

ORDINANCE NO. 24-1002

**AN ORDINANCE OF THE CITY OF OREGON CITY APPROVING AN AMENDMENT TO
TITLE 17 – ZONING, CHAPTER 17.39, OF THE OREGON CITY MUNICIPAL CODE TO
ALLOW A RECREATIONAL VEHICLE PARK FOR CLACKAMETTE PARK AS AN
ALLOWED ACCESSORY USE WITHIN THE I – INSTITUTIONAL ZONE DISTRICT AND AN
AMENDMENT TO TITLE 17-ZONING, CHAPTER 17.04, OF THE OREGON CITY MUNICIPAL
CODE TO ADD A DEFINITION OF A RECREATION VEHICLE PARK**

WHEREAS, the City of Oregon City has adopted a Zoning Code to implement the Comprehensive Plan in conformance with statutory requirements and the requirements of the Statewide Land Use goals; and

WHEREAS, the City of Oregon City Zoning Code may be amended and updated as necessary upon findings of facts that satisfy approval criteria in the City of Oregon City Municipal Code Section 17.68.020; and

WHEREAS, the Clackamette Park Master Plan provides for a Recreational Vehicle Park as a complimentary and necessary recreational asset for the benefit of the public who use the park; and

WHEREAS, approval of the requested amendment is necessary to allow a Recreational Vehicle Park as an Accessory Use to Clackamette Park as a part of that permitted use; and

WHEREAS, future amendments to the Clackamette Park Master Plan, the Comprehensive Plan and the Zoning Map are necessary in order to accommodate the Recreational Vehicle Park; and

WHEREAS, on January 8, 2024 the Planning Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, approved the requested amendment with revisions by a vote of 7-0; and

WHEREAS, on February 7, 2024 the City Commission held a public hearing and, after considering all the public testimony and reviewing all the evidence in the record, approved the requested amendment by a vote of 5-0; and

NOW, THEREFORE, OREGON CITY ORDAINS AS FOLLOWS:

Section 1. The City hereby amends the portions of the existing Oregon City Municipal Code Title 17: Zoning, Chapter 17.39 - Institutional Zone District, Section 17.39.030 – Accessory Uses, and Chapter 17.04 – Definitions, which are attached hereto as Exhibit 'A'.

Section 2. The Commission adopts as its own the Staff Report and Recommendation for files GLUA-23-00039 / ZC-23-00004 and associated documents, attached hereto as Exhibit 'B'.

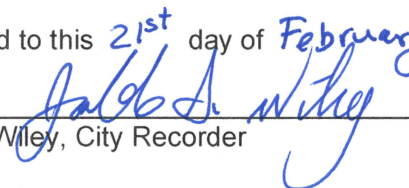
Read for the first time at a regular meeting of the City Commission held on the 7th day of February, and the City Commission finally enacted the foregoing ordinance this 21st day of February, 2024.

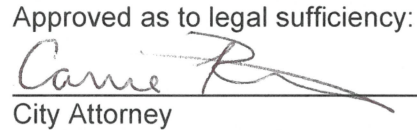
Exhibits:

Exhibit A – Amended Sections of the Oregon City Municipal Code: OCMC 17.39.030 and OCMC 17.04.1013

Exhibit B – GLUA-23-00039 / ZC-23-00004 – Staff Report and Recommendation and Associated Documents


DENYSE C. MCGRIFF
Mayor

Attested to this 21st day of February, 2024

Jakob Wiley, City Recorder

Approved as to legal sufficiency:

City Attorney

Chapter 17.39 I INSTITUTIONAL DISTRICT¹

¹Editor's note(s)—Ord. No. 08-1014, adopted July 1, 2009, repealed Chapter 17.39 in its entirety and enacted new provisions to read as herein set out. Prior to amendment, Chapter 17.39 pertained to similar subject matter. See Ordinance Disposition List for derivation.

17.39.010 Designated.

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

(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)

17.39.020 Permitted uses.

Permitted uses in the institutional district are:

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

(Ord. No. 08-1014, §§ 1—3(Exhs. 1—3), 7-1-2009; Ord. No. 13-1003, § 1(Exh. 1), 7-17-2013; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.030 Accessory uses.

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

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.
- F. A city-managed recreational vehicle park for Clackamette Park.

(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)

17.39.040 Conditional uses.

Uses requiring conditional use permit are:

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

(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)

17.39.045 Prohibited uses.

Prohibited uses in the I district are:

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

(Ord. No. 16-1008, § 1(Exh. A), 10-19-2016, ballot 11-8-2016; Ord. No. 18-1009, § 1(Exh. A), 7-3-2019; Ord. No. 19-1008, § 1(Exh. A), 12-18-2019)

17.39.050 Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.

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

- C. Minimum required landscaping (including 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)

17.39.060 Relationship to master plan.

- A. A master plan is required for any development within the I district on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or

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- 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions.
 - B. Master plan dimensional standards that are less restrictive than those of the institutional district require adjustments. Adjustments will address the criteria of OCMC 17.65.70 and will be processed concurrently with the master plan application.
 - C. Modifications to other development standards in the code may be made as part of the phased master plan adjustment process. All modifications shall be in accordance with the requirements of the master plan adjustment process identified in OCMC 17.65.070.
- (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)

17.04.1010 Recreational vehicle.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily as temporary quarters for recreational, camping, travel or seasonal use and not for use as a dwelling.

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

17.04.1013 Recreational vehicle park.

"Recreational vehicle park" means a property developed with facilities and spaces for accommodating motor homes or other recreational vehicles for temporary recreational use by the general public. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as Recreational vehicle parks. A Manufactured Home Park or Subdivision for permanent residential use is not a Recreational vehicle park.



TYPE IV LAND USE DECISION

Zoning Code Text Amendment

Planning Commission Findings and Recommendation

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| CC HEARING #2: | Second Reading of Ordinance 24-1002, February 21, 2024 |
| CC HEARING #1: | First Reading of Ordinance 24-1002, February 7, 2024 |
| PC HEARING: | January 8, 2024 |
| FILE NUMBERS: | GLUA-23-00039 / ZC-23-00004 |
| APPLICANT: | City of Oregon City, Parks and Recreation Department Kendall Reid, Director |
| OWNER: | City of Oregon City Attn: Tony Konkol, City Manager |
| REQUEST: | The Oregon City Parks and Recreation Department is requesting a Zoning Code Amendment to Chapter 17.39 – <i>Institutional District</i> , to allow a city-owned RV parks as an allowed accessory use to Clackamette Park. |
| LOCATION: | Clackamette Park is located at the northern end of Clackamette Drive near the confluence of the Clackamas River and the Willamette River, west of McLoughlin Boulevard (OR 99-E). The exact location of the RV Park for Clackamette Park has not been determined at this time. |
| REVIEWER: | Aquilla Hurd-Ravich, Community Development Director Pete Walter, Planning Manager |
| PROCESS: | Per OCMC 17.50.030.D. Type IV decisions include only quasi-judicial plan amendments and zone changes. These applications involve the greatest amount of discretion and evaluation of subjective approval standards and shall be heard by the city commission for final action. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and planning commission hearing is published and mailed to the applicant, recognized neighborhood association(s) and property owners within three hundred feet. Notice shall be issued at least twenty days pre-hearing, and the staff report shall be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. If the planning commission denies the application, any party with standing (i.e., anyone who appeared before the planning commission either in person or in writing within the comment period) may appeal the planning |

commission denial to the city commission. If the planning commission denies the application and no appeal has been received within fourteen days of the issuance of the final decision, then the action of the planning commission becomes the final decision of the city. If the planning commission votes to approve the application, that decision is forwarded as a recommendation to the city commission for final consideration. In either case, any review by the city commission is on the record and only issues raised before the planning commission may be raised before the city commission. The city commission decision is the city's final decision and is subject to review by LUBA within twenty-one days of when it becomes final.

I. BACKGROUND:

January 8 Planning Commission Decision and Recommendation

On January 8, 2024, the Planning Commission recommended approval of a text amendment to allow an RV-park associated with Clackamette Park as an allowed accessory use within the I-Institutional Zone District.

The Planning Commission expressed concerns that the text amendment as originally proposed allowed little flexibility to allow an RV Park that was not city-managed, and recommended that term “city managed” be removed from the amended text.

The Planning Commission’s discussion prior to making this amended recommendation included the following points:

- There is no other zone in the city that permits recreational RV parks.
- Allowing only a city-managed RV park could hinder the city’s flexibility to allow privately run RV parks on city property, effectively creating a monopoly and restricting private enterprise.
- There is currently no definition for a recreational vehicle park in the zoning code and there should be a basic definition for the purpose of this code amendment.
- Future code work and definitions for recreational vehicle parks should clearly distinguish temporary recreational use from permanent residential RV parks / manufactured home parks and also clarifies the difference between a city-managed or owned RV park and a private RV park.

Separate Suggestions from the Planning Commission

The Planning Commission also made a separate recommendation to request that the City Commission direct staff to evaluate the idea of allowing recreational vehicle parks as an allowed use in appropriate zones and location within the city. This would be legislative process that could take up to a year or more, with community engagement, drafting code, work sessions and the public hearing and adoption process.

Clackamette Park Master Plan approval by the Planning Commission

Prior to this text amendment proposal, the Planning Commission conditionally approved the Clackamette Park Master Plan, Planning Files GLUA-23-00012 / MAS-23-00001, on July 13, 2023.

The location of the RV park is under further discussion by the City Commission. At a work session on December 12, 2023 the City Commission directed staff to pursue the text amendment to the code language for the Institutional zone to add a city-managed recreational vehicle parks as an allowed accessory use for Clackamette Park.

Once a text amendment is adopted, the City Commission will make a determination about the exact preferred location of the RV park and a separate application for a zone change and comprehensive plan amendment may be needed for whatever location is chosen.

Because the original approval by the Planning Commission was made based on an RV Park location which is now being re-evaluated by the City Commission, the Master Plan and condition of approval associated with the RV park may require additional review by the Planning Commission when an exact location for the RV park has been selected by the City Commission.

Proposed Text Amendment as Recommended by Planning Commission

Parks, playgrounds, playfields and community or neighborhood community centers are permitted outright in the I-Institutional Zone District. Recreational vehicle parks are not a listed permitted use in the I – Institutional District, however, accessory uses that are supportive of permitted uses in the district are listed in a separate subsection.

The Planning Commission recommends that the proposed zoning code amendment add a recreational vehicle park for Clackamette Park as a new Accessory Use to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone with the term “city-managed” removed as indicated below.

17.39.030 Accessory uses.

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

- A. Offices;
- B. Retail (not to exceed twenty percent of total gross floor area of all building);
- C. Child care centers or nursery schools;
- D. Scientific, educational, or medical research facilities and laboratories;
- E. Religious institutions.
- F. A city managed recreational vehicle park for Clackamette Park.

Definition of Recreational Vehicle Park

Staff has prepared a draft definition for a recreational vehicle park for the City Commission’s consideration. The new definition would be added to Chapter 17.04 of the zoning code as follows:

17.04.1013 – Recreational Vehicle (RV) Park

"Recreational vehicle park" means a property developed with facilities and spaces for accommodating motor homes or other recreational vehicles for temporary recreational use by the general public. Uses where unoccupied recreational vehicles are offered for sale or lease, or are stored, are not included as

Recreational vehicle parks. A Manufactured Home Park or Subdivision for permanent residential use is not a Recreational vehicle park.

II. APPROVAL CRITERIA:

Oregon City Municipal Code

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

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN 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 application requests a text amendment to the zoning code, and has been initiated by an application to the Planning Division by the Parks and Recreation Department.

17.68.015 –Procedures.

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

Finding: this application is subject to a Type IV land use review process pursuant to OCMC 17.50.030.D.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

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

Finding: The proposal is consistent with the applicable goals and policies of the comprehensive plan as detailed below.

(P.33) Land Use

Land Use

Oregon City promotes community vitality through good design, efficient use of land, and strategies and actions that ensure new development contributes to the City's overall character and quality of life. The City also acknowledges the critical role of corridors and the opportunity they provide for transit-oriented, higher-intensity, mixed-use development patterns. Connections - particularly multi-modal connections - between neighborhoods, Downtown, the waterfront, and other activity centers are emphasized in

planning efforts so that residents and visitors can easily move around and meet their daily needs without having to travel long distances.

All land use types are regulated through the Zoning Map, and are generally categorized as residential, commercial, industrial, institutional/civic, or open space/natural areas. The City's land use categories include:

- *Low Density Residential (LR) — primarily single-family detached homes and middle housing.*
- *Medium Density Residential (MR) — residential developments with dwelling unit types such as attached single-family units, rowhouses, and townhouses.*
- *High Density Residential (HR) — typically high-density, multiple dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.*
- *Commercial (C) — commercial uses serving local, city-wide, and regional needs, such as retail and service commercial. Typically, this classification is associated with newer, suburban development and located along arterial streets.*
- *Industrial (I) — uses related to manufacturing, processing, and distribution of goods. Employment based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).*
- *Mixed Use Corridor (MUC) — higher density mixed uses that are supportive of transit and conducive to pedestrian traffic. Urban density residential and commercial goods and services are typical uses. Zones in the Comprehensive Plan Land-Use Map district are intended to be compatible with Metro's Corridor design type.*
- *Mixed Use Employment (MUE) — employment-intensive uses such as offices, research and development, light manufacturing, and associated commercial uses.*
- *Mixed Use Downtown (MUD) — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro's Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City's traditional Downtown form.*
- *Public and Quasi-Public (QP) — publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.*
- *Parks (P) — City parks.*

- *Future Urban Holding (FUH) — undesignated, pending development and approval of a “concept plan,” a Metro requirement that cities plan land uses in areas being converted from rural to urban uses.*

Finding: the proposed code amendment does not change the adopted comprehensive plan map or zoning map. City parks typically have a Comprehensive Plan designation of **QP** - Public / Quasi Public or **P** – Parks and are zoned **I** - Institutional. Clackamette Park is designated **P** – Parks and is zoned **I** – Institutional.

(P.53) Parks and Recreation

Oregon City has a variety of parks, trails and open space governed by a Parks and Recreation Master Plan (2008). Currently in the process of being updated (2022), the Plan serves as a guide to implementing Oregon City’s goal of providing a broad range of parks and recreational spaces, activities, and programs to meet the current and future needs of its residents. The plan emphasizes the unique assets in Oregon City and identifies opportunities to further leverage those assets and build new ones. A set of mission statements provides the framework for the plan and will also serve as a starting point for new OC2040 goals and strategies that are developed for this project. Those mission statements are:

- *Strengthen community image and sense of place, promote cultural unity*
- *Protect and preserve natural and cultural resources*
- *Foster social, intellectual, physical and emotional development*
- *Strengthen safety and security in park and recreation spaces*
- *Support economic development*
- *Provide educational experiences through recreation*
- *Promote health, wellbeing, and community problem solving*
- *Be good stewards of public resources*

(P.54) Natural Resources

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernethy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout. Riparian corridors, the areas on either side of a stream, are critical to protecting the stream ecosystem and quality of habitat for salmonids and other stream-dependent species. Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The Clackamas River is a recreational waterway and offers a boat ramp at Clackamette Park and Riverside Park at the end of Water Avenue.

Comprehensive Plan Chapter 1. Healthy and Welcoming Communities

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

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

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

Finding: The proposed zoning code text amendment is consistent with the stated Goal 1, policies and strategies. The applicant conducted a public engagement process to develop the master plan for Clackamette Park, which is documented on the project website <https://www.oregoncity.org/parksandrecreation/project/clackamette>. The master planning process included talking with City officials, state agencies, reaching out to stakeholders and engaging Oregon City residents to help guide the master planning process. A series of interactive public meetings was held to create a foundation for the master plan, review concept ideas and provide input on a final master plan for the park. The first open house meeting was held on March 1 where site analysis drawings were presented to the public. Information presented included project context, existing conditions, site opportunities and constraints. Early survey results helped guide conversations and feedback. Those in attendance discussed several key ideas and there was in-depth conversation surrounding how the park should feel, what site amenities should be a priority and what types of river access best serve the community. Attendees provided feedback and a number of other pertinent issues surrounding Clackamette Park. Public notice of this application was provided in accordance with OCMC 17.50. Additional findings follow.

Comprehensive Plan Chapter 2. Diverse Economy

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

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

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City's community vision.

Comprehensive Plan 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 1.2 Reduce Oregon City's carbon footprint by supporting and emphasizing non-motorized modes.

STRATEGY 1.2.A Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

STRATEGY 1.2.B Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

STRATEGY 1.2.C Construct bikeways and sidewalks and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

POLICY 1.3 Promote safety by implementing street design that equally considers and serves non-motorized and motorized users.

STRATEGY 1.3.A Identify and implement ways to minimize conflict points between different modes of travel.

Finding: the proposed code amendment is consistent with Goal 1 since the conceptual design includes street improvements, trails, crosswalks on Clackamette Drive and Main Street, sidewalks and bicycle lanes to improve recreation, and pedestrian and bicycle connections in and abutting the park. Recreational Vehicle park users often bring their bicycles, scooters, and other forms of transportation with them, which increases multi-modal activity. The code amendment would support additional park use by RV users of all ages and abilities.

Comprehensive Plan Chapter 4: Protected Environment

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

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

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

Finding: The proposed code amendment is consistent with Goal 1, because it would allow accessibility to parks by users of all ages and abilities who need the convenience that overnight recreational vehicle use allows. The exact location and design for the RV park has not been completed at this point.

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

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.

Finding: The proposed code amendment is consistent with Goal 2, through the application of development codes and overlay district regulations and in the OCMC that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, through the application of engineering and public works design standards for stormwater management, erosion control and drainage. The city has an adopted tree code. The proposed code amendment would allow flexibility for the RV park to be located away from areas that are impacted by seasonal flooding or which have sensitive habitat and 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.

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

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 proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

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 proposed code amendment is consistent with the Goal 3, through the application of the Clackamas County Hazard Mitigation Plan and through application of development codes and overlay district regulations in the OCMC.

GOAL 4

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

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

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

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

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

Finding: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

- 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 plan amendment, 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 or plan amendment;*

Finding: this criterion is not applicable at this time since a site specific development plan has not yet been proposed.

Further review of adequacy of public facilities and required improvements will be determined at the time of Detailed Development Plan submittal.

- 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 or plan amendment; and*

Finding: The applicant submitted a Transportation Analysis Letter (TAL) for the Clackamette Park master plan application prepared by Kittelson & Associates Transportation Engineers. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TAL

was based on a conceptual site plan, and additional traffic impact analysis will be required when the exact location of an RV park and a site plan is proposed.

Overall, there will be a net increase of 198 daily added trips for the build-out of the park master plan. The relocated RV park will reduce the number of RV park sites from 38 to 18, resulting in a reduced number of site trips associated with RV use. The new RV park will generate 49 daily trips, 4 am peak hour trips and 5 pm peak hour trips. The proposed zoning map and code amendments will have a minimal impact on the transportation system; however, additional transportation analysis will be required when a detailed development plan is proposed. The TAL was not required to include an analysis of intersection capacity.¹

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

Finding: The City has adopted a Comprehensive Plan acknowledged by the Department of Land Conservation and Development which addresses goals, policies and strategies that control the amendment, so there is no need to address statewide planning goals.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Finding: not applicable. The proposal does not include annexation.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Finding: the applicant understands that the City Commission decision will be based on the recommendations of the Planning Commission.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

¹ Transportation Analysis Letter (TAL) requirements are detailed in the City's adopted Guidelines for Transportation Analysis. TAL analysis is appropriate: (a) if the development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips, (b) the development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1), and (c) the development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones. The master plan proposal met the requirements for a TAL.

Finding: the applicant understands that the Planning Commission may recommend, and that the City Commission may add conditions of approval.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS 227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Finding: this application is subject to a Type IV review process under this code Chapter.

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

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

Table 17.50.030 – Permit Approval Process

| Permit Type | I | II | III | IV |
|-------------------------------|----------|-----------|------------|-----------|
| <i>Plan or code amendment</i> | | | | X |
| <i>Zone Change</i> | | | | X |

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

Finding: this application is subject to a Type IV review process and the applicable public notice and hearings before the Planning Commission and City Commission.

17.50.040 Development review in overlay districts and for erosion control.

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

Finding: No development is proposed at this time, however the applicant acknowledges that subsequent detailed development plans will be subject to compliance with the applicable overlay districts requirements and Erosion and Sediment Control standards. The properties are within the Geologic Hazards (OCMC 17.44), Willamette River Greenway (OCMC 17.48), and Flood Management Overlay Districts (OCMC 17.40).

17.50.050 – Pre-application conference.

- A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
 - 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Finding: The applicant attended the required pre-application conference (file PA-22-00046) for the master plan on 9/28/2022. A second meeting was held by staff on August 30, 2023 to cover the procedures for the Comprehensive Plan Map, Zoning Map and Zoning Code amendments.

17.50.055 - Neighborhood association meeting.

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

- A. Applicants applying for annexations, zone change, comprehensive plan amendments, conditional use, Planning Commission variances, subdivision, or site plan and design review (excluding minor site plan and design review), general development master plans or detailed development plans applications shall schedule and attend a meeting with the City-recognized neighborhood association in whose territory the application is proposed no earlier than one year prior to the date of application. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*
- B. The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.*
- C. A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.*
- D. If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*
- E. To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Finding: The Two Rivers Neighborhood Association was inactive at the time of application. The applicant conducted extensive public outreach prior to the master plan application including a presentation to the Citizen Involvement Committee on August 1, 2022.

17.50.060 Application requirements.

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

Finding: the city manager signed the land use application on behalf of the city. Additional materials in support of the proposal are provided with this submittal.

17.50.070 Completeness review and one hundred twenty-day rule.

- A. Upon submission, the Community Development Director shall date stamp the application form and verify that all of the appropriate application review fee(s) have been submitted. Upon receipt of all review fees and an application form, the Community Development Director will then review the application and all information submitted with it and evaluate whether the application is complete enough to process. Within thirty days of receipt of the application and all applicable review fees, the Community Development Director shall complete this initial review and issue to the applicant a written statement indicating whether the application is complete enough to process, and if not, what information shall be submitted to make the application complete.*
- B. The applicant has one hundred eighty days from the date the application was made to submit the missing information or the application shall be rejected and the unused portion of the application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.
The application will be deemed complete for the purpose of this section upon receipt by the Community Development Director of:
 - 1. All the missing information;*
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
 - 3. Written notice from the applicant that none of the missing information will be provided.**
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:
 - 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.**
- D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:
 - 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and**

3. *Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*
- E. *The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. *The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Finding: The applicant acknowledges the obligation to file a complete application and that the 120-day decision deadline applies once the proposal has been deemed complete by the Community Development Director.

17.50.080 Complete application—Required information.

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

- A. *One copy of a completed application form that includes the following information:*
 1. *An accurate address and tax map and location of all properties that are the subject of the application;*
 2. *Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);*
- B. *A complete list of the permit approvals sought by the applicant;*
- C. *A complete and detailed narrative description of the proposed development;*
- D. *A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;*
- E. *One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.*
One paper copy of all application materials shall be submitted for Type I applications;
- F. *For all Type II—IV applications, the following is required:*
 1. *An electronic copy of all materials.*
 2. *Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
 3. *Documentation indicating there are no liens favoring the City on the subject site.*
 4. *A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
 5. *A current preliminary title report or trio for the subject property(ies);*

- G. *All required application fees;*
- H. *Annexation agreements, traffic or technical studies (if applicable);*
- I. *Additional documentation, as needed and identified by the Community Development Director.*

Finding: The application does not propose any development at this time. A basic conceptual site plan of the subject properties has been submitted, which will be refined when a Detailed Development Plan is proposed.

17.50.090 - Public notices.

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

- B. *Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:*
 - 1. *The time, date and location of the public hearing;*
 - 2. *Street address or other easily understood location of the subject property and city-assigned planning file number;*
 - 3. *A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*
 - 4. *A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
 - 5. *A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;*
 - 6. *The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
 - 7. *A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
 - 8. *The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

Finding: The applicant acknowledges the public notice requirements for a Type IV application.

17.50.100 - Notice posting requirements.

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

- A. *City Guidance and the Applicant's Responsibility.* The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.
- B. *Number and Location.* The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Finding: The applicant acknowledges the public notice requirements for a Type IV application.

17.50.110 Assignment of decision-makers.

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

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

Finding: this application is a Type IV decision and will be processed pursuant to (D).

17.50.120 Quasi-judicial hearing process.

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

- A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.*
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.*
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*
- D. The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.*
- E. At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*
 - 1. That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
 - 2. That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
 - 3. Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;*
 - 4. Any party wishing a continuance or to keep open the record shall make that request while the record is still open;*
 - 5. That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and*
 - 6. For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.*
- F. Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

Finding: The applicant acknowledges the public hearing procedures that apply for a Type IV land use application.

17.50.130 Conditions of approval and notice of decision.

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

Finding: the applicant acknowledges that conditions of approval may be applied to this decision to assure compliance with the code.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

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

Finding: Complies as proposed. This proposal includes a code amendment to the I – Institutional District to allow RV parks as an accessory use to parks, which is a permitted primary use in the I – Institutional Zone. The proposed amendment is consistent with park use. Clackamette Park has had an RV park for a long time, and any relocation of the park would continue to be consistent with that use.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

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

Finding: RV parks are not currently listed as a permitted use in the I - Institutional zone district. This proposal includes a code amendment to section 17.39.030 – *Accessory Uses* of the code to add city managed RV parks as a permitted accessory use to a park in the institutional district.

17.39.030 - Accessory uses.

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

- A. Offices;*
- B. Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. Child care centers or nursery schools;*
- D. Scientific, educational, or medical research facilities and laboratories;*
- E. Religious institutions;*
- F. A city-managed recreational vehicle park for Clackamette Park.*

Finding: This proposal includes a code amendment to this section of the code to add an RV park for Clackamette Park as a permitted accessory use to part B of this section in the institutional district.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

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

Finding: Not applicable. The applicant has not proposed a Conditional Use. See section .030 above.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

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

B. Marijuana businesses;

Finding: currently, the proposed RV park use is not permitted since it is not listed expressly in OCMC 17.39.020, 17.39.030 or 17.39.040. This proposal includes a code amendment to section 17.39.030 of the code to expressly list an RV park for Clackamette Park as a permitted accessory use to section .030.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

- A. Maximum building height: Within one hundred feet of any district boundary, not to exceed thirty-five feet; elsewhere, not to exceed seventy feet.*
- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.
Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.*
- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.*

Finding: not applicable. No structures are proposed at this time, so the dimensional standards of this section do not apply. New structures would be reviewed at the time of detailed development plan.

17.39.060 - Relationship to master plan.

- A. A master plan is required for any development within the I District on a site over ten acres in size that:
 - 1. Is for a new development on a vacant property;*
 - 2. Is for the redevelopment of a property previously used as a non-institutional use; or*
 - 3. Increases the floor area of the existing development by ten thousand square feet over existing conditions**

Finding: A master plan was submitted and approved by the Planning Commission for Clackamette Park which totals approximately 20 acres. The Notice of Decision for GLUA-23-00012 / MAS-23-00001 was issued 7/14/2023, with conditions. Because the original approval by the Planning Commission was made based on an RV Park location which is now being re-evaluated by the City Commission, the Master Plan and condition of approval associated with the RV park may require additional review by the Planning Commission when an exact location for the RV park has been selected by the City Commission.

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

Finding: not applicable. The applicant did not request any adjustments to the dimensional standards of the I zone district with this application. Site plan and design review will be required when a proposed location and site specific design for a new RV park is determined.

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

Finding: not applicable. The applicant did not request any modifications to any other development standards with this application.

III. CONCLUSION AND RECOMMENDATION:

Based on the analysis and findings as described above and the recommendation of the Planning Commission, the Community Development Director concludes that the proposed Zoning Code Amendment to Chapter 17.39 – I Institutional District, to allow RV parks as an allowed accessory use to Clackamette Park, meets the applicable requirements for a zoning code amendment in the Oregon City Municipal. Therefore, the Community Development Director recommends approval of the proposal, based upon the findings and exhibits contained in this staff report.

EXHIBITS:

1. Clackamette Park Master Plan Concept Vicinity Map
2. Applicant's Narrative
3. Public Notice
4. DLCD Notice
5. GLUA-23-00012 / MAS-23-00001 - Clackamette Park Master Plan – Planning Commission Approval July 13, 2023 / Notice of Decision, July 14, 2023
6. Video Recording of the January 8, 2024 Planning Commission meeting:
<https://meetings.municode.com/MeetingDetailsPage/index?clientCode=OREGONCITY&meetingId=ace49924-ed01-441f-a89b-da0087926390>
7. City YouTube Channel Video of the January 8, 2024 Planning Commission meeting:
https://www.youtube.com/live/aTOOjn5TkPY?si=t6X_uy_F5DYjgf1

Type IV Land Use Decision

Comprehensive Plan Map, Zoning and Text Amendment

Applicant's Narrative and Responses to City Code Requirements

11/21/2023

APPLICANT: City of Oregon City, Parks and Recreation Department
Kendall Reid, Director

OWNER: City of Oregon City
Attn: Tony Konkol, City Manager

REQUEST: The Oregon City Parks and Recreation Department is requesting a Zoning Code Amendment to Chapter 17.39 – *I Institutional District*, to allow a city-owned RV parks as an allowed accessory use to Clackamette Park. This application is submitted at the direction of the City Commission in response to Condition of Approval #32 of Planning Files GLUA-23-00012 / MAS-23-00001, Clackamette Park Master Plan.

LOCATION: Clackamette Park is located at the northern end of Clackamette Drive near the confluence of the Clackamas River and the Willamette River, west of McLoughlin Boulevard (OR 99-E). The exact location of the RV Park for Clackamette Park has not been determined at this time.

I. BACKGROUND:

The Planning Commission conditionally approved the Clackamette Park Master Plan, Planning Files GLUA-23-00012 / MAS-23-00001, on July 13, 2023.

The plan includes the relocation of the city managed RV park from it's current location. The master plan and the location of the RV park are under further discussion by the City Commission. The action the City Commission has directed staff to pursue is to amend the code language for the Institutional zone only to allow overnight parking and camping for recreational vehicles for Clackamette Park.

Should the City Commission keep the current Master Plan layout for Clackamette Park, a zone change, and comprehensive plan amendment will be needed for two parcels that would be used for the RV park, but the text amendment will have already occurred.

Description of Code Amendment

Overnight parking and camping for recreational vehicles is not a listed permitted use in the MUD - Mixed Use Downtown zone district per OCMC 17.34.020.

The proposed zoning code amendment consists of adding city-managed recreational vehicle parks as an allowed accessory use for Clackamette Park to subsection 17.39.030 of Chapter 17.39 – I Institutional Zone.

II. APPROVAL CRITERIA:

Oregon City Municipal Code

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

CHAPTER 17.68 ZONING CHANGES AND COMPREHENSIVE PLAN 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.

Applicant's Response: this application seeks to amend the zoning code text, zoning map and Comprehensive Plan Map and has been initiated by an application to the Planning Division by the Parks and Recreation Department.

17.68.015 –Procedures.

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

Applicant's Response: See responses above.

17.68.020 - Criteria.

The criteria for comprehensive plan amendment or text or map amendment in the zoning code are set forth as follows:

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

Applicant's Response: The proposal is consistent with the applicable goals and policies of the comprehensive plan as detailed below.

(P.33) Land Use

Land Use

Oregon City promotes community vitality through good design, efficient use of land, and strategies and actions that ensure new development contributes to the City's overall character and quality of life. The City also acknowledges the critical role of corridors and the opportunity they provide for transit-oriented, higher-intensity, mixed-use development patterns. Connections - particularly multi-modal connections - between neighborhoods, Downtown, the waterfront, and other activity centers are emphasized in

planning efforts so that residents and visitors can easily move around and meet their daily needs without having to travel long distances.

All land use types are regulated through the Zoning Map, and are generally categorized as residential, commercial, industrial, institutional/civic, or open space/natural areas. The City's land use categories include:

- *Low Density Residential (LR) — primarily single-family detached homes and middle housing.*
- *Medium Density Residential (MR) — residential developments with dwelling unit types such as attached single-family units, rowhouses, and townhouses.*
- *High Density Residential (HR) — typically high-density, multiple dwelling residential. Permitted uses include apartments, condominiums, and single-family attached and rowhouse dwellings.*
- *Commercial (C) — commercial uses serving local, city-wide, and regional needs, such as retail and service commercial. Typically, this classification is associated with newer, suburban development and located along arterial streets.*
- *Industrial (I) — uses related to manufacturing, processing, and distribution of goods. Employment based uses are encouraged. Intensive or heavy industrial uses are allowed in certain zones. Zones in the Comprehensive Plan Land-Use Map district are designed to comply with requirements of Title 4 of Metro's Urban Growth Management Functional Plan (1998).*
- *Mixed Use Corridor (MUC) — higher density mixed uses that are supportive of transit and conducive to pedestrian traffic. Urban density residential and commercial goods and services are typical uses. Zones in the Comprehensive Plan Land-Use Map district are intended to be compatible with Metro's Corridor design type.*
- *Mixed Use Employment (MUE) — employment-intensive uses such as offices, research and development, light manufacturing, and associated commercial uses.*
- *Mixed Use Downtown (MUD) — urban density, mixed uses that are conducive to pedestrian and transit uses. This category is intended to be used to implement the Oregon City Downtown Community Plan (1999), the Oregon City Waterfront Master Plan (2002), and Metro's Regional Center concept, particularly in terms of connecting the Downtown with the waterfront. A design overlay is included in this area and is intended to promote development consistent with Oregon City's traditional Downtown form.*
- *Public and Quasi-Public (QP) — publicly owned lands other than city parks, such as schools, cemeteries, undeveloped lands, open space, government buildings and public utility facilities, such as the sewage treatment plant and water reservoirs.*
- *Parks (P) — City parks.*
- *Future Urban Holding (FUH) — undesignated, pending development and approval of a "concept plan," a Metro requirement that cities plan land uses in areas being converted from rural to urban uses.*

Applicant's Response: the proposed code amendment does not change the adopted comprehensive plan map or zoning map. City parks typically have a Comprehensive Plan designation of **QP** - Public / Quasi Public or **P** – Parks and are zoned I - Institutional. Clackamette Park is designated P – Parks and is zoned I – Institutional.

(P.53) Parks and Recreation

Oregon City has a variety of parks, trails and open space governed by a Parks and Recreation Master Plan (2008). Currently in the process of being updated (2022), the Plan serves as a guide to implementing Oregon City's goal of providing a broad range of parks and recreational spaces, activities, and programs to meet the current and future needs of its residents. The plan emphasizes the unique assets in Oregon City and identifies opportunities to further leverage those assets and build new ones. A set of mission statements provides the framework for the plan and will also serve as a starting point for new OC2040 goals and strategies that are developed for this project. Those mission statements are:

- Strengthen community image and sense of place, promote cultural unity*
- Protect and preserve natural and cultural resources*
- Foster social, intellectual, physical and emotional development*
- Strengthen safety and security in park and recreation spaces*
- Support economic development*
- Provide educational experiences through recreation*
- Promote health, wellbeing, and community problem solving*
- Be good stewards of public resources*

(P.54) Natural Resources

In Oregon City, the Clackamas River along the northern boundary of the city, as well as Abernethy, Newell, Holcomb, Potter, and other creeks provide both spawning and rearing habitat for steelhead trout, coho salmon, and cutthroat trout. Riparian corridors, the areas on either side of a stream, are critical to protecting the stream ecosystem and quality of habitat for salmonids and other stream-dependent species. Surface water from the Lower Clackamas River is the source of potable water for Oregon City and West Linn. The Clackamas River is a recreational waterway and offers a boat ramp at Clackamette Park and Riverside Park at the end of Water Avenue.

Comprehensive Plan Chapter 1. Healthy and Welcoming Communities

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

POLICY 1.5 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.

Applicant's Response: The proposed zoning code text amendment is consistent with the stated Goal 1, policies and strategies. The applicant conducted a public engagement process to develop the master plan for Clackamette Park, which is documented on the project website <https://www.orcity.org/parksandrecreation/project/clackamette>. The master planning process included talking with City officials, state agencies, reaching out to stakeholders and engaging Oregon City residents to help guide the master planning process. A series of interactive public meetings was held to create a foundation for the master plan, review concept ideas and provide input on a final master plan for the park. The first open house meeting was held on March 1 where site analysis drawings were presented to the public. Information presented included project context, existing conditions, site opportunities and constraints. Early survey results helped guide conversations and feedback. Those in attendance discussed several key ideas and there was in-depth conversation surrounding how the park should feel, what site amenities should be a priority and what types of river access best serve the community. Attendees provided feedback and a number of other pertinent issues surrounding Clackamette Park. Public notice of this application was provided in accordance with OCMC 17.50. Additional findings follow.

Comprehensive Plan Chapter 2. Diverse Economy

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

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

POLICY 4.3 Utilize urban design principles that create comfortable and attractive public spaces that are reflective of Oregon City's community vision.

Comprehensive Plan 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 1.2 Reduce Oregon City's carbon footprint by supporting and emphasizing non-motorized modes.

STRATEGY 1.2.A Provide an interconnected and accessible pedestrian system that links residential areas with major pedestrian generators such as employment centers, public facilities, and recreational areas.

STRATEGY 1.2.B Provide a well-defined and accessible bicycle network that links residential areas, major bicycle generators, employment centers, recreational areas, and the arterial and collector roadway network.

STRATEGY 1.2.C Construct bikeways and sidewalks and require connectivity of these facilities to reduce the use of petroleum-fueled transportation.

POLICY 1.3 Promote safety by implementing street design that equally considers and serves non-motorized and motorized users.

STRATEGY 1.3.A Identify and implement ways to minimize conflict points between different modes of travel.

Applicant's Response: the proposed code amendment is consistent with Goal 1 since the conceptual design includes street improvements, trails, crosswalks on Clackamette Drive and Main Street, sidewalks and bicycle lanes to improve recreation, and pedestrian and bicycle connections in and abutting the park. Recreational Vehicle park users often bring their bicycles, scooters, and other forms of transportation with them, which increases multi-modal activity. The code amendment would support additional park use by RV users of all ages and abilities.

Comprehensive Plan Chapter 4: Protected Environment

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

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

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

Applicant's Response: The proposed code amendment is consistent with Goal 1, because it would allow accessibility to parks by users of all ages and abilities who need the convenience that overnight recreational vehicle use allows. The exact location and design for the RV park has not been completed at this point.

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

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.

Applicant's Response: The proposed code amendment is consistent with Goal 2, through the application of development codes and overlay district regulations and in the OCMC that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, through the application of engineering and public works design standards for stormwater management, erosion control and drainage. The city has an adopted tree code. The proposed code amendment would allow flexibility for the RV park to be located away from areas that are impacted by seasonal flooding or which have sensitive habitat and 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.

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

POLICY 2.9 Establish, restore, and maintain a network of connected wildlife habitat corridors.

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

Applicant's Response: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

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.

Applicant's Response: The proposed code amendment is consistent with the Goal 3, through the application of the Clackamas County Hazard Mitigation Plan and through application of development codes and overlay district regulations in the OCMC.

GOAL 4

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

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

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

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

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

Applicant's Response: The proposed code amendment is consistent with Goal 2 through the application of development codes and overlay district regulations in the Oregon City Municipal Code that are acknowledged and consistent with the Statewide land use planning goals of the State of Oregon, and through the application of engineering and public works design standards for stormwater management, erosion control and drainage.

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 plan amendment, 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 or plan amendment;

Applicant's Response: this criterion is not applicable at this time since a site specific development plan has not yet been proposed.

Further review of adequacy of public facilities and required improvements will be determined at the time of Detailed Development Plan submittal.

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 or plan amendment; and

Applicant's Response: The applicant submitted a Transportation Analysis Letter (TAL) for the Clackamette Park master plan application prepared by Kittelson & Associates Transportation Engineers. In general terms, the TAL is applicable to smaller developments that are presumed to have a lesser transportation impact. The TAL was based on a conceptual site plan, and additional traffic impact analysis will be required when the exact location of an RV park and a site plan is proposed.

Overall, there will be a net increase of 198 daily added trips for the build-out of the park master plan. The relocated RV park will reduce the number of RV park sites from 38 to 18, resulting in a reduced number of site trips associated with RV use. The new RV park will generate 49 daily trips, 4 am peak hour trips and 5 pm peak hour trips. The proposed zoning map and code amendments will have a minimal impact on the transportation system; however, additional transportation analysis will be

required when a detailed development plan is proposed. The TAL was not required to include an analysis of intersection capacity.¹

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

Applicant's Response: The City has adopted a Comprehensive Plan acknowledged by the Department of Land Conservation and Development which addresses goals, policies and strategies that control the amendment, so there is no need to address statewide planning goals.

17.68.025 - Zoning for land annexed into the City.

Upon annexation into the City, the property shall be rezoned from County zoning to the corresponding City zoning designation as identified in Table 17.06.030, provided the criteria for a zone change can be met.

Applicant's Response: not applicable. The proposal does not include annexation.

17.68.040 - Approval by the Commission.

If the Planning Commission finds that the request or application for an amendment, or change, complies with the criteria of OCMC 17.68.020, it shall forward its findings and recommendation to the City Commission for action thereon by that body.

Applicant's Response: the applicant understands that the City Commission decision will be based on the recommendations of the Planning Commission.

17.68.050 - Conditions.

In granting a change in zoning classification to any property, the Commission may attach such conditions and requirements to the zone change as the Commission deems necessary in the public interest and such conditions and restrictions shall thereafter apply to the zone change or map amendment.

Applicant's Response: the applicant understands that the Planning Commission may recommend, and that the City Commission may add conditions of approval.

CHAPTER 17.50 – ADMINISTRATION AND PROCEDURES

17.50.010 Purpose.

This chapter provides the procedures by which Oregon City reviews and decides upon applications for all permits relating to the use of land authorized by ORS 92, 197 and 227. These permits include all form of land divisions, land use, limited land use and expedited land division and legislative enactments and amendments to the Oregon City Comprehensive Plan and Titles 16 and 17 of this code. Pursuant to ORS

¹ Transportation Analysis Letter (TAL) requirements are detailed in the City's adopted Guidelines for Transportation Analysis. TAL analysis is appropriate: (a) if the development generates fewer than 24 peak hour trips during either the AM or PM peak hour and fewer than 250 daily trips, (b) the development is not expected to further impact intersections that currently fail to meet the City's mobility standards or intersections that are operating near the limits of the acceptable thresholds during a peak operating hour. (Mobility standards are defined in 7.9.1), and (c) the development is not expected to significantly impact adjacent roadways and intersections that are high accident locations, areas that contain an identified safety concern, or high concentration of pedestrians or bicyclists such as school zones. The master plan proposal met the requirements for a TAL.

227.175, any applicant may elect to consolidate applications for two or more related permits needed for a single development project. Any grading activity associated with development shall be subject to preliminary review as part of the review process for the underlying development. It is the express policy of the City of Oregon City that development review not be segmented into discrete parts in a manner that precludes a comprehensive review of the entire development and its cumulative impacts.

Applicant's Response: this application is subject to a Type IV review process under this code Chapter.

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

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

Table 17.50.030 – Permit Approval Process

| Permit Type | I | II | III | IV |
|------------------------|---|----|-----|----|
| Plan or code amendment | | | | X |
| Zone Change | | | | X |

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

Applicant's Response: this application is subject to a Type IV review process and the applicable public notice and hearings before the Planning Commission and City Commission.

17.50.040 Development review in overlay districts and for erosion control.

For any development subject to regulation of geologic hazards overlay district under OCMC 17.44; natural resource overlay district under OCMC 17.49; Willamette River Greenway Overlay District under OCMC 17.48; historic overlay district under OCMC 17.40, and erosion and sediment control under OCMC 17.47, compliance with the requirements of these chapters shall be reviewed as part of the review process required for the underlying development for the site.

Applicant's Response: No development is proposed at this time, however the applicant acknowledges that subsequent detailed development plans will be subject to compliance with the applicable overlay districts requirements and Erosion and Sediment Control standards. The properties are within the

Geologic Hazards (OCMC 17.44), Willamette River Greenway (OCMC 17.48), and Flood Management Overlay Districts (OCMC 17.40).

17.50.050 – Pre-application conference.

- A Pre-application Conference. Prior to a Type II – IV or Legislative application, excluding Historic Review, being deemed complete, the applicant shall schedule and attend a pre-application conference with City staff to discuss the proposal, unless waived by the Community Development Director. The purpose of the pre-application conference is to provide an opportunity for staff to provide the applicant with information on the likely impacts, limitations, requirements, approval standards, fees and other information that may affect the proposal.*
 - 1. To schedule a pre-application conference, the applicant shall contact the Planning Division, submit the required materials, and pay the appropriate conference fee.*
 - 2. At a minimum, an applicant should submit a short narrative describing the proposal and a proposed site plan, drawn to a scale acceptable to the City, which identifies the proposed land uses, traffic circulation, and public rights-of-way and all other required plans.*
 - 3. The Planning Division shall provide the applicant(s) with the identity and contact persons for all affected neighborhood associations as well as a written summary of the pre-application conference.*
- B. A pre-application conference shall be valid for a period of six months from the date it is held. If no application is filed within six months of the conference or meeting, the applicant shall schedule and attend another conference before the City will accept a permit application. The Community Development Director may waive the pre-application requirement if, in the Director's opinion, the development has not changed significantly and the applicable municipal code or standards have not been significantly amended. In no case shall a pre-application conference be valid for more than one year.*
- C. Notwithstanding any representations by City staff at a pre-application conference, staff is not authorized to waive any requirements of this code, and any omission or failure by staff to recite to an applicant all relevant applicable land use requirements shall not constitute a waiver by the City of any standard or requirement.*

Applicant's Response: The applicant attended the required pre-application conference (file PA-22-00046) for the master plan on 9/28/2022. A second meeting was held by staff on August 30, 2023 to cover the procedures for the Comprehensive Plan Map, Zoning Map and Zoning Code amendments.

17.50.055 - Neighborhood association meeting.

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

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

- B. *The applicant shall request via email or regular mail a request to meet with the neighborhood association chair where the proposed development is located. The notice shall describe the proposed project. A copy of this notice shall also be provided to the chair of the citizen involvement committee.*
- C. *A meeting shall be scheduled within thirty days of the date that the notice is sent. A meeting may be scheduled later than thirty days if by mutual agreement of the applicant and the neighborhood association. If the neighborhood association does not want to, or cannot meet within thirty days, the applicant shall host a meeting inviting the neighborhood association, citizen involvement committee, and all property owners within three hundred feet to attend. This meeting shall not begin before six p.m. on a weekday or may be held on a weekend and shall occur within the neighborhood association boundaries or at a city facility.*
- D. *If the neighborhood association is not currently recognized by the City, is inactive, or does not exist, the applicant shall request a meeting with the citizen involvement committee.*
- E. *To show compliance with this section, the applicant shall submit a copy of the email or mail notice to the neighborhood association and CIC chair, a sign-in sheet of meeting attendees, and a summary of issues discussed at the meeting. If the applicant held a separately noticed meeting, the applicant shall submit a copy of the meeting flyer, postcard or other correspondence used, and a summary of issues discussed at the meeting and submittal of these materials shall be required for a complete application.*

Applicant's Response: The Two Rivers Neighborhood Association was inactive at the time of application. The applicant conducted extensive public outreach prior to the master plan application including a presentation to the Citizen Involvement Committee on August 1, 2022.

17.50.060 Application requirements.

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

Applicant's Response: the city manager signed the land use application on behalf of the city. Additional materials in support of the proposal are provided with this submittal.

17.50.070 Completeness review and one hundred twenty-day rule.

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

application fee returned to the applicant. If the applicant submits the requested information within the one hundred eighty-day period, the Community Development Director shall again verify whether the application, as augmented, is complete. Each such review and verification shall follow the procedure in subsection A of this section.

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

- 1. All the missing information;*
 - 2. Some of the missing information and written notice from the applicant that no other information will be provided; or*
 - 3. Written notice from the applicant that none of the missing information will be provided.*
- C. Once the Community Development Director determines the application is complete enough to process, or the applicant refuses to submit any more information, the City shall declare the application complete. Pursuant to ORS 227.178, the City will reach a final decision on an application within one hundred twenty calendar days from the date that the application is determined to be or deemed complete unless the applicant agrees to suspend the one hundred twenty-calendar-day timeline or unless state law provides otherwise. The one hundred twenty-day period, however, does not apply in the following situations:*
- 1. Any hearing continuance or other process delay requested by the applicant shall be deemed an extension or waiver, as appropriate, of the one hundred twenty-day period.*
 - 2. Any delay in the decision-making process necessitated because the applicant provided an incomplete set of mailing labels for the record property owners within three hundred feet of the subject property shall extend the one hundred twenty-day period for the amount of time required to correct the notice defect.*
 - 3. The one hundred twenty-day period does not apply to any application for a permit that is not wholly within the City's authority and control.*
 - 4. The one hundred twenty-day period does not apply to any application for an amendment to the City's comprehensive plan or land use regulations nor to any application for a permit, the approval of which depends upon a plan amendment.*
- D. A one hundred day-period applies in place of the one hundred twenty-day period for affordable housing projects where:*
- 1. The project includes five or more residential units, including assisted living facilities or group homes;*
 - 2. At least fifty percent of the residential units will be sold or rented to households with incomes equal to or less than sixty percent of the median family income for Clackamas County or for the state, whichever is greater; and*
 - 3. Development is subject to a covenant restricting the owner and successive owner from selling or renting any of the affordable units as housing that is not affordable for a period of sixty years from the date of the certificate of occupancy.*
- E. The one hundred twenty-day period specified in OCMC 17.50.070.C or D may be extended for a specified period of time at the written request of the applicant. The total of all extensions may not exceed two hundred forty-five calendar days.*
- F. The approval standards that control the City's review and decision on a complete application are those which were in effect on the date the application was first submitted.*

Applicant's Response: The applicant acknowledges the obligation to file a complete application and that the 120-day decision deadline applies once the proposal has been deemed complete by the Community Development Director.

17.50.080 Complete application—Required information.

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

- A. One copy of a completed application form that includes the following information:*
 - 1. An accurate address and tax map and location of all properties that are the subject of the application;*
 - 2. Name, address, telephone number and authorization signature of all record property owners or contract owners, and the name, address and telephone number of the applicant, if different from the property owner(s);*
- B. A complete list of the permit approvals sought by the applicant;*
- C. A complete and detailed narrative description of the proposed development;*
- D. A discussion of the approval criteria for all permits required for approval of the development proposal that explains how the criteria are or can be met or are not applicable, and any other information indicated by staff at the pre-application conference as being required;*
- E. One copy of all architectural drawings and site plans shall be submitted for Type II—IV applications.*

One paper copy of all application materials shall be submitted for Type I applications;
- F. For all Type II—IV applications, the following is required:*
 - 1. An electronic copy of all materials.*
 - 2. Mailing labels or associated fee for notice to all parties entitled under OCMC 17.50.090 to receive mailed notice of the application. The applicant shall use the names and addresses of property owners within the notice area indicated on the most recent property tax rolls.*
 - 3. Documentation indicating there are no liens favoring the City on the subject site.*
 - 4. A receipt from the county assessor's office indicating that all taxes for the lot or parcels involved are paid in full for the preceding tax year.*
 - 5. A current preliminary title report or trio for the subject property(ies);*
- G. All required application fees;*
- H. Annexation agreements, traffic or technical studies (if applicable);*
- I. Additional documentation, as needed and identified by the Community Development Director.*

Applicant's Response: The application does not propose any development at this time. A basic conceptual site plan of the subject properties has been submitted, which will be refined when a Detailed Development Plan is proposed.

17.50.090 - Public notices.

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

- B. Notice of Public Hearing on a Type III or IV Quasi-Judicial Application. Notice for all public hearings concerning a quasi-judicial application shall conform to the requirements of this subsection. At least twenty days prior to the hearing, the City shall prepare and send, by first*

class mail, notice of the hearing to all record owners of property within three hundred feet of the subject property and to any city-recognized neighborhood association whose territory includes the subject property. The City shall also publish the notice on the City website within the City at least twenty days prior to the hearing. Pursuant to OCMC 17.50.080.H, the applicant is responsible for providing an accurate and complete set of mailing labels for these property owners and for posting the subject property with the City-prepared notice in accordance with OCMC 17.50.100. Notice of the application hearing shall include the following information:

- 1. The time, date and location of the public hearing;*
- 2. Street address or other easily understood location of the subject property and city-assigned planning file number;*
- 3. A description of the applicant's proposal, along with a list of citations of the approval criteria that the City will use to evaluate the proposal;*
- 4. A statement that any interested party may testify at the hearing or submit written comments on the proposal at or prior to the hearing and that a staff report will be prepared and made available to the public at least seven days prior to the hearing;*
- 5. A statement that any issue which is intended to provide a basis for an appeal to the City Commission shall be raised before the close of the public record. Issues must be raised and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue;*
- 6. The notice shall state that a city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal;*
- 7. A statement that the application and all supporting materials and evidence submitted in support of the application may be inspected at no charge and that copies may be obtained at reasonable cost at the planning division offices during normal business hours; and*
- 8. The name and telephone number of the planning staff person responsible for the application or is otherwise available to answer questions about the application.*

Applicant's Response: The applicant acknowledges the public notice requirements for a Type IV application.

17.50.100 - Notice posting requirements.

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

- A. City Guidance and the Applicant's Responsibility. The City shall supply all of the notices which the applicant is required to post on the subject property and shall specify the dates the notices are to be posted and the earliest date on which they may be removed. The City shall also provide a statement to be signed and returned by the applicant certifying that the notice(s) were posted at the correct time and that if there is any delay in the City's land use process caused by the applicant's failure to correctly post the subject property for the required period of time and in the correct location, the applicant agrees to extend the applicable decision-making time limit in a timely manner.*
- B. Number and Location. The applicant shall place the notices on each frontage of the subject property. If the property's frontage exceeds six hundred feet, the applicant shall post one copy of the notice for each six hundred feet or fraction thereof. Notices do not have to be posted adjacent to alleys or unconstructed right-of-way. Notices shall be posted within ten feet of the*

street and shall be visible to pedestrians and motorists. Notices shall not be posted within the public right-of-way or on trees. The applicant shall remove all signs within ten days following the event announced in the notice.

Applicant's Response: The applicant acknowledges the public notice requirements for a Type IV application.

17.50.110 Assignment of decision-makers.

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

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

Applicant's Response: this application is a Type IV decision and will be processed pursuant to (D).

17.50.120 Quasi-judicial hearing process.

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

- A. Once the Community Development Director determines that an application for a Type III or IV decision is complete, the planning division shall schedule a hearing before the Planning Commission or Historic Review Board, as applicable. Once the Community Development Director determines that an appeal of a Type II, Type III or Type IV decision has been properly filed under OCMC 17.50.190, the planning division shall schedule a hearing pursuant to OCMC 17.50.190.*
- B. Notice of the Type III or IV hearing shall be issued at least twenty days prior to the hearing in accordance with OCMC 17.50.090.B.*
- C. Written notice of an appeal hearing shall be sent by regular mail no later than fourteen days prior to the date of the hearing to the appellant, the applicant if different from the appellant, the property owner(s) of the subject site, all persons who testified either orally or in writing before the hearing body and all persons that requested in writing to be notified.*

- D. *The Community Development Director shall prepare a staff report on the application which lists the applicable approval criteria, describes the application and the applicant's development proposal, summarizes all relevant city department, agency and public comments, describes all other pertinent facts as they relate to the application and the approval criteria and makes a recommendation as to whether each of the approval criteria are met.*
- E. *At the beginning of the initial public hearing at which any quasi-judicial application or appeal is reviewed, a statement describing the following shall be announced to those in attendance:*
 - 1. *That the hearing will proceed in the following general order: Staff report, applicant's presentation, testimony in favor of the application, testimony in opposition to the application, rebuttal, record closes, commission deliberation and decision;*
 - 2. *That all testimony and evidence submitted, orally or in writing, shall be directed toward the applicable approval criteria. If any person believes that other criteria apply in addition to those addressed in the staff report, those criteria shall be listed and discussed on the record. The meeting chairperson may reasonably limit oral presentations in length or content depending upon time constraints. Any party may submit written materials of any length while the public record is open;*
 - 3. *Failure to raise an issue on the record with sufficient specificity and accompanied by statements or evidence sufficient to afford the City and all parties to respond to the issue, will preclude appeal on that issue to the land use board of appeals;*
 - 4. *Any party wishing a continuance or to keep open the record shall make that request while the record is still open;*
 - 5. *That the commission chair shall call for any ex-parte contacts, conflicts of interest or bias before the beginning of each hearing item; and*
 - 6. *For appeal hearings, only those persons who participated either orally or in writing in the decision or review will be allowed to participate either orally or in writing on the appeal.*
- F. *Requests for continuance and to keep open the record: The hearing may be continued to allow the submission of additional information or for deliberation without additional information. New notice of a continued hearing need not be given so long as a time-certain and location is established for the continued hearing. Similarly, hearing may be closed but the record kept open for the submission of additional written material or other documents and exhibits. The chairperson may limit the factual and legal issues that may be addressed in any continued hearing or open record period.*

Applicant's Response: The applicant acknowledges the public hearing procedures that apply for a Type IV land use application.

17.50.130 Conditions of approval and notice of decision.

- A. *All City decision-makers have the authority to impose reasonable conditions of approval designed to ensure that all applicable approval standards, including standards set out in city overlay districts, the City's master plans, and City public works design standards, are, or can be met.*
- B. *Failure to comply with any condition of approval shall be grounds for revocation of the permit(s) and grounds for instituting code enforcement proceedings pursuant to OCMC 1.20 of this code and ORS 30.315.*
- C. *Notice of Decision. The City shall send, by first class mail, a notice of all decisions rendered under this chapter to all persons with standing, i.e., the applicant, all others who participated either orally or in writing before the close of the public record and those who specifically requested notice of the decision. The notice of decision shall include the following information:*

1. *The file number and date of decision;*
 2. *The name of the applicant, owner and appellant (if different);*
 3. *The street address or other easily understood location of the subject property;*
 4. *A brief summary of the decision, and if an approval, a description of the permit approved;*
 5. *A statement that the decision is final unless appealed and description of the requirements for perfecting an appeal;*
 6. *The contact person, address and a telephone number whereby a copy of the final decision may be inspected or copies obtained.*
- D. *Modification of Conditions. Any request to modify a condition of permit approval is to be considered either minor modification or a major modification, unless otherwise authorized. A minor modification shall be processed as a Type I. A major modification shall be processed in the same manner and shall be subject to the same standards as was the original application. However, the decision-maker may at their sole discretion, consider a modification request and limit its review of the approval criteria to those issues or aspects of the application that are proposed to be changed from what was originally approved.*

Applicant's Response: the applicant acknowledges that conditions of approval may be applied to this decision to assure compliance with the code.

CHAPTER 17.39 I INSTITUTIONAL DISTRICT

17.39.010 - Designated.

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

Response: This proposal includes a code amendment to the I – Institutional District to allow city-managed RV parks as an accessory use to parks, which is a permitted primary use in the I – Institutional Zone.

The proposed amendment is consistent with park use. Clackamette Park has long had an RV park, and any relocation of the park would continue to be consistent with that use.

17.39.020 - Permitted uses.

Permitted uses in the institutional district are:

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

Applicant's Response: RV parks are not currently listed as a permitted use in the I - Institutional zone district. This proposal includes a code amendment to section 17.39.030 – *Accessory Uses* of the code to add city managed RV parks as a permitted accessory use to a park in the institutional district.

17.39.030 - Accessory uses.

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

- A. Offices;*
- B. Retail (not to exceed twenty percent of total gross floor area of all building);*
- C. Child care centers or nursery schools;*
- D. Scientific, educational, or medical research facilities and laboratories;*
- E. Religious institutions;*
- F. A city-managed recreational vehicle park for Clackamette Park.*

Applicant's Response: This proposal includes a code amendment to this section of the code to add city-managed RV parks for Clackamette Park as a permitted accessory use to part B of this section in the institutional district.

17.39.040 - Conditional uses.

Uses requiring conditional use permit are:

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

Applicant's Response: Not applicable. See section .030 above.

17.39.045 - Prohibited uses.

Prohibited uses in the I district are:

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

Applicant's Response: Currently, the use is not permitted since it is not listed expressly in OCMC 17.39.020, 17.39.030 or 17.39.040. This proposal includes a code amendment to this section of the code to add a city-managed RV park for Clackamette Park as a permitted accessory use to section .030.

17.39.050 - Dimensional standards.

Dimensional standards in the I district are:

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

- B. Minimum required setbacks: Twenty-five feet from property line except when the development is adjacent to a public right-of-way. When adjacent to a public right-of-way, the minimum setback is zero feet and the maximum setback is five feet.
Public utility easements may supersede the minimum setback. Maximum setback may be increased per OCMC 17.62.055.D.*
- C. Minimum required landscaping (including landscaping within a parking lot): Fifteen percent.*

Applicant's Response: Not applicable. No structures are proposed at this time, so the dimensional standards of this section do not apply. New structures would be reviewed at the time of detailed development plan.

17.39.060 - Relationship to master plan.

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

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

Applicant's Response: A master plan was submitted and approved by the Planning Commission for Clackamette Park which totals approximately 20 acres. The Notice of Decision for GLUA-23-00012 / MAS-23-00001 was issued 7/14/2023, with conditions. This proposal would respond to the approved Condition of Approval #31 to seek a zoning amendment to allow the RV park consistent with the approved master plan.

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

Applicant's Response: not applicable. The applicant did not request any adjustments to the dimensional standards of the I zone district with this application.

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

Applicant's Response: not applicable. The applicant did not request any modifications to any other development standards with this application.

Summary

For the reasons stated above, the City Commission may find that proposed code amendment to allow a City-managed recreational vehicle park as an accessory use to a city park within the I-Institutional District for Clackamette Park is consistent with the applicable sections of the Oregon City Comprehensive Plan and zoning code.



LAND USE APPLICATION FORM

| Type I (OCMC 17.50.030.A) | Type II (OCMC 17.50.030.B) | Type III / IV (OCMC 17.50.030.C & D.) |
|--|---|--|
| <input type="checkbox"/> Compatibility Review | <input type="checkbox"/> Master Plan / PUD / GDP or Amendment | <input type="checkbox"/> Annexation |
| <input type="checkbox"/> WRG | <input type="checkbox"/> Detailed Development Plan (DDP) | <input type="checkbox"/> Code Interpretation / Similar Use |
| <input type="checkbox"/> Comm. Fac | <input type="checkbox"/> Floodplain Review | <input type="checkbox"/> Master Plan / PUD / GDP Amendment |
| <input type="checkbox"/> Lot Line Adjustment | <input type="checkbox"/> Geologic Hazard Overlay | <input type="checkbox"/> Conditional Use |
| <input type="checkbox"/> Non-Conforming Use Review | <input type="checkbox"/> Minor Partition (<4 lots) | <input type="checkbox"/> Comprehensive Plan / Legislative Amendment (Code / Map) |
| <input type="checkbox"/> Natural Resource (NROD) | <input type="checkbox"/> Minor Site Plan & Design Review | <input type="checkbox"/> Detailed Development Plan DDP |
| <input type="checkbox"/> Verification | <input type="checkbox"/> Non-Conforming Use Review | <input type="checkbox"/> Historic Review |
| <input type="checkbox"/> Minor Site Plan & Design Review | <input type="checkbox"/> Site Plan and Design Review / DDP | <input type="checkbox"/> Municipal Code Amendment |
| <input type="checkbox"/> Extension of Approval | <input type="checkbox"/> Subdivision (4+ lots) | <input type="checkbox"/> Parking Adjustment |
| <input type="checkbox"/> Historic Review – Remodel | <input type="checkbox"/> Minor Variance | <input type="checkbox"/> Variance <input type="checkbox"/> Sign Variance |
| <input type="checkbox"/> Detailed Dev. Plan (DDP) | <input type="checkbox"/> Natural Resource (NROD) Review | <input checked="" type="checkbox"/> Zone Change (Text/Map) |
| | <input type="checkbox"/> Public Improvement Modification | <input type="checkbox"/> Willamette Greenway |
| | <input type="checkbox"/> Willamette Greenway | |
| | ELD Process (OCMC 17.50.030.E) | Legislative Action (OCMC 17.50.170) |
| | <input type="checkbox"/> Expedited Land Division | <input type="checkbox"/> Legislative |

| | |
|--|--|
| File Number(s): GLUA-23-00039 / ZC-23-00004 | Application Date: 11/21/23 |
| Project Name: Clackamette Park Master Plan - RV Park | |
| Proposed Land Use or Activity: Zoning Code Amendment to allow a City-Managed RV Park for Clackamette Park in I - Institutional District | # of Lots Proposed (If Applicable): TBD |
| Physical Address(es) of Site: 1955 CLACKAMETTE DROREGON CITY, OR 97045 | |
| Clackamas County Map and Tax Lot Number(s): 2-2E-30, Tax Lots 600, 500, 100, 601, 102, 1300 | |

Applicant(s)

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

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

| | | |
|---|--------------------------|-------------------------------|
| Property Owner #1 Tony Konkol | | |
| Property Owner#1 Signature [Signature] | | |
| Property Owner#1 Name Printed: Tony Konkol | | Date: |
| Mailing Address: 625 Center St Oregon city, OR 97045 | | |
| Ownership Address: | | |
| Phone: 503 4961504 | Fax: 503-657-7026 | Email: tkonkol@orc.org |

| | | |
|--------------------------------|------|--------|
| Property Owner #2 | | |
| Property Owner#2 Signature | | |
| Property Owner#2 Name Printed: | | Date: |
| Mailing Address: | | |
| Ownership Address: | | |
| Phone: | Fax: | Email: |

Representative(s)

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

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