



# CITY OF OREGON CITY PLANNING COMMISSION AGENDA

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Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City  
Monday, April 08, 2024 at 7:00 PM

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## **REGULAR MEETING OF THE PLANNING COMMISSION**

*Ways to participate in this public meeting:*

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

## **CALL TO ORDER AND ROLL CALL**

## **PUBLIC COMMENT**

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

## **MEETING MINUTES**

1. Meeting Minutes for Approval: February 26, 2024

## **PUBLIC HEARING**

2. GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru (Code Interpretation and Non-Conforming Use Review)

## **DISCUSSION TOPICS**

3. Annual report to the City Commission of Planning Commission activities in calendar year 2023 and presentation of the 2024-2025 work plan.

**COMMUNICATIONS****ADJOURNMENT**

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**PUBLIC COMMENT GUIDELINES**

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

*As a general practice, the City Commission does not engage in discussion with those making comments.*

*Electronic presentations are permitted but shall be delivered to the City Recorder 48 hours in advance of the meeting.*

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**ADA NOTICE**

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

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

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



# CITY OF OREGON CITY PLANNING COMMISSION MINUTES - DRAFT

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Commission Chambers, Libke Public Safety Building, 1234 Linn Ave, Oregon City  
Monday, February 26, 2024 at 7:00 PM

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## CALL TO ORDER AND ROLL CALL

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

Present: 6 - Vice Chair Paul Espe, Commissioner Dirk Schlagenhauser, Commissioner Bob La Salle, Commissioner Daphne Wuest, Commissioner Karla Laws and Commissioner Brandon Dole

Absent: 1 – Chair Stoll, excused

Staffers: 4 - Community Development Director Aquilla Hurd-Ravich

## PUBLIC COMMENT

None.

## MEETING MINUTES APPROVAL

1. Meeting Minutes for Approval February 12, 2024

**A motion was made by Commissioner LaSalle, seconded by Commissioner Wuest to approve the meeting minutes. The motion carried by the following vote:**

**Yea: 6 - Commissioner LaSalle, Commissioner Wuest, Commissioner Laws, Commissioner Dole, Commissioner Schlagenhauser and Vice Chair Espe**

## PRESENTATIONS

2. Oregon City NPDES MS4 Permit & Stormwater Management Plan

Oregon City Water Quality Coordinator Marcos Kubow gave a presentation giving the commission an overview of water quality in Oregon and how Oregon City continues to maintain regulatory compliance and improve water quality of Oregon City's surface waters.

The presentation was followed by a Q&A time.

## PUBLIC HEARING

None.

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**DISCUSSION ITEMS****3. Planning Commission 2024-2025 Draft Work Plan**

Community Development Director Aquilla Hurd-Ravich walked the Commission through a time of prioritizing items on the Draft Work Plan.

A. In the Education/Inter-Departmental Coordination section of the work plan, the commission put Housing as the first priority and the other items to be done as scheduling allows with the other departments.

B. In the Future Considerations for Policy Direction/Code Amendments will require City Commission direction but need to decide if or which one of these the Planning Commission wants to take to City Commission. The priority from the Planning Commission was the 7<sup>th</sup> Street/Molalla items. Aquilla will look for the Corridor plan(s) and fine tune this part of the work plan to bring back at a future meeting.

**COMMUNICATIONS**

Commissioner Wuest announced a presentation at the Pioneer Community Center on Tuesday, February 27<sup>th</sup> at 6:30 p.m. from the Homeless Solutions Coalition.

There will be no meeting on March 11<sup>th</sup> but there are items on the agenda for March 25<sup>th</sup>.

**ADJOURNMENT**

*Vice Chair Espe adjourned the meeting at 8:37 p.m.*





# CITY OF OREGON CITY

## Staff Report

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

**To:** Planning Commission **Agenda Date:** 04/08/2024

**From:** Christina Robertson-Gardiner

### SUBJECT:

GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru (Code Interpretation and Non-Conforming Use Review)

### STAFF RECOMMENDATION:

Approval with Conditions for GLUA-23-00012 / MAS-23-00001

### EXECUTIVE SUMMARY:

The applicant is seeking a code interpretation from the Planning Commission of the city's non-conforming use code (OCMC 17.58), which does not allow a preexisting non-conforming use (car dealership) to be expanded or intensified. The city does not have a specific definition of what constitutes an expansion or intensification of use.

The applicant is proposing a project to upgrade the existing Lithia Subaru. The project includes structured fleet parking, enclosing an existing service drive, adding additional office space, increasing the number of service bays from 21 to 35, and expanding the parts storage from 4,050 sq feet to 9,220 sq feet. Specifically, adding service bays and increasing on-site parts storage is outside a staff-level non-conforming use review and requires additional direction from the Planning Commission.

Previous projects on the site have been reviewed as Type II or Type III applications, depending on the complexity of the proposal. In 2018 (CD 18-04), the applicant requested a similar expansion to the onsite fleet storage parking lot with a new structured parking garage, which was approved by the Planning Commission and found not to be an expansion or intensification of use.

Lithia Subaru did not proceed with the Site Plan Review application at that time because it concluded that to bring the Oregon City store up to the industry standards, a larger project was necessary, and it deferred any site plan review until the larger project could be adequately developed, which is being presented with this application (GLUA-23-00038 LN-23-00005 CI-23-00001)

The Applicant is requesting a Code Interpretation for the full project proposal, which will allow for a more holistic view of the development on-site instead of parsing out specific uses within the proposal. On balance, the applicant sees an investment in the site that brings a more urban form to the downtown and removes some of the existing outside storage.

**BACKGROUND:**

Please see the attached Staff Report and Recommendation for GLUA-23-00038 LN-23-00005 CI-23-00001

**OPTIONS:**

1. Approve GLUA-23-00038 LN-23-00005 CI-23-00001 with conditions recommended by Staff.
2. Approve GLUA-23-00038 LN-23-00005 CI-23-00001 with conditions modified by the Planning Commission.
3. Do not approve GLUA-23-00038 LN-23-00005 CI-23-00001

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### TYPE III PLANNING COMMISSION CODE INTERPRETATION

#### Staff Recommendation

April 1, 2024

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

**FILE NO.:** GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru (Code Interpretation and Non-Conforming Use Review)

**HEARING DATE:** April 8, 2024

**APPLICANT:** Maxim Anfilofieff  
6443 SW Beaverton-Hillsdale Hwy, Suite 210  
Portland, OR 97221

**OWNER:** Lithia Real Estate Inc  
Medford, OR 97041

**REQUEST:** The applicant is seeking a Planning Commission Code Interpretation of its proposal to modernize its existing dealership with a new sales and administration building, showroom, added service bays above the existing lower parking deck, and revised site circulation. The applicant seeks the interpretation that the proposal is an expansion of a lawfully existing nonconforming structure and is not an expansion or intensification of a nonconforming use.

**LOCATION:** 1404 Main Street  
Oregon City, OR 97045  
2-2E-30 DD, Tax Lot 900, 1000

**NEIGHBORHOOD ASSOCIATION:** Two Rivers Neighborhood Association

**REVIEWER:** Christina Robertson-Gardiner, AICP Senior Planner (503) 496-1564

**PROCESS:** *Type III decisions involve the greatest amount of discretion and evaluation of subjective approval standards, yet are not required to be heard by the city commission, except upon appeal. Applications evaluated through this process include code interpretations. The process for these land use decisions is controlled by ORS 197.763. Notice of the application and the planning commission hearing is published and mailed to the applicant, recognized neighborhood association and property owners within three hundred feet of the subject property.*

*Notice must be issued at least twenty days pre-hearing, and the staff report must be available at least seven days pre-hearing. At the evidentiary hearing held before the planning commission, all issues are addressed. The decision of the planning commission is appealable to the city commission within fourteen days of the issuance of the final decision. The city commission hearing on appeal is on the record and no new evidence shall be allowed. Only those persons or a city-recognized neighborhood association who have participated either orally or in writing have standing to appeal the decision of the planning commission. Grounds for appeal are limited to those issues raised either orally or in writing before the close of the public record. A city-recognized neighborhood association requesting an appeal fee waiver pursuant to OCMC 17.50.290.C must officially approve the request through a vote of its general membership or board at a duly announced meeting prior to the filing of an appeal. The city commission decision on appeal from the planning commission is the city's final decision and is appealable to the Land Use Board of Appeals (LUBA) within twenty-one days of when it becomes final.*

### **Recommended Conditions of Approval**

GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru

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

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

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

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

1. The Planning Commission approved the proposal to build: structured parking, cover an existing service drive, add additional office space, increase the number of service bays from 21 to 35, and expand the parts storage from 4,050 sq feet to 9,220 sq feet and finds that it is not an expansion or intensification of a preexisting nonconforming use. The project will be implemented through a future Type II Site Plan and Design Review process. (P)
2. Neither the staff nor the Planning Commission has reviewed the proposal for compliance with the Site Plan and Design Review standards per OCMC 17.62. The applicant shall show compliance with these standards through the required Type II Site Plan review process. (P)
3. Through the Type II Site Plan and Design Review process, changes to the internal configuration, site access driveways, and architectural revisions can be made without further Planning Commission review; however, if the number of proposed service bays or the parts storage area increases by more than 5%, a new code interpretation/non-conforming use review by the Planning Commission shall be required. (P)
4. This Code Interpretation decision is specific to the application being proposed. The applicant shall submit a Site Plan and Design Review application to implement the proposal within five years of the date of this decision or request an extension from the Planning Commission. (P)

## I. BACKGROUND:

### 1. Project Description

The applicant is seeking a code interpretation from the Planning Commission of the city's non-conforming use code (OCMC 17.58), which does not allow a preexisting non-conforming use (car dealership) to be expanded or intensified. The city does not have a specific definition of what constitutes an expansion or intensification of use. Previous projects on the site have been reviewed as Type II or Type III applications, depending on the complexity of the proposal. In 2018 (CD 18-04), the applicant requested a similar expansion to the onsite fleet storage parking lot with a new structured parking garage, which was approved by the Planning Commission and found not to be an expansion or intensification of use.

Lithia Subaru did not proceed with the Site Plan Review application at that time because it concluded that to bring the Oregon City store up to the industry standards, a larger project was necessary, and it deferred any site plan review until the larger project could be adequately developed and presented, which is being presented with this application (GLUA-23-00038 LN-23-00005 CI-23-00001)

### Proposal

The applicant is proposing a project to upgrade the existing Lithia Subaru. The project includes structured fleet parking, enclosing an existing service drive, adding additional office space, increasing the number of service bays from 21 to 35, and expanding the parts storage from 4,050 sq feet to 9,220 sq feet. Some aspects of the project have already been approved by the Planning Commission, such as the structured fleet parking. Other aspects, such as enclosing the service drive or increasing office space, could have potentially been reviewed by staff if proposed individually.

The Applicant is requesting a Code Interpretation for the full project proposal, which will allow for a more holistic view of the development on-site instead of parsing out specific uses within the proposal. On balance, the applicant sees an investment in the site that brings a more urban form to the downtown and removes some of the existing outside storage. Specifically, adding service bays and increasing on-site parts storage is outside of a staff-level non-conforming use review and requires additional direction from the Planning Commission.

### Service Bays and Parts Storage

For this project, the applicant proposes increasing the square footage of the parts storage area (4,050-9,220 sq. ft.) and increasing the number of service bays from 21 to 35 to better align with industry standards for car dealerships. The applicant is specifically seeking approval from the Planning Commission to increase the size of the staging parts area and the number of service bays and asks that the Planning Commission find that this proposal does not expand or intensify the car dealership use. A majority of the findings in the staff report will focus on this portion of the proposal.

### **Office Space, Structured Parking, and Site Circulation.**

The second-floor office space (offices are a permitted use), covering and existing onsite site circulation, and structured parking—approved in 2018 but not built- are components of this proposal that are much easier to approve on a staff level as not expanding or intensifying the existing use and potentially even bringing the site closer to conformity with the underlying Mixed-Use Downtown (MUD) zone if they were proposed individually outside of this Code Interpretation.

No changes to the code are proposed. This code interpretation review is specific to the application being proposed.

- If the Planning Commission finds that the increase in service bays/parts storage does not constitute an expansion or intensification of the pre-existing nonconforming use, the applicant will submit for a Type II Site Plan and Design Review for the construction of the project.
- If the Planning Commission determines that the increase of service bays and parts storage will expand and intensify the pre-existing nonconforming use, the applicant will maintain the current configuration. The applicant can then decide whether they want to proceed with only the expansion of office space (permitted), covering the existing service drive, and the previously approved structured parking in a future Type II Site Plan Review.

If the Planning Commission believes an alternative approach should be taken to best define *expansion* and *intensification*, it should provide that direction at the Planning Commission hearing and request additional information from the applicant or staff as needed.

The Applicant, Lithia Subaru of Oregon City, owns property located at 1404 Main Street, Oregon. The property is the entire block that extends from Main Street east to Center Street and between 14th and 15th Streets. Lithia Subaru operates an automobile business on the Property, which, pursuant to OCMC 17.34.040.E. and F - *Prohibited Uses*, is no longer permitted in the MUD – Mixed Use Downtown District. The main sales and administrative building is located at the southwest corner of the Property. That building contains an indoor showroom, sales offices, finance department, and administrative offices. Behind the service building along the Property's east boundary line, there is a 1,760-square-foot building used for washing/detailing vehicles. That building was the subject of a June 23, 2014, Type II decision approving the replacement of the old 700-square-foot building with a larger 1,760-square-foot building.

The applicant provided the following background on the current code interpretation and non-conforming use request.

*To remain a thriving Subaru dealership and continue its involvement in Oregon City, Lithia Subaru must modernize its facility. The vehicle shopping experience has changed over the years and new retail stores are designed not only to function better, but to include a cleaner, more aesthetically pleasing appearance. Customer service is important. The industry and manufacturer track customer satisfaction in the sale process and the service afterwards. Thus, Lithia Subaru is proposing to construct a new sales and administration building with a second story. Tab 2 to the application are drawings that illustrate the proposed modernization of the dealership. The new building will contain a larger, modern showroom, expanded sales and financing offices, new service advisor desk areas to better meet customers' needs, new customer seating areas and rest rooms, new technology, and other customer amenities. The footprint will remain as it is with a new second floor that allows Lithia Subaru to move much of the administrative offices and support facilities upstairs so the lower level can have a*

*better showroom, additional sales desks, an area for service advisers to sit with customers, and more customer amenities.*

*Lithia Subaru is proposing to retain the lower parking level for vehicle inventory, improving it to accommodate more inventory that formerly had to be on the open lots surrounding the facility. However, rather than add a level of vehicle parking on top, Lithia Subaru is proposing to add a level for additional service bays. The new service bay level will be connected to the second floor of the sales and administration building with an internal hallway providing a safer, internal route for employees to go between the administration building and the inventory and service facilities.*

*The 2018 proposal would have retained the external connection requiring employees and customers to walk outside and across the existing service aisle that exists on Main Street. The service drive that has always been on the site will still connect 14th to Main Street through the site. It will be on the first level and placed mostly under cover. The new service bays will allow Lithia Subaru to provide a more prompt and efficient service to its customers resulting in better customer performance consistent with industry standards. Lithia Subaru proposes to have limited display vehicle parking along Main Street. With a favorable determination on the issue presented in this request, Lithia Subaru will proceed with Site Plan Review and is planning to include in that significant site improvements to bring the site more into compliance with city standards, including improving landscaping and building facades. The objective is to create a modern, better functioning store that is designed to fit into the pedestrian landscape similar to other uses allowed in the Mixed-Use Downtown zone. Tab 3 to the application are two renderings that illustrate how the proposed modernization will fit into the pedestrian landscape.*

*The existing service area on the northeast portion of the site will remain as they were in 2018. Lithia Subaru is not proposing any changes to the detail building that was expanded in 2014. The proposed new and reconstructed facilities will not be used for any activity for which the existing facilities are not already used. Lithia Subaru is not proposing to add any new services or activities. The new sales/inventory building will allow Lithia Subaru to provide better service and an overall better customer experience. It will bring Lithia Subaru's Oregon City's store up to the level of modern retail stores in keeping with the manufacturer requirements and industry standards. The new service bays will provide a more efficient, safer workspace for employees and allow Lithia Subaru to meet customer expectations regarding how long it takes to complete repairs. The industry tracks customer satisfaction. Customers desire to get their vehicles in for service promptly and have them returned without delay. The existing service bays are not as efficient as modern facilities and are limited. Additionally, modern service bays will dramatically speed up the repair/service time period resulting in higher customer satisfaction.*





Figure 1 Site Location 1404 Main Street

★ (tax lots 401, 600, and 700-preexisting non-conforming fleet parking- are not part of this application)



Figure 2 View from Main Street





*Figure 3 View from Main Street – the existing fleet storage display parking will remain in the remodel if approved.*



*Figure 4 View from 15th Street*

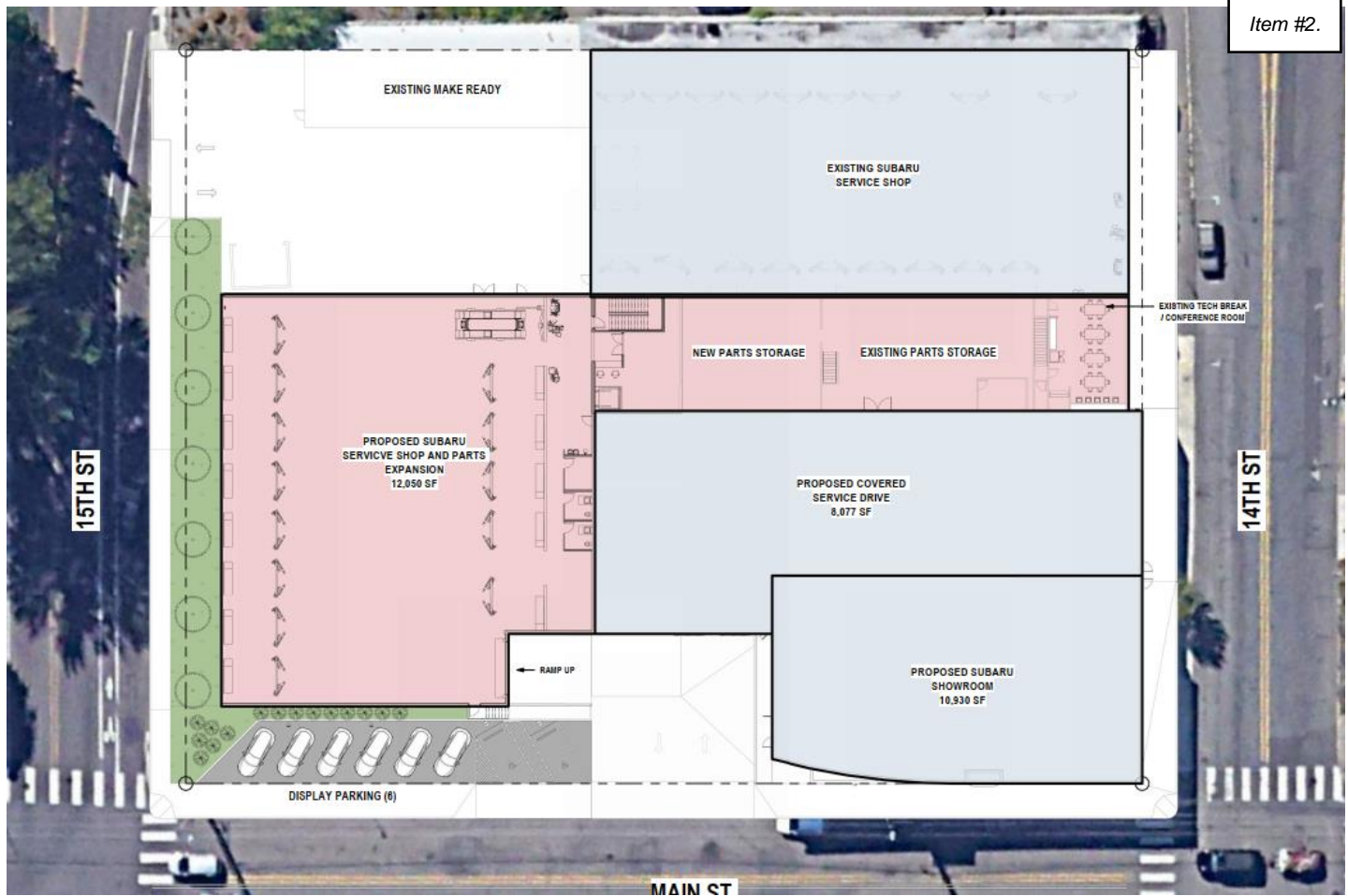


Figure 5 Site Plan- Proposed improvements are identified in pink are subject to this code interpretation/nonconforming review. Areas in blue are or were previously permitted or cover an existing use.



Figure 6 Proposed 3D rendering of the project.

### Relevant Previous Approvals

*CD 18-04-Planning Commission code interpretation to allow an additional level of structured parking on a pre-existing nonconforming use. (approved but unbuilt)*

The Planning Commission concluded that the Code Interpretation supported the request to allow an additional level of structured parking on a pre-existing nonconforming use. Moreover, the Planning Commission found that the proposal was not considered an intensification of the non-conforming use (car sales). This code interpretation decision was specific to the application being proposed, and any additional request, either on or off-site, should be reviewed on its own merits. In addition to the findings found in the staff report, the Planning Commission identified the following findings to supplement the record for this application.

- The proposed structure will improve ease of access and public safety through changes in site circulation, which also aids in reducing the need for customers and employees to access the lots across Main Street.
- The proposed structure is designed to be accessed at grade from Main Street, which will reduce the massing and impact to pedestrians.
- Adding additional inventory space to a pre-existing nonconforming retail establishment does not automatically create an expansion or intensification of the use.

Lithia Subaru did not proceed with the Site Plan Review application at that time because it concluded that to bring the Oregon City store up to the industry standards, a larger project was necessary, and it deferred any site plan review until the larger project could be adequately



developed and presented, which is being presented with this application (GLUA-23-00038 LN-23-00005 CI-23-00001)

*SP 15-16 – Circulation and exterior alterations*

The applicant submitted an application for alterations to circulation, parking, and building façades in the service area of the auto dealership. This alteration improved circulation and exiting for cars at the service drop off and pick up location. The area in the courtyard north of the building and inside the building serve as parking for both pick-up and drop-off of cars to be repaired. Cars are temporarily parked in this location while customers interact with service advisors. The car is then transported to the basement where car service occurs. The existing turnaround area is located in the through lanes making it difficult or impossible to retrieve many cars after there're serviced. This scope of work was intended to improve customer experience by providing a single direction of traffic flow through the area. The use was identified as a pre-existing non-conforming use.

*SP 14-02 – Car Washing Station*

The applicant proposed to remove an existing 700 square foot accessory structure on the north side of the site and build a new 1,760 square feet accessory structure in the same location, along Center Street. The new structure required the removal of a chain link fence along Center Street, an existing pine tree near the Center Street frontage, and 8 existing parking spaces. The applicant also provided upgrading to adjacent landscaping. Staff found that the proposal was not an intensification of use and the car washing station was required to meet the commercial standards of OCMC 17.62- Site Plan and Design Review. The use was identified as a pre-existing non-conforming use.

*LN 09-77- Legal Nonconforming Use*

The applicant addressed the lawful nonconforming status as a car dealership. The existing use and structures were determined to be a lawfully nonconforming situation.

*From the documentation you have provided, Lithia Motors, Inc. purchased the Subaru store as an operating Subaru store from Thomason Auto Group in February of 2003. The store has been in continuous operation as an automotive sales and service facility since the day Lithia purchased it as an operating automotive sales and service facility. The property is owned by Lithia Real Estate, Inc., a wholly owned subsidiary of Lithia Motors, Inc. The subject tax lots were previously zoned "General Commercial". Based on the information you have provided, and available aerial photography from the 1970's through the present, the parcels in question have been used continuously for vehicles sales and service for at least 30 years. ...Thus, the City recognizes the Lithia Subaru facility as a lawful nonconforming use.*

**Public Comment**

Public comments submitted include (Exhibit 3):

**John Duke, Homeless Solution Coalition of Clackamas County**

Support application and support Lithia needing to upgrade their facilities.

**Wes Rogers, Oregon City School District-** the proposal did not conflict with their interests.

**Jim Sayers, Building Official** – Noted that the location is within the flood plain. The proposal will be required to meet the Flood Overlay District's during the Site Plan and Design Review process.

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

### **Code Interpretation and Non-Conforming Use Analysis**

The analysis, findings, and interpretation below are based on a review of the current Oregon City, Municipal Code. The applicant is not requesting the addition of a car dealership for permitted use in the Mixed-Use Downtown (MUD) Zone. Changes to the current zoning regulations require a code amendment. This review is to determine that the proposal that includes the addition of service bays and storage areas is not an expansion or intensification of a non-conforming use.

## **II. ANALYSIS AND FINDINGS:**

### **CHAPTER 17.50 - ADMINISTRATION AND PROCEDURES**

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

**Finding: Complies as Proposed.** The proposed Code Interpretation is being processed as a Type III application per chapter 17.50.030 of the Oregon City Municipal Code.

#### **17.50.055 Neighborhood Association Meeting.**

*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. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

**Finding:** The applicant completed a neighborhood association meeting on February 7, 2024. The Two-Rivers neighborhood association was supportive of the proposed modernization of the Lithia Subaru dealership. Minutes of the neighborhood association meeting are found in the applicant's submittal.

#### ***17.50.090 Public Notices.***

**Finding: Complies as Proposed.** This application is being reviewed through the Type III procedure and is subject to the notice requirements for a Type III public hearing. Notice of the application was posted onsite and on the city's website, mailed to property, and occupants within 300 feet of the subject site, and provided to affected departments, associated neighborhood associations, and agencies via email.

## **CHAPTER 17.58 – LAWFUL NONCONFORMING USES, STRUCTURES AND LOTS**

### 17.58.010 - Purpose.

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

### 17.58.030 - Lawful nonconforming use.

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

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

**Finding: Complies as proposed.** This report analyses if the additional services bays and storage area is an expansion or intensification of the automobile sales onsite.

The applicant believes that Lithia Subaru's proposed construction of additional service bays and storage area is not an expansion of the site's use or an intensification of that use. If the Planning Commission approves, the applicant will need to submit a Type II Site Plan and Design Review to expand an existing structure to comply with the current commercial Site Plan and Design Review standards.

The city has not established clear definitions for the terms "expansion" or "intensification." As a result, the staff recommended that the applicant request a code interpretation from the Planning Commission to determine whether their proposal does not qualify as an expansion or intensification of the nonconforming use. In their submission, the applicant has provided a narrative argument demonstrating that their proposal will not increase or intensify the nonconforming use. The staff report contains relevant excerpts of their narrative, which is attached in full as an exhibit to the staff report.

If the Planning Commission believes an alternative approach should be taken to best define *expansion* and *intensification*, it should provide that direction at the Planning Commission hearing and request additional information from the applicant or staff as needed.

### How to Review the Proposal

The Mixed-Use Downtown Zone (MUD) OCMC 17.34 prohibits motor vehicle and recreational vehicle sales and their incidental services in the area. This means that no new car dealerships will be allowed in the MUD District. However, what happens to a long-standing business located within the city center that is no longer permitted? How much can the business invest and grow before it is considered a different use from what was originally there when the zoning code was amended?

The level of discretion involved in answering these questions naturally promotes this proposal to a Type III public hearings review with the Planning Commission.

Reviewing the proposal based on transportation system impacts does not necessarily provide an adequate assessment of the intent of the nonconforming code. Any additional service bay, it could be argued, could induce additional vehicle trips- but is that the correct assessment of whether the service bays are an expansion or intensification for the use? It may be an intensification of the site - which can be assessed using a typical Type II Site Plan and Design review process. The Mixed Use Downtown District is filled with permitted uses that will create additional trip generation in the urban core.

For this proposal, the larger question for the Planning Commission is: has the **USE** (car dealership) expanded and intensified? The applicant contends that no new components to the existing car dealership are being added to the site (like a car rental service or a detailing or modification shop), nor are new tax lots being added to the use. The addition of new service bays remains on the same block as the existing service bays.

The non-conforming code is designed to help balance the needs of businesses that were legally established but are no longer permitted due to changes in the code to continue their livelihood and the community's desires for the long-term build-out of a zoning district. When making improvements to a site, it's essential to consider whether the improvement can easily be used in the future for a permitted use if and when the non-conforming use is discontinued. Purpose-built architectural needs, such as a large storage tower or large manufacturing buildings that cannot easily be adaptively reused- would not meet the long-term goals of the underlying Mixed-use zone. Under this proposal, the application must meet the Type II commercial standards for buildings in the Mixed-Use Downtown zone, which include having a minimum level of windows, a front entrance directly accessible from the street, and generally building to an urban commercial form regardless of the use inside the building.

### EXPANSION OF NONCONFORMING USE

Staff finds that the Subaru dealership will continue to use the property for the same purpose, and the applicant is not planning to introduce any new activities or uses on the site. The storage of inventory and service bays have always been a part of the dealership, as is typical for any retail car dealership. Staff agrees that if the proposal was for a use that has not been conducted by the dealership before, such as general non-dealership storage or a vehicle rental operation, it would be a different matter. Moreover, additional square footage is proposed to be added onto the main tax lots for the dealership located in the urban core of the Regional Center, which would provide a more urban form for the dealership.

The applicant additionally provides the following findings to support this approach:

*The additional service bays will allow a safer, more efficient workspace that allows faster customer turnaround on service/repairs. Again, manufacturers track customer satisfaction and service is an important element of that. Customers expect to get their vehicle into the dealership for service promptly and to have service completed as quickly as possible. The applicant's proposal to add a level to an existing parking structure is not an expansion of the use. The use of the Property will remain the same Subaru dealership. The new service bays allow the applicant to provide better service to its customers and service that is consistent with industry standards.*

#### **INTENSIFICATION OF NONCONFORMING USE**

Staff finds the arguments presented to be compelling and believes that the request is consistent with previous expansions on the site, such as the carwash booth that was previously not considered an expansion of use, and the structured parking that was approved by the Planning Commission in 2018. By constructing buildings and structures on the site that meet the requirements of the commercial Site Plan and Design Review Code, the pre-existing, non-conforming business can continue to operate within the bounds of the law. Such investments are necessary to sustain the business onsite, and these improvements remove existing outside storage and increase the urban form of the site within the Regional Center, and enhance the compatibility of the site with the neighboring permitted uses. An excerpt from the applicant that further details this approach can be found below.

*As the Planning Commission found in CD 18-01, adding space to a pre-existing nonconforming retail establishment does not automatically create an expansion or intensification of use. The city's decision in SP 14-02 reinforces that finding in that the detail building was enlarged to provide better customer service without being determined an expansion or intensification of the use.*

*The proposal to which this application relates is to modernize the existing retail establishment to bring it up to the current market and industry standards. The new sale/administration building does not add any activity not on the site before. It allows the applicant to provide better service to its current market and offers amenities that consumers and manufactures expect in a retail automobile dealership. While the new sales and administration building will have more room, it will not intensify the use by adding services not provided in the older facility.*

*The added service bays serve the same purpose. They allow the applicant to provide faster turnaround to customers needing services and a safer more efficient workspace for employees. Customer satisfaction is measured and having the ability to get customers' vehicles in for service faster and completing the service faster results in higher customer satisfaction. The added floor above the below grade inventory area allows an internal passage for people avoiding the need to walk across the service aisle that now runs between the inventory storage and the sales and administration building.*

*In fact, because there will be additional and better situated facilities in the proposed structures for the same ongoing activities, from the outside, the same use of the Property, will likely appear to be less intense than when conducted in the prior facilities.*



### **17.58.060 - PROCESS TO CONFIRM THE LEGALITY OF A NONCONFORMING USE, LOT, STRUCTURE, OR SITE.**

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

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

**Finding: Complies.** The applicant addressed the lawful nonconforming status above noting that in LN 09-77, the existing use and structures were determined to be a lawfully nonconforming situation.

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

**Finding: Complies.** The nonconforming use and structures have only been altered with approval from the city in land use decisions. Thus, no changes on site have made the use or any structure more nonconforming.

### **III. CONCLUSION AND RECOMMENDATION:**

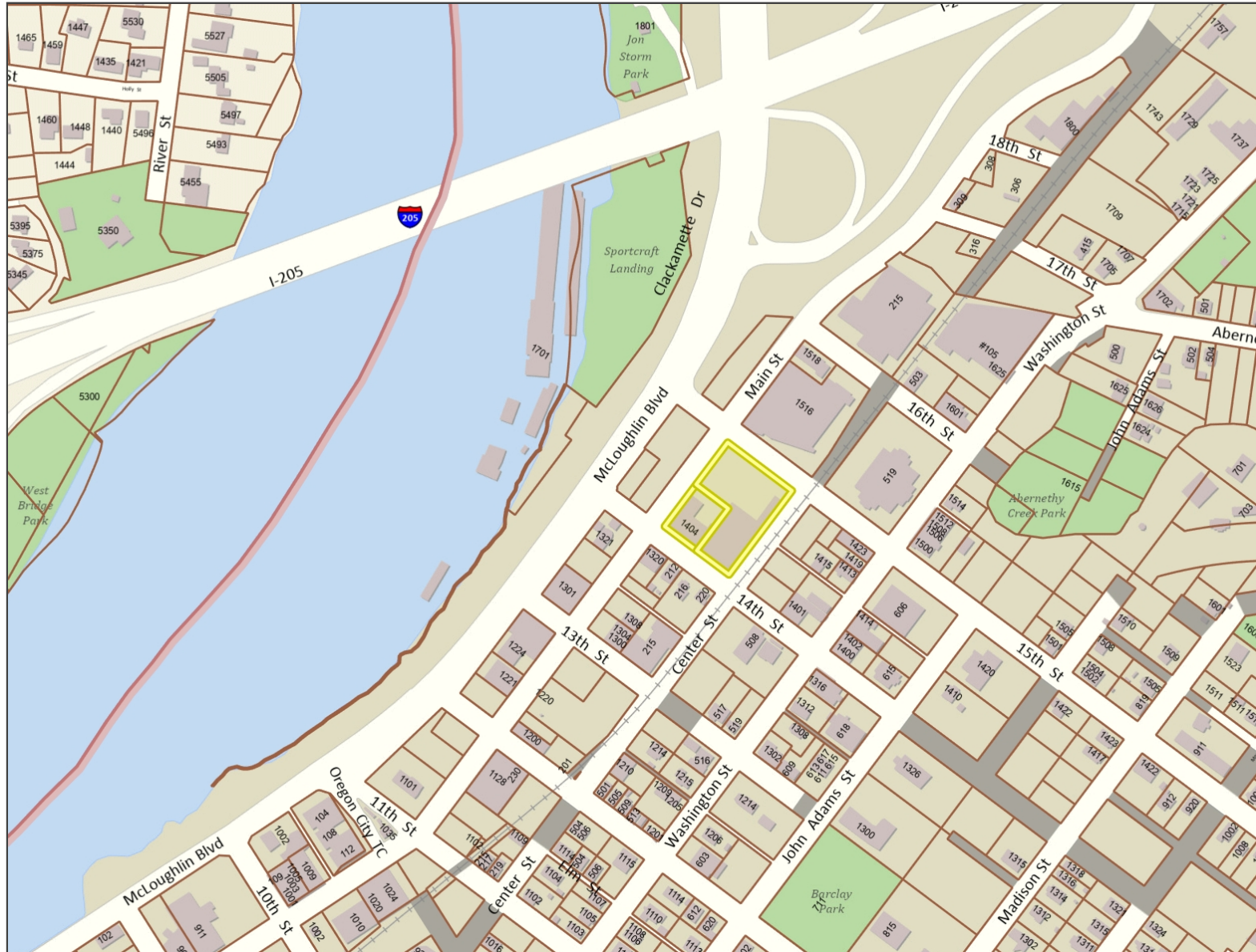
Based on the analysis and findings described above, Staff concludes that the Code Interpretation supports the request to allow additional service bays and storage areas on a preexisting nonconforming use (1404 Main Street). No changes to the code are proposed. Based on the findings and exhibits contained in this staff report, staff recommends that the Planning Commission approve file GLUA-23-00038 LN-23-00005 CI-23-00001 based upon the findings and exhibits contained in this staff report and the recommended conditions of approval.

### **IV. EXHIBITS:**

1. Vicinity Map
2. Applicant's Submittal
3. Public Comment
  - a. John Duke, Homeless Solution Coalition of Clackamas County
  - b. Wes Rogers, Oregon City School District
  - c. Jim Sayers, Building Official

# GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru

Item #2.



### Legend

- Street Names
- Taxlots
- Unimproved ROW
- City Limits
- UGB
- Basemap

### Notes



The City of Oregon City makes no representations, express or implied, as to the accuracy, completeness and timeliness of the information displayed. This map is not suitable for legal, engineering, surveying or navigation purposes. Notification of any errors is appreciated.



0 400 800 Feet

1: 4,800

Map created 3/4/2024

City of Oregon City  
PO Box 3040  
625 Center St  
Oregon City  
OR 97045  
(503) 657-0891  
[www.orecity.org](http://www.orecity.org)



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## LAND USE APPLICATION FORM

### Type I (OCMC 17.50.030.A)

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

### Type II (OCMC 17.50.030.B)

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

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

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

**File Number(s):** Pre-App File #PA-23-00014

**Proposed Land Use or Activity:** Automotive Dealership (Sales & Service)

**Project Name:** Lithia Subaru of Oregon City

**Number of Lots Proposed (If Applicable):** \_\_\_\_\_

**Physical Address of Site:** 1404 Main Street, Oregon City, OR 97045

**Clackamas County Map and Tax Lot Number(s):** APN#s 00569414, 00569450, 00569405; Lot #s 3,4,5,6.

**Applicant(s):**

**Applicant(s) Signature:**

DocuSigned by:

*Maxim Anfilofieff*

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**Applicant(s) Name Printed:** Maxim Anfilofieff, WDY Structural & Civil Engineers **Date:** 11/16/2023

**Mailing Address:** 6443 SW Beaverton-Hillsdale Hwy, Suite 210, Portland, OR 97221 **Phone:** 503-203-8111

**Email:** maxim@wdyi.com.

**Property Owner(s):**

**Property Owner(s) Signature:**

DocuSigned by:

*Ashwin Radhakrishnan*

825D86FFEB20473...

**Property Owner(s) Name Printed:** Ashwin Radhakrishnan, Lithia Real Estate, Inc. **Date:** 11/16/2023

**Mailing Address:** 150 N. Bartlett Street, Medford, OR 97501 **Phone:** 541-734-3043

**Email:** abreck@lithia.com

**Representative(s):**

**Representative(s) Signature:**

DocuSigned by:

*Jason Otero*

870DD82EC94E496...

**Representative (s) Name Printed:** Jason Otero, LOMA Architects

**Date:** 11/16/2023

**Mailing Address:** 3838 N. Sam Houston Parkway E., Suite 185, Houston, TX 77032

**Phone:** 832-506-0984

**Email:** j.oter@lomaarch.com

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



February 28, 2024

**VIA EMAIL**

Christina Robertson-Gardiner, AICP  
Senior Planner  
695 Warner Parrott Road  
Oregon City, OR 97045  
[crobertson@orccity.org](mailto:crobertson@orccity.org)

Re: Lithia Subaru, Incomplete Letter GLUA-23-00038/LN-23-00005, CI-23-00001

Dear Christina:

This letter is the applicant's response to the City's Determination of Application Incompleteness dated January 2, 2024. We have enclosed a narrative responding to all applicable code provisions. Included as part of that narrative are minutes of a February 7, 2024 Neighborhood Association meeting, evidence that there are no City liens on the property and evidence that all taxes currently due have been paid. Pursuant to ORS 227.178(4), the applicant has provided all of the information that the City requested.

If you believe that there is any additional information required to deem the application complete, we appreciate hearing from you as soon as possible so we can keep the application on track for a hearing before the Planning Commission in April 2024.

Very truly yours,

HATHAWAY LARSON LLP

*s/ Christopher P. Koback*

Christopher P. Koback

CPK/ep  
Enclosures

**Christopher P. Koback**  
1125 NW Couch Street, Suite 550  
Portland, OR 97209  
[chris@hathawaylarson.com](mailto:chris@hathawaylarson.com)  
(503) 303-3107 direct  
(503) 303-3101 main

**LAND USE APPLICATION NARRATIVE**  
**1404 Main Street, Oregon City**  
**(March 2024)**

**Summary of Request**

The applicant is seeking a Planning Commission interpretation that its proposal to modernize its existing dealership with a new sales and administration building with a showroom, added service bays above the existing lower parking deck, and revising site circulation is an expansion of a lawfully existing nonconforming structure that can be approved after review, and is not an expansion or intensification of a nonconforming use.

**Property Information**

<u>Address:</u>	1404 Main Street, Oregon City, OR 97045
<u>Tax Map Lot:</u>	2-2E-30 DD, Tax Lot 1000
<u>Alternate ID:</u>	00569450
<u>Parcel Size:</u>	43, 124
<u>Zoning:</u>	MUD
<u>Comp. Plan Designation:</u>	MUD-Mixed Use Downtown

**Background**

*The Property.*

The applicant, Lithia Subaru of Oregon City (“Lithia Subaru” or the “applicant”), owns property located at 1404 Main Street, Oregon City (the “Property”). The Property is the entire block that extends from Main Street east to Center Street, and between 14<sup>th</sup> and 15<sup>th</sup> Streets. Lithia Subaru operates a retail vehicle sales and service business on the Property. Included as part of the Application at Tab 1 are an aerial photograph and three street view photographs that depict the current structures located on the Property. The photograph included at page 2 focuses on the main sales and administrative building located at the southwest corner of the Property. That building contains an indoor show room, sales offices, finance department, and administrative offices. Page 3 of Tab 1 is a photograph that depicts the main building looking to the north. The current service department is located immediately east of the main building and can be seen in the above-referenced photograph. Page 4 of Tab 1 is a view of the Property from northeast. The below grade parking area is in the forefront of the photograph. Lithia Subaru believes that it is original to the first use of the site as an automobile dealership at least 50 years ago. Behind the service building along the Property’s east boundary line, there is a 1,760-square foot building used for washing/detailing vehicles. That building was the subject of a June 23, 2014 Type II decision approving the replacement of the old 700-square foot building with a larger 1,760-square foot building.

*Nature of Use on the Property.*

Lithia Subaru did not construct the existing facilities. It understands that the Property has been used as a retail automobile dealership for 50 years or so. It has been a Subaru dealership since

the late 1970s. Lithia Subaru believes that, prior to that, it was perhaps a Pontiac or Buick dealership.

Since about 2002, Lithia Subaru has been part of the Oregon City community operating a retail automobile dealership at the Property. Its operations have not changed appreciably since that time. Lithia Subaru's use of the property as an automobile dealership includes a number of activities commonly found in a retail automobile dealership, including the sale and leasing of new vehicles, the sale of used vehicles, financing sale and lease transactions, servicing vehicles, and detailing/reconditioning vehicles.

#### *Land Use History/Prior Applications.*

In 2014, Lithia Subaru, as part of a Site Plan Review process, applied for and the city approved an expansion of the existing detail building on the site. SP 14-02. Lithia Subaru affected that approval and completed the expansion.

In 2015, Lithia Subaru applied for and obtained Minor Site Plan and Design Review Approval for certain site circulation improvements and building façade improvements. Lithia Subaru did not affect that approval electing to defer the work for a more significant upgrade to the site.

In 2018, in advance of a Site Plan Review application, Lithia Subaru applied for a Planning Commission interpretation that adding level to the existing below grade parking area on the corner of the site to add space for inventory was not an expansion or intensification of the existing nonconforming use that was prohibited under the code. File No CD-18-01. Planning Staff issued a positive staff report, and the Planning Commission issued a decision confirming that the proposed activity was not an expansion or intensification adopting staff's findings and adding the following findings:

- The proposed structure will improve ease of access and public safety through changes in site circulation which also aids in reducing the needs for customers and employees to access the lots across the street.
- The proposed structure is designed to not be above grade from Main Street, which will reduce the massing and impact to pedestrians.
- Adding additional spaces to pre-existing nonconforming retail establishment does not automatically create an expansion or intensification of use.

Lithia Subaru did not proceed with the Site Plan Review application at that time because it concluded that to bring the Oregon City store up to the industry standards, a larger project was necessary, and it deferred any site plan review until the larger project could be adequately developed and presented.

#### *Lithia Subaru's Current Proposal.*

Lithia Subaru has made a long-term investment in Oregon City and desires to continue the positive relationship it has forged. Lithia Subaru prides itself on being a positive contributor to every community in which it operates.

- Lithia's Subaru dealership operates during normal retail business hours;
- Lithia Subaru takes active measures to avoid emitting excessive noise or odor from its service department;
- Lithia Subaru employs 90 employees, providing jobs in the community; and
- Lithia Subaru participates in a recycling program of many of the materials it uses in its operations and properly disposes of any material it cannot recycle.

Lithia Subaru is also active in many local charitable endeavors, including:

- Make-A-Wish Oregon – Trailblaze sponsor and participant, business sponsorship of the Wish Ball, we also host a wish party for a child in need annually.
- Oregon Humane Society – We volunteer with the humane society socializing pets for adoption and host events at the dealership for adoptions and the Holiday Christmas Santa Paws event.
- Clackamas County Children's Commission – We host food and coat drives at the dealership as well as donate money.
- My Father's Heart – Donate money and coats to the local houseless resource center.
- Meals on Wheels – Have volunteer drivers to deliver food locally and raise money and gifts for people in need.
- Special Olympics – Participate and raise money for Special Olympics Polar Plunge.
- Clackamas County Parks – Sponsor the summer Concert in the Park series and are in the process of sponsoring and maintaining a local dog park.
- Life Flight Oregon – We donate the use of a new Subaru Outback to Life Flight Oregon.
- Local Sports – We sponsor many youth sports programs in the city and county.
- The Carol Danielson Suzuki Cancer Center – We donate blankets and comfort items for people going through Chemotherapy treatment.
- Valor Christian School – Donate money and tools for hurricane relief house re-building.

To remain a thriving Subaru dealership and continue its involvement in Oregon City, Lithia Subaru must modernize its facility. The vehicle shopping experience has changed over the years and new retail stores are designed not only to function better, but to include a cleaner, more aesthetically pleasing appearance. Customer service is important. The industry and manufacturer track customer satisfaction in the sale process and the service afterwards.

Thus, Lithia Subaru is proposing to construct a new sales and administration building with a second story. Tab 2 to the application are drawings that illustrate the proposed modernization of the dealership. The new building will contain a larger, modern showroom, expanded sales and financing offices, new service advisor desk areas to better meet customers' needs, new customer seating areas and rest rooms, new technology, and other customer amenities. The footprint will remain as it is with a new second floor that allows Lithia Subaru to move much of the administrative offices and support facilities upstairs so the lower level can have a better showroom, additional sales desks, an area for service advisers to sit with customers, and more customer amenities.



Lithia Subaru is proposing to retain the lower parking level for vehicle inventory, improving it to accommodate more inventory that formerly had to be on the open lots surrounding the facility. However, rather than add a level of vehicle parking on top, Lithia Subaru is proposing to add a level for additional service bays. The new service bay level will be connected to the second floor of the sales and administration building with an internal hallway providing a safer, internal route for employees to go between the administration building and the inventory and service facilities. The 2018 proposal would have retained the external connection requiring employees and customers to walk outside and across the existing service aisle that exists on Main Street.

The service drive that has always been on the site will still connect 14<sup>th</sup> to Main Street through the site. It will be on the first level and placed mostly under cover. The new service bays will allow Lithia Subaru to provide a more prompt and efficient service to its customers resulting in better customer performance consistent with industry standards. Lithia Subaru proposes to have limited display vehicle parking along Main Street. With a favorable determination on the issue presented in this request, Lithia Subaru will proceed with Site Plan Review and is planning to include in that significant site improvements to bring the site more into compliance with city standards, including improving landscaping and building facades. The objective is to create a modern, better functioning store that is designed to fit into the pedestrian landscape similar to other uses allowed in the Mixed-Use Downtown zone. Tab 3 to the application are two renderings that illustrate how the proposed modernization will fit into the pedestrian landscape.

The existing service area on the northeast portion of the site will remain as they were in 2018. Lithia Subaru is not proposing any changes to the detail building that was expanded in 2014.

The proposed new and reconstructed facilities will not be used for any activity for which the existing facilities are not already used. Lithia Subaru is not proposing to add any new services or activities. The new sales/inventory building will allow Lithia Subaru to provide better service and an overall better customer experience. It will bring Lithia Subaru's Oregon City's store up to the level of modern retail stores in keeping with the manufacturer requirements and industry standards. The new service bays will provide a more efficient, safer workspace for employees and allow Lithia Subaru to meet customer expectations regarding how long it takes to complete repairs. The industry tracks customer satisfaction. Customers desire to get their vehicles in for service promptly and have them returned without delay. The existing service bays are not as efficient as modern facilities and are limited. Additionally, modern service bays will dramatically speed up the repair/service time period resulting in higher customer satisfaction.

### **Applicable Criteria**

#### **Procedure.**

#### **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 Chapters 92, 197 and 227. These permits include all forms 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 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.*

**Response.** As it did in 2018, for the current proposal, staff has advised the applicant that it is appropriate under the code to request an interpretation on whether the proposed parking deck is a permitted expansion of a nonconforming structure in a separate application before the applicant proceeds with a further application for Site Plan and Design Review.

#### **17.50.030 Summary of the city's decision-making processes.**

*OCMC, section 17.50.030 includes a chart that identifies the type of process that must be used for various land use applications. It specifies that for a code interpretation, an applicant must proceed with a Type II review process.*

**Response.** The applicant is initiating a Type III review by the Planning Commission.

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

*OCMC 17.50.050 recites that prior to submitting any form of permit, the applicant shall schedule and attend a pre-application conference with city staff to discuss the proposal.*

**Response.** The applicant has conferred with Planning Staff prior to submitting the application, thus, meeting the criterion. Staff issued an incomplete application notice citing four items that staff believed were missing: (1) detailed narrative; (2) confirmation that a neighborhood meeting was completed; (3) proof that there are no city liens; and (4) evidence that all taxes currently due have been paid. This narrative responds to the first item. Proof that there are no city liens on the Property is included as Tab 4. Proof that all currently due taxes have been paid is included in Tab 5.

#### **17.50.055 Neighborhood Association Meeting.**

*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. Although not required for other projects than those identified above, a meeting with the neighborhood association is highly recommended.*

**Response.** The applicant completed a neighborhood association meeting on February 7, 2024. The neighborhood association was supportive of the proposed modernization of the Lithia Subaru dealership. Included with the application at Tab 6 are the minutes of the neighborhood association meeting.

### **17.50.060 Application Requirements.**

*A permit application may only be initiated by the record property owner or contract purchaser, the city commission or planning commission. If there is more than one record owner, then the city will not accept an application without signed authorization from all record owners. All permit applications must 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.*

**Response.** The applicant is the owner of the Property and is submitting the application using the form provided by the city. Lithia Subaru has included the proper fee and all materials required for the Planning Commission to review its request.

### **17.50.080 Complete Application – Required Information.**

*OCMC 17.50.080 lists the material necessary for the city to deem the application complete.*

**Response.** The applicant believes that it has included all of the material necessary for a complete application.

### **Substantive Requirements**

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

### **17.58.010 Purpose.**

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

**Response.** The current application is consistent with the purpose of the city's nonconforming structure and use provisions. The application, if approved, allows an existing business that has been a valuable member of the business community to remain in Oregon City. The application is prerequisite for a Site Plan Review application that will include upgrades to the site that bring the structures further toward conformance with standards.

### **17.58.015 Applicability.**

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

*uses or lots shall have been maintained over time. These situations have lawful nonconforming status. Nonconforming situations that were not allowed when established or have not been maintained over time have no lawful right to continue.*

**Response.** The applicant did not construct the existing facilities. It understands that the Property has been used as a retail automobile dealership for 50 years or so, when such uses were permitted in the then applicable zone. It has been a Subaru dealership since the late 1970s. Lithia Subaru believes that prior to that, it was perhaps a Pontiac or Buick dealership. Prior city decisions on the site confirm that the city considers the use to have been lawfully established. LN 09-77.

#### **17.58.020 - Lawful nonconforming lots of record.**

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

**Response.** The applicant understands that File LN 09-77 confirmed that the site is a legal lot. Other land use applications in 2014, 2015, and 2018 support a finding that the site is a legal lot of record.

#### **17.58.030 - Lawful nonconforming use.**

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

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

**Response.** The Property has been used as a Subaru automobile dealership since the 1970s continuously. It has been used as such continuously since the zoning on the Property was changed to Mixed Use Downtown. There has not been a cessation of the lawfully established non-conforming use. This criterion is satisfied.

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

**Response.** The applicant is not proposing to convert the use to a conforming use. This criterion does not apply.

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

**Response.** No structure containing a nonconforming use has been destroyed. This criterion does not apply.

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

**Response.** This application does not involve any residential structures. This criterion does not apply.

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

**Response.** This application does not involve any intentional destruction of any structure. This criterion does not apply.

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

**Response.**

*The applicant is not expanding the nonconforming use of the property.*

Consistent with its approval for the expanded vehicle washing/detailing structure in 2014 mentioned earlier, OCMC 17.58.040.C allows for the expansion of nonconforming structures. In considering a request to expand a nonconforming structure, the decision maker weighs the proposal's positive and negative features and the public convenience or necessity to be served against adverse conditions that would result from authorizing the particular development at the location.

The proposed new sales and administration building and the added floor of service bays above the existing below grade parking is an expansion of nonconforming structures, but not an expansion of the existing use of the Property. The first step in evaluating almost all nonconforming use issues is to determine the nature and scope of the use that became nonconforming. Most of the case law discussing nonconforming uses involves decisions at the county level as opposed to a city level, but on the core elements of the proper analysis, that law is helpful. Previously, LUBA announced that, in determining an issue over alterations of nonconforming use, the local government must determine: (1) whether the use was lawfully established when the restrictive zoning was applied; (2) the nature and extent of such use when it became nonconforming; (3) whether the use has been discontinued or abandoned; and (4) whether any proposed alteration complies with the standards governing nonconforming uses. *Tykla v. Clackamas County*, 28 Or LUBA 417 (1994). In a different context involving a question of whether the circuit court has jurisdiction to decide an

enforcement action before the county made a final determination on the nature and scope of a nonconforming use, the court of appeals applied a similar analysis. *Rogue Advocates v. Board of Commissioners of Jackson County*, 277 Or App 651 (2016).

A lawful nonconforming use can consist of multiple activities, as long as they are part of the use that became nonconforming. *River City Disposal and Recycling v. City of Portland*, 35 Or LUBA 360 (1998). The “use” would include all of the activities, as long as they were lawful when they began. In that case, the owner established a sewer contracting business that included activities associated with that use. Subsequently, a recycling operator began to operate recycling activities on the site. Ultimately, LUBA agreed with the hearings officer that there was not substantial evidence to support a conclusion that certain activities and structures were established as part of the use that became nonconforming. In other words, adding new uses and activities to the site was an expansion of the original nonconforming use.

In this instance, the use of the subject Property is for a retail Subaru automobile dealership. The dealership has a number of elements, including an indoor showroom, offices, a service area, a vehicle washing/detailing building, and parking areas for inventory. None of those elements are separate primary uses. They were all just part of the single, nonconforming retail vehicle sales and service use.

The proposal to construct a new sales and administration building is not expanding the use as a retail sale and service facility. While it adds some space, the space will simply better accommodate the prior activities associated with the existing use. As explained above, the vehicle buying experience has changed over time. The industry movement is toward modernly designed, functional, yet aesthetically pleasing, facilities for customers making a significant transaction. The addition of workspace on the new second floor allows the applicant to have a better showroom below with nice customer waiting areas, restrooms, and other amenities. Manufacturers expect their dealers to provide a certain level of customer satisfaction and track that with surveys. To remain competitive in the industry, Lithia Subaru needs to modernize its sales and administration building.

The additional service bays will allow safer, more efficient workspace that allows faster customer turnaround on service/repairs. Again, manufacturers track customer satisfaction and service is an important element of that. Customers expect to get their vehicle into the dealership for service promptly and to have service completed as quickly as possible. The applicant’s proposal to add a level to an existing parking structure is not an expansion of the use. The use of the Property will remain the same Subaru dealership. The new service bays allow the applicant to provide better service to its customers and service that is consistent with industry standards.

The enhancement to the lower-level inventory parking area will allow additional inventory to be stored on the main site, making it more efficient for customers to view it and safer/more efficient for employees to retrieve inventory. It simply makes the existing inventory storage area better.

Unlike the situation in *River City Recycling*, the applicant does not propose to add any uses or activities. All of the activities in the new proposed sales/administration building are currently taking place. Vehicle service and inventory storage has always been part of the non-conforming use. It would perhaps be different if the proposal were for some use never conducted as part of the dealership, for example, a café for customers to eat at or a vehicle rental operation. Those are uses

that were not part of the dealership when it became nonconforming, and thus, would likely constitute an expansion of the nonconforming use. The mere fact that the dealership may be able to better serve customers and store more of its vehicles closer to the main building is not an expansion of the use. The dealership will continue to operate exactly as it has for years.

The applicant's current proposal is consistent with its proposal in 2014, to expand an existing structure to also use as an integral part of its retail operations. In 2014, the city approved an expansion of another building on the site from 706 square feet to 1,760 square feet to increase the area the dealership uses for detailing/washing vehicles. The city approved a request to remove the smaller building and replace it with a building more than twice as large. That approval is consistent with our analysis above. The dealership had a vehicle washing/detailing structure as part of the use that became nonconforming. The approval allowed an expansion of the area used for that activity establishing that, under the city's code, the added building area for an existing activity was not an expansion of the underlying nonconforming use.

*The applicant is not intensifying the nonconforming use of the property.*

As the Planning Commission found in CD 18-01, adding space to a pre-existing nonconforming retail establishment does not automatically create an expansion or intensification of use. The city's decision in SP 14-02 reinforces that finding in that the detail building was enlarged to provide better customer service without being determined an expansion or intensification of the use.

The proposal to which this application relates is to modernize the existing retail establishment to bring it up to the current market and industry standards. The new sale/administration building does not add any activity not on the site before. It allows the applicant to provide better service to its current market and offers amenities that consumers and manufacturers expect in a retail automobile dealership. While the new sales and administration building will have more room, it will not intensify the use by adding services not provided in the older facility.

The added service bays serve the same purpose. They allow the applicant to provide faster turnaround to customers needing services and a safer more efficient workspace for employees. Customer satisfaction is measured and having the ability to get customers' vehicles in for service faster and completing the service faster results in higher customer satisfaction.

The added floor above the below grade inventory area allows an internal passage for people avoiding the need to walk across the service aisle that now runs between the inventory storage and the sales and administration building.

In fact, because there will be additional and better situated facilities in the proposed structures for the same ongoing activities, from the outside, the same use of the Property, will likely appear to be less intense than when conducted in the prior facilities. This criterion is satisfied.

**17.58.040 - Lawful nonconforming structure or site.**

*The proportion of nonconforming structures will be reviewed during the development application process and through the site plan and design review.*

**Response.** If the Planning Commission determines that the applicant's proposal is not an expansion or intensification of the nonconforming use, the applicant will submit a full Site Plan and Design Review application. In that application, the criteria applicable to expanding nonconforming structures will be applied. This criterion can be satisfied in that subsequent process.

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

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

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

**Response.** The applicant addressed the lawful nonconforming status above noting that in LN 09-77, the existing use and structures were determined to be a lawfully nonconforming situation. The applicant does not believe a new application is required.

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

**Response.** The nonconforming use and structures have only been altered with approval from the city in land use decisions. Thus, no changes on site have made the use or any structure more nonconforming.

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

**Response.** The applicant believes that this determination was made in LN 09-77. This criterion is satisfied.

**Conclusion.**

The applicant, Lithia Subaru, respectfully submits that its proposal to reconstruct the sales and administration building and add a second level above the below grade inventory parking area for new service bays is not an expansion or intensification of a nonconforming use. Lithia Subaru respectfully requests that the Planning Commission render an interpretation that Lithia Subaru's

proposed second level of the existing vehicle inventory storage structure is not an expansion of a nonconforming use.



# TAB 1











Location pin icon and three dots menu icon.







## TAB 2

LITHIA SUBARU OF OREGON CITY

1404 MAIN ST.  
OREGON CITY, OR 97045



**LOMA**  
ARCHITECTURE  
3838 N. SAM HOUSTON PARKWAY E., SUITE 185  
HOUSTON, TEXAS 77062  
WWW.LOMABARCH.COM

**GENERAL CONTRACTOR**  
CD RECORDING CONSTRUCTION  
2027 22ND ST  
STE 105  
SALINA, OR 97130  
503.578.0885

**CIVIL ENGINEER**  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

**STRUCTURAL ENGINEER**  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

**MEP ENGINEER**  
SPECTRUM DESIGN ENGINEERS  
15 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6575

**PROJECT:**  
LITHIA SUBARU OF  
OREGON CITY

**PROJECT ADDRESS:**  
1404 MAIN ST.  
OREGON CITY, OR 97045

**SEAL/SIGNATURE:**

**PRELIMINARY**  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DELTA	DESCRIPTION

**PROJECT NUMBER:** LA2207

**ISSUE DATE:** 01.05.2024

**SHEET NAME:**  
**PROJECT COVER**

**SHEET:**  
**G000**

GENERAL CONTRACTOR  
CD RESIDING CONSTRUCTION  
2027 22ND ST  
STE 105  
SALINA, OR 97130  
503.578.0885

CIVIL ENGINEER  
WEY, INC.  
4443 SW BEAVERTON/HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

STRUCTURAL ENGINEER  
WEY, INC.  
4443 SW BEAVERTON/HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

MEP ENGINEER  
SPECTRUM DESIGN ENGINEERS  
19 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6075

PROJECT:  
LITHIA SUBARU OF  
OREGON CITY

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

PRELIMINARY  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DESCRIPTION	

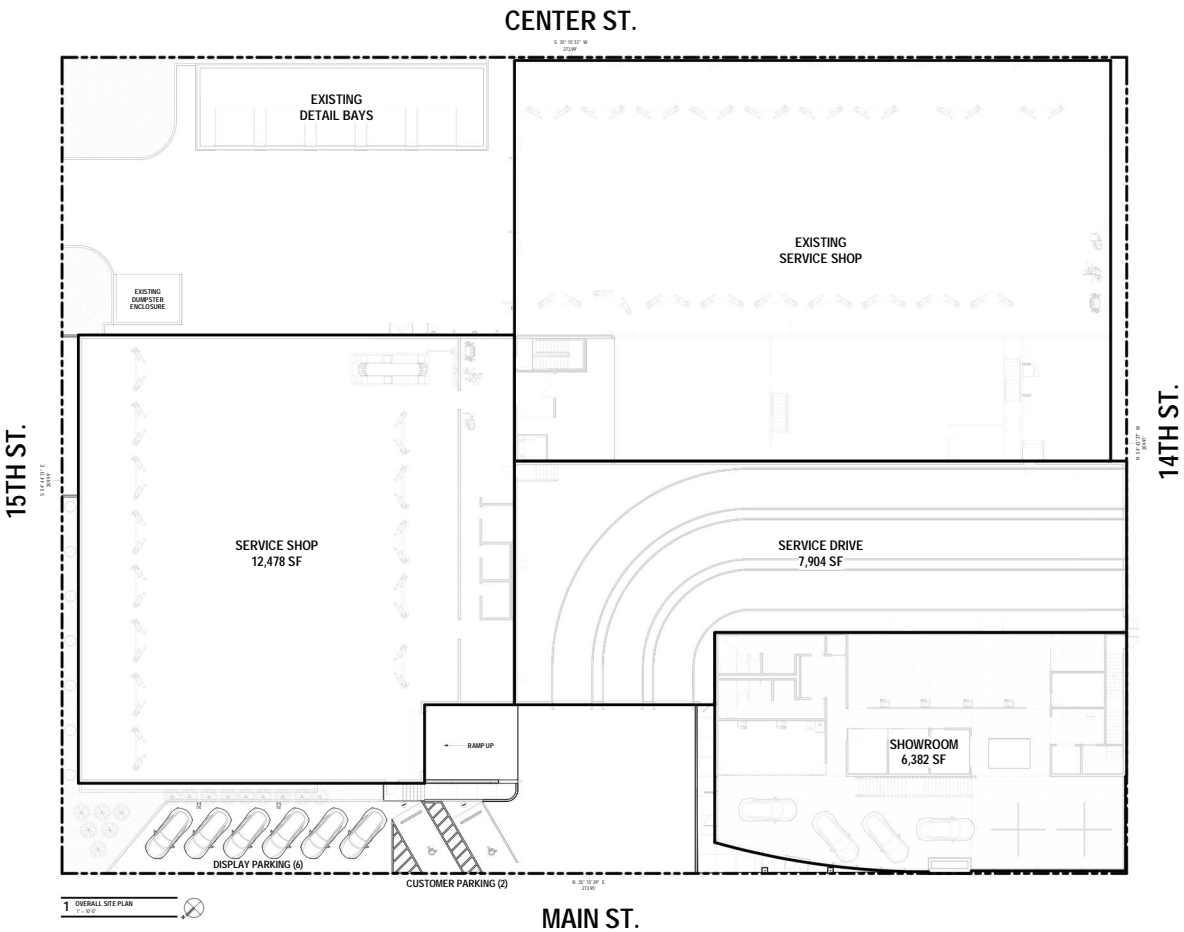
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ISSUE DATE: 01.05.2024

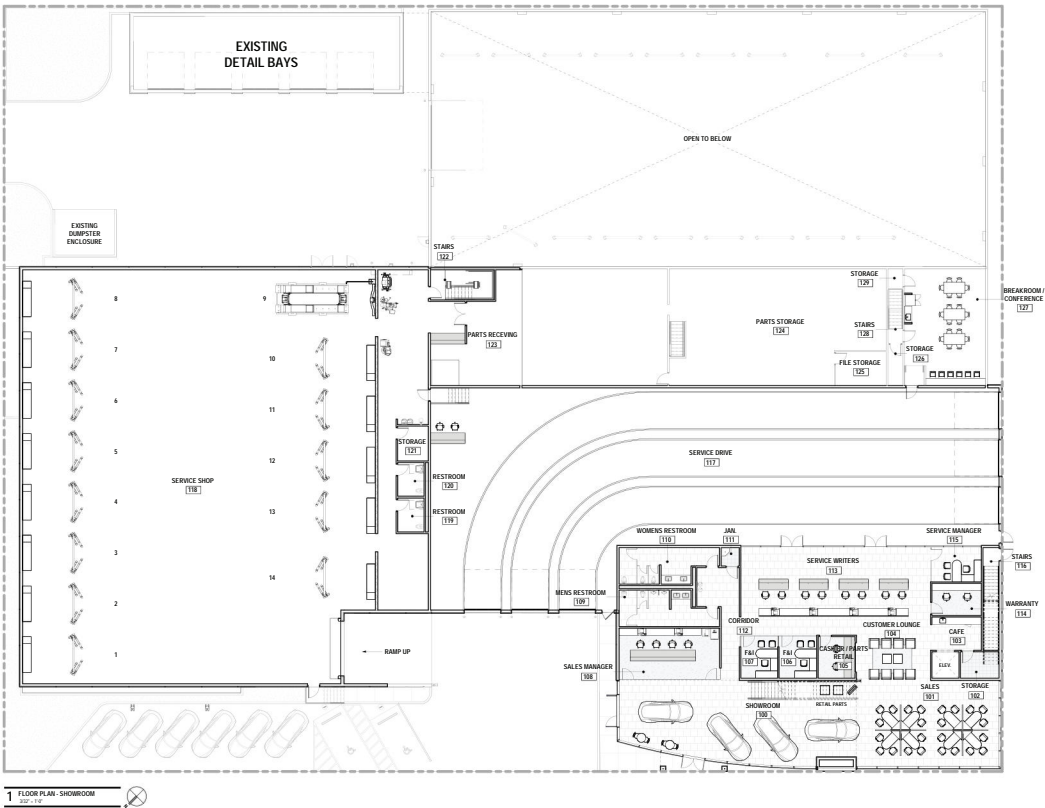
SHEET NAME:  
OVERALL SITE PLAN

SHEET:  
**A100**

1/20/2024/01/05/2024







1 FLOOR PLAN - SHOWROOM  
A110 - 110

GENERAL CONTRACTOR  
CD RECORDING CONSTRUCTION  
2827 23RD ST  
STE 105  
SALINA, OR 97130  
503.578.0885  
CIVIL ENGINEER  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111  
STRUCTURAL ENGINEER  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111  
MEP ENGINEER  
SPECTRUM DESIGN ENGINEERS  
15 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6075

PROJECT:  
LITHIA SUBARU OF  
OREGON CITY

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

PRELIMINARY  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DESCRIPTION	

PROJECT NUMBER: LA2207

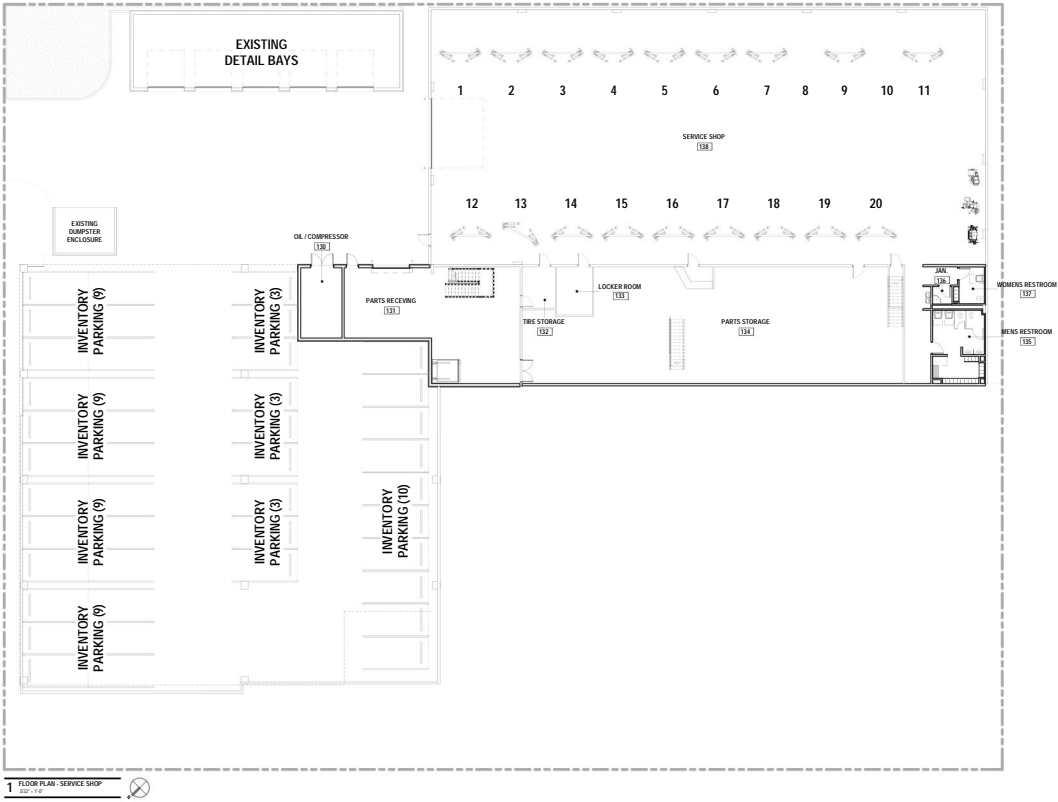
ISSUE DATE: 01.05.2024

SHEET NAME:

OVERALL PLAN -  
SHOWROOM

SHEET:

**A110**



GENERAL CONTRACTOR  
CD RESIDING CONSTRUCTION  
2027 22ND ST  
STE 105  
SALINA, OR 97130  
503.578.0882

CIVIL ENGINEER  
WEV, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

STRUCTURAL ENGINEER  
WEV, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

MEP ENGINEER  
SPECTRUM DESIGN ENGINEERS  
15 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6075

PROJECT:  
LITHIA SUBARU OF  
OREGON CITY

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

PRELIMINARY  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DELTA	DESCRIPTION

PROJECT NUMBER: LA2207

ISSUE DATE: 01.05.2024

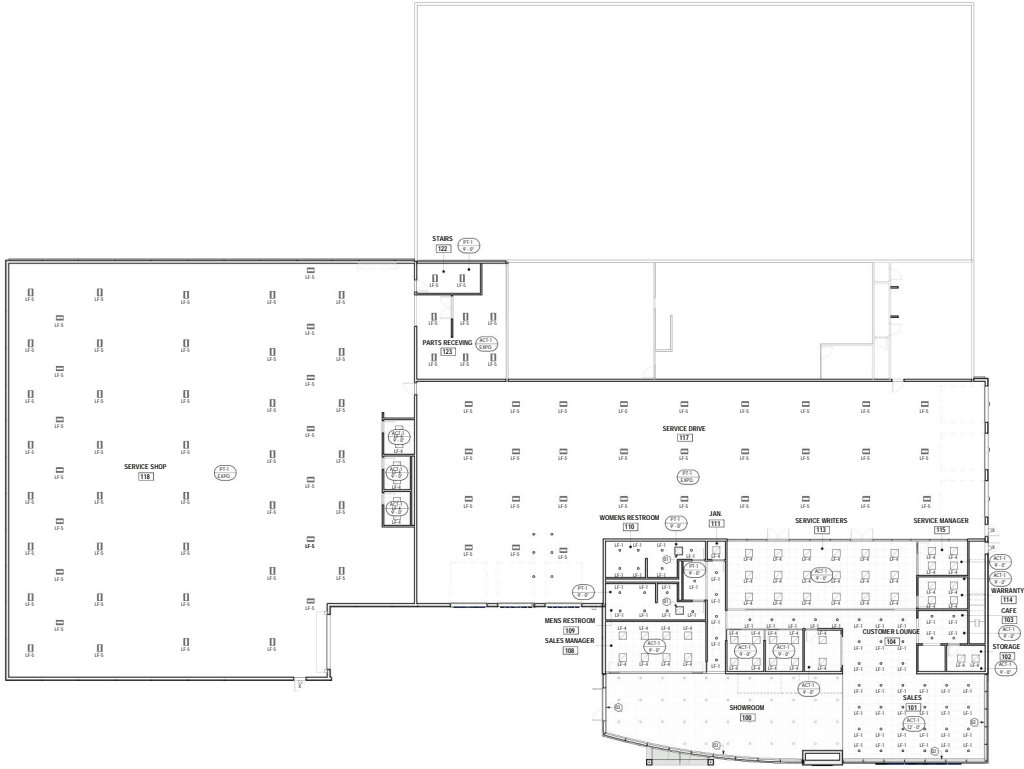
SHEET NAME:

OVERALL PLAN - SERVICE  
DRIVE

SHEET:

**A111**





1 REFLECTED CEILING PLAN - SHOWROOM  
01/01/2024

RCP KEYNOTES	
1	NOTE
01	24" X 24" CEILING ACCESS PANEL. COLOR TO MATCH HOST CEILING.
02	CEILING MOUNTED MOTORIZED SHADE SYSTEM. REF. ELECTRICAL SCHEDULES AND SPECIFICATIONS.
03	WALL MOUNTED MOTORIZED SHADE SYSTEM. REF. ELECTRICAL SCHEDULES AND SPECIFICATIONS.

**LOMA**  
ARCHITECTURE

3818 N. SAM HOUSTON PARKWAY E., SUITE 185  
HOUSTON, TEXAS 77062  
WWW.LOMARCH.COM

**GENERAL CONTRACTOR**  
CD REEDING CONSTRUCTION  
2807 23RD ST  
STE 105  
SALINA, OR 97130  
503.578.0885

**CIVIL ENGINEER**  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

**STRUCTURAL ENGINEER**  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

**MEP ENGINEER**  
SPECTRUM DESIGN ENGINEERS  
15 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6075

**PROJECT:**  
LITHIA SUBARU OF OREGON CITY

**PROJECT ADDRESS:**  
1404 MAIN ST.  
OREGON CITY, OR 97045

**SEAL/SIGNATURE:**

**PRELIMINARY**  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DELTA	DESCRIPTION

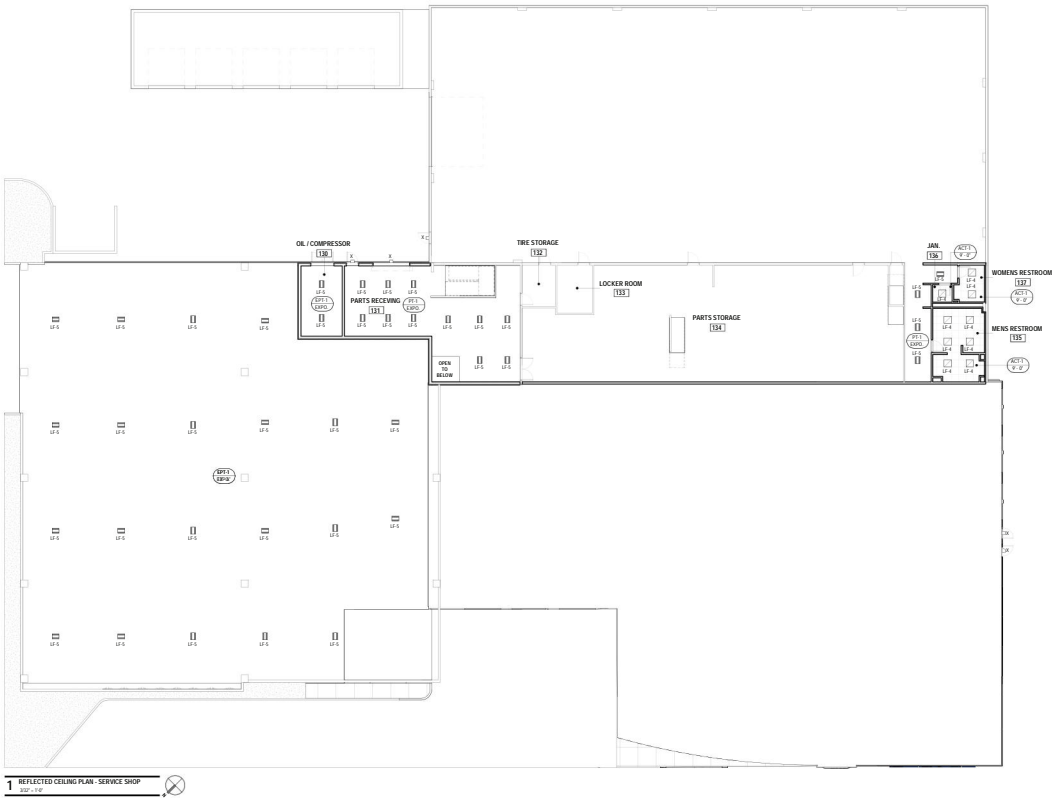
**PROJECT NUMBER:** LA2207

**ISSUE DATE:** 01.05.2024

**SHEET NAME:**  
REFLECTED CEILING PLAN  
- SHOWROOM

**SHEET:**

**A180**



1 REFLECTED CEILING PLAN - SERVICE SHOP  
01.01.2024

GENERAL CONTRACTOR  
CD REEDING CONSTRUCTION  
2027 22ND ST  
STE 105  
SALINA, OR 97130  
503.578.0885

CIVIL ENGINEER  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

STRUCTURAL ENGINEER  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.202.8111

MEP ENGINEER  
SPECTRUM DESIGN ENGINEERS  
15 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6075

PROJECT:  
LITHIA SUBARU OF  
OREGON CITY

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

PRELIMINARY  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DELTA	DESCRIPTION

PROJECT NUMBER: LA2207

ISSUE DATE: 01.05.2024

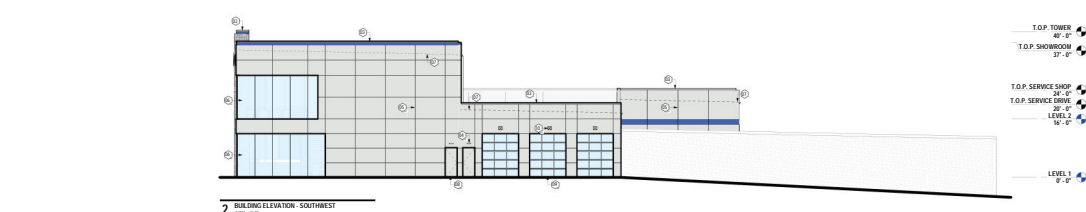
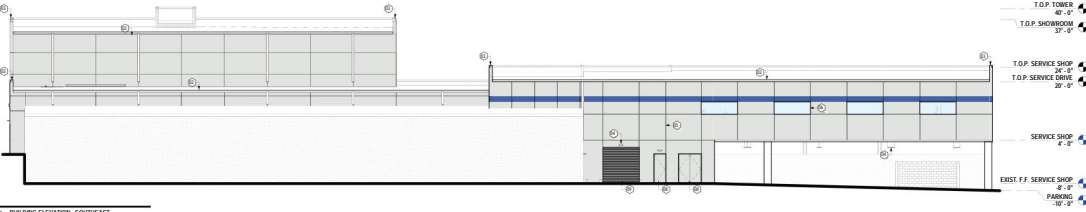
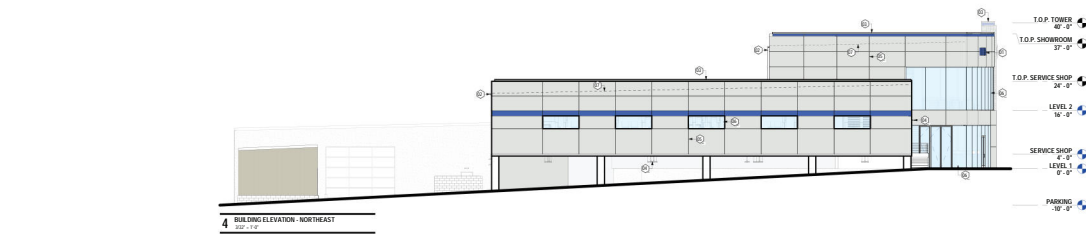
SHEET NAME:

REFLECTED CEILING PLAN  
- SERVICE SHOP

SHEET:

**A181**

© 2024 LOMA ARCHITECTURE



EXTERIOR ELEVATION KEYNOTES	
NOTE	
01	BUILDING SIGNAGE BY OWNER, G.C. TO COORDINATE WITH OWNER VENDOR, PROVIDE POWER AND HOOK UP, REF. ELECTRICAL
02	PRE-FINISHED METAL GUTTER AND DOWNSPOUT, COLOR TO MATCH HOST WALL
03	PRE-FINISHED PARAPET CAP, COLOR TO MATCH HOST WALL
04	LIGHT FIXTURE, REF. ELECTRICAL
05	ACH REVEAL, REF. WALL DETAILS
06	EXTERIOR GLAZING SYSTEM, REF. GLAZING ELEVATIONS AND SPECIFICATIONS
07	DOOR LINE BYTONE
08	WINDOOR, REF. SCHEDULES
09	OVER HEAD DOOR, REF. SCHEDULES
10	DIRECTIONAL SIGNAGE FIXTURE, REF. ELECTRICAL
11	EV CHARGING STATION BY OWNER, G.C. TO PROVIDE TWO (2) 120V CIRCUITS AND COORDINATE WITH OWNER VENDOR, PROVIDE POWER AND HOOK UP, REF. ELECTRICAL

**LOMA**  
ARCHITECTURE

3838 N. SAM HOUSTON PARKWAY E., SUITE 105  
HOUSTON, TEXAS 77062  
WWW.LOMARCH.COM

**GENERAL CONTRACTOR**  
CD REEDING CONSTRUCTION  
2827 2820 ST  
STE 105  
SALINA, OR 97130  
503.578.9885

**CIVIL ENGINEER**  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.203.8111

**STRUCTURAL ENGINEER**  
WEY, INC.  
4443 SW BEAVERTON HILLSDALE HWY  
STE 200  
PORTLAND, OR 97221  
503.203.8111

**MEP ENGINEER**  
SPECTRUM DESIGN ENGINEERS  
19 GREEN OAKS DR  
SUGARLAND, TX 77479  
832.766.6075

**PROJECT:**  
LITHIA SUBARU OF OREGON CITY

**PROJECT ADDRESS:**  
1404 MAIN ST.  
OREGON CITY, OR 97045

**SEAL/SIGNATURE:**

**PRELIMINARY**  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:		
DATE	DELTA	DESCRIPTION

**PROJECT NUMBER:** LA2207

**ISSUE DATE:** 01.05.2024

**SHEET NAME:**  
EXTERIOR BUILDING ELEVATIONS

**SHEET:**  
**A200**

# TAB 3





LITHIA

EXPRESS SERVICE SERVICE





# TAB 4

## Laurie Christomos

---

**From:** Ashley Fraijo <aflues@orcity.org>  
**Sent:** Thursday, January 4, 2024 9:08 AM  
**To:** Laurie Christomos  
**Cc:** Ashley Fraijo  
**Subject:** RE: Requesting Documentation Indicating No Liens on our Project Site (1404 Main Street, Oregon City)

**[EXTERNAL EMAIL]** DO NOT CLICK links or attachments unless you recognize the sender and know the content is safe.

Hi Laurie,

There are no liens favoring the city at 1404 Main St.

Thank you,

-Ashley Fraijo



**Ashley Fraijo**  
**Utility Billing**  
[afraijo@orcity.org](mailto:afraijo@orcity.org)  
 City of Oregon City  
 PO Box 3040  
 625 Center Street  
 Oregon City, Oregon 97045  
 503-496-1522 Direct phone  
 503-657-8151 Utility Billing phone  
 503-657-3339 fax

**Website:** [www.orcity.org](http://www.orcity.org) | [webmaps.orcity.org](http://webmaps.orcity.org) |

Follow us on: [Facebook](#)!|[Twitter](#)

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

**From:** Laurie Christomos <LaurieChristomos@lithia.com>  
**Sent:** Wednesday, January 3, 2024 4:52 PM  
**To:** Ashley Fraijo <aflues@orcity.org>  
**Subject:** Requesting Documentation Indicating No Liens on our Project Site (1404 Main Street, Oregon City)  
**Importance:** High

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

Good Afternoon, Ashley,

As part of our City of Oregon City Planning Application Checklist, we are required to show documentation that "there are no liens favoring the city" on our project site. Your name has been referred to us as the person who could provide this documentation.

Our project address is:

# TAB 5

**2023 CLACKAMAS COUNTY PERSONAL PROPERTY TAX STATEMENT**

Account: P2240631

Alternate Property Number:

TCA: 062-057

Legal Desc:

Location: 1404 MAIN ST

Bill To Party: LITHIA FINANCIAL  
PO BOX 2629  
ADDISON TX 75001

Lender:

Delinquent Interest Computed Through: 1/4/2024

ACCOUNT VALUES		
Description	2022	2023
AVR Total	\$312,631	\$308,493
TVR Total	\$312,631	\$308,493
Real Mkt Total	\$312,631	\$308,493
AV Exception	\$30,148	\$0

TAXES AND SPECIAL ASSESSMENTS			
Year	Description	Amount Assessed	Balance Due
2023	Property Tax Principal	\$5,252.18	\$0.00
Total for Tax Year 2023			\$0.00
Total Taxes and Assessments			\$0.00

Comment:

Payment Terms

**PAYMENT INSTALLMENTS**

Amount includes any unpaid prior year tax

Pay This Amount	Due By
\$0.00	1/4/2024
\$0.00	2/15/2024
\$0.00	5/15/2024

PLEASE RETURN THIS PORTION WITH YOUR PAYMENT

PAYMENT INSTALLMENTS	
Amount includes any unpaid prior year tax	
Pay This Amount	Due By
\$0.00	1/4/2024
\$0.00	2/15/2024
\$0.00	5/15/2024

DISCOUNT IS LOST &amp; INTEREST APPLIES AFTER DUE DATES

LITHIA FINANCIAL  
PO BOX 2629  
ADDISON TX 75001

Total Taxes and Assessments:

\$0.00

Account: P2240631

Enter Payment Amount

\$

Make payment to:

Department of Assessment and Taxation 150 Beaver Creek Rd. Oregon City, OR 97045

# TAB 6





## TWO RIVERS NEIGHBORHOOD ASSOCIATION

Abernethy Chapel

1326 John Adams Street, Oregon City, OR

February 7, 2024

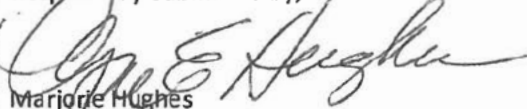
The meeting was called to order by Sam Drevo, Vice Chair at 6:00pm.

A presentation was present by Dan Fowler regarding the extension of the Concept Plan for "Abernathy Place." Discussion followed. A motion was made to endorse the extension and passed.

A second presentation was by Ann Brezk regarding the construction at the Lithia Motors site on Main Street in Oregon City, OR. Lithia Motors have been a good community partner since 2002. The proposal is to add a second story on their current building with no increase of their current footprint. Discussion followed. A motion was made to support the construction plan and passed.

Meeting was adjourned by Sam Drevo, Vice Chair, at 6:30pm, to allow attendees to leave to attend the Oregon City Commission meeting at 7:00pm,

Respectfully Submitted by,

  
Marjorie Hughes  
Secretary  
Two Rivers NA

Sign in sheet attached

	A	B	C	D	E	F
1		NAME	ADDRESS	ZIP	TELEPHONE	EMAIL ADDRESS
13	12	Dan Fowler	1300 John Adams St Oregon City, OR 97045	97045	503-351-4500	danfowler@nettycenter.co
14	13	IRA JONES	3725 LE GLENWOOD PORTLAND OR 97202	97202	541-228-0769	<del>ira.jones@nettycenter.co</del> U
15	14	Chad Elliott	2837 22nd St SE Suite 155 Salem, OR 97302	97302	503 581 0048	Chade@cedredding.
16	15	ANNE BRECK	50N. BARTLETT ST MEDFORD OR 97501	97501	208 649 5230	abreck@lithia.co
17	16	DAVID BREDEMAN	15751 S. WASHINGTON OREGON CITY	97045	503-732- 9326	pbredeman@comcast
18	17	AMERICA WEEKS	1925 Main St Apt 36 Oregon City	97045	775-560- 455	meetsnvc@yahoo.com
19	18	Eric Dye	1701 Clackamette Dr Ore. City	97045	503-449 6667	KFS Docks @Comcast.net
20	19	Tyler Dye	1701 Clackamette Dr Oregon City	97045	503 429 7260	Tylerdye1988@gmail.com
21	20	Don Adreita	322 13th St SE Oregon City, OR			
22	21					
23	22					

July 11th 2014



A	B	C	D	E	F
1	NAME	ADDRESS	ZIP	TELEPHONE	EMAIL ADDRESS
24	HAROLD EDWARDS	419 RECOVERLH ST. DC	97048	503956 0634	kervie.lawson@gmail
25	Marej	Huffman 12821	Marysville DC	97045	503

Oregon City Planning Department

695 Warner Parrot Rd.

Oregon City, Oregon 97045

Dear Members of the Planning Department,

I am writing to provide a detailed overview of our proposed renovation project for Lithia Subaru of Oregon City and to address the concerns related to our current conditional use permit. Our primary objective is to enhance the overall safety, accessibility, and functionality of our dealership while respecting the existing boundaries outlined in the permit.

The project scope of work includes a new elevated Service Shop to be accessed off Main Street. Beneath the proposed concrete structure will remain inventory parking. The existing Showroom and Service Drive will be demolished and rebuilt in the same location. The proposed Showroom will have the same building footprint as the existing showroom but is proposed to be 2 stories instead of 1. The proposed Service Drive will be fully enclosed to create a more comfortable environment for the customer experience.

**Building Footprint Is Not Changing:**

I want to emphasize that our renovation project does not involve expanding the building footprint beyond the limits of the current conditional use permit. We respect the existing boundaries and are working diligently within those constraints to enhance our facilities without encroaching on additional space. The existing showroom footprint is approximately 6,200 SF, while the proposed showroom footprint is 6,225 SF.

**Seismic Building Upgrades:**

Considering the region's seismic activity, our project will include essential seismic building upgrades to new and existing structures. These upgrades are crucial to ensuring the safety of our employees, customers, and neighbors in the event of seismic events.

**Upgraded Site and ADA Concerns:**

We are committed to upgrading the entire site, addressing any existing ADA concerns, and making the dealership accessible to all individuals, regardless of their abilities. Our plans include the installation of ramps, accessible parking spaces, and restroom facilities that comply with the Americans with Disabilities Act (ADA) guidelines.

**Bringing the Building Up to Current Codes:**

The renovation project will bring the entire building up to current building codes and standards. We will incorporate the latest advancements in construction technology and materials to ensure the longevity, safety, and efficiency of our facility, aligning with the city's regulations and codes.

**Pedestrian Safety Improvements:**

Our renovation plans are specifically designed to improve pedestrian safety in and around the dealership's premises. We intend to create designated walkways, install proper lighting, and implement traffic management measures to ensure the safety of both our customers and pedestrians in the vicinity.

**Pedestrian-Friendly Environment:**

Creating a pedestrian-friendly environment is one of our top priorities. Our design includes landscaping elements, outdoor seating areas, and aesthetically pleasing walkways to encourage pedestrians to explore the area comfortably. We are dedicated to fostering a sense of community and providing a welcoming atmosphere for everyone in the neighborhood.

**Anchor Tenant for Many Years:**

As an anchor tenant in this community for many years, we take pride in our commitment to Oregon City. Our dealership has contributed significantly to the local economy, providing jobs and services to the residents. By investing in our current location, we are reaffirming our dedication to the city and its people.

In conclusion, our renovation project at Lithia Subaru of Oregon City aims to address important safety concerns, enhance accessibility, and comply with all relevant codes and regulations. We are confident that our plans will not only benefit our dealership but also contribute positively to the surrounding community. We sincerely appreciate your time and consideration in reviewing our proposal. Please do not hesitate to contact me if you require any additional information or clarification. Thank you.

Sincerely,

Jason Otero, AIA

President / Managing Partner

**LOMA Architecture**

j.otero@lomaarch.com

M: 832.506.0984



# LITHIA SUBARU OREGON CITY

1404 MAIN ST.  
OREGON CITY, OR 97045

ITEM	REQUIRED	EXISTING	VARIANCE	PROPOSED	VARIANCE
SHOWROOM	1,500	5,911	2,711	10,930	5,019
ADMINISTRATION	-	3,888	-	Included in Showroom Above	-
SALES OFFICE & SUPPORT	1,700	Included in Showroom Above	-	Included in Showroom Above	-
TRAINING / BREAK ROOM	-	-	-	-	-
NEW VEHICLE DELIVERY	-	-	-	-	-
DISPLAY VEHICLES	4	3	1	6	2
SERVICE SHOP	-	-	-	8,112	-
SERVICE DRIVE / COVERED RECEPTION	-	-	-	8,077	-
PARTS STORAGE	7,000	4,050	-2,950	9,220	2,220
CUSTOMER WAITING	-	-	-	-	-
TECH LOCKER / BREAK ROOM	-	-	-	-	-
SERVICE LIFTS	23	19	-4	32	9
SERVICE STALLS	35	22	-13	35	0
SERVICE DELIVERY BAYS	-	-	-	-	-
CAR WASH / DETAILS STALLS	-	5	-	5	-
TOTAL BUILDING SQ. FT.		39,848	-	63,605	-
TOTAL SITE SQ. FT. (INCLUDING BLDG.)		86,311	-	86,311	-
TOTAL SITE ACREAGE		1.98	-	1.98	-
TOTAL PARKING SPACES	529	281	-248	253	-276



PROJECT:  
LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

PRELIMINARY  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

JASON OTERO  
ARI-13821

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: LA2207

ISSUE DATE: 10.09.2023

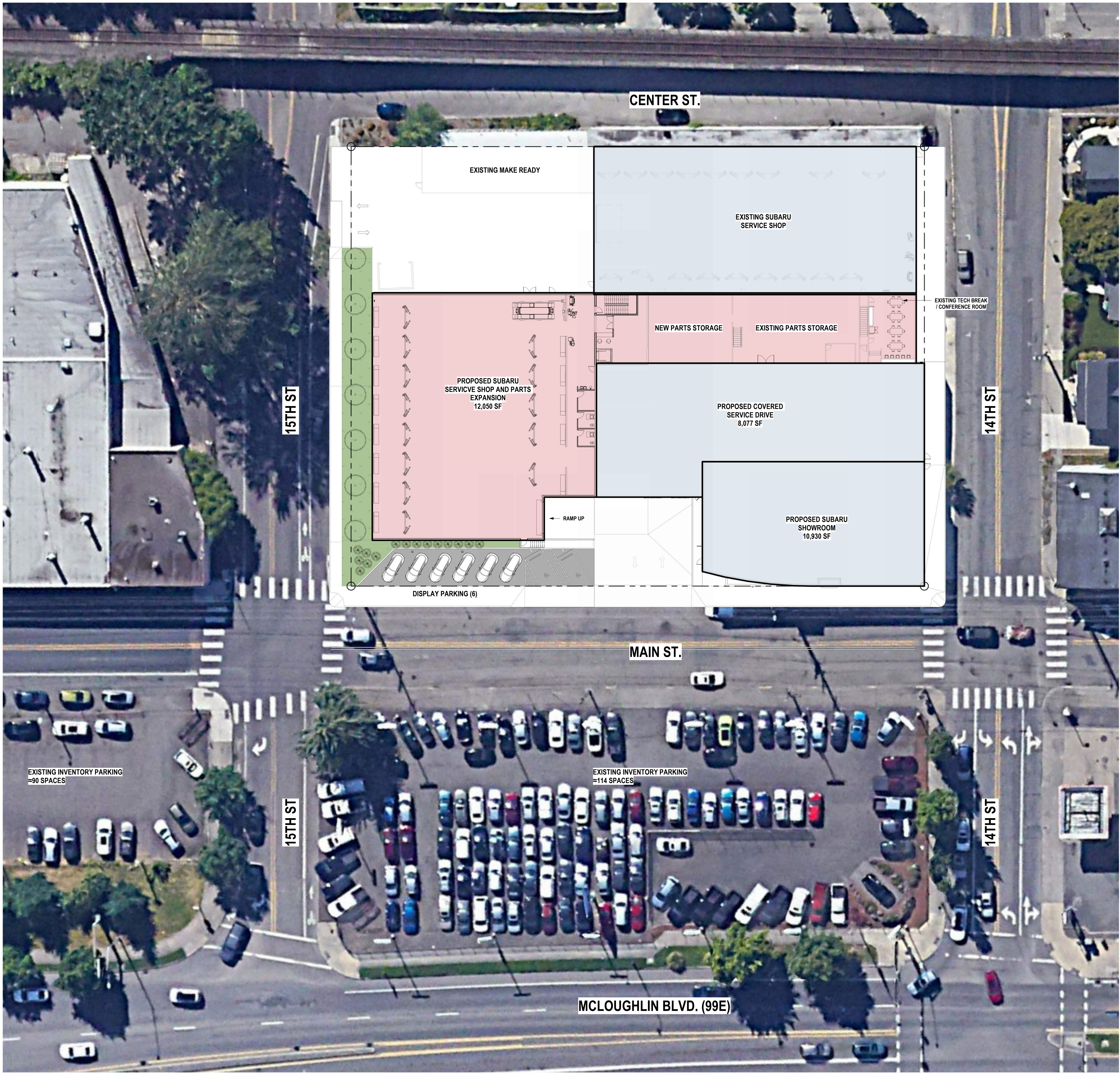
SHEET NAME:

COVER

SHEET:

PT000





PROJECT:  
LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

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JASON OTERO  
ARI-13821

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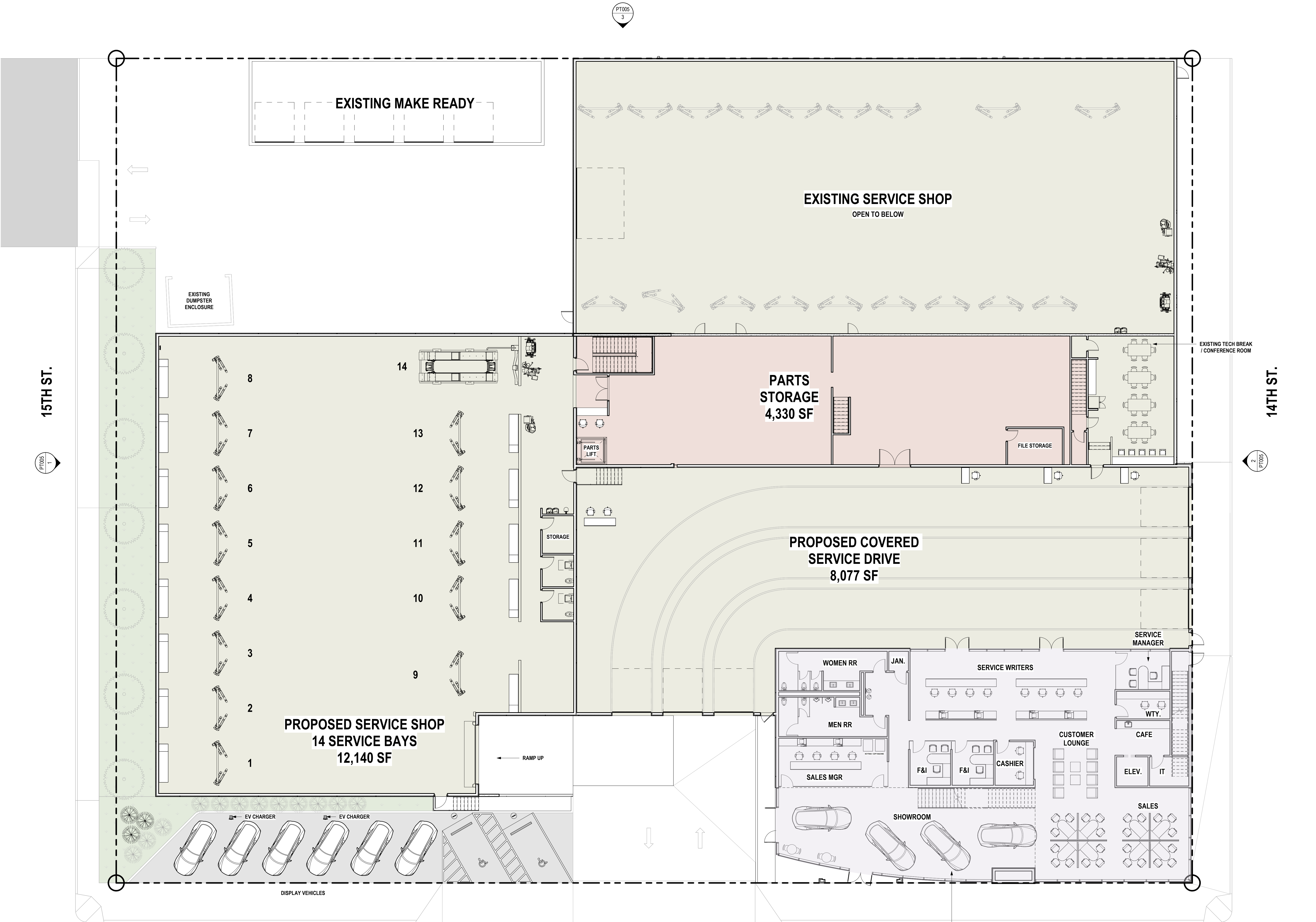
SHEET NAME:

OVERALL SITE PLAN

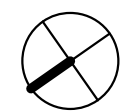
SHEET:

PT001





1 OVERALL PLAN - SHOWROOM LEVEL  
3/32" = 1'-0"



BUILDING DATA:	
SHOWROOM LEVEL :	
SHOWROOM & SALES:	10,930 SF
GENERAL OFFICE:	INCLUDED ABOVE
SERVICE LEVEL:	
SERVICE RECEPTION:	2,780 SF
SERVICE SHOP:	14 SERVICE STALLS / 12,140 SF
EXISTING SERVICE SHOP:	21 STALLS / 11,570 SF
NEW INVENTORY PARKING:	40 STALLS / 12,541 SF
SERVICE OTHERS (MAKE READY):	5 STALLS / 1,590 SF
PROPOSED COVERED SERVICE DRIVE	8,077 SF
PARTS DEPARTMENT:	
LEVEL 1:	4,330 SF
LEVEL 2:	4,890 SF
TOTAL BUILDING AREA:	68,848 SF

PROJECT:  
LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

PRELIMINARY  
NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

JASON OTERO  
ARI-13821

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: LA2207

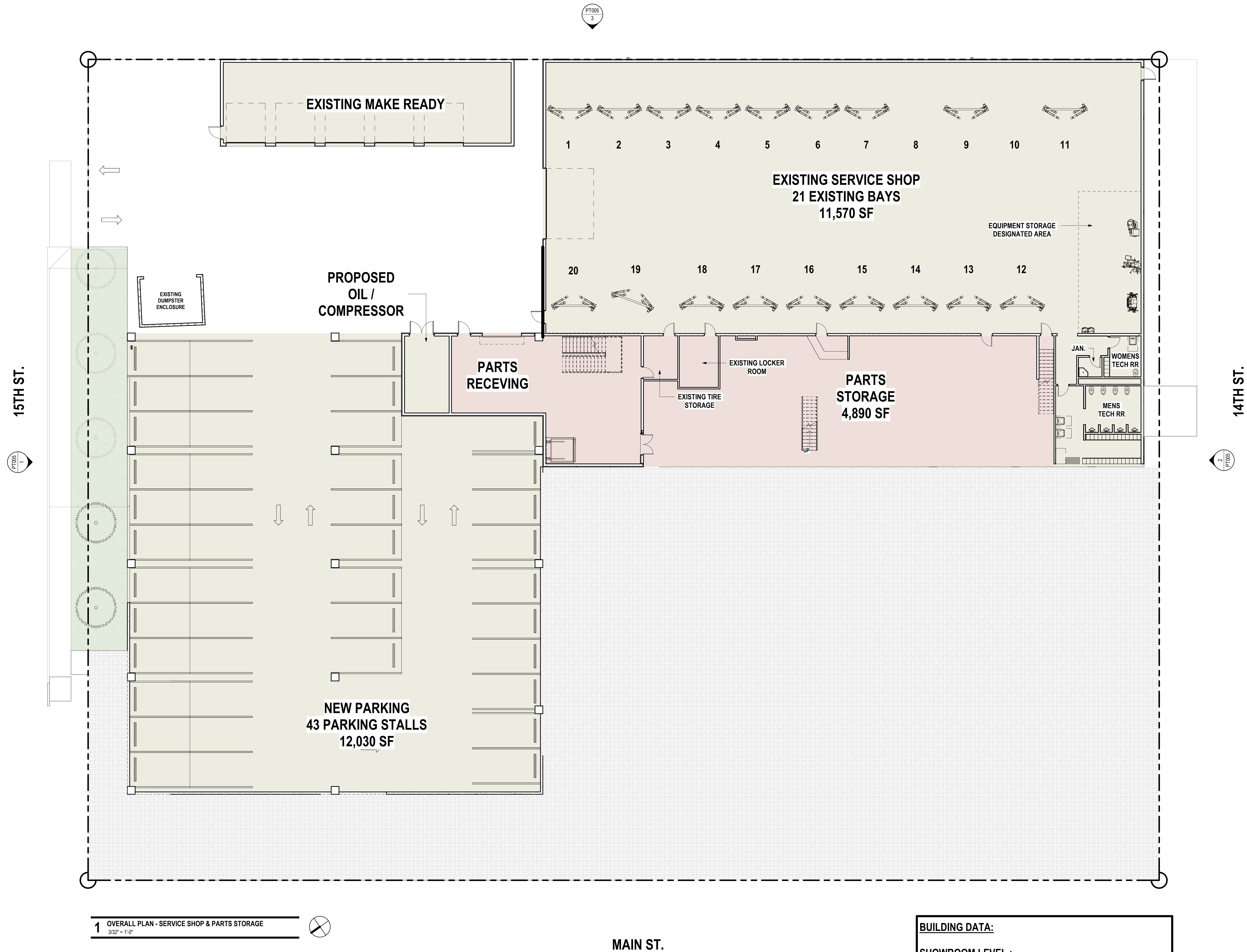
ISSUE DATE: 10.09.2023

SHEET NAME:

OVERALL PLAN - SUBARU  
SHOWROOM

SHEET:

PT002



BUILDING DATA:	
SHOWROOM LEVEL :	
SHOWROOM & SALES:	10,930 SF
GENERAL OFFICE:	INCLUDED ABOVE
SERVICE LEVEL:	
SERVICE RECEPTION:	2,780 SF
SERVICE SHOP:	14 SERVICE STALLS / 12,140 SF
EXISTING SERVICE SHOP:	21 STALLS / 11,570 SF
NEW INVENTORY PARKING:	40 STALLS / 12,541 SF
SERVICE OTHERS (MAKE READY):	5 STALLS / 1,590 SF
PROPOSED COVERED SERVICE DRIVE	8,077 SF
PARTS DEPARTMENT:	
LEVEL 1:	4,330 SF
LEVEL 2:	4,890 SF
TOTAL BUILDING AREA:	68,848 SF

PROJECT:  
LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

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NOT TO BE USED FOR REGULATORY APPROVAL,  
PERMITTING, OR CONSTRUCTION

JASON OTERO  
ARI-13821

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: LA2207

ISSUE DATE: 10.09.2023

SHEET NAME:

OVERALL PLAN - SUBARU  
SERVICE

SHEET:

PT003



PROJECT:

LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:

1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

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PERMITTING, OR CONSTRUCTION

JASON OTERO  
ARI-13821

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER:

LA2207

ISSUE DATE:

10.09.2023

SHEET NAME:

OVERALL PLAN - SECOND  
FLOOR

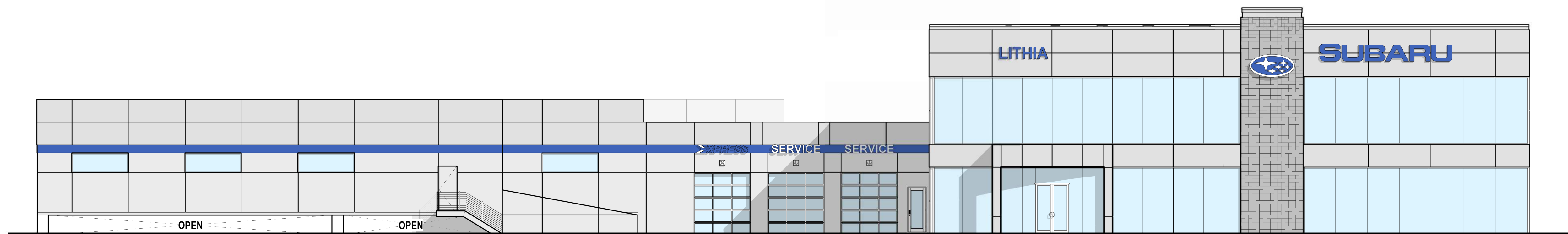
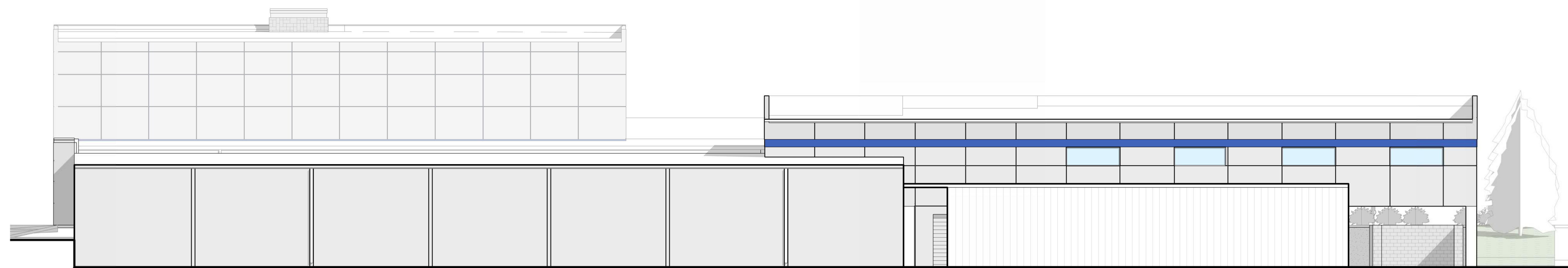
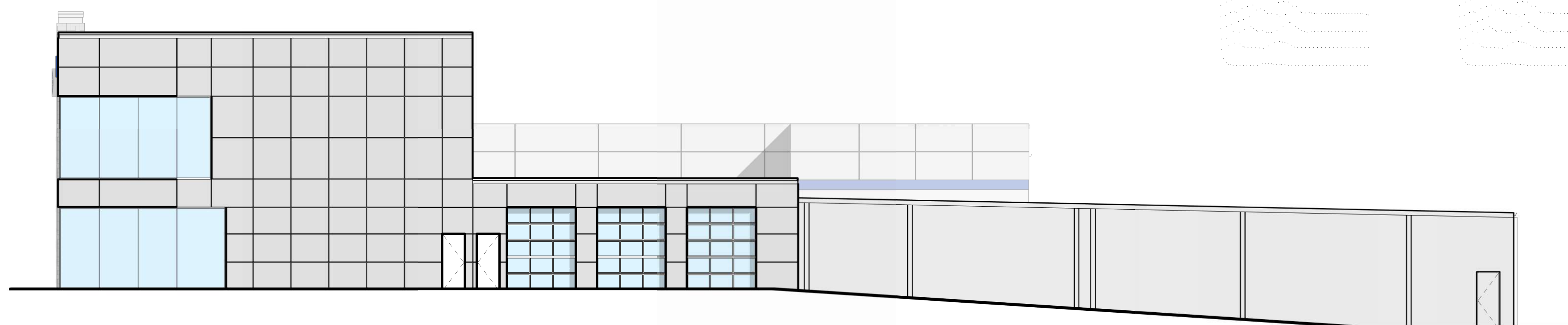
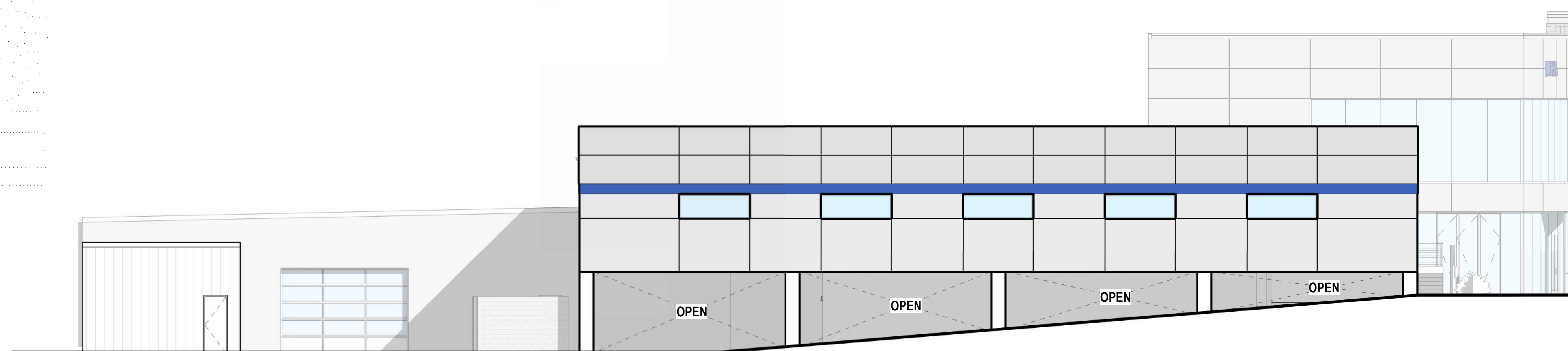
SHEET:

PT004



BUILDING DATA:	
SHOWROOM LEVEL :	
SHOWROOM & SALES:	10,930 SF
GENERAL OFFICE:	INCLUDED ABOVE
SERVICE LEVEL:	
SERVICE RECEPTION:	2,780 SF
SERVICE SHOP:	14 SERVICE STALLS / 12,140 SF
EXISTING SERVICE SHOP:	21 STALLS / 11,570 SF
NEW INVENTORY PARKING:	40 STALLS / 12,541 SF
SERVICE OTHERS (MAKE READY):	5 STALLS / 1,590 SF
PROPOSED COVERED SERVICE DRIVE	8,077 SF
PARTS DEPARTMENT:	
LEVEL 1:	4,330 SF
LEVEL 2:	4,890 SF
TOTAL BUILDING AREA:	68,848 SF



**4** BUILDING ELEVATION - NORTHWEST  
3/32" = 1'-0"**3** BUILDING ELEVATION - SOUTHEAST  
3/32" = 1'-0"**2** BUILDING ELEVATION - SOUTHWEST  
3/32" = 1'-0"**1** BUILDING ELEVATION - NORTHEAST  
3/32" = 1'-0"T.O.P. OF TOWER  
48' - 0"T.O.P. SHOP  
32' - 0"LEVEL 2  
24' - 0"T.O. SLAB NEW  
SERVICE SHOP  
12' - 0"  
SHOWROOM F.F.  
8' - 0"T.O.P. OF TOWER  
48' - 0"PROPOSED T.O.P.  
SHOWROOM  
45' - 0"T.O.P. SHOP  
32' - 0"LEVEL 2  
24' - 0"T.O. SLAB NEW  
SERVICE SHOP  
12' - 0"SERVICE F.F.  
0' - 0"T.O.P. OF TOWER  
48' - 0"PROPOSED T.O.P.  
SHOWROOM  
45' - 0"LEVEL 2  
24' - 0"SHOWROOM F.F.  
8' - 0"T.O.P. OF TOWER  
48' - 0"PROPOSED T.O.P.  
SHOWROOM  
45' - 0"T.O.P. SHOP  
32' - 0"LEVEL 2  
24' - 0"T.O. SLAB NEW  
SERVICE SHOP  
12' - 0"  
SHOWROOM F.F.  
8' - 0"SERVICE F.F.  
0' - 0"

## PROJECT:

LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

## PROJECT ADDRESS:

1404 MAIN ST.  
OREGON CITY, OR 97045

## SEAL/SIGNATURE:

PRELIMINARY  
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PERMITTING, OR CONSTRUCTIONJASON OTERO  
ARI-13821

## ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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## PROJECT NUMBER:

LA2207

## ISSUE DATE:

10.09.2023

## SHEET NAME:

BUILDING ELEVATIONS -  
SUBARU

## SHEET:

PT005





PROJECT:  
LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

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JASON OTERO  
ARI-13821

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: LA2207

ISSUE DATE: 10.09.2023

SHEET NAME:

3D VIEW - SUBARU

SHEET:

PT006





PROJECT:  
LITHIA SUBARU OREGON  
CITY & PARKING GARAGE

PROJECT ADDRESS:  
1404 MAIN ST.  
OREGON CITY, OR 97045

SEAL/SIGNATURE:

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PERMITTING, OR CONSTRUCTION  
JASON OTERO  
ARI-13821

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: LA2207

ISSUE DATE: 10.09.2023

SHEET NAME:

3D VIEW - SUBARU

SHEET:

PT007



SERVICE SHOP, PARKING IMPROVEMENTS, AND SHOWROOM REMODEL FOR  
1404 MAIN STREET

LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 30, T.2S, R.2E, W.M.  
CITY OF OREGON CITY, CLACKAMAS COUNTY, OREGON

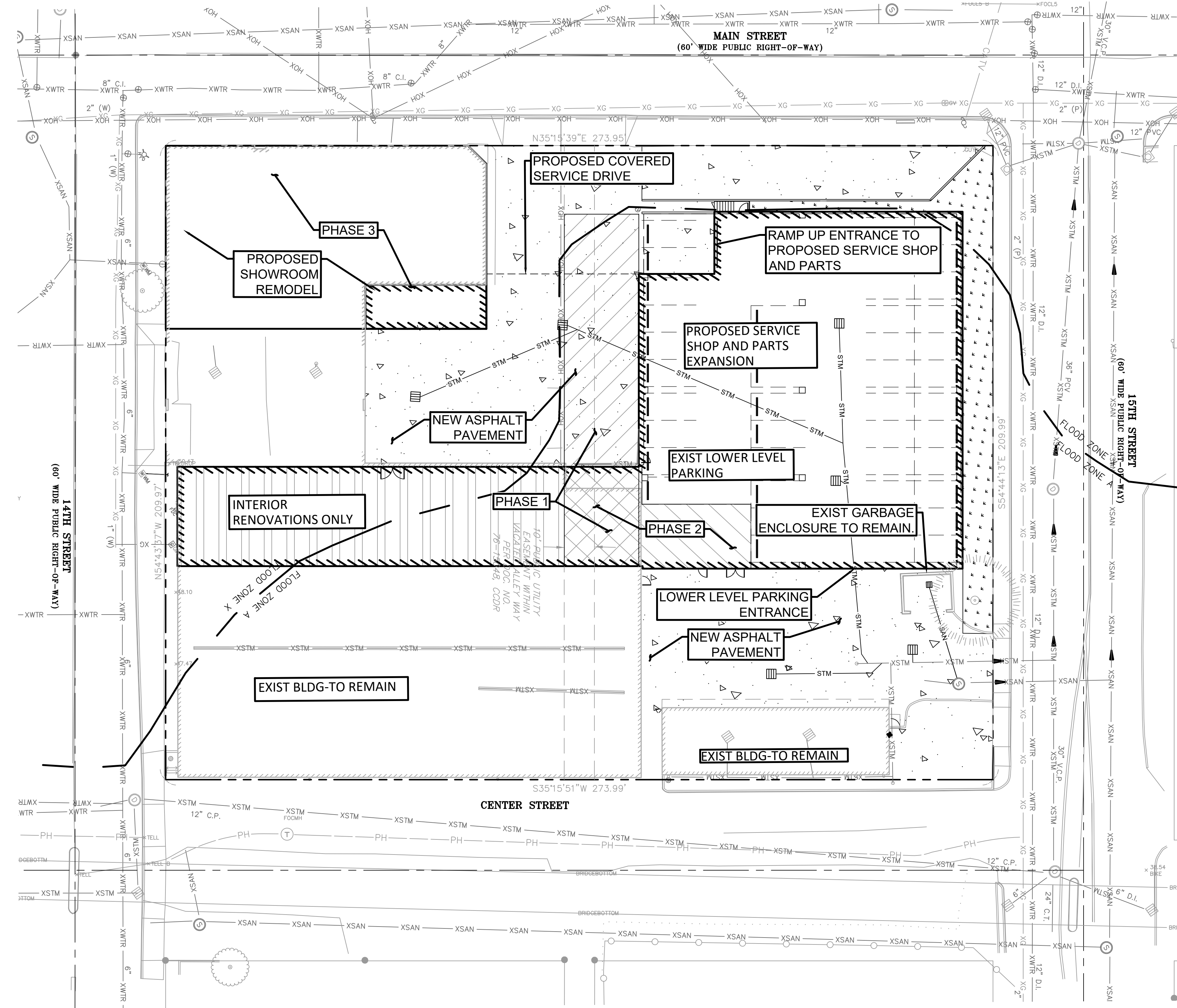


VICINITY MAP  
N.T.S.

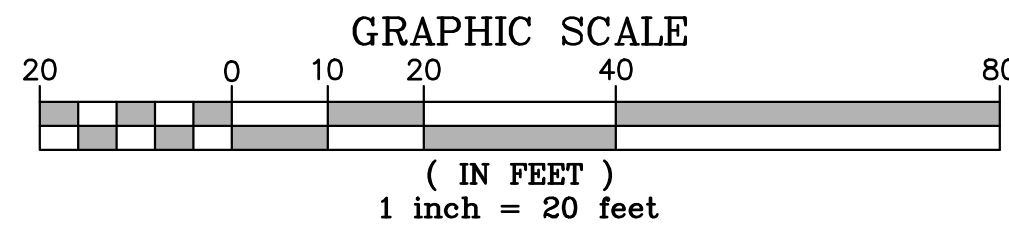
PHASE 1: DEMO EXISTING SERVICE SHOP VEHICLE RAMP AND PORTION OF THE SERVICE SHOP BUILDING.

PHASE 2: NEW 12,140 SF ELEVATED CAST IN PLACE CONCRETE DECK ABOVE THE EXISTING RECESSED PARKING AREA IN THE NORTHWEST CORNER OF THE PROPERTY. CONCRETE DECK WILL SUPPORT 14 SERVICE BAYS.

PHASE 3: NEW SHOWROOM REMODEL.



1 OVERALL SITE PLAN (PROPOSED)  
C1.0 SCALE: 1" = 20'-0"



**NOTICE TO EXCAVATORS:**  
ATTENTION: OREGON LAW REQUIRES YOU TO FOLLOW RULES ADOPTED BY THE OREGON UTILITY NOTIFICATION CENTER. THOSE RULES ARE SET FORTH IN OAR 952-001-0010 THROUGH OAR 952-001-0090. YOU MAY OBTAIN COPIES OF THE RULES BY CALLING THE CENTER.  
(NOTE: THE TELEPHONE NUMBER FOR THE OREGON UTILITY NOTIFICATION CENTER IS 503-232-1987).

POTENTIAL UNDERGROUND FACILITY OWNERS

**Dig Safely.**

Call the Oregon One-Call Center  
DIAL 811 or 1-800-332-2344

EMERGENCY TELEPHONE NUMBERS

NW NATURAL GAS 503-226-4211 Ext.4313  
M-F 7am-6pm 503-226-4211  
AFTER HOURS 503-464-7777  
PGE 503-464-7777  
CENTURYLINK 1-800-573-1311  
CITY BUREAU OF MAINTENANCE 503-823-1700  
CITY WATER 503-823-4874  
VERIZON 1-800-483-1000

**LOMA**  
ARCHITECTURE

3838 N. SAM HOUSTON PARKWAY E., SUITE 185  
HOUSTON, TEXAS 77032

WWW.LOMARCH.COM

OWNER  
LITHIA MOTORS

ARCHITECT  
LOMA ARCHITECTURE

SURVEYOR  
BARKER WILSON SURVEYING

CIVIL ENGINEER  
WDY INC.

CONSULTANT 5  
PACIFIC 3D REALITY CAPTURE

CONSULTANT 6  
CONSULTANT 6 INFO

PROJECT:  
OREGON CITY  
LITHIA SUBARU

PROJECT ADDRESS:  
1404 MAIN STREET  
OREGON CITY, OREGON 97045

SEAL/SIGNATURE:

PRELIMINARY  
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PERMITTING, OR CONSTRUCTION

ISSUE HISTORY:

DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: L113-0222-AB-11

ISSUE DATE: 11/16/23

SHEET NAME:

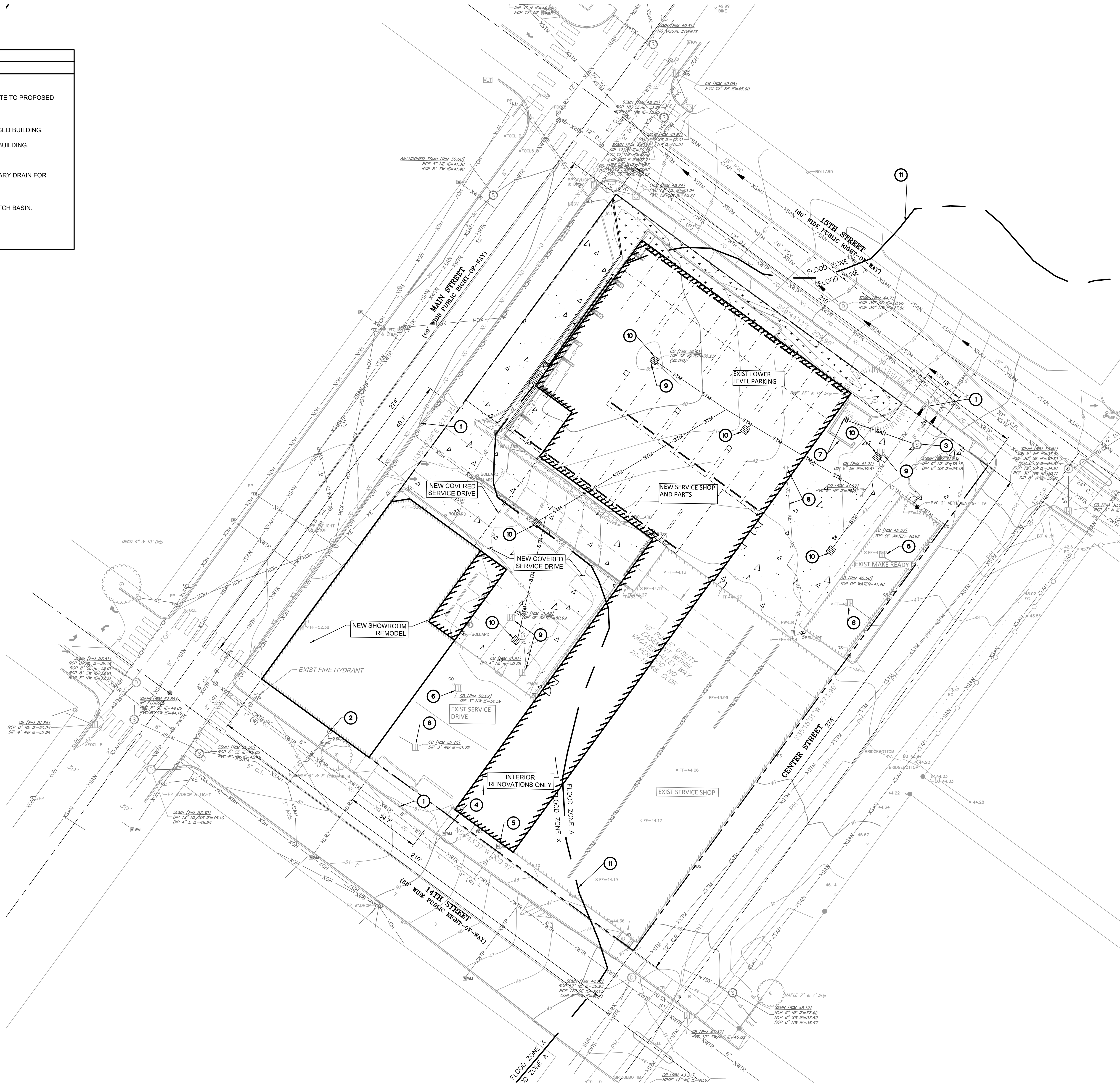
COVER SHEET

SHEET:

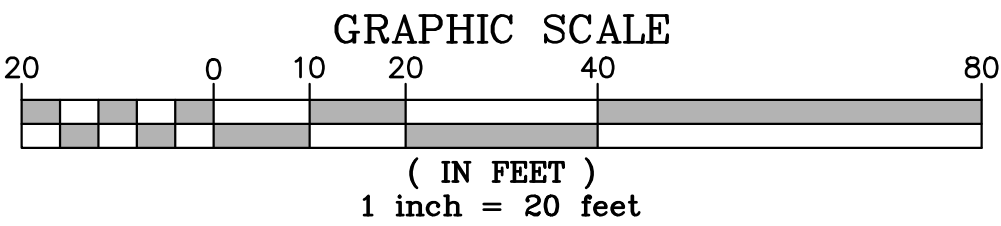
C1.0



KEYNOTES FOR THIS SHEET	
MARK	DESCRIPTION
1	EXIST DRIVEWAY TO REMAIN. DRIVEWAY DIMENSIONED.
2	EXIST 4" PVC SANITARY SEWER CONNECTION TO REMAIN. REROUTE TO PROPOSED BUILDING.
3	EXIST PRIVATE SANITARY SEWER MANHOLE TO REMAIN.
4	EXIST 5/8" WATER CONNECTION TO REMAIN. REROUTE TO PROPOSED BUILDING.
5	EXIST 1" GAS CONNECTION TO REMAIN. REROUTE TO PROPOSED BUILDING.
6	EXIST STORM STRUCTURES TO REMAIN.
7	EXIST TRASH ENCLOSURE TO REMAIN. PROVIDE ROOF AND SANITARY DRAIN FOR ENCLOSURE.
8	REMOVE LIGHT POST AND ELECTRIC LEADING TO LIGHT POST.
9	REMOVE STORM CATCH BASIN AND STORM LINES LEADING TO CATCH BASIN.
10	INSTALL NEW STORM CATCH BASIN.
11	100-YEAR FLOODPLAIN: ELEVATION = 45.00+/-



1  
C2.0  
ONSITE UTILITY PLAN W/ EXISTING  
SCALE: 1" = 20'-0"



ISSUE HISTORY:		
DATE	DELTA	DESCRIPTION



OWNER  
LITHIA MOTORS

**ARCHITECT**  
LOMA ARCHITECTURE

**SURVEYOR**  
BARKER WILSON SURVEYING

**CIVIL ENGINEER**  
WDY INC.

**CONSULTANT 5**  
PACIFIC 3D REALITY CAPTURE

**CONSULTANT 6**  
CONSULTANT 6 INFO

**PROJECT:**

OREGON CITY  
LITHIA SUBARU

PROJECT ADDRESS:

1404 MAIN STREET  
OREGON CITY, OREGON 97045

SEAL/SIGNATURE:

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DATE	DELTA	DESCRIPTION
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PROJECT NUMBER: L113-0222-AB-11

ISSUE DATE: 11/16/23

**SHEET NAME:**

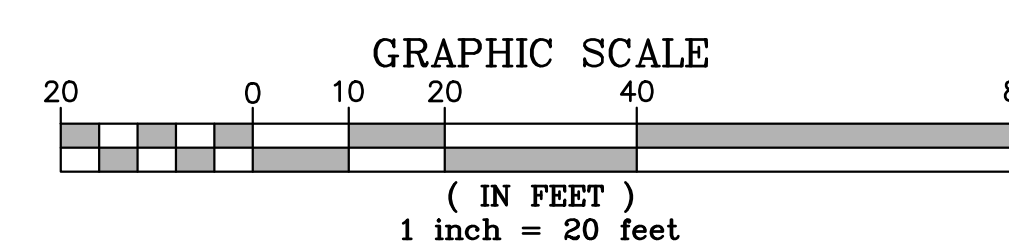
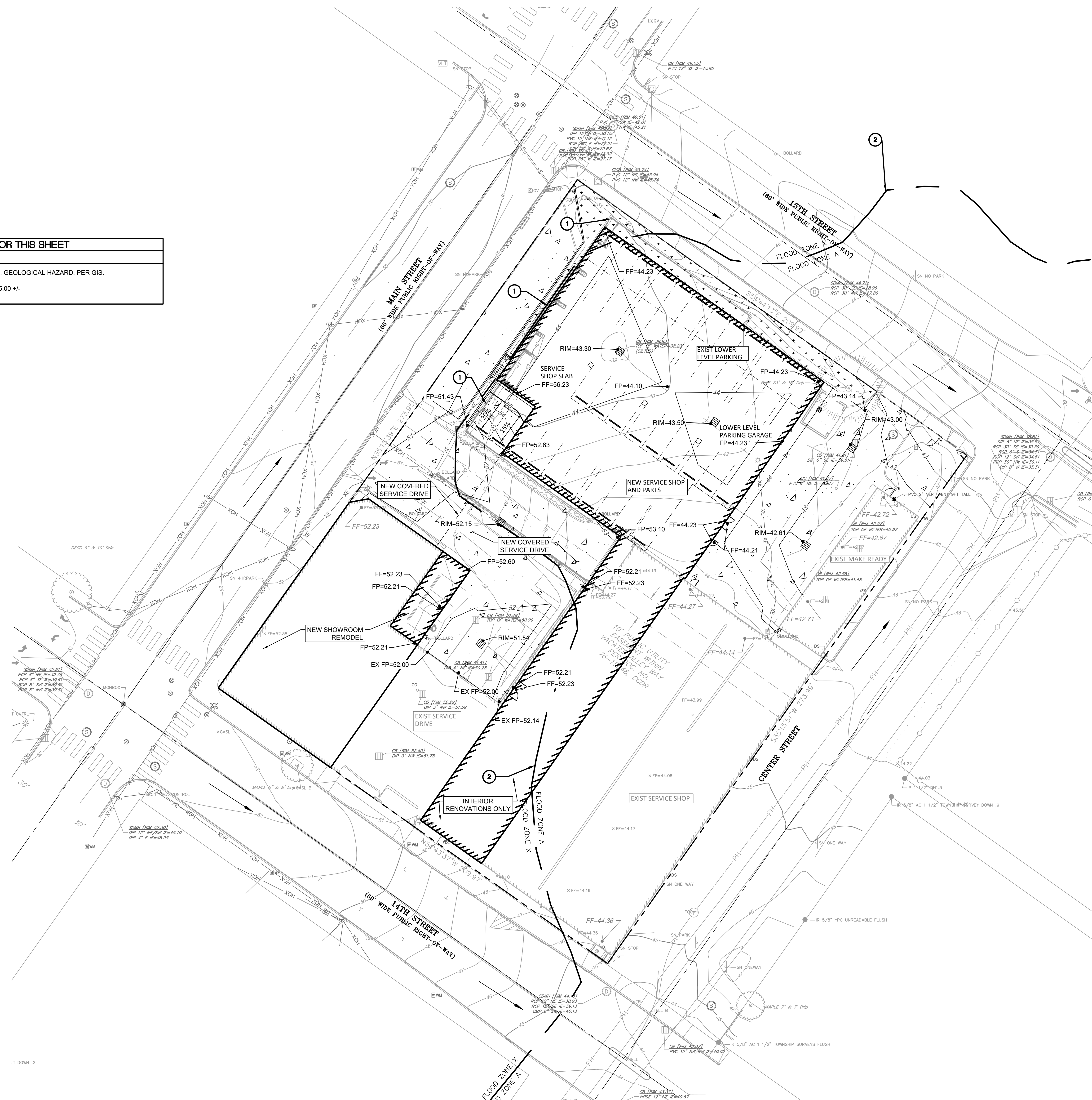
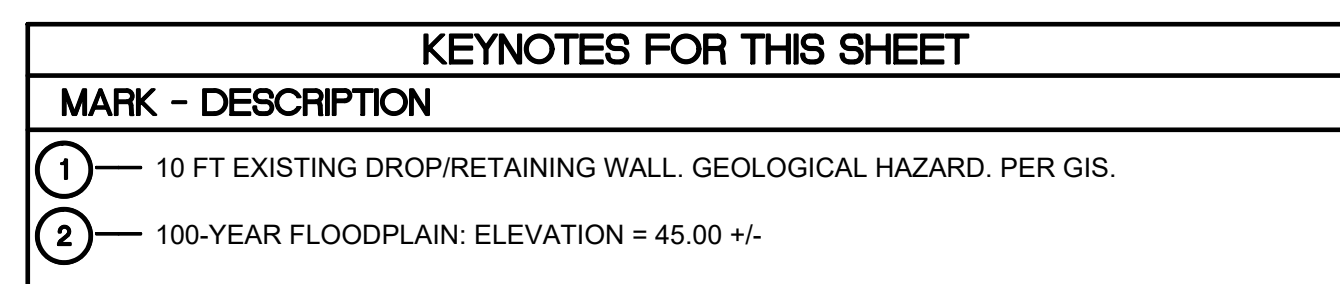
## ONSITE GRADING PLAN

SHEET:

## C2.1

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Page 7.







***TWO RIVERS  
NEIGHBORHOOD ASSOCIATION  
P. O. Box 211 Oregon City, Oregon***

**AGENDA  
February 7, 2024  
6:00PM**

**Call to Order – Tony St. Pierre, Chair**

**SELF- INTRODUCTIONS**

**Presentation**

**Extension of Concept Plan For “Abernethy Place” \* Dan Fowler**

**Lithia Subaru of Oregon City \* Laurie Christomos, Lithia Driveway**

**Oregon City Police Department \* Officer Kevin Carlson**

**Other items not on the agenda**

**Announcements**

**Next Meeting of Two Rivers NA \* April 2024**

**MEETING ADJOURNED**

# HOMELESS SOLUTIONS COALITION OF CLACKAMAS COUNTY

20673 Mattoon Road Estacada, OR 97023



March 20, 2024

Oregon City Planning Commission  
Attn: Christina Robertson-Gardiner  
695 Warner Parrott Road  
PO Box 3040  
Oregon City, OR 97045

Ms. Christina Robertson-Gardiner,

Please accept our letter of support for the Lithia Subaru of Oregon City project. The Homeless Solutions Coalition of Clackamas County owns the neighboring property at 1516 Main Street. Our offices are also located in the vicinity at the Lee Building at 1300 John Adams Street.

Lithia Subaru is a long-standing business in Oregon City. They are invested in the community, and we have always known the business to be a good neighbor. We welcome their renovation and recognize that the proposed project will improve the aesthetic of the existing site and create an improved experience for the community and customers.

HSCCC is committed to making the Downtown neighborhood a healthy thriving community for its businesses and neighbors. In order to be a viable and competitive business this dealership needs to be updated to provide an environment of amenities and efficiencies that meets the needs of customers expectations. We respect their right to do so.

If you have any questions or need further information regarding our support, feel free to contact me.

Sincerely,

John Duke  
Executive Director  
(503) 753-2569



### LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: **3-7-24**

Land Use Application File Number: GLUA-23-00038 LN-23-00005 CI-23-00001

NAME: Wes Rogers

AGENCY: Oregon City School District

EMAIL ADDRESS: wes.rogers@orecity.k12.or.

The land use application material is referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return a copy of this form to facilitate the processing of this application and to ensure prompt consideration of your recommendations.

**Please check the appropriate spaces below.**



The proposal does not conflict with our interests.



The proposal conflicts with our interests for the reasons attached. (Please attach additional information)



The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.

**CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION**



### LAND USE APPLICATION TRANSMITTAL – RESPONSE FORM

Date: 03/06/2024

Land Use Application File Number: GLUA-23-00038

NAME: James Sayers

AGENCY: COC - Building Division

EMAIL ADDRESS: jsayers@orcitey.org

The land use application material is referred to you for your information, study and official comments. Your recommendations and suggestions will be used to guide the Planning staff when reviewing this proposal. If you wish to have your comments considered and incorporated into the staff report, please return a copy of this form to facilitate the processing of this application and to ensure prompt consideration of your recommendations.

**Please check the appropriate spaces below.**



The proposal does not conflict with our interests.



The proposal conflicts with our interests for the reasons attached. (Please attach additional information)



The proposal would not conflict our interests if the changes noted below or attached are addressed.

Please add any specific comments below or attach a separate document with more information.  
The Building Division recognizes that this location is in the 100 yr and 500 yr FEMA flood plain. We do not have comments at this time other than noting that construction methods must meet flood plain construction requirements.

**CONTACT THE PLANNING DIVISION IF YOU HAVE ANY QUESTIONS ABOUT THIS APPLICATION**



# CITY OF OREGON CITY

## Staff Report

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

**To:** Planning Commission **Agenda Date:** 04/08/2024  
**From:** Aquilla Hurd-Ravich, Community Development Director

### SUBJECT:

Annual report to the City Commission of Planning Commission activities in calendar year 2023 and presentation of the 2024-2025 work plan.

### STAFF RECOMMENDATION:

Receive a presentation of the Planning Commission activities from the previous year 2023 and review and approve a revised Planning Commission 2024-2025 work plan.

### EXECUTIVE SUMMARY:

In 2023 the Planning Commission discussed a variety of topics, received several informative presentations, and took action on multiple applications. Actions included decisions on the Clackamette Park Master Plan, three Variances, and three legislative recommendations to the City Commission. The Planning Commission meets on the second and fourth Monday of every month in the Libke Public Safety Building Commission Chambers. Most meetings begin at 7pm and work sessions are scheduled as needed prior to the regular meetings.

### BACKGROUND:

Greg Stoll was elected Chair and Dirk Schlagenhauser was elected Vice Chair at their first meeting of the year in January 2023. Mayor McGriff swore in two new Planning Commissioners, Karla Laws and Paul Espee. At the January 2024 meeting Greg Stoll was re-elected as Chair and Paul Espee was elected as Vice Chair.

### Presentations

Throughout the year, the Planning Commission received multiple presentations on a variety of topics including:

- Legal Training from Assistant City Attorney Carrie Richter- this training is a good reminder and foundational piece to kick off a new year for every Planning Commission.

- DLCD staff presented information on housing related statutes in spring of 2023 prior to the close of the legislative session.
- Deputy City Attorney, Carrie Richter and Community Development Director Aquilla Hurd-Ravich presented a legislative review from the 2023 Oregon legislative session that involved multiple housing bills in October 2023.
- Received a presentation on the McLoughlin Blvd Enhancement project which has two main goals: 1) close the gap and provide safe pedestrian and bicycle access, and 2) provide a conceptual complete street design for McLoughlin Blvd from 10<sup>th</sup> to railroad.

## Discussion Topics

Several topics required multiple meetings to receive information and provide direction to staff. Discussion topics are often placed on a work session agenda until the topic is ready to be reviewed for a decision.

- Planning Commissioners discussed and gave input on the Middle Housing Code Update in January, February and in March at a joint work session with the City Commission. Topics included land use affordability incentives, tiny homes and RV occupancy, and micro-shelters.

## Action Items

Items that the Planning Commission took action on included quasi-judicial land use decisions and legislative recommendations.

- Recommended approval for a legislative text amendment for Middle Housing technical revisions including:
  - setbacks in commercial districts,
  - limiting the number of townhomes that can be achieved through a middle housing land division, and
  - amending the number of driveways allowed for middle housing developments.
- Recommended approval of a legislative text amendment to the Mixed-Use Corridor Zone District to allow utility facilities to have outdoor storage through a conditional use permit review.
- Recommended approval of a Comprehensive Plan amendment to adopt revisions to the Oregon City Loop Trail
- Approved a variance to the lot size of a 10-lot townhome subdivision located in the R-2 High-Density Residential District on Pleasant Avenue.
- Approved a variance to allow the main entrance of Chase Bank to have a different orientation than what is required and approved a parking adjustment to allow more parking stalls above the maximum allowed by code.
- Approved a variance for a garage setback on Jackson Street



- Approved with conditions a Master Plan for Clackamette Park

### **2024-2025 Proposed Work Plan**

Over the course of several meetings, various topics were suggested as discussion items by Planning Commissioners. In order to prioritize work efforts, staff and Planning Commissioners developed a work plan that was presented at the February 26, 2024 meeting when Planning Commissioners prioritized topics. These topics fall into three general categories: Projects Underway, Education/Interdepartmental Coordination, and Future considerations for policy direction. A revised table reflecting the Planning Commission's discussion is attached for review and approval.

### **OPTIONS:**

1. Annual report:
  - a. Approve the annual report
  - b. Approve the annual with revisions
2. 2024-2025 Work Plan:
  - a. Approve the 2024-2025 work plan
  - b. Approve the 2024-2025 work plan with revisions

# Planning Commission 2023-2025 Biennium Work Plan

## DRAFT

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	<b>Category: Projects Underway</b>						
	<b><u>Employment Land Development</u></b> Promote development of employment land along Beaver Creek Rd, The Cove, and Rossman Landfill	City has received a grant to study Industrial Land Readiness along Beaver Creek Road in the Thimble Creek area. The outcome of the study will be a strategic plan to identify actions that will encourage development related to employment	A scope of work will guide the next steps of this process. Staff will solicit a consultant with a background in real estate and economic development to assist in the development of a strategic plan.  Planning Commission will receive updates as the project progresses	Joint effort between Planning and Economic Development with a medium amount of effort.	Receive updates and provide input and feedback for staff consideration	Spring 2024- Winter 2024	Started with consultant RFP
	<b><u>Parking Dependency</u></b> Climate Friendly and Equitable Communities Oregon Administrative Rules	CFEC requires the City to make amendments that will comply with OARs. Through this work a discussion could take	Staff works with DLCD to finalize a scope of work and then hire a consultant to kick off the project.	Planning staff to work with a consultant in a medium to high level of effort.	Receive updates and provide input for consideration	Spring 2024- Winter 2024	Early stages of scoping with DLCD

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
		<p>place about the need for improved public transit</p> <p>DLCD has awarded the City grant funding to hire a consultant that will assist with drafting code language and engaging the community</p>					

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	<b>Category: Education/ Inter-Departmental Coordination</b>						
1	<u>Housing</u> <ul style="list-style-type: none"> <li>Affordable Housing, Housing affordability, and first-time home buyers</li> <li>Lot averaging and Middle Housing</li> <li>Incentivize retaining existing housing to maintain naturally occurring affordable housing</li> <li>Explore tools to support affordable housing</li> </ul>	<p>What programs exist to support first time home buyers?</p> <p>How can the City promote more affordable housing?</p> <p>Is lot averaging a thing of the past with middle housing?</p>	<p>Presentation from housing non-profits and /or Clackamas County Housing Authority</p> <p>Presentation from City staff addressing Middle Housing and lot averaging</p>	Minimal-staff will coordinate with professionals from the affordable housing profession	Receive presentations and engage in discussion	Spring 2024	Not started

Priority= 1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
As time allows	<u>Infrastructure and growth</u> <ul style="list-style-type: none"> <li>• Review Sewer, Water, and Transportation Master Plans</li> <li>• Transportation Funding</li> <li>• Public Works Street Design Standards</li> </ul>	<p>How do master plans support and account for growth?</p> <p>How do sewer and water master plans account for growth and specifically middle housing?</p> <p>How can infrastructure be funded to support housing development?</p> <p>How will the Housing Production Strategy inform infrastructure planning?</p> <p>How are new roads funded?</p>	Receive information from appropriate City staff about each master plan	Minimal-staff will coordinate with appropriate City Staff	Receive presentations and engage in discussion	Spring/ Summer 2024	Not started
As time allows	<ul style="list-style-type: none"> <li>• Parks, Open Space, and Growth</li> </ul>	<p>How does the Parks Master Plan account for and support growth?</p> <p>How is open space provided in a way that is accessible to new households?</p> <p>How is residential density balanced with open space needs?</p>	Receive information from appropriate City staff about each master plan	Minimal-staff will coordinate with appropriate City Staff	Receive presentations and engage in discussion	Spring 2024	Scheduled to present to PC on April 8th

Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status

Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
	<b>Category: Future considerations for policy direction and code amendments</b>						
1	<b><u>7<sup>th</sup> Street/ Molalla</u></b> <ul style="list-style-type: none"> <li>Increasing/ attracting activity</li> <li>Commercial uses on ground floor</li> <li>View Corridor protection</li> </ul>	<p>Planning Commission discussion to further define problem statement- identify additional information needed- these topics could include:</p> <p>Review setbacks, height limits in MUC- /clear and objective standards.</p> <p>Economic Development- business owner lens/background</p> <p>Review vehicle visibility at intersections</p> <p>Limit types of uses on ground floor of buildings</p>	<p>Staff to coordinate presentations from other City staff to discuss what efforts have been made on 7<sup>th</sup> Street/ Molalla and then present what can still be done in the corridor.</p> <p>Vertical Housing Tax Credit could be an option.</p>	<p>Medium effort to coordinate presentations.</p> <p>High level of effort to pursue any City Commission directed amendments</p>	<p>After initial discussion-the Planning Commission provides the staff with a prioritization of potential legislative projects.</p>	<p>Presentation s could take place throughout the Spring, Summer, and Fall of 2024 with PC Recommendations in Winter of 2024</p>	Not started

Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
		<p>Encourage pedestrian activity along the corridor</p> <p><u>Considerations:</u> Identify a geographic area to focus on.</p> <p>Split the problem statement into two different topics 1) pedestrian and vehicle safety and 2) view corridor preservation.</p>					
2	<p><u>Short-term rentals</u></p> <ul style="list-style-type: none"> <li>• Reduce barriers to short term rentals</li> </ul>	<p>Analyze existing code requirements to identify barriers and how to make short term rentals more permissive</p>	<p>Consensus from Planning Commission to make a recommendation to City Commission</p> <p>Upon further Direction from City Commission – Planning Commission initiates analysis of zoning districts, community engagement, draft code language, legislative</p>	<p>High level of effort to pursue any City Commission directed amendments</p>	<p>After initial discussion-the Planning Commission provides the staff with a prioritization of potential legislative projects.</p>	<p>Winter/ Spring 2025</p>	<p>Not started</p>



Priority=1,2,3	Project	Problem Statement/Topics	Action Items	Staff Level of Effort	PC Role	Timeline	Status
			amendment process				
3	<u>Recreational RV Parks</u> <ul style="list-style-type: none"> <li>Analyze potential appropriate zones for privately run RV Park</li> </ul>	Identify appropriate zones for recreational commercial RV Parks	<p>Consensus from Planning Commission to make a recommendation to City Commission</p> <p>Upon further Direction from City Commission – Planning Commission initiates analysis of zoning districts, community engagement, draft code language, legislative amendment process</p>	High level of effort to pursue any City Commission directed amendments	After initial discussion-the Planning Commission provides the staff with a prioritization of potential legislative projects.	Winter/ Spring 2025	Not started





# Draft Findings & Recommendations

City of Oregon City Parks and Recreation



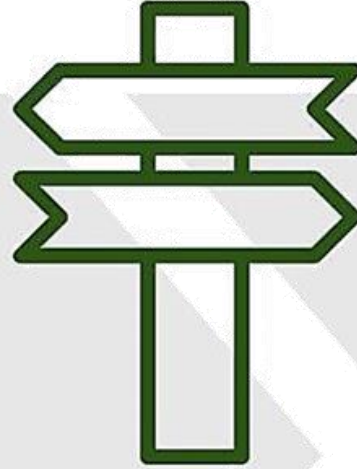


# Key Steps in Planning Process



Where Are We  
**TODAY?**

.....



Where Are We Going  
**TOMORROW?**

.....



How Do We Get  
**THERE?**

.....

A group of people are gathered around a campfire in a forest at dusk. The scene is dimly lit, with the warm glow of the fire illuminating the people's faces and clothing. The background shows tall trees and a dark sky. The text "We Must Go Where The People Are" is overlaid in white, sans-serif font.

We Must Go Where  
The People Are

- Our Fundamental Community Input Philosophy

Community Engagement



# Public Input Summary

# 700+

## PARTICIPANTS



ORCITYPARKSANDPLAY.ORG

# 401

STATISTICALLY-VALID SURVEY  
RESPONDENTS

# 4

COMMUNITY  
WIDE MEETINGS

# 8

FOCUS GROUP  
MEETINGS

# 8

KEY LEADERS  
INTERVIEWS

# 184

ONLINE SURVEY  
RESPONDENTS



NEXT PRACTICE PARTNERS





# Program Assessment

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# Core Program Areas

8 Existing Core Program Areas



A photograph of an outdoor event booth for Oregon City Parks & Recreation. The booth is a green pop-up tent with the organization's name printed on the valance. A man in a grey t-shirt and a yellow baseball cap stands on the left. A baby in a stroller is in the foreground. Other people are visible under the tent, and a colorful wheel game is on the left. The background shows trees and a grassy area.

# Levels of Service & Equity Maps

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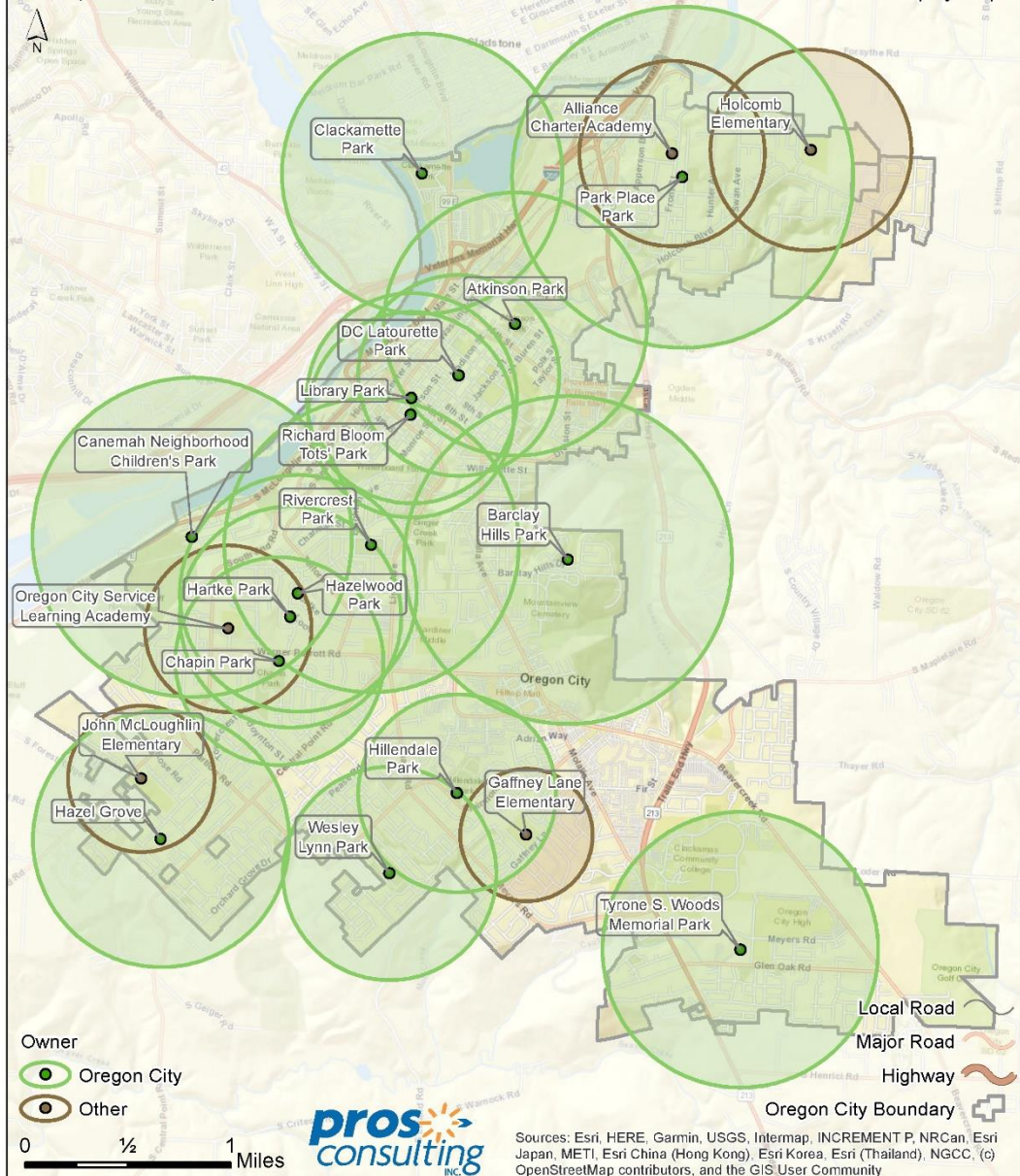
2022 Inventory - Developed Facilities										2022 Facility Standards			2032 Facility Standards		
Park Type	Oregon City	Other Service Providers	Total Inventory	Current Service Level based upon population			Recommended Service Levels; Revised for Local Service Area			Meet Standard/ Need Exists	Additional Facilities/ Amenities Needed		Meet Standard/ Need Exists	Additional Facilities/ Amenities Needed	
Pocket Parks	19.67	-	19.67	0.52	acres per	1,000	0.25	acres per	1,000	Meets Standard	-	Acre(s)	Meets Standard	-	Acre(s)
Neighborhood Parks	52.86	-	52.86	1.39	acres per	1,000	2.00	acres per	1,000	Need Exists	23.1	Acre(s)	Need Exists	29	Acre(s)
Community Parks	92.29	34.51	126.80	3.34	acres per	1,000	3.00	acres per	1,000	Meets Standard	-	Acre(s)	Meets Standard	-	Acre(s)
Regional Parks	24.90	568.00	592.90	15.62	acres per	1,000	5.00	acres per	1,000	Meets Standard	-	Acre(s)	Meets Standard	-	Acre(s)
<b>Total Developed Park Acres</b>	<b>189.71</b>	<b>602.51</b>	<b>792.22</b>	<b>20.87</b>	<b>acres per</b>	<b>1,000</b>	<b>10.25</b>	<b>acres per</b>	<b>1,000</b>	<b>Meets Standard</b>	<b>-</b>	<b>Acre(s)</b>	<b>Meets Standard</b>	<b>-</b>	<b>Acre(s)</b>
Specialty Parks	64.23	-	64.23	1.69	acres per	1,000	1.00	acres per	1,000	Meets Standard	-	Acre(s)	Meets Standard	-	Acre(s)
<b>Total Park Acres</b>	<b>253.95</b>	<b>602.51</b>	<b>856.46</b>	<b>22.56</b>	<b>acres per</b>	<b>1,000</b>	<b>11.25</b>	<b>acres per</b>	<b>1,000</b>	<b>Meets Standard</b>	<b>-</b>	<b>Acre(s)</b>	<b>Meets Standard</b>	<b>-</b>	<b>Acre(s)</b>
<b>TRAILS:</b>															
Trails (paved and unpaved)	7.56	5.65	13.21	0.35	mile per	1,000	0.40	mile per	1,000	Need Exists	2	Mile(s)	Need Exists	3	Mile(s)
<b>OUTDOOR AMENITIES:</b>															
Basketball Courts	10	1	12	1.00	court per	3,301	1.00	court per	4,000	Meets Standard	-	Court(s)	Meets Standard	-	Court(s)
Tennis Courts	8	2	10	1.00	court per	3,928	1.00	court per	6,000	Meets Standard	-	Court(s)	Meets Standard	-	Court(s)
Pickleball Courts	2.67	-	3	1.00	court per	14,238	1.00	court per	9,000	Need Exists	2	Court(s)	Need Exists	2	Court(s)
Ball Fields (Diamond)	11	4	15	1.00	field per	2,531	1.00	field per	6,000	Meets Standard	-	Field(s)	Meets Standard	-	Field(s)
Multi-purpose Fields (Rectangular)	-	7	7	1.00	field per	5,695	1.00	field per	6,000	Meets Standard	-	Field(s)	Need Exists	0.1	Field(s)
Playgrounds	17	2	19	1.00	site per	2,034	1.00	site per	2,500	Meets Standard	-	Site(s)	Meets Standard	-	Site(s)
Picnic Shelters / Group Rental Pavilions	17	-	17	1.00	site per	2,233	1.00	site per	2,500	Meets Standard	-	Site(s)	Meets Standard	-	Site(s)
Skate Parks	1	-	1	1.00	site per	37,967	1.00	site per	45,000	Meets Standard	-	Site(s)	Meets Standard	-	Site(s)
Splash Pads	2	-	2	1.00	site per	18,984	1.00	site per	25,000	Meets Standard	-	Site(s)	Meets Standard	-	Site(s)
Unfenced Dog Parks	3	-	3	1.00	site per	12,656	1.00	site per	30,000	Meets Standard	-	Site(s)	Meets Standard	-	Site(s)
Fenced Dog Parks	1	-	1	1.00	site per	37,967	1.00	site per	30,000	Need Exists	0.3	Site(s)	Need Exists	0.4	Site(s)
<b>INDOOR AMENITIES:</b>															
Indoor Aquatic Space	18,572	-	18,572	0.49	SF per	person	0.50	SF per	person	Need Exists	412	SF	Need Exists	1,854	SF
Indoor Recreation Space	37,100	-	37,100	0.98	SF per	person	2.00	SF per	person	Need Exists	38,834	SF	Need Exists	44,604	SF



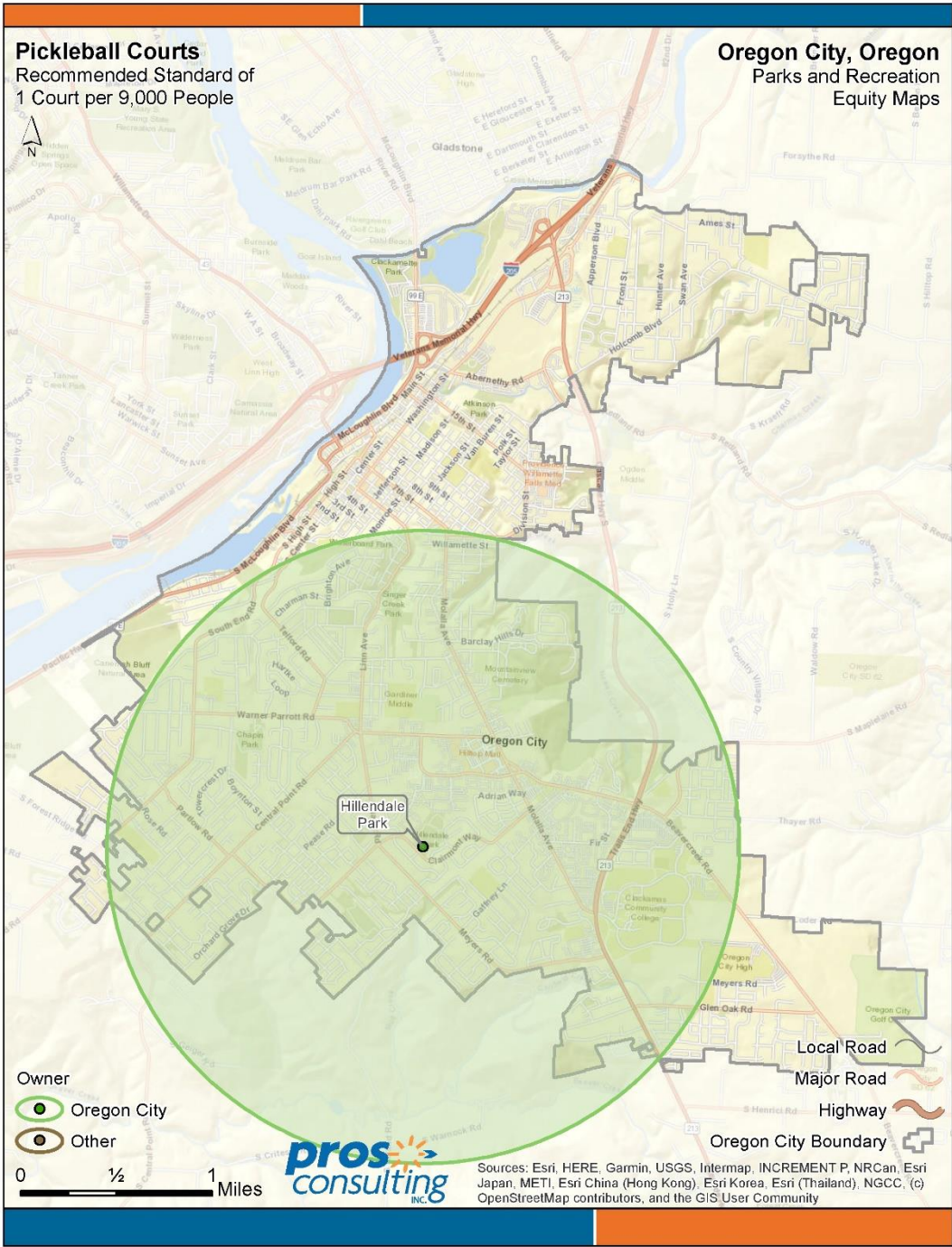
# Playgrounds

**Playgrounds**  
Recommended Standard of  
1 Site per 2,500 People

**Oregon City, Oregon**  
Parks and Recreation  
Equity Maps

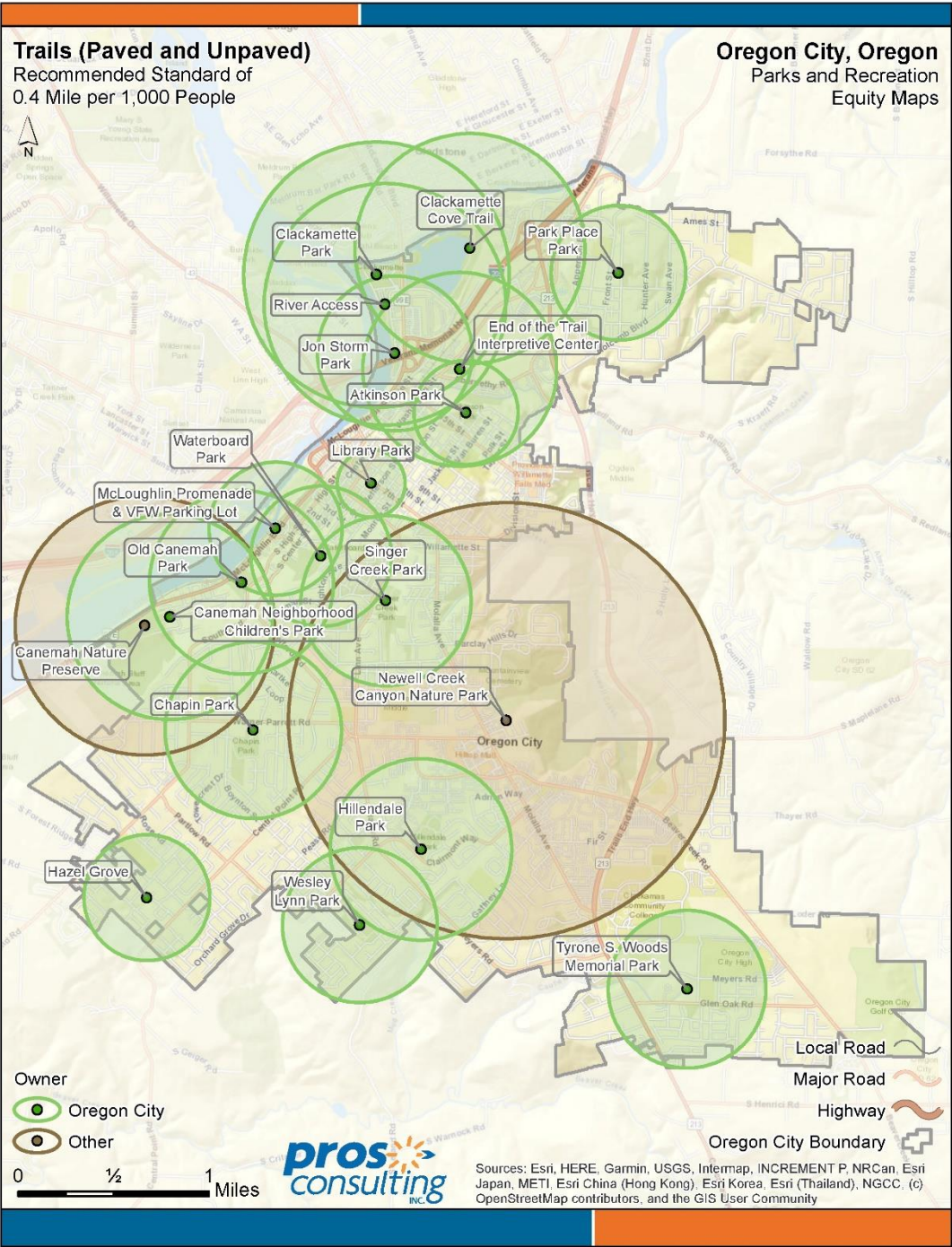


# Pickleball Courts





# Trails



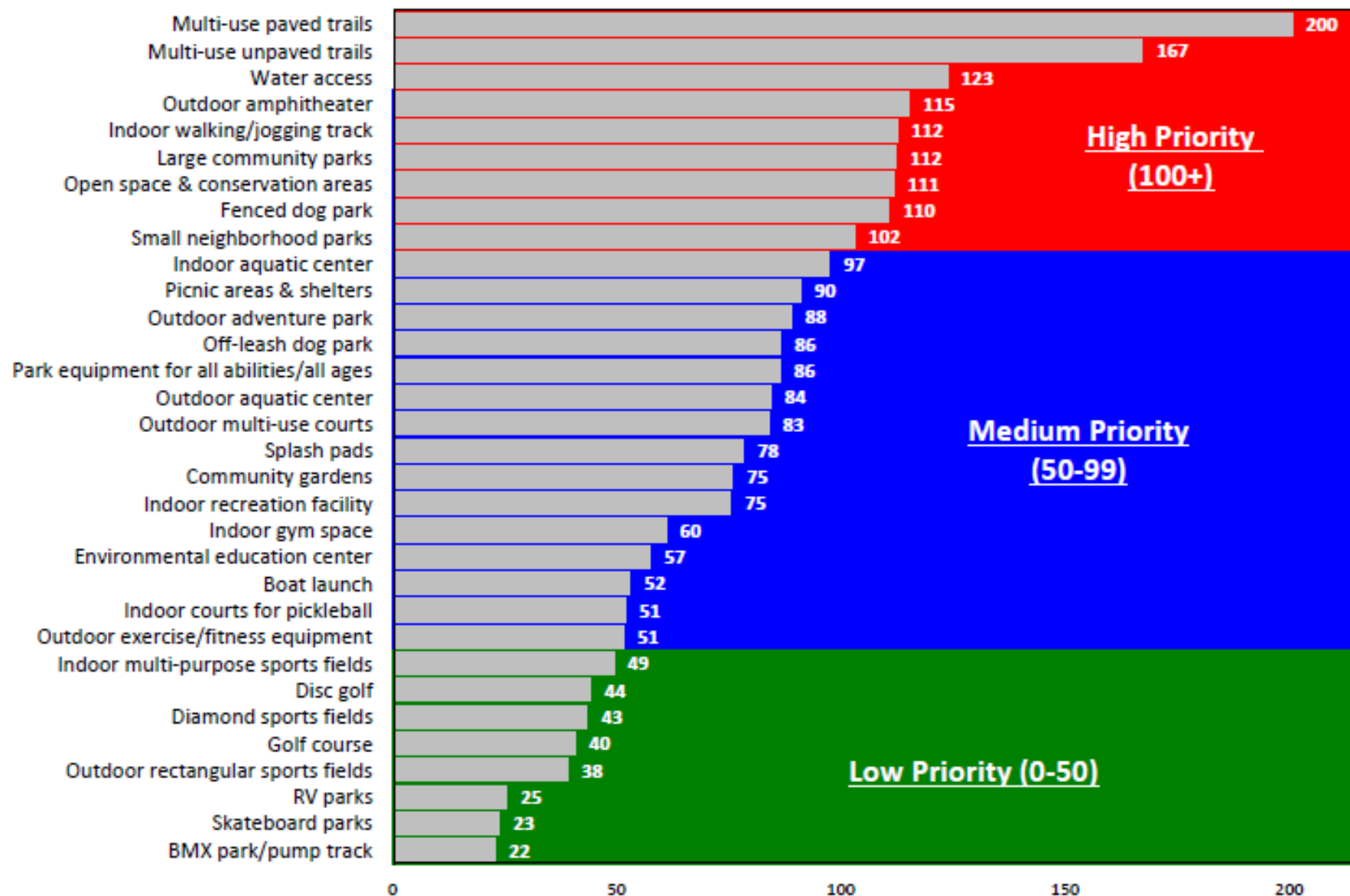


# Priority Investment Rating

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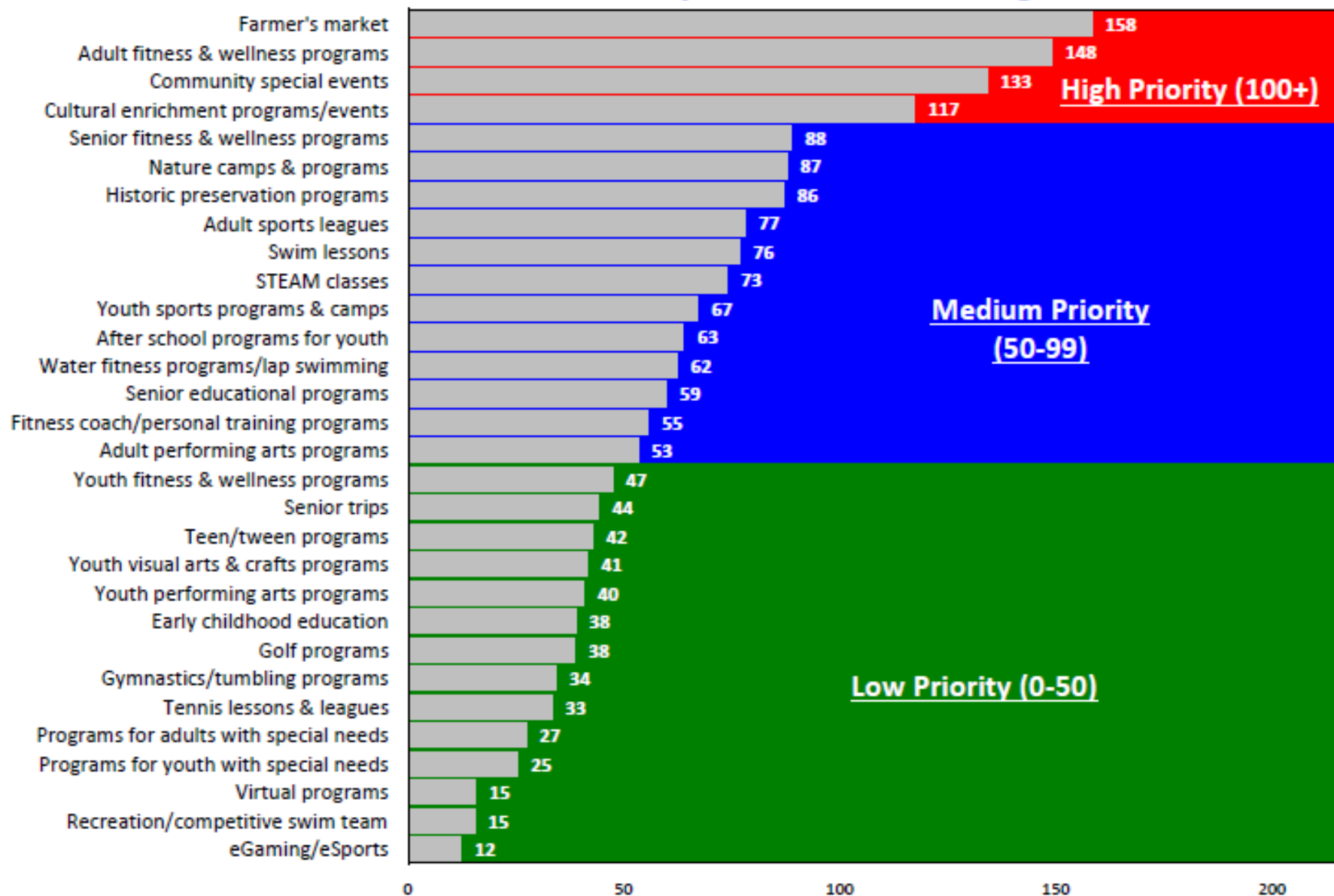


## Top Priorities for Investment for Facility/Amenity Based on Priority Investment Rating





## Top Priorities for Investment for Recreation Programs Based on the Priority Investment Rating



# Visioning

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# Core Values

Collaborative  
Engaged  
Respectful  
Transparent  
Servant Leaders

# Vision (What Do We Want to be Known For?)

An inclusive, sustainable and impactful  
agency



# Mission (What Do We Exist to Do?)

To serve the community

# Big Moves

1. **Explore diverse revenue opportunities** to enhance funding for the Department.
  - a) Citywide fiscal policy for dedicated funding
  - b) Advertising, sponsorship and partnership opportunities
  - c) Grants
  - d) Initiate a bond or levy campaign
  - e) Park utility fees
  - f) Review fees and charges to reflect cost recovery goals
  - g) Update Park SDCs based on the report findings
2. **Construct an all-inclusive staffing plan** encompassing staffing forecast, recruitment strategies, induction processes, training programs, retention initiatives, and succession planning.
3. **Formulate an exhaustive maintenance strategy** which includes preventative measures, regular upkeep, and a timetable for equipment replacement.
  - a) Created Facility Division to manage all facilities and address all maintenance opportunities
4. **Design a strategic plan for marketing and branding.**
5. **Master/Business Plan the End of Oregon Trail Interpretive Center and Mountain View Cemetery.**



# Implementation Steps

1. Develop a Master Plan / Business Plan for EOT and Mt. View Cemetery
2. Undertake a feasibility study for the pool
3. Update Park SDCs based on report findings
4. Evaluate a Utility Fee assessment
5. Conduct a bond referendum support analysis for capital projects
6. Explore public / private partnership opportunities

# Next Steps

1. PRAC / Commission Feedback
2. Draft Report Feedback
3. Community Presentation
4. Final Report Adoption

A person's hands are visible at the bottom, holding a white rectangular sign. The sign has the word "QUESTIONS?" written in a large, bold, dark blue serif font. The background is a solid dark blue color.

**QUESTIONS?**





# Draft Findings & Recommendations

City of Oregon City Parks and Recreation





# **GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru (Code Interpretation and Non-Conforming Use Review)**

Planning Commission Hearing

April 8, 2024



# Planning Commission Direction

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No changes to the code are proposed. This code interpretation review is specific to the application being proposed.

- If the Planning Commission finds that the increase in service bays/parts storage does not constitute an expansion or intensification of the pre-existing nonconforming use, the applicant will submit for a Type II Site Plan and Design Review for the construction of the project.
- If the Planning Commission determines that the increase of service bays and parts storage will expand and intensify the pre-existing nonconforming use, the applicant will maintain the current configuration. The applicant can then decide whether they want to proceed with only the expansion of office space (permitted), covering the existing service drive, and the previously approved structured parking in a future Type II Site Plan Review.



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**



# Non-Conforming Use

- Lithia purchased site from Thomason Auto Group in 2003
- Previously zoned Light Industrial and Commercial in the 1970s (car dealerships are a permitted use in M-1 and C-2 zones)
- Car dealership use continuously operated onsite since at least the early 1970s
- Formally acknowledged as a Preexisting Nonconforming Use in 2009 (LN 09-77)



1977 Zoning Map- C-



1973 Zoning Map-M-1



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**

# Background

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**The city has not established clear definitions for the terms "expansion" or "intensification."**

Staff recommended that the applicant request a code interpretation from the Planning Commission to determine whether their proposal does not qualify as an expansion or intensification of the nonconforming use.

2018 (CD 18-04), applicant requested a similar expansion to the onsite fleet storage parking lot with a new structured parking garage, which was approved by the Planning Commission and found not to be an expansion or intensification of use.

*LN 09-77- Legal Nonconforming Use* -The applicant addressed the lawful nonconforming status as a car dealership. The existing use and structures were determined to be a lawfully nonconforming situation.



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**

# Overview of Findings

---

Has the **USE** (car dealership) expanded and intensified?

- No new components to the existing car dealership are being added to the site (like a car rental service or a detailing or modification shop), nor are new tax lots being added to the use.
- The addition of new service bays remains on the same block as the existing service bays.
- Reviewing the full proposal allows for a more holistic view of the development on-site instead of parsing out specific uses within the proposal.
- On balance, there is an investment in the site that brings a more urban form to the downtown and removes some of the existing outside storage.



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**





Figure 1 Site Location 1404 Main Street

★ (tax lots 401, 600, and 700-preexisting non-conforming fleet parking- are not part of this application)



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**





**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**



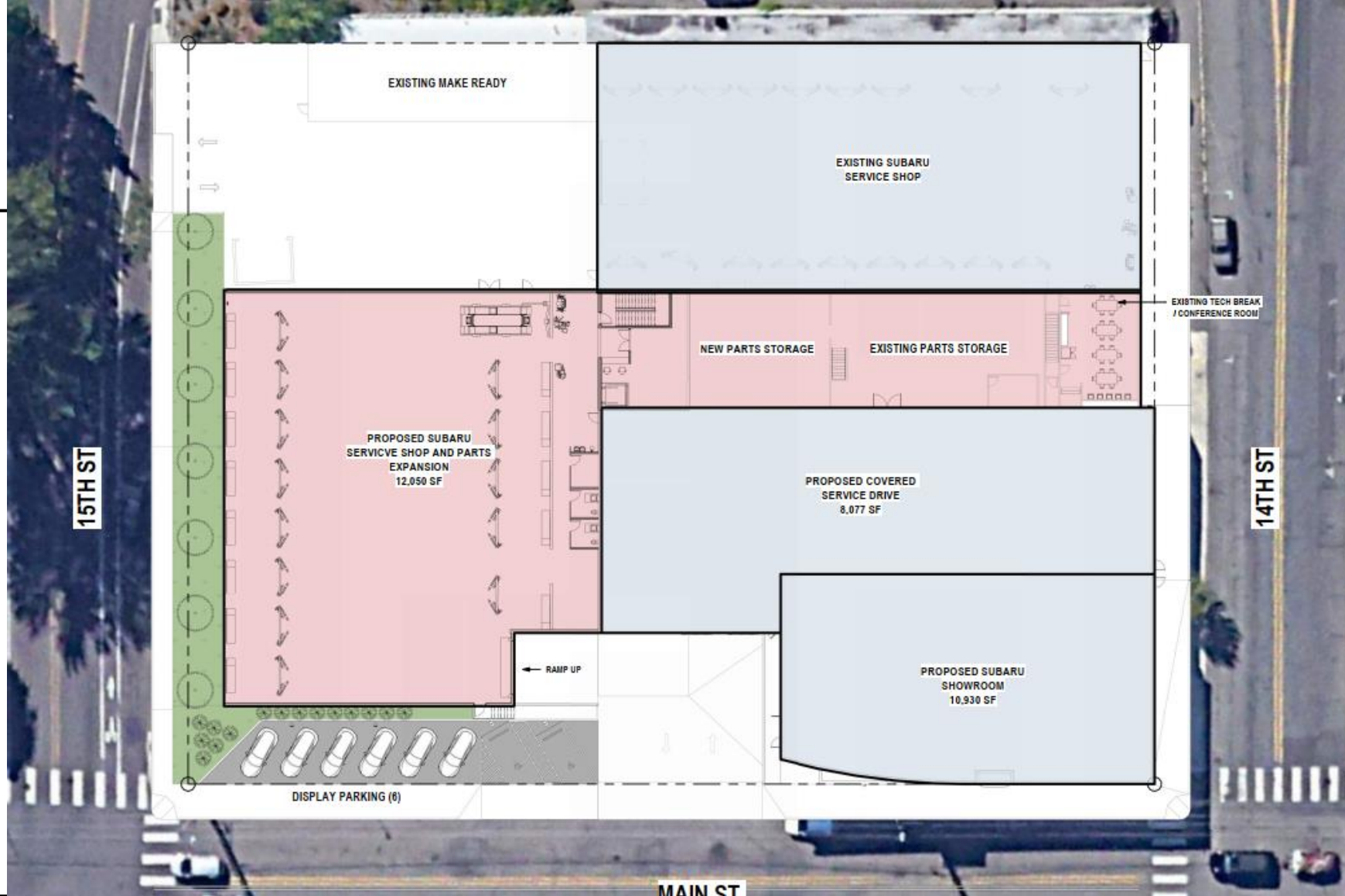


- Structured fleet parking
- Enclosing an existing service drive
- Adding additional office space
- Increasing the number of service bays from 21 to 35
- Expanding the parts storage from 4,050 sq feet to 9,220 sq feet.



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**





**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**

# Conditions of Approval

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1. The Planning Commission approved the proposal to build: structured parking, cover an existing service drive, add additional office space, increase the number of service bays from 21 to 35, and expand the parts storage from 4,050 sq feet to 9,220 sq feet and finds that it is not an expansion or intensification of a preexisting nonconforming use. The project will be implemented through a future Type II Site Plan and Design Review process. (P)
2. Neither the staff nor the Planning Commission has reviewed the proposal for compliance with the Site Plan and Design Review standards per OCMC 17.62. The applicant shall show compliance with these standards through the required Type II Site Plan review process. (P)
3. Through the Type II Site Plan and Design Review process, changes to the internal configuration, site access driveways, and architectural revisions can be made without further Planning Commission review; however, if the number of proposed service bays or the parts storage area increases by more than 5%, a new code interpretation/non-conforming use review by the Planning Commission shall be required. (P)
4. This Code Interpretation decision is specific to the application being proposed. The applicant shall submit a Site Plan and Design Review application to implement the proposal within five years of the date of this decision or request an extension from the Planning Commission. (P)



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**

# Planning Commission Options

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1. Approve GLUA-23-00038 LN-23-00005 CI-23-00001 with conditions recommended by Staff.
2. Approve GLUA-23-00038 LN-23-00005 CI-23-00001 with conditions modified by the Planning Commission.
3. Do not approve GLUA-23-00038 LN-23-00005 CI-23-00001



**GLUA-23-00038 LN-23-00005 CI-23-00001 Lithia Subaru**



# Questions ?

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# Planning Commission Annual Report & 2024-2025 Work Plan

Aquilla Hurd-Ravich, Community Development Director

Paul Espe, Planning Commission Vice Chair

April 9, 2024



# Meeting Objective

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- Review Planning Commission activities in 2023
- Review proposed Planning Commission 2024-2025 Work Plan



Annual Report & Work Plan



# 2023 PC Activities

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- Training and Presentations
- Discussed Middle Housing Topics
- Action Items:
  - Legislative recommendations
  - Variance reviews and approvals
  - Master Plan review and approval



## Annual Report & Work Plan

# Work Plan Background

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- Planning Commission held two discussions about a work plan
- Topics that emerged fell generally into three categories:
  - Projects Underway,
  - Education/ Interdepartmental Coordination, and
  - Future considerations for policy direction and code amendments.
- At their meeting in February, they refined and prioritized these topics



## Annual Report & Work Plan

# Discussion

Projects Underway		
Project	Problem Statement/Topics	Action Items
<b><u>Employment Land Development</u></b> Promote development of employment land along Beaver Creek Rd, The Cove, and Rossman Landfill	City has received a grant to study Industrial Land Readiness along Beaver Creek Road in the Thimble Creek area. The outcome of the study will be a strategic plan to identify actions that will encourage development related to employment	Planning Commission will receive updates as the project progresses
<b><u>Parking Dependency</u></b> Climate Friendly and Equitable Communities Oregon Administrative Rules	CFEC requires the City to make amendments that will comply with OARs. Through this work a discussion could take place about the need for improved public transit	Staff works with DLCD to finalize a scope of work and then hire a consultant to kick off the project.



## Annual Report & Work Plan



# Education/ Inter-Departmental Coordination

Priority	Project	Problem Statement/Topics	Action Items
1	<u>Housing</u> <ul style="list-style-type: none"> <li>Affordable Housing, Housing affordability, and first-time home buyers</li> <li>Lot averaging and Middle Housing</li> <li>Incentivize retaining existing housing to maintain naturally occurring affordable housing</li> <li>Explore tools to support affordable housing</li> </ul>	What programs exist to support first time home buyers?	<p>Presentation from housing non-profits and /or Clackamas County Housing Authority Presentation in June 2024</p> <p>Presentation from City staff addressing Middle Housing and lot averaging</p>
As time allows	<u>Infrastructure and growth</u> <ul style="list-style-type: none"> <li>Review Sewer, Water, and Transportation Master Plans</li> <li>Transportation Funding</li> <li>Public Works Street Design Standards</li> </ul>	How do master plans support and account for growth?	<p>Receive information from appropriate City staff about each master plan</p> <p>Public Works Director will present in June 2024</p>
As time allows	<u>Parks, Open Space, and Growth</u>	How does the Parks Master Plan account for and support growth?	<p>Receive information from appropriate City staff about the master plan</p> <p>April 8, 2024</p>



# Future Considerations for Policy Direction/Code Amendments

Priority	Project	Problem Statement/Topics	Action Items	PC Role
1	<u>7<sup>th</sup> Street/ Molalla</u> <ul style="list-style-type: none"> <li>Increasing/ attracting activity</li> <li>Commercial uses on ground floor</li> <li>View Corridor protection</li> </ul>	<u>Considerations:</u> Identify a geographic area to focus on.  Topic areas: 1) pedestrian and vehicle safety, 2) view corridor preservation, and 3) encouraging pedestrian activity	Presentations from City staff regarding previous planning efforts along 7 <sup>th</sup> Street and Molalla  Possible presentation about Vertical Housing Tax Credit as an incentive to ensure commercial and residential mixed use.	Upon further Direction from City Commission – Planning Commission to refine topic area for further discussion
2	<u>Short-term rentals</u> <ul style="list-style-type: none"> <li>Reduce barriers to short term rentals</li> </ul>	Analyze existing code requirements to identify barriers and how to make short term rentals more permissive		
3	<u>Recreational RV Parks</u> <ul style="list-style-type: none"> <li>Analyze potential appropriate zones for privately run RV Park</li> </ul>	Identify appropriate zones for recreational commercial RV Parks		

# City Commission Discussion

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- City Commission to receive the 2023 Annual Report
- Provide any feedback or direction on the work plan



## Annual Report & Work Plan