of what is going on here cannot be underestimated. The staff memo posted with this agenda appears to be setting the "rules of the game" for the remand hearing on the Park Place Crossing proposal. It purports to establish what review criteria will or will not be applied to the remanded Park Place Crossing proposal.

The principal message that the memo appears to want to convey to the Commission is this: that only "clear and objective" standards can be applied to the Park Place Crossing proposal, in its entirety.

There might be grounds for an alternative interpretation. ORS 197A.400(1) (formerly ORS 197.307(4)) states that only clear and objective standards may be applied to the "development of housing."

The original Park Place Crossing proposal included much more than housing. It included retail, per the Park Place Concept Plan "neighborhood village" Main Street, parks and open space that will serve citizens well beyond those in the Park Place Crossing Development, and a major connector in the Holly Lane extension that will also serve citizens well beyond the Park Place Crossing residents.

I have spent this afternoon on Westlaw trying to find a case that applies the "clear and objective" standards rule to non-housing elements of a development that includes both housing and other components of a development. I have not found one, but I will certainly concede error if there is a case out there that is directly on point that I have not found.

In the City Commission's original Park Place Crossing decision, the Commission gave full support to the neighborhood village component of the Park Place concept plan. I do not see anything that disturbs this aspect of the Commission's decision in the LUBA case that remanded the Commission's final decision: the LUBA decision, in my opinion, is solely directed to the general development plan for Park Place Crossing as that proposal relates to "housing."

Therefore, I hope the Commission will make abundantly clear tonight that the language in the memo that has been stricken in the review criteria as not applying to a general development plan only applies to the "housing" component of the Park Place Crossing general development plan proposal, and that the Park Place concept plan and the comprehensive plan fully apply to the non-housing components such as the retail and commercial in the concept plan's Main Street Village.

Finally, I hope the Commission might request clarification on the memo's use of the term "application" to describe what staff is or will be requesting from Icon in February. It seems to me that the LUBA remand indicated that the City was required to allow Icon to propose "amendments" to the existing application, not a new application. It seems that a new "application" would require a completely new hearing, beginning with

Planning Commission review.

Thank you for your consideration of these comments.

James Nicita
Oregon City

James Nicita <james.nicita@gmail.com> Tue, May 7, 2024 at 4:15 PM
To: Adam Marl <amarl@orcity.org>, Aquilla Hurd-Ravich <ahurdravich@orcity.org>, Bill Kabeiseman <billkab@batemanseidel.com>, Carrie Richter <crichter@batemanseidel.com>, Denyse McGriff <dmcgriff@orcity.org>, Frank O'Donnell <fodonnell@orcity.org>, Jakob Wiley <jwiley@orcity.org>, "Rocky Smith, Jr." <rsmith@orcity.org>, Tony Konkol <tkonkol@orcity.org>, mmitchell@orcity.org
Cc: Barbara Renken <miniflower@comcast.net>, Jackie Hammond-Williams <Jackiespins@gmail.com>, Jesse Buss <jessebuss@gmail.com>, Tom Geil <Qmunicator@yahoo.com>

City Commission:

I notice an error in what I wrote below.

I said that "clear and objective standards" apply only to "residential zones."

I should have said that such standards apply only to "housing."

I think that even within residential zones, clear and objective standards do not apply to non-housing uses such as roads, parks, etc.

[Quoted text hidden]

Barbara Renken <miniflower@comcast.net> Tue, May 7, 2024 at 7:00 PM
To: James Nicita <james.nicita@gmail.com>

Jim, Ray and I just read your email. Thank you for following up with all the work that has been done in the past and especially your efforts to remind citizens working currently of what has already been established. We appreciate all you do.

Ray and Barbara Renken
[Quoted text hidden]

Print

Sign up to receive project updates for the upcoming code revisions - Submission #1010

Date Submitted: 9/12/2024

First Name*	Last Name*
Janice & Ron	VanDomelen
Email Address*	
vandomelen6966@comcast.net	
Comments	

Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?

Print

Sign up to receive project updates for the upcoming code revisions - Submission #992

Date Submitted: 9/4/2024

First Name*	Last Name*
juanita	Whitaker
Email Address*	
whitaker_jp@comcast.net	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	

Print

Sign up to receive project updates for the upcoming code revisions - Submission #996

Date Submitted: 9/5/2024

First Name*	Last Name*
woody	youngren
Email Address*	
mayoungren1@gmail.com	
Comments	
Do you want to share anything with the Planning and City Commissions about the upcoming work to implement the Park Place Concept Plan with clear and objective standards?	



CITY OF OREGON CITY

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

Staff Report

To:	Planning Commission	Agenda Date:	September 23, 2024
From:	Christina Robertson-Gardiner, Senior Planner Dayna Webb, Public Works Director		

SUBJECT:

McLoughlin Boulevard Enhancement Project-Phase 3

STAFF RECOMMENDATION:

Listen to staff present the latest update and ask questions in preparation for an upcoming Legislative File, which will adopt the revised corridor plan into the Transportation Statement Plan (TSP).

EXECUTIVE SUMMARY:

1. The City of Oregon City and the Oregon Department of Transportation (ODOT) are partnering to evaluate options for a shared-use pedestrian and bicycle path and streetscape enhancements on both sides of McLoughlin Boulevard between 10th Street and [tumwata village](#). This project is the last and most complex phase of Oregon City's McLoughlin Boulevard Enhancement Plan, which has been in progress for the past 20 years.

The chosen conceptual design aims to support Oregon City's tourism, economic, and community development goals by improving walking and biking facilities along this corridor.

The McLoughlin Boulevard Enhancement Plan was adopted in 2005. Phases 1 and 2 of the plan have been completed. Unfortunately, the viaducts, located between 8th and 10th Streets, are not expected to be replaced with an expanded structure supporting a widened sidewalk, which is necessary to provide the needed width for safe bicycle and pedestrian access. Attaching a new path to the existing viaduct is also not feasible due to its age and structural design.

This conceptual project will enable the City to complete the Alternatives Identification and Evaluation phase to determine how to address this gap. Once a preferred alternative is identified, the City will proceed with a more detailed design and apply for grants to build all or portions of the section.

More information on the project can be found on the project website:
<https://www.orcity.org/1853/McLoughlin-Blvd-Enhancements>

BACKGROUND:

Open House and New Alternatives

After the December 2023 virtual open house, the design team began the hard work of ground-truthing the most promising shared-use path alignments along McLoughlin Blvd. What they found was an overlapping of complexity at the existing river's edge. This was not a complete surprise, but it definitely necessitates a nonstandard approach to designing a solution.

Due to the complexity of the area, none of the designs from the open house were able to move forward. At the April 9 City Commission Worksession, the design team outlined two promising alternatives that met the City's Commission goals: 1. Conventional Viaduct + 2 Signature Spans and 2. Long Span. While both options provide a path along the river, only the **long-span approach** significantly minimized foundation excavation, reduced/removed in-water work, and provided a more compatible design with the historic arch bridge.

If there is no desire to move forward on a riverside shared-use path, the most likely approach will be to design streetscape improvements (trees, landscaping, sidewalks) on the non-viaduct portions of 99E and use wayfinding to send bicycles and pedestrians over to Main Street. Bicycles would share the road via painted [sharrows](#).

At the May 15 City Commission work session, the Commission reviewed the work date, including public comments. They directed staff and the consultant team to continue their technical investigations on the long-span approach and begin the design work for streetscape improvements. They continued that direction at an August 13, 2024, follow-up work session.

Long Span Approach-Technical Update.

The design team has been continuing its technical investigations on the long span approach- including a better understanding of future permitted requirements and the impact the structure would have on the shoreline and adjacent historic resources such as the arch bridge. At a conceptual level, this work looks to see if there are any fatal flaws in the approach that would not permit the project. Site-specific impacts and permit requirements with entities such as the Army Corps of Engineers, Marine Board, and Division of State Lands depend on construction-level components that are not part of the scope of this phase. So far, the design team has found this approach to be constructible and conceptually permissible, which, not surprisingly, is a very important step in the design process.

McLoughlin Boulevard Street Enhancements Design Elements

There is an opportunity to enhance the streetscape along McLoughlin Boulevard to complement the recommended shared-use path alternative, calm vehicular speeds along McLoughlin Boulevard, green the corridor, and better integrate downtown Oregon City to the waterfront. This can be achieved by incorporating sidewalk, landscaping, and placemaking improvements to calm traffic and create a sense of place. Looking for areas to add greenery, and enhance pedestrian safety along the corridor has been a very technical process with Oregon Department of Transportation(ODOT), who control the highway right of way.

The draft plan provides options for a few key constrained areas along the corridor that either

retain parking spaces or remove them to provide additional active open space.

- Historic Arch Bridge open space (linear area along McLoughlin Boulevard near the utility tower)
- Area under 7th Street approach to Historic Arch Bridge
- The area along McLoughlin Boulevard on the inside of the "elbow."

The final plan can adopt various options for a specific area (parking vs open space), and the city can wait to decide on the final configuration until the project moves to construction drawings, which would be part of a future grant project.

Next Steps

The Study will be presented to the Planning Commission and City Commission for adoption beginning in the Fall of 2024. This adoption will include an amendment to the Transportation System Plan (TSP) of the conceptual design approach.

Additionally, staff anticipates preparing a Metro Regional Flexible Funds Allocation (RFFA) grant application to fund the next phase of the design work. The request for projects is anticipated to open in September 2024, with an application deadline in November 2024. This grant deadline is critical to funding the next steps of this design work and does not open again for another three (3) years. The same funds supported the current design process. The final grant submittal will mostly likely provide an option for streetscape construction only or streetscape construction plus the next technical design phase on the long-span approach.

Additional Public Outreach

Over the spring and summer, we focused on reviewing the technical aspects to determine if the long span was feasible to build and could comply with permitting regulations. This fall, our staff will reach out to the different groups and committees that have given input on the plan, provide an update on our progress, and gather any further feedback on the preferred alternative and streetscape enhancements.

NEXT STEPS:

The Legislative file for this project is tentatively scheduled for the October 28, 2024 Planning Commission Meeting.

OPTIONS:

LEGEND

	Roadway
	Sidewalk
	Landscape/ Open Space
	Parking Area
	Obstruction (e.g., Historic Arch Bridge columns, utility tower)
	tumwata village Frontage
	Recommended Shared-Use Path Alternative
	Curb
	Tax Lots

DRAFT
September 2024

NOTES

- 1

Street trees are not shown, but should be incorporated into medians and buffers where feasible, given width, weight (on the viaduct), and sight distance requirements. Final plant/tree location and species will be determined at the time of final design.
- 2

The City of Oregon City will be responsible for the maintenance of street trees and medians.
- 3

Pedestrian illumination along segments and at crossings will be determined in final design.
- 4

Additional structural analysis on the viaduct will be conducted to confirm the suitability of proposed cross-section in final design.
- 5

The City of Oregon City Parks & Recreation will be responsible for any open spaces developed as part of this project.
- 6

All redesigned curb ramps are to be ADA-compliant. New crossings should not interfere with utility lines.
- 7

Area under Historic Arch Bridge is leased from ODOT to the City. If changes to that area are implemented, an update to the lease would be required in final design.
- 8

Lane shifts will be further analyzed in final design.
- 9

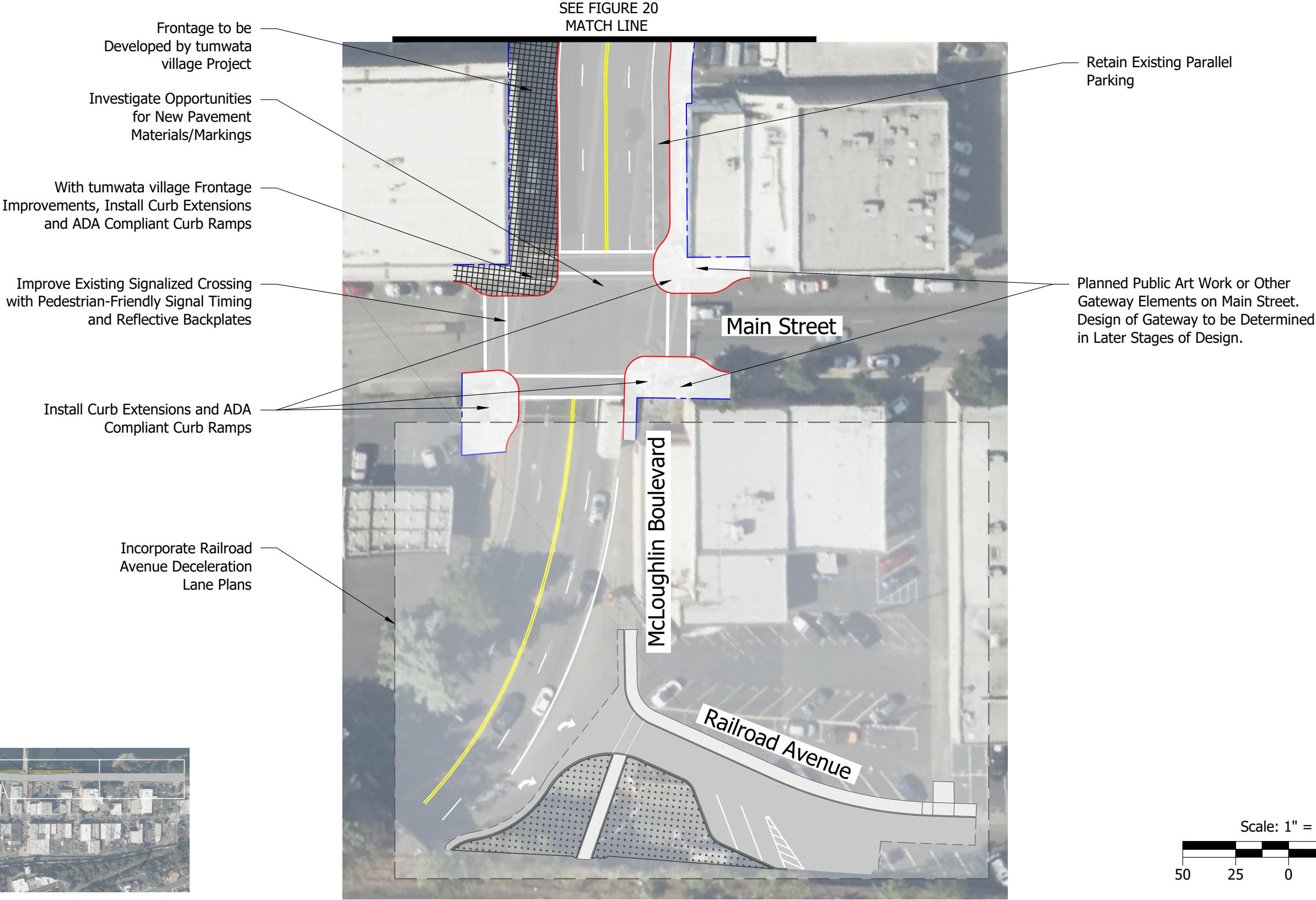
This project anticipates public art and interpretive signage along the corridor.

NOTE: Concept design subject to change per future planning, analysis, and design.

Legend
McLoughlin Blvd: Main Street to 10th Street

Figure
18

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NOTE: Concept design subject to change per future planning, analysis, and design.

Streetscape Improvements
McLoughlin Blvd: Railroad Avenue to Main Street

Figure
19

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Shared-Use Path Connectivity
to Future tumwata village Site
to be Further Refined

Provide Driveway for
Building Garage Access

Connect to Planned Water
Avenue Improvements from
tumwata village Project (Final
Design To Be Determined)

Maintain Parking Area/Access
for Private Business Use

Frontage to be
Developed by tumwata
village Project

MATCH LINE
SEE FIGURE 19

Design of Parking Area
To Be Determined in
Later Stages of Design

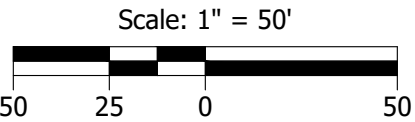
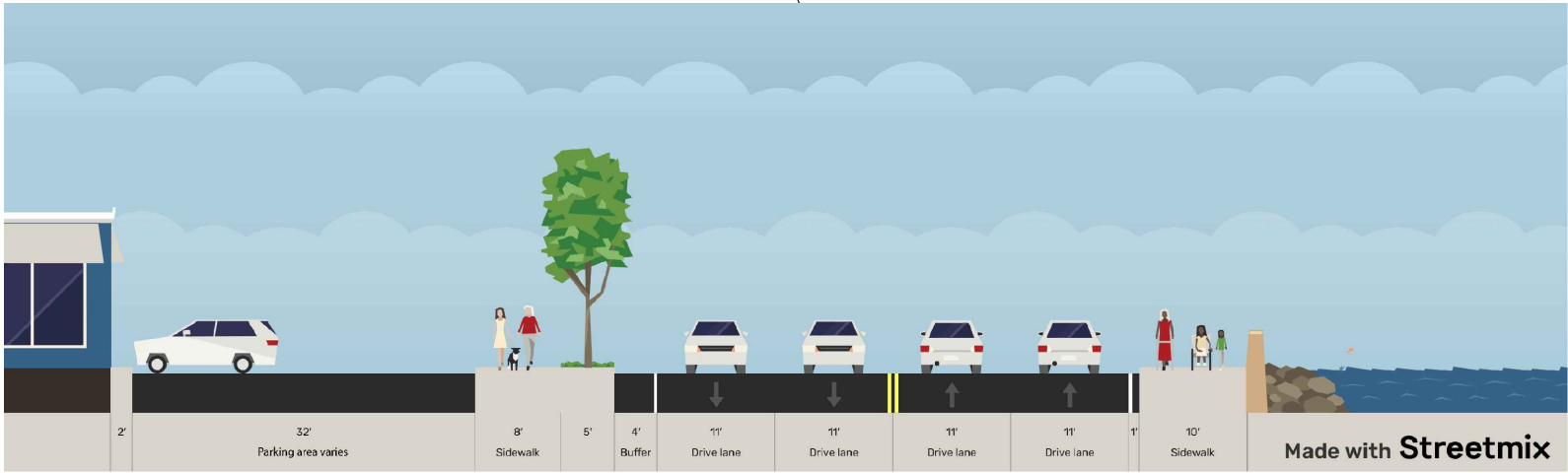
Provide Driveway for
Building Garage Access

Provide Curb
Extensions to Further
Delineate Potential
Conflict Points and
Expected Vehicle and
Pedestrian Travel
Routes; Sign as Right
Out Only

MATCH LINE
SEE FIGURE 21

6th Street

McLoughlin Blvd

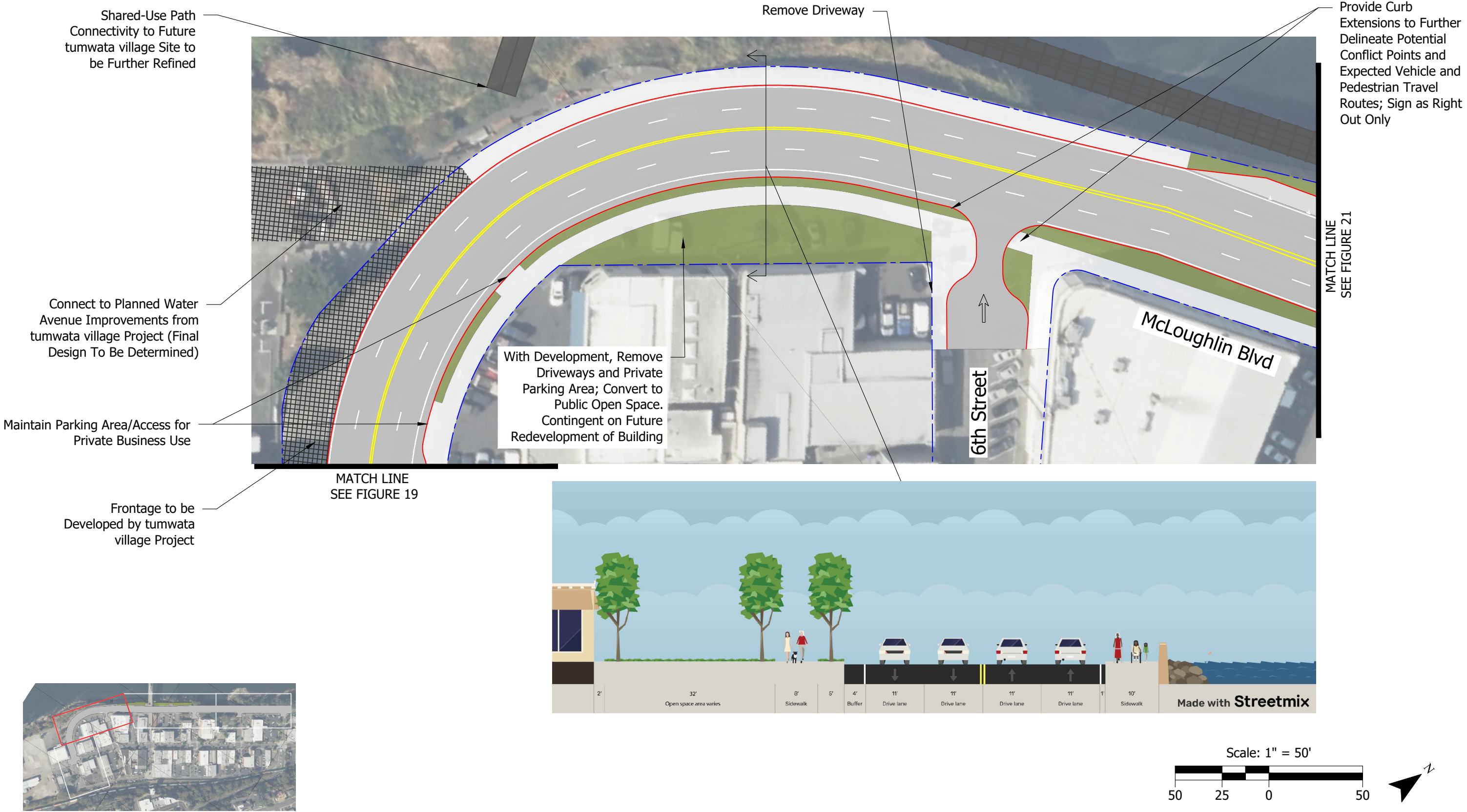


NOTE: Concept design subject to change
per future planning, analysis, and design.

Streetscape Improvements (Option A)
McLoughlin Blvd: Main Street to Historic Arch Bridge

Figure
20A

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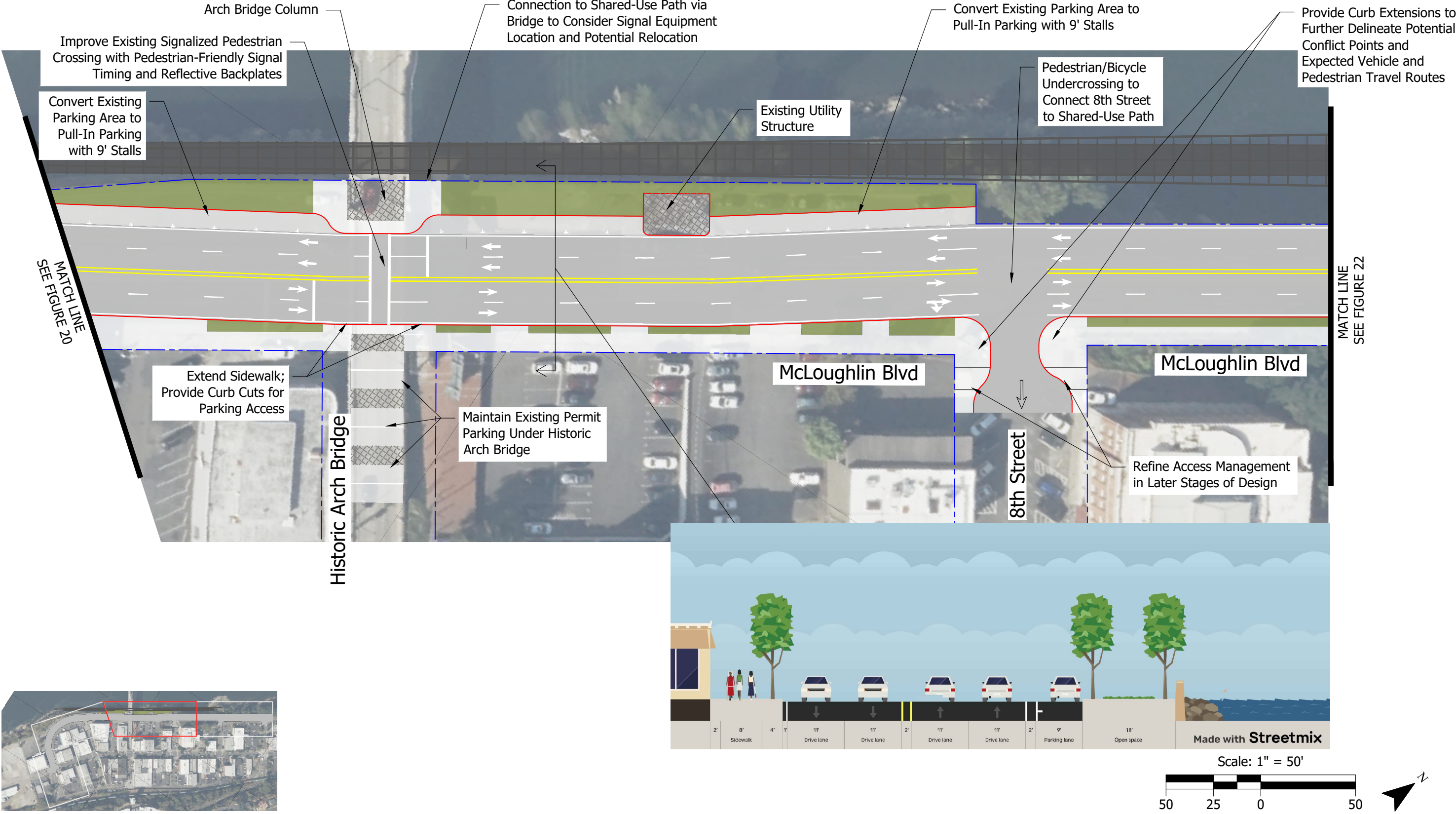


NOTE: Concept design subject to change per future planning, analysis, and design.

Streetscape Improvements (Option B)
McLoughlin Blvd: Main Street to Historic Arch Bridge

Figure 20B

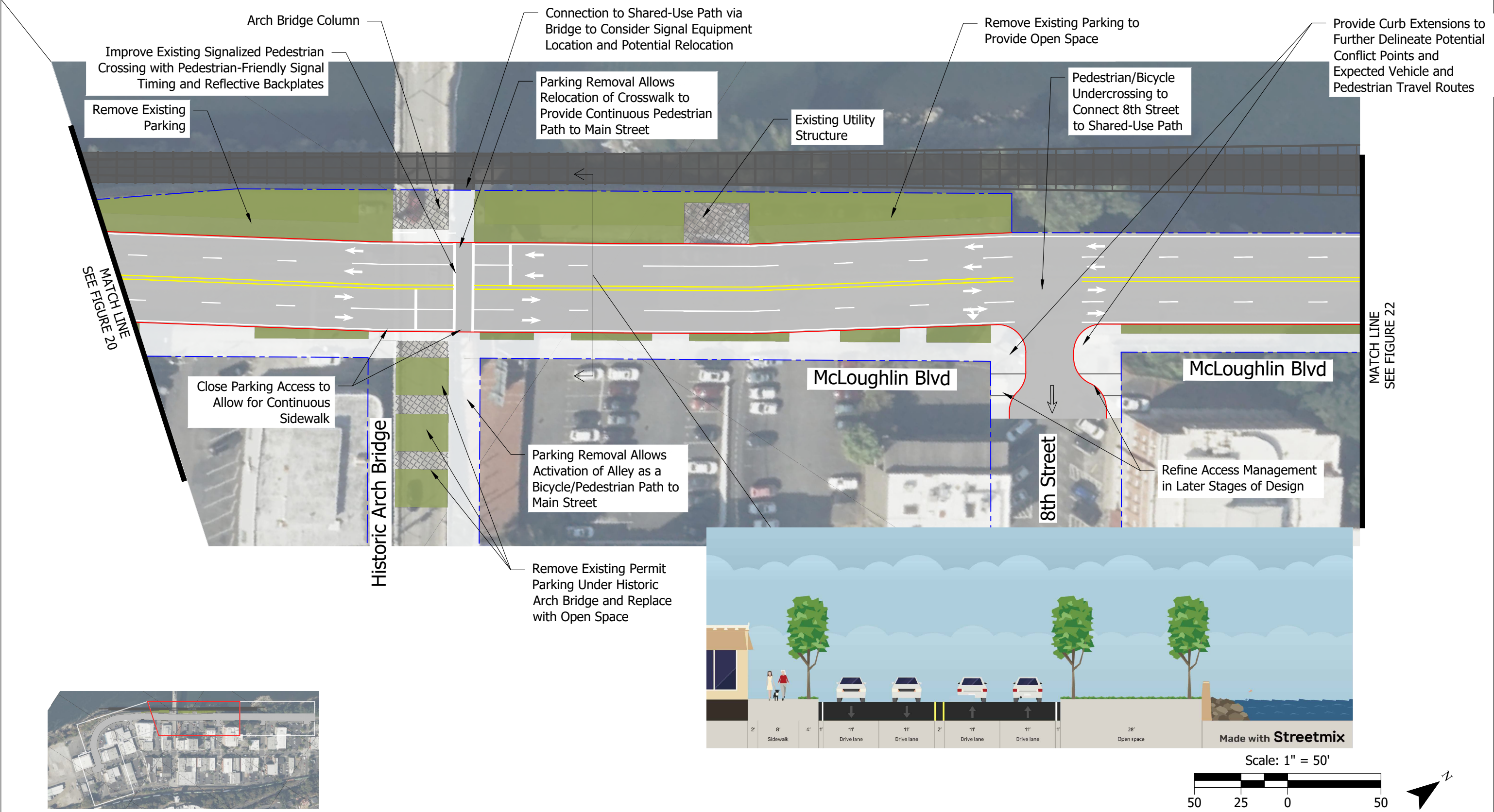
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NOTE: Concept design subject to change per future planning, analysis, and design.

Streetscape Improvements (Option A)
McLoughlin Blvd: Historic Arch Bridge to 8th Street

Figure 21A

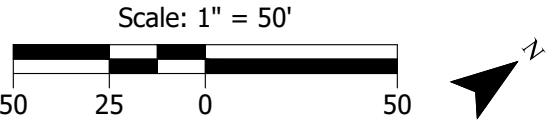
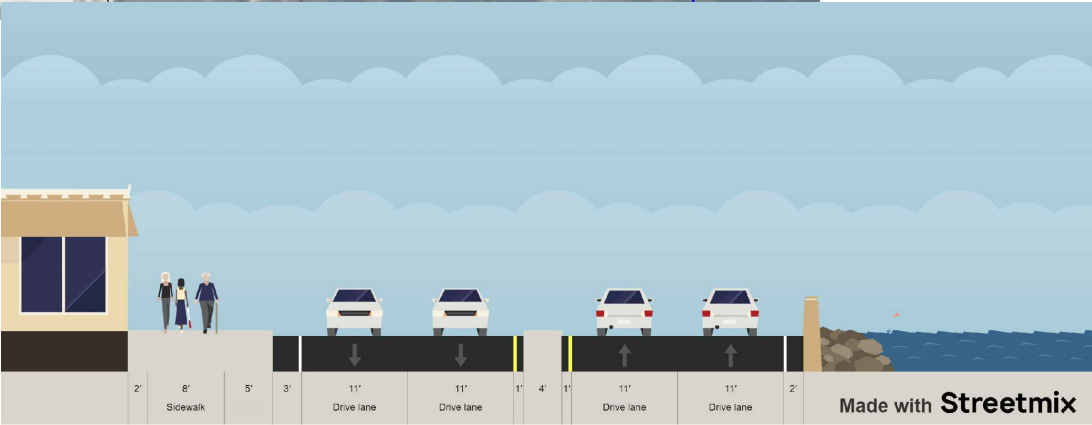
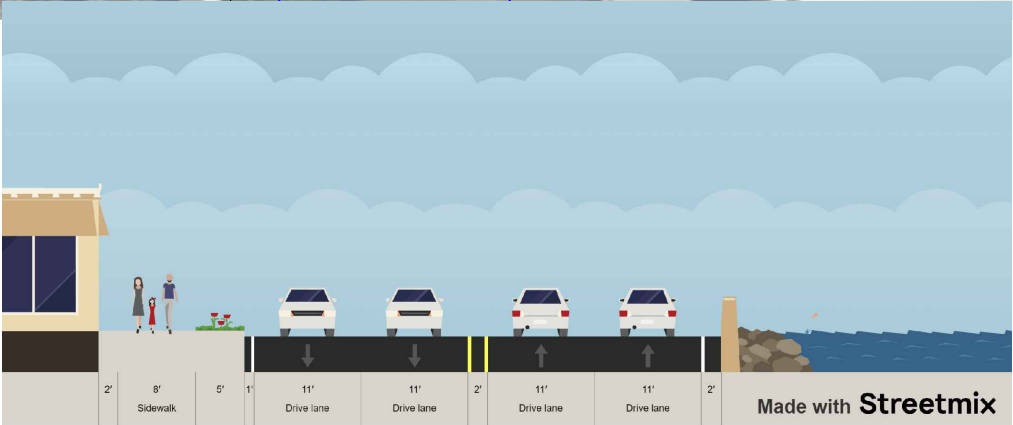
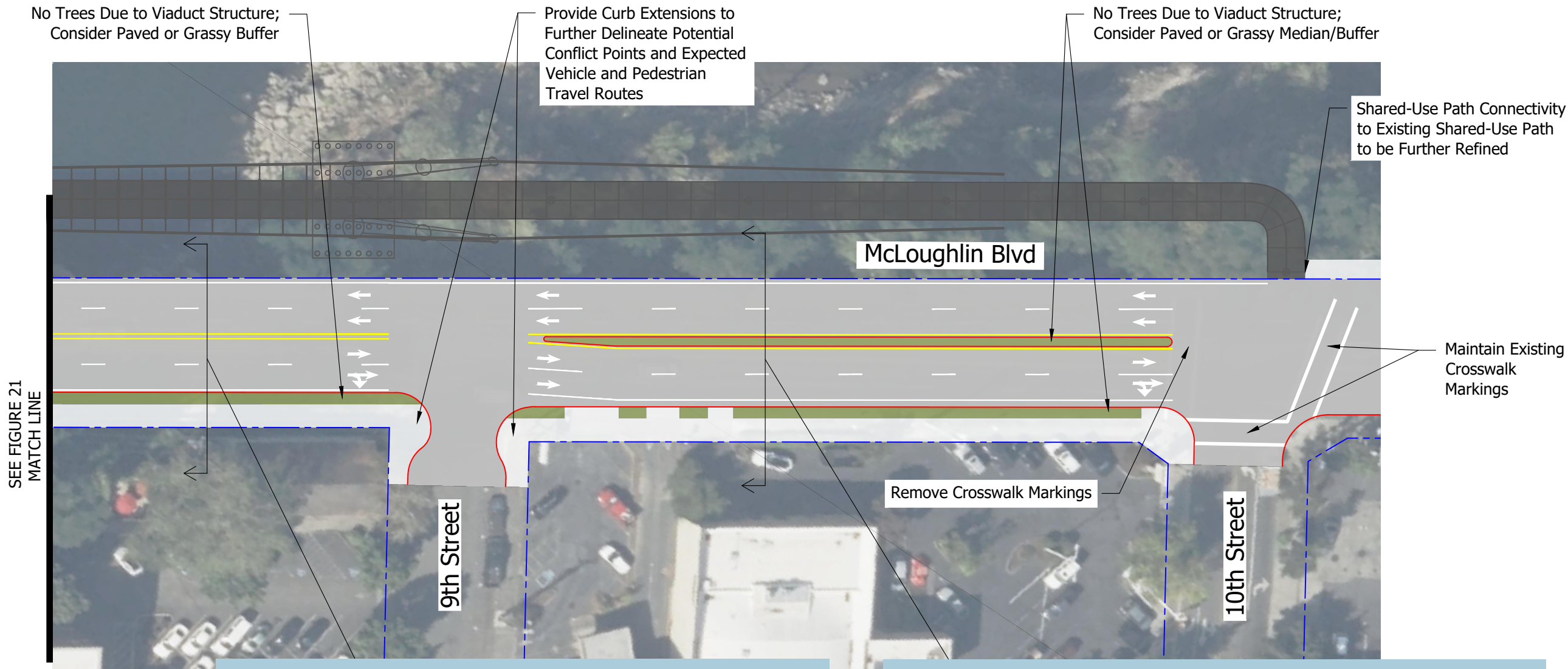


NOTE: Concept design subject to change per future planning, analysis, and design.

Streetscape Improvements (Option B)
McLoughlin Blvd: Historic Arch Bridge to 8th Street

Figure
21B

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NOTE: Concept design subject to change per future planning, analysis, and design.

Streetscape Improvements
McLoughlin Blvd: 9th Street to 10th Street

Figure
22