



CITY OF OREGON CITY CITY COMMISSION SPECIAL MEETING AGENDA

Commission Chambers, Libke Public Safety Facility, 1234 Linn Ave, Oregon City
Tuesday, January 7, 2025 at 6:00 PM

Ways to participate in this public meeting:

- Attend in person, location listed above. Please see the public comment guidelines below.
- Attend the livestream of the meeting on the City's YouTube Channel: <https://www.youtube.com/user/CityofOregonCity>
- Register to provide electronic testimony (email recorderteam@orc.org or call 503-496-1509 by 3:00 PM on the day of the meeting to register)
- Email recorderteam@orc.org (deadline to submit written public comment 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

SPECIAL MEETING OF THE CITY COMMISSION

1. CONVENE MEETING AND ROLL CALL

2. FLAG SALUTE

3. CEREMONIES AND PROCLAMATIONS

- Oath of Office - Commissioner Scott Wilson
- Oath of Office - Commissioner Michael Mitchell
- Election of 2025 Commission President

4. PUBLIC COMMENTS

Please see the public comment guidelines below.

5. PRESENTATIONS

6. ADOPTION OF THE AGENDA

7. CONSENT AGENDA

- Public Improvement Contract with Cascade Industrial Services, LLC for the 2025 Manhole Rehabilitation Project (CI 24-012)
- Review of City Manager Employment Agreement
- Resolution No. 25-01, Authorizing the Nomination of the Oregon City McLoughlin to Canemah Trail Project for the 2025 Oregon Community Paths Program Grant

8. PUBLIC HEARINGS

- Second Reading of Ordinance No. 24-1010, Park Place Concept Plan Code Amendments (LEG-24-01)

9. GENERAL BUSINESS

- Flavored Tobacco Resolution Request - Oregon City Youth Advisory Commission
- Second reading of Ordinance 25-1001 to add Municipal Code Chapter 09.32 - Fireworks

10. COMMUNICATIONS

City Manager

- 2025-27 Biennial Budget Calendar

Commissioners

Mayor

- a. Updates to City Commissioner Committee Assignments

11. ADJOURNMENT

ORDINANCE NOTICE

If an ordinance is noticed above in this agenda, the text of the ordinance is available online with the posted agenda packet. In addition, three copies are provided for public review in the Office of the City Recorder upon request.

PUBLIC COMMENT GUIDELINES

Complete a Comment Card prior to the meeting and submit it to the City Recorder. When the Mayor/Chair calls your name, proceed to the speaker's table, and state your name and city of residence. Each speaker is given 3 minutes to speak. Representatives of neighborhood associations may be given 5 minutes to speak if requested. As a general practice, the City Commission does not engage in discussion with those making comments. Complaints shall first be addressed at the department level prior to addressing the City Commission. Electronic presentations are permitted but must be delivered to the City Recorder 48 hours in advance of the meeting.

ADA NOTICE

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

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

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



OATH OF OFFICE



I, SCOTT WILSON, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Oregon, along with the Oregon City Municipal Charter and Code. I will to the best of my ability, faithfully perform the duties of City Commissioner of Oregon City during my incumbency thereof.

SCOTT WILSON
City Commissioner

AMY LINDGREN
Municipal Court Judge

Date: January 7, 2024



OATH OF OFFICE



I, MICHAEL MITCHELL, do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of Oregon, along with the Oregon City Municipal Charter and Code. I will to the best of my ability, faithfully perform the duties of City Commissioner of Oregon City during my incumbency thereof.

MICHAEL MITCHELL
City Commissioner

AMY LINDGREN
Municipal Court Judge

Date: January 7, 2024

OATH OF OFFICE

I, _____do solemnly swear that I will support the Constitution of the United States and of the State of Oregon, along with the Oregon City Municipal Charter and Code.

I will to the best of my ability, faithfully perform the duties of Commission President of Oregon City during my incumbency thereof.

Commission President

AMY LINDGREN, Municipal Court Judge

Date: January 7, 2024



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Dayna Webb, Public Works Director

SUBJECT:

Item 7.a. - Public Improvement Contract with Cascade Industrial Services, LLC for the 2025 Manhole Rehabilitation Project (CI 24-012)

STAFF RECOMMENDATION:

Award the bid and authorize the City Manager to execute the Public Improvement Contract with Cascade Industrial Services, LLC in the amount of \$270,900.00 for construction of the 2025 Manhole Rehabilitation Project (CI 24-012).

EXECUTIVE SUMMARY:

The 2025 Manhole Rehabilitation Project is being delivered as part of the City's annual manhole rehabilitation program, which is currently being incorporated into the Inflow and Infiltration (I/I) Program. This program will rehabilitate manholes in portions of the Falls, Linn, McLoughlin, South End, and Warner Parrott Basins. This project is eligible to receive funds from Water Environment Services (WES), through an existing intergovernmental agreement (IGA) for Regional Inflow and Infiltration Reduction.

BACKGROUND:

The City's 2014 Sanitary Sewer Master Plan calls for an Inflow and Infiltration (I/I) Program to reduce surface and subsurface water entering the sanitary sewer collection system. I/I can lead to sewer overflows during, and after, heavy storms when flows become greater than normal. In addition, these high flows require the City to maintain larger pump stations and sewer mains, which increases City maintenance efforts, all of which can increase rates for the utility customers. Infiltration typically occurs through holes, cracks, joint failures, and faulty connections in pipes or manholes because of age or disturbance(s). Inflow sources occur in improper connections, such as roof drains, foundation drains, and stormwater catch basins.

The City's I/I Program identifies I/I problems (in the sewer system) and delivers projects to address them. The program utilizes a holistic approach, considering all components of the sewer system, when identifying rehabilitation focus areas and when repairing mains from the sewer to a home. The 2025 Manhole Rehabilitation Project is part of the City's annual manhole rehabilitation program, which is currently being managed through the I&I Program. This project is located within the Clackamas Water Environmental Services (WES) reimbursement area and eligible for funding, via the WES IGA for Regional I&I Reduction.

This project will repair leaky manholes throughout the reimbursement area, primarily within the Falls, Linn, McLoughlin, South End, and Warner Parrott Basins (within the Canemah,

Elyville, Hazel Grove/Westling Farm, McLoughlin, Rivercrest, South End and Tower Vista neighborhood associations). Construction includes:

- Rehabilitation of 120 manholes, via grout injection, to include necessary structural repairs to perform the grout injection.
- Perform additional and incidental Work, as called for by the Specifications and Plans.

On December 4 and December 6, 2024, the project was advertised in the *Daily Journal of Commerce* and the City bid site in accordance with City and State contracting procedures. The bid opening was held on December 18, 2024, and four (4) bids were received.

The project was advertised with two optional additives, but upon review of the bids, Staff determined that it was in the best interest of the City to only award the base bid.

Staff and the I/I Program Consultant, Wallis Engineering, reviewed the bids and determined that Cascade Industrial Services, LLC was the lowest responsive bidder. The contract award value is two hundred seventy thousand, nine hundred dollars and zero cents (\$270,900.00).

The list below includes the bidders and bid amounts received for this project:

Cascade Industrial Services LLC	\$270,900.00
Emagineered Solutions, Inc.	\$294,510.00
Underground Tech Inc.	\$303,004.28
Olson Brothers Pro-Vac, LLC	\$658,824.00

The Engineer's Estimate: \$281,020.00

The top three bids were quite close, with submitted bids within 8% of the engineer's estimate and the apparent low bid 3.6% lower than the engineer's estimate. The incorporation of the additives would have increased the contract amount above the City's desired maximum of \$300,000.

Construction will begin in February 2025 and anticipated to be completed by May 30, 2025.

OPTIONS:

1. Approve Public Improvement Contract with Cascade Industrial Services, LLC for the 2025 Manhole Rehabilitation Project (CI 24-012).
2. Approve Public Improvement Contract with Cascade Industrial Services, LLC for the 2025 Manhole Rehabilitation Project (CI 24-012) with Amendments.
3. Deny Public Improvement Contract with Cascade Industrial Services, LLC for the 2025 Manhole Rehabilitation Project (CI 24-012) and provide further direction.

BUDGET IMPACT:

Amount \$270,900.00
Fiscal Year(s): 2024-2025
Funding Source(s): Sewer Fund

SECTION III A
CONTRACT AGREEMENT

This Agreement, made and entered into this 7th day of January 2025, between the CITY OF OREGON CITY (“CITY”), acting by and through the City Commission and **CASCADE INDUSTRIAL SERVICES, LLC** (“CONTRACTOR”).

Witnesseth, that the CONTRACTOR and the CITY, for the considerations stated herein, agree as follows:

ARTICLE I - Scope of Work

The CONTRACTOR hereby agrees to furnish all of the materials, equipment and labor necessary, and to perform all of the work for the project entitled: **2025 MANHOLE REHABILITATION PROJECT (CI 24-012)** in accordance with the contract documents which are hereby made a part of this agreement.

The contract documents consist of:

Invitation to Bid Scope of Work Instructions to Bidders Bid Proposal and Bid Schedule Compliance with ORS 279C.840 Resident Bidder Status Certification of Drug Testing Program Non-Collusion Statement Asbestos Certification Registrations Business Licenses Certification Certification of Non-Discrimination Certification of Compliance with Tax Law First Tier Subcontractor Disclosure Form Bidder Responsibility Form Bid Bond Customer Service Acknowledgment Form Qualification of Bidder Contract Agreement Oregon City Public Improvement Standard Conditions	Statutory Conditions to Contract Agreement Payment Bond Performance Bond State of Oregon Statutory Public Works Bond Prevailing Wage Rates for Public Works Contracts in Oregon, dated July 5, 2024 Amendments to the Prevailing Wage Rates for Public Works Contracts in Oregon dated October 5, 2024 Prevailing Wage Apprenticeship Rates dated October 5, 2024 Definitions of Covered Occupations for Public Works Contracts in Oregon dated October 5, 2024 General Conditions Special Provisions Contract Drawings City of Oregon City Standard Details Technical Specifications 2021 Oregon Standard Specifications for Construction (ODOT and APWA) as referenced by these documents Addendum 1 – December 13, 2024 All items included within these Contract Documents.
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The order of items cited above does not constitute an order of precedence different than that established in the special or standard specifications. Equivalent titles, which may be substituted for the above listed items, are included as if specifically named.

ARTICLE II - Time of Completion

The project shall be substantially complete by **May 30, 2025** and ready for final acceptance by **June 27, 2025** as identified in 00180.50(b) of the Special Provisions.

ARTICLE III – Contract Amount

The Contract Amount for the work covered by this Agreement is estimated to be **two hundred seventy thousand, nine hundred dollars and zero cents (\$270,900.00)**.

ARTICLE IV - Warranty and Quality of Work

In addition to all other warranties, express or implied, that are part of this Agreement, the Contractor expressly warrants to the City for a period of one year from acceptance of the work by the City that all materials and equipment furnished under this contract will be new, unless otherwise specified, and that the work will be of good quality, free from faults and defects and in conformance with the City's specifications. Work that does not conform to these standards shall be considered defective.

Contractor shall, at its own expense, make good and repair any and all defects arising from faulty workmanship or materials, if the defective work is discovered within the one-year warranty period and notice thereof is given to the Contractor within 60 days after the expiration of the warranty period. If required by the City, the Contractor shall furnish satisfactory evidence as to the kind and quality of materials and equipment used to repair the defect.

In witness whereof, the parties hereto have executed this agreement, the day and year first above written.

CITY OF OREGON CITY

**CASCADE INDUSTRIAL SERVICES,
LLC**

By: _____
Anthony J. Konkol III
City Manager

Printed Name

By: _____
Dayna Webb, P.E.
Public Works Director

By: _____
Authorized Signature

Title

Approved as to Legal Sufficiency

By: _____
City Attorney

Date

Address:

2462 W Chrissan Court

Rathdrum, ID 83858

City Commission Award Date:

January 7, 2025

47-2992362
Federal Taxpayer ID Number



December 20, 2024

Dayna Webb
City of Oregon City
625 Center Street
Oregon City, Oregon 97045

RE: Manhole Rehabilitation Project – Recommendation to Award
OC Project No. CI 24-012
W.E. Job No. OC 23-II.15.01

Dear Mrs. Webb:

We have reviewed the submitted bids for the above-referenced project. A total of four (4) bids were received with base bid schedule totals ranging from \$270,900.00 to \$658,824.00. Based on the submitted bid documents and the City's budget considerations, we recommend awarding the contract based on the base bid schedule only and not including the alternate A or B bid schedules in this contract.

The lowest responsive and responsible bid was submitted by Cascade Industrial Services, LLC from Rathdrum, ID in the amount of Two Hundred Seventy Thousand, Nine Hundred Dollars and Zero Cents (\$270,900.00). We have reviewed the bid bond from Cascade Industrial Services, LLC and have checked their current status relative to state licensing and found it to be in order along with verifying that the contractor is not listed on the debarred contractors list.

Upon the City's award of the project, please fill out and sign, as applicable, the Notice of Award, Performance Bond, Payment Bond, Public Works Bond, and Contract Agreement forms and forward them to the contractor.

Please note that in accordance with ORS 279B.135 a Notice of Intent to Award must be posted or provided to the other bidders prior to the City's award of a contract.

Sincerely,

A handwritten signature in black ink, appearing to read "A. Perlin", written over a horizontal line.

Allen Perlin, P.E.
WALLIS ENGINEERING

Client: City of Oregon City
2025 Manhole Rehabilitation Project (CI 24-012)
Bid Tabulation
Date: 12/18/24 2:00 PM

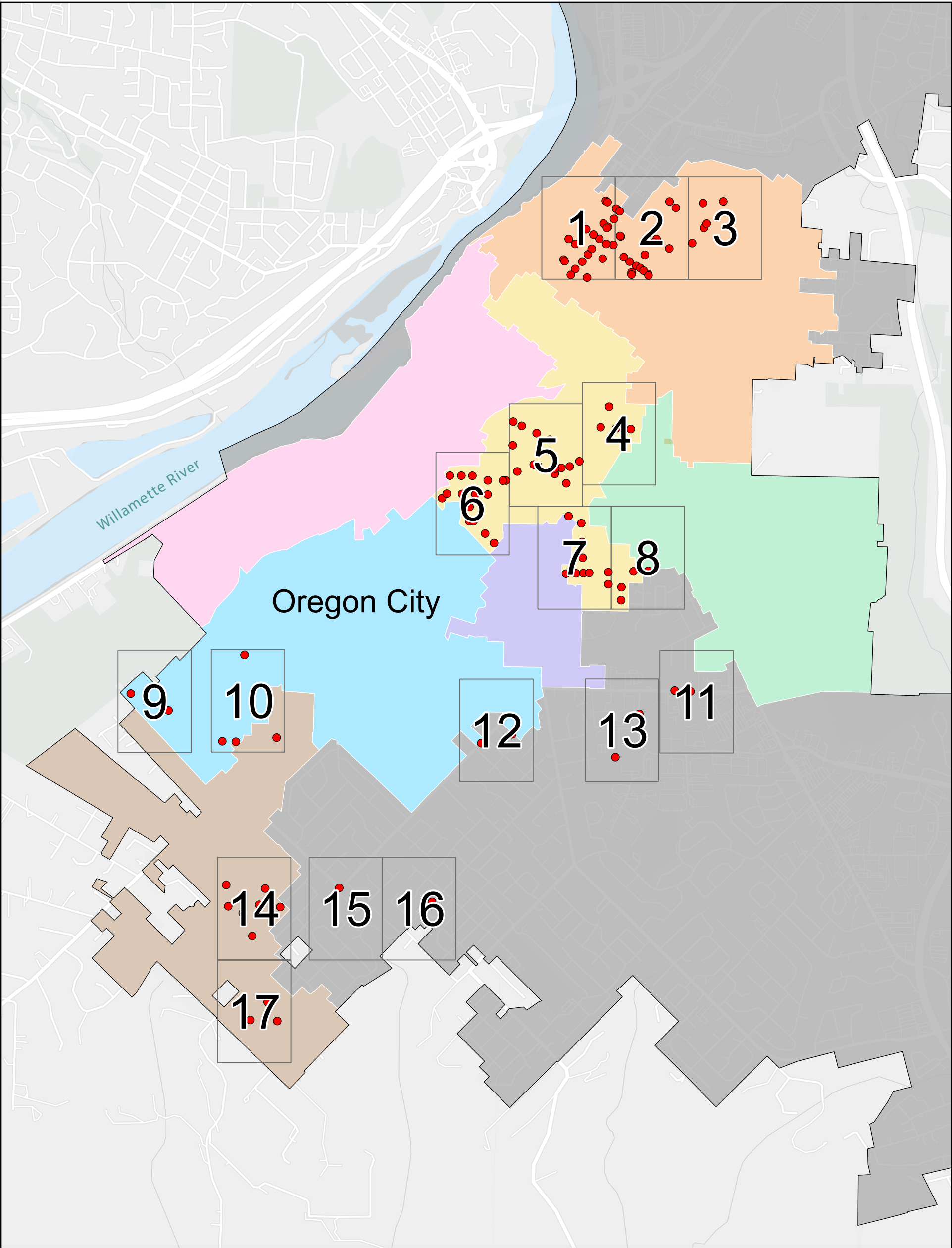
Apparent Low

Other Bidders

Engineers Estimate				Cascade Industrial Services, LLC		Emagineered Solutions, Inc		Olson Brothers Pro-Vac, LLC		Underground Tech Inc.	
Item	Description - Base	Units	Quantity	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
1	Extra Work as Authorized	FA	1	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00	\$ 12,000.00
2	Mobilization	LS	1	\$ 23,000.00	\$ 23,000.00	\$ 5,000.00	\$ 5,000.00	\$ 25,254.00	\$ 25,254.00	\$ 35,997.52	\$ 35,997.52
3	Temporary Work Zone Traffic Control, Complete	LS	1	\$ 20,000.00	\$ 20,000.00	\$ 10,000.00	\$ 10,000.00	\$ 16,750.00	\$ 16,750.00	\$ 6,151.60	\$ 6,151.60
4	Flaggers	HR	180	\$ 99.00	\$ 17,820.00	\$ 80.00	\$ 14,400.00	\$ 81.00	\$ 14,580.00	\$ 136.85	\$ 24,633.00
5	Traffic Control Supervisor	EA	24	\$ 300.00	\$ 7,200.00	\$ 750.00	\$ 18,000.00	\$ 135.00	\$ 3,240.00	\$ 107.89	\$ 2,589.36
6	Typical repair work, first seven (7) feet	EA	120	\$ 950.00	\$ 114,000.00	\$ 970.00	\$ 116,400.00	\$ 2,450.00	\$ 294,000.00	\$ 546.15	\$ 65,538.00
7	Typical repair work, additional feet	VF	450	\$ 60.00	\$ 27,000.00	\$ 136.00	\$ 61,200.00	\$ 350.00	\$ 157,500.00	\$ 72.58	\$ 32,661.00
8	Extra for manhole rehabilitation via injection grouting	VF	220	\$ 150.00	\$ 33,000.00	\$ 120.00	\$ 26,400.00	\$ 350.00	\$ 77,000.00	\$ 340.38	\$ 74,883.60
9	Extra for manhole rehabilitation via curtain grouting	VF	60	\$ 450.00	\$ 27,000.00	\$ 125.00	\$ 7,500.00	\$ 975.00	\$ 58,500.00	\$ 809.17	\$ 48,550.20
Basis of Bid											
Total Base Bid					\$ 281,020.00						
(ESTIMATED RANGE)				\$ 253,800.00	\$ 338,400.00	-3.6%	\$ 270,900.00	134.4%	\$ 658,824.00	7.8%	\$ 303,004.28

Item	Description - Alternate A	Units	Quantity	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
A1	Temporary Work Zone Traffic Control, Complete	LS	1	\$ 4,000.00	\$ 4,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,485.00	\$ 2,485.00	\$ 2,975.00	\$ 2,975.00	\$ 1,674.00	\$ 1,674.00
A2	Flaggers	HR	20	\$ 99.00	\$ 1,980.00	\$ 80.00	\$ 1,600.00	\$ 92.00	\$ 1,840.00	\$ 81.00	\$ 1,620.00	\$ 139.85	\$ 2,797.00
A3	Traffic Control Supervisor	EA	5	\$ 300.00	\$ 1,500.00	\$ 750.00	\$ 3,750.00	\$ 680.00	\$ 3,400.00	\$ 135.00	\$ 675.00	\$ 91.65	\$ 458.25
A4	Typical repair work, first seven (7) feet	EA	22	\$ 950.00	\$ 20,900.00	\$ 965.00	\$ 21,230.00	\$ 1,164.00	\$ 25,608.00	\$ 2,450.00	\$ 53,900.00	\$ 706.18	\$ 15,535.96
A5	Typical repair work, additional feet	VF	80	\$ 60.00	\$ 4,800.00	\$ 133.00	\$ 10,640.00	\$ 53.00	\$ 4,240.00	\$ 350.00	\$ 28,000.00	\$ 91.21	\$ 7,296.80
A6	Extra for manhole rehabilitation via injection grouting	VF	50	\$ 150.00	\$ 7,500.00	\$ 120.00	\$ 6,000.00	\$ 140.00	\$ 7,000.00	\$ 350.00	\$ 17,500.00	\$ 316.85	\$ 15,842.50
A7	Extra for manhole rehabilitation via curtain grouting	VF	12	\$ 450.00	\$ 5,400.00	\$ 125.00	\$ 1,500.00	\$ 590.00	\$ 7,080.00	\$ 975.00	\$ 11,700.00	\$ 752.53	\$ 9,030.36
Item	Description - Alternate B	Units	Quantity	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended	Unit Price	Extended
B1	Temporary Work Zone Traffic Control, Complete	LS	1	\$ 5,000.00	\$ 5,000.00	\$ 2,500.00	\$ 2,500.00	\$ 2,485.00	\$ 2,485.00	\$ 2,975.00	\$ 2,975.00	\$ 1,674.00	\$ 1,674.00
B2	Flaggers	HR	30	\$ 99.00	\$ 2,970.00	\$ 80.00	\$ 2,400.00	\$ 92.00	\$ 2,760.00	\$ 81.00	\$ 2,430.00	\$ 139.85	\$ 4,195.50
B3	Traffic Control Supervisor	EA	7	\$ 300.00	\$ 2,100.00	\$ 750.00	\$ 5,250.00	\$ 680.00	\$ 4,760.00	\$ 135.00	\$ 945.00	\$ 91.65	\$ 641.55
B4	Typical repair work, first seven (7) feet	EA	34	\$ 950.00	\$ 32,300.00	\$ 965.00	\$ 32,810.00	\$ 1,164.00	\$ 39,576.00	\$ 2,450.00	\$ 83,300.00	\$ 706.18	\$ 24,010.12
B5	Typical repair work, additional feet	VF	120	\$ 60.00	\$ 7,200.00	\$ 133.00	\$ 15,960.00	\$ 53.00	\$ 6,360.00	\$ 350.00	\$ 42,000.00	\$ 91.21	\$ 10,945.20
B6	Extra for manhole rehabilitation via injection grouting	VF	80	\$ 150.00	\$ 12,000.00	\$ 120.00	\$ 9,600.00	\$ 140.00	\$ 11,200.00	\$ 350.00	\$ 28,000.00	\$ 316.85	\$ 25,348.00
B7	Extra for manhole rehabilitation via curtain grouting	VF	20	\$ 450.00	\$ 9,000.00	\$ 125.00	\$ 2,500.00	\$ 590.00	\$ 11,800.00	\$ 975.00	\$ 19,500.00	\$ 752.53	\$ 15,050.60
Alternates not Incorporated into Project													
Total Base Bid Plus Alternate A					\$ 327,100.00	-2.7%	\$ 318,120.00	5.8%	\$ 346,163.00	137.0%	\$ 775,194.00	8.7%	\$ 355,639.15
(ESTIMATED RANGE)				\$ 295,200.00	\$ 393,600.00	-8.1%	\$ 365,340.00	6.9%	\$ 425,104.00	140.0%	\$ 954,344.00	10.0%	\$ 437,504.12
Total Plus Alternates A & B					\$ 397,670.00								
(ESTIMATED RANGE)				\$ 358,200.00	\$ 477,600.00								

Error in amount of bid that was corrected per the Contract Documents in favor of the Unit Price. Total bid amount is corrected without prejudice and updated amounts highlighted as shown: Correction

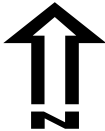


- FALLS
- LINN
- MCLOUGHLIN
- NEWELL
- RIVERCREST
- SOUTH END
- WARNER PARROTT

 SANITARY
SEWER
MANHOLES
REHAB (120)

 CITY LIMITS

1:20,000
0 1,000 2,000
SCALE IN FEET



Wallis Engineering has attempted to provide the most accurate information possible. This product is meant for informational objectives only and is not suitable for legal, engineering, or surveying purposes.





CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Patrick Foiles, Human Resources Director

SUBJECT:

Item 7.b. - Review of City Manager Employment Agreement

STAFF RECOMMENDATION:

EXECUTIVE SUMMARY:

BACKGROUND:

Pursuant to the City Manager Employment Agreement, staff is presenting the City Manager's employment agreement for review as required by Section 21 of the employment agreement.

Section 21: Conditions of Enforceability, during a January Commission Meeting when any newly elected City Commissioner assumes office, the City Commission will receive a briefing on the terms and conditions fixed by the Agreement. The intention of this section is to afford every new City Commissioner with the opportunity to review, become informed of and agree to the terms of the Agreement.

The Agreement was originally executed February 17, 2016, and has renewed automatically each January.

All terms and details of the agreement have remained unchanged except for the base salary noted in Section 3: Compensation. The City Manager's base salary has been adjusted over the last years (8) years consistent with management Cost of Living Adjustments (COLA), and any salary increases granted by the City Commission.

The Agreement outlines the employment relationship as at-will with conditions regarding terms of termination and financial security benefits upon termination. Lastly, the Agreement includes guidance on the other general provisions including the performance evaluation process, expectations around hours of work, and how the commission and City Manager would resolve disputes.

This agenda item is the Commission's opportunity to review the employment agreement if needed. Staff do not plan to present on the topic, but if a Commissioner wishes to pull from the consent agenda and discuss, staff will be available and ready to review with the Commission. No action needed. If no action is taken, the City Manager's Employment Agreement will remain in effect and extend through March 31, 2027.

OPTIONS:

1. Approve existing City Manager employment agreement.
2. Pull from the Consent Agenda to review further.

BUDGET IMPACT:

Amount \$N/A
Fiscal Year(s): FY 2025-26 and FY 2026-27
Funding Source(s): Multiple

EMPLOYMENT AGREEMENT

Between

City of Oregon City, Oregon

And

Anthony Joseph “Tony” Konkol III

RECITAL:

This Employment Agreement (hereinafter “Agreement”) is made and entered on the day set out above the signatures below, by and between the City of Oregon City, an Oregon municipal corporation, (hereinafter “City”) and Anthony Joseph “Tony” Konkol III, (hereinafter “City Manager” or “Manager”) to set forth the terms and conditions established by these parties for the City’s employment of City Manager.

IT IS AGREED:

Section 1: Term

The City Manager’s date of hire as City Manager shall be the date this Agreement is signed by and on behalf of the parties following authorization by the Commission. City Manager shall remain in the employ of the City until the employment relationship ends in accordance with the terms of this Agreement. City Manager shall not accept employment in any other capacity while serving the City except as authorized in writing by the Mayor with prior approval of the City Commission.

This Agreement shall remain in full force in effect from City Manager’s date of hire described in the preceding paragraph until terminated by the City or City Manager as hereinafter provided, and shall be indefinite without an expiration date.

The term of this Agreement shall be for an initial period from the date of hire of the City Manager through March 31, 2019. Following 2017, the term of this Agreement shall automatically be extended one (1) year each January 31st unless written notice that the Agreement shall terminate is given prior to January 20th (so that, for example, on January 31, 2018 the term shall be extended through March 31, 2020; and on January 31, 2019 the term shall be extended through March 31, 2021). In the event the Agreement is not renewed or extended, all compensation, benefits and requirements of the Agreement shall remain in effect until the expiration of the term of the Agreement unless Employee voluntarily resigns.

However, the City Commission may notify City Manager on or before January 20th of any year that the provision for the annual extension has been terminated. In that event, the automatic extension provision shall be of no further effect and the Employment Agreement shall expire at the end of the then existing term. City Manager may notify City at any time prior to January 20th that he does not desire the extension to continue, in which case the extension provision of this Agreement shall be of no further effect.

Section 2: Duties and Authority

City employs Tony Konkol as its City Manager to exercise the executive, leadership and governmental discretion vested in the City Manager under, and to perform the functions and duties specified in, the City Charter and the Oregon City Municipal Code, and by any other applicable ordinances, resolutions, or policies of the City and to perform other legally permissible and proper duties and functions of City Manager as may be assigned him by the Mayor and City Commission. Manager accepts the Commission's appointment and employment as City Manager for the City of Oregon City.

The Mayor and City Commission shall adhere to the principal of noninterference in the City's administration as necessary to the orderly and efficient implementation of City Commission policy and to the proper discharge of duty by the City Manager, except as expressly described as a role of the Mayor and/or City Commission in the Oregon City Charter, an ordinance or resolution adopted by the Commission, or City policy adopted and/or approved by vote of the City Commission. The Mayor and City Commission agree to direct their concerns and communications to City staff through the City Manager. The City Manager shall respond promptly to all inquiries from the Commission whether made individually or collectively.

Section 3: Compensation

Commencing on the hire date, the City shall pay City Manager for services rendered a salary of one hundred forty thousand dollars and four (\$140,004 (\$11,667 monthly)). The City Manager's salary will be adjusted periodically in accordance with the City's practices. The City Manager shall participate in PERS on the same terms as other management employees of the City.

The City Commission shall review the performance of the City Manager on a not less than annually and regularly in December of each year consistent with the protocols set out in Section 15, below. Based on such review, the Commission may adjust the City Manager's base salary (up or down), provide merit pay or any combination of merit pay and base salary adjustment for the successive contract term. Any adjustment shall be effective as of January 1 following the review described in Section 15 of this Agreement. Notwithstanding the requirements of Section 20(B) of this Agreement related to amendments, this merit based adjustment to Manager's base salary may occur without need of amendment of this Agreement.

The City shall pay City Manager in equal installments at the same time and in the same manner as other employees of the City. The City Manager's salary and benefit package may be adjusted to remain consistent with any cost in living adjustment and increase or decrease in benefits of

other full-time City management and non-represented employees consistent with the City's Fiscal Year and Pay Plan.

Section 4: Deferred Compensation

The City shall contribute, each pay period, an amount equal to 6.27% of Manager's salary into a Section 457 deferred compensation retirement plan selected by Manager. In addition, the City agrees to contribute 3% of the Employee's salary annually to a 401(a) retirement plan.

Section 5: Health, Disability and Life Insurance Benefits

The City shall pay a portion of the premiums for health, vision, and dental insurance benefits made available to City employees for the City Manager (and his dependents) equal to that provided other full-time City management and non-represented employees. The City Manager will pay the portion of any premium(s) required to be paid by other full-time City management and non-represented employees, and shall do so by payroll deduction.

The City will make premium payments for life, accidental death, dismemberment and long term disability insurance coverage for City Manager equivalent to the benefits provided to the City's management and non-represented employees. The City Manager shall have the right to choose the beneficiary on all such policies in accordance with policy terms and the procedures of the insurance providers.

Section 6: Vacation and Sick Leave

The City Manager shall accrue sick, vacation and other leaves at the same rate accorded other full-time City management and non-represented employees.

Consistent with City policy, Manager may accrue up to a maximum of three hundred and sixty (360) hours of vacation. In addition, Manager is entitled to City recognized holidays and to use Executive Leave in accordance with City policy. The Manager shall accrue unlimited sick leave. Unused sick leave has no cash value and may not be redeemed and shall not be otherwise paid except when used in accordance with the City's sick leave policies.

The Employee has the option to cash out up to ten days (80 hours) of vacation time per fiscal year at the Employee's hourly rate.

Section 7: Retirement

The City Manager will continue membership in the Public Employees Retirement System Plan and the Oregon Public Service Retirement Plan (OPSRP) and be responsible for retirement contributions paid in the same manner as other full-time City management employees.

Section 8: Automobile Allowance

To compensate Employee for automobile expenses related to the duties of City Manager, City shall provide an allowance of \$350 per month. The automobile allowance is in lieu of standard mileage reimbursement for business related travel.

Section 9: Dues and Subscription

The City will reimburse City Manager for professional dues and subscriptions appropriate for full participation in appropriate associations and organizations necessary and desirable for professional participation, growth and advancement, and to improve performance of duties as City Manager. City Manager shall account to the City Commission on each professional organization for which the City pays dues and subscription services as part of the budget process.

Section 10: Civic Involvement

The City and Employee agree that it is necessary and desirable for Employee to be an active participant in the Oregon City community activities and civic organizations that compliment his position as City Manager and give him positive visibility in the community. City agree to pay for membership in one or more civic organizations; provided, however, the Commission, in its sole discretion, shall have the right to disapprove membership in any organization that would be in conflict with or could reasonably cause a conflict of interest with Employee's role as City Manager. City Manager shall account to the City Commission on each civic organization for which the City pays dues and subscription services as part of the budget process.

Section 11: Professional Development

The City recognizes the importance of the Manager's professional development and, in that regard, the Manager may maintain membership in certain professional organizations and pursue continuing education in the areas important to his duties as City Manager. The City shall provide for the Manager's membership dues in the International City Managers Association, the Oregon City County Managers Association and the American Planning Association. Further, the City will provide funding of the Manager's registration and reasonable travel and related expenses to attend conferences and seminars appropriate to the duties of the City Manager. Such funding shall be considered as part of the City's annual budget process.

Section 12: Termination

- A. Termination Without Cause. This Agreement may be terminated either by Oregon City or the City Manager for any reason whatsoever upon giving not less than sixty (60) days written notice to the other party. The parties recognize that the City Manager is a key member of the City's executive management team and should therefore provide the City Commission with the greatest amount of notice possible, as soon as possible, consistent with Section 15 below.

B. Termination For Cause. This Agreement may be terminated immediately in the sole discretion of the City Commission upon the occurrence of any of the following:

- (1) The City Manager willfully fails or refuses to comply with the policies, standards and regulations of the City or written expectations of the City Commission as may be established periodically;
- (2) The City Manager commits act(s) of fraud, dishonesty, misappropriation of funds, deception of the City Commission or other authority, or such other wrongdoing or misconduct which in the view of the City Commission, reflects poorly on the City Manager or the law enforcement functions of the City and which in the view of the City Commission compromises the City Manager's ability to act as City Manager;
- (3) City Manager fails or refuses to perform faithfully or diligently any of the duties provided for in this Agreement.
- (4) City may suspend Employee with full pay and benefits at any time during the term of this Agreement, but only if a majority of the Commission vote to suspend Employee pending an independent investigation into allegations defined in Section 12(B) above. Suspension discussion shall occur in executive session, to the extent permitted under Oregon public meeting laws. The action to suspend will be taken in public meeting, to the extent required by Oregon law. Employee shall be given written notice setting forth any allegations that could lead to suspension at least five (5) working days prior to such executive session and shall be given the opportunity to present defenses or provide a statement during executive session, but Employee shall not be allowed to be present during Commission deliberations that follow. During that five (5) day or more interim period before the matter can be heard by Commission, City may temporarily suspend Employee with pay. Nothing contained herein shall be construed to require a suspension before termination.
- (5) In the event the City Commission determines by action of the Commission that the term of this Agreement and City Manager's employment should be terminated "for cause" as defined in Section 12(B) above of this Agreement, City Manager shall not have recourse under mediation or arbitration procedures set forth in Section 20 (E) & (F) of this Agreement.

Section 13: At Will Status; Financial Security Payment

The employment relationship between the City and the City Manager is employment “at will,” the City Manager serves at the pleasure of the Mayor and the City Commission, and therefore the only expectations the City Manager may have concerning the terms of continued employment are those set out in this Agreement.

- A. Financial Security Benefit Upon Termination Without Cause. In recognition of the unique nature of City Manager’s employment as the only City employee who serves at the pleasure of elected officials whose tenure in office is of uncertain and indefinite duration and whose duties may necessitate that City Manager act in the City’s interest in a manner which proves to be unpopular or controversial, it is appropriate and commonplace for the terms of a City Manager Employment Agreement to include a fair measure of financial security in the event the City Commission should decide at any time for any reason that circumstances require a change of City Manager.

In the event City Manager is involuntarily terminated by the City prior to the expiration of the term of this Agreement or any successive term (when the City Manager is willing and able to perform his duties) for reasons other than those set out in subsection 12(B) of this Agreement, then in that event, the City will pay Employee base salary and health benefits continuation for City Manager and dependents enrolled in the City benefit plan for up to four (4) months commencing with the month following the City Manager’s last month worked, provided however that such payments shall cease in the event City Manager becomes employed under terms which include substantially equivalent remuneration. Remuneration shall be deemed “substantially equivalent” if the base salary of the subsequent position is greater than ninety percent (90%) of the base salary the City Manager earned at the time City employment ended.

This four (4) month financial security benefit shall increase by one (1) month to five (5) months on the first anniversary of City Manager’s employment as City Manager under the terms of this Agreement, shall increase to six (6) months on the second such anniversary of City Manager’s employment under the terms of this Agreement, provided that City Manager remains continuously so employed.

- B. Involuntary Reduction of Salary Benefits. If the City reduces the salary or other financial benefits of City Manager in greater percentage than an applicable across the board reduction for all management and non-represented employees of Oregon City or if City Manager resigns at the request of the City Commission (for reasons other than those identified in paragraph 12(B) of this Agreement), then the City Manager may deem this Agreement to be involuntarily terminated without cause and he shall thereby be entitled to the financial security payments consistent with paragraph 13(A) of this Section.

- C. Leave Upon Termination. Upon any termination or resignation at the request of the City Commission the City Manager shall be entitled to a lump sum payment equivalent to all earned and unpaid vacation, executive leave and holiday accruals consistent with benefits accorded other management and non-represented employees of the City in addition to any financial security payments described in this Agreement to which the City Manager is otherwise entitled.
- D. Incapacitation. In the event City Manager is incapacitated or otherwise unable to perform his duties as City Manager, upon exhaustion of paid earned leave and other allowed time permitted by Oregon and federal law, the City may either suspend the Agreement until the City Manager is able to return to work or terminate this Agreement. In this event, severance shall not apply and other employment benefits shall be exclusive.

Section 14: Resignation

If the City Manager voluntarily resigns his position with the City before the expiration of this Agreement, City Manager shall give the Mayor and City Commission at least sixty (60) calendar days' written notice in advance and remain available to serve during this period. The City Commission, however, shall have the discretion to decide whether the City Manager will continue to serve as Manager during the notice period. Upon voluntary resignation at any time except as specified in sub-paragraph 13(B) of this Agreement related to involuntary reduction of salary, the City Manager shall not be entitled to any financial security payment or pay continuation amount, provided however that if notice is provided and the City Commission elects to cut short the notice and service period provided for in this Section, then Manager shall be paid from the effective date of the Commission action until his first day of subsequent employment unless the notice relates to a departure unrelated to acceptance of other employment in which case no additional compensation of any kind shall be due.

Section 15: Performance Evaluation

The City Commission shall review the performance of the City Manager in December of each year subject to a process, form, criteria and format to be determined by the Commission. The process at a minimum shall include the opportunity for the Manager to prepare a self-evaluation, the Commissioners submissions of written individual feedback and evaluation documentation, a 360 degree input process facilitated and documented by a person of the Commission's selection which includes feedback from staff and stakeholders with frequent interaction with the City Manager and knowledge of the City Manager's roles and responsibilities as determined and identified by the Mayor and Commission, a meeting to discuss the documentation, and a prepared summary of the evaluation results which shall be condensed following the meeting and retained as the "performance evaluation" for the evaluation period. The evaluation will be based on the Manager's essential job functions and any specific goals and objectives identified by the Manager and Commission periodically.

Section 16: Hours of Work

The City Manager is expected to attend to the duties as the City's chief executive and administrative officer in order to faithfully discharge the responsibilities which the parties reasonably anticipate and generally will require the Manager to be present, working and available to City staff, the public and members of the Commission during established City hours of work, and appropriately available by phone as needed at other times.

It is recognized that the City Manager is a salaried employee who must devote a great deal of time outside the normal office hours on business for the City. The City Manager shall be allowed to establish an appropriate work schedule given the demands of each workweek. Accordingly, the City Manager may adjust his work schedule, including time he is in attendance in his office, provided that the City Manager work schedule is sufficient to attend to the functions of the City and satisfactorily fulfill the duties of City Manager. City Manager's compensation is fixed based on the parties' expectation that, on balance, City Manager's hours of work will exceed forty (40) per workweek.

Section 17: Outside Activities

The employment provided for by this Agreement shall be the City Manager's sole employment. Notwithstanding the foregoing, it is recognized by the City that certain outside consulting or teaching opportunities may provide indirect benefits to the City, the City Manager may elect, after written approval from the City Commission, to accept limited teaching, consulting or other opportunities with the understanding that such arrangement(s) may not create interference with nor be a real or perceived conflict of interest with his responsibilities as City Manager.

Section 18: Bonding

The City shall bear the full cost of any fidelity or other bonds required of the City Manager by law.

Section 19: Other Terms and Conditions of Employment

Except as otherwise provided in this Agreement, the City Manager shall be entitled to a level of benefits not less than those enjoyed by other City management and non-represented employees.

Section 20: General Provisions

- A. Professional Liability. The City shall defend, hold harmless and indemnify the City Manager from any and all demands, claims, suits, actions and legal proceedings brought against the City Manager in his individual capacity, or in his official capacity as agent and employee of the City, consistent with the terms of the Oregon Tort Claims Act (ORS 30.260 to 30.300).

- B. Amendment. Nothing shall restrict the ability of the City Manager and the City Commission to amend or adjust the terms of this Agreement. However, no amendment or adjustment shall be valid unless in writing and signed by both the City Manager and the Mayor and City Recorder as authorized by action of the City Commission.
- C. Severability. If any provision, or any portion thereof, contained in this Agreement is held to be unconstitutional, invalid or unenforceable, the remainder of this Agreement, or portion thereof, shall be deemed severable and shall not be affected, and shall remain in full force and effect.
- D. Relationship to City Policies of General Application. The terms of this Agreement shall control over inconsistent terms and elements of personnel policies of the City of Oregon City. To the extent that this Agreement is not inconsistent therewith, Oregon City policies shall constitute terms and conditions governing the City Manager's employment.
- E. Mediation. Should any dispute arise between the parties regarding the terms of this Agreement or work or services covered thereby, such dispute shall be submitted to a mediator by either party prior to arbitration if either party elects arbitration. The parties shall exercise good faith efforts to select a mediator whose compensation shall be shared equally by both parties. Mediation will be conducted in the Portland metropolitan area, unless both parties agree otherwise. Both parties agree to exercise good faith efforts to resolve disputes covered by this section through this mediation process. If a party requests mediation and the other party fails to respond within ten (10) working days, or if the parties fail to agree on a mediator within ten (10) working days, a mediator shall be appointed by the presiding judge of the Clackamas County Circuit Court upon request of either party.
- F. Arbitration. In the event the parties have a dispute concerning the terms of this Agreement, the terms and conditions of the employment relationship, or the violation of any federal, state or local law relating to the employment relationship (and they have not otherwise resolved the matter through the mediation process set out in subsection 20(E) above), then the dispute shall be resolved by submitting it to binding arbitration.

Within thirty (30) calendar days of a notice by either party to the other requesting arbitration, the City and the City Manager shall select an arbitrator from a list of three (3) obtained from Arbitration Services of Portland, Inc. (ASP). The arbitrator shall for purposes of the arbitration proceedings apply the rules of mandatory arbitration as adopted by the ASP in effect at the time of the arbitration.

Within sixty (60) calendar days of the selection or appointment of the arbitrator, both the City and the City Manager shall concurrently submit to the arbitrator (supplying a copy to each other) a written statement of their respective legal and factual positions on the dispute. The arbitrator shall determine, after a hearing on the merits and within forty-five (45) calendar days after receipt of the statements, the determination of the dispute which determination shall be final and binding.

Each party shall bear equally the expense of the arbitrator and all other expenses of conducting the arbitration. Each party shall bear its own expenses for witnesses, depositions, other costs incurred and attorneys.

- G. Integration. This Agreement contains the entire Agreement between the parties and supersedes all prior written or oral discussions or agreements regarding the same subject.

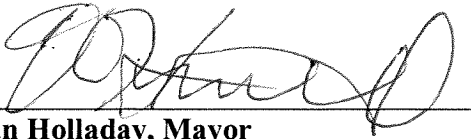
Section 21: Conditions of Enforceability

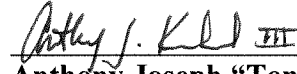
At the first Commission meeting during January of any year when any newly elected City Commissioner is sworn into and assumes Office as a City Commissioner, the City Commission shall receive a briefing on the terms and conditions fixed by this Agreement and the Commission shall approve and thereby ratify the terms of this Agreement, or in the alternative, the City Manager and the City Commission shall negotiate to resolve any differences identified at that time. The parties' intention is to afford every newly constituted City Commission the opportunity to review, become informed and agree to the terms of this Agreement.

The City Commission and the City Manager affirm by the execution of this Agreement that the City Manager is relying on the City Commission's commitment of financial security payments in the event a City Commission were to elect to end City Manager's employment without cause. Therefore, it is expressly understood by the parties that the City shall be estopped from asserting that the financial security obligations undertaken by the City Commission and described in this Agreement are not enforceable for any reason connected with a future change in the composition of the City Commission.

THEREFORE, THE CITY OF OREGON CITY BY AND THROUGH ITS MAYOR AND CITY COMMISSIONERS HAVE DETERMINED TO APPOINT ANTHONY J. KONKOL III AS CITY MANAGER AND EMPLOY HIM IN ACCORDANCE WITH THE TERMS OF THIS AGREEMENT, WHICH CITY MANAGER ACCEPTS, and accordingly, the City of Oregon City has caused this Agreement to be signed and executed on its behalf by the Mayor and duly attested by the City Recorder, and the City Manager has signed and executed this Agreement, both in duplicate, this 7th day of February, 2016.

CITY OF OREGON CITY:


Dan Holladay, Mayor


Anthony Joseph "Tony" Konkol III

ATTEST:


Kattie Riggs, City Recorder

APPROVED AS TO FORM:


Akin Blitz, Attorney for Oregon City



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Dayna Webb, Public Works Director

SUBJECT:

Item 7.c. - Resolution No. 25-01, Authorizing the Nomination of the Oregon City McLoughlin to Canemah Trail Project for the 2025 Oregon Community Paths Program Grant

STAFF RECOMMENDATION:

Approve Resolution No. 25-01, authorizing the nomination of the Oregon City McLoughlin to Canemah Trail Project for the 2025 Oregon Community Paths Program Grant.

EXECUTIVE SUMMARY:

Attached is Resolution No. 25-01 authorizing staff to apply for the Oregon Department of Transportation Oregon Community Paths Program Grant. The program is a competitive statewide program that supports investments in multiuse paths that are not part of the roadway system. The City acknowledges the required 10.27 % local dollar match for this application. Applications are due January 15, 2024.

BACKGROUND:

The Oregon Department of Transportation is soliciting applications for the 2025 Oregon Community Paths Program Grant. The program direction is looking for projects that support:

- Regional paths which develop longer paths to connect communities or are a part of an interconnected network of pathways
- Critical links which create connections to destinations or close barriers along these pathways

The proposed project for nomination is the permanent trail alignment of the McLoughlin to Canemah Trail Plan that was adopted in 2018. The McLoughlin to Canemah Trail is a planned shared-use path that will link the Canemah Bluff Natural Area to the McLoughlin Promenade. The trail will be approximately one mile in length and will pass through a mix of intense urban uses, quiet neighborhoods, and serene natural spaces

The project has already been reviewed and accepted during the Letter of Interest process and has been invited to formally apply for program funding. The schedule for the 2025 Oregon Community Paths Program Grant is as follows:

August 1, 2024 - September 15, 2024	Letters of Interest Accepted
September 30, 2024	Applicants Notified of Eligibility/Ineligibility to Proceed
November 1, 2024 - January 15, 2025	Applications Accepted
February 2025 - April 2025	Application Review
May 2025	Oregon Transportation Commission Grant Awards
October 2025	Grant Agreement Execution

Staff are still refining the final application, working to include the appropriate improvements and upgrades as well as balancing the cost of the project to create a project that will be competitive. As such, staff are requesting authorization to apply for a 2025 Oregon Community Paths Program Grant in the amount, not to exceed, \$4,500,000.00 where the City would be required to provide a local match of 10.27% (maximum of \$462,150.00) from the Transportation System Development Charge (SDC) Fund. If the grant were awarded, the City's local match would be allocated in a future budget.

OPTIONS:

1. Approve Resolution No. 25-01, Authorizing the Nomination of the Oregon City McLoughlin to Canemah Trail Project for the 2025 Oregon Community Paths Program Grant.
2. Approve Resolution No. 25-01, Authorizing the Nomination of the Oregon City McLoughlin to Canemah Trail Project for the 2025 Oregon Community Paths Program Grant with Amendments.
3. Deny Resolution No. 25-01, Authorizing the Nomination of the Oregon City McLoughlin to Canemah Trail Project for the 2025 Oregon Community Paths Program Grant and provide further direction.

BUDGET IMPACT:

Amount \$462,150.00
Fiscal Year(s): 2026
Funding Source(s): Transportation SDC

RESOLUTION NO. 25-01

**A RESOLUTION AUTHORIZING THE NOMINATION OF THE OREGON CITY
MCLOUGHLIN TO CANEMAH TRAIL PROJECT FOR THE 2025 OREGON COMMUNITY
PATHS PROGRAM GRANT**

WHEREAS, Oregon Department of Transportation is soliciting projects for the 2025 Oregon Community Paths Program Grant; and

WHEREAS, the Oregon Community Paths Program is dedicated to helping communities create and maintain connections through multiuse paths; and

WHEREAS, the McLoughlin to Canemah Trail is a proposed multiuse path as part of the Oregon City Trails Master Plan (Project L19); and

WHEREAS, the McLoughlin to Canemah Trail is shared-use path as part of the Oregon City Transportation System Plan (Project S36); and

WHEREAS, the McLoughlin to Canemah Trail is part of a larger Oregon City Loop Trail; and

WHEREAS, the City desires to participate in the program and will commit to provide the indicated match should the project be awarded the requested grant funds; and

WHEREAS, we are pleased to support the City's application for the 2025 Oregon Community Paths Program for the McLoughlin to Canemah Trail Project.

NOW, THEREFORE, OREGON CITY RESOLVES AS FOLLOWS:

Section 1. Staff is authorized to submit to Oregon Department of Transportation an application for the 2025 Oregon Community Paths Program for the McLoughlin to Canemah Trail Project.

Section 2. This resolution becomes effective upon adoption.

Approved and adopted at a regular meeting of the City Commission held on the 7th day of January 2025.

DENYSE C. MCGRUFF
Mayor

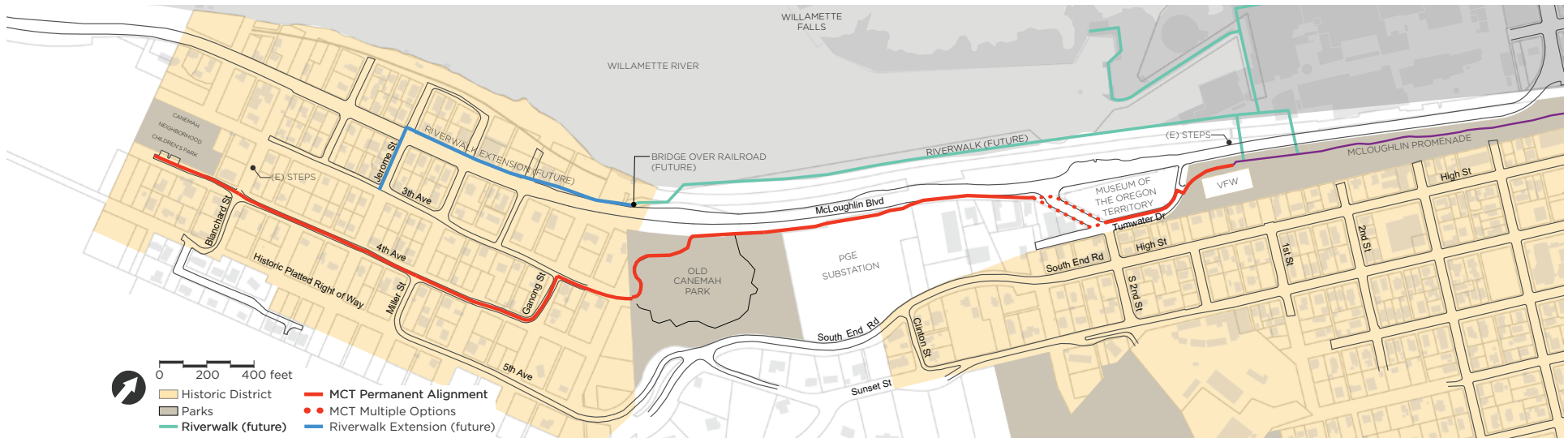
Attested to this 7th day of January 2025:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Permanent Trail Alignment Recommendation



SUMMARY DESCRIPTION

The Permanent trail alignment recommendation begins at the McLoughlin Promenade and connects to Tumwater Drive via the Three Rivers VFW Post 1324 parking lot and a dedicated non-motorized path down the existing driveway. From there, the trail follows Tumwater Drive, crosses at S. 2nd Street, and continues south/southwest along McLoughlin Blvd until reaching Portland General Electric (PGE) substation property.

From the PGE substation, the trail enters Old Canemah Park and connects to the Canemah National Register District neighborhood. The route through the neighborhood follows 3rd Avenue, turns onto Ganong Street, and follows 4th Avenue until reaching the Canemah Neighborhood Children's Park.

In the long term, when the Riverwalk is extended to Canemah, an additional trail segment should be considered to link the Riverwalk to Canemah and complete a loop. This segment would include a Jerome Street crossing. Speed control along McLoughlin Blvd/Hwy 99E is recommended as well.

DESIGN ASSUMPTIONS

- Modification of existing VFW driveway allows dedicated ped-bike connection to Tumwater Dr. Left turn from McLoughlin Blvd onto Tumwater Dr to be closed.
- Widen sidewalk to shared use path width along Tumwater Dr
- Intersection crossing of S 2nd Ave at Tumwater Drive or 99E re-designed for safety (see example on p. 43).
- Trail can be installed along with future/expected development.
- License agreement for use of PGE substation property.
- Traffic calming, signs, and pavement markings for shared Family Friendly Street on 3rd Ave, Ganong St, and 4th Ave. Speed limit reduced to 20 MPH.
- Cost estimate includes reinforcement at top of basalt cliff.

Next Steps and Implementation

The adoption of the McLoughlin-Canemah Trail Plan will amend the City's Parks Master Plan, Trails Master Plan, and Transportation System Plan to reflect the trail plan and add and refine capital project lists. The adoption process includes meetings with the Transportation Advisory Committee (TAC), Parks and Recreation Advisory Committee (PRAC), and hearings before the planning Commission and City Commission.

City staff, with the help of stakeholders, will identify internal resources and apply for additional grant funds to implement the trail. Potential funding sources include Parks System Development Charges, Transportation System Development Charges, and state grants such as Connect Oregon and ODOT Enhance. Next steps are described in the table below.

The MCT Advisory Group also recommends that the PRAC review and update the overall Trails Master Plan, which was originally adopted in 2004.



Table 3. Implementation Priorities

NO.	TASK	PRIORITY / TIMEFRAME	RESPONSIBILITY
1	Pursue 20 MPH speed limit in Canemah neighborhood	1	Planning, Public Works
2	Design/implement Tumwater Drive closure	1	Planning, Public Works, ODOT
3	Explore interim improvements to 99E	1	Planning, Public Works, ODOT
4	Outreach to Canemah neighbors, add street markings within Canemah	1	Planning, Public Works, Historic Review Board
5	High Street bike route striping	1 (with 2018 resurfacing)	Planning, Public Works
6	Obtain a survey of the trail alignment area	2	Parks and Rec with coordination from PGE
7	Conduct study of S. 2nd Street pedestrian crossing options	2	Public Works, Planning, ODOT
8	Develop a trail signage plan	2	Parks and Rec, Public Works
9	Apply for grants for trail construction	2	All stakeholders, especially groups with nonprofit status
10	Construct interim trail improvements	2	Parks and Rec, Public Works, stakeholder volunteers, with coordination from PGE and ODOT
10	Explore and design VFW driveway changes	2	Parks and Rec, VFW
11	Construct permanent trail improvements	3	Parks and Rec, Public Works, with coordination from PGE and private development



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Pete Walter, Planning Manager
Aquilla Hurd-Ravich, Community Development Director

SUBJECT:

Second Reading of Ordinance No. 24-1010, Park Place Concept Plan Code Amendments (LEG-24-01)

STAFF RECOMMENDATION:

Approve the second reading of Ordinance # 24-1010, adopting the proposed amendments.

EXECUTIVE SUMMARY:

At the December 18th meeting the City Commission approved the first reading of Ordinance 24-1010, adopting the Park Place Concept Plan code amendments. The Planning Commission completed their review of the proposed code amendments, and recommended their approval to the City Commission on October 28. The Park Place Concept Plan (PPCP) was adopted through Legislative File 08-01 in 2008. At that time the Oregon City Municipal Code was amended to implement the principles of the concept plan. Since then, land use regulations in the State of Oregon have changed and the City reviewed its first land use application in the concept plan area. That review illuminated some of the areas in the code that needed refining 16 years after the initial adoption of the concept plan.

BACKGROUND:

These code amendments are the result of several factors, including a LUBA remand of a master plan application requiring that the City only review the application using clear and objective approval criteria, changes in Statewide housing laws, and to fully implement the principal Key Elements of the Park Place Concept Plan.

City Commission directed revisions

On December 18, 2024, the Commission directed staff to remove "Pet Day Care" from the list of permitted uses for the NC - Neighborhood Commercial Zone in section 17.24.020. On December 4, 2024, the Commission directed changes to the following sections of the draft code. Staff has made the changes and attached the revised drafts.

- 16.12.026 - Alleys

Removed the alley requirement for the Park Place Concept Plan except when abutting a collector or arterial road. Included cross references to existing sections that regulate vehicle access in 16.12.022 and 16.12.035.

- 17.21.090 Residential Design - Garage Orientation.

Removed the front-loaded garage restriction from the Residential Design - Garage Orientation section in section 17.21.090, however, retain the restriction on front loaded garages when abutting a collector or arterial road and across the street from a public park. Also, this no longer requires detached garages.

- 17.08.055(C)(3) - Low Density Residential Districts - Park Place Concept Plan - Perimeter Transition

Removed the allowance for a 20% lot size reduction for lots in the PPCP transition areas for the low density residential zones.

- 17.10.080(C)(3) - Medium Density Residential Districts - Park Place Concept Plan - Perimeter Transition

Removed the allowance for a 20% lot size reduction for lots in the PPCP transition areas for the medium density residential zones.

- 17.24.020(A)(14) - Neighborhood Commercial District - Permitted Uses

Changed "pet hospital" to "veterinary hospital" in the permitted uses section.

- 17.24.025(J). - Neighborhood Commercial District - Conditional Uses

Removed "veterinary clinic or hospital" from the conditional uses section.

- 17.04 - Definitions

- Removed the definition for "kennel". This definition is in Chapter 6.04 - Dogs.

- Revised the definition for "deck" to include a cross-reference to the setback exceptions in section 17.54.030, which states that uncovered decks or porches with a height of less than thirty inches from grade are exempt from setback standards.

Why are the alley requirements and the front load and detached garage restrictions removed?

Based on further analysis and direction from City Commission to review this standard, staff is proposing to remove the alley requirement in 16.12 and 17.21 and only retain the prohibition on front loaded garages when a lot fronts a collector street or is across the street from a public park. Analysis of slope information from GIS staff indicates that even the flattest portions of the developable areas of the PPCP are surrounded by steeper slopes or the Natural Resource Overlay District (NROD) or both and will still require significantly more cut-and-fill to achieve grades to construct alleys, adding to engineering and housing costs. Also, commissioners pointed out that the use of alleys does not guarantee a walkable, vibrant pedestrian-friendly streetscape. Access control and driveway restrictions requiring alleys would still be regulated when abutting collector or higher classification roads, per existing Public Improvement standards in OCMC 16.12.022 and 16.12.035.

The simplest approach is to remove the alley requirement except for situations where lots abut collector or higher classification roads. This will maintain safety of driving conditions and bikes and pedestrians on these roads with fewer curb cuts and exiting vehicles.

Park Place Concept Plan implementation history

When the PPCP was adopted in 2008, the Oregon City Municipal Code (OCMC) was amended to implement the concept plan. The Park Place Concept Plan was implemented through Legislative File 08-01 which updated, revised, and added new code sections to OCMC, and adopted Comprehensive Plan designations for areas within the concept plan. Land in the North Village which has annexed to the City has a zoning designation of Neighborhood Commercial (NC), R-5 (Medium Density Residential), and R-10 (Low Density Residential). In 2008, OCMC 17.10 was amended to add a new R-5 zone district to allow for greater diversity of housing types. The existing Neighborhood Commercial zone district in OCMC 17.24 was refined to increase the number of permitted uses, restrict the size of stand-alone commercial buildings, and allow live-work units. Multi-family is allowed in Neighborhood Commercial and must either be on the second story or above or be set back 100 feet from the main street.

The PPCP was built principally on 11 Key elements:

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

In 2008 some of these key elements were codified, some were implemented through design standards, while others were envisioned to be implemented by future zone changes. Following the adoption of the PPCP, multiple infrastructure master plans were updated and adopted and these plans accounted for growth and new development in Park Place for example the 2013 Transportation System Plan and the 2020 Stormwater and Grading Design Standards.

Changes in land use laws for housing

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

Taking most of these changes into account since 2008, staff and Planning Commission endeavored to draft code that will more completely implement the 11 Key Elements while remaining clear and objective. The attached memorandum, entitled “Park Place Concept Plan Key Elements Integrating Clear and Objective Standards into Oregon City Municipal Code” dives more deeply into each of the Key Elements, how they were codified, and the proposed code revisions.

Staff drafted amendments to eight OCMC chapters through this code refinement process:

1. 16.12 Minium Public Improvements and Design Standards
2. 17.04 Definitions
3. 17.08 Low Density Residential Districts (R-10, R-8 and R-6)
4. 17.10 Medium Density Residential Districts (R-5 and R-3.5)
5. 17.21 Residential Standards- Park Place Concept Plan
6. 17.24 NC - Neighborhood Commercial District
7. 17.62 & 16.08 Site Plan and Design Review
8. 17.65 Master Plans

New draft code language for park and trail dedication is proposed in sections 17.62.061 and 16.08.43.

The Planning Commission held work sessions over the summer to review and discuss each code section from May 2024 through August 2024. Staff presented an overview and update to City Commission in May 2024 and August 2024. We presented to the CIC and Park Place Neighborhood Association in August and held the first evidentiary hearing on September 23, 2024. The hearing was continued to allow adequate time for the Planning Commission to review public comments until October 28, 2024 when they made a recommendation to the City Commission to approve the code amendments. If the Ordinance is approved tonight the second reading will be scheduled for January 7, 2025 and the code will go into effect 30 days later.

NEXT STEPS:

1. Approve the proposed code amendments as proposed and approve the first reading

of Ordinance No. 24-1010.

2. Approve the proposed code amendments with revisions and approve the first reading of Ordinance No. 24-1010.
3. Do not approve the proposed code amendments and provide direction.

OPTIONS:

N/A

ORDINANCE NO. 24-1010

AN ORDINANCE ADOPTING AMENDMENTS TO OREGON CITY MUNICIPAL CODE; TITLE 16: LAND DIVISIONS, AND TITLE 17: ZONING OF THE OREGON CITY MUNICIPAL CODE WITH CLEAR AND OBJECTIVE APPROVAL CRITERIA TO IMPLEMENT THE PARK PLACE CONCEPT PLAN

WHEREAS, the Park Place Concept Plan was adopted in 2008 as part of the Oregon City Comprehensive Plan by Ordinance 01-1007 and included implementing land division and zoning code amendments adopted by Ordinance 08-1014 and Ordinance 10-1003; and

WHEREAS, further refinements to the land division and zoning code are necessary in order to fully implement the Park Place Concept Plan and comply with State regulations for needed housing, including the requirement for clear and objective approval criteria; and

WHEREAS, the proposed code amendments were presented to the Citizen Involvement Committee on August 5, 2024 and the Park Place Neighborhood Association in August 19, 2024; **and**

WHEREAS, the Planning Commission reviewed and refined the proposed code amendments at work sessions on May 13, June 10, June 24, July 8, July 22, August 5, and August 12, 2024; and

WHEREAS, following Public Hearings on September 23 and October 28, 2024 the Planning Commission recommended approval of the proposed code amendments to the City Commission; and

WHEREAS, the City Commission reviewed the Planning Commission's recommended code amendments at Public Hearings on December 4 and December 18; and

WHEREAS, the proposed code amendments will assure a greater variety and diversity of housing, promote compatibility with existing Oregon City residential subdivisions, and assure that adequate parkland and trails are provided for new development within the Park Place Concept Plan;

NOW, THEREFORE, THE CITY OF OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code Title 16: Land Divisions, And Title 17: Zoning Of The Oregon City Municipal Code; which are attached hereto as Exhibit 'A'.

Section 2. The Commission adopts the "Staff Report and Recommendation for Legislative File: GLUA 24-014 / LEG-24-01.

Ordinance No. 24-1010

Effective Date: _____

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Section 3. Severability. If any provision of this Ordinance or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this Ordinance that can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are severable.

Section 4. Effectiveness. This Ordinance shall take effect on _____, 202__.

Read for the first time at a regular meeting of the City Commission held on the 4th day of December, 2024 and the City Commission finally enacted the foregoing Ordinance this 18th day of December, 2024.

Mayor Denyse McGriff

Attested to this _____ day of _____ 202__:

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code

16.12.026 Same—Alleys.

Alleys with public access easements on private property shall be provided in the South End concept plan area 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.

Alley access may be required by the City Engineer in order to restrict access onto a collector or arterial road pursuant to OCMC 16.12.022 and 16.12.035.

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.

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. Final definitions will require renumbering to fit the new definitions into the Oregon City Municipal Code in alphabetical order.

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.

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.

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.

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.

Deck

“Deck” means an uncovered platform with a main walking surface that is directly accessible from and adjacent to or attached to a principal building. Residential decks may be located at different levels or stories on the front, rear or side of a dwelling and may have setbacks that are different from setbacks for enclosed living areas per OCMC 17.54.030.(C). Decks may or may not have railings or guards depending on building code or other requirements. See also “Porch”.

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.

Distribution

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

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.

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.

Green roof.

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

Living Area

"Living area" means the enclosed portion of a house that is not a covered patio, porch, carport or garage. For the purposes of determining the projection of an attached garage in relation to the living area, the living area may be on any floor of the residence.

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".

Massing, primary

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

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".

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.

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.

Porch

“Porch” means a fully roofed but unenclosed structure projecting from and attached to the main wall of a principal building that may or may not use columns or other ground supports for structural purposes. A porch has a walking surface that is directly accessible from and adjacent to or attached to a principal building. Residential porches are typically located on the front and / or rear of a dwelling and may have setbacks that are different from setbacks for enclosed living areas. Porches may or may not have railings or guards depending on building code or other requirements. See also “Deck”.

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.

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.

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”.

Roof, flat

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

Roof, gable

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

Roof, gambrel

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

Roof, hipped

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

Roof, mansard

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

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.

Roof, primary

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

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”.

Roof, shed

"Shed roof" means a roof having a single sloping plane and no hips, ridges or valleys.

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.

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.

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.

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			
All dwelling units, except;	35 feet	35 feet	35 feet
cottage cluster	25 feet	25 feet	25 feet
Maximum building lot coverage			
All dwelling units, except;	40%	40%	40%
With ADU	45%	45%	45%
Cottage cluster	None	None	None
Minimum lot width			
All dwelling units, except;	65 feet	60 feet	50 feet
Townhouse	20 feet	20 feet	20 feet
Minimum lot depth			
All dwelling units, except;	80 feet	75 feet	70 feet
Townhouse	75 feet	75 feet	70 feet
Minimum front yard setback			

All dwelling units, except;	20 feet	15 feet	10 feet
Cottage cluster	10 feet	10 feet	10 feet
Porch	15 feet	15 feet	15 feet
Minimum interior side yard setback			
All dwelling units, except;	8 feet	7 feet	5 feet
Except Townhouse	0 feet (attached)/8 feet (side)	0 feet (attached)/7 feet (side)	0 feet (attached)/5 feet (side)
Minimum corner side yard setback			
All dwelling units, except;	10 feet	10 feet	10 feet
Minimum rear yard setback			
All dwelling units, except;	20 feet	20 feet	20 feet
Porch	15 feet	15 feet	15 feet
ADU	10 feet	10 feet	10 feet
Cottage cluster	10 feet	10 feet	10 feet
Garage setbacks			
All dwelling units, except;	20 feet from ROW	20 feet from ROW	20 feet from ROW
From alley	5 feet	5 feet	5 feet
Minimum separation between existing city dwelling unit abutting the Park Place Concept Plan boundary and new dwelling unit	40 feet	40 feet	40 feet

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.

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.

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.
 - 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 an existing residential development within the city, the following additional standards shall apply to create a perimeter transition:
- Where any portion of a lot abuts existing residential development within the city outside of the concept plan area boundary, uses shall be limited to residential uses and roads, parks, trails, and open space.
 - Where any portion of a lot abuts existing residential development within the city outside of the concept plan area boundary, the minimum lot size, width, and depth shall meet the minimum dimensions of the abutting city residential zone district. For example, a lot inside the Park Place Concept Plan Area which abuts a city 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 zoning designation.
 - Where any portion of a proposed lot abuts existing city 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.
 - Within the forty-foot setback required in (4) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping shall meet any combination of the following standards:

-
- a. Plant a minimum twelve inches total diameter of trees spaced an average of one tree for every thirty linear feet. Planted trees shall be a minimum caliper size of two inches at the time of planting and may be tree species chosen from the City's adopted street tree list or as recommended by a certified arborist or landscape architect. The trees may be planted on residential lots or in an abutting tract.
 - b. Preserve existing trees that have a minimum diameter of six inches DBH to achieve a minimum of twelve inches total diameter of preserved trees spaced a minimum of fifteen feet apart. Trees selected for preservation shall not be dead, diseased, dying or hazardous and shall not be invasive species. The preserved trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B;
 - c. Preserve existing native vegetation and trees within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49 to achieve a minimum of twelve inches total diameter of native trees spaced an average of one tree for every thirty linear feet. Native trees selected for preservation may be smaller than 6 inches diameter at breast height but not smaller than one inch caliper as measured six inches above the root crown. Native trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49.
 5. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

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. 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.

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.

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 dwelling units, except;	35 feet	35 feet
cottage cluster	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 dwelling units, except;	35 feet	25 feet
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet
Minimum front yard setback		
All dwelling units, except;	10 feet	5 feet
Porch	5 feet	0 feet
Minimum interior side yard setback		

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

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.

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.

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		
• All, except	7.0 du/acre	10 du/acre
• Multi-family		17.4 du/ac
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

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.

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 Medium Density districts 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 within the city the following additional standards shall apply to create a perimeter transition.
 - 1. Where any portion of a lot abuts existing residential development within the city 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 within the city outside of the concept plan area boundary, the minimum lot size width, and depth shall meet the minimum dimensions of the abutting city residential zone district. For example, a lot inside the Park Place Concept Plan Area which abuts a city 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.
 - 3. Where any portion of a proposed lot abuts existing city residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing city dwelling units outside the plan boundary.
 - 4. Within the forty-foot setback required in (4) above, landscaping shall be provided to buffer the perimeter. The landscaping shall meet any combination of the following standards:
 - a. Plant a minimum twelve inches total diameter of trees spaced an average of one tree for every thirty linear feet. Planted trees shall be a minimum caliper size of two inches at the time of planting and may be tree species chosen from the City's adopted street tree list or as recommended by a certified arborist or landscape architect. The trees may be planted on residential lots or in an abutting tract.
 - b. Preserve existing trees that have a minimum diameter of six inches DBH to achieve a minimum of twelve inches total diameter of preserved trees spaced a minimum of fifteen feet apart. Trees selected for preservation shall not be dead, diseased, dying or hazardous and shall not be invasive species. The preserved trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B;

- c. Preserve existing native vegetation and trees within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49 to achieve a minimum of twelve inches total diameter of native trees spaced an average of one tree for every thirty linear feet. Native trees selected for preservation may be smaller than 6 inches diameter at breast height but not smaller than one inch caliper as measured six inches above the root crown. Native trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49.
- 5. An alternative perimeter transition may be proposed as part of a master plan per OCMC 17.65, provided it is consistent with the goals of the adopted Park Place Concept Plan.

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010 - Purpose.

The standards of this section are intended to ensure new residential development implements the goals and policies of the Park Place Concept Plan area in compliance with state housing laws in order to 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.

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.

17.21.025 - Modifications that will better meet residential 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 prior to building permit application.
- B. An applicant has the option of seeking a modification pursuant to the following criteria. Applicants may also request a variance to this standard pursuant to OCMC Chapter 17.60 or as a master plan adjustment to development standards pursuant to OCMC Chapter 17.65.

1. Criteria for modification to the standards:
 - i. The modification will result in a development that better meets the applicable residential 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.

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.

17.21.040 - Massing.

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

- A. Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate rooflines. 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.

17.21.050 – Porches and entries.

- A. Each residence shall contain a front porch with a front door that faces the street that is at least eighty square feet with no dimension under six feet with the wider dimension parallel to the street. The front porch shall be covered.
- B. All subdivisions shall have at least seventy-five percent of the housing utilize front porches as approved under subsection A above.
- C. 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 shall achieve the equivalent of five points worth of architectural details.
 1. Stonework detailing on columns or across foundation.
 2. Brick or stonework covering more than ten percent of the front facade.
 3. Wood, clad wood, or fiberglass windows on all four elevations of the building (two points).
 4. 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. 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. Decorative porch elements (choose one): Scrolls, brackets, or wrapped and finished porch railings and posts.
7. Decorative shingle design covering ten percent of the facade.

17.21.070 - Siding Materials.

- A. Siding materials shall include:
 1. Brick,
 2. Basalt stone or basalt veneer,
 3. Horizontal plank, lap or tongue and groove siding (wood or composite),
 4. Vertical panel board and batten siding (wood or composite), or
 5. Shingle or shake siding and panels (wood or composite).

17.21.080 - Windows.

- A. All elevations 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. All windows shall include trim a minimum of two inches in width on all elevations.

17.21.090 – Garage Orientation

- A. Front loaded garages and driveway cuts shall not be permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street.
- B. Front loaded garages and driveway cuts shall not be permitted abutting a public street that abuts a public park.

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 exposed width of siding on the principal dwelling.
 2. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.
 3. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.

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. A residential subdivision 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:

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

*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 original 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 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 satisfied. This standard does not preclude future additional middle housing units or middle housing land divisions within a residential subdivision or partition.

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.

17.24.020 Permitted uses—NC.

The following uses are permitted within the neighborhood commercial district:

- 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 veterinary hospitals.
 15. Home occupations.

- 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).

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;

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. Residential use on the ground floor unless set back a minimum of one hundred feet from the property line along Livesay Road / Main Street

17.24.040 Dimensional standards.

Dimensional standards in the NC district are:

- 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.
- B. Maximum building height: Forty-five feet or three stories, whichever is less.
- C. Maximum building footprint: Ten thousand square feet.
- D. Minimum required setbacks if not abutting a residential zone: None.
- 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.
- F. 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.
- H. 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

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. Type II

modification of these standards is permitted pursuant to Section 17.62.015. If applicable, applicants may also request a Type III variance from these standards pursuant to Chapter 17.60 – Variances or a Master Plan adjustment pursuant to OCMC 17.65.070 - 17.65.070 - Adjustments to development standards.

C. Additional Permitted Uses.

1. Civic Uses. Civic uses permitted include non-profit, private, and government uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, , clubs and lodges, and libraries, community centers, environmental learning centers, and post offices.
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 within the Park Place Concept Plan Neighborhood Commercial Zoning District except as provided under (2) below.
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. Upper-story residential uses are permitted.
4. 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) or (2).

F. Site Design Standards. The standards in Section 17.62.055 shall apply to neighborhood commercial development within the Park Place Concept Plan area.

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.

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- (a) Canopies or overhangs (5'-0" minimum depth, measured from either the face of the column or the street-facing elevation) for 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 six 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 (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.
5. 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.

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

[Note: These are entirely new sections of code that will apply to residential and non-residential development in the Park Place Concept Plan area. 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. Oregon City Parks and Recreation Master Plan Update (2008)
 - c. Oregon City Trails Master Plan (2004)
 - d. Oregon City Conceptual Trails Map (2004) Map – Existing and Proposed Trails (Trails L-5, L-6 and L-7)
 - e. Park Place Concept Plan (2008) – Figure 3-4. Concept Plan Street System Map (Off-Street Trails)
 - f. Park Place Concept Plan (2008) – Figure 3-8: Proposed Trail System
 - g. Oregon City Transportation System Plan (2013) - Figure 5. Multi Modal Connectivity Plan
 - h. Oregon City Transportation System Plan (2013) – Figure 19: Walking Solutions (P. 64)
 - i. Oregon City Transportation System Plan (2013) – Figure 20: Biking Solutions (P. 65)
 - j. 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 (in dollars per acre) shall be set by City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs.
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

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

2. The city shall accept a fee-in-lieu of dedication pursuant to subsection E of this section, if property 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.

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 a System Development Charge credit for the value of the amount of land that exceeds the required dedication pursuant to OCMC 13.20.040.

E. Fee-in-lieu of Dedication.

The city shall accept a fee-in-lieu as an alternative to dedication where a 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 shall meet the following standards:

1. The amount of the fee-in-lieu (in dollars per acre) shall be set by the City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs.
2. The fee-in-lieu shall be paid prior to the recording of the plat.
3. The fee-in-lieu is separate from and in addition to any Parks System Development Charges (SDCs) or credits that may be available required pursuant to OCMC 13.20.
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.

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 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.
 - f. 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.

- i. 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.
- H. 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 ‘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 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 (in dollars per acre) shall be set by City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs.

f. System Development Charge Credits.

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. Shadow plat.

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 DEVELOPMENTS

17.65.010 Purpose and intent.

The Master Plan or Planned Unit Development process is a 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.

This process supports innovative and creative land development approaches and provides long-term assurance for the planning and execution of larger developments, and address infrastructure and transportation capacity adequacy through phased implementation, 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.

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

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

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

17.65.030 Applicability of the master plan or planned unit development regulations.

- A. Required for Large Institutional Uses. If the boundaries of an institutional development exceed ten acres in size, the proposed development shall be master planned using the regulations of this chapter. No land use review other than a Type I or II Minor Site Plan and Design Review shall be issued for any institutional development in excess of ten acres in total acreage unless it is accompanied by or preceded by a master plan

approval under this chapter. This requirement does not apply to modifications to existing institutional developments unless the modification results in a cumulative square footage increase of over ten thousand total building square feet in an existing institutional development over ten acres.

- B. When Required as Part of Previous Land Use Review. The master plan or planned unit development regulations may be used to fulfill a condition of approval from a previous land use decision requiring master planning for a development.
- C. When identified in the Oregon City Comprehensive Plan. The master plan regulations are required for all properties identified for master planning in the land use section of the Oregon City Comprehensive Plan.
- D. Voluntarily. An applicant may voluntarily submit a master plan or planned unit development as part of a land use review, including for residential projects.
- 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 for residential development applications that are processed through a Type I or Type II review.

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.

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:
 - 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;
 - 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.
 - 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 through 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) 17.54 – Supplemental Zoning Regulations and Exceptions
 - g) 17.62 – Site Plan and Design Review.
 - 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 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
- 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.

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.
- 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 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

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;
 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.

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.

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.

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.

Alley access may be required by the City Engineer in order to restrict access onto a collector or arterial road pursuant to OCMC 16.12.022 and 16.12.035.

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:

Previously, this section included the following additional language (in italics). This has been removed.

Pursuant to OCMC 16.12.013, 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 a block layout with two tiers of lots with consistent lot depths per OCMC 16.12.030.*

Based on the following analysis and direction, staff has decided to remove the alley requirement in 16.12 and 17.21 and only retain the prohibition on front loaded garages when a lot fronts a collector street or is across the street from a public park.

After analysis of slope information with assistance from GIS staff, the main reason for this change is that even the flattest portions of the developable areas of the PPCP are surrounded by steeper slopes or NROD and will still require significantly more cut-and-fill to achieve grades to construct alleys, adding to engineering and housing costs.

Also, commissioners pointed out that the use of alleys does not guarantee a walkable, vibrant pedestrian-friendly streetscape.

Access control and driveway restrictions requiring alleys would still be regulated abutting collector or higher classification roads, per OCMC 16.12.

The simplest approach is to remove the alley requirement except for situations where lots abut collector or higher classification roads. This will maintain safety of driving conditions and bikes and pedestrians on these roads with fewer curb cuts and exiting vehicles.

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.

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. Final definitions will require renumbering to fit the new definitions into the Oregon City Municipal Code in alphabetical order.

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.

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.

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.

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.

Deck

“Deck” means an uncovered platform with a main walking surface that is directly accessible from and adjacent to or attached to a principal building. Residential decks may be located at different levels or stories on the front, rear or side of a dwelling and may have setbacks that are different from setbacks for enclosed living areas per OCMC 17.54.030.(C). Decks may or may not have railings or guards depending on building code or other requirements. See also “Porch”.

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.

Distribution

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

Commented [PW1]: Per OCMC 17.54.030 - Setback exceptions.(C) C.; Uncovered decks or porches with a height of less than thirty inches from grade are exempt from setback standards.

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.

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.

Green roof.

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

Kenel

~~"Kenel" 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 kenel.~~

Commented [PW2]: Definition remains in Chapter 6.04.

Living Area

"Living area" means the enclosed portion of a house that is not a covered patio, porch, carport or garage. For the purposes of determining the projection of an attached garage in relation to the living area, the living area may be on any floor of the residence.

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".

Massing, primary

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

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".

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.

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.

Porch

“Porch” means a fully roofed but unenclosed structure projecting from and attached to the main wall of a principal building that may or may not use columns or other ground supports for structural purposes. A porch has a walking surface that is directly accessible from and adjacent to or attached to a principal building. Residential porches are typically located on the front and / or rear of a dwelling and may have setbacks that are different from setbacks for enclosed living areas. Porches may or may not have railings or guards depending on building code or other requirements. See also “Deck”.

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.

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.

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”.

Roof, flat

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

Roof, gable

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

Roof, gambrel

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

Roof, hipped

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

Roof, mansard

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

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.

Roof, primary

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

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”.

Roof, shed

“Shed roof” means a roof having a single sloping plane and no hips, ridges or valleys.

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.

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.

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.

Title 17 - ZONING
Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS

Chapter 17.08 LOW DENSITY RESIDENTIAL DISTRICTS³

17.08.010 Designated.

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

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

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.

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

³Editor's note(s) — Ord. No. 18-1009, § 1(Exh. A), adopted July 3, 2019, amended Chapter 17.08 in its entirety to read as herein set out. Former Chapter 17.08, §§ 17.08.010 — 17.08.040, pertained to the R-10 single family dwelling district, and derived from Ord. No. 08-1014, adopted July 1, 2009 and Ord. No. 13-1003, adopted July 17, 2013.

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.

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

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.

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

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
<u>Maximum height: All</u>			
<u>Maximum height: All dwelling units, except;</u>	35 feet	35 feet	35 feet
<u>—Except cottage cluster unit</u>	25 feet	25 feet	25 feet
Maximum building lot coverage	40%,	40%,	40%,
<u>All dwelling units, except;</u>	<u>40%</u>	<u>40%</u>	<u>40%</u>
<u>— With ADU</u>	except 45%	except 45%	except 45%
<u>— Cottage cluster</u>	None	None	None
<u>Minimum lot width</u>			
<u>Minimum lot width: All dwelling units, except;</u>	65 feet	60 feet	50 feet
<u>—Except townhouse</u> <u>Townhouse</u>	20 feet	20 feet	20 feet
<u>Minimum lot depth</u>			
<u>Minimum lot depth: All dwelling units, except;</u>	80 feet	75 feet	70 feet
<u>—Except townhouse</u> <u>Townhouse</u>	75 feet	75 feet	70 feet
<u>Minimum front yard setback</u>			
<u>Minimum front yard setback: All dwelling units, except;</u>	20 feet, except 15 feet — Porch	15 feet, except 10 feet — Porch	10 feet, except 5 feet — Porch
<u>—Except cottage</u> <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>
<u>Minimum interior side yard setback</u>			

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

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.

(Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021; Ord. No. 22-1001, 1(Exh. A), 6-1-2022)

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.

The word "city" was added to the table for the minimum separation between units that to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with county zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning, just City zoning.

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.

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

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
<u>—</u> 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
<u>—</u> Except townhouses	17.4 du/acre	21.6 du/acre	25 du/acre

B. Exceptions.

1. Any dwelling units created as accessory dwelling units do not count towards the minimum or maximum density limits in Table 17.08.050.
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.
3. Cottage clusters are exempt from maximum net density standards.

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

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 an existing residential development within the city, the following additional standards shall apply to create a perimeter transition:

1. Where any portion of a lot abuts existing residential development within the city 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 within the city outside of the concept plan area boundary, the minimum lot size, width, and depth shall meet the minimum dimensions of the abutting city residential zone district. For example, a lot inside the Park Place Concept Plan Area which abuts a city 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 zoning designation.

~~3. Except for townhouse lots, an applicant may request up to a 20% reduction to the minimum lot sizes otherwise required to meet the minimum dimensions of the abutting city residential zoning district through a minor variance process per OCMC 17.60.020(D) and (E), or through a Master Plan adjustment per OCMC 17.65.070.~~

Commented [PW1]: CC directed to remove.

Explanation:

City Commission directed to remove the allowance for a 20% lot size reduction for lots in the PPCP transition areas for the low and medium density residential zones.

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.

The additional language “within the city” was added to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with county zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning, just City zoning.

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 city 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 (4) above, a combination of landscaping and screening shall be provided to buffer the perimeter. The landscaping shall meet any combination of the following standards:
 - a. Plant a minimum twelve inches total diameter of trees spaced an average of one tree for every thirty linear feet. Planted trees shall be a minimum caliper size of two inches at the time of planting and may be tree species chosen from the City’s adopted street tree list or as recommended by a certified arborist or landscape architect. The trees may be planted on residential lots or in an abutting tract.
 - b. Preserve existing trees that have a minimum diameter of six inches DBH to achieve a minimum of twelve inches total diameter of preserved trees spaced a minimum of fifteen feet apart. Trees selected for preservation shall not be dead, diseased, dying or hazardous and shall not be invasive species. The preserved trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B;
 - c. Preserve existing native vegetation and trees within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49 to achieve a minimum of twelve inches total diameter of native trees spaced an average of one tree for every thirty linear feet. Native trees selected for preservation may be smaller than 6 inches diameter at breast height but not smaller than one inch caliper as measured six inches above the root crown. Native trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49.
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 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.

Title 17 - ZONING
Chapter 17.10 MEDIUM DENSITY RESIDENTIAL DISTRICTS

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.

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

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. 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.

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)~~

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
<u>Maximum height</u>		
Maximum height: All <u>dwelling units, except:</u>	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%

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Triplex, quadplex and townhouse	70%	80%
Cottage cluster	None	None
Minimum lot width		
All dwelling units , except;	35 feet, except	25 feet, except
Townhouse	20 feet	20 feet
Minimum lot depth	70 feet	70 feet
<u>Minimum front yard setback</u>		
Minimum front yard setback All dwelling units, except;	10 feet, except	5 feet, except
<u>Porch</u>	5 feet — Porch	0 feet — Porch
<u>Minimum interior side yard setback</u>		
Minimum interior side yard setback—All dwelling units, except;	5 feet, except	5 feet, except
All, except Townhouse	0 feet (attached)/5 feet (side)	0 feet (attached)/5 feet (side)
Townhouse		
Minimum corner side yard setback	7 feet	7 feet
<u>Minimum rear yard setback</u>		
Minimum rear yard setback All dwelling units, except;	20 feet, except	20 feet, except
<u>Porch</u>	15 feet — Porch	15 feet — Porch
<u>ADU</u>	<u>10 feet</u>	<u>5 feet</u>
<u>Cottage cluster</u>	10 feet — ADU, cottage cluster	10 feet — Cottage cluster, 5 feet — ADU
<u>Garage setbacks</u>		
Garage setbacks—All dwelling units, except;	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 between existing city 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.

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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
<u>Minimum net density</u>		
Minimum net density • All, except	7.0 du/acre	10 du/acre
• Multi-family		<u>17.4 du/ac</u>
Maximum net density		
• All, except	8.7 du/acre	12.4 du/acre
• Townhouse	25 du/acre	25 du/acre
• Multi-family		<u>21.8 du/acre</u>

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Affordable Housing Bonus26.2 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 allowed through a Master Plan Review under subsection 17.10.030 above. 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.

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.

Commented [PW1]: Carrie clarified to CC regarding how it would be administered and no changes proposed.

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 Beavercreek 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.

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- 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 Medium Density districts 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 within the city the following additional standards shall apply to create a perimeter transition.
 - 1. Where any portion of a lot abuts existing residential development within the city 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 within the city outside of the concept plan area boundary, the minimum lot size width, and depth shall meet the minimum dimensions of the abutting city residential zone district. For example, a lot inside the Park Place Concept Plan Area which abuts a city 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.
 - 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 city residential development outside of the concept plan area boundary, all primary structures shall be set back a minimum of forty feet from existing city dwelling units outside the plan boundary.
 - 5. Within the forty-foot setback required in (4) above, landscaping shall be provided to buffer the perimeter. The landscaping shall meet any combination of the following standards:
 - a. Plant a minimum twelve inches total diameter of trees spaced an average of one tree for every thirty linear feet. Planted trees shall be a minimum caliper size of two inches at the time of planting and may be tree species chosen from the City's adopted street tree list or as recommended by a certified arborist or landscape architect. The trees may be planted on residential lots or in an abutting tract.

Commented [PW2]: CC directed to remove.

Commented [PW3]: CC directed to remove.

- b. Preserve existing trees that have a minimum diameter of six inches DBH to achieve a minimum of twelve inches total diameter of preserved trees spaced a minimum of fifteen feet apart. Trees selected for preservation shall not be dead, diseased, dying or hazardous and shall not be invasive species. The preserved trees may be located on residential lots or in an abutting tract created for tree preservation consistent with OCMC 17.41.050.B;
- c. Preserve existing native vegetation and trees within or adjacent to the Natural Resources Overlay District in compliance with OCMC 17.49 to achieve a minimum of twelve inches total diameter of native trees spaced an average of one tree for every thirty linear feet. Native trees selected for preservation may be smaller than 6 inches diameter at breast height but not smaller than one inch caliper as measured six inches above the root crown. Native trees may be located on residential lots or in an abutting tract created for tree and habitat preservation consistent with OCMC 17.49.
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:

City Commission direction to remove the 20% adjustment allowance for townhome lots.

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).

The additional language "within the city" was added to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with county zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning, just City zoning.

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 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.*

~~Title 17—ZONING~~
~~Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA~~

Chapter 17.21 RESIDENTIAL STANDARDS—PARK PLACE CONCEPT PLAN AREA

17.21.010- Purpose.

The ~~intent standards~~ of this ~~chapter is~~ section are intended to ensure new residential development implements the goals and policies of the Park Place Concept Plan area ~~and the historic in compliance with state housing laws in order to promote high-quality residential development and construction, protect property values, encourage visual variety and architectural styles 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.

~~A.B. Promote new residential developments that are distinctive, have character, and relate and connect to established neighborhoods in 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;~~

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.

C. Provide variety and visual interest in the exterior design of ~~historic single-family structures in Oregon City residential buildings;~~



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)~~

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

B-G. Improve the compatibility of new residential development with the residential character of surrounding neighborhoods.

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. This chapter applies 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 ~~single-family and duplex~~ residential units, ~~duplexes~~ shall comply with the applicable standards in OCMC Chapter 17.14.
2. Townhouses, 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~~ 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 OCMC 17.14, OCMC 17.16, or OCMC 17.20 as applicable mixed-use development.~~

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 residential 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 ~~shall or modification may be processed~~ approved as a Type II Land Use decision at time of land division, ~~or through a Type II modification prior to~~ building permit application.

~~{Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 22-1001, 1(Exh. A), 6-1-2022}~~

B. An applicant has the option of seeking a modification pursuant to the following criteria. Applicants may also request a variance to this standard pursuant to OCMC Chapter 17.60 or as a master plan adjustment to development standards pursuant to OCMC Chapter 17.65.

1. Criteria for modification to the standards:

- i. The modification will result in a development that better meets the applicable residential 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:

Section 17.21.025 clarifies and relocates to one place in the chapter the process by which an applicant may seek modifications to the residential 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. 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.~~
- ~~(Ord. No. 08-1014, §§ 1-3(Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019)~~
- ~~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.~~

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 massing - Massing.~~

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

- A. Residences with footprints over one thousand two hundred square feet (not including porch or deck areas) shall provide for secondary massing (such as cross gabled wings or sunroom/kitchen/dining room extensions) under separate ~~roof lines~~rooflines. 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.
- ~~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.~~
- ~~C.~~ 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.

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~~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.

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.

~~H. Exemption: Other architectural detailing may be approved by the community development director if they are constructed with quality material, have a high level of craftsmanship and are consistent with the architectural style of the residence.~~

~~(Ord. No. 08-1014, §§ 1-3 (Exhs. 1-3), 7-1-2009; Ord. No. 18-1009, § 1 (Exh. A), 7-3-2019; Ord. No. 22-1001, 1 (Exh. A), 6-1-2022)~~

17.21.070 Approved siding - Siding Materials.

A. Siding materials shall include:

1. A. Brick.

2. B. Basalt stone or basalt veneer.

~~C. Narrow horizontal wood or composite siding (five inches wide or less); wider siding will be considered where there is a historic precedent.~~

3. D. Horizontal plank, lap or tongue and groove siding (wood or composite).

4. Vertical panel board and batten siding (wood or composite), or

~~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.~~

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

5. Shingle or shake siding and panels (wood or composite).

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~~ All elevations 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. All windows shall include trim of a minimum of two inches in width on all elevations.

~~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.~~

Explanation:

Removed discretionary language from the previous requirements for windows. Added minimum trim width for principal structure per Commission direction.

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

17.21.090 – Garage Orientation

- ~~A. B. Exemption: An exemption may be granted by the community development director from the garage requirement of subsection A above if topographic or pre-existing lot layout prevents the construction of detached, rear entry or side entry garages on-site or if the applicant proposes a design that mitigates the impact a front entry attached garage has on the pedestrian environment. Any alternative attached garage design shall not project farther than the living area and shall be limited to garage door widths of ten feet or less.~~

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

Front loaded garages and driveway cuts shall not be permitted on any road designated as a collector, neighborhood collector, minor arterial or arterial street.

- B. Front loaded garages and driveway cuts shall not be permitted abutting a public street that abuts a public park.

Explanation:

This section previously mandated side or rear entry garages except in certain situations. Upon further review, this requirement has been removed except in the situations cited above.

Staff has decided to remove the prohibition on front loaded garages and the alley requirement throughout the plan area and only retain the prohibition on front loaded garages when a lot fronts a collector street or is across the street from a public park, as permitted under SB 1537.

The main reason for this change is that even the flattest portions of the developable areas are surrounded by steeper slopes or NROD and will still require significantly more cut-and-fill to achieve grades to construct alleys, adding to engineering and housing costs.

Also, commissioners pointed out that the use of alleys does not guarantee a walkable, vibrant pedestrian-friendly streetscape.

Access control and driveway restrictions requiring alleys would still be regulated abutting collector or higher classification roads, per OCMC 16.12.

The simplest approach is to remove the alley requirement except for situations where lots abut collector or higher classification roads. This will maintain safety of driving conditions and bikes and pedestrians on the these roads with fewer curb cuts and exiting vehicles.

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 exposed width of siding on the principal dwelling.
2. All windows shall include the same trim type and size as those on the principal dwelling unit, provided that the size of the trim shall be a minimum of two inches in width.
3. Eaves shall project from the building walls at the same distance as the eaves on the principal dwelling unit.

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. A residential subdivision 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—1 Acres</u>	<u>1 housing type</u>
<u>1.1 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 original 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 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 satisfied. This standard does not preclude future additional middle housing units or middle housing land divisions within a residential subdivision or partition.

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.

Table 17.21.105 was changed to require lots to be identified at time of subdivision rather than units. This is the mechanism needed by the City to ensure a certain amount of middle housing lots will be developed with middle housing units. But allow for the possibility that the type of middle housing unit may change following platting. Sections D, E, and F were added to accommodate flexibility of middle housing unit choice following platting and the potential for further Middle Housing Land Divisions as required by State housing rules.

PPCP Key Elements:

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

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.

17.24.020 Permitted uses—NC.

The following uses are permitted within the neighborhood commercial district:

- A. The following uses are 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;
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 veterinary hospitals.
 15. Home occupations.

- 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:

City Commission directed staff to remove “pet day care” from the permitted uses list at the hearing on Dec. 18. It was listed next to “Veterinary Clinics or veterinary hospitals”. Per Commission direction, “pet hospital” was changed to “veterinary hospital” under A.(14), a permitted use subject to the ten thousand square foot limitation of the section.

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 September 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, subject to Planning Commission review and approval, rather than a Prohibited Use was considered, but the final recommendation was to have a size limitation on these uses.

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;~~
- ~~L. Residential use that exceeds fifty percent on the ground floor unless set back a minimum of the total building square footage on-site. 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 uses should be a Conditional Use, subject to Planning Commission review and approval, rather than a Prohibited Use was considered, but the final recommendation was to have a size limitation on these uses.

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

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

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

DE. ~~D~~ 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.

EF. ~~E~~ Maximum Allowed Setback.

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

(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.

~~F.~~ H. 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.

GI. Minimum required landscaping ~~(including: twenty percent. Required~~ landscaping areas may include:

a. Landscaping within a parking lot); Fifteen percent.

~~(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019; Ord. No. 21-1007, § 1(Exh. A), 4-21-2021)~~

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

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. Type II modification of these standards is permitted pursuant to Section 17.62.015. If applicable, applicants may also request a Type III variance from these standards pursuant to Chapter 17.60 – Variances or a Master Plan adjustment pursuant to OCMC 17.65.070 - 17.65.070 - Adjustments to development standards.

C. Additional Permitted Uses.

1. Civic Uses. Civic uses permitted include non-profit, private, and government uses such as art galleries, museums, indoor and outdoor music and theatre venues, childcare facilities, , clubs and lodges, and libraries, community centers, environmental learning centers, and post offices.

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 within the Park Place Concept Plan Neighborhood Commercial Zoning District except as provided under (2) below.

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. Upper-story residential uses are permitted.

4. 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) or (2).

Explanation:

Ater several discussions the Planning Commission recommended removing the previous 50% restriction on residential use for the NC zone because of the very limited viability of commercial use in the short term, as discussed in the Johnson Economics market study. Instead, City Commission recommended simpler code language to require any ground floor residential use in the NC zone be setback from Livesay Road 150 feet. This section adds more detail to allow civic uses within the zone subject to applicable site plan and design review, but would not makes these uses obtain a conditional use permit.

Live/Work dwellings would not be subject to the setback restriction and are subject only to 17.20.040.

Restrictions on the size of storm water facilities and park land improvements were added to this section so that the specific restrictions would only apply to NC in the 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.

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 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 six 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 (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.
5. 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.

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 (in dollars per acre) shall be set by City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs. 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.~~ shall be (in dollars per acre) shall be set by City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs. 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 (in dollars per acre) shall be set by City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs. 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 or credits that may be available 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.
- ff. 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 (in dollars per acre) shall be set by City Commission resolution based on relevant economic indices and the typical market value of developed property (residential lots) in Oregon City net of related development costs. 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

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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.

~~The Master Plan or Planned Unit Development process is the intent of this chapter to foster the growth of a discretionary review process for major institutions, phased residential, commercial, or mixed-use development, and other large-scale development 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. The master plan or planned unit development process is intended to facilitate an efficient and flexible review process for major developments, support innovative and creative land development, and to provide long-term assurance to plan for and execute developments in a phased manner. To facilitate this, the master plan process is structured to allow an applicant to address larger development issues, such as adequacy of infrastructure and transportation capacity, and reserve capacity of the infrastructure and transportation system before expenditure of final design costs. The master plan or planned unit development process is further intended to promote efficiency in land development, maintenance, street systems and utility networks while providing site layouts that integrate usable and attractive open spaces, site circulation, and the general wellbeing of site users. For the purposes of this chapter planned unit developments are considered the same as master plans.~~

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

~~This process supports innovative and creative land development approaches and provides long-term assurance for the planning and execution of larger developments, and address infrastructure and transportation capacity adequacy through phased implementation, 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.~~

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

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.

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 ~~mpervious~~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.

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

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 for residential development applications that are processed through a Type I or Type II review.

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.

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:
 - 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.

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- 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;
 - 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;
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- 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.
 - 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 12.0416.12, 17.62, if applicable:
 - a) 12.04 – Streets, Sidewalks and Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.08, if applicable 12 – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 – Land Divisions – Process and Standards
 - f) 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 applicablethe 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

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.

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~~ shall demonstrate compliance with the base zone standards, following chapters of the OCMC if applicable residential design standards,:
 - a) 12.04 – Streets, Sidewalks and applicable standards contained in Chapters 17.62, 17.52, Public Places
 - b) 12.08 – Public and Street Trees
 - c) 13.12 – Stormwater Management
 - d) 16.12, ~~and~~ – Minimum Public Improvements and Design Standards for Development
 - e) 16.08 unless adjusted as provided in OCMC 17.65.070. – Land Divisions – Process and Standards

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

 - 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

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;

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)~~



REPORT DATE: November 27, 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 Public Hearing – Planning Commission - September 23, 2024](#)
- [Second Public Hearing – Planning Commission – October 28, 2024](#)
- [Third Public Hearing – City Commission – December 4, 2024](#)
- [Fourth Public Hearing – City Commission – December 18, 2024](#)
- [Fifth Public Hearing – City Commission \(tentative\) – January 15, 2024](#)

Public Comments

A public comment matrix and memoranda from staff dated October 17, 2024 and May 28, 2024 are attached as exhibits to this staff report. These materials provide a summary of the concerns raised during the public hearings and responds to these issues. The City Commission has reviewed these materials and adopts them, along with this staff report, as findings in support of this decision. In the event of any conflict between these exhibits and this report, this report will control.

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

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

concept plan area. The current updated Parks Master Plan also folds in anticipated needs for parks and recreation, which was adopted in 2024 and it is expected to be made part of the City's Comprehensive Plan in the near term. 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.

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

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

17.50.050 - Pre-application conference

A. Pre-application Conference. Prior to a Type II—IV or legislative application, excluding historic review, being deemed complete, the applicant shall schedule and attend a pre-application conference with city staff to discuss the proposal, unless waived by the community development director.

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 Beavercreek 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.oregoncity.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 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

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

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 either in the form of a land dedication or a fee-in-lieu. 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.

The City received testimony from prospective development interests arguing that retaining the alley and garage orientation obligations that already exist in the code will impose an “unreasonable cost” on the provision of needed housing in violation of ORS 197A.400(1)(b). The claim is that dedicating land to alleys rather than housing will reduce densities coupled with the cost of additional pavement will add 25% to 50% to the cost of overall development. Developers claim that long-term maintenance of alleys is a burden on homeowners and have the effect of reducing the size of the rear yard, which is not what the market prefers.

Whether a development cost of a regulation is reasonable or unreasonable is a highly fact-specific determination. The degree to which the provision of alleys might impact densities, if at all, or construction costs in terms of pavement and stormwater treatment will vary greatly depending on what is proposed and the land at issue. For example, the provision of alleys might have an unreasonable impact on densities where the development is located on a flat property that is not otherwise encumbered with natural resources or other development restrictions. Alleys are required to serve development that abuts arterial or collector streets as a safety protection. The provision of alleys to accommodate Holly Lane-facing development may be much more land-intensive than any of the remaining infill alleys from local streets that may otherwise be required. Minimizing curb cuts on arterials and collectors is required to allow for safe access and to allow for efficient passage of thru traffic. OCMC 16.12.035(H). The rear yard setback for alleys is only five feet rather than ten to twenty feet for a front yard setback in the R-6-R-10 zones. This means that rear serving driveways can be much shorter reducing the cost of pavement. In summary, blanket assertions of 25% - 50% increase in costs without site plans showing lost development densities, sales price and construction cost impacts are just that – speculation and conclusions.

The City staff’s October 21 memorandum identifies numerous benefits realized from alleys including enhanced pedestrian and bicycle safety, providing more space for front yard amenities and landscaping, improved curb appeal, preserving on-street parking, traffic safety in the form of fewer curb cuts, enhanced opportunities for street trees, and providing for rear garbage service. Requiring the provision of alleys and garage orientation siting standards will further these health and safety objectives.

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

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

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 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

Park Place concept plan key element #5 envisions a “mix of housing types and ranges of affordability.” One strategy for tackling housing affordability is to provide more middle housing options which lowers housing cost by distributing it over multiple units. 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. Imposing a mandatory minimum middle housing densities and a mix of housing types subject to clear and objective standards will achieve both the PPCP objections as well as the state housing laws. ORS 197A.400(4) allows the City to establish approval standards for particular housing types. There is no limitation on the maximum amount of middle housing that can be proposed, either by the subdivision developer or on individual homeowner development in the future.

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 to 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. Ordinance # 24-1010 Draft
- b. Clean Copy of Draft Code
- c. Draft Code 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
- d. Public Comment Summary Matrix
- e. Public Comments submitted to date
- f. Memorandum, “Response to development related comments on GLUA24-013/LEG-24-01”, dated October 17, 2024
- g. 2024 Parks Master Plan (On File)
- h. 2004 Trails Master Plan (On File)
- i. 2008 Parks and Recreation Master Plan (On File)
- j. 2008 Park Place Concept Plan (On File)
- k. Oregon City Transportation System 2013 (On File)
- l. 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)
- m. 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
- n. Record for City Commission Worksession on August 13, 2024 (On File)
- o. Oregon City Housing Needs Analysis - December 2021, Ord. 20-1014 (On File)

MEMORANDUM

To: GLUA24-013/LEG-24-01 Park Place Concept Plan Code Amendments
From: Aquilla Hurd-Ravich, Carrie Richter, Pete Walter
RE: Response to development related comments on GLUA24-013/LEG-24-01
Date: October 17, 2024

During the September 23 hearing, the Planning Commission received a number of comments from developers raising concerns that the proposed amendments would discourage or increase the cost of providing housing. The purpose of this memorandum is to respond to those concerns.

Alleys and Garage Orientation Standards

As the Planning Commission is well aware, when it comes to the provision of housing, the City must “adopt and apply only clear and objective standards, conditions and procedures” that “may not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.” ORS 197A.400(1)(b). Developers have argued that dedicating land to alleys rather than to housing and requiring that garages be detached, side entry or rear entry unreasonably increases the cost of providing housing.

As a way to frame this issue, it might be helpful to consider how LUBA discussed “unreasonable cost or delay” provision in the context of a legislative enactment similar to the one proposed here. In *Homebuilders Ass’n of Lane County v. City of Eugene*, the Homebuilders argued that requiring tree root protection areas would reduce development areas and requiring amenities would increase the cost of development. 41 Or LUBA 370 (2002) Although a bit lengthy, it would be helpful for the Planning Commission to see the full scope of LUBA’s thinking:

“ORS 197.307(6)¹ prohibits standards, conditions or procedures for approval that, either in themselves or cumulatively, discourage needed housing ‘through unreasonable cost or delay.’ The statute does not prohibit reasonable cost or delay. In our view, the question of whether approval standards or procedures discourage needed housing through unreasonable cost or delay cannot, in most cases, be resolved in the abstract, in a challenge to a legislative decision that adopts such standards or procedures. In the absence of actual application of standards or procedures in a particular case, it is difficult to see how any party could demonstrate what the delay or

¹ ORS 197.307(6) was renumbered in 2024 and is now ORS 197A.400(1)(b).

additional cost might be, whether that delay or cost is reasonable or unreasonable, and whether that delay or cost discourages needed housing, either alone or in combination with other standards or procedures. Because different sets of standards and procedures will apply to different applications in different areas of the city, demonstrating in the abstract that standards or procedures cumulatively discourage needed housing is rendered even more difficult. These difficulties are apparent in the present case, because the petitions for review make no attempt to demonstrate why any standards or procedures, alone or cumulatively, result in unreasonable cost or delay, much less what those costs or delay might be. While petitioners argue that certain standards or procedures are likely to increase cost or delay, they make no effort to demonstrate that such increased cost or delay is unreasonable, alone or cumulatively. With the possible exception discussed below, we believe it is highly unlikely that such a demonstration can be made or, if made, reviewed in a meaningful manner, except in the context of an ‘as-applied’ challenge.

One exception to the foregoing is a challenge against a standard or procedure on the grounds that the standard or procedure is unreasonable as a matter of law; in other words, the standard or procedure lacks a rational basis. Any cost or delay attributable to a standard or procedure that lacks a rational basis is perforce ‘unreasonable,’ whatever the actual cost or delay that might be incurred in a particular case. Such a facial challenge can be meaningfully addressed and resolved in an appeal of a legislative decision.” (footnote added) 422-423.

As a general rule, a rational basis exists where there the regulation sets forth a legitimate government interest, and there is a rational connection between the regulations means and the identified interests. Applying this rational basis obligation in the above-referenced *Homebuilders* case, LUBA found that requiring the submittal of geotechnical analysis for development on steep slopes where the result of that report is not related to any approval standard was a purposeless requirement that served only to increase costs and cause delay. *Id* at 424.

Unlike the geotechnical analysis at issue in the *Homebuilders* case, the purpose for the alley and the garage regulations in OCMC 17.21 and OCMC 16.12 is intended to deemphasize the impact of automobiles on the street in denser development and foster a safer, more walkable and pedestrian friendly streetscape for the Park Place Concept Plan area. Proposed code section 17.21.010 – Residential Standards – Park Place Concept Plan includes the following purpose statements (E) and (F) below;

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

In October 2006, Angelo Planning Group and SERA Architects facilitated a three-day public forum / design charrette as part of the public process to develop the Park Place Concept Plan. This process, and the resulting plan options that were considered, placed enormous emphasis on achieving walkable neighborhoods when the plan area is fully developed.

The Park Place Concept Plan includes multiple reference in the plan and design typologies in the appendix on alley loaded design for the mixed use, multi-family and higher density housing portions of the plan area, especially in the North and South Village centers and along the future alignment the Holly Lane and Swan Avenue collector level roads.

In particular, the use of alleys as the principal means of access in mixed-use and higher density housing areas can achieve the following objectives:

- Alley load homes are aesthetically pleasing because the garage door is tucked behind the house leaving the front of the home for porches and other design features, such as
 - Additional space for front porches, walking, and interacting with neighbors.
 - More space for landscaping in the front yard.
 - Improved curb appeal.
 - Smaller backyards = less maintenance, a positive for aging residents.
- The front of homes is more street-friendly without a garage and driveway dominating half its square footage. The front entry also offers a more welcoming appearance and quicker access to sidewalks.
- Alley design makes it easier for trash and recycling pickups. Everyone places bins at the foot of their alley driveways, allowing sanitation crews to service two streets' worth of homes at the same time.
- There's more room up front for attractive landscaping and closer proximity to conversations with neighborly passersby.
- The front-porch lifestyle is safer for kids to play in — often on a small lawn behind a small fence.
- Vehicles don't block the front of the house or neighborhood sidewalks, and open garages don't reveal all the necessary but often-unattractive stuff that most of us store in that space.
- Alley load homes are also ideal when building on a narrow or corner lot.
- Detached garages on alleys offer an opportunity for an accessory dwelling unit built on top of the garage (Examples in Oregon City exist in the Glen Oak Meadows subdivision.
- Alley loaded design preserves on-street parking space for guests and visitors because there is no need for driveway cuts.

- Fewer driveway cuts provides more planting area for street trees, enhancing the tree canopy over the street, and provides shade and a green separation from the street for pedestrians and kids playing on the sidewalk.
- Alley design is necessary to reduce driveway cuts onto higher volume residential collector roads (e.g. the future Holly Lane and Swan Avenue extensions) allowing safer traffic flow and fewer turning movements into and out of driveways onto these streets.

All of these justifications far exceed the minimum rational basis required to justify the City retaining the alley and garage orientation standards should it elect to do so.

There is a secondary reason why ORS 197A.400 increased costs concerns are not implicated in this case. ORS 197A.400 applies when a local government “amends” its regulations. The obligation to provide alleys in Park Place and Thimble Creek plan areas as set forth in OCMC 16.12.026 was codified in 2019 and is not subject to change as part of this code update. Since no amendment to OCMC 16.12.026 is proposed, the City has no legal obligation to revisit whether the alley obligation should be removed, although it could certainly make that choice as a matter of policy.

Where lot orientation and driveway access amendments are proposed, the City is being more permissive by adding clear criteria for modification of the alley requirement through the Type II process within the geologic hazard and natural resources overlay districts and for the transition areas at the edge of the plan area where the rear yards of new development will abut existing rear yards outside the plan area. To the extent that providing alleys does increase the cost of development, removing the obligation to provide alley-serving development on the edges will reduce those costs and making the alley modification procedure a Type II review will simplify the review process.

Finally, at the last hearing, Commissioner Schlagenhauser asked about whether the alley and garage location limitations are eligible for a mandatory adjustment under SB 1537. This recently adopted law identifies particular development and design standards that must be waived upon request. The obligation to provide alleys for off-street parking and loading access or garage orientation are not specifically identified within those lists. Rather, what might be seen as closely related are:

“(e) Garage door orientation, unless the building is adjacent to or across from a school or public park.”

Typically, garage door orientation has to do with whether the door swings inward, outward or upward. This is to be contrasted with garage orientation or driveway access location that would be served by alleys. With respect to garage orientation or driveway access, there is a mandatory adjustment listing for housing other than single family. More specifically, it provides:

“(h) For manufactured dwelling parks, middle housing as defined in ORS 197A.420, multifamily housing and mixed-use residential:

(A) Building orientation requirements, not including transit street orientation requirements.”

The term “building orientation” likely includes garages so for middle and multifamily housing, to the extent that off-street garage buildings were proposed as part of a middle, multi-family or mixed-use project, their orientation would be subject to mandatory adjustment.

The expressed legislative intent to allow adjustments for orientation obligations for particular housing types that makes no mention of single-family residential orientation obligations suggests a clear intent to allow local governments to continue to require alleys served by rear, side or separate freestanding garages without requiring any adjustment.

Housing Diversity Obligations

This section responds to comments regarding proposed OCMC 17.21.105- housing diversity standards which are characterized as too prescriptive. The comment states that not only are the standards too prescriptive, but the City doesn’t have the authority to require a certain amount of middle housing under ORS 197A.400. The comments go on to state that units should not have to be shown on tentative or final plats because it could make some lots less marketable and finally the comments state that a requirement of three middle housing lots will result in an odd number of units which is not conducive to townhouse development.

The housing diversity standard is the result of key element #5 in the Park Place concept plan which envisioned ***a mix of housing types and ranges of affordability***. The Planning Commission was presented with several options to implement this element. After considering the options the Planning Commission concluded that lot averaging, as suggested in the concept plan, was problematic and previously had proved to be onerous and resulted in odd sized lots. The Planning Commission was also concerned with the long term impacts of trying to enforce an affordable housing provision. Ultimately, they agreed that requiring a certain amount of middle housing units or lots would accomplish the goal of creating a mix of housing types and a range of affordability, which is a Goal of the OC2040 Comprehensive Plan as well as the Park Place Concept Plan.

Regarding City authority, ORS197A.400(4) allows cities to impose special conditions upon approval of a specific development proposal if the special condition conforms to clear and objective standards and it states:

“(4) Subject to subsection (1)² of this section, this section does not infringe on a local government’s prerogative to:

(a) Set approval standards under which a particular housing type is permitted outright;

(b) Impose special conditions upon approval of a specific development proposal; or

(c) Establish approval procedures.” (Footnote added).

Nothing in the language of ORS197A expressly prohibits local governments from requiring that middle housing be included as part of a residential subdivision so long as it is accomplished through the application of clear and objective standards.

The second concern raised is that requiring middle housing attached to lots within the recorded plat is challenging because not all developers build the homes on the lots they plat. Staff concurs that developers do not always build the units on the lots they develop and may sell those lots to other builders. This was the case in the Serres Farm subdivision in which duplexes were required on a certain number of lots that were subsequently sold to a different developer who will build the duplex units. Requiring lots to be identified at time of subdivision is the mechanism needed by the City to ensure a certain amount of middle housing lots will be developed with middle housing units. Furthermore, staff evaluated several municipalities that already have or will be adopting codes with clear and objective requirements for a diversity of housing types. These include the Cities of Salem, Bend, Wilsonville, and Tigard. Planners at the cities we reached out to affirmed that they feel secure that they have the legal authority to require housing mix that includes mandatory middle housing and that lots suitable to accommodate middle housing are reflected on the plat.

Finally, regarding concern over proposed middle housing mix “would preclude longer townhouse blocks because it is very difficult to construct an odd number of abutting townhomes”. Staff is adding the word “original” to make clear that the plat should identify original lots restricted to middle housing. Three original lots can still result in an even number of middle housing units because there can be up to four townhomes on each of the three middle housing lots, thereby creating 12 middle housing units – an even number.

Parks and Trails Land Dedication and Fee-in Lieu

² Subsection (1) refers to the obligation to apply only clear and objective standards.

As currently proposed, the code amendments require land to be dedicated to the City for parks and trails or a fee paid in-lieu of land dedication. These obligations will apply to all residential subdivisions, partitions, multi-family, as well as non-residential uses in commercial zones within Park Place. The amount of the land, or the fee-in-lieu, is based on consideration of the level of service standard set forth in the Parks Master Plan along with the park land need set forth in the Park Place Concept Plan. Recently adopted, the Parks Master Plan calls for a combined neighborhood / community park level of service 5 acres per 1000 people for neighborhood and community parks. P 69. The Park Place Concept Plan calls for the provision of one 3-5 acre neighborhood park and one 8-10 acre community park. P 30.

Without knowing the exact number of dwelling units that will be developed within Park Place, it would be reasonable to rely on the Park Place Concept Plan projection of 1459 total residential units as providing some rough estimate. P 2. As the attached chart shows, development at this estimated density would result in a level of service of 2.9 acres to 3.4 acres of neighborhood / community parks per 1000 residents. Rather than assume these lower service standards, staff has recommended 4 acres of land dedication per thousand, as it will move the area more closely in line with the current Parks Master Plan projection of 5 units per acre and will still generate park land acreage that will satisfy the Park Place Concept Plan at a minimum. These calculations are sufficient to show that the land dedication and fee in lieu obligations are directly proportional to the land needed to serve future Park Place residents.

Opponents have also objected to the land dedication / fee in lieu provisions arguing that by also requiring the payment of system development charges, the City will be recovering twice for the same land acquisition costs. This claim of double-dipping represents a misunderstanding of the current Parks SDC assessment within the City which does not include assessment for land within Park Place. The City's currently Parks SDC methodology was adopted in 2000, long before the land included in Park Place was planned for development. Subsequent amendments to the capital improvement plans for parks allowed for increasing the parks SDC for new development but none of those increases included Park Place park land acquisition costs. Rather, the first capital improvement plan that identifies land costs associated with the construction of parks identified within the Park Place Concept Plan was adopted by the City Commission in early 2024. The City has yet to revised its parks SDC to implement this new plan. Therefore, when a developer pays the current parks SDC assessment, those funds cannot be used for the acquisition of Park Place parkland and there is no double recovery for the same land. If, the City Commission does change the parks SDC to include land acquisition costs in Park Place, then an applicant will be eligible for parks SDC credits to eliminate the land costs imposed through the SDC charge.



MEMORANDUM

To: City and Planning Commissioners
From: Aquilla Hurd-Ravich, Community Development Director
Pete Walter, Planning Manager
RE: Park Place Concept Plan Key Elements Integrating Clear and Objective Standards into Oregon City Municipal Code
Date: May 7th, 2024; Updated June 24, 2024 with PC revisions

This memo was originally presented to the City Commission in May and the Planning Commission in June. At the June 10th meeting the Planning Commission provided comments and recommendations on this document. Those comments are shown in red underline.

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

The 2008 Park Place Concept Plan identified 11 key elements:

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



Background

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

Key Elements and Corresponding Code Sections and Explanation

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

How was this implemented?

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

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

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



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

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

Known issues with this element: All of Swan Lane and most of Holly Lane are outside of City limits and connect to roads in Clackamas County’s jurisdiction. Clackamas County 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.

Options:

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

Planning Commission comments:

- 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.

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

How was this implemented?

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

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

Proposed Code Revisions:

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

Notes:



1. After conversations with Metro staff, we found that it is not necessary to meet the very precise number of units identified in the PPCP. Rather it is important to maintain the residential capacity allowed in the R-5 zone and retain the adopted minimum density.

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

How was this implemented?

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

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

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

Proposed Code Revisions:

1. Revisions are proposed to 17.24.060 Neighborhood Commercial to include additional standards for the Park Place Concept Plan area.
 - a. Residential uses are limited to no more than 50% of the total building square footage. Additional standards for landscaping, setbacks, residential uses, and parking are included. Building entrances and architectural standards are proposed to create and urban design aesthetic that supports a main street type development. Features



such as locating entrances near the corner of a building and incorporating elements such as height or massing, cupolas, turrets, or pitched roofs. Proposed requirement to cut the corner of a building and include weather protection, special paving materials, street furnishing, plantings. Architectural features such as increased windows and glazing and canopies and overhangs are intended to create visual interest at the street level. Proposed code also includes specificity about materials, streetscape trees, lighting, seating, signage, and awnings.

Options:

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

Planning Commission comments:

- There was some discussion about eliminating the zone altogether but ultimately there was not consensus for that idea. There was discussion about what amount of residential should be allowed in the Neighborhood Commercial zone. The current code limits residential uses to 50% of the building square footage. Some feedback suggested eliminating the limit and letting it become all residential should the market dictate. Other thoughts were to allow flexibility in the amount of residential that is allowed in order for developers to be incentivized to develop mixed use.

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

How was this implemented?

OCMC 17.24 Neighborhood Commercial allows civic institutions with a square footage limit of 10,000 square feet any one building unless the use is a grocery store.

Proposed Code Revisions:

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

Options:

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



5. A mix of housing types and ranges of affordability

How was this implement?

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

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

Proposed Code Revisions:

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

Options:

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



Planning Commission Comments

- Planning Commissioners did not want to reconsider lot averaging and agreed that it should remain out of the code.
- Several Commissioners were concerned with how affordable housing would remain affordable and how would that provision be enforced.

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

How this was implemented/Actions:

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

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

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

Options:

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



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

Planning Commission Comments

- A Planning Commissioner recommended going with option 3.

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

How this was implemented?

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

Chapter 13 of 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.

Stormwater and Grading Design standards prescribes a Stormwater Management Strategy that development must address. “Given suitable site and soil conditions, the City requires that the stormwater management strategy prioritize infiltration of stormwater runoff to recharge groundwater mimic pre-development hydrologic conditions” (p38 Stormwater and Grading Design



Standards). The City's stormwater Management Hierarchy closely matches the desired stormwater management in the PPCP.

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

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

Level 3- Offsite or Regional Facilities

Level 4- Fee in Lieu

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

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

How this was implemented?

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

9. *Streets and buildings oriented for solar access*

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



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

Language from the Appendix p222:

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

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

Siting Requirements:

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

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

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

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

b. Street Orientation Requirement:



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

Options:

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

Planning Commission Comments

- Planning Commissioners discussed that this requirement would not make sense given the topography and need to design around the topography in this area.

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

How this was implemented?

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

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

Proposed Code Revisions:

1. Revisions are proposed to 17.10 (R-5, R-3.5) for clear and objective standards
 - a. Section 17.10.080 Additional Standards for Park Place Concept Plan are proposed to provide a transition area and buffer new development from existing development. Proposed code may requires a transition area contain a combination of landscaping and screening. Lot sizes are also



required to maintain a minimum area in order to provide enough room for a landscaped transition area.

Options:

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

11. Parks and Open Space

How this was implemented?

The Concept plan identified the need for two neighborhood parks, one in the North Village and one in the South Village. The North Village park land need is 8-10 acres and within walking distance of Livesay Main Street. The South Village park is 3-5 acres and surrounded by medium/high density residential.

Proposed Code Revisions:

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

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Harlan Borow 12/04/24 CC	Verbal	See prior written and verbal comments regarding alley requirements and garage orientation, etc.	Based upon further analysis, staff recommends removing the alley requirement, except where necessary for traffic safety abutting collector or arterial roads and across from a public park	The latest revisions address the concerns.
Kelly Poindexter 10/28/2024	Verbal	Trailview neighborhood egress, new concept would add new traffic, safety concerns	Comments don't address code amendments. This is not a development application.	TBD at time of development application review
Tyler Gill 10/28/2024	Verbal	Concerns about new development.	Comments don't address code amendments. This is not a development application.	TBD at time of development application review
Megan Keough 10/28/2024	Verbal	Concerns about new development.	Comments don't address code amendments. This is not a development application.	TBD at time of development application review
Tom Geil 10/28/2024	Verbal / letter	Traffic safety and congestion, evacuation concerns	Comments don't address code amendments	TBD at time of development application review
Jane Nitschke 10/28/2024	Verbal	Concerns about new development, traffic	Comments don't address code amendments	TBD at time of development application review
Joyce Carlson 10/28/2024	Verbal	Concerns about new development.	Comments don't address code amendments	TBD at time of development application review
Mike Mueller 10/28/2024	Comment via website	Applicability of code amendments citywide	The code amendments are specific to the PPCP area	Yes
Christine Kosinski 10/28/2024	Verbal / letter	Traffic, landslides, wildfire, evacuations	Comments don't address code amendments	TBD at time of development application review
Bradley King 10/28/2024	Verbal	Understand concerns but some property owners want development	Comments don't address code amendments	TBD at time of development application review
Harlan Borow 10/28/2024	Verbal / letter	Residential standards, alleys, garages, park and trail standards	See recommended findings and Staff memo	Yes

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Samantha Wolf 10/28/2024	Comment via website	Preservation of wetland habitat, mature trees, need additional code amendments to preserve important ecosystems, 30-33% canopy cover is recommended	Code amendments to existing tree and habitat regulations are not focus of amendment.	Yes, see OCMC 12.08, 17.41, 17.49.
Harlan Borow ICON 10/21/2024	Letter	Additional comment letter summarizing and expanding on prior comments about the proposed amendments, including: • Needed housing • Alleys (16.12.026) • Garage orientation standards (17.21.090) • Two-Car Garages • Parkland Trail Dedication The letter references and includes the prior comments from Garrett Stephenson of Schwabe, and Jennifer Arnold of Emerio Design from 9/23/2024.	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Lee G. McCarty 9/28/2024	Letter/Verbal	Incongruity of Zoning Designations Fire Safety and Egress Concerns Population Density and Quality of Life Request for Action: • Re-Evaluation of Zoning Density • Fire Safety and Egress Study • Infrastructure Feasibility Assessment • Community Impact Study	This proposal is not intended to change existing zoning designations. City zoning within city limits / Urban Growth Boundary (UGB) is required to allow for higher densities than County zoning per Oregon and Metro land use planning requirements. City zoning is the basis of efficient use of finite urban land resources and to preserve lower density resource land from residential sprawl outside of city limits and UGBs. The future Holly Lane North Extension, adopted in the TSP (Project D48), is identified as a Residential Minor Arterial road to serve the North Village area of the PPCP and will provide an additional point of egress in the event of emergencies that require evacuation.	Yes. The items listed in the comment letter under “Request for Action” were already done through the adoption of the Park Place Concept Plan. See https://www.orcity.org/674/Park-Place-Concept-Plan. Adequacy of public infrastructure is further evaluated at the time of review of new development by City and County public works staff, emergency service providers and agencies for compliance with applicable development standards.

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Tom Geil 9/23/2024	Verbal	- Complaint about the order of the items of the Planning Commission agenda limiting public testimony. - Concerned about wildfire evacuation. - Threatened legal action against the city if evacuations resulted in loss of life - Made several statements about a housing developer.	Did not address any specific code amendments or criteria.	Planning Commission continued the public hearing to Oct. 28, affording additional opportunities for public comment. There will also be at least two public hearings with the City Commission. See prior entries responding to egress concerns and needed road connections. Residents can sign up for emergency alerts including evacuation maps and orders at https://www.clackamas.us/dm/publicalerts
Preston Korst, Homebuilders Association of Greater Portland 9/23/2024	Letter	- Requested continuation to allow HBA to fully review impact of standards - Park and trail dedication standards are “disproportionate”. - Parkland dedication requirements will increase cost of housing - Design standards will increase cost of housing	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”

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Garrett Stephenson, Attorney for ICON 9/23/2024	Letter / Verbal, w/ attachments	• The Amendments must ensure that a General Development Plan is not required for development within the PPCP area, citing ORS 197A.400. • The Planning Commission should modify certain proposed design standards to ensure that the homes in the PPCP area will be marketable. • 16.12.026—Alleys should not be required. • 17.21.090—The garage orientation and location limitations should be removed. • 17.14.030.C—the maximum 50% of the façade that may be garage should be increased to 60%. • 17.14.030.B—The maximum 12-foot garage limitation for townhomes should be eliminated. This greatly reduces marketability and likely restricts accessibility for handicapped citizens as there is no room for wheelchair access, resulting in reduced access to more affordable housing options. • 17.21.105—The housing diversity standards are too prescriptive. • Design standards for the NC zone would likely increase costs and make actual establishment	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”
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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	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
		of supportive commercial uses in Park Place less feasible. • 17.62.061 and 16.08.043—Commercial development should not be required to pay a fee-in-lieu for parks. • Required dedication of parks and trails is not supported by an adequate evidentiary base and would constitute unconstitutional takings as currently proposed.		
Jennifer Arnold, Emerio Design 9/23/2024	Letter / Verbal w/ attachments	Alley requirements in PPCP will: • Increase housing costs • Increase construction costs 25-50% • Increase impervious surfaces 20-25% • Add additional road design, engineering, grading, drainage and construction challenges • Reduce “lot yield”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”
Harlan Borow, ICON Construction 9/23/2024	Verbal, notes	• Park and trail dedication and fee-in-lieu payments • Referenced 2019 arguments on alley loading that are attached to record • Garage orientation standards • Prohibiting front-loaded development	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”	See Staff Memorandum “Response to development related comments on GLUA24-013/LEG-24-01”

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Dolores Rund 9/23/2024	No longer had question		N/A	N/A
Roya Mansouri	Verbal, 9/23/2024	• Lives on adjacent property • Likes direction of amendments concerning greenspace, parks, trails, transition zones • Likes mixed lot size idea to promote housing diversity • Question on through roads • Prefers rear loaded design	OCMC 16.12 Public Improvement standards require connectivity of roads to connect to adjacent redevelopable land. This includes land designated as Urban Reserve areas outside the current UGB that may eventually be brought into the UGB.	Yes. OCMC 16.12.015 - <i>Street design—Generally</i>. This code section is not proposed to be amended.

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Enoch Huang 9/23/2024	Letter/Verbal	- Did not know about prior meetings until legislative public notice - Pleased with some of the recommendations - Would like to learn more about transition zone 40' setbacks, especially how they work when adjacent zone is outside UGB (County FU-10)? - Concern for “wetlands in NE corner”		City provided notice per OCMC 17.50 and as required by state law. Yes. Language added to code amendments to clarify that the transition zone requirements are applicable only to where new development abuts existing zoned residential areas within Oregon City limits and not to areas with County zoning that are outside the city. In other words, the intent of the transition area was not to try to match existing County zoning. There are no wetland impacts proposed as this is not a development application. Verification of wetland locations occurs at the time of development review per OCMC 17.49.
Michael Doran	Verbal, 9/23/2024	Concerns about development	This is not a development application	See staff comment
Mark Hutt-Bennett	Verbal, 9/23/2024	Concerns about development	This is not a development application	See staff comment
Megan Keough	Verbal, 9/23/2024	Concerns about development	This is not a development application	See staff comment

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Janice and Ron VanDomelen 9/12/2024	Website	No comment. Receive future updates.		Included in all PC and CC agenda distributions.

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

Commenter Date	Testimony 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.	Swan Avenue connection is part of the adopted Transportation System Plan (Project D49). It will be a Residential 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.	Oregon City Transportation System Plan https://www.oregoncity.org/854/Transportation-System-Plan
9/23/2024	Verbal	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. Safety of Swan Avenue connection to Beemer Way	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.	<i>Minimum Public Improvement and Design Standards – Street Standards OCMC 16.12</i> 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/housingauthority/clackamas-heights

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/Ttransportation-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 DLCD 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	Testimony 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.oregoncity.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.		Included in all PC and CC agenda distributions.
Juanita Whitaker 9/4/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.
Mark Lewis 9/3/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
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.	Trail locations are conceptual based on existing adopted parks and trails plans. Exact trail locations will be determined if willing property owners apply for development approval 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. Non-exempt project impacts within the Geologic Hazard Overlay District and/or Natural Resources Overlay District shall comply with OCMC 17.44 & 17.49 if applicable.	See staff comment. New standards for trail dedication in OCMC 17.62.061 and 16.08.043. Existing standards in OCMC 17.44 and 17.49.
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.

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
Thomas Funk 8/26/2024	Website	No comment. Sign up only.		Included in all PC and CC agenda distributions.
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.
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.orcity.org/854/Transportation-System-Plan <i>Minimum Public Improvement and Design Standards – Street Standards OCMC 16.12</i> Planning Commission recommended making Holly Lane connection to Redland Rd a higher priority in the next TSP update

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

Commenter Date	Testimony Format	Issue / Comment / Concern	Staff Comment	Has this been Addressed? How?
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	Testimony 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.
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.

COMMENT FORM

①



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 10/28/24

Item Number From Agenda Park Place

NAME:

Kelly Poindexter

EMAIL ADDRESS:

rkpoin@gmail.com

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 10/28

Item Number From Agenda Park Place Proposal

NAME:

Tyler Gill

ADDRESS:

Street: 14306 Holly Crest Lane

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

518 229 1744

E-MAIL ADDRESS:

tylergill7@gmail.com

SIGNATURE:

Tyler Gill

COMMENT FORM



PLEASE PRINT CLEARLY

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- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 10/28/2024

Item Number From Agenda _____

NAME:

Megan Keough

EMAIL ADDRESS:

mkeough320@gmail.com

ADDRESS:

Street: 14346 Holly Crest Ln.

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

503-244-1642

SIGNATURE:

Megan Keough

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 10/28

Item Number From Agenda 4a

NAME:

Tom Aeil

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

Tom Aeil

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 10/28/24

Item Number From Agenda 4A

NAME:

Jane Nitschke

ADDRESS:

Street:

Earhart Ave

City, State, Zip:

O.C. OR 97045

PHONE NUMBER:

503-594-4208

E-MAIL ADDRESS:

447jen@gmail.com

SIGNATURE:

Jane Nitschke

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 10/28/24

Item Number From Agenda 4a ? no paper to see parkplace
Clackamas Heights

NAME:

Joyce

EMAIL ADDRESS:

joybells31@gmail.com

ADDRESS:

Street: 14100 Beemer Way

City, State, Zip:

O.C. 97045

PHONE NUMBER:

SIGNATURE:

Joyce Carlson

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 10-28-24

Item Number From Agenda 4A

NAME:

CHRISTINE KOSINSKI

ADDRESS:

Street:

HOLLY

City, State, Zip:

PHONE NUMBER:

E-MAIL ADDRESS:

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 10/28/24

Item Number From Agenda 4a

NAME:

Bradley King

ADDRESS:

Street:

City, State, Zip:

PHONE NUMBER:

503-313-8262

E-MAIL ADDRESS:

SIGNATURE:

[Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting

10/28/21

(PP)

Not 1st please

Item Number From Agenda

code Amendment

NAME:

Harlan Borow

ADDRESS:

Iron construction
Street: 1969 Willamette Falls Dr. Suite 260

City, State, Zip: West Linn, OR 97068

PHONE NUMBER:

503 713 8627

E-MAIL ADDRESS:

Harlan@ironconstruction.net

SIGNATURE:

Harlan Borow

Kay Neumann

From: Kay Neumann
Sent: Monday, October 28, 2024 3:39 PM
To: Kay Neumann
Subject: RE: Public Comment Submission

From: No Reply <noreply@civicplus.com>
Sent: Monday, October 28, 2024 2:10 PM
To: Recorder Team <recorderteam@orc.org>
Subject: Public Comment Submission

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.

Submitted by: Samantha Wolf
Email Address: sammwolf@gmail.com

Commented on event: <https://oregoncityor.portal.civicclerk.com/event/59/overview>
If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: Dear Commissioners of the Planning Commission, I am providing comment on two agenda items.

1) Park Place Concept Plan - Given the proposed projects in this area contain wetland habitat and many tall mature trees, it is important to protect these sensitive habitats in order to preserve healthy and functioning ecosystems as stated in our City goals. Adding language to the amendments to leave these areas undeveloped or protected will ensure new developments do not destroy important ecosystems and their benefits. At least 30-33% canopy cover is recommended to ensure neighborhoods have a cooling buffer against future heatwaves as well as habitat for protected species.

2) McLoughlin Blvd Enhancement Plan: I appreciate the concept plan presented to the Natural Resources Committee/Park and Recreation Advisory Committee meeting earlier this month. We recommended the inclusion of environmental protections to the forested shoreline in between 10th and 8th Ave. This area contains habitat for nesting birds and provides shade and woody-debris for protected species of fish. The NRC and PRAC were assured that a new paragraph or section in the plan would contain language describing the value of preserving the forested area as a core value of the project. Given the current concept design, the North Tower of the walkway would directly impact the forested shoreline, and no amount of mitigation is feasible given the limited amount of soil volume. The shoreline here is predominantly bedrock and the soil developed very slowly over 100's of years. This comment is to affirm the addition of preserving important and environmentally sensitive habitat is a critical component for future planning.

Thank you! Sam Wolf

Kay Neumann

From: Oregon City Planning
Sent: Monday, October 28, 2024 3:55 PM
To: Kay Neumann
Subject: FW: Public Comment Submission

From: No Reply <noreply@civicplus.com>
Sent: Monday, October 28, 2024 3:29 PM
To: Recorder Team <recorderteam@orc.org>
Subject: Public Comment Submission

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.

Submitted by: Mike Mueller
Email Address: mikemueller7788@gmail.com

Commented on event: <https://oregoncityor.portal.civicclerk.com/event/59/overview>
If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: We'd first like to thank the Oregon City Planning Department staff for all their hard work, plus their patience and support in answering the many questions that have risen over the years. We watch all the Planning Commission and City Commission hearings. The most recent discussions revolve around city code modifications. Many of the details seem to be specific to the Park Place development, rather than being general enough to apply to all developments in Oregon City. We are concerned that by making the code modifications so specific to Park Place, the code will have limited applicability to the rest of Oregon City.

Good Evening Commissioners,

First off, please allow me to apologize for my emotional testimony at the last Planning Commission meeting. After 21 years of dealing with the Park Place Concept plan, through 3 Failed Annexations, and years of testimony before the Planning Commission and City Commission, I am exasperated and frustrated that apparently no matter that our city unanimously denied this application, ICON has the big bucks to fight this to the state appeals.

As the current President of the Trail View Home Owners Association, I plead with you on behalf of our residents to please take into consideration the traffic that our neighborhood will be dealing with. Our previous president and officers presented our HOA attorney's opinion on this development.

In Trail View we have 43 homes. Please look at the attached map. All the Yellow surrounds Trail View. If Journey Drive and Shatner Drive are opened to through traffic, there will be a huge increase in pass-through traffic, and the children who play in the streets will be endangered. This is definitely a pass-through situation. Why would anyone in 22E28D 3701 drive all the way around the backside of our Neighborhood to 22E27B 600 where the only exit/entrance to all this development would be located. They will take shortcuts through our neighborhood.

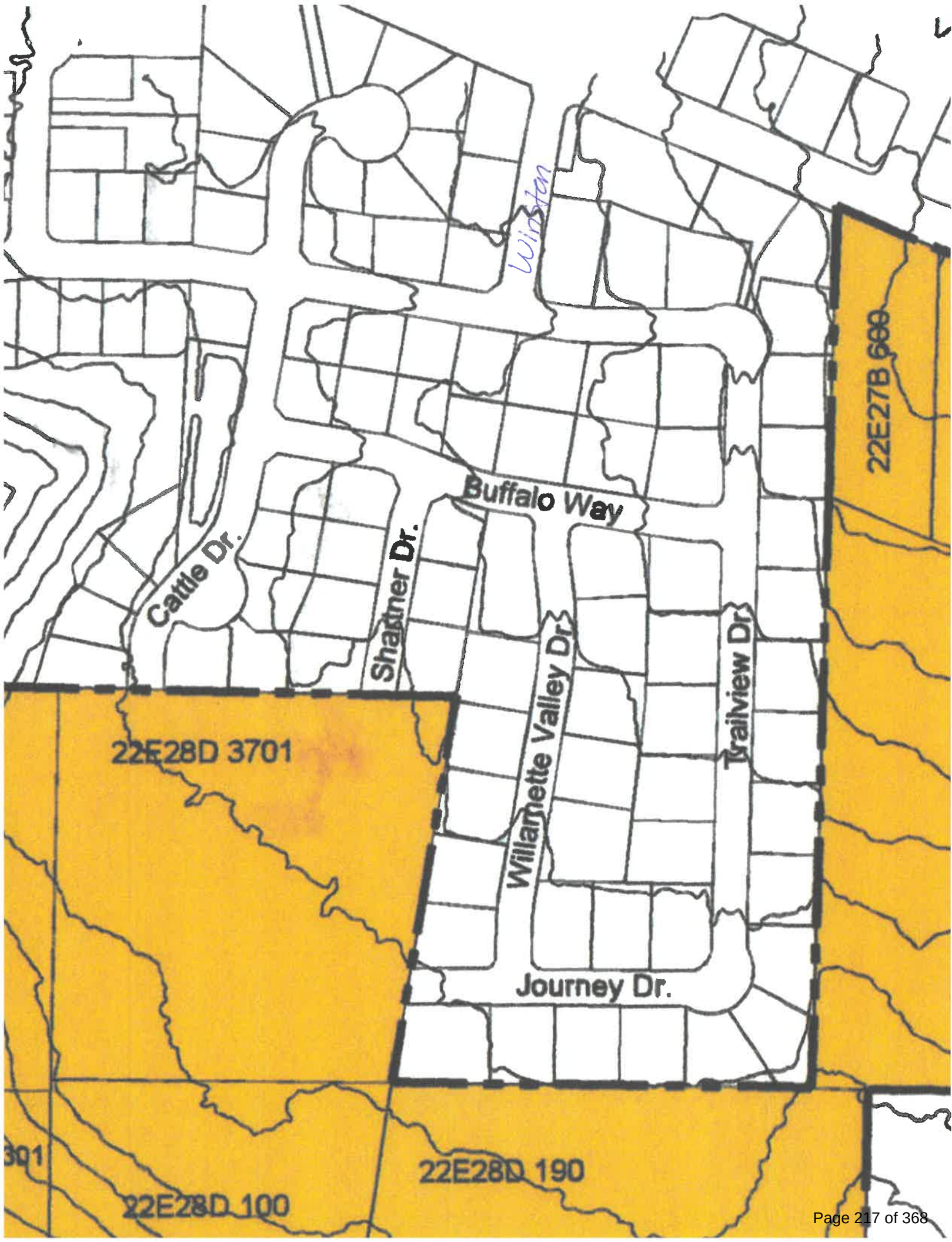
But more importantly, it has been pointed out that during the fires of just a few years ago, there was only one entrance/exit out of Trail View at Winston Drive, for all the neighbors in this area. WINSTON Drive is just a short half street that all these homes use to get in and out of these developments. During the fires, it was an hour just to get out of Winston, and another hour and a half to get down Holcomb Blvd, Many, including us, just gave up, rather than burn alive in our cars, as happened in California. We returned to our homes to wait our potential entrapment.

If ICON is allowed to add all these homes, and open these streets into our development, we are heading into huge traffic congestion in this small development of ours.

I realize that you cannot stop ICON since they pleaded their case to the state, but please help us with our traffic concerns. No development should occur, until the road down to Redland is completed. At the last meeting, one of the attendees who lives below this development, approached me, and informed me that ICON had withdrawn an offer on their property. Apparently, ICON now realizes that they do not have to complete the road down to Redland, because they are being allowed to build as they wish.

Please helps us in our existing Home Owners Association Neighborhood.

Tom Geil,
President of the Trail View Home Owners Association



Oregon City Planning Commission
Meeting of October 28, 2024

RE: Agenda Item 4a – LEG 24-01 Park Place Concept Plan Code Amendments

From: Christine Kosinski, Unincorporated Clackamas County

I went to the City website last Friday, 10/25/24, and could not find this meeting posted and did not know why. I didn't find the meeting until late today after I came home from a dental appointment.

I ask that you leave the meeting open, as several people left the last Planning Commission meeting early and their testimonies were never heard. Many people were left out, and the ones that left early, were they notified???? This meeting should have been posted on time and notices should have been out so that the people who left early were finally notified their could attend and have their testimonies heard.

For the people of Holly Lane, I am testifying today to give you our following concerns which have not been heard. We ask they be put into the record and that the people of Holly Lane hear back from Oregon City regarding our following requests.

1. Trip Cap – We ask for a trip cap of no more than 4,000 trips per day down Holly Lane. We are a residential community, Holly Lane currently has a **40mph speed limit**, however traffic goes down the street at **60-80 mph without any regard for the people crossing the street, getting their mail or trying to get out of the driveways. THIS IS A SERIOUS HAZARD!**
2. We ask that SB 762 “Wildfire Adapted Communities” become part of the entire Park Place Concept Plan, to include ALL of the boundaries within the Park Place Plan, as well as the entirety of Holly Lane, and to include all the planned extensions of Holly Lane.
3. We ask that an “EVACUATION PLAN” be part of the entire Park Place Concept Plan and this is to include entire boundaries of the PPCP as well as all of HOLLY LANE AND ALL THE PROPOSED EXTENSIONS OF HOLLY LANE.
4. If Holly Lane is to take on added traffic created by development from Oregon City, we ask that the City of Oregon City entirely cover each homeowner with any and all liabilities from landslides, this is to cover 100% of any and all losses to the homeowner should they have a landslide on their property.
5. DLCD has made a recommendation to cities and counties that aligns with Statewide Planning Goal I, DLCD asks that cities and counties use best practices and a meaningful participatory process to engage community members, **particularly those from traditionally under-served and under-represented populations, in planning wildfire adapted communities, which includes preparedness, evacuation, adaptation, mitigation, and recovery planning. DLCD has guidelines online available to assist with these efforts. DLCD recommends PUTTING THE PEOPLE IN PLANNING. I request therefore that the City send any and all meeting notices regarding the PPCP to ALL homeowners on Holly Lane.**

We ask the City to consider that both the People of Park Place and Holly Lane have already had a trial run at evacuating in the fires of 2020 that came all too close to both PPNA and Holly Lane. It took me 30 minutes for drivers to let me out of my driveway, it took me 2 more hours just go get out of Oregon City and another hour to get to Oak Grove. In a true emergency none of the drivers would have made it out from the hilltop, we would have been an injury, or worse yet, a victim.

We also want you to understand that we take landslides very seriously, having lost homes on Holly Lane in 1996-97. There was NO insurance, there were small payments from FEMA, the people who had losses had to pay for everything. If the City continues to propose more and more traffic for Holly Ln then the city should pay for any and all losses borne by these homeowners.

UNDERSTAND! This is not a stable area, development should not be allowed here and the City knows this, even Professor Scott Burns has serious concerns. There are too many Troutdale soils and stability problems here.

I have previously, on at least 3-4 occasions, given the City instructions to read the "Thesis written by Professor Bill Burns of DOGAMI which covers the very difficult and very unstable "MORTON LANDSLIDE". Go ahead and read it because after you do the City will no longer be interested in any road on Morton Road. The same could be said of Beemer and Swan Avenues.

It would be very beneficial to the city if they contact Professor Bill Burns of DOGAMI and ask to consult with Oregon City regarding their plans for Beemer, Swan, and Morton. You need to read his Thesis because after reading you will want to cancel all plans for Beemer, Swan and Morton. Yes, it is just that unstable here.

We ask that the city comply with and add to the PPCP that all requirements of Statewide land use Goals 1 and 7 will be part of the plan as well as all requirements of the FEMA NHMP and those of Senate Bill 762 as well.

We ask that the City confirm that they agree to each of the above requests made by the people of Holly Lane. These requests are to cover the entire boundaries of Holly Lane and those of the proposed Park Place Concept Plan.

Thank you ^{Chairman} ~~Commissioner~~ Stoll + members of the Planning Commission
 My name is Harla Barow and I am the Acquisitions + Development Manager for Zion Construction + Development based in West Linn

~~the City of West Linn is a city of firsts and the City of West Linn is a city of firsts~~

focus on

In other words, a legal not planning memo, telling you why you ~~can't~~ ^{can't} ~~the~~ ^{code} ~~amendments~~ ^{not whether} ~~you~~ ^{should}

- (1) The City's memo appears to be a refutation of the legal authorities mentioned in our legal counsel's letter, but it makes no attempt to respond the policy concerns highlighted in the other 35 pages of detailed testimony - explaining why perpetuation of these standards is neither in ICON's or the City's interest.
- (2) We have provided substantial evidence explaining how the ~~perpetuation of~~ ^{we provided} outdated residential design standards will unreasonably increase the costs of homes.

- a. The City Attorney is incorrect that ORS 197A.400(1), which prohibits standards that discourage needed housing through unreasonable cost or delay, only applies when the standard is amended. This is plainly reflected in the language of the statute itself:

~~"(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary, unincorporated communities designated in a county's acknowledged comprehensive plan after December 5, 1994, nonresource lands and areas zoned for rural residential use as defined in ORS 215.501. The standards, conditions and procedures:~~

- (a) May include, but are not limited to, one or more provisions regulating the density or height of a development.
- (b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay."

By prohibiting the "application" of standards that may discourage needed housing through unreasonable cost or delay, ~~ORS 197.400(1)~~ ^{the statute} would certainly apply in any future application of the garage design and orientation standards.

- b. Regardless of whether LUBA would stick to its 2022 year-old opinion in the LUBA case cited by staff, you have before you actual evidence that perpetuating the garage setback and orientation, as well as the alley requirements, will increase the costs of a residential construction by:
 - i. 20% for the individual units due to garage orientation requirements.
 - ii. 25%-50% for land development costs due to alley requirements.
- c. The question is whether the aesthetic preference that the City made in 2006 are relevant in today's market, and whether those aesthetic preferences are worth increasing the cost of the homes by 20 to 50%. Given the minimal practical gains provided by the design aesthetic of homes in light of the City's objective to also require middle housing, we do not believe that standards creating such costs increases are reasonable.

Closing
 We look forward to continuing to work with the city on these important issues and the major goals of the city's Comprehensive Plan. Please contact the Planning Commission at 503.666.1111 or the Planning Commission at 503.666.1111.

Finally

and trails

- (3) As to the questions concerning the parkland dedication requirement, we raised our constitutional objections because we are required to do so at the first opportunity. Our concern is simple: if the City believes that a certain amount of parkland is necessary for each 1000 residents, it must do more than simply citing to a plan that includes that aspiration. We are more than willing to provide our fair share of parkland as developers, but it simply will not do to have to pay parks SDCs and dedicate and improve parkland without just compensation. If there are SDC credits that cover the dedicated parkland, that may go a long way to offsetting the potential takings issue, but as

We encourage the city to update the CIP to reflect the updated Parks and SDC methodology. We encourage the city to include Park Place crossing parts so SDC credits will be available. We also encourage the city to modify the disproportionate burden on earlier developers compared to later developers.

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 10/28/2024

Item Number From Agenda 4b McHUGHNIN IMPROVEMENT

NAME:

PAUL EDGAR

EMAIL ADDRESS:

ADDRESS:

Street:

City, State, Zip:

OC

PHONE NUMBER:

SIGNATURE:

Pete Walter

From: Evan Lee
Sent: Monday, October 28, 2024 3:42 PM
To: Oregon City Planning
Cc: Recorder Team
Subject: FW: Public Comment Submission

Another one came through.

-Evan



Evan Lee
Assistant City Recorder

elee@orccity.org

City of Oregon City

PO Box 3040

625 Center Street

Oregon City, Oregon 97045

Office Hours: Mon – Fri, 8 am – 5 pm

503-496-1505 Direct phone

503-657-0891 City phone

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

From: No Reply <noreply@civicplus.com>
Sent: Monday, October 28, 2024 3:29 PM
To: Recorder Team <recorderteam@orccity.org>
Subject: Public Comment Submission

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.

Submitted by: Mike Mueller

Email Address: mikemueller7788@gmail.com

Commented on event: <https://oregoncityor.portal.civicclerk.com/event/59/overview>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: We'd first like to thank the Oregon City Planning Department staff for all their hard work, plus their patience and support in answering the many questions that have risen over the years. We watch all the Planning Commission and City Commission hearings. The most recent discussions revolve around city code modifications. Many of the details seem to be specific to the Park Place development, rather than being general enough to apply to all developments in Oregon City. We are concerned that by making the code modifications so specific to Park Place, the code will have limited applicability to the rest of Oregon City.

Pete Walter

From: Jakob Wiley
Sent: Monday, October 28, 2024 2:56 PM
To: Oregon City Planning
Cc: Recorder Team
Subject: FW: Public Comment Submission

Hi,

This public comment is for you.

Thanks,
Jakob



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

Website: www.oregoncity.org | [Recorder's Page](#) | [Facebook](#) | [Twitter](#)

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From: No Reply <noreply@civicplus.com>
Sent: Monday, October 28, 2024 2:10 PM
To: Recorder Team <recorderteam@oregoncity.org>
Subject: Public Comment Submission

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.

Submitted by: Samantha Wolf
Email Address: sammwolf@gmail.com

Commented on event: <https://oregoncityor.portal.civicclerk.com/event/59/overview>

If you are having trouble viewing the URL above, cut and paste the string into your browser window.

User comment: Dear Commissioners of the Planning Commission, I am providing comment on two agenda items. 1) Park Place Concept Plan - Given the proposed projects in this area contain wetland habitat and many tall mature trees, it is important to protect these sensitive habitats in order to preserve healthy and functioning ecosystems as stated in our City goals. Adding language to the amendments to leave these areas undeveloped or protected will ensure new developments do not destroy important ecosystems and their benefits. At least 30-33% canopy cover is recommended to ensure neighborhoods have a cooling buffer against future heatwaves as well as habitat for protected species. 2) McLoughlin

Blvd Enhancement Plan: I appreciate the concept plan presented to the Natural Resources Committee/Park and Recreation Advisory Committee meeting earlier this month. We recommended the inclusion of environmental protections to the forested shoreline in between 10th and 8th Ave. This area contains habitat for nesting birds and provides shade and woody-debris for protected species of fish. The NRC and PRAC were assured that a new paragraph or section in the plan would contain language describing the value of preserving the forested area as a core value of the project. Given the current concept design, the North Tower of the walkway would directly impact the forested shoreline, and no amount of mitigation is feasible given the limited amount of soil volume. The shoreline here is predominantly bedrock and the soil developed very slowly over 100's of years. This comment is to affirm the addition of preserving important and environmentally sensitive habitat is a critical component for future planning. Thank you! Sam Wolf



1969 Willamette Falls Drive #260, West Linn, OR 97068 (503) 657-0406 fax (503) 655-5991

October 21, 2024

Greg Stoll, Chair
City of Oregon City Planning Commission
625 Center Street
Oregon City, OR 97045

RE: Oregon City Park Place Concept Plan Code Amendments (Legislative File GLUA 24-013/LEG-24-01)

Dear Chair Stoll:

As I previously presented in brief public comment at the prior Planning Commission meeting on September 23, 2024, Icon and its affiliated entities are one of the larger land owners in the North Village of the Park Place Concept Plan Area. We are therefore very invested in the proposed code amendment process, and we commend the staff on their hard work and for the Planning Commission working through this difficult and detailed process since May.

We are actively engaged in working with the city to find mutually agreeable pathways and processes to achieve many of the most important goals and objectives of the Park Place Concept Plan, and other city infrastructure master plans, especially the much-needed north-south Holly Lane arterial connection between Holcomb Blvd and Redland Rd

Several of the proposed changes have material practical and financial implications for development within the Park Place Concept Plan area. We provided written testimony at the prior meeting, and I have attached them again here as reference. This testimony included:

1. Letter from Garrett Stephenson of Schwabe dated September 23, 2024
2. Letter from Jennifer Arnold of Emerio Design dated September 23, 2024

Due to the amount of material to review and the associated potential impacts, we requested, and the Planning Commission granted, an extension of the public comment period to the upcoming meeting on October 28, 2024. We are grateful and very appreciative of the extension to allow both the Planning Commission and us the opportunity to conduct additional review and analysis of the proposed code amendments. The following summarizes and expands upon our prior comments.

1. **Needed Housing** – We live in a different social, economic and legislative world now compared to when the Park Place Concept Plan was formulated. The clear need for housing affordability is reflected in recent new housing directives by the Governor and

in associated new state laws, including ORS 197A.400(1)(b) which prohibit discouraging needed housing through unreasonable cost increases. Mr. Stephenson's letter details the implications of the new laws.

2. **Alleys (16.12.026)** – Both Mr. Stephenson's and Ms. Arnold's letters provide detailed data on the significant cost increases alleys impose on developments, including:
- a. Increases in the amount of land dedicated to non-residential use, thereby increasing the per-unit expense of housing with an estimated 30% reduction in otherwise allowable housing density.
 - b. The additional pavement adds 20%-25% more impervious area which increases storm water management facility sizes and costs.
 - c. Topographic constraints, which are very prevalent throughout the Park Place Concept Plan area, add additional cost implications and loss of lot yield.
 - d. Overall, alley loaded construction will add 25% to 50% to the cost of overall development.
 - e. Long-term costs also increase as alley maintenance and replacement costs are imposed on homeowners' associations (HOA), who pass these costs onto homeowners in the form of HOA dues. Even worse, if an HOA is underfunded or dissolves, the homeowners may be forced to bear the costs through special assessments or direct funding.
 - f. The aesthetics and safety of alleys are also of concern. Alleys result in little to no rear yards, which is something most homeowners want – fenced yards for kids, pets and private outdoor enjoyment.

For all these reasons, we recommend this section of code be eliminated.

3. **Garage Orientation Standards (17.21.090)** – Both Mr. Stephenson's and Ms. Arnold's letters (and the prior letters from Icon included in their letters) provide detailed rationale and data on the significant cost increases the garage orientation standards impose on developments, including:
- a. There is **no** requirement prohibiting front-load garages in the Park Place Concept Plan for single-family housing, with only reference to multi-family housing where alleys are required.
 - b. Detached or non-corner lot side loaded garages require significantly larger lots, which decreases lot yield by as much as 50%, driving up the per-unit cost.
 - c. The larger lots are also challenging in the R-5 zone due to other dimensional standards. More importantly, middle housing is permitted and expected to be placed on smaller lots
 - d. Detached garages increase construction costs by an estimated 20% due to the duplication of a multitude of construction costs (i.e., foundations, roofs, etc.).
 - e. There are no other areas in Oregon City with such requirements.
 - f. There are no other jurisdictions with such requirements.
 - g. The marketability of homes with detached garages is questionable, especially here in the northwest. This is just not what most homeowners want.
 - h. Larger production homebuilders, if interested at all in building with these and the many other constraints in existing and proposed residential standards for the Park Place Concept Plan area, would likely be forced to use rear-loaded alley

products. This reduces housing production, and as summarized above, significantly increases costs.

For all these reasons, we recommend this section of code be eliminated.

4. **Two-Car Garages** – There are several additional sections of code that we believe should be amended to provide for more 2-car garages, notably OCMC 17.14 and 17.16.
 - a. There are many reasons why 2-car garages are more desirable, including:
 - i. Homeowners want 2-car garages for parking multiple vehicles, storage, shop space and other uses including more off-street parking in driveways for visitors.
 - ii. The current code methodology for measuring and restricting garage widths ends up forcing 1-car garages.
 1. A 1-car garage is too narrow to easily maneuver things like baby strollers and other bulky items and provides no room for storage.
 2. A 1-car garage is also an impediment to handicap access, thereby reducing availability of new housing to this group of prospective homeowners.
 3. Many larger production builders prefer not to build 1-car plans.
 - b. For these reasons, we recommend the following code modifications:
 - i. Change the measurement methodology to use garage door width not interior wall width. With all the architectural design elements that can be selected as mitigation, house plans can accommodate 2-car garages without having “garage centric” façades.
 - ii. Review and revise other code sections (i.e., 17,14.030) to remove impediments to 2-car garage implementation.
5. **Parkland and Trail Dedication** – As described in Mr. Stephenson’s letter, as currently contemplated, the code provisions are likely unconstitutional takings and unfairly put the burden on early developers. We strongly urge the Planning Commission to evaluate the arguments presented and revise the proposed code accordingly. Changing to a proper remuneration procedure with SDC credits for market-value reimbursement will bring the desired procedure in line with many other jurisdictions.

We appreciate the opportunity to provide this summary and look forward to further discussions.

Thank you.



Harlan Borow
Land Development and Acquisitions Manager

September 23, 2024

Garrett H. Stephenson
Admitted in Oregon
D: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA E-MAIL

Mr. Greg Stoll, Chair
Oregon City Planning Commission
695 Warner Parrott Rd,
Oregon City, OR 97045

RE: Legislative File GLUA 24-013/LEG-24-01

Dear Chair Stoll and Planning Commissioners:

This office represents ICON Construction and Development (ICON). We are in receipt of and have preliminarily reviewed the proposed code amendments intended to implement the Park Place Concept Plan (the “PPCP”) (the “Amendments”), City casefiles GLUA 24-013/LEG-24-01. We respectfully offer the following comments. We also request that the Planning Commission hearing be continued to the next scheduled Planning Commission meeting to allow time for ICON to determine the likely cost/market impacts of the Amendments.

1. The Amendments must ensure that a General Development Plan is not required for development within the PPCP area.

Under ORS 197A.400, a local government may not adopt or apply standards, conditions, and procedures that are not “clear and objective.”

“(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

Mr. Greg Stoll
September 23, 2024

As relevant here, the sole exception to this is ORS 197A.400(3), which provides as follows:

“(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.”

In *East Park v. City of Salem East Park, LLC v. City of Salem*, __ Or LUBA __, __ (LUBA No. 2022-050, Aug 30, 2022), the Oregon Land Use Board of Appeals (“LUBA”) held that there was no “clear and objective” path to approval for an applicant. LUBA reasoned that:

“ORS 197.307(6) provides that a local government may provide a discretionary approval path for housing only in addition to an existing clear and objective path. * * * ORS 197.307(6) authorizes local governments to adopt an alternative process for approving housing under standards that are not clear and objective, so long as the applicant retains the option of proceeding under an approval process that complies with ORS 197.307(4)” *Id.* (slip op at 11) (emphasis added). Much like *Icon*, the applicant in *East Park v. City of Salem* was not provided with an option to proceed under a clear and objective path.”

Thus, a local government must give an applicant for the development of housing the option to apply for a clear and objective approval process. The City may only impose standards that are not clear and objective if that approval process is open to that applicant, and the applicant nonetheless chooses to subject itself to a subjective approval process. In *ICON v. City of Oregon City*, LUBA confirmed the above principles and held that the City may not require an applicant to file a General Development Plan for development within the PPCP area. __ Or LUBA ____ (LUBA No. 2022-100, May 19, 2023).

Mr. Greg Stoll
September 23, 2024

The City's General Development Plan is an expressly discretionary, subjective process. It appears that the Amendments clarify that a GDP *is not required* for development within the PPCP area, and we support such a clarification. To the extent that any provision of the Amendment would require a GDP, or that the Amendments attempt to make the GDP standards or criteria "clear and objective," ICON would strongly oppose any such change.

2. The Planning Commission should modify certain proposed design standards in the Amendments to ensure that the homes in the PPCP area will be marketable.

a. 16.12.026—Alleys should not be required.

Alleys increase the amount of land area dedicated to non-residential uses and increase the per-unit expense of developing housing. They also increase the grading and erosion control needs for a given project over a project that does not have alleys. Therefore, without an offsetting incentive (such as a by-right increase in density), alleys should not be required because they "have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." ORS 197A.400(1)(b). See also **Exhibit 1**, which explains the problems with alley requirements in more detail.

b. 17.21.090—The garage orientation and location limitations should be removed.

The proposed code amendments retain the prior requirement that "garages shall be detached, side entry or rear entry." Requiring alley-loaded garages creates the same cost increases that pertain to alleys themselves, discussed above, and would also discourage needed housing through unreasonable cost increases. ORS 197A.400(1)(b). Forcing garages to be detached require the construction of two separate buildings, with attendant cost duplication for roofs, foundations, and increased costs for extending wiring and other utility services to the garage. Such garages also result in a more expensive homes, violating ORS 197A.400(1)(b). This is summarized in the attached email from Darren Gusdorf, ICON's Commercial and Residential Division Manager, who estimates that these sorts of garage size, location, and orientation regulations increase the costs of a given home by 20%. **Exhibit 2**. Side-entry garages are only possible on street corners and can remain an option.

Too, the housing market often prefers front-loaded, attached garages, and both alley-loaded and detached garages significantly increase the cost of homes. In 2018 and 2019, ICON staff explained why prohibitions on attached, street-facing garages should be eliminated. **Exhibit 3** and **4**. We respectfully request that the Planning Commission review this testimony and consider these arguments anew.

Mr. Greg Stoll
September 23, 2024

In view of the market preference for attached garages, ICON also recommends the following changes to both the existing code and the proposed Amendments.

- 17.14.030.C—the maximum 50% of the façade that may be garage should be increased to 60%.
- 17.14.030.B—The maximum 12-foot garage limitation for townhomes should be eliminated. This greatly reduces marketability and likely restricts accessibility for handicapped citizens as there is no room for wheelchair access, resulting in reduced access to more affordable housing options.

c. 17.21.105—The housing diversity standards are too prescriptive.

The proposed housing diversity standards, while well-intentioned, are too prescriptive and could have unintended negative consequences.

First, ICON does not see how the City has the authority under ORS 197A.400 et. seq., to *require* a certain amount of middle-housing. HB 2001 was intended to provide developers more options and to offset the cost impacts of those options with tax incentives. 197A.420. We do not believe that it is reasonable, nor does it help the cause of increasing the supply of housing, to *mandate* a certain amount of middle-housing. This is because different properties have different development costs which may or may not allow for the construction of middle-housing, and ICON needs the flexibility to develop a unit mix that best facilitates the production of housing, be they middle-housing or single-family units.

Second, the middle-housing units should not have to be shown in the tentative or final plat, simply because not all developers actually build homes on the lots they plat. By restricting certain lots to middle-housing, the Amendments will likely make these and other lots less attractive to builders, who may need the flexibility to decide which lots should be used for middle-housing based on market factors at the time.

Finally, the Commission should not impose the proposed prohibition on more than three middle-housing lots abutting one another. This would preclude longer townhouse blocks because it is very difficult to construct an odd number of abutting townhomes. This would also make such townhomes look odd and out of place, whereas townhome blocks are traditionally uniform and far longer than two units. This is especially true of homes fronting collectors, against which a uniform streetscape is desirable, and other areas where such townhouse blocks are alley-loaded.

Mr. Greg Stoll
September 23, 2024

All three of the Amendments discussed above would increase the expense of a project and likely reduce a developer or builder's ability to flexibly market housing product, which will certainly result in unreasonable costs and delay. ORS 197A.400(1)(b). The Planning Commission should therefore eliminate the proposed housing diversity standards and replace those standards with an incentive package.

d. Design standards for the NC zone would likely increase costs and make actual establishment of supportive commercial uses in Park Place less feasible.

ICON appreciates the acknowledgment that viable neighborhood-scale commercial uses are difficult to achieve in Park Place. ICON believes that the Planning Commission should focus on the goal of obtaining viable commercial uses in the NC, which goal is at odds with some of the NC design standards in the Amendments. These include the following:

- 17.24.040.I—This section adds considerable landscape requirements that restrict developable area and greatly increase cost, thereby diminishing marketability.
- 17.24.060.C.2—While it is commendable to add stormwater facilities serving adjoining residential zones as additional permitted uses, restricting to 0.5 square acres in size may be problematic for larger developments given the topographic requirements/constraints of the area and the need for larger facilities.
- 17.24.060.C.3—While it is commendable to add park land improvements as additional permitted uses, restricting to 0.75 acres in size is too restrictive.
- 17.24.060.F. – These design standards will make commercial development more expensive.

The Planning Commission should consider that each additional development standard it imposes comes with a cost, a cost that the owners of commercial spaces will pass onto tenants. Given the difficulty of so many businesses to maintain brick-and-mortar locations, even in buildings that are fully depreciated, it seems counterproductive to impose a host of new costly design standards that will make new, expensive commercial product even more expensive. This will reduce the chances that neighborhood commercial businesses will actually be able to use these commercial spaces.

Mr. Greg Stoll
September 23, 2024

e. 17.62.061 and 16.08.043—Commercial development should not be required to pay a fee-in-lieu for parks.

Like all exactions, requirements to dedicate parkland or make a payment-in-lieu are subject to the taking clause of the 5th Amendment of the US Constitution. First, the City has the burden to show that there is an “essential nexus,” between the exaction and the impact of the associated project on the public infrastructure. *Nollan v. California Coastal Com.*, 483 US 825, 836-37 (1987). Second, the amount of exaction must be “roughly proportional” to that impact. *Dolan v. City of Tigard*, 512 US 374, 391-395 (1994). The U.S. Supreme Court has recently clarified that development fees, even if set forth in legislation, are subject to this analysis. *Sheetz v. El Dorado County*, 601 US ___, S. Ct. No. 22–1074, slip op at 7-20 (2024). It is the City’s burden to make an “individualized determination” of nexus and rough proportionality in the first instance, and it may not justify exactions as a constitutional matter simply because they have been legislated into existence.

The City has not demonstrated how commercial uses create a demand for parkland that would support a fee-in-lieu or dedication requirement. In particular, the City has not demonstrated a nexus between the construction of commercial uses and an impact on the City’s parkland. Therefore, any requirement to dedicate parkland for non-residential uses would be a taking and would entitle the property owner and/or developer to just compensation.

f. Required dedication of parks and trails is not supported by an adequate evidentiary base and would constitute unconstitutional takings as currently proposed.

As with the requirement for dedication of parkland as part of a non-residential project, the proposed requirements to dedicate parkland and trails lack an adequate factual base. That is, while it may be reasonable to assume that local residents will demand a certain amount of parkland, the proposed amendments do not appear to be supported by data proving the “rough proportionality” of development on the City’s parklands. Rather, the formula proposed by the City appears to be reverse-engineered to obtain the parkland and trails desired in the PPCP, which is not the same analysis needed for such a requirement to pass constitutional muster.

More troubling, though, is the proposed double-dipping of park and trail dedication/fee-in-lieu on the one hand, and parks SDCs on the other. Assuming that the parks SDCs are roughly proportional to the impact of the development of various types of residential units, adding onto that an area-specific dedication/fee-in-lieu requirement fails the rough-proportionality on its face. As noted above, while the Amendments would purport to adopt specific ratios for park and trail

Mr. Greg Stoll
September 23, 2024

dedication requirements in Park Place, there is no evidence in the record to support those impact assumptions, which is a burden the City must bear prior to adopting the Amendments.

Finally, allowing SDC credits against dedication of parkland or trails for Park Place does not cure the constitutional problems with the proposed parks funding methodology. As a constitutional matter the City has the burden to show that the proposed requirements meet the *Nollan/Dolan* tests in the first instance; a developer or builder is not required to prove otherwise, which is exactly what the SDC credit system requires. In summary, ICON does not believe that the City can assess both a dedication/fee-in-lieu requirement and parks SDCs in Park Place; it must choose one or the other, and whichever it chooses must be constitutional.

3. Conclusion

ICON sincerely appreciates the Planning Commission's consideration of the above comments in this matter. As noted above, ICON needs additional time to review the particular zoning amendments to determine their potential takings, cost, and market impact, which are crucial to the success of Park Place. We hope that the Planning Commission will allow the requested one-month continuance to allow ICON to conduct that analysis.

Best regards,



Garrett H. Stephenson

GST:jmhi

cc: Ms. Carrie Richter (via email)
Mr. Peter J. Walter (via email)
Mr. Mark Handris (via email)
Mr. Harlan S. Borow, P.E. (via email)
Mr. Darren Gusdorf (via email)



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these "extra" streets. That forces HOA's, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed "solution" to who's going to pay for and maintain the alleys, just got worse. Let's create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC's staff, in all departments. I'm just pointing out what we're experiencing more and more of lately, in nearly all of the jurisdictions that we work in. "Solutions" that don't solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It's a pattern that we're seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we're asked why homes are so expensive to construct??? We're never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We're hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Stephenson, Garrett H.

From: Stephenson, Garrett H.
Sent: Monday, September 23, 2024 12:55 PM
To: Stephenson, Garrett H.
Subject: FW: OC Park Place Code

From: Darren Gusdorf <darren@iconconstruction.net>
Sent: Monday, September 23, 2024 11:00 AM
To: Harlan Borow <harlan@iconconstruction.net>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Jennifer Arnold <jarnold@emeriodesign.com>
Cc: Mark Handris <mark@iconconstruction.net>
Subject: RE: OC Park Place Code

As discussed, I'm sending some bullet points regarding the cost implementations related to detached garage construction and alley development construction.

Detached Garages:

At a minimum, detached garages will add 20% to the build cost of a SFD. Anytime you separate the structure independently from the home, the cost climbs up substantially. Detaching structures away from the building envelope, triggers additional:

- Excavation
- Subgrade infrastructure (gas, power...)
- All shell construction, that would normally be built within the building envelope, are all triggered:
 - o Foundations
 - o Framing
 - o Trusses
 - o Insulation
 - o Windows
 - o Siding
 - o Roofing
- Extension of driveways
- More impervious area needing to treat

Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1969 Willamette Falls Drive, Suite 260 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax

darren@iconconstruction.net
www.iconconstruction.net





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

**SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22**

*****Note Historic Era Architecture with
no garages.**

Vernacular Style as Required and Constructed in McCarver Landing





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

“Single family houses can be a range of sizes, styles, and colors.” – page 27

“Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface.” – page 36

“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

September 23, 2024

VIA E-MAIL

Greg Stohl, Chair
Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045
cc: Aquilla Hurd-Ravich, Community Development Director

RE: Oregon City Park Place Concept Plan Code Amendments (Legislative File GLUA 24-013/LEG-24-01)

Dear Chair Greg Stohl,

Emerio Design works with Icon Construction and Development (ICON) for land use and civil engineering needs. I am writing in response to the proposed code amendments proposed in the Park Place Concept Area as ICON is directly impacted by these proposed amendments.

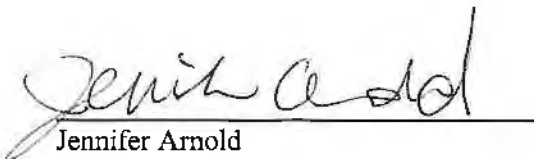
ICON has previously testified to express concerns regarding proposed code amendments in this area but were told it was not the proper venue for such testimony. I believe now is the time to formally introduce the 2019 testimony submitted by ICON for the record as the comments and concerns are still relevant. You will find this testimony in Exhibit A attached to this letter.

The proposed amendments to the design standards are concerning as the cost of development is significantly increased and ultimately passed down to the homebuyer. Exhibit B attached to this testimony is a stamped letter from an engineer providing an overview of the development costs specifically related to alley load requirements and garage orientation. Additionally, these changes for alley loading or detached garages will significantly impact the overall stormwater design. The increased impervious surface created will necessitate the need for larger and more water quality facilities. This appears to conflict with the intent of proposed design changes.

Due to the amount of information submitted from the community and published by the City, I respectfully request the Planning Commission continue this hearing to a date certain.

If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design LLC



Jennifer Arnold
Project Manager/Planning Department Manager & Director of Operations (Eugene)

Exhibit A



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22

***Note Historic Era Architecture with
no garages.

Vernacular Style as Required and Constructed in McCarver Landing





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

“Single family houses can be a range of sizes, styles, and colors.” – page 27

“Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface.” – page 36

“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

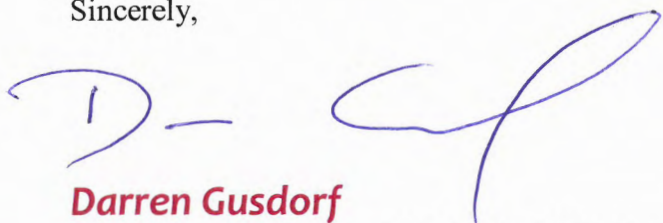
For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners, --

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

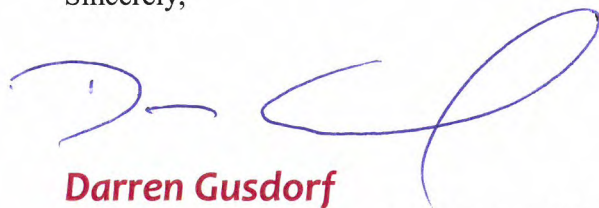
In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these “extra” streets. That forces HOA’s, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed “solution” to who’s going to pay for and maintain the alleys, just got worse. Let’s create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC’s staff, in all departments. I’m just pointing out what we’re experiencing more and more of lately, in nearly all of the jurisdictions that we work in. “Solutions” that don’t solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It’s a pattern that we’re seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we’re asked why homes are so expensive to construct??? We’re never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We’re hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

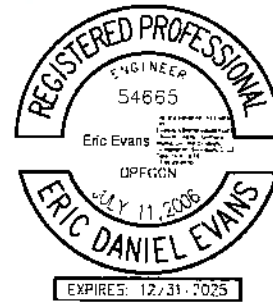
Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Exhibit B



September 23, 2024

Harlan Borow
ICON Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260

RE: Alley Load and Side Load Development and Cost Impacts

Dear Harlan,

Based on our conversation I have reviewed your request to analyze the impact of the proposal to require detached garages on typical subdivision developments.

Using a typical subdivision layout with 50x100 lots as an example, we can see the following impacts. An alley loaded home layout would require an additional roadway for every bank of lots. A standard lot pattern uses one ~54' wide ROW to access 100' wide lots on either side. This equates to roughly 254' of width for two homes and one ROW. Introducing an alley to the equation would require an additional 30' of tract for every two rows of homes.

ALLEY LOAD ANALYSIS

Impervious Area:

For every 50' of street frontage with no alleys one could expect ~2200 SF of impervious area from sidewalks, curbs, and pavements. Then each lot might produce ~2500 SF of impervious for two lots or a total of 7200 SF of impervious per 50' of frontage. When an alley is added to the layout, ~25'x50' of additional impervious area is added to this theoretical length of development. The result is roughly 15 to 20% more impervious area needed for the added roadway. Furthermore, most of the developable land available for new housing does not allow for endless grids of roadways, therefore the end conditions related to subdivision development must be considered. End conditions dictate 50% to 100% of all lots will be forced to have a single loaded alley. This would increase the added impervious to 20% to 25% on average. The result of this increased impervious area would yield larger storm water management tracts somewhat proportional to the added impervious area. Additionally, storm drainage pipe diameter would need to be increased to convey the added design flow.

Road Design and Construction Challenges:

New alleys require curbs, pavement drainage and other associated road building items. Grade transitions between lots often are addressed in the rear yards will now require driveways to rear load garages. Placing a road in the rear of each lot will remove the flexibility of the builders on even the most modest of sloping sites. Roadways generally require a flat cross section. Adding another "flat area" on a sloping site will result in cumbersome grading challenges and expensive walls. Adding alley roads along the boundary of proposed development will require giving up land for slope, road geometry or areas for walls.

Lot yield will be decreased with the added land required for alleys, end condition grading, and added storm water management facilities. The added impervious area, plus additional pond size, plus grading on the project limits would generally result in a loss of lot yield of one third.

Construction Cost Implications:

Added roadways, larger storm facilities and cumbersome site boundary upgrades would yield additional construction costs in the range of 30%. However, note that the costs would increase as the size of the site decreases.

Construction Costs:

Alley loaded construction will add 25% to 50% to the cost of the overall development.

SIDE LOAD ANALYSIS

The side load analysis would require the bulk of the improvements to be deferred to the home builder rather than during the construction of the greater subdivision. Similar to the analysis above, added impervious area and storm water management facilities would be required, proportional to each lot, as each lot would require longer driveway. We would anticipate each formerly 50' wide lot would now need to be roughly 75' in width to accommodate the side load garage. This could result in a lot yield loss of a proportional 50%.

We look forward to hearing from you. If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design, LLC

Eric Evans, PE
Civil Engineer

Pete Walter

From: Lee & Valerie McCarty <mccarty1984@gmail.com>
Sent: Saturday, September 28, 2024 8:37 AM
To: Adam Marl; Mike Mitchell; Frank O'Donnell; Rocky Smith, Jr.
Cc: Pete Walter; Christina Robertson-Gardiner; Ron Best; Linda Fields; Brandon Fliflet
Subject: FW: Park Place Concept Plan - Concerns Regarding Zoning of 32-Acres Adjacent to Meadow Ridge Estates
Attachments: Meadow Ridge Estates - City Planning Commisioners .docx

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.

On behalf of the residents of Meadow Ridge Estates, and as a homeowner in this community, I am writing to formally voice concerns regarding aspects of the proposed zoning of the Park Place Concept Plan, which will negatively impact our community.

Attached you will find a letter, a copy of which was also sent to members of the Planning Department outlining these concerns. Please feel free to forward to your staff as you deem appropriate. In anticipation of the Hearing scheduled for Monday October 28th, we would appreciate it if you could ensure I have a 3-minute block of time to publicly voice our concerns.

If you have any questions, or if I need to take additional steps to secure a time slot to speak at the October 28th hearing, please let me know.

Regards,

Lee McCarty
16817 S. Kraeft Rd.
Oregon City, OR

734-904-6442

Lee G. McCarty
16817 S. Kraeft Rd.
Oregon City, OR
Email: mccarty1984@gmail.com
Cell: 734-904-6442

Oregon City Planning Commission
695 Warner Parrott Road
Oregon City, OR 97045

**Subject: Park Place Concept Plan
Concerns Regarding Zoning of 32-Acres Adjacent to Meadow Ridge Estates**

September 28, 2024

Dear Members of the Oregon City Planning Commission,

I am writing to formally express significant concerns on behalf of my family and the homeowners of Meadow Ridge Estates regarding the proposed zoning of the 32-acre parcel located to the south and west of our community. This land, included in the Park Place Concept Plan and within the Urban Growth Boundary (UGB), is slated for low to medium density residential development. We believe this proposed zoning is incompatible with the existing character of Meadow Ridge Estates, and it raises serious concerns for the safety, accessibility, and aesthetic integrity of our neighborhood.

Incongruity of Zoning Designations

Meadow Ridge Estates is a private, gated community consisting of single-family homes on 2-to-5-acre tracts. This large-lot, low-density zoning is under the RRFF5 designation and currently governs the 32-acres adjacent to our subdivision. However, the proposed low to medium density zoning under the Park Place Concept Plan (R-3.5 to R-10) could introduce up to nine dwelling units per acre, including duplexes, townhomes, and multifamily housing. This higher density zoning would be sandwiched between Meadow Ridge Estates and Redland Rd. This zoning is starkly incongruous with the current estate-like character of Meadow Ridge Estates, and it contradicts the core values of the Park Place Concept Plan, which emphasize maintaining aesthetic quality and ensuring harmonious transitions between different zoning types throughout the community.

The concept plan's vision promotes the seamless integration of developments to preserve neighborhood context. However, shifting from 2-to-5-acre tracts to potentially dense developments of up to nine units per acre disrupts this objective and undermines the existing character of our community. We ask the Commission to reconsider the density levels proposed for this parcel to be commensurate with the current zoning of Meadow Ridge Estates and to ensure they align with the broader goals of preserving neighborhood safety, integrity, and aesthetic appeal of the current RRFF5 zoning. This would maintain the continuity, aesthetic appeal and safety of Meadow Ridge Estates down to Redland Rd., less than 4-tenths of one mile.

Fire Safety and Egress Concerns

One of the most pressing concerns is the limited access and egress from Meadow Ridge Estates, which is currently confined to Kraeft Rd accessing Redland Road to our South. Given the existing rural and natural landscape surrounding much of our community, this restricted access poses significant fire safety risks which were exemplified during the 2020 fire season when much of our community fell under Level 2 and Level 3 fire evacuations, resulting in one-way gridlock traffic on Redland Road. This rendered access to Redland Rd virtually impossible as panicked evacuees on Redland Rd. (both lanes headed West) would not allow residents to enter Redland Rd. This scenario made clear that the evacuation route on Redland Rd is presently a danger and woefully lacking sufficient capacity to support existing population during an emergency, not to mention future population growth. The proposed increased development density on the 32-acre parcel would further exacerbate this issue by introducing higher population density to an area with only one evacuation route from Redland Rd.

In the event of a wildfire or other emergency, the addition of dozens of homes or worse yet, hundreds of multi-family tenants with no additional safe egress routes, and Redland Rd under capacity, would place both current and future residents at substantial risk. This problem is magnified by the topography and terrain in the area, which already limits potential access points. We urge the Commission to prioritize public safety by conducting a comprehensive assessment of egress options, and road capacity beginning with Redland Rd., before advancing any zoning changes that would increase population density in this area.

Infrastructure and Service Limitations

The current zoning of the 32-acres reflects the limitations of existing infrastructure. Meadow Ridge Estates and the adjacent land have limited or no access to roads and city services such as sewer, water and road infrastructure. Any attempt to annex and rezone this land for higher density would require significant investment in extending these services. These tax dollars could be better utilized by developing the interior of the city or providing city residents much needed tax relief through tax abatements.

The lack of immediate city services and road infrastructure suggests the proposed zoning may be established to help offset cost prohibitive infrastructure that would be otherwise unmanageable without more dense population to offset these expenses, which again further exacerbates the safety and integrity of our community. It could also mean the current owner of the 32-acres, Icon, is working hard to influence the City Commissioner's to push a proposal that better serves the developer's financial interests rather than the community at large. Irrespective of the business driver, the impact on the community does not appear to be a strong consideration in this instance.

We request the Commission evaluate and assess the implications of your zoning recommendations for this 32-acres relative to infrastructure capacity, roads, services and density of neighboring developments and not employ zoning changes to otherwise mitigate infrastructure costs or appease a developer.

Population Density and Quality of Life

The introduction of low to medium-density housing adjacent to Meadow Ridge Estates will significantly alter the quality of life for the current residents. With the proposed zoning, the 32-acre parcel could accommodate up to 192 new dwelling units if every acre were developed. The increased traffic, noise, and strain on shared resources would diminish the quiet, rural environment that attracted the Meadow Ridge homeowners to the area. Additionally, this population increase would place greater pressure on local schools, parks, and public services, which are not currently scaled to handle such rapid growth in a concentrated area.

Adjacent to Meadow Ridge Estates to the north, Icon is pushing a 500-600 phased unit development. Icon is also pushing high density zoning in the 32-acres adjacent to our South, and this is in addition to recent the 171unit complex on 4.5 acres on Maple Lane immediately to our South. Instead, the zoning recommendations should promote and foster a seamless transition throughout the community and balance the level of population density already planned.

We ask the Commission to carefully weigh the long-term impacts of high-density development on the 32-acre parcel South of Meadow Ridge Estates in addition to recently approved and developed high density projects adjacent to our North, and near the South, to ensure that any zoning changes are in line with preserving the quality of life for both current and future residents of Meadow Ridge Estates.

Conclusion and Request for Action

Considering the concerns outlined above, we respectfully request that the Oregon City Planning Commission reconsider the proposed zoning for the 32-acre parcel adjacent to Meadow Ridge Estates. Specifically, we ask for the following actions:

1. **Reevaluation of Zoning Density:** We request the Commission maintain zoning that aligns with the current RRFF5 designation or adopt a zoning parameter that is congruous to the existing zoning of Meadow Ridge Estates to preserve the character of the community on a continuous basis down to Redland Rd.
2. **Fire Safety and Egress Study:** We ask that a formal study be conducted to assess the fire and emergency safety risks associated with increased density on this 32-acre parcel and to further consider options to reduce the density to levels consistent with Meadow Ridge Estates to further protect current and future residents.
3. **Infrastructure Feasibility Assessment:** We request that the Commission defer zoning recommendations until city services (e.g., water, sewer, roads), roads and infrastructure are financially reviewed and impacts quantified, so zoning recommendations can be aligned with community values, not unrealistic density requirements which may otherwise benefit the developer.
4. **Community Impact Study:** We request an evaluation of the potential impacts on local resources, public services, and the quality of life for current residents before finalizing zoning decisions.

We appreciate the opportunity to share our concerns and hope the Planning Commission will seriously consider the potential negative impacts on the residents of Meadow Ridge Estates and the surrounding community. Representatives from Meadow Ridge Estates, including myself, Linda Fields, Brandon Fliflet, and several of our community residents plan to attend the Planning Commission session on Monday, October 28th to formally express our concerns.

Thank you for your time and attention to this important matter.

Sincerely,

Lee McCarty
Homeowner, Meadow Ridge Estates



September 23rd, 2024

Greg Stohl, Chair
Planning Commission of Oregon City
625 Center Street
Oregon City, OR 97045
[cc: Aquilla Hurd-Ravich, Community Development Director]

RE: Oregon City Park Place Concept Plan Code Amendments 9-23-2024

Dear Mr. Stohl,

My name is Preston Korst and I'm the Director of Government Affairs at the Home Building Association of Greater Portland. HBA is dedicated to maximizing housing choice for all who reside in our region by shaping an environment in which industry professionals can meet the diverse needs of all communities.

We are writing in response to the City's proposed code amendments to the implementation of the Park Place Concept Plan. While we understand the intent of some of the proposed changes, we have serious concerns about several important proposals that would drastically increase the cost to build and buy a home in Oregon City. **For the reasons articulated below, we urge Planning Commission to continue this discussion item to a later hearing(s) in order to allow the City and local homebuilders to fully vet the impact that these proposed changes would have on homebuilding and housing affordability.**

Parkland Dedication Requirements

The city's proposed mechanism for a parks and trails dedication not only disproportionately impacts early development, but also effectively double-charges developers by neglecting to incorporate a commensurate SDC-crediting system or reimbursement district. We feel that the city needs to reassess its proposed dedication strategy in favor of one that will actually result in complete communities and functioning parks and trails. By mandating the contribution of oversized and overly prescriptive park dedications (without remuneration or credit) the city not only decreases the likelihood of needed development, but would also be increasing the cost of housing for its existing and future residents.

Design Standards Amendments

Several of the proposed design standard amendments will add tremendously to the cost to build homes and live in them in the long run. Several design standard requests are unneeded or counterintuitive to the city's stated housing affordability goals. In particular, the city's requirements for alleyways, garage orientations, and design diversities are unneeded, and will only add to the cost to housing in the area. Alley-loaded garages only add to the impervious surfaces in new neighborhoods, and come with their own set of unique livability challenges. In each case, the balance of cost falls on homebuyers, either at the point of sale or in long-term maintenance and HOA responsibilities.

We ask that the Planning Commission allow more time to review these amendments and the impact they will have on housing affordability. By creating more space and time for this review, the city can more effectively engage with builders to craft planning policies which reflect greater long-term livability and affordability for its residents. HBA and our 1,200 members working across the region know that the most successful (and affordable) communities start with early and thoughtful dialogue between cities and the development community.

Thank you for your consideration of our testimony,

A handwritten signature in black ink, appearing to read "Preston Korst", with a stylized, flowing script.

Preston Korst

Director of Public Policy and Government Affairs
Home Building Association of Greater Portland

September 23, 2024

Garrett H. Stephenson
Admitted in Oregon
D: 503-796-2893
C: 503-320-3715
gstephenson@schwabe.com

VIA E-MAIL

Mr. Greg Stoll, Chair
Oregon City Planning Commission
695 Warner Parrott Rd,
Oregon City, OR 97045

RE: Legislative File GLUA 24-013/LEG-24-01

Dear Chair Stoll and Planning Commissioners:

This office represents ICON Construction and Development (ICON). We are in receipt of and have preliminarily reviewed the proposed code amendments intended to implement the Park Place Concept Plan (the “PPCP”) (the “Amendments”), City casefiles GLUA 24-013/LEG-24-01. We respectfully offer the following comments. We also request that the Planning Commission hearing be continued to the next scheduled Planning Commission meeting to allow time for ICON to determine the likely cost/market impacts of the Amendments.

1. The Amendments must ensure that a General Development Plan is not required for development within the PPCP area.

Under ORS 197A.400, a local government may not adopt or apply standards, conditions, and procedures that are not “clear and objective.”

“(1) Except as provided in subsection (3) of this section, a local government may adopt and apply only clear and objective standards, conditions and procedures regulating the development of housing, including needed housing, on land within an urban growth boundary. The standards, conditions and procedures:

(a) May include, but are not limited to, one or more provisions regulating the density or height of a development.

(b) May not have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay.”

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As relevant here, the sole exception to this is ORS 197A.400(3), which provides as follows:

“(3) In addition to an approval process for needed housing based on clear and objective standards, conditions and procedures as provided in subsection (1) of this section, a local government may adopt and apply an alternative approval process for applications and permits for residential development based on approval criteria that are not clear and objective if:

(a) The applicant retains the option of proceeding under the approval process that meets the requirements of subsection (1) of this section;

(b) The approval criteria for the alternative approval process comply with applicable statewide land use planning goals and rules; and

(c) The approval criteria for the alternative approval process authorize a density at or above the density level authorized in the zone under the approval process provided in subsection (1) of this section.”

In *East Park v. City of Salem East Park, LLC v. City of Salem*, __ Or LUBA __, __ (LUBA No. 2022-050, Aug 30, 2022), the Oregon Land Use Board of Appeals (“LUBA”) held that there was no “clear and objective” path to approval for an applicant. LUBA reasoned that:

“ORS 197.307(6) provides that a local government may provide a discretionary approval path for housing only in addition to an existing clear and objective path. * * * ORS 197.307(6) authorizes local governments to adopt an alternative process for approving housing under standards that are not clear and objective, so long as the applicant retains the option of proceeding under an approval process that complies with ORS 197.307(4)” *Id.* (slip op at 11) (emphasis added). Much like *Icon*, the applicant in *East Park v. City of Salem* was not provided with an option to proceed under a clear and objective path.”

Thus, a local government must give an applicant for the development of housing the option to apply for a clear and objective approval process. The City may only impose standards that are not clear and objective if that approval process is open to that applicant, and the applicant nonetheless chooses to subject itself to a subjective approval process. In *ICON v. City of Oregon City*, LUBA confirmed the above principles and held that the City may not require an applicant to file a General Development Plan for development within the PPCP area. __ Or LUBA ____ (LUBA No. 2022-100, May 19, 2023).

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The City's General Development Plan is an expressly discretionary, subjective process. It appears that the Amendments clarify that a GDP *is not required* for development within the PPCP area, and we support such a clarification. To the extent that any provision of the Amendment would require a GDP, or that the Amendments attempt to make the GDP standards or criteria "clear and objective," ICON would strongly oppose any such change.

2. The Planning Commission should modify certain proposed design standards in the Amendments to ensure that the homes in the PPCP area will be marketable.

a. 16.12.026—Alleys should not be required.

Alleys increase the amount of land area dedicated to non-residential uses and increase the per-unit expense of developing housing. They also increase the grading and erosion control needs for a given project over a project that does not have alleys. Therefore, without an offsetting incentive (such as a by-right increase in density), alleys should not be required because they "have the effect, either in themselves or cumulatively, of discouraging needed housing through unreasonable cost or delay." ORS 197A.400(1)(b). See also **Exhibit 1**, which explains the problems with alley requirements in more detail.

b. 17.21.090—The garage orientation and location limitations should be removed.

The proposed code amendments retain the prior requirement that "garages shall be detached, side entry or rear entry." Requiring alley-loaded garages creates the same cost increases that pertain to alleys themselves, discussed above, and would also discourage needed housing through unreasonable cost increases. ORS 197A.400(1)(b). Forcing garages to be detached require the construction of two separate buildings, with attendant cost duplication for roofs, foundations, and increased costs for extending wiring and other utility services to the garage. Such garages also result in a more expensive homes, violating ORS 197A.400(1)(b). This is summarized in the attached email from Darren Gusdorf, ICON's Commercial and Residential Division Manager, who estimates that these sorts of garage size, location, and orientation regulations increase the costs of a given home by 20%. **Exhibit 2**. Side-entry garages are only possible on street corners and can remain an option.

Too, the housing market often prefers front-loaded, attached garages, and both alley-loaded and detached garages significantly increase the cost of homes. In 2018 and 2019, ICON staff explained why prohibitions on attached, street-facing garages should be eliminated. **Exhibit 3** and **4**. We respectfully request that the Planning Commission review this testimony and consider these arguments anew.

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In view of the market preference for attached garages, ICON also recommends the following changes to both the existing code and the proposed Amendments.

- 17.14.030.C—the maximum 50% of the façade that may be garage should be increased to 60%.
- 17.14.030.B—The maximum 12-foot garage limitation for townhomes should be eliminated. This greatly reduces marketability and likely restricts accessibility for handicapped citizens as there is no room for wheelchair access, resulting in reduced access to more affordable housing options.

c. 17.21.105—The housing diversity standards are too prescriptive.

The proposed housing diversity standards, while well-intentioned, are too prescriptive and could have unintended negative consequences.

First, ICON does not see how the City has the authority under ORS 197A.400 et. seq., to *require* a certain amount of middle-housing. HB 2001 was intended to provide developers more options and to offset the cost impacts of those options with tax incentives. 197A.420. We do not believe that it is reasonable, nor does it help the cause of increasing the supply of housing, to *mandate* a certain amount of middle-housing. This is because different properties have different development costs which may or may not allow for the construction of middle-housing, and ICON needs the flexibility to develop a unit mix that best facilitates the production of housing, be they middle-housing or single-family units.

Second, the middle-housing units should not have to be shown in the tentative or final plat, simply because not all developers actually build homes on the lots they plat. By restricting certain lots to middle-housing, the Amendments will likely make these and other lots less attractive to builders, who may need the flexibility to decide which lots should be used for middle-housing based on market factors at the time.

Finally, the Commission should not impose the proposed prohibition on more than three middle-housing lots abutting one another. This would preclude longer townhouse blocks because it is very difficult to construct an odd number of abutting townhomes. This would also make such townhomes look odd and out of place, whereas townhome blocks are traditionally uniform and far longer than two units. This is especially true of homes fronting collectors, against which a uniform streetscape is desirable, and other areas where such townhouse blocks are alley-loaded.

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All three of the Amendments discussed above would increase the expense of a project and likely reduce a developer or builder's ability to flexibly market housing product, which will certainly result in unreasonable costs and delay. ORS 197A.400(1)(b). The Planning Commission should therefore eliminate the proposed housing diversity standards and replace those standards with an incentive package.

d. Design standards for the NC zone would likely increase costs and make actual establishment of supportive commercial uses in Park Place less feasible.

ICON appreciates the acknowledgment that viable neighborhood-scale commercial uses are difficult to achieve in Park Place. ICON believes that the Planning Commission should focus on the goal of obtaining viable commercial uses in the NC, which goal is at odds with some of the NC design standards in the Amendments. These include the following:

- 17.24.040.I—This section adds considerable landscape requirements that restrict developable area and greatly increase cost, thereby diminishing marketability.
- 17.24.060.C.2—While it is commendable to add stormwater facilities serving adjoining residential zones as additional permitted uses, restricting to 0.5 square acres in size may be problematic for larger developments given the topographic requirements/constraints of the area and the need for larger facilities.
- 17.24.060.C.3—While it is commendable to add park land improvements as additional permitted uses, restricting to 0.75 acres in size is too restrictive.
- 17.24.060.F. – These design standards will make commercial development more expensive.

The Planning Commission should consider that each additional development standard it imposes comes with a cost, a cost that the owners of commercial spaces will pass onto tenants. Given the difficulty of so many businesses to maintain brick-and-mortar locations, even in buildings that are fully depreciated, it seems counterproductive to impose a host of new costly design standards that will make new, expensive commercial product even more expensive. This will reduce the chances that neighborhood commercial businesses will actually be able to use these commercial spaces.

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e. 17.62.061 and 16.08.043—Commercial development should not be required to pay a fee-in-lieu for parks.

Like all exactions, requirements to dedicate parkland or make a payment-in-lieu are subject to the taking clause of the 5th Amendment of the US Constitution. First, the City has the burden to show that there is an “essential nexus,” between the exaction and the impact of the associated project on the public infrastructure. *Nollan v. California Coastal Com.*, 483 US 825, 836-37 (1987). Second, the amount of exaction must be “roughly proportional” to that impact. *Dolan v. City of Tigard*, 512 US 374, 391-395 (1994). The U.S. Supreme Court has recently clarified that development fees, even if set forth in legislation, are subject to this analysis. *Sheetz v. El Dorado County*, 601 US ___, S. Ct. No. 22–1074, slip op at 7-20 (2024). It is the City’s burden to make an “individualized determination” of nexus and rough proportionality in the first instance, and it may not justify exactions as a constitutional matter simply because they have been legislated into existence.

The City has not demonstrated how commercial uses create a demand for parkland that would support a fee-in-lieu or dedication requirement. In particular, the City has not demonstrated a nexus between the construction of commercial uses and an impact on the City’s parkland. Therefore, any requirement to dedicate parkland for non-residential uses would be a taking and would entitle the property owner and/or developer to just compensation.

f. Required dedication of parks and trails is not supported by an adequate evidentiary base and would constitute unconstitutional takings as currently proposed.

As with the requirement for dedication of parkland as part of a non-residential project, the proposed requirements to dedicate parkland and trails lack an adequate factual base. That is, while it may be reasonable to assume that local residents will demand a certain amount of parkland, the proposed amendments do not appear to be supported by data proving the “rough proportionality” of development on the City’s parklands. Rather, the formula proposed by the City appears to be reverse-engineered to obtain the parkland and trails desired in the PPCP, which is not the same analysis needed for such a requirement to pass constitutional muster.

More troubling, though, is the proposed double-dipping of park and trail dedication/fee-in-lieu on the one hand, and parks SDCs on the other. Assuming that the parks SDCs are roughly proportional to the impact of the development of various types of residential units, adding onto that an area-specific dedication/fee-in-lieu requirement fails the rough-proportionality on its face. As noted above, while the Amendments would purport to adopt specific ratios for park and trail

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dedication requirements in Park Place, there is no evidence in the record to support those impact assumptions, which is a burden the City must bear prior to adopting the Amendments.

Finally, allowing SDC credits against dedication of parkland or trails for Park Place does not cure the constitutional problems with the proposed parks funding methodology. As a constitutional matter the City has the burden to show that the proposed requirements meet the *Nollan/Dolan* tests in the first instance; a developer or builder is not required to prove otherwise, which is exactly what the SDC credit system requires. In summary, ICON does not believe that the City can assess both a dedication/fee-in-lieu requirement and parks SDCs in Park Place; it must choose one or the other, and whichever it chooses must be constitutional.

3. Conclusion

ICON sincerely appreciates the Planning Commission's consideration of the above comments in this matter. As noted above, ICON needs additional time to review the particular zoning amendments to determine their potential takings, cost, and market impact, which are crucial to the success of Park Place. We hope that the Planning Commission will allow the requested one-month continuance to allow ICON to conduct that analysis.

Best regards,



Garrett H. Stephenson

GST:jmhi

cc: Ms. Carrie Richter (via email)
Mr. Peter J. Walter (via email)
Mr. Mark Handris (via email)
Mr. Harlan S. Borow, P.E. (via email)
Mr. Darren Gusdorf (via email)



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these "extra" streets. That forces HOA's, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed "solution" to who's going to pay for and maintain the alleys, just got worse. Let's create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC's staff, in all departments. I'm just pointing out what we're experiencing more and more of lately, in nearly all of the jurisdictions that we work in. "Solutions" that don't solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It's a pattern that we're seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we're asked why homes are so expensive to construct??? We're never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We're hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Stephenson, Garrett H.

From: Stephenson, Garrett H.
Sent: Monday, September 23, 2024 12:55 PM
To: Stephenson, Garrett H.
Subject: FW: OC Park Place Code

From: Darren Gusdorf <darren@iconconstruction.net>
Sent: Monday, September 23, 2024 11:00 AM
To: Harlan Borow <harlan@iconconstruction.net>; Stephenson, Garrett H. <GStephenson@SCHWABE.com>; Jennifer Arnold <jarnold@emeriodesign.com>
Cc: Mark Handris <mark@iconconstruction.net>
Subject: RE: OC Park Place Code

As discussed, I'm sending some bullet points regarding the cost implementations related to detached garage construction and alley development construction.

Detached Garages:

At a minimum, detached garages will add 20% to the build cost of a SFD. Anytime you separate the structure independently from the home, the cost climbs up substantially. Detaching structures away from the building envelope, triggers additional:

- Excavation
- Subgrade infrastructure (gas, power...)
- All shell construction, that would normally be built within the building envelope, are all triggered:
 - o Foundations
 - o Framing
 - o Trusses
 - o Insulation
 - o Windows
 - o Siding
 - o Roofing
- Extension of driveways
- More impervious area needing to treat

Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1969 Willamette Falls Drive, Suite 260 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax

darren@iconconstruction.net
www.iconconstruction.net





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
- *Windows and main entrance doors that occupy a minimum of fifteen 15 percent of the lineal length of the front facade (not including the roof and excluding any windows in a garage door).*
- *Window trim (minimum four 4-inches).*
- *Window grids on all street facing windows (excluding any windows in the garage door or front door).*
- *Windows on all elevations include a minimum of four 4-inch trim.*
- *Windows on all of the elevations are wood, clad wood, or fiberglass.*
- *Windows on all of the elevations are recessed a minimum of two 2 inches from the facade.*
- *A balcony that projects a minimum of one foot from the wall of the building and is enclosed by a railing or parapet.*
- *Shakes, shingles, brick, stone or other similar decorative materials shall occupy a minimum of sixty 60 square feet of the street facade.*
- *All garage doors are a maximum nine 9-feet wide.*
- *All garage doors wider than nine 9-feet are designed to resemble two 2 smaller garage doors.*
- *There are a minimum of two 2 windows in each garage door.*
- *A third garage door is recessed a minimum of two 2 feet.*
- *A window over the garage door that is a minimum of twelve 12 square feet with window trim (minimum four 4-inches).*
- *There is no attached garage onsite.*
- *The living space of the dwelling is within five 5 feet of the front yard setback; or the driveway is composed entirely of pervious pavers or porous pavement.*

We're not refuting or objecting to any of these existing design requirements. Although it did take some time for our building team to learn these, and implement them correctly within our building product, we worked with the city to understand them and have designed our homes to ensure they conform. We understand the significance and respect the goals and objectives set forth within these standards that are required in Oregon City. As written, they heavily target the implementation of historic elements and they also reduce garage massing by requiring more elements when street facing garage facades increase in size. The objectives set forth in the Park Place and South End concepts plans are already easily met by adhering to the current code criteria set forth in chapter 17.14.

Chapters 17.21 and 17.22 reach far beyond the standards set forth in chapter 17.14 by requiring very rigid and specific requirements that dictate a single style of architectural design; historic only. Not only do these standards drive up the costs of construction, they

drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

Unfortunately, our point that was highlighted in Rick Given's letter, was misconstrued. We were merely trying to emphasize that we've gone down this road before, following specific historical home architecture designs as dictated on just a few of our homes in McCarver Landing, and this was received very poorly by the general public. We learned very quickly, that mimicking historical era construction, is not in high demand. The absorption rate was extremely low, and the homes had to be discounted drastically to instigate sales. One commissioner at the 1-16-19 hearing stated, "look at these homes now, they are occupied, eventually they sold." This is not a model that any builder should be burdened to follow nor does it offer Oregon City home buyers any variety or flexibility with the architecture designs and styles that they desire and can chose from. Forcing builders and home owners to construct homes that don't appease the majority of the public, directly conflicts with the spirit of this equitable housing program. These two code sections offer no flexibility of any kind, and they blanket two very large areas in Oregon City, that will soon house thousands of single-family dwelling units. Requiring "historic only" design and architecture into these areas is a recipe for disaster, and the McCarver Landing example was only used to illustrate our experience with this before, and at a much smaller scale. The required style of architecture completely prohibits home builders any opportunity to conform to market demand. Dictating historical homes throughout ALL development in these planned areas, prohibits any ability to conform to the community's wants and needs. Historical era construction only, is simply far too much to require in these two very large concept areas. I've included the sample pictures (inserted directly from the code sections themselves) that reflect the required styles of

architecture per sections 17.21 and 17.22, as well as a picture of a vernacular home that was required and constructed in McCarver Landing for you to reference.

In addition, and what was discussed very little at the 1-16-19 hearing, are the garage requirements found within the Park Place concept chapter 17.21. This chapter requires **NO** front load garages. Only side load, rear load, detached, or NO garages are allowed. Not only do these standards drive up costs of development and home construction, they are not practical or even obtainable within the diverse zoning districts in these two concept areas. I'll explain each of these garage options below in hopes to provide some insight as to why these standards would be extremely problematic:

Side entry garages, unless on a corner lot, require a minimum of 40' side yard for driveway access and vehicle maneuverability. This width is needed alongside a home so that vehicles can appropriately enter the garage. That's not feasible on any lots that aren't corner oriented. Taking 40' of width out of a lot for driveway/access, leaves no room for a home to fit within the remaining buildable envelope. Unless you have a lot width of at least 90'+, this simply does not work. The comp plan for Park Place consists of a variety of different blended zonings. Sideload garage orientations will not be feasible in high, medium, and most low-density zones. These simply do not work.

For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

**SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22**

*****Note Historic Era Architecture with
no garages.**

Vernacular Style as Required and Constructed in McCarver Landing





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

“Single family houses can be a range of sizes, styles, and colors.” – page 27

“Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface.” – page 36

“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

September 23, 2024

VIA E-MAIL

Greg Stohl, Chair
Planning Commission
City of Oregon City
625 Center Street
Oregon City, OR 97045
cc: Aquilla Hurd-Ravich, Community Development Director

RE: Oregon City Park Place Concept Plan Code Amendments (Legislative File GLUA 24-013/LEG-24-01)

Dear Chair Greg Stohl,

Emerio Design works with Icon Construction and Development (ICON) for land use and civil engineering needs. I am writing in response to the proposed code amendments proposed in the Park Place Concept Area as ICON is directly impacted by these proposed amendments.

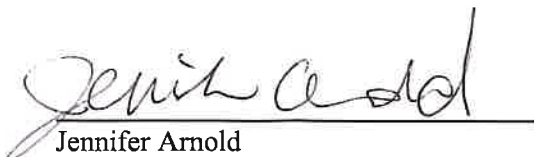
ICON has previously testified to express concerns regarding proposed code amendments in this area but were told it was not the proper venue for such testimony. I believe now is the time to formally introduce the 2019 testimony submitted by ICON for the record as the comments and concerns are still relevant. You will find this testimony in Exhibit A attached to this letter.

The proposed amendments to the design standards are concerning as the cost of development is significantly increased and ultimately passed down to the homebuyer. Exhibit B attached to this testimony is a stamped letter from an engineer providing an overview of the development costs specifically related to alley load requirements and garage orientation. Additionally, these changes for alley loading or detached garages will significantly impact the overall stormwater design. The increased impervious surface created will necessitate the need for larger and more water quality facilities. This appears to conflict with the intent of proposed design changes.

Due to the amount of information submitted from the community and published by the City, I respectfully request the Planning Commission continue this hearing to a date certain.

If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design LLC



Jennifer Arnold
Project Manager/Planning Department Manager & Director of Operations (Eugene)

Exhibit A



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

January 23rd, 2019

Mayor Holladay and City Commissioners:

I'm writing to you in response to staff and city commission discussions that took place at the January 16th hearing, related to the removal of OCMC chapters 17.21 and 17.22, that outline the Park Place and South End design requirements. I'm reaching out to you in hopes to shed some perspective directly from a local home building company, that has had a strong presence in Oregon City for the past 20 years. Icon is heavily vested in Oregon City; past, present and future, and shares the same goals outlined in the current code reform currently before you today.

As you know, the main emphasis of revamping the development sections within the OCMC, is to inject a variety of different affordable housing products into Oregon City's market. We applaud the work performed by city staff, the appointed task force, the planning commission, and others who have vested many hours into bringing their ideas, goals, and objectives forward. We see good opportunities to come, and are excited and eager to venture together with the city, as partners, to implement this vision. I use the word partnership, because it's a critical component, needed to achieve the goals set forth within this equitable housing program. Without the community, city staff, planning commission, city council, land developers, home builders and future home buyers working together cohesively to create a platform suitable and obtainable by all parties, this program will not thrive, nor will it ever come to fruition. Without fairness and balance, it goes nowhere.

The current adopted design standards, defined in chapter 17.14, already require an abundant amount of design requirements for ALL residential construction in Oregon City. Oregon City planning and city staff, have already done a fantastic job of injecting historical design requirements for new construction in this city that all builders must adhere to. As written within chapter 17.14, builders must include a minimum of 5 and as many as 14 design standards into their building design. These standards require selecting from the list below:

- *Dormers, which are projecting structures built out from a sloping roof housing a vertical window.*
- *The roof design must utilize either a gable or hip roof system.*
- *The building facade includes two or more offsets of 16-inches or greater.*

- *A roof overhang of 16-inches or greater.*
- *A recessed entry that is at least 2-feet behind the furthest forward living space on the ground floor, and a minimum of 8-feet wide.*
- *A minimum sixty 60 square-foot covered front porch that is at least five 5 feet deep OR a minimum forty 40 square-foot covered porch with railings that is at least five 5 feet deep AND be elevated entirely a minimum of eighteen 18-inches.*
- *A bay window that extends a minimum of twelve 12-inches outward from the main wall of a building and forming a bay or alcove in a room within.*
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- *All garage doors are a maximum nine 9-feet wide.*
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drastically limit what type/style of product can be built. This code forces a style of architecture that is desired by very few, which will have a HUGE impact on the marketability of these homes. We are mindful and respectful of the historic significance and influence within Oregon City's architecture, and we understand the importance of it when it is applicable. We are very proud of the work that we did to fully restore the Mathew McCarver house, in which we preserved all of the historic construction elements (roofing, siding, structure/bones, windows, doors, hardwoods, hardware, etc.), in conjunction with a full renovation and restoration of this home. Bringing this boarded up and forgotten about treasure back to life in 2007 was very challenging, but also extremely rewarding (I've included some before and after pictures reflecting the work that was done, for your interest only). The point being, We DO appreciate and respect the history and true era architecture in this city, but it needs to make sense and be appropriate and proportionate to the overall goals of the city, community, home builders and future homeowners. Rick Givens provided testimony in his January 14th letter to the city commission that referenced our McCarver Landing development and the requirement that the newly constructed homes, surrounding the McCarver house, had to be constructed in a Vernacular architecture form, to match that of the McCarver home. We didn't object to this requirement, as we understood the significance of these homes abutting the McCarver home. We understood the concept of blending historic construction with new construction in this development, and we followed the guidelines set forth within the conditions of this development that we agreed to. During the 1-16-19 hearing, one of the commissioners stated that we should understand and respect the significance of these requirements. I want to state clearly that we did then and still do today.

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For similar reasons above, detached garages are not feasible in most zones, simply because there is not enough room on building lots to get them to work. It's very challenging to create lots that will conform to what is needed to make rear load garages possible. This configuration requires a minimum of 20' clear space for a driveway along the home and property line, which again diminishes the remaining buildable area for homes to fit. This configuration also requires a much deeper lot to create room in the back of the property for a garage, within the setbacks, and with ample clearance and separation between it and the home. This requires deeper lots which reduces widths to meet lot size area. This absolutely does not work in medium, high, and most low density zoning districts. Beyond that, and even if this configuration could work, this requirement still creates another hardship on the property, builder and home owner, as the general public does not want a garage detached from their home. We live in a rainy climate here in Oregon. Homeowners do not want to walk through the elements from their garage to their home. Detached garages are not sought after by the general public.

We've had experience with rear entry garages in Oregon City. These require alleys, which doubles the quantity of roads within a development, further driving up development and final lot costs. Beyond being more expensive to develop, alley projects create more impervious area, which create further hardships pertaining to storm water management, and they are a poor use of land as a resource (by creating more roads and hardscapes vs. planted green areas). In the end, homeowners are left with little to no rear yards. Oregon City homebuyers want rear yards. They often have kids, pets, or simply want to enjoy privacy within their fenced-in rear property. What little room that is left from rear yard loaded garages, can't be fenced and adhere to vision requirements, and these homes are left with little to no usable yard area. This is another product, that we have had experience constructing, that is not sought after by the consumer.

So, after the above configurations are explored and deemed not physically or economically feasible by the developer and home builder, and not desired by the general public, the last option is to construct a home with NO garage. That's a non-starter. People want garages. They drive cars. They store things. Garages are an amenity and staple in today's homes that homeowners are not willing to give up. So, the "no garage" option, is simply not an option in a single-family residential district. Apartments, sure, but not when constructing single family detached residential homes. If a builder is forced to build a home without a garage, he/she better plan on using it for a rental. It will never sell as there is little to no market for homes without garages.

We are very hopeful that you will see the magnitude of development challenges, added costs, diminished home values, and the burden and hardship that these two chapters will place on developers, builders and future homeowners in these two concept areas, if chapters 17.21 and 17.22 aren't removed from the OCMC. I say again, successful development requires a collective partnership with all parties involved. If it becomes unbalanced, the equitable housing program will be unsuccessful in these concept areas. Chapters 17.21 and 17.22 completely conflict with the objectives and goals outlined within this program, and the impact is severe when blanketing these two areas and thousands of future home sites with these very strict and specific requirements.

I appreciate your time and consideration to all parties impacted, while you and city staff continue discussing the removal of chapters 17.21 and 17.22. Other members from the building and development community will continue attending and speaking at each of the upcoming hearings. I will be attending all upcoming hearings, and would be more than happy answering any questions related to this letter and the current round of code reform if asked to come forward for further testimony.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Required styles of architecture per OCMC chapters 17.21 and 17.22



Western Farmhouse/Vernacular



Bungalow (Craftsman)



Foursquare



Queen Anne Vernacular

SAMPLES ABOVE ARE CUT & PASTED
FROM CODE SECTIONS 17.21 AND 17.22

***Note Historic Era Architecture with
no garages.

Vernacular Style as Required and Constructed in McCarver Landing





CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 20th, 2019

Park Place and South End Concept Plans

Mayor Holladay and City Commissioners,

After reading through the final adopted Park Place concept plan, it's very clear that there are significant deviations between it and the correlating chapters of code that were derived from it. OCMC 17.21 (Existing Code Implementation of the Park Place Concept Plan) and OCMC 16.12.026 (Proposed code section that would require ALL alley load development in medium zones within both Park Place and South End concept areas), do not correctly implement the goals, objectives, and directives outlined in the final/adopted Park Place concept plan. These chapters of code, and the sole purpose of these code sections themselves, must adhere and align with the goals and objectives outlined and defined within the adopted concept plan, and they do not. The "historic only" home construction requirements found in section 17.21, the alley load requirement found in section 16.12.026, and the NO front load garage requirement found in chapter 17.21, directly conflict, and would achieve the opposite of what was approved and adopted in the Park Place concept plan. For the reasons explained below, we urge the City Commission to modify Chapters 17.21, 17.22, and 16.12.026, to align with the goals and objectives outlined within the Park Place and South End concept plans. This can be accomplished by leaving the existing concept plans intact, with minor modifications to each of these applicable sections of code.

Park Place Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for Park Place began in 2006 and was adopted by the City Commission in 2007. The plan objectives, core values, and community design, was written very clearly and these visions were highlighted and repeated consistently throughout this final adopted plan. Quoting multiple sections from the Park Place concept plan, this is what is written within:

"We value a choice of housing types, densities, and price ranges" – page 8

“We value a transportation system that limits congestion without overbuilding roads” – page 9

“Create a mix of housing types that include ranges of affordability, developing a variety of housing types and sizes” – page 23

“A variety of housing sizes and types attract a mixture of ages, incomes, family structures and lifestyles to help create a richer, more diverse community.” – page 27

“Single family houses can be a range of sizes, styles, and colors.” – page 27

“Each street is carefully sized to carry the expected travel demand it is intended to serve while minimizing the impact of unnecessary impervious surface.” – page 36

“In general, it is recommended that the City incorporate Best Management Practices including reducing paved, impermeable surfaces.” – page 56

“Concept plans must address the following elements: Housing (density, diversity, affordability). – page 59

“The Park Place Concept Plan strives to provide the Park Place plan area with development flexibility, and housing choices...” – page 59

“Support architectural integrity and variety in residential and mixed-use neighborhoods.” – page 62

“Create design standards for Park Place in order to ensure diverse, compact, attractive, and community-oriented residential development.” – page 62

“Consider developing and adopting architectural variety requirements for subdivision development.” – page 63

“Create flexibility in development standards to allow for alternative housing types.” – page 63

Chapter 17.21 – Park Place Code Adopted and Implemented:

“Historic Only” Requirement – Sub sections 17.21.010 and 17.21.020

Chapter 17.21 must adhere and align with the goals and objectives outlined within the adopted concept plan, and as currently written, it does not. In NO portion of the adopted concept plan, is there any mention of homes needing to be, or desired to be “historic only.” This is not a goal/objective listed anywhere within this document, nor is there any historic significance in this area, being the majority of homes surrounding Park Place were constructed between the 1960’s and 1980’s (data found on page 11 of the Park Place concept plan). The contrary is stated repeatedly and throughout the concept plan, outlining the desires, goals, and objectives that seek and require a variety of housing

types, styles, and a mix of architectural design, as demonstrated in the quoted sections above. Sub sections 17.21.010 and 17.21.020 clearly require “historic only” design and architecture. As written, builders and homeowners can only construct Queen Anne, Bungalow, Foursquare, or Vernacular Farmhouses. This code requirement, as outlined in these sections of 17.21, directly conflicts with the goals and objectives adopted in the concept plan, by restricting home design and architecture to a specific type of construction. The “historic only” requirement, written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan.

“No Front Load Garage” Requirement – Sub section 17.21.090

In NO portion of the final adopted Park Place concept plan is there any mention that single-family detached residences will be required or desired to adhere to “NO front load garages OR alley load only.” As demonstrated in the quoted sections above, the contrary is stated repeatedly throughout the concept plan, outlining the desires, goals, and objectives that seek green street design, minimal impervious streets, and the desire NOT to overbuild roads. The only reference to alley load development, in the entire Park Place concept plan, is listed on page 27, which states, “*Multi-family housing: Vehicle access is provided in the rear and with alleys*” which is affiliated with multi-family only, and not applicable to single-family detached homes. Again, there is a direct conflict and huge disconnect between the final adopted concept plan and Chapter 17.21, as written. In respect to single-family detached development, the “NO front load garage” requirement, as written in chapter 17.21, needs to be removed completely in order to align with the final adopted Park Place concept plan. In addition, and for the same reasons explained above, newly proposed Chapter 16.12.026, requiring alley load development throughout ALL medium zones in the Park Place area, needs to be removed completely in order to align with the final adopted Park Place Concept plan.

“Raised and skirted” front porch requirement – Sub section 17.21.050

Subsection 17.21.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the Park Place Concept Plan as a goal, objective or directive. In addition, and most importantly, this current required design standard will result in unnecessary steps at the main entry points of all homes that would be burdened with this requirement, making ADA access at all front entries impossible to meet. For these reasons, we urge the City Commission to remove this requirement from chapter 17.21

South End Concept Plan - Goals, Objectives, and Implementation, as outlined within:

The concept planning process for South End began in 2013 and was adopted by the City Commission in 2015. Code section 17.22 (Existing Code Implementation of the South End Concept Plan) does appear to align closely to the adopted concept plan. In it, and unlike the Park Place Concept plan, there is mention of a desire for some alley load development, and the implementation of historic influenced design standards. Chapter 17.22 does NOT require “historic only” architecture, nor does it require NO front load garages. Unlike chapter 17.21 (implementation of Park Place concept plan), the

requirements in Chapter 17.22 DO appear to align with the goals and objectives of the South End concept plan.

“Raised and skirted” front porch requirement – Sub section 17.22.050

Subsection 17.22.050, requires elevated and skirted front porches. Like above, this requirement is not listed or mentioned in the South End concept plan as a goal, objective or directive. As mentioned above, and for the same reasons affiliated with ADA compatibility, we urge the City Commission to remove this requirement from chapter 17.22.

For the reasons outlined above, we ask the City Commission amend Chapters 17.21, 17.22 and 16.12.026 to:

- Remove the “historic only” requirement from Park Place chapter 17.21
- Remove the “NO front load garage” requirement from Park Place chapter 17.21
- Remove the “alley load” requirement, affiliated with single-family detached in Park Place from chapter 16.12.026
- Remove the “raised and skirted” front porch requirement from chapters 17.21 and 17.22

If for any reason the City Commission is not comfortable making these code amendments, we ask that you please remand both Park Place and South End concept plans back to city staff and the Oregon City Planning Commission so they can revise the affiliated chapters of code to adhere and align with the goals and objectives set forth in both of these final adopted concept plans, AND to ensure they align with the goals and objectives outlined within the equitable housing platform.

We greatly appreciate your help in ensuring chapters 17.21, 17.22 and 16.12.026 are correctly written and implemented, so they align with what was adopted in the final concept plans. It is clear that the current and proposed code amendments, in the above referenced chapters, do not align with the goals, objectives, directives, and spirit of the equitable housing program nor do they adhere to what was clearly defined in the final adopted concept plans.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net



CCB#150499

1980 Willamette Falls Dr. #200, West Linn OR 97068 503-657-0406

March 29th, 2019

Alley Load Development in Oregon City Concept Plan Areas – Chapter 16.12.026

Mayor Holladay and City Commissioners,

In an effort to demonstrate the adverse impacts of alley load development here in Oregon City, I visited all (9) existing alley load development projects here in town, and have included photographs and observations for you to review. If time allows before the upcoming April 3rd hearing, I ask that each of you to please visit these sites so you can see first-hand the design challenges and the end result of alley load development. These (9) existing alley load projects in Oregon City are:

- Sequoia Landing - Glen Oak Road and Coast Redwood Avenue.
- Sequoia Crossing - Glen Oak Road and Berge View Avenue.
- Meriwether - Thayer Road and Wynton Drive.
- Caufield Place - Caufield Road and Voyage Road.
- Dawn Meadows - Rose Road and Sprite Way.
- Filbert Run - Central Point Road and Hazelnut Avenue.
- Douglas Grove - Thayer Road and Blue Blossom Way.
- Maple Lane - Sugarpine Street and Whitehorse Court.
- Glen Oak Meadows - Mossy Meadow Drive Avenue and Brittany Terrace

As outlined in prior testimony, alley load development will drive up home prices. Building twice as many streets will impact the overall cost of development, it will increase lot costs accordingly, and the end user will see higher priced homes as a result. Beyond that, it is our firm belief that alley load development creates an inferior and less desirable product to the end user, when compared to standard/typical front load garages with functional rear yards. I'm hopeful the attached pictures and details will assist with you coming to the same conclusion.

In addition, the city is now proposing to place all future ownership and maintenance responsibilities affiliated with future alleys, directly in the hands of the future property owners and communities that adjoin alleys. This is in response to recent discussions between planning and public works, after public works voiced their concerns affiliated with alley load development within this city (constrained streets, more expense, more burden on the city requiring more streets to maintain, more burden to city storm, etc.). If this comes to fruition,

this will put the burden on the future homeowners to pay for all future maintenance of these “extra” streets. That forces HOA’s, which is another deterrent of future homebuyers, and adds more cost that they must bear. Salt on the wound if you will. Not only will alley load drive up finished home prices, this newly proposed “solution” to who’s going to pay for and maintain the alleys, just got worse. Let’s create an inferior product, that costs more to the consumer, and then tax them on the alley load streets via an HOA. How does this help promote equitable housing? It achieves the opposite. Even more concerning is what condition these alleys will be in when maintenance is needed and necessary repairs are taken out of the hands of the city. Making an HOA the decision maker on when/if street maintenance is needed will be problematic. And what happens when an HOA dissolves or is disbanded, which is not uncommon after developers establish them and turn them over to the community?

This example is not intended to discredit any members of city staff in anyway. We greatly appreciate ALL members of OC’s staff, in all departments. I’m just pointing out what we’re experiencing more and more of lately, in nearly all of the jurisdictions that we work in. “Solutions” that don’t solve the problem, and directly conflict with the goals and objectives of the equitable housing program. It’s a pattern that we’re seeing regularly, in which the proverbial can gets kicked down the road, through development, and onto the end user. This is a major factor that has led us to where we are today, with home prices continuing to rise. Increased development fees and costs, more construction standards, more development requirements, more planning restrictions, are ALL factors that drive up housing prices. Then we’re asked why homes are so expensive to construct??? We’re never going to achieve a realistic and obtainable approach to equitable housing until these issues are dealt with head on. Alley load development does not align with the demands of the consumer, nor will it in anyway, create opportunities to bring home prices down. The end result is what it is, home prices will continue to rise.

Again, we greatly appreciate your time and effort spent on reviewing the current code revisions and ensuring the final code adoptions align with the goals and objectives of the equitable housing program. We’re hopeful you can see the negative impacts affiliated with alley load development. Not just from members of the development community, but from the views and prospective of the community in full, including the desires of neighboring property owners and future homebuyers in whole.

Sincerely,



Darren Gusdorf

General Manager - Commercial & Residential Division
ICON Construction & Development, LLC #150499
1980 Willamette Falls Drive, Suite 200 | West Linn, OR 97068
503.657.0406 office | 503.655.5991 fax
darren@iconconstruction.net

Exhibit B



September 23, 2024

Harlan Borow
ICON Construction & Development, LLC
1969 Willamette Falls Drive, Suite 260

RE: Alley Load and Side Load Development and Cost Impacts

Dear Harlan,

Based on our conversation I have reviewed your request to analyze the impact of the proposal to require detached garages on typical subdivision developments.

Using a typical subdivision layout with 50x100 lots as an example, we can see the following impacts. An alley loaded home layout would require an additional roadway for every bank of lots. A standard lot pattern uses one ~54' wide ROW to access 100' wide lots on either side. This equates to roughly 254' of width for two homes and one ROW. Introducing an alley to the equation would require an additional 30' of tract for every two rows of homes.

ALLEY LOAD ANALYSIS

Impervious Area:

For every 50' of street frontage with no alleys one could expect ~2200 SF of impervious area from sidewalks, curbs, and pavements. Then each lot might produce ~2500 SF of impervious for two lots or a total of 7200 SF of impervious per 50' of frontage. When an alley is added to the layout, ~25'x50' of additional impervious area is added to this theoretical length of development. The result is roughly 15 to 20% more impervious area needed for the added roadway. Furthermore, most of the developable land available for new housing does not allow for endless grids of roadways, therefore the end conditions related to subdivision development must be considered. End conditions dictate 50% to 100% of all lots will be forced to have a single loaded alley. This would increase the added impervious to 20% to 25% on average. The result of this increased impervious area would yield larger storm water management tracts somewhat proportional to the added impervious area. Additionally, storm drainage pipe diameter would need to be increased to convey the added design flow.

Road Design and Construction Challenges:

New alleys require curbs, pavement drainage and other associated road building items. Grade transitions between lots often are addressed in the rear yards will now require driveways to rear load garages. Placing a road in the rear of each lot will remove the flexibility of the builders on even the most modest of sloping sites. Roadways generally require a flat cross section. Adding another "flat area" on a sloping site will result in cumbersome grading challenges and expensive walls. Adding alley roads along the boundary of proposed development will require giving up land for slope, road geometry or areas for walls.

Lot yield will be decreased with the added land required for alleys, end condition grading, and added storm water management facilities. The added impervious area, plus additional pond size, plus grading on the project limits would generally result in a loss of lot yield of one third.

Construction Cost Implications:

Added roadways, larger storm facilities and cumbersome site boundary upgrades would yield additional construction costs in the range of 30%. However, note that the costs would increase as the size of the site decreases.

Construction Costs:

Alley loaded construction will add 25% to 50% to the cost of the overall development.

SIDE LOAD ANALYSIS

The side load analysis would require the bulk of the improvements to be deferred to the home builder rather than during the construction of the greater subdivision. Similar to the analysis above, added impervious area and storm water management facilities would be required, proportional to each lot, as each lot would require longer driveway. We would anticipate each formerly 50' wide lot would now need to be roughly 75' in width to accommodate the side load garage. This could result in a lot yield loss of a proportional 50%.

We look forward to hearing from you. If you have any questions, please feel free to contact our office at 503-746-8812.

Respectfully,
Emerio Design, LLC

Eric Evans, PE
Civil Engineer

Good evening, Chair Stoll and members of the Planning Commission and City Staff

My name is Harlan Borow and I am the Land Development and Acquisitions Manager at Icon Construction and Development. We are based in West Linn and have been a developer and home builder in Oregon City for many years.

As you may know, Icon and its affiliated entities are one of the larger land owners in the North Village of the Park Place Concept Plan Area.

We are **actively** engaged in working with the city to find mutually agreeable pathways and processes to achieve many of the most important goals and objectives of the Park Place Concept Plan, and other city infrastructure master plans, **especially** the much-needed north-south Holly Lane arterial connection between Holcomb Blvd and Redland Rd.

We commend the staff on the **hard work** they have put in and for the Planning Commission working through this difficult and detailed process since May.

A number of the proposed changes have material financial implications to development within the Park Place Concept Plan area. Although we followed the prior meetings, until released last week, we did not know what the final version looked like and there is a **significant** amount of material to digest. As such, we respectfully request the Planning Commission keep the comment period open and accept additional public comment at the next regular Planning Commission meeting.

While there are many areas that we support, there are a number of topics where we disagree with the proposed changes. More detailed testimony ^{written} will follow from ^{was provided by} our land use attorney Garrett Stevenson of Schwabe, and our planner, Jennifer Arnold of Emerio Design.

At a high level, the major areas where we have disagreement are:

- Park and Trail Dedication or Fee-in-lieu payments:
 - Garrett will detail why we believe **proper remuneration** for dedicating or paying fee-in-lieu for otherwise developable land is necessary.
 - Assuming that issue is resolved, the process of putting the burden on the earlier developers until the desired park land and trails are

acquired, while later developers reap the benefits but do not have to participate in the costs, seems unfair and should be reconsidered.

- The second issue is with Garage Orientation Standards:
 - ~~Both Garrett and Jennifer will speak to these issues.~~ *Provided*
 - Icon presented letters and testimony back in 2018-2019 explaining in great detail why it made no sense to prohibit front-loaded garages while requiring only side, rear, detached or alley-loaded garages, because:
 - The requirement is **not** contemplated in the Park Place Concept Plan
 - It **Greatly** increases the cost of development and house construction, both of which run counter to the goals of affordability
 - Such garages are **Not** what the market wants. In fact, it would be surprising to learn that any of the commissioners, ^{the number} staff ~~or~~ *will limit the number of builders.* ~~audience members~~ have such a garage.

Thank you again for the opportunity to provide these comments and we look forward to working with the city to craft meaningful and economically viable code amendments.

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?

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



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.



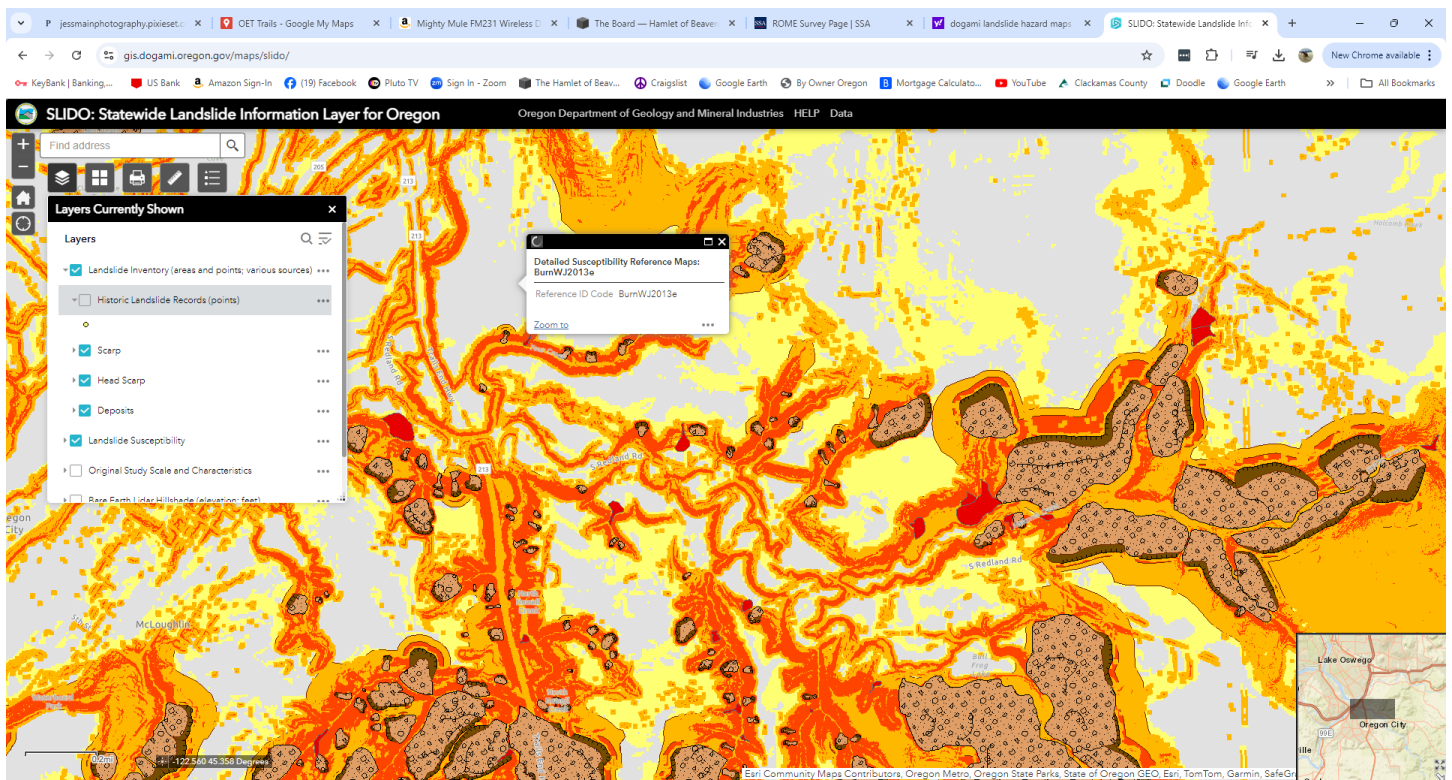
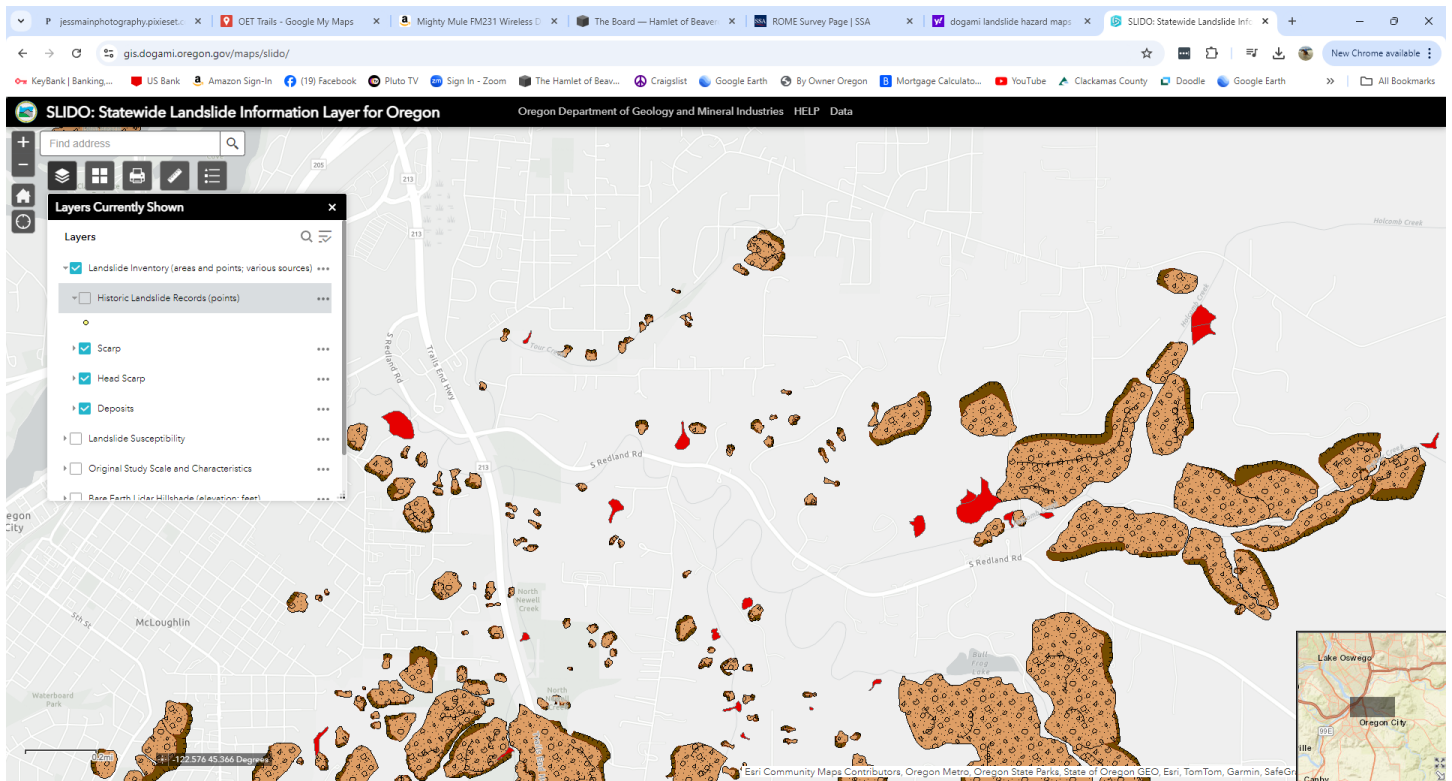
Please understand that The Hamlet/CPO of Beavercreek is not against development, only **irresponsible development** that seriously impacts the safety and quality of our citizens' lives that has no regard for "what happens after my home slides down the hill?"

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

Enclosures



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MAIN

LEGACY FORMS

BACK

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SAVE CHANGES

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>
Answered 4 of 4 (100.0%)



Homepage



Dashboard



Modules



2

PETE W

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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?

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 #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?

Sign up to receive project updates for the upcoming code revisions - Submission #987

Date Submitted: 9/3/2024

First Name*	Last Name*
Jerald	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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[SAVE CHANGES](#)
[CANCEL](#)

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%)



Homepage



Dashboard



Modules



2

PETE W

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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

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

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.

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

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

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.

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.

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Thank you,

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Oregon City

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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.

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Thank you for your consideration of these comments.

James Nicita
Oregon City

From: [Aquilla 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

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

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 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: [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

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.

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

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/23/24

Item Number From Agenda 3

NAME: Didi Dahlsrud
ADDRESS: Street: 415 Dewey St
City, State, Zip: O.C. 97045
PHONE NUMBER: 503 502-0610
E-MAIL ADDRESS: _____
SIGNATURE: [Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/23/24

Item Number From Agenda 3

NAME: Jed Peterson
ADDRESS: Street: 16586 S Edmond Ln
City, State, Zip: Oregon City, OR 97045
PHONE NUMBER: _____
E-MAIL ADDRESS: jed.peterson.MD@gmail.com
SIGNATURE: [Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 9-23-24

Item Number From Agenda 3

NAME:

Wee McCarty

ADDRESS:

Street:

16877 S. Knaef RD

City, State, Zip:

Oregon City OR

PHONE NUMBER:

734 904-6442

SIGNATURE:

[Signature]

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

Sept 23 2024

Item Number From Agenda

5A

NAME:

Larry W. Morton

ADDRESS:

Street:

108 6th St 514 McLaughlin 50704

City, State, Zip:

OC

PHONE NUMBER:

503 701 5070

SIGNATURE:

[Signature]

I am also requesting a written transcript of meeting. I am mostly deaf.

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/22/21

Item Number From Agenda Relocation Project #5

NAME: Paul Fedor

ADDRESS: Street: _____
City, State, Zip: OC

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: _____

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting 9/23/2021

Item Number From Agenda 5

NAME: Paul Geil

ADDRESS: Street: _____
City, State, Zip: _____

PHONE NUMBER: _____

E-MAIL ADDRESS: _____

SIGNATURE: Paul Geil

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 9-23-24

Item Number From Agenda 4A

NAME:

Garrett Stephenson

ADDRESS:

Street: 1211 SW 5th Ave Ste 1900

City, State, Zip: Portland, OR

PHONE NUMBER:

503-796-2893

SIGNATURE:

email

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 9-23-24

Item Number From Agenda 4a

NAME:

Jennifer ~~Arnold~~ Arnold

ADDRESS:

Street: 1500 Valley River Dr, Ste 100 Eugene 97401

City, State, Zip: _____

PHONE NUMBER:

503-746-8812

SIGNATURE:

email

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

Harlan Borow - Icon Construction

ADDRESS:

Street: 1969 Willamette Falls Dr, Suite 260

City, State, Zip: West Linn, OR 97068

PHONE NUMBER:

503-713-8627

SIGNATURE:

Harlan Borow

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

9/23/2024

Item Number From Agenda

4A

No Longer
Had Question

NAME:

Dolores Rued

ADDRESS:

Street: 14150 S Donovan Rd

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

503-720-1873

SIGNATURE:

Dolores Rued

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

ENOCH HUANG

ADDRESS:

Street:

16509 S EDENWILD LANE

City, State, Zip:

OREGON CITY, OR

PHONE NUMBER:

503-288-2600

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

ROYA MANSOURI

ADDRESS:

Street:

16509 S EDENWILD LANE

City, State, Zip:

OREGON CITY, OR 97045

PHONE NUMBER:

503 483 2600

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 9/23/24

Item Number From Agenda

#4 Park Place Master Plan

NAME:

BARBARA A Cox

ADDRESS:

Street: 14120 BEEMER WAY

City, State, Zip: OREGON CITY, OR 97045

PHONE NUMBER:

SIGNATURE:

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 9-23-24

Gone

Item Number From Agenda

Agenda 1 (4) Park Place Master Plan Code Amendment

NAME:

Sam Wolf

ADDRESS:

Street: 703 Barclay Hills Dr

City, State, Zip: Oregon City, OR 97045

PHONE NUMBER:

734-249-9734

SIGNATURE:

Sam Wolf

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to 3 MINUTES.
- Give to the City staff in the Chambers prior to the meeting.

Date of Meeting

9/23/2024

Item Number From Agenda

#4

NAME:

Tom Gerik

ADDRESS:

Street:

KNOW

City, State, Zip:

PHONE NUMBER:

SIGNATURE:

Tom Gerik

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to 3 MINUTES.
- Give to the Clerk in Chambers prior to the meeting.

Date of Meeting

9/23/24

Item Number From Agenda

4

NAME:

Joyce Carlson

ADDRESS:

Street:

14100 Beemer Way

City, State, Zip:

Oregon City, OR 97045

PHONE NUMBER:

971 645 9384

E-MAIL ADDRESS:

joybells31@hotmail.com

SIGNATURE:

Joyce Carlson

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting 09/23/24

Item Number From Agenda (4)

NAME:

Michael Doran

ADDRESS:

Street: 16262 Oak Valley Dr.

City, State, Zip: Oregon city, OR 97045

PHONE NUMBER:

503-203-3745

SIGNATURE:

Michael Doran

COMMENT FORM



*****PLEASE PRINT CLEARLY*****

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND RESIDING CITY
- Limit Comments to **3 MINUTES**.
- Give to the Clerk in Chambers **prior** to the meeting.

Date of Meeting 9/23/24

Item Number From Agenda 4 - P.P. Concept Plan Code Amendments

NAME:

Mark-Hutt Bennett

ADDRESS:

Street: 15025 Smithfield Dr

City, State, Zip: Oregon City OR 97045

PHONE NUMBER:

(503) 1307-0791

E-MAIL ADDRESS:

thesundancekid59@gmail.com

SIGNATURE:

Mark-Hutt Bennett

COMMENT FORM



PLEASE PRINT CLEARLY

- SPEAK INTO THE MICROPHONE AND STATE YOUR NAME AND ADDRESS
- Limit Comments to **3 MINUTES**.
- Give to the City staff in the Chambers **prior** to the meeting.

Date of Meeting

9/23/24

Item Number From Agenda

14

NAME:

Megan Keough

ADDRESS:

Street:

143166 Holly Crest Ln

City, State, Zip:

Oregon City, OR 97045

PHONE NUMBER:

503 744 1642

SIGNATURE:

MK



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Hannah Schmidt, Community Engagement Specialist

SUBJECT:

Item 9.a. - Flavored Tobacco Resolution Request - Oregon City Youth Advisory Commission

STAFF RECOMMENDATION:

N/A

EXECUTIVE SUMMARY:

The Oregon City Youth Advisory Commission is requesting that the City Commission create and pass a Resolution in support of banning flavored tobacco products and protecting Oregon City youth from a lifetime of nicotine addiction.

BACKGROUND:

At the beginning of the 2024-2025 Youth Advisory Commission term, members of the Commission held a goal-setting retreat where they outlined the priorities for their term. On October 21, 2024, the Youth Advisory Commission identified their Commission's top priority: To limit the accessibility of nicotine products for youth to aid in reducing nicotine addiction in their peers. All members voted unanimously on identifying this topic as their top priority for the 2024-2025 term. On November 18, 2024, a staff member from the Clackamas County Health, Housing & Human Services Department presented on Flavored Tobacco & Youth Use in Clackamas County. After reviewing the material from the presenter and exploring the avenues that other youth advocates have taken to address this issue in neighboring communities, the Youth Advisory Commission voted to request that the City Commission create and pass a Resolution in support of banning flavored tobacco products and protecting Oregon City youth from a lifetime of nicotine addiction. This motion was unanimously approved by the Youth Advisory Commission at the meeting held on December 9, 2024.

OPTIONS:

1. Approve Flavored Tobacco Resolution Request - Oregon City Youth Advisory Commission.
2. Approve Flavored Tobacco Resolution Request - Oregon City Youth Advisory Commission with Amendments.
3. Deny Flavored Tobacco Resolution Request - Oregon City Youth Advisory Commission and provide further direction.

BUDGET IMPACT:

Amount \$0

Fiscal Year(s):

Funding Source(s):



CITY OF OREGON CITY

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

Staff Report

To:	City Commission	Agenda Date:	January 7, 2025
From:	Shaun Davis, Police Chief		

SUBJECT:

Item 9.b. - Second reading of Ordinance 25-1001 to add Municipal Code Chapter 09.32 - Fireworks

STAFF RECOMMENDATION:

Approve Second reading of Ordinance 25-1001 adding new Municipal Code Chapter 09.32 - Fireworks

EXECUTIVE SUMMARY:

Through several work sessions, the City Commission provided direction to staff to draft a City Ordinance that would assist staff in enforcing the sale and use of illegal fireworks within the City and allow the City Commission to temporarily ban the use and sale of fireworks and open burning within the City limits in the event the Fire Chief or Fire Marshall issues an order for extreme fire risk. The City Commission approved the first reading of Ordinance 25-1001 at the December 18, 2024 City Commission Meeting.

BACKGROUND:

During the September 9, 2024, Commission Work Session, and at the request of the Commission, Chief Davis presented Fireworks Ordinances from neighboring jurisdictions for the Commission to review. He and Clackamas Fire District #1 Assistant Fire Chief Brian Stewart were available for questions. City Commission requested more information.

During the October 2, 2024 Commission meeting, the commission had further discussion on fireworks and provided direction to staff to draft city ordinance(s) that would allow staff to enforce illegal fireworks within the City and allow the City Commission to temporarily ban the use and sale of fireworks in the event the Fire Chief or Fire Marshall issues an order for extreme fire risk.

During the November 6, 2024 Commission meeting, Chief Davis presented two new draft City Ordinances:

Fireworks prohibited – Civil Penalty

Temporary Prohibition of Use and Sales of Fireworks during Extreme Fire Risk

Clackamas Fire District #1's Fire Marshall and our City Attorney provided feedback and their recommendations were incorporated in the proposed drafts.

OCPEA e-board was present for the meeting and provided comment to the Commission and answered questions. OCPEA e-board had not reviewed the draft ordinances. Commission

provided direction to staff to meet with the OCPEA e-board for their input.

Chief Davis has met with OCPEA President and he was in support of the drafted Ordinances. Through discussions it was mutually agreed upon to add in additional language regarding open burning to give the Commission the authority to implement a temporary prohibition of open burning during a declaration of extreme fire risk as noted in section 3(b)(ii) and 4(a)(ii) in proposed ordinance 09.32.030.

The City Commission approved the first reading of Ordinance 25-1001 at the December 18, 2024 City Commission Meeting.

OPTIONS:

1. Approve Second reading of Ordinance 25-1001 to add Municipal Code Chapter 09.32 - Fireworks.
2. Approve Second reading of Ordinance 25-1001 to add Municipal Code Chapter 09.32 - Fireworks with Amendments.
3. Deny Second reading of Ordinance 25-1001 to add Municipal Code Chapter 09.32 - Fireworks and provide further direction.

BUDGET IMPACT:

Amount \$

Fiscal Year(s):

Funding Source(s):

ORDINANCE NO. 25-1001

**AN ORDINANCE OF THE CITY OF OREGON CITY REVISING THE CITY CODE
BY ADDING MUNICIPAL CODE CHAPTER 9.32 – FIREWORKS**

WHEREAS, the citizens of Oregon City value a safe a livable community; and

WHEREAS, the use of illegal fireworks has a negative impact on veterans and other community member, as well as pets in our homes and wildlife in our parks and natural areas; and

WHEREAS, the City has the ability and authority to regulate certain activities likely to cause loss of life, damage to property and the urban tree canopy from fire during periods of extreme fire; and

WHEREAS, the Commission believes it necessary, appropriate, and in furtherance of the public's health, safety, and welfare to enact a temporary prohibition of fireworks and open burning within the City limits during times of extreme fire risk; and

WHEREAS, the Commission believes it is necessary to enact municipal regulation thereby allowing staff the ability to enforce the unlawful selling, possession, or use of illegal fireworks and enforce extreme fire regulations in municipal court and to afford the municipal court the ability to impose civil penalties.

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The Oregon City Municipal Code is hereby amended to include Chapter 9.32 attached as Exhibit A to this ordinance

Read for the first time at a regular meeting of the City Commission held on the 18th day of December 2024, and the City Commission finally enacted the foregoing ordinance this 7th day of January 2025.

DENYSE C. MCGRUFF
Mayor

Attested to this day of ,

Approved as to legal sufficiency:

Jakob Wiley, City Recorder

City Attorney

09.32 - Fireworks

09.32.020 Fireworks prohibited—Civil penalty.

A. Unless otherwise permitted by the terms of ORS 480.120 through ORS 480.124 (2008), it is unlawful for any person to sell, offer for sale, expose for sale, possess, use, explode, or have exploded any fireworks.

B. As used in this chapter, the term “fireworks” has the meaning defined in ORS 480.111.

C. The City may confiscate, destroy, remove, or have removed at the owner’s expense all stocks of fireworks in violation of this chapter, when necessary to preserve public safety.

D. Any person found to have violated the prohibitions set out in subsection A is subject to a civil penalty of up to three hundred (\$300) per violation, and is enforceable pursuant to OCMC 1.20.

09.32.030 Temporary Prohibition of Use and Sales of Fireworks During Extreme Fire Risk.

1. Purpose: To reduce the risk of loss of life and damage to property from fire during periods of extreme fire risk in the City of Oregon City.

2. Definitions. As used in this section:

a. Fire Chief/Fire Marshal: means the appointed Fire Chief or Fire Marshal of the Clackamas Fire District #1.

b. Person: means an individual or a business entity; for the purpose of this definition, “business entity” means a corporation, association, partnership, limited liability company, limited liability partnership, or other legal entity.

c. Seller: means any person that sells, or offers for sale, or exposes for sale fireworks within the City of Oregon City for retail or wholesale purposes, including persons required to obtain permits for fireworks sales or permits under ORS [480.150](#).

3. Analysis of Fire Danger; Authority to Issue Order.

a. The Fire Chief or Fire Marshal shall, at such times as deemed appropriate for fire risk, use reasonably available sources of information, e.g., National Weather Service and Oregon Department of Forestry District 13 reporting and modeling based on the National Fire Danger Rating (NFDR) System, to make a judgment based on forecasted temperature, wind, relative humidity, fuel loads, and topography of current or predicted

conditions as to the level of fire danger within the City, including external fire sources and the risk of fire ignition and spread from any source within the City.

b. If, in the Fire Chief's or Fire Marshal's judgment, the fire risk is extreme under the NFDR classification (fires start quickly, spread furiously, and burn intensely; and fires are potentially serious), and the Fire Chief or Fire Marshal issues an order of extreme fire risk, the City Commission may issue an order under section (4) of this section temporarily prohibiting some or all of the following:

i. The use and sale of fireworks;

ii. Any open burning including, but not limited to, bonfires, recreational fires and outdoor fireplaces;

4. Temporary Prohibition of the Use and Sale of Fireworks.

a. Upon issuance of a written order by the City Commission pursuant to this section, no person shall, as relevant to the prohibition under subsection (3)(b) of this section:

i. Sell, or offer for sale, expose for sale, use, explode or have exploded fireworks;

ii. Cause, permit or suffer any open burning;

within Oregon City during the period of time stated in the order, except either in accordance with the terms of the order or the person has been issued a written exemption by the Fire Chief or Fire Marshal and the person's use conforms to the terms of the exemption.

b. The order shall:

i. If less than the entirety of the area within the City boundaries is to be subject to the order, identify the area(s) that are subject to the order;

ii. If the prohibition is to be less than 24 hours a day, state the time period prohibited by the order;

iii. If the prohibition is to apply to only certain classifications of fireworks, identify the classifications of fireworks subject to the order;

iv. If the prohibition is to apply to only certain types of activities under subsection (4)(a) of this section, identify the prohibited activities; and

v. Identify those persons who, without a written exemption issued by the Fire Chief or Fire Marshal, are exempt from the order. Unless specifically stated in the order, the

order supersedes any previously issued general permit, such as a permit to sell fireworks or to conduct open burning.

c. The Fire Chief or Fire Marshal may issue written exceptions to persons that, in the Fire Chief's or Fire Marshal's determination, the person will conduct sales or use of fireworks, or conduct other activities prohibited by the order in a manner that will meet the purposes of this section and will not likely cause other persons to reasonably believe that the order is terminated.

d. The order may be revised, extended or terminated in the same manner as its issuance.

5. Notice of Order. The City shall cause notice of the order to be given to the public and sellers by:

a. Posting a copy of the order in a place visible in City Hall and Library;

b. For orders that prohibit the sale or use of fireworks, mailing to each seller that has a permit from the City for the retail sale of consumer fireworks, as defined by ORS [480.111](#), at such mailing address provided on the seller's application to sell consumer fireworks. The City may, in lieu of mailing, either:

i. Email a copy of the order to the seller's email address on the seller's application to sell consumer fireworks, or to such other electronic mail delivery that is reasonably calculated to notify the seller; or

ii. Personally deliver a copy of the order to a person that is apparently in charge of the sale of consumer fireworks at the seller's locations approved for the sale of consumer fireworks.

c. Such other means as the City may find provides public notice, e.g., to the local media, City website, social media.

6. Penalties. A violation of any provision of subsection (4) or any order issued under this section is a civil violation and shall be enforced pursuant to the provisions of OCMC 1.20. Each sale or use of a firework shall constitute a separate violation.



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Matt Zook, Finance Director

SUBJECT:

Item a. - 2025-27 Biennial Budget Calendar

STAFF RECOMMENDATION:

Information Only

EXECUTIVE SUMMARY:

The 2025-27 Biennial Budget season is upon us! The attached calendar provides all of the important dates for the public process. There are many other details that go into the production and delivery of Adopted Budgets, which are due by June 30, 2025. This schedule presented meets the deadlines for the entire process and offers the Budget Committees and Commissions multiple meetings to accomplish the review, deliberation, approval, and adoption with meetings held once per week for a comfortable pace. The Commission is encouraged to review and provide any input at this meeting, as once the process begins, it becomes difficult to modify. Staff is excited about the upcoming process. In addition, recruitment is open until January 17 for Oregon City citizens to apply to serve on the Budget Committees. The Oregon City Budget Committee currently has three vacancies, and the Urban Renewal Budget Committee has five vacancies. Citizens interested in applying are encouraged to contact Matt Zook, Finance Director, at mzook@orc.org or (503) 496-1525. Application information can be found online at <http://www.orcity.org/764/Budget-Committee>.

BACKGROUND:

OPTIONS:

1. Approve 2025-27 Biennial Budget Calendar.
2. Approve 2025-27 Biennial Budget Calendar with Amendments.
3. Deny 2025-27 Biennial Budget Calendar and provide further direction.

BUDGET IMPACT:

Amount: \$0
Fiscal Year(s): Biennial 2025-2027
Funding Source(s): N/A

**OREGON CITY (OC)
and URBAN RENEWAL AGENCY (URA)
2025-2027 Biennial Budget Calendar (as of 12/31/24)**

All dates and times are in 2025 and subject to change
Meeting locations will be announced in Spring 2025
Visit <https://www.orcity.org/calendar> for updates on meeting information

Activity	Date(s)	Time
Budget Committee Appointments (OC & URA)	Feb 5	
City Commission Goalsetting Retreat	Feb 7 - 8	
Budget 101 Training Meeting (OC & URA)	Mar 18	6:00 PM
URA Proposed Budget distribution to URA Budget Committee and public	Apr 1	
URA Budget Committee Meetings*	Apr 10, 17	6:00 PM
OC Proposed Budget distribution to OC Budget Committee and public	Apr 10	
OC Budget Committee Meetings (State Shared Revenue Public Hearing of Possible Uses on May 1)*	Apr 24 May 1, 8, 15	6:00 PM
URA Commission Meeting - Budget Hearing	Jun 4	6:00 PM
OC Commission Meeting - Budget Hearing and State Shared Revenue Public Hearing of Proposed Uses	Jun 4	7:00 PM
Alternate - URA Commission Meeting - Budget Hearing	June 18	6:00 PM
Alternate - OC Commission Meeting - Budget Hearing and State Shared Revenue Public Hearing of Proposed Uses	June 18	7:00 PM

*Budget Committee, comprised of both governing body and appointed members, only meets on these days. OC and URA Commission meetings are the governing body only.

Urban Renewal budget process

OC budget process



CITY OF OREGON CITY

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

Staff Report

To: City Commission **Agenda Date:** January 7, 2025
From: Jakob Wiley, City Recorder

SUBJECT:

Item a. - Updates to City Commissioner Committee Assignments

STAFF RECOMMENDATION:

Assign Commissioners to the various committees and organizations.

EXECUTIVE SUMMARY:

City Commissioners serve in various roles in partner organizations and advisory groups. Each year, there is an opportunity to (re)assign City Commissioners to new roles.

BACKGROUND:

Here is a list of the current positions for appointment:

- Clackamas County Coordinating Committee (C4)
- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Strategies Committee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Clackamas Heritage Partners
- Clackamas Heritage Partners (alternate)
- Citizen Involvement Committee Liaison
- Clackamas Water Environment Services Policy Committee
- * Destination Marketing and Management Organization
- Downtown Oregon City Association Board
- * Homeless Solutions Coalition of Clackamas County
- Metro Policy Advisory Committee (MPAC)
- Metro Policy Advisory Committee (MPAC) (alternate)
- South Fork Water Board
- Youth Advisory Committee Liaison

Here are the 2024 appointments:

Commissioner O'Donnell

- South Fork Water Board

Commissioner Smith

- Clackamas Heritage Partners
- South Fork Water Board

Commissioner Marl

- Citizen Involvement Committee Liaison
- Clackamas County Coordinating Committee (C4)
- Clackamas County I-205 Tolling Strategies Committee
- Youth Advisory Committee

Commissioner Mitchell

- Clackamas County Coordinating Committee (C4) – Metro Subcommittee
- Clackamas County I-205 Tolling Diversion Committee (alternate)
- Metro Policy Advisory Committee (MPAC) (alternate)

Mayor McGriff

- Clackamas Water Environment Services Policy Committee
- Clackamas Heritage Partners (alternate)
- Downtown Oregon City Association Board

OPTIONS:

1. (Re)assign appointments to commission committees.

BUDGET IMPACT:

N/A